

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

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In re : Chapter 11  
 :  
DACCO Transmission Parts (NY), Inc., et al.,<sup>1</sup> : Case No. 16-13245 (MKV)  
 :  
Debtors. : (Jointly Administered)  
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**ORDER ESTABLISHING CERTAIN NOTICE,  
CASE MANAGEMENT, AND ADMINISTRATIVE  
PROCEDURES**

Upon the notice of presentment by the debtors and debtors in possession in the above-captioned cases (collectively, the “**Debtors**”) for entry of an order limiting notice and establishing case management and administrative procedures in the Debtors’ chapter 11 cases (the “**CMO Order**”) [ECF No. 97]; and due and sufficient notice of the CMO Order having been given; and it appearing that no other or further notice need be provided; no opposition to the proposed order having been filed; and it appearing that the relief granted by this CMO Order is in the best interests of these estates, their creditors, and other parties-in-interest; and after due deliberation and sufficient cause appearing therefore, it is hereby

ORDERED THAT:

1. The Case Management Procedures<sup>2</sup> are approved to the extent set forth herein and shall govern all applicable aspects of these chapter 11 cases, except as otherwise ordered by the Court.

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<sup>1</sup> The Debtors in these chapter 11 cases include, among others, Transtar Holding Company. A full list of the Debtors in these chapter 11 cases and the last four digits of each Debtor’s taxpayer identification number is attached as Schedule I to the Declaration of Joseph Santangelo in Support of Chapter 11 Petitions and First Day Pleadings [Docket No. 3] and at <http://cases.primeclerk.com/transtar>. The Debtors’ executive headquarters are located at 7350 Young Drive, Walton Hills, OH 44146.

<sup>2</sup> Capitalized terms not otherwise defined herein have the meanings ascribed to them in the Notice, Case Management and Administrative Procedures attached hereto as Exhibit 1

2. The Debtors' Claims and Noticing Agent, Prime Clerk LLC ("**Prime Clerk**"), is authorized to establish a case website available at <http://cases.primeclerk.com/transtar> where, among other things, key dates and information about the Debtors' cases, including electronic copies of all pleadings filed in the Debtors' cases, may be posted to be viewed free of charge.

3. The Bankruptcy Rules and the Local Bankruptcy Rules shall continue to apply to all proceedings in these chapter 11 cases except to the extent that any provision of this CMO Order supersedes or is inconsistent with such rules, in which event this Order shall govern.

4. The Debtors and Prime Clerk are authorized and empowered to take all actions necessary to implement the relief granted in this CMO Order.

5. The Debtors shall serve a copy of this CMO Order as soon as practicable after entry hereof upon the Master Service List.

6. This Court retains jurisdiction with respect to all matters arising from or related to the implementation of this Order.

Dated: New York, New York  
February 14, 2017

*s/ Mary Kay Vyskocil*  
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HONORABLE MARY KAY VYSKOCIL  
UNITED STATES BANKRUPTCY JUDGE

**EXHIBIT 1**

**CASE MANAGEMENT PROCEDURES**

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

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In re : Chapter 11  
: :  
DACCO Transmission Parts (NY), Inc., et al.,<sup>1</sup> : Case No. 16-13245 (MKV)  
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Debtors. : (Jointly Administered)  
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**NOTICE, CASE MANAGEMENT AND ADMINISTRATIVE PROCEDURES**

**A. Notice Procedures**

1. **Master Service List.** Unless otherwise provided by the Case Management Order or another order of this Court, every motion, application, complaint, objection, notice, brief, memorandum, affidavit, declaration or other writing filed in these cases (including notices and orders by the Court, but not including proofs of claim or proofs of interest) (collectively, the “**Filings**”) shall be served by e-mail (in electronic PDF format) upon the following parties (collectively, the “**Master Service List**”); provided that counsel to the United States Trustee for Region 2 (the “**U.S. Trustee**”) who shall also be served by regular U.S. mail, fax, or overnight delivery service:

- (a) the Debtors and their counsel;
- (b) the U.S. Trustee;
- (c) the top fifty (50) largest unsecured creditors on a consolidated basis, or counsel to any official committee of unsecured creditors appointed in the Debtors’ chapter 11 cases, if any;
- (d) counsel to Royal Bank of Canada, as administrative agent under the Debtors’ prepetition first lien credit agreement;

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<sup>1</sup> The Debtors in these chapter 11 cases include, among others, Transtar Holding Company. A full list of the Debtors in these chapter 11 cases and the last four digits of each Debtor’s taxpayer identification number is attached as Schedule I to the Declaration of Joseph Santangelo in Support of Chapter 11 Petitions and First Day Pleadings [Docket No. 3] and at <http://cases.primeclerk.com/transtar>. The Debtors’ executive headquarters are located at 7350 Young Drive, Walton Hills, OH 44146.

- (e) counsel to Cortland Capital Markets, as administrative agent under the Debtors' prepetition second lien credit agreement;
- (f) counsel to the administrative agent under the Debtors' postpetition financing agreement;
- (g) counsel to Friedman Fleischer & Lowe, LLC; and
- (h) those persons who have formally appeared and requested service in these cases pursuant to Bankruptcy Rule 2002 in compliance with paragraph 3b of this CMO.

2. Any party whose interests are directly affected by a specific Filing also shall be served by email and by US mail with all Filings in connection with the matter addressed in the Filing and shall be deemed to be included on the Master Service List for any such Filing.

3. **General Service List**

- (a) All creditors that appear on the debtors' creditor matrix (the "**General Service List**") shall be served with all notices filed in these cases pursuant to Bankruptcy Rules 2002(a)(1), 2002(a)(4), 2002(a)(7), 2002(b), 2002(d), 2002(f)(1), 2002(f)(2), 2002(f)(3) and 2002(f)(7), but will not be considered part of the Master Service List and notice to such parties of any other motions, applications, complaints, objections, notices, briefs, memoranda, affidavits, declarations or other writings filed in these cases shall not be required unless such party has submitted a Notice Request (as defined below).
- (b) Any creditor or party in interest who files a notice of appearance and a request for service of papers pursuant to Bankruptcy Rule 2002 (a "**Notice Request**") shall be deemed to have consented to electronic service of papers, unless such creditor or party in interest indicates otherwise. The Debtors request that a valid Notice Request shall include: (i) the party's name and address; (ii) the name of the client (unless the party is appearing solely on its own behalf); (iii) an e-mail address at which the requesting party can be served; and (iv) an address at which the requesting party may be served by United States mail, hand delivery and overnight delivery. Furthermore, the Debtors request that, notwithstanding Bankruptcy Rules 2002 and 9010(b), no Notice Request be deemed effective unless all of the foregoing requirements are satisfied. The Debtors or their Court-appointed claims and noticing agent (the "**Claims Agent**") shall be

responsible for maintaining an updated list (the “**2002 List**”) of those parties who have submitted proper Notice Requests.

- (c) Any individual or entity filing a Notice Request who does not maintain (and cannot practicably obtain) an e-mail address and, thus, cannot receive service by e-mail must include in its Notice Request a certification to that effect (the “**Certification**”). The Certification shall include a statement certifying that the individual or entity does not maintain an e-mail address. Such individual or entity will thereafter receive paper service.
- (d) If a Notice Request fails to include an e-mail address or a Certification, the Debtors or their Claims Agent shall forward a copy of these Case Management Procedures to such party within five (5) business days specifically requesting an e-mail address.

4. **Maintenance of Service Lists.** On or about the first business day of each calendar month, the Claims Agent shall (a) file with the Court an updated copy of the Master Service List, and (b) serve the Master Service List by e-mail on the parties identified therein. The Claims Agent shall provide a copy of the most up-to-date version of the Master Service List to any party in interest requesting a copy of the same, and shall maintain copies of such lists on its website at <http://cases.primeclerk.com/transtar>. A Filing shall be deemed served on the Master Service List if it is served upon the most recent Master Service List that has been filed with the Court as of the day prior to the date of service.

5. **Special Service Rules.** In addition to serving the parties on the Master Service List, the Debtors propose that Filings for which particular notice is required by Bankruptcy Rules 2002(a)(2), 2002(a)(3), 2002(a)(6), 4001, 6004, 6006 or 9019 be served by e-mail or United States first class mail on the parties identified on the Master Service List and on any person or entity known to have a particularized interest in the subject of the Filing, in accordance with the following procedures, unless otherwise authorized by this Court:

- (a) filings related to the use, sale, lease or abandonment of property other than in the ordinary course of business will be served on each entity asserting an interest in the property;

- (b) filings related to relief from, or otherwise related to, the automatic stay will be served on each entity asserting a lien or encumbrance on the affected property;
- (c) filings relating to the use of cash collateral or obtaining credit will be served on each adversely affected entity asserting an interest in the cash collateral or each adversely affected entity asserting a lien or other interest in property on which a lien is proposed to be granted;
- (d) filings relating to approval of proposed compromises or settlements under Bankruptcy Rule 9019 will be served on any entity that is a party to the compromise or settlement or which may be directly adversely affected thereby;
- (e) filings relating to rights under section 365 of the Bankruptcy Code will be served on each party to the executory contract(s) or unexpired lease(s) affected thereby;
- (f) filings relating to applications for payment of compensation or reimbursement of expenses shall be served on each professional person who is seeking payment of compensation or reimbursement of expenses and whose retention has been authorized by the Court in these cases; and
- (g) notice of other matters for which the Bankruptcy Rules specifically require notice to all parties-in-interest shall be served on all creditors, unless otherwise ordered by the Court.

6. **Service by Electronic Mail.** The parties on the Master Service List (other than the U.S. Trustee) shall be deemed to have consented to service by e-mail in these cases, unless otherwise indicated, other than service of a summons and complaint in an adversary proceeding or documents filed under seal, which shall not be served by e-mail. Service by e-mail shall be subject to the following rules:

- (a) **E-mail Subject Line.** With respect to the service of any Filing, the subject line of the e-mail shall include the following: (i) the Debtors' case name and consolidated case number (In re DACCO Transmission Parts (NY), Inc., *et al.* – Case No. 16-13245 (MKV)); (ii) the name of the party serving such Filing; and (iii) the title of the Filing being served. If the title of the Filing is too long to fit within the subject line of the e-mail, the subject line shall

contain a shortened version of such title, and the text of the e-mail shall contain the full name of such Filing.

- (b) **E-mail Attachments.** All Filings served by e-mail shall include access to a computer file containing the entire document, including any proposed form of order and exhibits, attachments or other materials in PDF format. The relevant Filing shall either be attached to the e-mail in the format specified above or the e-mail shall contain a link to the Filing in such format.
- (c) **Alternative Service.** Notwithstanding the foregoing, if a party is unable to serve a Filing by e-mail due to technological difficulties (e.g., the electronic file is too large or the party's e-mail system is not functioning at the time of service), service by such party, including to those parties on the Master Service List, shall be adequate if by made U.S. mail or hand or overnight delivery as appropriate to comply with the time for service as set forth in the Bankruptcy Code, Bankruptcy Rules, Local Bankruptcy Rules and herein.

7. In addition, pleadings and other documents filed by the Debtors and other parties with the Court will be available on the Internet from (a) the Claims Agent's website (free of charge) at <http://cases.primeclerk.com/transtar>, or (b) at [www.nysb.uscourts.gov](http://www.nysb.uscourts.gov) (a PACER login and password are required to access the Court's PACER system).

**B. General Motion Practice**

8. The following procedures shall be followed for motions and objections generally, except those filed by non-debtor parties seeking relief pursuant to section 362 of the Bankruptcy Code:

- (a) **Ordinary Scheduling Procedures.** Any motion, other than fee applications, shall be filed and served at least fourteen (14) calendar days prior to a hearing in order to be heard at that hearing, not taking into account Bankruptcy Rule 9006(f). If a motion is to be served by U.S. Mail only, it must be filed and served at least seventeen (17) days prior to the hearing.
- (b) **Service.** Each motion shall be served in accordance with the provisions of the Bankruptcy Rules, the Local Bankruptcy Rules and the Case Management Order, with two hard copies to Chambers. In addition, each motion shall state in the upper right-



hand corner of its caption the objection date and time and the hearing date and time for the motion.

- (c) **Objections.** Any objection to a motion (an “**Objection**”) shall be filed and served, with two hard copies to Chambers, no later than 4:00 p.m. (ET) seven (7) days prior to the date of the hearing at which the motion is scheduled to be heard, unless otherwise ordered by the Court. The Objection shall be served upon the movant, the parties on the Master Service List and such parties upon whom the motion was required to be served pursuant to this Case Management Order.
- (d) **Certificate of No Objection.** Pursuant to Local Bankruptcy Rule 9075-2, if no Objection(s) is filed and served in a timely fashion, beginning forty-eight (48) hours after the expiration of the Objection deadline, the movant may file a Certificate of No Objection (“**CNO**”) stating that no Objection has been filed or served on the movant, where permissible, and submit to Chambers a proposed order granting the relief requested in the motion, including the CNO and a copy of the motion (including exhibits).
- (e) **Replies.** If an Objection is filed, the movant or another interested party may file and serve a reply to the Objection, with two hard copies to Chambers, by no later than 4:00 p.m. (ET) three (3) business days prior to the date of the hearing.
- (f) **Affidavits of Service.** With respect to all Filings, an appropriate affidavit of service indicating the party serving the Filing, the parties on which the Filing was served and the date and manner of service shall be filed with the Court within two (2) business days of such service. Parties may certify in an affidavit of service that they have served the Filing on the Master Service List by referencing such list and the date thereof in an affidavit of service, in which case the Master Service List shall not be attached to, nor shall the addresses included in to the affidavit of service. All other parties not on such list who have been served shall be identified by name and service address.
- (g) **Service to the U.S. Trustee.** All Filings shall also be served on the U.S. Trustee by regular U.S. mail, fax, or overnight delivery service.

9. **Hearing Agenda.** The Debtors shall file a hearing agenda (the “**Agenda**”) with the Court and serve it on the Master Service List no later than noon (ET), two (2) business days prior to any hearing date. The Agenda will include, to the extent known by

Debtors' counsel: (a) the docket number and title of each matter to be scheduled for hearing on such Hearing, including the initial filing and any responses, replies or documents related thereto; (b) whether the matters are contested or uncontested; (c) whether the matters have settled or are proposed to be continued; (d) other comments that will assist the Court; and (e) if special circumstances so warrant, a suggestion for the order in which the matters should be addressed. The Debtors will file an amended Agenda to reflect any changes to the Agenda any time prior to the hearing date.

10. **Computation of Time.** Unless otherwise specified, all time periods referenced in this Motion will be calculated in accordance with Bankruptcy Rule 9006(a).