

**3. OPEN CALENDAR PROCEDURES -
Instructions on Motions
For Relief from Stay and Motions
Under §362(c) in Cases Assigned to Judge Ellis-Monro**

1. This procedure applies to attorneys filing motions for relief from the automatic stay and to attorneys filing motions under §362(c)(3) and (c)(4) (hereinafter “Stay Motions”) in any case.
 - In a bankruptcy case assigned to Judge Ellis-Monro, an attorney who files a Stay Motion should, with certain exceptions described in the Case Management and Open Calendar Procedures, prepare, serve, and file a notice of hearing. Attorneys who file a motion and notice of hearing electronically should set the hearing while filing the motion and/or notice of hearing.
 - Do **not** use this procedure if the parties 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 attached to the motion, transmitted by mail, or delivered to Chambers.
 - Emergency Stay Motions may **not** be set using the open calendar procedure.

2. Select a date and time appropriate for the motion to be heard from the list of **currently available dates**. (There is nothing to do on this website except to find an appropriate date, time, and location for the hearing you want to schedule; if you file electronically, you will be prompted on one screen to insert the date, time, and location you selected, and if you file on paper, you plug in the date, time, and location in the notice of hearing that you will serve with your motion.)
 - a. A MOTION FOR RELIEF FROM THE STAY, NOTICE OF HEARING AND CERTIFICATE OF SERVICE MUST BE FILED AND SERVED AT LEAST FOURTEEN (14) DAYS BEFORE THE HEARING DATE.

 - b. A MOTION FOR RELIEF FROM THE AUTOMATIC STAY UNDER 11 U.S.C. §1301(c)(2), NOTICE OF HEARING AND CERTIFICATE OF SERVICE MUST BE SERVED AND FILED AT LEAST TWENTY-ONE (21) DAYS BEFORE THE HEARING DATE.

 - c. A MOTION UNDER §362(c)(3) or §362(c)(4), NOTICE OF HEARING AND CERTIFICATE OF SERVICE MUST BE SERVED AND FILED AT LEAST TEN (10) DAYS BEFORE THE HEARING DATE.
 - If all parties consent to the relief requested in the motion, no hearing need be set.

 - **Always check the list of currently available dates when setting a hearing**

because a date may be removed from the list.

3. Prepare the notice of hearing into which you will insert the date, time, and location that you selected from the list of available dates. Combine the notice with the motion, brief, if any, and certificate of service into one document, which, if you file electronically, will be filed as a Motion Event. Click [here](#) for a suggested form of notice and certificate of service. (This is a PDF document.)
 - ECF participants (attorneys registered to file documents electronically) are authorized to fill in the date, time, and place on the hearing information screen. (Make sure you fill in all three fields). Hearings before Judge Ellis-Monro are in Atlanta in Courtroom 1402. On the screen permitting the user to enhance docket text, type in the words "and Notice of Hearing" after the description of your pleading. Make sure the notice of hearing is included as a part of the PDF document but that it follows the motion, even though when you serve it you may put the notice of hearing on top.
 - Whether filed on paper or electronically, the certificate of service must mention service of both the motion and the notice of hearing.
 - If you file paper pleadings, deliver a copy of the notice of hearing and certificate of service to Chambers at least ten (10) days prior to the hearing date.
 - If you file electronically, do **not** deliver a paper copy to the Clerk or to Chambers.
4. There is no need to call Chambers to find out if your motion has been put on the calendar. You may view the calendar online in the CM/ECF system, which you may access through **PACER**, even if you do not file electronically.
5. Reset Hearings – You may use the Open Calendar Procedure to reset a hearing on a motion for relief from stay **if all parties agree**, but you must follow the above instructions on filing the Notice of Hearing. If all parties do not agree, continuances should be requested by motion.