

## **CASE MANAGEMENT PROCEDURES**

**I. THE FOLLOWING TYPES OF MOTIONS/APPLICATIONS DO NOT REQUIRE A HEARING. PLEASE PROMPTLY SUBMIT ORDERS TO CHAMBERS.**

**Please note: All Chapter 13 orders with the exception of orders on Default Motions and Ex-Parte Relief Motions (Car Insurance) must be signed by the Chapter 13 Trustee before submission to Chambers.**

- Motions/Applications to Employ Professionals, Special Counsel.
- Motions to Suspend Payments in Chapter 13 Cases.
- Motions to Extend Time to File Schedules, etc.
- Motions to Vacate EDO Order.
- Motions to Terminate EDO Order.
- Motions to Withdraw as Counsel OR Substitution of Counsel.
- Motions to Take Bankruptcy Rule 2004 Examination.
- Motions for Ex-Parte Relief. (Please see BLR 4001 [related to insurance on cars])
- Motions to Dismiss a Duplicate Case through Inadvertent Filing of Petition.
- Motions to Set Bar Dates to file Proof of Claims.

**II. EXCEPTIONS: HEARINGS ON THE FOLLOWING MOTIONS/APPLICATIONS MAY NOT BE SET BY USING THE OPEN CALENDAR PROCEDURES. PLEASE BRING A COPY OF THE FILED MOTION WITH ORIGINAL NOTICE OF HEARING TO JUNE PHILLIPS, COURTROOM DEPUTY CLERK, TO OBTAIN THE DATE AND TIME OF THE HEARING. IT WILL BE YOUR RESPONSIBILITY TO SERVE THE NOTICE OF HEARING ON ALL INTERESTED PARTIES IN THE MOST EXPEDITIOUS MANNER POSSIBLE AND FILE A CERTIFICATE OF SERVICE PRIOR TO THE HEARING.**

- Any Emergency motions or requests for expedited hearings or for shortened time.
- Motions to Reimpose the Automatic Stay.
- Chapter 11 Disclosure Statement and Confirmation.
- Motions for Use of Cash Collateral/Prohibit Use of Cash Collateral.
- Contested matters that require evidentiary hearings and trials.
- Requests for pre-trial conferences and/or status conferences.
- Any motions or request for valuation of collateral.
- Trials on complaints in adversary proceedings.
- Motions to avoid lien (Court will schedule hearings if responses are filed).

### III. SPECIAL NOTE:

1. Any motions scheduled with insufficient notice time will not be heard.
2. Any motions scheduled with the wrong date, time, or location will not be heard.
3. Any motions scheduled after a session or date has been removed as an available hearing date will not be heard.

### IV. PREPARING PROPOSED ORDERS:

If you are instructed by the court to prepare a order, you must circulate it among all other interested parties before submitting it to Chambers and you must telephone Chambers immediately upon becoming aware that another party takes the position that the proposed order does not accurately reflect the Court's ruling.

If all interested parties have not indicated consent or no opposition to a proposed order and if the motion was heard, the order should either accurately reflect the Court's findings and conclusions or state that it is based on the findings of fact and conclusion of law stated by the Court on the record at the hearing.

Proposed orders on motions to which no opposition was interposed at the call of the calendar and which the court did not hear, may not recite findings of fact or conclusions of law, but must instead state as grounds for granting of the relief requested the lack of opposition to the motion.

Compliance with the local rules pursuant to the Northern District of Georgia is a necessity. The most common omissions are:

1. Unsigned, incomplete and/or omission of the preparer's block, see **BLR 9013-3(b)**;
2. Omission of hearing date, if applicable, see **BLR 9013-3(a)** and
3. Omission of the distribution list, see **BLR 9013-3(c)(2)**.

- V. **CONFLICTS AND CONTINUANCES:** Counsel with conflicts should send a conflict letter to the Court in advance listing their conflicts and proposed resolutions. Counsel are expected to comply with BLR 5071. In addition, mass calendars are a way of life in Bankruptcy Court, and it is not unusual for different judges to schedule mass calendars at the same time. The judges understand that this scheduling problem gives rise to conflicts and are generally accommodating to counsel. If you have a mass calendar conflict that requires you to be in another courtroom in the bankruptcy court, call or report to the courtroom deputy clerk before the start of the hearing to identify your cases. Your cases will be marked and held for your report.

In the event that counsel desires to obtain a continuance of a case on the Chapter 13 confirmation calendar, counsel should contact the Chapter 13 Trustee directly at 404-525-2555.

With respect to all other continuances, parties should contact June Phillips, Courtroom Deputy, at 404-215-1017.

VI. **EVIDENTIARY HEARINGS AND TRIALS:**

**EXHIBITS** - All exhibits should be identified and marked sequentially with either plaintiff's or defendant's exhibit stickers prior to trial. You must prepare a sufficient number of copies of each exhibit to provide one pre-marked copy to the court and one pre-marked copy to each party. Bring the actual exhibits to be used or offered in evidence to the trial. Don't forget a copy for yourself. **The Court's copy should be delivered to Chambers at least ten (10) business days prior to the trial date.** An exhibit list with a brief description of each exhibit and a witness list with the names of the will call and may call witnesses must accompany the court's copy of the exhibits. Copies of the exhibits and the exhibits list along with the witness list should be provided to each party ten (10) days prior to the trial. The court retains all exhibits offered in evidence until the order or judgment resolving the matter for which the exhibits were offered becomes final and no longer subject to appeal. If you do not pick up your exhibits from Chambers within thirty (30) days after the order or judgment becomes final and no longer subject to appeal, they will be deemed abandoned and the court may dispose of them.

VII. **SETTLEMENTS** - If you settle an adversary proceeding or contested matter that has been set for a trial or hearing, notify the Courtroom Deputy Clerk immediately. Unless otherwise permitted by the Court, if the parties (or their counsel) do not submit to the Court, at least 24 hours in advance of a trial or hearing, the written terms of a settlement acknowledged by each party or counsel, you must appear at the scheduled trial or hearing to read the details of the settlement into the record. If an anticipated settlement is not finalized prior to the trial, unless otherwise permitted by the Court, be prepared to try the matter.