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### UNITED STATES BANKRUPTCY COURT DISTRICT OF VERMONT

## In re: FIBERMARK, INC., FIBERMARK NORTH AMERICA, INC., and FIBERMARK INTERNATIONAL HOLDINGS, INC., Debtors.

Chapter 11 Case # 04-10463 Jointly Administered

### <u>ORDER</u>

# <u>MODIFYING SCHEDULE FOR EVIDENTIARY HEARING</u> <u>ON FEE APPLICATIONS OF CHANIN CAPITAL PARTNERS, AKIN GUMP STRAUSS HAUER & FELD LLP,</u> <u>AND RYAN SMITH & CARBINE LTD.</u>

On April 26, 2005, Chanin Capital Partners ("Chanin") in its capacity as financial advisor and investment banker for the former Official Committee of Unsecured Creditors (the "Former Committee"), filed an Application for Compensation and for Reimbursement of Expenses (doc. # 1435) ("Chanin's Third Application"). On April 26, 2005, Akin Gump Strauss Hauer & Feld, LLP ("Akin Gump"), in its capacity as counsel for the Former Committee, filed a Third Application for Compensation and for Reimbursement of Expenses (doc. # 1436) ("Akin's Third Application"). Upon review of the Chanin's Third Application, Akin's Third Application, and the objections thereto, the Court determined an evidentiary hearing was necessary to address certain aspects of the applications (doc. # 1480). Shortly thereafter, the parties filed a Stipulation Concerning Adjournment of Evidentiary Hearing on Fee Applications of Chanin and Akin Gump and Related Matters (doc. # 1668) (the "Fee Stipulation") in which the parties proposed to present evidence on the third and final fee applications of Chanin and Akin Gump at a consolidated evidentiary hearing and to tie the scheduling of discovery and the evidentiary hearing to the Plan Effective Date, as defined in the Debtors' Plan. The Court entered an Order approving the Fee Stipulation (doc. #1676). The Court has since directed that the final fee application of Ryan Smith & Carbine, Ltd. ("RS&C"), in its capacity as local counsel to the Former Committee, also be included in the evidentiary hearing, as it raises the some of the same issues already scheduled to be addressed at the evidentiary hearing (doc. # 2007).

On November 29, 2005, the Court conducted a telephonic case management conference to establish a more definitive schedule for the evidentiary hearing that was described in the Fee Stipulation, and in particular, to formulate a schedule independent of the "Effective Date" as defined the Debtor's Plan. All parties to the Fee Stipulation participated in the conference, reported that the parties are making good faith efforts to resolve the issues set for hearing, and consented to the a schedule which mirrors the schedule articulated in the Fee Stipulation except that the objection deadline shall be January 31, 2006.

THEREFORE, IT IS HEREBY ORDERED that the Fee Stipulation is amended as follows:

- The Objection Deadline, as defined in the Fee Stipulation, is January 31, 2006. Any party that seeks to object to any of the pending fee applications shall do so <u>no later than 4:00 p.m. on</u> <u>January 31, 2006</u>. Any party that has previously filed an objection to the applications shall file restated objections, supplementing or modifying such objections into a final fee application objection.
- 2. On or before <u>February 7, 2006</u>, counsel for the applicants and parties which have filed objections by the Objection Deadline shall meet and confer in good faith to agree upon a discovery schedule and briefing schedule for dispositive motions.
- On or before <u>February 14, 2006</u>, the applicants, the Debtors and any objectors shall submit a joint proposed scheduling order; provided, however, that if the parties cannot reach agreement on the terms of such a scheduling order, each such party shall file its own proposed scheduling order on or before such date.

IT IS FURTHER ORDERED that the Court will hold a continued §105 Status Conference on the Fee Stipulation on <u>February 28, 2006 at 9:30 a.m.</u> at which the Parties may appear via telephone.<sup>1</sup>

#### SO ORDERED.

November 29, 2005 Burlington, Vermont

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Colleen A. Brown United States Bankruptcy Judge

The Court requests the Debtors' professionals set up the conference call and distribute the necessary call in information to the Parties and the Courtroom Deputy so that all Parties may be heard.