

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF COLORADO
The Honorable Michael E. Romero**

In re:)	
)	
ADAM AIRCRAFT INDUSTRIES, INC.)	Bankruptcy Case No. 08-11751 MER
SSN/EIN: 16-1643299)	
)	Chapter 7
Debtor.)	
<hr style="width: 35%; margin-left: 0;"/>		
)	
JEFFREY A. WEINMAN, Chapter 7 Trustee)	
Plaintiff,)	Complex Case No. 10-9991 MER
)	
v.)	
)	
VARIOUS DEFENDANTS. ¹)	

**PROCEDURAL ORDER NO. 1 FOR JOINT ADMINISTRATION
OF PENDING ADVERSARIES FOR PURPOSES OF FED. R. BANKR. P. 7016**

Jeffrey A. Weinman, Trustee (“Trustee”) for the estate of Adam Aircraft Industries, Inc. Debtor herein (“Debtor”), has filed approximately 63 adversary proceedings in which the Trustee seeks to recover from various defendants the monies paid out by the Debtor to these defendants prepetition. The adversary proceedings all allege insolvency of the Debtor. Although all answers are not yet in, it is probable that all parties, and particularly the defendants, will desire to conduct discovery relating to many of the same issues, raising the possibility of numerous overlapping discovery demands, multiple depositions of the same people, conflicting schedules and an unwarranted and needless degree of expense.

In order to minimize costs to the parties, to organize and regulate discovery, and to reduce pretrial burdens on the Court, and pursuant to the authority granted under 28 U.S.C. § 154(b), it is

ORDERED, that all adversary proceedings filed by the Trustee since January 15, 2010, which seek recovery under 11 U.S.C. §§ 547, 548 and/or 550 will be jointly administered for purposes of FED. R. BANKR. P. 7016 pursuant to orders entered from time to time by the undersigned

¹The Defendants and Adversary Proceeding Numbers subject to this Order are listed in Exhibit A, attached hereto.

judge. In furtherance of the joint administration, and until otherwise ordered, the following shall apply:

1. **Stay of Discovery.** Pending the Scheduling Conference hereafter set, all discovery in these cases shall be held in abeyance.
2. **Extension of Time to Answer.** Defendants in all cases subject to this Order will have until **April 19, 2010**, or such other date as previously allowed by order of the Court, in which to answer or otherwise respond to the complaint.
3. **Scope of Joint Administration.** This Order for joint administration will apply to all procedural pretrial matters in these adversary proceedings and to all matters specified by FED. R. BANKR. P. 7016. **THIS ORDER DOES NOT EFFECT A CONSOLIDATION OF THESE CASES FOR PURPOSES OF TRIAL OR THE RESOLUTION OF SUBSTANTIVE ISSUES.** All pleadings and all motions seeking substantive relief shall be filed in the adversary proceedings file to which such pleadings or motions pertain.
4. **Electronic Filing.** All parties are requested to file pleadings, motions, and related documents in electronic format pursuant to and in accordance with Local Bankruptcy Rule 5005-4. For those *not* able to file electronically, filing and serving of documents shall be by customary means and according to the Federal Rules of Bankruptcy Procedure and Local Bankruptcy Rules. Entry of appearance by a party through electronic filing shall be deemed to constitute agreement to acceptance of service, henceforth, by electronic means, pursuant to Local Bankruptcy Rule 9036-1(b). All parties to these adversary proceedings shall, in addition to other customary information and designations, specify the e-mail address of counsel filing pleadings and otherwise responsible for the case. Any notice sent via e-mail from a party other than the court must contain "Notice of Pleadings" in the subject or "re" line. The certificate of service must contain the email addresses and name(s) of the person(s) to whom electronic service was affected.
5. **Joinder or Exclusion of Proceedings.** This Court may, *sua sponte* or on application of any interested party, subject earlier filed adversary proceedings to administration pursuant to this order, or may exclude adversary proceedings, as may be appropriate.

6. Maintenance of File and Filing of Motions and Pleadings.

- (A) A copy of this Order will be docketed in the electronic file of each adversary proceeding to which it applies.
- (B) The Clerk of the Court will cause to be established an electronic case file designated “**JEFFREY A. WEINMAN, TRUSTEE for ADAM AIRCRAFT INDUSTRIES, INC. v. VARIOUS DEFENDANTS; Complex Case No. 10-9991 MER.**” All orders, motions and other documents filed with the Court which pertain to procedural and scheduling matters subject to this Order will be docketed and retained in said file.
- (C) Every order, motion or other document filed which is subject to this Order will be captioned as follows:

In re:)	
)	
ADAM AIRCRAFT INDUSTRIES, INC.)	Bankruptcy Case No. 08-11751 MER
SSN/EIN: 16-1643299)	
)	Chapter 7
Debtor.)	
_____)	
)	
JEFFREY A. WEINMAN, Chapter 7 Trustee)	
)	Complex Case No. 10-9991 MER
Plaintiff,)	
)	
v.)	
)	
VARIOUS DEFENDANTS. ²)	

DOCUMENT FILED: _____
(Description)

FILED BY: _____
(Name of Party)

UNDERLYING ADVERSARY PROCEEDING NUMBER: _____

²The Defendants and Adversary Proceeding Numbers subject to this Order are listed in Exhibit A, attached hereto.

- (D) A copy of each order entered pursuant to this Order will be transmitted by the Clerk of the Court to the chambers of each bankruptcy judge so that each judge may maintain a separate file of all orders entered herein.
- (E) **Pleadings shall only be filed in the Complex Proceeding which involve pretrial/discovery relief as to the *entire* Complex Proceeding and all parties in the adversary proceeding.** A motion of other pleading which seeks relief as to an individual adversary proceeding *must only* be filed in the individual proceeding. Examples may include: a motion to vacate or continue a trial or final pretrial conference must be filed in the individual adversary proceeding; a motion which seeks an extension of a deadline shall be filed in the individual adversary proceeding unless the motion seeks an extension of the deadline *as to all adversary proceedings subject to the complex proceeding*; a motion for protective order or motion to compel shall be filed in the individual adversary proceeding unless it is directed to the Plaintiff *and is intended to apply to all adversary proceedings*; a motion for summary judgment or to dismiss shall be filed in the individual adversary proceeding.
- (F) Entries of appearance or motions to withdraw or be removed from a proceeding shall be filed in the individual adversary proceeding. Entries of appearance in the Complex Proceeding are neither necessary or useful.

7. **Establishment of Service List.** The Trustee will (a) establish, at his earliest convenience, a service list of counsel (or parties for those appearing *pro se*) who enter an appearance in the adversary proceedings subject to this Order; (b) serve a copy of the Service List on all such persons; and (c) file a copy thereof with the Court on a diskette in accordance with the guidelines of L.B.R. 1007-2APP. The Clerk will input that Service List as the mailing list for the Complex Case. Any party filing pleadings or documents captioned as specified in this Order need only serve a copy thereof on the other party(ies) to the underlying adversary proceeding or, in the case of the Trustee, on all parties affected thereby, unless the motion or document will affect proceedings in other jointly administered adversary


proceedings, in which event service will be made on all persons identified in the Service List.

- 8. Summary of Cases Filed.** The Trustee shall, as expeditiously as possible, but in any event within thirty (30) days of the date of this Order, prepare and file with the Court a summary of all adversary proceedings that are subject to this Order, which summary will contain, for each adversary, sorted alphabetically by defendant), (a) the case number; (b) name of the defendant(s); (c) the aggregate dollar amount sought to be recovered; (d) the date of the earliest and latest payments sought to be recovered; (e) the statutory sections of the Bankruptcy Code under which recovery is sought;(f) the name of the attorney representing the defendant(s) in each adversary proceeding; and (g) if a motion for settlement is currently pending.
- 9. Coordinating Committee.** The Trustee shall, on or before **May 17, 2010**, file with the Court a schedule of the case numbers of the three adversary proceedings involving the largest dollar claims for relief and, to the extent then known, the identity of the attorneys representing the defendants in such cases. The Trustee shall serve a copy of the schedule on all parties to these jointly administered proceedings. The attorneys representing the defendants in those cases shall act as a Coordinating Committee for the purposes of consulting with the Trustee and formulating and recommending to the Court a process and schedule for the orderly conduct of discovery in these proceedings.
- 10. Pretrial Proposals.** Prior to the date of the first scheduling conference, the Trustee and the Coordinating Committee will meet and confer on procedures to be utilized to expedite and manage discovery and pretrial practices in these proceedings. The parties will consider and be prepared to report to the Court, on such issues as may be appropriate, including but not limited to: the establishment by the Trustee of a separate document depository; the timing and scope of written discovery; the segregation of discovery into common issues and case specific discovery; the continued role of the Committee in conducting common issue discovery; the timing of depositions; appropriate procedures or orders to limit the conduct of discovery on common issues; the prospect for a consolidated trial on limited common issues such as insolvency; and such other matters as the parties consider appropriate.

11. **Scheduling Conference.** The Court will conduct a Preliminary Scheduling Conference in these jointly administered proceedings on **Tuesday, June 8, 2010, at 3:00 p.m.** in **Courtroom D**, United States Bankruptcy Court, United States Custom House, 721 19th Street, Denver, Colorado. **Except for the Trustee and his counsel, and the members of the Coordinating Committee, no other party is required to attend, but all parties will be bound to such orders as the Court may enter pursuant to FED. R. BANKR. P. 7016(a) and (b).** Parties wishing to appear by telephone may call 720-904-7499. The User ID is 1128. At the conference the Court will hear the report of the Trustee and the Committee and will consider, among other things, whether the Trustee should be required to establish and maintain a central depository for the records of the debtor and for documents pertinent to these adversary proceedings; whether a coordinating committee of attorneys for the defendants should be established or maintained, with responsibility to coordinate discovery on common issues; the formulation of orders to regulate the orderly conduct of discovery, particularly on common issues; whether any cases ought to be excepted from this Order; and such other matters as may assist in the expeditious handling of these cases for pretrial purposes.
12. **Service of this Order.** The Trustee shall forthwith cause a copy of this Order to be served on all defendants in these jointly administered proceedings.
13. **Service.** For purposes of this order, documents required to be served shall be served on counsel for any parties where counsel has appeared, otherwise on the parties. If the same attorney or law firm represents multiple defendants in multiple adversary proceedings, it will be sufficient to serve such counsel with one copy of any document required to be served. Defendants serving the Trustee need only serve the Trustee and the Trustee's attorney.

Dated March 23, 2010

BY THE COURT:


Michael E. Romero
U.S. Bankruptcy Judge

Adam Aircraft Industries, Inc.
Case No. 08-11751 MER
Adversaries for Complex Case Administration

10-1036	Advanced Coordinate Technology, LLC
10-1037	Air America Charter, LLC
10-1038	Air Components, Inc.
10-1039	Anderson Painting & Wallpapering, Inc.
10-1040	Aquila, Inc.
10-1041	Arnold Engineering Company, Inc.
10-1042	Artisan Aircraft
10-1043	AV Power, LLC
10-1046	Aviation Ventures, LLC
10-1047	Aviation Window Services, LLC, a tradename of AWS Acquisitions, LLC
10-1048	Boardroom Software, Inc.
10-1049	Boyle Ogata Bregman
10-1050	C.B. Technical Sales, Inc.
10-1051	CIT Technology Financing Services, Inc.
10-1052	Clifton Gunderson LLP
10-1053	Colorado Express Copies, Inc. d/b/a CED Document Services
10-1054	Colorado Hi-Tech Solutions, Inc.
10-1055	Consultnet, LLC
10-1056	CRG Partners Group, LLC
10-1058	Dawley Manufacturing Corporation
10-1059	Dell Financial Services, LLC a/k/a Dell, Inc.
10-1060	Design Technical Services
10-1063	GH Venture Partners, LLC
10-1065	GES Exposition Services, Inc.
10-1066	Goodrich Corporation d/b/a Goodrich De-Icing and d/b/a Goodrich Sensor Systems

10-1067	Grainger, a Trade Name for W.W. Grainger, Inc.
10-1068	Graybeard Consultants, Inc.
10-1069	Herber Aircraft Service, Inc.
10-1070	The Highland Consulting Group, Inc.
10-1071	Houlihan Lokey Howard & Zukin Capital, Inc.
10-1072	Joseph B. Dwerlkotte Associates, Inc.
10-1073	Keeley Aerospace, Ltd.
10-1074	Kropp Holdings, Inc., d/b/a AVCARD
10-1075	Laser Concepts, Inc.
10-1076	Lion Industrial Properties, LP
10-1077	Mechatronics Inc., d/b/a National Precision Bearing Group of Mechantronics, Inc.
10-1078	Mechsys Engineering, LLC
10-1079	Moss Vale, Inc.
10-1080	Oracular West, Inc.
10-1081	PCI Newco, Inc.
10-1083	Preventive Psychiatry Associates-Medical Group, Inc.
10-1084	Progressive Technologies, Inc.
10-1085	Public Service Company of Colorado d/b/a Xcel Energy
10-1086	Qwest Corporation d/b/a Qwest and Qwest Communications Corporation d/b/a Qwest
10-1087	Robert Half International, Inc. d/b/a Officeteam, Inc. and d/b/a Accountemps, Inc.
10-1089	Technology Marketing, Inc.
10-1090	The Omnicon Group, Inc.
10-1091	Thomas J Richter, d/b/a T. Richter & Associates
10-1092	Transigent Air, LLC
10-1093	Waste Management of Colorado, Inc., d/b/a Waste Management of Denver
10-1094	Valve Research & Manufacturing Co.

10-1096	Vectra Bank Colorado
10-1097	Viawest Internet Services, Inc. a/k/a Viawest, Inc.
10-1098	Joseph K. Walker
10-1143	Oracle USA, Inc.
10-1144	United Healthcare Insurance Company
10-1145	UnitedHealth Group, Inc. d/b/a United Healthcare Specialty Benefits f/k/a Unimerica Workplace Benefits
10-1146	Honeywell International Inc., a/k/a Honeywell HPG
10-1147	Hyatt Corporation d/b/a Hyatt Regency Tech Center and Hyatt Regency Atlanta