

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

|                             |   |                         |  |  |
|-----------------------------|---|-------------------------|--|--|
| -----                       | x |                         |  |  |
| IN RE:                      | ) | In Proceedings for a    |  |  |
|                             | ) | Reorganization Under    |  |  |
|                             | ) | Chapter 11              |  |  |
| NORTH AMERICAN REFRACTORIES | ) |                         |  |  |
| COMPANY, ET AL.             | ) | Jointly Administered at |  |  |
|                             | ) | Case No. 02-20198-JKF   |  |  |
|                             | ) |                         |  |  |
| Debtors.                    | ) | Docket No. 1206         |  |  |
| -----                       | x |                         |  |  |

**THIRD AMENDED ORDER ESTABLISHING CASE  
MANAGEMENT PROCEDURES AND HEARING SCHEDULE**

Pursuant to 11 U.S.C. §§102(1) and 105(a); Fed. R. Bankr. P. 2002, 7016, 9007 and 9014; and for the reasons stated upon the record at the omnibus hearing held on April 26, 2002 in the above-referenced cases; and good and sufficient cause appearing, it is hereby **ORDERED** that the following case management procedures and hearing schedule shall apply in these cases.

**Omnibus Hearing Dates**

Unless otherwise ordered by the Court, regular omnibus hearings will be scheduled in these cases on a date and time certain. The schedule of omnibus hearing dates and applicable filing and objection deadlines through December, 2003 is attached hereto as Exhibit A.

NO WITNESSES WILL BE HEARD ON OMNIBUS HEARING DATES  
UNLESS THE COURT SPECIFICALLY ORDERS OTHERWISE. ALL EVIDENTIARY  
HEARINGS WILL BE SEPARATELY SCHEDULED.

### **Agenda and Hearing Notebook**

Counsel for the Debtors shall file with the Office of the Clerk of the Bankruptcy Court an agenda (the "Agenda"), in substantial conformity with the requirements of this Order on the dates set forth in the attachment. The Agenda shall indicate which matters will go forward at the omnibus hearing. The Agenda shall also be e-mailed to [jkf@pawb.uscourts.gov](mailto:jkf@pawb.uscourts.gov) when it is filed with the Clerk.

Contemporaneous with the filing of the Agenda, Debtor's counsel shall submit to the Court, in Pittsburgh, a hearing notebook (the "Hearing Notebook") which shall include a hard copy of the Agenda. The Hearing Notebook shall not be served on any party.

The Agenda shall be served upon the Official Service List, parties requesting notice pursuant to Fed. R. Bankr. P. 2002, as well as other counsel with a direct interest in any matter on the Agenda, reasonably contemporaneous with the Court filing.

**ONLY THE AGENDA SHALL BE E-MAILED. NO OTHER E-MAILS WILL BE ACCEPTED.**

### **Contents of the Hearing Notebook**

The Hearing Notebook shall include those pleadings relating to all agenda items which are scheduled to be heard at the omnibus hearing.

Matters in the Hearing Notebook shall be submitted in the following order:

- a. Matters continued by consent or withdrawn;
- b. Uncontested matters;
- c. Contested matters;
- d. Status reports.

The Hearing Notebook shall:

- a. not include pleadings for matters that have been continued or adjourned;
- b. conspicuously tab proposed orders;
- c. include certificates of no objection or certificates of agreement of counsel when no response is filed;
- d. include blacklined and clean copies of all modified orders;
- e. not include certificates of service;
- f. not include fee applications.

### **Filing of Motions and Objections**

#### **(a) Filing of Motions and Applications**

Unless the Federal Rules of Bankruptcy Procedure state otherwise, all motions and applications, including motions and applications filed in any adversary proceeding pending in these cases, shall be filed and served in accordance with the attached deadlines on Exhibit A.

Any pleading not filed within the time set forth on Exhibit A shall be scheduled for the next omnibus hearing date.

(b) Filing of Fee Applications

Filings relating to applications for payment of compensation or reimbursement of expenses shall be governed by the Administrative Order in Chapter 11 Cases Regarding Interim Compensation of Professionals and Setting First and Second Interim Fee Hearings and Objection Dates, signed on February 22, 2002.

(c) Objection Deadline

The objection deadline to respond to any Motion shall be in accordance with the attached deadlines on Exhibit A. Any objections not filed within the deadlines set forth on Exhibit A shall not be considered.

(d) Pleadings and correspondence must be filed with the Bankruptcy Clerk's office at

Clerk of the Bankruptcy Court  
5414 U.S. Steel Tower  
600 Grant Street  
Pittsburgh, PA 15219

(e) Notice of Hearing

All motions and applications shall be accompanied by a notice, setting forth the time and place of hearing and the objection deadline.

(f) Certificate of No Objection/Certification of Counsel

If no responses are received by the response deadline, counsel for moving party shall file a Certificate of No Objection with the Court. If no objections are received but the parties wish to submit a modified order, counsel shall submit a modified order with certification that all parties in interest have consented to the entry of the modified order.

NO PLEADINGS, LETTERS, COURTESY COPIES OR FAXES SHOULD BE DIRECTED TO JUDGE FITZGERALD'S CHAMBERS. NO ACTION WILL BE TAKEN ON LETTERS ADDRESSED TO JUDGE FITZGERALD.

**Service of Pleadings**

All pleadings shall be served on the Official Service List and all counsel with a direct interest in the matters addressed by such pleadings on or before the deadline for filing such pleading as set forth on Exhibit A.

Notice of hearings, together with response dates, shall be served on the Official Service List, respondent or their counsel, and on all parties who have requested notices pursuant to Fed. R. Bankr. P. 2002.

**Form of Pleadings**

The caption of all pleadings must comply in all respects with the Local Rules and Forms. All motions, adversary pleadings, responses, replies, or other pleadings shall be filed at Case No. 02-20198 JKF. Motions or adversary proceedings involving less than all of the Debtors in these jointly administered cases shall designate the specific Debtors involved as movants, respondents, plaintiffs or defendants as appropriate. Motion numbers are no longer to be used. Docket numbers should be referenced in the caption of all pleadings. An adversary number shall be assigned by the Bankruptcy Clerk to each adversary complaint at the time such pleading is filed. The correct docket number or adversary proceeding number and docket number must be included on the copies of the motion or adversary complaint served by the moving party. All subsequent pleadings filed in connection with such motion or adversary proceeding must include the appropriate docket number and adversary proceeding number, the docket number and the hearing date, time and location if applicable.

If a newly filed motion relates to a prior motion, that relationship shall be noted in the right hand column of the caption by referencing the docket number of the prior motion.

All motions, applications, objections, responses, replies, adversary complaints, cross-claims or counterclaims must include a form of a proposed order as a separate attachment. Note: In February, 2003, the court will require electronic case filing of all documents. Please refer to the Court Procedures Manual for electronic case filing, which will be available in January, 2003. However, the page limitation on attachments and exhibits shall not apply to

pleadings filed in these cases. After electronically filing a pleading, add the docket number to the pleading before serving and serve with the certificate of service attached.

All pleadings must include the signature, name, address, telephone number, and bar identification number of the attorney filing such pleading. Any filer who is not represented by counsel must include the filer's signature, name, address, and telephone number.

A response or reply may not include a motion or other request for affirmative relief. Any motion included in a response shall be dismissed without prejudice.

All parties filing pleadings in these cases shall serve such pleadings on the Official Service List and all parties with a direct interest in the motion or adversary proceeding to which such pleadings relate, and shall file a certificate of service. The docket number shall be included on the pleadings served.

Pleadings may be accompanied by opening briefs not to exceed 20 pages. Response briefs shall not exceed 15 pages and reply briefs shall not exceed 5 pages. Replies shall NOT be filed unless a particular matter is raised in a response that could not have been anticipated in the opening brief.

Any pleading that fails to comply with the requirements set forth herein shall be dismissed without prejudice without further notice or hearing.

#### **Computation of Time**

All time periods and deadlines set forth herein shall be computed in accordance with Bankruptcy Rule 9006(a). In addition, the Local Rules shall apply to all proceedings in these cases except to the extent that any provision of this Order by its terms supercedes or is inconsistent with the Local Rules.

#### **Telephonic Appearance at Hearing**

Any party wishing to participate in a hearing via telephone shall make arrangements with Debtor's counsel at (412) 288-3027, at least three (3) business days prior to the scheduled hearing date. The Debtor shall set up all phone conferences and advise the Courtroom Deputy the day before an omnibus hearing of all persons participating by phone and the identity of their clients. Attorneys must be admitted to practice before this court in order to participate in either telephonic or in-court appearances. Any counsel participating by telephone must have a mute capability on their telephone and will be required to keep their telephone on mute except when speaking.

#### **Extensions**

The time to file responsive pleadings set forth in Exhibit A may be extended by consent of the parties to not later than one week prior to an omnibus hearing date. If the parties agree to a later extension, the hearing will be automatically continued to the next omnibus hearing date. All consents to extend response dates must be filed as a notice with the moving party's certification that all parties in interest have agreed or do not oppose the extension.

### **Debtors' Website**

Debtor shall establish a website and post the docket, all administrative and case management orders and other matters as ordered by the court. Parties seeking to obtain information regarding the status of cases may do so by going to the Debtor's website at [www.rhireorg.com](http://www.rhireorg.com), or by going to the Bankruptcy Clerk's Office at 5414 U.S. Steel Tower, 600 Grant Street, Pittsburgh, PA 15219, where they may review the docket sheet or the file, or by checking PACER (Allegheny County – 412-355-2588 – Outside of Allegheny County – 1-800-795-2829 – PACER Billing and Enrollment – 1-800-676-6856 or VCIS (412-355-3210). If the party is from out of state, a copy of the docket sheet or any pleading, if requested, will be mailed by Tom Mackey's Copy Service at 412-644-4874. There will be a fee of \$.33/page plus sales tax, if applicable.

Questions to chambers about the status of cases will not be answered.

### **Terms of This Order**

Any party may at any time apply for reconsideration or modification of this Order. Service of such motion shall be made in accordance with the procedures set forth herein. The Court may amend this Order at any time. Without modifying or amending this Order, the Court may, on request of a party or on its own motion, add or delete parties from the service list.

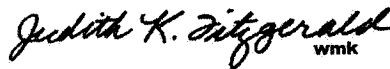
### **Promulgation of this Order**

To ensure that all parties who may participate in these cases are aware of the terms of this Order, counsel for the Debtors shall serve a copy of the Order, any amendments or supplements thereto, and any additions to Schedule A on: the Official Service List and all parties requesting notice pursuant to Fed R. Bankr. P. 2002. Debtors shall post a copy of this Notice on their website. The Clerk of Court is hereby directed to make a conspicuous notation on the docket for these cases indicating the existence of this Order.

This Order shall continue in effect until modified by further order of this Court.

~~Dated: June \_\_\_\_\_, 2003~~

Dated:  
7/15/2003  
9:42:04



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The Honorable Judith K. Fitzgerald  
United States Bankruptcy Judge

cc: David Ziegler, Esq.

**EXHIBIT "A"**

**SCHEDULE OF OMNIBUS HEARINGS  
AND APPLICABLE FILING DEADLINES**

**All hearings will be held in Courtroom A,  
54<sup>th</sup> Floor, U.S. Steel Tower,  
600 Grant Street  
Pittsburgh, PA, 15219**

| <b>Hearing Filing<br/>Deadline</b> | <b>Objection<br/>Deadline</b> | <b>Replies Due</b> | <b>Agenda/<br/>Notebook Due</b> | <b>Hearing Date<br/>Hearing Time</b>              |
|------------------------------------|-------------------------------|--------------------|---------------------------------|---|
| June 20, 2003                      | July 7, 2003                  | July 10, 2003      | July 11, 2003                   | July 22, 2003<br>1:00 p.m.                        |
| July 25, 2003                      | Aug. 11, 2003                 | Aug. 15, 2003      | Aug. 18, 2003                   | Aug. 28, 2003<br>1:00 p.m.                        |
| Aug. 26, 2003                      | Sept. 12, 2003                | Sept. 17, 2003     | Sept. 19, 2003                  | Oct. 2, 2003<br>1:00 p.m.<br><b>(date change)</b> |
| Sept. 26, 2003                     | Oct. 13, 2003                 | Oct. 17, 2003      | Oct. 20, 2003                   | Oct. 30, 2003<br>1:00 p.m.                        |
| Nov. 4, 2003                       | Nov. 21, 2003                 | Nov. 25, 2003      | Dec. 1, 2003                    | Dec. 9, 2003<br>1:00 p.m.                         |