

## OPEN CALENDAR PROCEDURES

(Effective October 27, 2020)

Set forth below are instructions for self-selecting hearing dates and times for most motions, applications and objections (referred to generically below as a “motion”) in cases assigned to Judge Baisier.

### 1. Selecting a Hearing Date.

- a. **General Rule.** The party filing a motion must choose a hearing date pursuant to this Open Calendar Procedure.
- b. **Exclusions.** DO NOT use this Procedure for:
  - i. Matters that will take more than twenty (20) minutes to hear, matters that require more than one (1) witness, matters in adversary proceedings, or emergency matters, all of which will need to be specially set by Chambers (See Item 1(c) below); OR
  - ii. Any of the following types of matters:
    - Certain stay relief motions (see Item 1(f) below);
    - Motions to avoid liens or to redeem property (see Item 1(g) below);
    - Reaffirmation matters (see Item 5 below);
    - Applications to employ professionals in Chapter 7 or 13 cases (filer should upload proposed order; forms of order are available under “Forms” on the Chambers’ webpage);
    - Motion for an examination under Federal Rule of Bankruptcy Procedure (FRBP) 2004; (filer should upload proposed order; form of order is available under both “Forms” and “Chapter 11” on the Chambers’ webpage);
    - Motion to extend time to file schedules or statement of affairs or to pay filing fee (Court will address without a hearing);
    - Motion for emergency ex-parte relief from the stay pursuant to Bankruptcy Local Rule (BLR) 4001-1, provided that the debtor or trustee may use these procedures to set a hearing pursuant to an order granting such a motion (filer should upload proposed order);
    - Motion to vacate or terminate employer deduction order (filer should upload proposed order);

- Motion in Chapter 11 cases to set bar date to file proofs of claim (filer should upload proposed order; order form is available under both “Chapter 11” and “Forms” on the Chambers’ webpage); and
- Matters on which all the necessary parties have agreed to a proposed consent order, if the proposed consent order is uploaded contemporaneously with the filing of the motion.

c. **Special Setting.**

- i. E-mail Chambers, copying any known opposing counsel or opposing party, to request a special setting for all matters described in 1(b)(i) above except emergency matters (see Item 6 below regarding e-mails to Chambers).
- ii. For emergency matters, please file a motion requesting an emergency hearing and upload a proposed order granting the motion. A form of such an order is under “Forms” on the Chambers’ webpage. Then, e-mail Chambers regarding the filed emergency motion, complying with Item 6 below.
- iii. Please note that even if a matter has been specially set on a particular date, you must consult with Chambers before adding any additional matters to that date.

d. **Available Dates.** A list of currently available hearing dates for Judge Baisier’s matters is available on the Court’s website at <http://www.ganb.uscourts.gov>. Available dates and times are grouped by the Chapter under which the case is filed and the type of matter to be heard. ALWAYS CHECK THE LIST OF CURRENTLY AVAILABLE DATES WHEN SETTING A HEARING BECAUSE A DATE MAY BE REMOVED FROM THE LIST AT ANY TIME. Also, as noted in 1(c) above, the date that a matter is specially set for in a case is not automatically an available date for hearing other matters in that case. Matters set on a specially set date without prior consultation with Chambers may not be heard.

e. **Notice Requirements.** Notwithstanding FRBP 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, except that a hearing on motion to extend or impose the automatic stay under 11 U.S.C. §§ 362(c)(3)(B) and (c)(4)(B) may be set on a day that is at least ten (10) days after service. Some types of matters may require a longer lead time between the date of service and the date of the hearing. See, e.g., FRBP 2002 and 3007 and BLR 7007-1(b). Motions for a final decree in a Chapter 11 case required thirty (30) days notice to the United States Trustee. 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. Also, remember that if a motion that is served by mail requires the filing of a response or some other act, Federal Rule of Bankruptcy Procedure 9006(f) adds three (3) days to prescribed period.

- f. **Consent to Continuation of Stay.** If there is no available hearing date for a stay relief motion that is at least fourteen (14) days but less than thirty-one (31) days after the filing of the motion, and a movant is unwilling to consent to continue the stay, the movant's attorney must e-mail Chambers to obtain a special date and time for a hearing (see Item 6 below regarding such e-mails). Failure to do so will be considered to be consent of movant to the continuance of the stay through the date on which the matter is actually heard and resolved by appropriate order or other ruling.
  - g. **Avoid Lien or Redeem.** BLR 6008-1 applies to motions to avoid a lien and to redeem. That rule has its own forms for notice, which do not require that a hearing be noticed. The Court will notice a hearing on those matters if a response is filed. The Court will use a single standard form of order to grant a motion for the avoidance of a lien. That form is available under "Forms" on the Chambers' webpage.
  - h. **Date Selection Is Electronic When You File.** You do not choose a hearing date through this web site, or by calling Chambers (unless the matter is specially set). Instead, the Court is informed of your selection of a date when you input the date and time selected during the electronic filing of the motion. Please do not call Chambers to confirm that a matter has been set on a calendar.
  - i. **Voluntary Notice Procedure.** If you want to avoid the need to attend a hearing if your matter is not opposed in a variety of matters, please use the procedure set out in General Order 24-2018 for appropriate matters.
- 2. Document Preparation and Filing.
  - a. **Preparation of Motion.** Prepare the motion in compliance with all applicable rules. Include as exhibits any documents that are necessary to support the relief requested, redacting them as required. Affidavits or verifications should be provided where evidence is required to support the motion.
  - b. **Notice of Hearing and Filing.** Prepare the notice of hearing, inserting the date, time, address and courtroom. Combine the notice, the motion, any brief, and the certificate of service into one (1) document for filing. The certificate of service must mention service of both the motion and the notice of hearing. For an objection to claim, please comply with Bankruptcy Local Rule 3007-1. A form Notice of Hearing is available under both "Hearing Information" and "Forms" on the Chambers' webpage.
- 3. Serving the Motion or Application.
  - a. **General Service.** Serve the motion and the notice on all parties required to receive same by the Bankruptcy Code (11 U.S.C. §101 *et. seq.*), the FRBP, and the BLR. The motion and related notice of hearing should be filed no later than one (1) business day

after it is served. For guidance on service in contested matters and objections to claims, see <http://www.ganb.uscourts.gov/service-pleadings>

- b. **Specific Service.** If the motion seeks relief against a particular party, service should also be made on any attorney having filed a notice of appearance for that party, as well as to the notice address on any proof of claim filed by that party as of the date of the motion. Motions to strip liens or to determine the status of a claim, and objections to claim, should also be served specifically on the person that signed any related proof of claim.
    - c. **Service of Motions to Extend or Impose Stay.** Motions under 11 U.S.C. § 362(c) should be served on all creditors as to whom the requested stay is applicable. For any creditor, such service would include service on: (1) the person and at the address shown on any proof of claim filed by that creditor in the prior case(s); (2) any attorney who entered an appearance for that creditor in the prior case(s); and (3) any proper individual or entity pursuant to FRBP 7004. Timely proof of service of both the motion and the notice of hearing is required.
4. **Rescheduling.** ECF Participants/Attorneys may use the Hearing Information to reset a hearing date (by filing an amended notice of hearing and supplying the date and time when filing), but only if all parties consent.
5. **Reaffirmations.** All hearings on reaffirmation agreements in cases pending in the Atlanta Division of the Northern District of Georgia are heard on a single day each month before either Judge Ritchey Craig or Judge Cavender. Please see the web pages for those judges regarding the calendaring of a reaffirmation agreement.
6. **E-Mails to Chambers.**
  - a. E-mails to Chambers sent pursuant to these procedures requesting a specially set hearing shall be addressed to the attention of the Courtroom Deputy and contain in the subject line (i) the notation “Request for Special Setting”, (ii) the name of the debtor, and (iii) the case number. E-mails regarding adversary proceedings shall also contain the adversary proceeding number. The body of the e-mail shall outline in brief the need for the special setting, and shall provide a list of dates on which requesting counsel is available during the thirty (30) days after the first day on which the related motion could be heard. No e-mails addressed to the court should contain any argument.
  - b. All e-mails to Chambers shall comply with the policies set forth in “Communications with Judge Baisier’s Chambers By E-mail” under “General Information” on the Chambers’ webpage.
7. **Consequences for Failure to Comply With Open Calendar Procedure.** Any motions that do not comply with this Open Calendar Procedure will not be heard including, without limitation,

(i) motions scheduled with insufficient lead time, (ii) motions set for the wrong date, time or location, (iii) motions not served on all the required parties, (iv) motions set for a date not included in the Court's available dates (except for motions specially set as provided for herein), and (v) motions set on a date after that date has been removed from the available dates.