

Hearing Information

(Effective May 2, 2023)

Court Appearances in Chief Judge Ellis-Monro's Courtroom

For hearings in Judge Ellis-Monro's Courtroom, please include the following language on notices of hearing:

Calendar calls will be held over Zoom audio and matters to be heard will be in Judge Ellis-Monro's virtual hearing room. However, in person appearances will be permitted. Please check Judge Ellis-Monro's website

<https://www.ganb.uscourts.gov/content/honorable-barbara-ellis-monro-chief-judge> prior to the hearing for information about procedures.

Chapter 13: The calendar call will be held on Zoom audio although in person appearances will be permitted. All matters marked ready will be heard immediately after the conclusion of the call of the 10:30 a.m. calendar. The attorney or party for the ready matters that will be heard immediately at the conclusion of the call of the 10:30 a.m. calendar must appear via Judge Ellis-Monro's Virtual Hearing Room pursuant to the instructions below or in person at the option of the person appearing.

Chapters 7 and 11: The calendar call for all matters will be held on Zoom audio although in person appearances will be permitted. All matters marked ready will be heard immediately after the conclusion of the call of each of the 10:00 a.m., 11:00 a.m., and 11:15 a.m. calendars. The attorney or party for the ready matters that will be heard immediately at the conclusion of the call of each of the 10:00 a.m., 11:00 a.m., and 11:15 a.m. calendars must appear via Judge Ellis-Monro's Virtual Hearing Room pursuant to the instructions below or in person at the option of the person appearing.

Rome: The calendar call will be held on Zoom audio although in person appearances will be permitted. All matters marked ready will be heard immediately after the conclusion of the call of the 10:30 a.m. calendar. The attorney or party for the ready matters that will be heard immediately at the conclusion of the call of the 10:30 a.m. calendar must appear via Judge Ellis-Monro's Virtual Hearing Room pursuant to the instructions below or in person at the option of the person appearing.

Reminders for All Calendars

Counsel for the parties in each case are required to confer prior to the scheduled hearing. Following consultation, if Counsel believes a scheduled matter will require more than 15 minutes to resolve, at the second call of the calendar Counsel is to advise the Court and provide Counsel's best estimate of time required for hearing. The matter will be specifically assigned for hearing later the same day or continued to a specially assigned hearing date and time.

Parties are encouraged to use the **Voluntary Notice Procedure** set out in General Order 24-2018 and allow sufficient time between the objection deadline and the hearing date to plan accordingly.

Parties are reminded that appearances via the Virtual Hearing Room are Court proceedings and all participants are expected to dress and conduct themselves as if they are in the Courtroom.

Virtual Hearing Room Instructions

The link to connect to Judge Ellis-Monro's "Virtual Hearing Room" is <https://www.zoomgov.com/j/1608620914?pwd=UGx1TG5XM2Rwc01YZ0dwaDU2Mysrdz09>.

The link is also available on the Chambers' webpage under the section entitled Staff Information and the Chambers' email address and above the tab entitled Hearing Information. You should connect via this link each time you have a hearing with Judge Ellis-Monro until further notice from the Court.

The link is best used on a desktop or laptop computer but may be used on a phone or tablet as well. Your device must have a camera and audio. You will have the greatest success by being connected to reliable Wi-Fi with a connection speed greater than 3mb/s. The first time you click the link you may be instructed to download the Zoom application. It will only take a couple of minutes. When you are connected via your device, you will be in Judge Ellis-Monro's "Virtual Hearing Room."

PLEASE JOIN THE VIRTUAL HEARING ROOM SUFFICIENTLY PRIOR TO YOUR HEARING IN CASE YOU HAVE A PROBLEM ACCESSING THE VIRTUAL HEARING ROOM. IF YOU EXPERIENCE DIFFICULTY IN CONNECTION, PLEASE CONTACT THE COURTROOM DEPUTY VIA EMAIL.

When you join the Virtual Hearing Room, please place yourself on mute until your matter is called. You may also turn off your video until your matter is called. Remember you are on video, even as you wait your turn. **The Judge will be in the Courtroom, and since this is a Court proceeding, the Judge expects all participants to dress and act as if they are in the Courtroom.**

As with telephonic appearances, identify yourself for the record each time you speak. Also make sure your Zoom profile matches your legal name. Pursuant to BLR 5073-1, you are prohibited from recording or broadcasting the proceedings conducted by the United States Bankruptcy Court.

If you have any questions, please contact Chambers at 404-215-1030 or email BEMchambers@ganb.uscourts.

OPEN CALENDAR PROCEDURE

Attorneys may set hearings on most matters in accordance with Judge Ellis-Monro's **Open Calendar Procedure**. The categories of hearings and the dates and times on which such hearings will be held are set out in **Atlanta Available Hearing Dates** and **Rome Available Hearing Dates**.

A NOTICE OF HEARING MUST BE SERVED AND FILED: (1) For motions to continue the stay under § 362(c)(3) or motions to impose the stay under § 362(c)(4), **ten (10) days** before the hearing date; or (2) for all other motions, at least **fourteen (14) days** before the hearing date **UNLESS** a Bankruptcy Rule requires **greater notice**. See, e.g., FED. R. BANKR. P. 2002(a), 2002(b), 3007. For more information, please refer to the **Hearing Information** tab.

Some matters may require more 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 BLR 7007-1(b). If a rule gives a respondent a period of time to file a response, the hearing date selected must be at least two (2) business days after the last day on which a response could be timely filed. Remember, when there is a right or requirement to act and service is made by mail, Bankruptcy Rule 9006(f) adds three (3) days to the prescribed response period.

REAFFIRMATION AGREEMENTS

The Court will schedule all hearings on reaffirmation agreements on a single day before the same judge, regardless of which judge is assigned to the case. When self-calendaring a hearing on a reaffirmation agreement, **please refer to the chambers pages of Judges Cavender or Ritchey-Craig** for more specific information.

The Open Calendar Procedure **should not** be used for the following:

- Matters that are likely to require more than twenty (20) minutes of presentation to the Court;
- Matters requiring the presentation of evidence;
- Matters set on an emergency or expedited basis;
- More than ten (10) matters relating to one case, e.g., objections to claim;
- Any Adversary Proceeding hearing, pre-trial conference, or trial; and
- A hearing scheduled in a different division than the case was filed.

For the types of matters above, please contact **Candace Holley** at **(404-215-1033)** to receive a hearing date and time **after** the motion or pleading has been filed on the court's docket.

OTHER EXCEPTIONS

Pursuant to Bankruptcy Local Rule 6008, the Court will set hearings when a response is filed to a motion to avoid lien or a motion to redeem.

A hearing is not necessary for parties who have entered into a proposed consent order that is submitted to Chambers at the time the motion is filed. The proposed consent order may be uploaded via ECF, U.S. Mail, or delivered to Chambers. Please remember proposed orders should be submitted as a .pdf file in an e-order format, or, if the order is submitted as another

file format, then it must be in paper form, which would require a wet signature and date line for Judge Ellis-Monro. Refer to BLR 5005-1 and 9013-2 for proposed order requirements.

The following types of motions/applications do not typically require a hearing. If a hearing is necessary or a response is filed, the Court will contact the moving party or notice the matter for hearing.

- Application to employ professionals;
- Motion for Rule 2004 examination;
- Motion to extend time to file schedules;
- Motion for emergency ex parte relief from the stay pursuant to BLR 4001, unless it is known that the motion is contested or is likely to be contested;
- Motion to vacate or terminate an Employer Deduction Order;
- Stipulated Substitution of Counsel;
- Motion in Chapter 11 cases to set bar dates to file proof of claims; and
- First request on Motion to Reopen (please note that a motion to reopen should be served on all creditors and parties in interest, the filing fee must be paid and an e-order should be uploaded).

OPEN CALENDAR INSTRUCTIONS

1. Select a date and time for the appropriate Division for the matter to be heard from **Atlanta Available Hearing Dates** or **Rome Available Hearing Dates**. Always check the list of currently available dates when setting a hearing, as dates may be edited on the list at any time. The available dates and times depend on the chapter and type of matter. **The Court has the discretion to remove your matter from the calendar if it is scheduled for the wrong date, time, division or courtroom.**
2. If you are using this procedure for a Chapter 7 relief from stay motion to be heard before the scheduled meeting of creditors, you must (1) call the Chapter 7 Trustee and explain why a hearing is necessary prior to the Trustee's ability to examine the debtor and evaluate the case at the 341 meeting, and (2) set forth the explanation in your motion and provide the date you made the required call to the Chapter 7 Trustee.
3. Prepare the notice of hearing. Insert the date, time and location you selected from the list of available dates. Combine the notice with the motion, application or objection, brief, if any, and certificate of service into one .pdf document.
4. No later than one (1) day after serving the pleadings, file the motion, application or objection with notice of hearing and certificate of service attached.
5. Do not call Chambers to find out if the matter has been put on the calendar. You may view the calendar in the CM/ECF system, which you may access through PACER, even if you do not file electronically. Additionally, you may request to be placed on the email list to receive court calendars, by emailing **Candace Holley** at **BEMchambers@ganb.uscourts.gov**. It is the responsibility of the party to keep an accurate email address with the Courtroom Deputy.
6. You may use the Open Calendar Procedure to reset a hearing date if all parties agree by filing an amended notice of hearing on which you indicate the agreement of all parties. If all parties do not

agree, continuances should be requested by motion, which you may schedule for hearing, if necessary, using the Open Calendar Procedure. *IF MATTERS ARE RESET*, notify Candace Holley at BEMchambers@ganb.uscourts.gov or 404-215-1033 no later than one day before the scheduled hearing.

7. Counsel with conflicts should send a conflict letter in each case to the Court, in advance, listing their conflicts and proposed resolutions. Counsel is expected to comply with BLR 5071, N.D. Ga. 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 conflict 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 before the start of the hearing to identify your cases. Your cases will be marked and held for your report.

If counsel desires to obtain a continuance of a case on the Chapter 13 confirmation calendar, counsel should contact the Chapter 13 Trustee directly.

8. If you file using paper rather than through the CM/ECF system and you file a pleading within three (3) days of the scheduled hearing, you should notify Chambers of the filing, so that any delay in the paper document being placed on the case docket does not impair the Court's ability to review the paper prior to the hearing.