

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT CHATTANOOGA

In re)
)
PROPEX INC.,)
PROPEX HOLDINGS, INC.,)
PROPEX CONCRETE SYSTEMS)
CORPORATION,)
PROPEX FABRICS INTERNATIONAL)
HOLDINGS I INC.,)
PROPEX FABRICS INTERNATIONAL)
HOLDINGS II INC.,)
)
Debtors)
)
THE OFFICIAL COMMITTEE OF)
UNSECURED CREDITORS OF PROPEX)
INC.,)
)
Appellant and Cross-Appellee)
)
v.)
)
PROPEX INC., ET AL.,)
)
Appellees and Cross-Appellants.)

Case No. 1:08-CV-238

Chief Judge Curtis L. Collier

ORDER

Before the Court is a motion by The Official Committee of Unsecured Creditors of Propex Inc. (“Committee”) to expedite the date of oral argument on appeal, currently set for January 14, 2009 (Court File No. 41). Propex Inc. (“Propex”) timely filed an objection to the Committee’s motion (Court File No. 42).

The Court has discretion to modify a scheduling order “only for good cause and with the judge’s consent.” Fed. R. Civ. P. 16(b)(4). The Court finds good cause to change the January 14, 2009 date is absent here. The Committee argues expedited oral argument is necessary to avoid expending judicial and economic resources on Propex’s chapter 11 plan of reorganization

("Proposed Plan") in the event this Court reverses the bankruptcy court order on which this appeal is premised. However, a number of prerequisites remain before the Proposed Plan can be approved. Specifically, a hearing must be held to approve Propex's disclosure statement, requiring 25 days notice for setting hearing dates on (1) the disclosure statement, and (2) if the disclosure statement is approved, the Proposed Plan. Fed. R. Bankr. P. 2002(b). That is, any hearings which would be affected by this Court's decision would likely not take place until after the January 14, 2009 date. Moreover, this Court requires time to adequately prepare for oral argument, and changing the argument date will not afford the Court such time.

For the foregoing reasons, the Court **DENIES** the Committee's motion to expedite the date of oral argument on appeal (Court File No. 41).

SO ORDERED.

ENTER:

/s/ _____
CURTIS L. COLLIER
CHIEF UNITED STATES DISTRICT JUDGE