

**ORIGINAL**

FILED NOV 30 2001

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

2001 NOV 30 P 4: 15

IN THE MATTER OF:

- THERMADYNE HOLDINGS CORPORATION,
- C&G SYSTEMS HOLDING, INC.,
- C&G SYSTEMS, INC.,
- COYNE NATURAL GAS SYSTEMS, INC.,
- MARISON CYLINDER COMPANY,
- MECO HOLDING COMPANY,
- MODERN ENGINEERING COMPANY, INC.,
- STOODY COMPANY,
- TAG REALTY, INC.,
- THERMADYNE CAPITAL CORP.,
- THERMADYNE CYLINDER CO.,
- THERMADYNE INDUSTRIES, INC.,
- THERMADYNE INTERNATIONAL CORP.,
- THERMADYNE MFG. LLC,
- THERMAL ARC, INC.,
- THERMAL DYNAMICS CORPORATION,
- TWECO PRODUCTS, INC.,
- VICTOR-COYNE INTERNATIONAL, INC.,
- VICTOR EQUIPMENT COMPANY,
- VICTOR GAS SYSTEMS, INC.,
- WICHITA WAREHOUSE CORPORATION,

Debtors.

- ) In Proceedings Under Chapter 11
- )
- ) Case No. 01-52840-399
- ) Case No. 01-52841-399
- ) Case No. 01-52842-399
- ) Case No. 01-52843-399
- ) Case No. 01-52844-399
- ) Case No. 01-52845-399
- ) Case No. 01-52846-399
- ) Case No. 01-52847-399
- ) Case No. 01-52848-399
- ) Case No. 01-52849-399
- ) Case No. 01-52850-399
- ) Case No. 01-52851-399
- ) Case No. 01-52852-399
- ) Case No. 01-52853-399
- ) Case No. 01-52854-399
- ) Case No. 01-52855-399
- ) Case No. 01-52856-399
- ) Case No. 01-52857-399
- ) Case No. 01-52858-399
- ) Case No. 01-52859-399
- ) Case No. 01-52860-399
- )
- ) HONORABLE BARRY S. SCHERMER
- ) UNITED STATES BANKRUPTCY JUDGE

**STANDING ORDER #1**

**ESTABLISHING NOTICE AND MOTION PROCEDURES**

The Court finds that because of the great number of creditors and other parties in interest in these cases, burdensome expense and unnecessary delay will result unless a modified procedure for noticing, copying and motion practice is implemented. It is, therefore, hereby,

ORDERED, ADJUDGED AND DECREED AS FOLLOWS:

1. As used herein, the term "Debtors" means the Debtors-in-Possession in these cases. These cases shall be jointly administered and shall be procedurally (but not substantively) consolidated.

2. As used herein, the "Master Service List" means the list described herein, which list shall be updated as necessary, but not less than monthly, and filed with the Clerk of the United States Bankruptcy Court by the Debtors, in compatible BANCAP electronic media format as designated by the Clerk of the United States Bankruptcy Court. The "Master Service List" will contain the names and mailing addresses of all those individuals and entities designated pursuant to Paragraph 5 of this Standing Order. As used herein, the "Master Notice List" means the list described herein, which list shall be updated as necessary, but not less than monthly, and filed with the Clerk of the United States Bankruptcy Court by the Debtors in compatible BANCAP electronic media format as designated by the Clerk. The "Master Notice List" will contain the names and addresses of any persons or entities who now or hereafter have requested notice in these proceedings by filing said request with the Court Clerk, and serving a copy upon the Debtors as well as upon all names on the Master Service List. Individuals or entities who wish to receive all such notices are solely responsible for filing and serving their appropriate requests for such notices. Upon the establishment of the Official Committees and counsel, the twenty largest creditors of each Debtor shall be deleted from the Master Notice List, although any said creditor may be added to the Master Notice List upon separate request.

3. This Order may be amended from time to time by this Court upon the request of any party in interest who shall give not less than ten (10) business days written notice to the persons shown in Paragraph 5 of this Standing Order and to each party listed on the Master Service List.

4. Unless otherwise ordered, notice in accordance with the terms of this Order shall be presumed to be adequate.

**GENERAL MATTERS**

5. Master Service List. All filings, pleadings, correspondence and other communications to the Court in these cases, unless otherwise ordered by the Court, must be filed with:

Clerk of the United States Bankruptcy Court  
For the Eastern District of Missouri  
Thomas F. Eagleton U.S. Courthouse  
111 South Tenth Street, Fourth Floor  
St. Louis, Missouri 63102

AND each must be served upon the following:

(a) Debtors' Counsel:

Gregory D. Willard, Esq.  
Lloyd A. Palans, Esq.  
David M. Unseth, Esq.  
Jennifer A. Merlo, Esq.  
Bryan Cave LLP  
One Metropolitan Square  
211 North Broadway  
Suite 3600-THC  
St. Louis, Missouri 63102-2750

and

Alan B. Miller, Esq.  
Stephen A. Youngman, Esq.  
Weil, Gotshal & Manges LLP  
767 Fifth Avenue  
New York, New York 10153

(b) Above-captioned Debtors and Debtors-in-Possession at:

Thermadyne Holdings Corporation  
Attention: Vice President and General Counsel  
101 South Hanley Road, Suite 600  
Clayton, Missouri 63105

(c) Lenders' Counsel at:

Margot B. Schonholtz, Esq.  
Scott Talmadge, Esq.  
Clifford Chance Rogers & Wells LLP  
200 Park Avenue  
New York, New York 10166-0153

and

Steven N. Cousins, Esq.  
Armstrong Teasdale LLP  
One Metropolitan Square, Suite 2600  
211 North Broadway  
St. Louis, Missouri 63102-2740

(d) United States Trustee at:

United States Trustee  
Thomas F. Eagleton U.S. Courthouse  
111 South Tenth Street, Room 6353  
St. Louis, Missouri 63102  
Attention: Leonora S. Long, Esq.

(e) Counsel retained by any Official Committees established pursuant to Section 1102 of the Bankruptcy Code; and

(f) Parties contained in the Master Service List.

All service shall be made by Regular Mail, except in emergency situations when overnight mail or fax is necessary or where electronic service is authorized. The certificate of service, which should accompany each pleading served, shall state that service has been made on all parties listed on the Master Service List, and shall list the date and number of the Master Service List used. The Master Service List itself need not be attached to the pleadings.

6. All filings in adversary proceedings and any motions directed at specific parties (contested matters) shall be served, pursuant to Bankruptcy Rule 7004, upon (i) all parties thereto and any other entities having a particularized interest in the subject of the filings or motions; and (ii) the parties listed on the Master Service List.

7. Unless otherwise directed by the Court, all notices required by subdivisions (a)(2), (3), and (6) of Bankruptcy Rule 2002 and by Bankruptcy Rule 4001 shall be mailed to:

- (a) each entity designated on the Master Notice List; and
- (b) when the notice is of a proposed use, sale, lease or abandonment of property or of a hearing thereon, each entity having an interest in the property; and
- (c) when the notice relates to relief from the stay to proceed against certain property, each entity having a lien or encumbrance in such property; and
- (d) when the notice is of a proposed compromise or settlement or of a hearing thereon, each entity who is a party to the compromise or settlement; and
- (e) when the notice is of an application for compensation or reimbursement of expenses or of a hearing thereon, each professional person who is seeking compensation or reimbursement whose retention in these cases is authorized by this Court.

8. Notices required by subdivision (a)(1), (4), (5), and (7), subdivision (b), and subdivision (f) of Bankruptcy Rule 2002 shall be mailed to each entity on the Master Notice List, to all creditors, indenture trustees, and equity security holders.

9. All other notices shall be mailed to each entity on the Master Notice List and to any entity who has a particularized interest in the subject of the notice.

10. Notice in accordance with the provisions of this Order shall be presumed adequate pursuant to Bankruptcy Rule 2002. The Court may enter orders with respect to proper notice in its sole discretion on an ex parte basis without notice and hearing.

**MOTIONS, OBJECTIONS AND HEARING DATES**

(a) It is anticipated that during the routine administration of these cases, hearings shall normally be held on Motion Dates set by this Court commencing at 10:00 a.m. All matters, unless otherwise ordered by the Court, shall be heard on the Motion Dates.

(b) All motions must be filed with a proposed order granting the relief requested in the motion.

(c) The Movant is responsible for verifying available hearing dates with Wynne Abernathy, Courtroom Deputy at (314) 244-4806, or Matt Parker, Director of Courtroom Services at (314) 244-4801, prior to noticing. A notice of hearing must accompany all motions.

(d) Initially, more frequent Motion Dates may be required, and they will be appropriately scheduled by the Court. The date of the next regularly scheduled Motion Date will be announced at the conclusion of each hearing date, included in a post-hearing notice and available through PACER. All hearings will be held at the United States Bankruptcy Court, Thomas F. Eagleton U.S. Courthouse, 111 South Tenth Street, 5th Floor, St. Louis, Missouri as announced by the undersigned Bankruptcy Judge.

(e) Absent exigent circumstances, any motion, application, objection or other request shall be filed and served at least twenty (20) days prior to the anticipated Motion Date on the motion, and must be accompanied with a Certificate of Service.

(f) It is the responsibility of the Movant to contact Wynne Abernathy, Courtroom Deputy at (314) 244-4806, or Matt Parker, Director of Courtroom Services at (314) 244-4801, prior to scheduling any motions for hearing.

(g) An objection, response, reply or other memorandum contra to a motion made by parties in interest shall be filed and served within fourteen (14) days after service of such motion. Movant may have three (3) days to reply to any such responsive pleadings.

(h) 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 before such time opposing counsel was consulted and that best efforts were made to notify the parties on the Master Service List and any other essential parties.

(i) Each original document filed in these cases (including pleadings, exhibits, memoranda, notices and proposed orders of the Court) shall be filed with five additional copies (i.e., an original plus five):

- (1) **Original for the Clerk of the Bankruptcy Court (2-hole punched at the top and marked at the top right-hand corner "Original")**;
- (2) **One copy for over-the-counter viewing (2-hole punched at the top and marked at the top right-hand corner "Counter")**;
- (3) **One copy, with exhibits, for delivery to Judge's Chambers (marked at the top right-hand corner "Chambers Copy")**;
- (4) **One copy, without exhibits, for delivery to Judge's Chambers (marked at the top right-hand corner "Chambers Copy")**;
- (5) **One copy (marked at the top right-hand corner "DIP Copy")<sup>1/</sup>**  
**and**
- (6) **One copy, with exhibits for delivery to Bankruptcy Services, Inc. ("BSI") (marked at the top right-hand corner "BSI Copy").**

---

<sup>1/</sup> If the original document (including pleadings, exhibits, memoranda, notices and orders of the Court) is filed in open court, and not the Clerk's office, an additional copy shall be required.

(j) **Electronic format:** Each original document filed in these cases (including pleadings, exhibits (to the extent practicable), memoranda, notices and orders of the Court) shall simultaneously, in addition to the paper copies above, be filed in the electronic format specified by the Clerk of Court.<sup>2/</sup>

Subject to modification by the Court, all documents required to be filed in electronic format shall:

- (1) **Be filed on virus-free, 3 ½" floppy disk or CD (IBM compatible) in pdf format.**
  - a. Exhibits generated by counsel and the pleadings to which they relate must be submitted as one pdf file. Exhibits generated by an outside source must also be scanned and submitted as one pdf file with the motion to which they relate, unless doing so creates an overly burdensome administrative task.
  - b. If a Motion, Notice and Certificate of Service are filed together, the Notice and Certificate of Service must be submitted as one pdf file.
- (2) **Be filed with a transmittal letter listing in column format, the title of the document(s) enclosed; the pdf file name for the document(s) on the enclosed computer disk or CD; and a blank line for Clerk's office internal use to designate the docket number.**
- (3) **The disk or CD shall further be labeled with the title of the document(s), the file name and the name of the attorney or law firm filing the document(s).**

The format of the transmittal letter should be substantially as follows:

"Pursuant to Paragraph 10 of Standing Order #1, please accept for filing the following documents:

	Title	File Name	Docket No.
1.	Debtor's Motion to Set Claims Bar Date (with Exhibits (if any) as part of the same pdf file)).	a:\(file name)	_____

---

<sup>2/</sup> Access to electronically filed documents shall be through PACER-NET. For further information contact the PACER Service Center at 1-800-676-6856.

2. Notice of Hearing on Motion to Set Claims Bar Date and Certificate of Service, etc. (If Notice and Certificate of Service are filed together, Notice and Certificate of Service must be submitted as one pdf file). a:\(file name) \_\_\_\_\_

**Electronic Format for Documents Filed Before the Date of this Order:** The Clerk may send an Order to all parties who have filed any documents prior to the date of this Order, listing the names of the documents and requesting the party to file the document in electronic format as specified above. Questions relating to electronic formatting should be directed to **William Wolfenbarger**, Director of Information Systems, (314) 244-4700 or **Jeff Kelley**, Network Administrator, (314) 244-4702.

**NON-RESIDENT ATTORNEYS**

11. Motions by non-resident attorneys for permission to practice before the Court in these cases, pro hac vice, shall not be set for hearing. Upon the filing of a motion and the payment to the "Clerk, U. S. District Court" of the \$25.00 fee required by the Local Rules of the United States District Court, Eastern District of Missouri, these motions are hereby GRANTED by the Court unless objections are promptly filed thereto or subject to any further order of the Court. The Court normally will require parties to obtain local counsel in contested matters and adversary proceedings that are likely to involve extensive discovery, multiple hearings and Motion Dates, or protracted evidentiary proceedings.

**DESIGNATED COPY SERVICE**

12. BSI is the designated copy service in this case. All requests for copies of any document relating to this case should be directed to:

Bankruptcy Services, Inc.  
111 South Tenth Street, 4<sup>th</sup> Floor  
St. Louis, Missouri 63102  
(314) 244-4940

**PROOFS OF CLAIM**

13. The court has not yet set a claims bar date (the "Claims Bar Date") in these cases. When a date is set, the Debtor will serve notice of the Claims Bar Date upon all parties along with a separate Standing Order regarding procedures for filing proofs of claim.

**BRIEFS AND MEMORANDA**

14. Briefs and supporting memoranda shall be subject to a twenty page limit, unless otherwise ordered by the Court.

**CAPTIONS**

15. All documents filed in the case of Thermadyne Holdings Corporation, shall be deemed filed in all twenty-one Debtor cases. Documents intended to be filed in all twenty-one Debtor cases shall have the following caption:

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

IN THE MATTER OF )

THERMADYNE HOLDINGS )  
CORPORATION, et al. )

Debtors. )

[Name of Movant] )

v. )

[Name of Respondent] )

CASE NUMBER 01-52840-399

IN PROCEEDINGS UNDER CHAPTER 11

HONORABLE BARRY S. SCHERMER  
UNITED STATES BANKRUPTCY JUDGE

[NAME OF DOCUMENT]

[NAME, ADDRESS, TELEPHONE  
NUMBER OF COUNSEL]

Motion No. \_\_\_\_\_

HEARING DATE: \_\_\_\_\_

HEARING TIME: \_\_\_\_\_



separate execution by Debtors' counsel and such other parties who may be necessary under the circumstances.

**TERMS OF THIS ORDER**

19. Any party may at any time apply for reconsideration or modification of this Order. Service of such motion shall be to persons on the Master Service List and shall be made upon at least twenty (20) days notice to the persons on the Master Service List. The Court may amend this Order sua sponte at any time.

20. This Order is in the Debtors' best interests and presents no prejudice to any party's rights or interests. This Order shall continue in effect unless and until modified by further order of this Court.

Dated: St. Louis, Missouri  
December \_\_, 2001

DEC 06 2001

  
UNITED STATES BANKRUPTCY JUDGE