

**OPEN CALENDAR PROCEDURE  
(Effective November 1, 2010)**

**Instructions for Self-Selecting Hearing Dates for Cases Assigned to Judge Drake**

**Quick Guide**

1. This procedure applies to attorneys who file motions, applications, objections, or anything that needs to be set for hearing in any main bankruptcy case. **EMERGENCY MATTERS, TRIALS, PRE-TRIAL CONFERENCES, RE-SETS, EVIDENTIARY HEARINGS, OR ANYTHING THAT MAY TAKE MORE THAN 10 MINUTES MAY NOT be self-selected.** You must call the Courtroom Deputy to obtain a hearing date or to reschedule a hearing. The Court does not hear motions filed in adversary proceedings. If you would like a hearing on a motion filed in an adversary proceeding, you must file a motion requesting a hearing. If the Court grants the motion, you will receive a Notice of Assignment of Hearing.

2. From the list of currently available dates, decide on a date and time on which you want your matter to be heard. **Be sure you check the docket for conflict letters or leave of absence of other attorneys involved in the matter.** If you are picking a hearing date after 5:00 p.m., be sure to add another day onto your notice time. This is not an interactive website. You cannot set a hearing from this website.

**MOTIONS FOR RELIEF FROM THE AUTOMATIC STAY**

**THE MOTION, NOTICE OF HEARING AND CERTIFICATE OF SERVICE MUST BE FILED AND SERVED AT LEAST FOURTEEN (14) DAYS BEFORE THE HEARING DATE, EXCEPT IN THE CASE OF MOTIONS FOR RELIEF FROM THE AUTOMATIC STAY UNDER 11 U.S.C. §1301(c)(2), (CO-DEBTOR RELIEF), IN WHICH CASE THE MOTION, NOTICE OF HEARING AND CERTIFICATE OF SERVICE MUST BE SERVED AND FILED AT LEAST TWENTY-ONE (21) DAYS BEFORE THE HEARING DATE.**

-Do **not** use this procedure if the parties have entered into a proposed consent order that is submitted at the time the motion is filed. The proposed consent order may be uploaded into the ECF e-orders program. **(NOTE: The proposed consent order should already have all the signatures of the consenting parties).**

**OBJECTION TO PROOF OF CLAIM**

**SET FOR HEARING AND SERVE AT LEAST 30 DAYS IN ADVANCE OF HEARING DATE**

## **ALL OTHER MATTERS REQUIRING HEARINGS**

### **SET FOR HEARING AND SERVE AT LEAST 23 TO 25 DAYS IN ADVANCE**

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 in one document. [Click here](#) for suggested forms of notices and certificate of service related to **Newnan** cases.

4. **DO NOT CALL the office 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.

5. **RESETS - Upcoming matters that have already been scheduled for hearing, noticed and served cannot be reset via CM/ECF.** You must call the Courtroom Deputy to obtain a reset date. If an announcement is made on the day of the calendar call and you are unable to present an order later, you must call the office and get a reset date.

### **DETAILED INSTRUCTIONS**

1. This procedure applies to attorneys filing motions or anything that requires a hearing in any main bankruptcy case.

-In a bankruptcy case assigned to Judge Drake, an attorney who files a motion **must**, with certain exceptions described below, 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.

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 insert the date, time and location in the notice of hearing that you will serve with your motion.

**-CAUTION:** Always check the list of currently available dates when setting a hearing because the Court may remove a date from the list at any time.

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 suggested forms of notices and certificates of service. (This is a PDF document).

### **IMPORTANT**

Make certain you pick the correct time slot, Courtroom number and location in order for your matter to properly show up on Judge Drake's calendar.

-ECF participants (attorneys registered to file documents electronically) are authorized to fill in the date, time and place from the hearing information screen. (Make sure you fill in all three fields).

**-NEWNAN HEARINGS - 2<sup>nd</sup> Floor Courtroom, Morgan Federal Building, 18 Greenville Street, Newnan, Georgia.**

-On the screen permitting the user to enhance the 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 part of the PDF document but it should follow the motion, even though when you serve the motion you may attach the notice of hearing to the front of the motion.

-Whether filed on paper or electronically, the certificate of service **must mention service of both the Motion and the Notice of Hearing.**

-For motions for relief from stay, **DO NOT** obtain a hearing date at the filing desk.

4. There is no need to call the office 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. Hearings set that do not meet the requirements set forth in these instructions WILL NOT BE HEARD. Please also note that no hearings should be set after the cutoff date for each of the available dates.**