

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF KANSAS
(Kansas City Division)**

In Re:)	In Proceedings Under Chapter 11
)	
CRESCENT OIL COMPANY, INC., et)	Case No. 09-20258
al.,)	
)	
Debtors.		

**MOTION FOR ENTRY OF STANDING ORDER NO. 1 TO
ESTABLISH NOTICE AND MOTION PROCEDURES**

Debtors Crescent Fuels, Inc., *et al.*, for their Motion to Approve Standing Order No. 1 to Establish Notice and Motion Procedures (the “Motion”), state as follows:

1. Debtor Crescent Oil Company, Inc. filed its voluntary petition for relief under Chapter 11 of the United States Bankruptcy Code (the “Code”) on February 7, 2009.
2. The remaining Debtors¹ commenced the captioned cases by filing separate voluntary petitions for relief under Chapter 11 of the (“Code”) on February 8, 2009 (the “Filing Date”).
3. Debtors continue in possession of their properties and operate their businesses as debtors in possession pursuant to 11 U.S.C. § 1107 and 1108.
4. Debtors assert that in these cases, the Court, creditors and parties in interest are better served by having established notice and motion procedures in place at the commencement of the proceedings. Such procedures will afford appropriate notice to those parties involved in the proceedings, yet not require that Debtors or creditors spend unnecessary costs and fees for service when filing pleadings with the Court. Providing notice of every matter filed herein to every creditor would be a burdensome expense and a waste of Debtors’ assets.

¹ Crescent Fuels, Inc.; Crescent Stores Corporation; Crescent Realty, Inc.; and Crescent Business Development Corp.

NOTICE PROCEDURES

5. Debtors request that the Court order that notice in these cases will be proper if pleadings are served electronically on those parties which are registered with the Court's ECF system, by regular mail on those persons filing requests for notice pursuant to Fed. R. Bankr. P. 2002 who are not registered to receive electronic notice and by regular mail or electronic mail on additional persons as required by other Orders of this Court.

6. Debtors propose that every pleading, notice, motion or application, and all briefs, memoranda, affidavits, declarations, or other documents filed concurrently in support thereof in these cases (the "Filings") be subject to the notice procedures described herein, unless otherwise ordered by the Court.

7. Pursuant to the notice procedures proposed herein, all parties in interest that may be affected directly by the relief sought by a particular Filing will receive notice of such Filing or adversary proceeding directly from the party submitting the same to the Court.

8. In addition, Debtors proposed that all Filings be served on the following list of parties or entities if they are not receiving electronic notice through the Court's CM/ECF system, in addition to any specific parties to a particular Filing:

9. Debtor requests that the Court order that notice as to the captioned bankruptcy case will be proper if pleadings are served upon, in addition to any party whose interests are directly impacted by a specific pleading, to the following entities:

- (a) The United States Trustee;
- (b) Counsel for Debtors;
- (c) Counsel to any official committee of unsecured creditors established pursuant to Code § 1102, and, prior to such appointment, Debtors' 20 largest unsecured creditors, or their respective designated counsel;
- (d) Counsel to any post-petition lender to Debtors;

- (e) Debtors' secured lenders, or their respective designated counsel;
- (f) The Internal Revenue Service;
- (g) The Kansas Department of Revenue or its designated counsel;
- (h) The Missouri Department of Revenue or its designated counsel;
- (i) Those parties that may be added to this list upon written request to Debtors or as ordered by the Court for good and sufficient cause.

10. Debtors suggest that unless otherwise ordered by this Court, the noticing procedures set forth above not apply to notice of matters or proceedings described in the following Federal Rules of Bankruptcy Procedure:

- (a) Bankruptcy Rule 2002(a)(1)– any meetings of creditors pursuant to Code § 341;
- (b) Bankruptcy Rule 2002(a)(4)– a hearing on the dismissal of the captioned cases or the conversion of the captioned cases to another Chapter;
- (c) Bankruptcy Rule 2002(a)(5)– the time fixed to accept or reject a proposed modification of a plan of reorganization;
- (d) Bankruptcy Rule 2002(b)(1)– the time fixed for filing objections and any hearing to consider approval of a disclosure statement;
- (e) Bankruptcy Rule 2002(b)(2)– the time fixed for filing objections and any hearing to consider confirmation of a plan of reorganization;
- (f) Bankruptcy Rule 2002(d)– certain matters for which notice is to be provided to equity security holders; and
- (g) Bankruptcy Rule 2002(f)(7)– the entry of an order confirming a Chapter 11 plan of reorganization.

11. All filings in adversary proceedings shall be served, pursuant to Fed. R. Bankr. P. 7004, upon all parties thereto and any other entities having a particularized interest in the subject of the filings.

12. Notice given in accordance with the foregoing notice procedures should be deemed adequate pursuant to the Code, the Federal Rules of Bankruptcy Procedure, the Local Rules

for the United States Bankruptcy Court for the District of Kansas and the Local Rules for the United States District Court for the District of Kansas.

MOTIONS, OBJECTIONS AND HEARING DATES

13. Debtors request that the Court set on the Court's docket specified days and times each month for hearings on motions to take place. Initially, more frequent hearing dates may be required.

Debtor further requests that the Court set the following procedures:

- (a) All motions are to be served prior to or simultaneously with submission to the Court.
- (b) All motions must be accompanied with a certificate of service.
- (c) The movant is responsible for verifying available hearing dates with the Courtroom Deputy prior to noticing.
- (d) The Court shall establish a schedule of hearings and, at the conclusion of each hearing, the next regularly scheduled hearing date will be announced.
- (e) Absent exigent circumstances, any motion, application, objection or other request shall be filed and served at least 20 days prior to the anticipated hearing date on the motion.
- (f) If a party wishes a hearing date other than the regularly scheduled hearing date, the party must first give written notice to and consult with Debtors' counsel and counsel for affected parties before seeking approval of the Court for a hearing date.
- (g) The Court may dispense with oral argument on motions and decide them on the papers.
- (h) An objection or memorandum contra to a motion made by parties in interest shall be filed and served within 10 days after service of the motion. Movant may have three days to reply to any such memorandum.
- (i) If an emergency hearing is unavoidable and essential, the Court in its discretion may hear the matter at the regularly scheduled hearing date or any other date scheduled by the Court, but only if it is demonstrated that Debtors' counsel and counsel for the affected parties have been consulted.
- (j) Briefing will be subject to a 30 page limit unless otherwise ordered by the Court.

NON-RESIDENT ATTORNEYS

14. Given the wide geographical area of Debtors' businesses, it is anticipated that non-resident attorneys will be representing creditors in these cases. Debtors request that the Court allow non-resident attorneys seeking permission to practice before the court in these cases, *pro hac vice*, without setting motions for hearing. Absent objections to such motions and upon payment to the Clerk of the fee required by the Local Rules of the District Court, these motions should be granted.

PROPOSED ORDERS

15. Proposed orders shall be uploaded to the Court's CM/ECF system pursuant to LBR 9004.1(b).

16. Agreed or stipulated orders shall not be uploaded to the CM/ECF system or entered except upon separate execution by Debtors' counsel and such other parties who may be necessary under the circumstances.

WHEREFORE, Debtors respectfully request that the Court enter an order establishing notice and motion procedures in these cases as outlined above and for such other relief as the Court deems just and proper.

Date: February 8, 2009

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