

**UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

In re:)	Chapter 7
)	
marchFIRST, Inc., et al.,)	Case No. 01 B 24742
)	
Debtors.)	Jointly Administered
)	
)	Honorable John D. Schwartz
)	

**ORDER ESTABLISHING UNIFORM
PROCEDURES FOR OBJECTIONS TO CLAIMS**

This matter coming before the Court on the Trustee's Motion for an Order Establishing Uniform Procedures for Objections to Claims (the "Motion"),¹ the Court having reviewed the Motion and the Court having found that (a) the Court has jurisdiction over this matter pursuant to 29 U.S.C. §§157 and 1334, (b) this is a core proceeding pursuant to 28 U.S.C. § 157(b)(2) and (c) notice of the Motion was sufficient under the circumstances; and the Court having held a hearing on the Motion (the "Hearing") and heard the arguments of counsel and various objecting parties, if any, and determined that just cause exists for the relief granted herein;

IT IS HEREBY ORDERED THAT:

1. The Motion is GRANTED;
2. The procedures for filing and resolving objections (the "Objections") to claims filed against the Debtors' estate in these Bankruptcy Cases, as described in the

¹ Capitalized terms not defined herein shall have the meanings set forth in the Motion.

Motion, are approved. The Trustee will file omnibus objections to claims based on any grounds permitted by the Bankruptcy Code or the Federal Rules of Bankruptcy Procedure (the "Objections"). The Trustee shall serve such Objections by mailing a copy thereof by first class U.S. Mail to each creditor whose claim may be affected by such Objections at the address listed on the proof(s) of claim filed by such creditor, and by email to the U.S. Trustee and all parties having requested notice and service of papers in these Bankruptcy Cases. The Trustee shall attach a copy of this order to each Objection. The Trustee's mailing of the Objection to the affected creditor at such address shall be deemed to constitute good and proper service of the Objection, even in the event the mailed Objection is returned to the Trustee by the U.S. Postal Service;

3. Objections on different grounds may be filed against particular claims notwithstanding that such claims are also the subject of a pending Objection. The Trustee's failure to assert a ground for his Objection against a particular claim shall not bar the Trustee from asserting an Objection or Objections against that claim on any ground at any later time;
4. The holder of any claim (the "Claimant") whose claim is the subject of an Objection wishing to oppose the Objection must file a written response (the "Response") with the Clerk of the Bankruptcy Court at 219 South Dearborn Street, Chicago, Illinois 60604, and serve a copy of the Response on (a) the Trustee and (b) the Trustee's Counsel as indicated on the Objection within thirty (30) days after the date of mailing of the Objection;

5. The Response must (i) provide a concise statement setting forth all legal and factual reasons why such claim should not be disallowed or reclassified, and (ii) have attached copies of all documents (except as attached to the Claimant's proof of claim) supporting the Response. Except as to documents attached to a Claimant's proof of claim, failure by a Claimant to attach a document to its Response will result in the Claimant being barred from offering such document as evidence or for any other purpose in connection with any motion relating to the Objection or at any hearing or trial on the Objection, except upon written motion and a showing by the Claimant that the document either: a) did not exist at the time of the filing of the Response; or b) was not available to the Claimant at the time of the filing of the Response for reasons beyond the Claimant's reasonable control. Claimants are encouraged to file Responses that are short and specific;
6. If the Claimant fails to file a Response within thirty (30) days after the date of mailing of the Objection, the Claim of such Claimant will be disallowed, reduced, reclassified, or otherwise treated in accordance with the relief requested in the Objection, without any further notice or hearing, and upon entry of an order granting such relief the Trustee shall serve such order on the party whose claim is so treated within ten (10) business days after entry of such order.
7. If a Response is timely filed and the Claimant and Trustee enter into a settlement agreement, and such claim is for a face amount of more than \$1 million, it may be settled by the Trustee on negative or shortened notice, as follows: A Notice of Settlement shall be served upon the parties requesting service of pleadings via e-mail in accordance with the procedures previously approved by the Court. If no

objection is filed, set for hearing, served, and properly noticed within ten (10) days after service of the Notice of Settlement, a Certificate of No Objection shall be filed with the Court, and shall be presented to the Court along with a proposed order approving the settlement, which order may be entered by the Court without further notice or hearing. Notice shall be waived for settlements involving claims where the face amount of the proof of claim is less than \$1 million.

8. If a Response is timely filed, and the Trustee and the Claimant are unable to agree upon a consensual treatment of the subject claim within 120 days after the date of the filing of the Objection, then the Trustee or the Claimant may request that the Court conduct a hearing with respect to the Objection and the Response, which hearing may be combined with other hearings on claims objections and other matters heard at omnibus hearing dates or held on such other dates as this Court may order.
9. The filing of Objections and Responses shall be without prejudice to the parties' rights to file appropriate supplementary pleadings in the event that a hearing on a particular claim is necessary. The procedures approved herein are not intended to affect the burden of proof or the burden of persuasion that would otherwise be applicable in such a hearing.

Dated: 6-10-04


United States Bankruptcy Judge