

## **OPEN CALENDAR PROCEDURE**

### **Instructions for Self-Selecting Hearing Dates and Time In Assigned to Judge Sacca (September 22, 2014)**

1. Attorneys must choose hearing dates for motions and applications and serve notices of hearings pursuant to this Open Calendar Procedure. A list of currently available hearing dates are available on the Court's website at [www.ganb.uscourts.gov](http://www.ganb.uscourts.gov) (Click the Judges' Information tab at the top of the screen and select Judge James R. Sacca. Click the appropriate link for Atlanta or Gainesville hearing dates.)
2. Notwithstanding Bankruptcy Rule 9006(d), the hearing date you select must be at least fourteen (14) days after the date on which you serve the motion and notice of hearing. Some types of matters may require a longer lead time between the date of service of the motion or application and notice and the date of the hearing. See, e.g., Bankruptcy Rules 2002 and 3007 and B.L.R. 7007-1(b). If a rule gives a respondent a period of time to file a response, the hearing date picked must be at least two (2) business days after the last day on which a response could be timely filed. Remember that if the motion or other pleading that requires the filing of a response or some other act is served by mail, Bankruptcy Rule 9006(f) adds three days to prescribed period.
3. Note that available dates and times are grouped by the Chapter under which the case is filed and the types of matters to be heard. (A motion to dismiss or convert a Chapter 13 case or for relief from stay, however, may be scheduled for hearing at the time of the confirmation hearing in that case.) ALWAYS CHECK THE LIST OF CURRENTLY AVAILABLE DATES WHEN SETTING A HEARING BECAUSE A DATE MAY BE REMOVED FROM THE LIST AT ANY TIME.
4. File the motion or application and notice of hearing no later than one (1) business day after it is served.
5. Prepare the notice of hearing into which you will insert the date, time and courtroom location. Combine the notice, the motion, application or objection, any brief, and the certificate of service into one document for filing. The certificate of service must mention service of both the motion and the notice of hearing. If the motion is one to which a response may be required, follow the directions for preparing the notice in B.L.R. 9014-2(a) (and B.L.R. 3007-1 for objections to claims). B.L.R. 6008-1 and 6008-2 apply to motions to avoid a lien or to redeem, respectively. Those rules have their own forms of notices, which do not require that a hearing be noticed.
6. File the motion or application, notice of hearing and related documents on the same date as service or as soon as possible after service. It is during the electronic filing of the motion that the attorney is responsible for scheduling the hearing by supplying the correct date, time and place of the hearing.

7. ECF Participants/Attorneys may use the Open Calendar Procedure to reset a hearing date ( by filing an amended notice of hearing and supplying the date and time when filing) if all parties consent.