

**CHAMBERS OF
THE HONORABLE JUDITH K. FITZGERALD**

(Visiting Judge, W.D. Pa.)

JUDGE JUDITH K. FITZGERALD
(Visiting Judge from Pittsburgh, PA)
824 Market Street
3rd Floor
Wilmington, Delaware 19801
302-252-2900 ext. 5124
Secretary: Sherry Johnson Stiles
Courtroom Deputy/Scheduling: Sherry Johnson Stiles

The following procedures are to be followed in all Chapter 11 and Chapter 7 cases assigned to Judge Fitzgerald.

1. The Local rules, website Chambers Procedures for the United States Bankruptcy Court for the District of Delaware, and these procedures will govern all procedural aspects of the case. See www.deb.uscourts.gov. There are special rules for Chapter 12 and 13 cases which must be followed and which govern over any other rule or procedure in all Chapter 12 and 13 cases. **To the extent that these procedures conflict with Local Rules, these procedures shall govern in accordance with the General Order entered July 27, 2004, as amended from time to time.**
2. When filing electronically counsel must file each of the following as separate attachments: (a) motion (b) order and (C) exhibits. In addition, as part of the motion, counsel must include a summary sheet describing the contents of exhibits. The summary sheet must be attached as the last page of the motion document. All attachments or exhibits referred to in any adversary complaint or answer must be filed with the pleading.
3. All pleadings must have full case captions, case number, chapter number, and Adversary number, if relevant. In order to facilitate batch docketing, when a single pleading or other document is filed that pertains to more than one adversary, counsel must file **one pleading** that lists the case name, bankruptcy number, and each adversary number and the defendant(s) involved in each adversary. **All Pleadings that relate to a pleading or document previously filed must contain as part of the caption the docket numbers of the pleading(s) to which they relate. If the document relates to a matter that is or was set for hearing the caption must also include a notation of the hearing date and the agenda number. REPLIES ARE NOT PERMITTED EXCEPT PURSUANT TO ORDER ENTERED UPON MOTION. Any replies that are ordered shall be limited to 5 pages.**
4. **All Certificates of No Objection, Certifications of Counsel and Agenda Letters are to be electronically filed with the Clerk of the U.S. Bankruptcy Court for the District of Delaware in Wilmington, Delaware, and ONLY these pleading are to be e-mailed in .pdf format to [Sherry Stiles@deb.uscourts.gov](mailto:Sherry_Stiles@deb.uscourts.gov) and to jkf@pawb.uscourts.gov.** The e-mail subject line must include the Debtor's name, identification of the subject matter of the attached document and related docket number(s), if any, and, if related to an adversary proceeding, the adversary number.

5. In all Chapter 11 cases, counsel must submit hearing binders to Chambers in Pittsburgh so that they arrive one calendar week before the scheduled hearing. This is in addition to the binders that are required to be delivered to the Clerk.

Hearing binders are to be delivered to:

The Honorable Judith K. Fitzgerald
U.S. Bankruptcy Court, W.D. PA
5490 US Steel Tower
600 Grant Street
Pittsburgh, PA 15219

6. Any motion filed relating to an adversary **must** be filed in the adversary, **not** in the main case. **If a motion or other pleading or document relates to an adversary and to the main case both the main bankruptcy case number and the adversary number must be included as part of the caption and the motion, pleading or document must be filed in the main case and the adversary case.**
7. Courtesy copies of pleadings or stand-alone orders **shall not** be mailed or faxed to Pittsburgh chambers unless the judge specifically requests them.

The exceptions are:

(a) Motions to File Under Seal

When a motion to file under seal is electronically filed, the motion and a hard copy of the document which the filing party seeks to place under seal must be mailed to Pittsburgh chambers with a duplicate set delivered to Sherry Johnson Stiles attention in the Clerk's Office in Delaware. No Motion to seal will be considered until the Judge has had an opportunity to review the documents to be sealed.

(b) Fee Applications - Refer to procedure number 10 below

(c) Disclosure Statement and Plan

When a Disclosure Statement and Plan are filed, including any amendments thereto, the proponent shall simultaneously mail a hard copy of same in binder format to the address at number 5.

(d) Completions of Briefing and Binders

When a notice of completion of briefing is filed the movant shall immediately submit to chambers in Pittsburgh a binder containing all relevant pleadings including but not limited to the motion(s), response(s), briefs, affidavits, and so forth. If the motion relates to an adversary proceeding, the complaint(s) and answer(s) shall be included in the binder.

8. All proceedings and hearings will be heard on the assigned dates in the Delaware Bankruptcy Court unless otherwise scheduled by the court. **No hearing will be continued or rescheduled unless an appropriate motion and proposed order** have been electronically filed with the Clerk of the Bankruptcy Court in Delaware and emailed in .pdf format to Sherry_Stiles@deb.uscourts.gov **at least 7 calendar days before the scheduled hearing date.** Delaware scheduling matters **must** be directed to

Sherry Johnson Stiles at 302-252-2900 ext. 5124, not to Pittsburgh staff members. Telephone inquiries directed to Pittsburgh in the first instance will be referred to Sherry Johnson Stiles.

9. **In cases in which no Case Management Order is in effect** all matters shall be scheduled so that the date for filing a response or responsive pleading is **at least 10 calendar days before the scheduled hearing date. CNOs and COCs must be filed no later than 9 calendar days before the hearing date. Binders must arrive in Pittsburgh no later than 7 calendar days before the scheduled hearing.** Counsel shall confer after the answer date and before the hearing in an effort to resolve the matter.
10. When a fee application which is noticed for hearing is electronically filed, the applicant must mail to Pittsburgh paper copies of the fee application in binders in accordance with paragraph 5 above unless a specific case management order entered in a particular case provides otherwise. All fee applications will be considered in accordance with the respective Administrative Order entered in each case and under the Local Rules for the U.S. Bankruptcy Court for the District of Delaware. Final hearings will be scheduled and held even if there are no objections and a Certificate of No Objection is filed. In any application for fees and expenses, the amount of the fees and expenses requested shall be stated in the proposed order attached to the application. If the parties negotiate an amount that differs from what is in the original proposed order, the applicant shall submit a revised order together with an explanation of the changes.
11. **NO WITNESSES WILL BE HEARD ON MOTION DAYS UNLESS THE COURT SPECIFICALLY ORDERS OTHERWISE IN A PARTICULAR CASE.** All evidentiary hearings will be separately scheduled.
12. In cases in which a case management order is in effect, attorneys wishing to participate in hearings by telephone shall contact counsel for the Debtors at least 7 calendar days before the scheduled hearing date. Counsel for the Debtor shall make the necessary telephonic arrangements listing Judge Fitzgerald as the Host. Counsel shall provide a list of participants as well as the dial-in information via email to Sherry Johnson Stiles no later than Noon on the Friday prior to the Monday hearing. Parties must comply with Local District court Rule 83.5 in order to schedule telephonic appearances.
13. **Failure to comply with any procedural requirement shall result in the pleading being dismissed without prejudice subject to refiling in accordance with these procedures. If a matter is dismissed for noncompliance, the filing party must serve all parties in interest with notice of the dismissal order and cancellation of the hearing.**
14. When a dispositive motion has been filed and the response date has passed with no response being filed, the moving party shall make all filings required under the Local Rules for entry of a default.

15. When a dispositive motion has been filed and the matter is ready for disposition because all responses and briefs have been filed, the moving party shall file a certification that briefing is complete and the matter is ready for disposition. If the court deems argument to be necessary, it may schedule oral argument *sua sponte* or on request of the parties. Otherwise, the matter will be decided on the pleadings and briefs submitted. In cases in which omnibus hearing dates have been set and after the response date for the motion has passed, all dispositive motions shall be placed on the appropriate agenda for status conference.

Revised 6/30/10 - sjs

Binder and Agenda Procedures for
Honorable Judge Judith K. Fitzgerald
(Visiting Judge – Western District of Pennsylvania)

(Updated 1.6.11)

1. Refer to the Binder Basics Reference Guide posted on our website for instructions on preparing binders.
2. Email the agenda to Pittsburgh and Delaware (courtroom deputy) (note: Do not e-mail anything else to Pittsburgh absent specific direction by the judge or as detailed in case management orders and/or Judge Fitzgerald's chambers procedures). **Delaware:** Sherry Johnson Stiles Sherry_Stiles@deb.uscourts.gov.
Pittsburgh: jkf@pawb.uscourts.gov
3. Do not submit separate binders for Matters Going Forward, CNOs, & Objections to Claims (submit together in one binder). Do not submit claims with objections to claims unless response to objection has been filed.
4. Fee apps must be in a separate binder or submitted in accordance with case management order.
5. Submit hearing binders to Pittsburgh and also to courtroom deputy in Delaware (exception: do not send uncontested fee apps to courtroom deputy).

Hearing binders are to be delivered to:

The Honorable Judith K. Fitzgerald
U.S. Bankruptcy Court, W.D. PA
5490 US Steel Tower
600 Grant Street
Pittsburgh, PA 15219

AND

The Honorable Judith K. Fitzgerald
U.S. Bankruptcy Court, District of Delaware
824 N. Market Street
Wilmington, DE 19801

6. All binders must arrive one calendar week before hearing unless case management order states otherwise.
7. The agenda item number and date of hearing must appear on all filings and proposed orders in addition to related document number.
8. Chapter 11 disclosure statements and plans must be sent to Pittsburgh in binders as soon as they are filed (no copy to courtroom deputy needed).
9. If amending a Chapter 11 disclosure statement or plan, supply Judge Fitzgerald with a blacklined copy in binder.