

General Chambers Procedures

Dated April 19, 2006



Effective 4/3/06

UNITED STATES BANKRUPTCY COURT DISTRICT OF DELAWARE

GENERAL CHAMBERS PROCEDURES

Unless otherwise ordered, the following procedures apply to all Judges and are to be followed when practicing in this Court. For additional guidelines, consult the individual Judge's [chambers page](#), the [chapter 13 procedures](#) and/or the [general order regarding preference adversaries](#).

1. General Provisions:

- a. The Local Rules for the United States Bankruptcy Court for the District of Delaware will govern all procedural aspects of the case.
- b. Any deliveries to chambers must be made during normal business hours.
- c. All orders submitted to chambers following a hearing shall be accompanied by a certification of counsel (see [Del. Bankr. LR 9013-1\(k\)](#)) and promptly filed. No bare orders or letters will be considered. If orders are not submitted promptly after the hearing, there may be a delay in entry of the order.
- d. The Clerk's office will correct the docket by designating document as "Entered in Error" only if the Clerk's office entered it in the wrong case. If a document is erroneously filed electronically and needs to be removed, a notice of withdrawal must be filed.

2. Pleadings:

a. General

- i. All documents delivered to chambers shall have the docket number and date of filing in the bottom right-hand corner of the first page. Do not attach the notice of electronic filing.

- ii. All motions (except those filed in adversary proceedings) and stipulations requiring notice under Fed. Rule Bankr. Proc. 9019 must be filed with a hearing date and objection deadline. (See [Del. Bankr. LR 9006-1\(c\)](#)).
 - iii. Stipulations must have a separate proposed order attached. "So Ordered" clauses are not permitted.
 - iv. All proposed orders shall reference the motion and the docket number of the motion in the caption.
 - v. Certificates of no objection (CNO) shall be filed no sooner than two business days after the objection deadline has passed to allow for any paper filings to be entered on the docket.
 - vi. All briefs and memoranda (in main bankruptcy cases and in adversary proceedings) must comply with [Del. Bankr. LR 7007-2](#) (form and content of briefs). No objection to, or briefs or memoranda in support of, confirmation shall exceed 40 pages.
- b. First Day Pleadings
- i. Do not deliver drafts of first day motions to the Clerk's office or chambers. They are to be delivered in final form only after those motions have been filed.
 - ii. No retention applications will be considered on the first day (except regarding a claims agent). Such applications must be noticed for a scheduled omnibus hearing date.
 - iii. A proposed budget must be included in the first day hearing binder.
 - iv. No motion seeking authority to pay pre-petition obligations will be considered unless the motion and attached order include the maximum amount sought to satisfy these pre-petition obligations.
3. Agendas and Binders:
- a. Please refer to the "[Hearing Binder Guide](#)" on the Court's website regarding agendas and hearing binders.

- b. A notice of agenda, which shall include the docket number and filing date of each document listed, shall be filed by 12:00 noon, two business days prior to the hearing date in accordance with [Del. Bankr. LR 9029-3](#).
- c. Local counsel for the debtor or trustee is responsible for the timely filing, delivery, correctness and completeness of the notice of agenda and the related hearing binder. Piecemeal delivery of the notice of agenda and the relevant pleadings is not appropriate. Absent compelling circumstances, only those items listed on the notice of agenda and the relevant pleadings timely delivered to chambers will be considered. If the notice of agenda and related pleadings are not delivered within the prescribed time limit, local counsel for the debtor or trustee may be assessed a \$100 fine.
- d. Counsel is required to inform the Judge's chambers immediately if the status of a matter listed on the notice of agenda as going forward has changed (e.g., settled or continued).
- e. Counsel cannot reschedule or cancel a hearing without consent of all interested parties and the courtroom deputy. This includes hearings where all matters have certificates of no objection filed. The Court must review those matters with certificates of no objection and determine if a hearing is necessary. Chambers will then notify counsel to file an amended agenda cancelling the hearing.
- f. Hearing binders shall contain the notice of agenda, and unbound copies of all documents listed as "going forward", with each document tabbed in accordance with the notice of agenda.
- g. Hearing binders shall contain only the substantive documents necessary for the hearing (e.g., motions and responses going forward). Do not include in the binder certificates of service or the service lists filed with each pleading unless an issue has been raised about sufficiency of service, in which case only the appropriate portion of the service list shall be included.
- h. A separate CNO binder shall be filed by the debtor or trustee with the hearing binder and notice of agenda

containing any uncontested matters where certificates of no objection have been timely filed. Do not send loose copies of the certificates of no objection and related motions; inclusion in the CNO binder is sufficient.

- i. Hearing binders are to be delivered directly to chambers by 12:00 noon, two business days prior to the hearing date. A late hearing binder may result in a \$100 fine for debtor's local counsel.
- j. Generally, binders will be available for firms to pick up in the lobby outside the courtroom after the hearing. Please remove them promptly.

4. Hearings:

a. General

- i. A first day hearing will be scheduled no sooner than 24 hours after receipt of the first day binder.
- ii. If requesting an expedited hearing, a motion for expedited hearing shall be filed and a hard copy, together with a copy of the underlying motion to be heard, shall be delivered to chambers for review. The Court will then determine the appropriate hearing date.

b. Telephone and Video Conferencing Requests

- i. All requests for telephonic participation must be made through the [Court-approved teleconferencing facilitator](#). Please visit the Court's website for information, instructions and fees.
- ii. Video conferencing requests shall be made to the courtroom deputy no later than one business day prior to the scheduled hearing.

c. Proposed Orders

- i. Counsel presenting matters at a hearing shall bring to the scheduled hearing one unstapled copy of each proposed order with the related document number to be handed up for signature. The copy is

to be the same as the proposed order filed with the motion and in the hearing binder. If the proposed order has been revised, counsel shall also present to the Court a blacklined copy showing the changes made and shall make available additional copies of both the proposed order and blacklined copy for parties in interest.

5. Matters Not Requiring a Hearing

- a. The following documents that seek Court approval without a hearing shall be delivered directly to chambers immediately upon filing.
 - i. Motions for Admission Pro Hac Vice
 - ii. Motions to Shorten Notice, along with any referenced motion
 - iii. Stipulations (with a separate order attached) that do not require notice under Fed. Rules Bankr. Proc. 9019, along with any referenced motion
 - iv. Certifications of Counsel, along with the referenced motion and other relevant documents
- b. All documents shall have the docket number and date filed in the bottom right-hand corner. If the documents are not delivered to chambers, they will not be considered.

6. Adversary Proceedings

- a. All motions filed in adversary proceedings shall be subject to [Del. Bankr. LR 7007-1](#) (briefs and schedule). No hearing will be scheduled unless the Court directs.
- b. Once briefing is completed, the movant shall file a notice of completion of briefing, which shall include a list of all relevant pleadings and related docket numbers. Counsel shall then deliver a binder with the relevant pleadings to chambers.
- c. Motions to approve a settlement of an adversary proceeding shall be filed in the main bankruptcy case and the related adversary proceeding. The Judge

assigned to the main bankruptcy case is responsible for approving settlement motions. Upon entry of an order approving a settlement, the adversary proceeding will be closed.

7. Fee Applications

- a. All fee applications will be considered in accordance with the Local Rules and the respective administrative order entered in each case.
- b. Certificates of no objection to monthly statements shall be filed but not delivered to chambers. When fee applications are scheduled on a quarterly basis, copies of the certificates of no objection and their respective fee applications shall be included in the hearing binders.
- c. Interim fee applications will be scheduled on omnibus hearing dates on a quarterly basis and shall be designated on the proposed order scheduling omnibus hearings.
- d. A representative for each applicant personally familiar with the services rendered and costs incurred that are the subject of the application shall appear in person at the hearing in support of the application. If such person is not local counsel, then arrangements may be made through the [Court-approved teleconferencing facilitator](#) to appear telephonically.
- e. Fee applications must be in a separate hearing binder containing an index and delivered to chambers one week prior to the scheduled fee hearing. Please do not submit a separate fee binder for each professional.
- f. Fee application binders will be returned if matters do not go forward and shall be resubmitted at the appropriate time for the rescheduled hearing.
- g. Cases with \$100 million or more in assets and/or liabilities may have fee auditors appointed by the Court.
- h. Counsel responsible for the agenda must prepare a chart of fees requested by all Court-approved professional firms. Such chart shall be submitted to chambers at

the time the fee application binders are delivered (one week prior to the hearing). The chart shall include the following information for each firm:

- i. The firm's role in the case (e.g., Debtor's counsel, Committee counsel);
 - ii. The fee period during which such firm was retained;
 - iii. Total fees and expenses requested in the case;
 - iv. Amounts approved to date;
 - v. Amounts outstanding; and
 - vi. Amounts of any voluntary reductions.
- i. In addition, the chart shall include a grand total of all professional fees and expenses in the case.
 - j. Refer to [Del. Bankr. LR 2016-2](#) for additional information regarding fee applications.

8. Objections to Claims

- a. Declarations must be filed in support of all claim objections, including non-substantive objections. Counsel cannot certify whether claims are duplicative, amended or late-filed unless they have personally reviewed those claims.
- b. In the event a portion of a particular claim objection is continued to a future hearing date, only the claims/responses that are the subject of that hearing shall be listed on the subsequent notice of agenda. A chart showing the status of all remaining claims/responses shall also be attached.
- c. Claims binders shall be delivered to chambers two weeks prior to the scheduled hearing. The omnibus objection to claims and the declaration shall be included with any claims going forward in the binders.
- d. Claims binders will be returned if matters do not go forward and shall be resubmitted at the appropriate time for the rescheduled hearing.