

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF RHODE ISLAND**

In re

**THE CITY OF CENTRAL FALLS,
RHODE ISLAND,**

Debtor

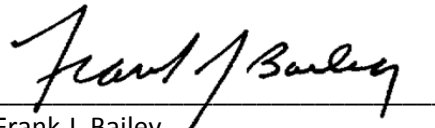
Chapter 9

Case No. 11-13105-FJB

ORDER SCHEDULING STATUS CONFERENCE

The Court will hold a status conference in this case on Wednesday, August 3, 2011, at 11:00 a.m. On or before Tuesday, August 2, 2011 at 12:00 noon, the Debtor shall file a list of proposed agenda items for the status conference. By the same deadline, any other party in interest may also file a list of proposed agenda items.

Date: August 1, 2011



Frank J. Bailey
United States Bankruptcy Judge

In Re: The City of Central Falls, Rhode
Island

BK No. 1:11-bk-13105

Debtor(s)

Chapter 9

NOTICE OF STATUS HEARING

PLEASE TAKE NOTICE that a status hearing will be held at:

U.S. Bankruptcy Court, 380 Westminster Street, Providence, RI 02903 on 8/3/11 at 11:00 AM

to consider and act upon the following:

[13] Order Scheduling Status Hearing

It is recommended that counsel utilize courtroom technology. If familiarization in use of the document camera and/or touch screens is required, please plan on arriving twenty minutes in advance of the hearing and meet with the Court Recorder for training.

/s/ Susan M. Thurston
Clerk, U.S. Bankruptcy Court



Date: **8/1/11**

Entered on Docket: **8/1/11**
Document Number: **14 - 13**

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UNITED STATES BANKRUPTCY COURT
DISTRICT OF RHODE ISLAND

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In re CITY OF CENTRAL FALLS, RHODE ISLAND) Case No. 11-13105

Debtor) Chapter 9

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PROPOSED AGENDA FOR AUGUST 3, 2011 STATUS CONFERENCE

The City of Central Falls, Rhode Island (the "City"), the debtor in the above-captioned case, by and through its state-appointed receiver, Robert G. Flanders, Jr., hereby submits these proposed agenda items for this Court's August 3, 2011 11:00 a.m. Status Conference, as directed by the Court in its August 1, 2011 Order Scheduling Status Conference:

- A. Counsel for the City.
 - 1. Pre-Petition Background.
 - a. Judicial Receivership (May 18, 2010).
 - b. Passage of Fiscal Stability Act (enacted June 11, 2010).
 - c. Litigation regarding constitutionality of the Fiscal Stability Act (September 23, 2010 – March 29, 2011).
 - d. Passage of bill creating statutory lien on bond obligations (enacted July 11, 2011).
 - e. Attempts to address deficit outside of Chapter 9 (July 16, 2010 – July 31, 2011).
 - f. Negotiations with retirees (commencing July 5, 2011).

8. Concluding remarks.

B. Comments from other counsel.

ROBERT G. FLANDERS, JR., in his capacity as
Receiver of Central Falls,
By his attorney,

/s/Theodore Orson
Theodore Orson, Esq. (No. 3874)
Orson and Brusini Ltd.
325 Angell Street
Providence, RI 02906
(401) 861-0344
torson@orsonandbrusini.com

Dated: August 2, 2011

CERTIFICATE OF SERVICE

I hereby certify that on August 2 2011, I electronically filed the within with the Clerk of the Bankruptcy Court for the District of Rhode Island Using the CM/ECF System. The following participants have received notice electronically:

Gary L. Donahue ustpreregion01.pr.ecf@usdoj.gov
Lee Blais LBlais@BlaisParent.com
Elizabeth Weins ewiens@rilaborlaw.com
Carly Beauvais Iafrate ciafrate@verizon.net

/s/ Theodore Orson, Esq.

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF RHODE ISLAND

In Re: Chapter 9

THE CITY OF CENTRAL FALLS, R.I.
Debtors

Bk. No. 1:11-bk-13105
Jointly Administered

**FRATERNAL ORDER OF POLICE'S PROPOSED ADDITIONS TO AGENDA
FOR AUGUST 3, 2011 STATUS CONFERENCE**

The Fraternal Order of Police, Central Falls Lodge No. 2, the certified collective bargaining unit of the Central Falls Police Department (the "FOP"), submits the following proposed agenda items for inclusion on the agenda for the Status Conference to be held on August 3, 2011, pursuant to the Order Scheduling Status Conference.¹ The FOP respectfully requests that the following items be added to the Proposed Agenda submitted by the Debtor:

1. Request for additional time to file Response to Debtor's Motion to Approve Rejection of Three (3) Collective Bargaining Agreements; and
2. Deadline for Objections to Chapter 9 Petition.

Respectfully submitted,

/s/ Diane Finkle
Diane Finkle, Esq. (2644)
Winograd Shine Land & Finkle, P.C.
123 Dyer Street
Providence, RI 02903
Tel: (401) 273-8300
Fax: (401) 272-5728
E-Mail: dfinkle@wslf-law.com

¹ Although the FOP recognizes that the Order Scheduling Status Conference imposed a deadline of 12:00 noon on August 2, 2011 for the submission of proposed agenda items, counsel for the FOP was not retained until late in the day on August 1, 2011 and has submitted this request as quickly as possible after conferring with the FOP.

CERTIFICATION

The undersigned hereby certifies that on August 2, 2011, she electronically filed the within pleading with the Clerk of the Bankruptcy Court for the District of Rhode Island, using the CM/ECF system. The following parties have received notice electronically:

- Leon A. Blais lblais@blaisparent.com
- Gary L. Donahue ustpregion01.pr.ecf@usdoj.gov
- Carly Beauvais Iafrate ciafrate@verizon.net
- Theodore Orson torson@orsonandbrusini.com
- Elizabeth A Wiens ewiens@rilaborlaw.com; lboisclair@rilaborlaw.com; mgursky@rilaborlaw.com

/s/ Diane Finkle

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF RHODE ISLAND

In re:	:	
	:	Case No. 11-13105
THE CITY OF CENTRAL FALLS,	:	
RHODE ISLAND,	:	
	:	Chapter 9
Debtor	:	
	:	

PROPOSED ADDITIONAL DISCUSSION POINTS TO PROPOSED AGENDA

NOW COMES LOCAL 1627, RI COUNCIL 94 AFSCME, AFL-CIO (the "Local"), a party in interest herein, and hereby requests that the agenda (the "Agenda") for the Status Conference (the "Conference") to be held on August 3, 2011 be amended to include the following items:

1. Consideration of enlarging the time to file objections to the Debtor's Motion to Approve Rejection of Three (3) Collective Baargaining Agreement (the "Motion"), Doc. No. 9, filed on August 1, 2011 without having to prepare and file motions to enlarge time which would only add additional time and expenditures of Court resources. As of the date of the filing of this pleading, the Debtor

has been in a Chapter 9 Proceeding for one day; the Local believes it is prudent to provide all necessary parties to the Motion the opportunity to plan their respective responses in a manner that encapsulates their positions given the magnitude of the effect if the Motion is granted, notwithstanding the time expended in appeal of such an action by the Court.

2. Consideration of the procedure for filing objections to the Debtor's Chapter 9 Petition. Local suggests the discussion of deadlines and establishing some sort of protocol relative to the commencement of these proceedings by the Debtor.
3. Consideration of the formation of a Creditors' Committee. Local suggests that there is no time like the present to deal with this issue; with the demographics of the creditor base in this case (particularly the pensioners and City employees living on 'very fixed incomes'), there is a compelling need to consider the need for a Creditors' Committee and qualifications.

The Local appreciates the opportunity to present these points for inclusion to the Agenda and will be present at the Conference and looks forward to participating.

Respectfully submitted,
LOCAL 1627, RI COUNCIL 94
AFSCME, AFL-CIO

By its attorneys,

/s/William J. Delaney

William J. Delaney (#3643)
Delaney DeMerchant & Heitke LLC
91 Friendship Street, Suite One
Providence, Rhode Island 02903
(401) 454-8000; (401) 553-9000 (fax)
wjd@ddhlegal.com
Dated: August 2, 2011

CERTIFICATION

I hereby certify that on the 2nd day of August, 2011, a copy of the within Proposed Additional Discussion Points was caused to be sent electronically through the CM/ECF system to the following:

Gary L. Donohue, Esq.
Carly Beauvais Iafrate, Attorney
Theodore Orson, Esq.
Elizabeth A. Wiens, Attorney
Diane Finkle, Attorney

/s/William J. Delaney

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF RHODE ISLAND**

In re

CITY OF CENTRAL FALLS, RHODE ISLAND,

Debtor

Chapter 9

Case No. 11-13105-FJB

PRELIMINARY ORDERS AND MINUTES OF INITIAL STATUS CONFERENCE

1. An initial status conference was held on August 3, 2011.
2. At the status conference, the City of Central Falls ("the City") made an oral motion for a determination that the requirement in 11 U.S.C. § 923 of publication of notice in a newspaper having a general circulation among bond dealers and bondholders is limited to only a single such publication. The Court does so construe the statute, and therefore that motion is hereby granted. The debtor is authorized to limit its publication accordingly.
3. At the request of the City and pursuant to Fed. R. Bankr. P. 3003(c)(3), the Court hereby establishes **October 4, 2011** as the deadline for filing proofs of claim in the case, except that pursuant to Rules 3003(c)(3) and 3002(c)(4) (made applicable by Rule 3003(c)(3)), a claim arising from the rejection of an executory contract or unexpired lease of the debtor may be filed within such time as the court later directs. There shall be no separate deadline for governmental claims.
4. The City was ordered to submit (i) a proposed form of the notice of the commencement of the case to be provided to creditors pursuant to 11 U.S.C. § 923 and (ii) a proposed order approving such notice.
5. On or before August 17, 2011, the City shall file the list of creditors required by 11 U.S.C. § 924, including, as to each creditor, the amount of the claim and, where appropriate, an indication that the claim is secured, disputed, contingent, or unliquidated.
6. Also on or before August 17, 2011, the City shall file in proper form the Creditor Mailing List required by R.I. LBR 1002-1(c) and 1007-1(b)(1).
7. For purposes of triggering the obligation of the United States Trustee under 11 U.S.C. § 1102(a) to appoint one or more committees, the City made an oral request for a declaration that an order for relief entered in this case upon the City's filing of its petition for relief under Chapter 9; and certain parties voiced opposition to the entry of such a declaration. The City shall file its brief on that issue on or before August 8, 2011, and any brief in opposition or response shall be filed on or before August 11, 2011. Thereafter the court will take the matter under advisement without further oral argument.

8. By agreement among the City and the three unions concerned, the Court hereby sets September 16, 2011 as the deadline for filing objections to the City's Motion to Approve Rejection of Three Collective Bargaining Agreements (the "Rejection Motion"). Any party whose objection is based not merely on denials of the City's averments but on evidence of facts extrinsic to those alleged by the City in support of the Rejection Motion shall file with its objection affidavits that shall constitute the direct testimony of its witnesses at the evidentiary hearing on the Rejection Motion, and such party shall make its affiants available for cross-examination at the evidentiary hearing, failing which the affidavit shall be stricken.

9. The Court hereby sets September 16, 2011 as the deadline for filing objections to the City's petition under Chapter 9 and motions to dismiss the petition. If an opposition or motion to dismiss is filed, the Court will schedule the matter for hearing. If no opposition or motion to dismiss is filed, the Court will order relief under Chapter 9 without further process. Any party whose objection or motion to dismiss is based not merely on denials of the City's averments as to eligibility but on evidence of facts extrinsic to those alleged by the City in support of the petition shall file with its objection or motion affidavits that shall constitute the direct testimony of its witnesses at the evidentiary hearing on eligibility and the motion to dismiss, and such party shall make its affiants available for cross-examination at the evidentiary hearing, failing which the affidavit shall be stricken.

10. The City may file a motion for entry of a case management order.

Date: August 5, 2011



Frank J. Bailey
United States Bankruptcy Judge

In re City of Central Falls,

Case No. 11-13105

Debtor

Chapter 9

**ORDER APPROVING NOTICE OF COMMENCEMENT OF CASE AND
DIRECTING SERVICE AND PUBLICATION**

Upon the oral motion of the City of Central Falls, Rhode Island (“the Debtor”) to approve its proposed manner of publication of the notice of commencement of case required by 11 U.S.C. § 923, and after consideration of the proposed form and manner of notice, the Court hereby **ORDERS** as follows:

1. The Court hereby approves the attached Notice of Commencement of Case Under Chapter 9, Notice of Automatic Stay, Notice of Time and Requirements for Filing Objections to the Petition, and Notice of Time to File Proofs of Claim (the “Notice of Commencement of Case”).
2. On or before August 24, 2011, the Clerk of the Bankruptcy Court shall serve by mail the attached Notice of Commencement of Case upon all creditors, special tax payers, and other parties in interest as identified by the Debtor in the Creditor Mailing List that (by separate order) the Debtor is required to file by August 17, 2011.
3. The Debtor, not the Clerk, shall publish the Notice of Commencement of Case as required by 11 U.S.C. § 923. The publications required by 11 U.S.C. § 923 shall be made once in *The Bond Buyer* and once a week for three successive weeks in *The Providence Journal*. The last publication of the Notice of Commencement of Case shall be not less than twenty-one (21) days prior to the last day to file objections to the petition. The Debtor shall file proofs of the publication required by this paragraph not later than September 9, 2011.
4. On or before August 12, 2011, the Debtor shall serve the Notice of Commencement of Case on interested parties through the facilities of The Depository Trust Company, New York, NY.

Date: August 5, 2011


Frank J. Bailey
United States Bankruptcy Judge

Entered on Docket: 8/5/2011
Document Number: 26

In re: City of Central Falls,

Case No. 11-13105

Debtor

Chapter 9

**NOTICE OF COMMENCEMENT OF CASE UNDER CHAPTER 9,
NOTICE OF AUTOMATIC STAY,
NOTICE OF TIME AND REQUIREMENTS FOR FILING OBJECTIONS TO THE
PETITION,
AND NOTICE OF TIME TO FILE PROOFS OF CLAIM**

TO: The Creditors, Special Taxpayers and Other Parties in Interest

Notice is hereby given of the following:

1. **Notice of commencement of a case under Chapter 9.** A case under Chapter 9 of the Bankruptcy Code was commenced by the filing of a petition by the City of Central Falls, Rhode Island (“the Debtor”) on August 1, 2011.

2. **Notice of automatic stay.** The filing of the petition operates as a stay applicable to all entities of the commencement or continuation, including the issuance or employment of process, of a judicial, administrative, or other action or proceeding against an officer or inhabitant of the Debtor that seeks to enforce a claim against the Debtor, and the enforcement of a lien on or arising out of taxes or assessments owed to the Debtor, and certain other acts and proceedings against the Debtor and its property as provided in 11 U.S.C. §§ 362 and 922.

3. **Notice of time for filing objections to the petition.** An objection to the petition or motion to dismiss the petition may be filed by a party in interest not later than **September 16, 2011**. 11 U.S.C. § 921(c). Objections and motions to dismiss shall be filed by registered users through ECF and by non-registered users either in person at, or by mail to, the office of the Clerk of the United States Bankruptcy Court for the District of Rhode Island, 380 Westminster Street, 6th Floor, Providence, Rhode Island 02903. A copy of the objection or motion to dismiss shall be mailed to the attorney for the Debtor, Theodore Orson, Esq., Orson and Brusini Ltd., 325 Angell Street, Providence, Rhode Island 02906.

4. **Hearing on petition and objections to petition.** If any timely objection or motion to dismiss the petition is filed with the Court, a hearing will be held on a date to be scheduled by the Court in the United States Bankruptcy Court, located at 380 Westminster Street, 6th Floor, Providence, Rhode Island. At said hearing, the Court may dismiss the petition, subject to 11 U.S.C. § 921(c), if the Debtor did not file the petition in good faith or if the petition does not meet the eligibility requirements of Chapter 9. If no timely objection or motion to dismiss is filed, no hearing will be held, and, pursuant to 11 U.S.C. § 921(d), the Court will order relief under Chapter 9 without further process.

In re: City of Central Falls,

Case No. 11-13105

Debtor

Chapter 9

5. **Requirements for objections and motions to dismiss.** Each objection to the petition (the term “objection to the petition” shall, for purposes of this paragraph, include any motion to dismiss the petition) shall state the facts and legal authorities in support of such objection. Any party whose objection to the petition is based not merely on denials of the City’s averments as to eligibility but on evidence of facts extrinsic to those alleged by the City in support of the petition shall file with its objection to the petition affidavits that shall constitute the direct testimony of its witnesses at the evidentiary hearing on the petition, and such party shall make its affiants available for cross-examination at the evidentiary hearing, failing which the affidavit shall be stricken.

6. **Order for relief.** If the petition is not dismissed, the Court will order relief under Chapter 9.

7. **Notice of time for filing Proofs of Claim.** The Debtor will file a list of claims. Any creditor holding a claim which has not been listed as disputed, contingent, or unliquidated as to amount, may, but need not, file a proof of claim in this case. **Creditors whose claims are not listed or whose claims are listed as disputed, contingent, or unliquidated as to amount and who desire to participate in the case or share in any distribution must file their proofs of claim on or before October 4, 2011.** Any creditor who desires to rely on the list is responsible for determining that the claim is accurately listed. All proofs of claim shall be filed, by registered user through ECF, or by any non-registered user either in person or by mail with the office of the Clerk of the United States Bankruptcy Court for the District of Rhode Island, 380 Westminster Street, 6th Floor, Providence, Rhode Island 02903. Upon issuance of an appropriate order, the Court may allow the filing of a group or committee proof of claim by an attorney who has filed a notice of appearance for members of a group or committee.

8. **Notices.** All notices required by subdivisions (a)(2), (3), and (6) of Rule 2002, Fed. R. Bankr. P., shall be mailed only to the committee(s), if one is formed, or to their authorized agents and to the creditors who file with the Court a request that all notices be mailed to them.

Dated: August 5, 2011

/s/ Susan M. Thurston
Clerk of Court

In re: City of Central Falls,

Case No. 11-13105

Debtor

Chapter 9

**NOTICE OF COMMENCEMENT OF CASE UNDER CHAPTER 9,
NOTICE OF AUTOMATIC STAY,
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PETITION,
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3. **Notice of time for filing objections to the petition.** An objection to the petition or motion to dismiss the petition may be filed by a party in interest not later than **September 16, 2011**. 11 U.S.C. § 921(c). Objections and motions to dismiss shall be filed by registered users through ECF and by non-registered users either in person at, or by mail to, the office of the Clerk of the United States Bankruptcy Court for the District of Rhode Island, 380 Westminster Street, 6th Floor, Providence, Rhode Island 02903. A copy of the objection or motion to dismiss shall be mailed to the attorney for the Debtor, Theodore Orson, Esq., Orson and Brusini Ltd., 325 Angell Street, Providence, Rhode Island 02906.

4. **Hearing on petition and objections to petition.** If any timely objection or motion to dismiss the petition is filed with the Court, a hearing will be held on a date to be scheduled by the Court in the United States Bankruptcy Court, located at 380 Westminster Street, 6th Floor, Providence, Rhode Island. At said hearing, the Court may dismiss the petition, subject to 11 U.S.C. § 921(c), if the Debtor did not file the petition in good faith or if the petition does not meet the eligibility requirements of Chapter 9. If no timely objection or motion to dismiss is filed, no hearing will be held, and, pursuant to 11 U.S.C. § 921(d), the Court will order relief under Chapter 9 without further process.

In re: City of Central Falls,

Case No. 11-13105

Debtor

Chapter 9

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6. **Order for relief.** If the petition is not dismissed, the Court will order relief under Chapter 9.

7. **Notice of time for filing Proofs of Claim.** The Debtor will file a list of claims. Any creditor holding a claim which has not been listed as disputed, contingent, or unliquidated as to amount, may, but need not, file a proof of claim in this case. **Creditors whose claims are not listed or whose claims are listed as disputed, contingent, or unliquidated as to amount and who desire to participate in the case or share in any distribution must file their proofs of claim on or before October 4, 2011.** Any creditor who desires to rely on the list is responsible for determining that the claim is accurately listed. All proofs of claim shall be filed, by registered user through ECF, or by any non-registered user either in person or by mail with the office of the Clerk of the United States Bankruptcy Court for the District of Rhode Island, 380 Westminster Street, 6th Floor, Providence, Rhode Island 02903. Upon issuance of an appropriate order, the Court may allow the filing of a group or committee proof of claim by an attorney who has filed a notice of appearance for members of a group or committee.

8. **Notices.** All notices required by subdivisions (a)(2), (3), and (6) of Rule 2002, Fed. R. Bankr. P., shall be mailed only to the committee(s), if one is formed, or to their authorized agents and to the creditors who file with the Court a request that all notices be mailed to them.

Dated: August 5, 2011

/s/ Susan M. Thurston
Clerk of Court

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF RHODE ISLAND**

In re

CITY OF CENTRAL FALLS, RHODE ISLAND,

Debtor

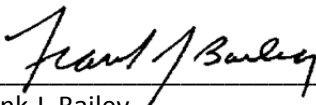
Chapter 9

Case No. 11-13105-FJB

SCHEDULING ORDER

1. On November 7, 2011, at 10:30 a.m., the Court will hold a status conference in the above-entitled case at which the Court will address case management issues, especially concerning objection deadlines and the scheduling of evidentiary hearings as to eligibility and as to the Debtor's Motion to Reject Three Collective Bargaining Agreements [#9].
2. On November 7, 2011, at 10:30 a.m., the Court will hold a hearing on the Motion of the Central Falls Police Retirees Association, Inc., Central Falls Firefighter Retirees Association, Inc., and the Retired Central Falls Police and Firefighters Represented by Attorney McGowan to Extend Time to File Memoranda of Law Supporting Objections to Rejection of Collective Bargaining Agreements and To Eligibility [doc. #215]. Responses to the Motion shall be filed by Friday, November 4, 2011, at 12:00 noon.

Date: November 1, 2011



Frank J. Bailey
United States Bankruptcy Judge

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF RHODE ISLAND**

In re

CITY OF CENTRAL FALLS, RHODE ISLAND,

Debtor

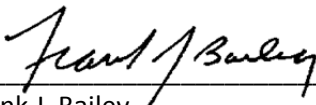
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Case No. 11-13105-FJB

SCHEDULING ORDER

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Frank J. Bailey
United States Bankruptcy Judge