Chapter 13

- The Chapter 13 confirmation docket is continuously updated. Parties may check http://dockets.ch13.org for the status of Chapter 13 cases.

- Creditors added by amendment must be served with the § 341 meeting notice, a proof of claim form, and the most recent Chapter 13 plan. Failure to properly serve creditors added by amendment will delay confirmation of a plan.

- Pre-confirmation amendments must be served on all adversely affected creditors, and all such creditors must be given twenty-one (21) days' notice in which to respond to the amendment. Amendments that reduce the percentage distribution to creditors under the plan or increase the plan's duration are deemed to adversely affect creditors. Failure to properly serve and notice affected creditors will delay confirmation of a plan.

Communications with Chambers

- Parties may contact Judge Hoffman's judicial assistant, Kristie Vickers, at 614-469-6638, ext. 282, for all matters concerning scheduling.

- Settlement of matters set for hearing—please refer to **Settlements/ Resolutions**.

- Continuances of matters set for hearing—please refer to **Continuances**.

- Parties may contact Judge Hoffman's law clerks regarding procedural matters. Judge Hoffman's law clerks are:

  Susan Thompson (614-649-6638, ext. 249)
  Lisa Diem (614-469-6638, ext. 248)
  Brian Gifford (614-469-6638, ext. 269)

- Court staff is prohibited from giving legal advice or answering questions regarding the merits of a particular matter. It is inappropriate to ask Court staff how or when the Court may rule on a matter, or to seek an advisory opinion.

Contact with Case Administration Team

*Terminal Digit	Case Administrators (CA)	Telephone (614) 469-6638
	Tim (Team Leader)	Ext. 222
00-14	Deborah-1	Ext. 213
15-29	Michelle	Ext. 271
30-43	Deborah-2	Ext. 216
44-57	Barbara	Ext. 207
58-71	Lori	Ext. 205
72-85	Denise	Ext. 294
86-99	Marie	Ext. 254

*Each judge in Columbus has been assigned a CA Team. When contacting the Clerk's office about a case you must first determine the judge assigned to the case; then determine the terminal digits (*i.e.*, the last two (2) numbers of the case number— *for example*, case number: 08-99999, the terminal digits are 99, and the CA is Marie). Also, please refer to the terminal digits of the main/estate case number when contacting a CA regarding an adversary proceeding filed within that case, but have the adversary proceeding number at hand. CAs can assist you with technical questions regarding notices of deficiency and ECF questions. CAs are prohibited from providing legal advice or answering questions regarding the merits of a particular matter.

Continuances

- Matters set before the Court may be continued without a motion if all parties are in agreement by sending an email **addressed to all involved parties** to Hoffman282@ohsb.uscourts.gov. The **subject line should reflect the date of the hearing, the last name of the debtor(s) and the case number (*example*: 1/1/2010; Doe; 10-12345)**. The **body of the email should state that *all involved parties request* a continuance and provide a time-frame for the new hearing**. If the Court grants the requested continuance, a reply will be sent to all parties with the new date and time. An agreed order need not be submitted. A proceeding memo will be entered on the docket stating that the hearing/trial was not held and setting forth the new date and time of the continued hearing/trial. **REMINDER: Counsel must notify their respective clients of the continuance.** Should counsel fail to notify their clients and an appearance is made by the client, sanctions may be imposed.

- If all the parties do not agree to a continuance, the party seeking the continuance must file a motion as soon as practicable prior to the scheduled hearing date. The motion shall set forth the reason the continuance is requested and the reason it is opposed. The judicial assistant will contact the parties with a continued date and time if the Court grants the requested continuance, or will inform the parties if the Court denies the motion. The party seeking the continuance will submit the appropriate order either granting or denying the request.

- No matter will be continued except upon order of the Court or notification by chambers that a continuance has been granted.

Courtroom Conduct and Electronic Court Recording

- Stand when addressing the Court or a witness.

- All parties shall be addressed formally by surname.

- All proceedings in the courtroom are electronically recorded. To maximize the clarity of the recording, and the quality and accuracy of the record, all parties must speak from the lectern or from a microphone at counsel table. Refrain from moving about the courtroom while speaking.

- Prior to the beginning of a hearing or trial, counsel must provide the courtroom deputy or recording technician with his or her business card and a list of any unusual or technical vocabulary that will be used in testimony or argument.

- Proceedings in the courtroom may be broadcast to other offices within the courthouse. Microphones are turned on approximately ten (10) minutes prior to hearings. Use discretion when discussing matters at counsel table; use the "push" button to mute the microphone when discussing confidential matters.

Presentation of Evidence

- Presentation of exhibits during trials or hearings shall be by means of the Court's electronic display system.

- If counsel wishes to present exhibits electronically from a laptop computer or by way of other digital presentation devices, he or she must provide three (3) business days' notice to Pam Hesson, chambers specialist (614/469-6638 ext. 220), to ensure security clearance and technical compatibility.

- Courtroom equipment testing and setup of counsel-provided laptop computers or other devices are the responsibility of counsel and must be completed prior to the commencement of the trial or hearing. Arrangements for testing or practice may be made by contacting the chambers specialist at 614-469-6638, ext. 220.

- Each party shall pre-mark all exhibits. The Court will **NOT** provide exhibit stickers and, absent unusual circumstances, the courtroom deputy will not mark exhibits during the course of a hearing or trial. Plaintiff/Movant shall use letters to mark exhibits; Defendant/Respondent shall use numbers.

Expedited Hearings

- Motions for expedited hearings are governed by LBR 9073-1. If an expedited hearing is requested, counsel must contact Kristie Vickers, judicial assistant, at 614-469-6638, ext. 282, and notify her that a motion has been filed. The Court will review the motion and, if it is granted, Ms. Vickers will notify counsel of the date and time of the expedited hearing. Counsel will then submit an order containing the hearing date and time.

- Motions for expedited relief must be promptly served by email or facsimile upon all parties affected by the relief and shall be accompanied by a certificate of service evidencing such service. Likewise, any order granting a motion for an expedited hearing, must be served promptly by email or facsimile. Counsel for the movant shall file a certificate of service evidencing compliance.

- Absent extraordinary circumstances, the Court will not grant an expedited hearing on less than seven (7) days' notice.

Extension/Imposition of Stay

Parties are not required to file a separate motion for an expedited hearing or to shorten the notice period in connection with motions to extend or impose the automatic stay filed pursuant to § 362(c)(3) or (4) of the U.S. Bankruptcy Code. Movant should file the motion to extend and/or impose the automatic stay and then immediately notify Kristie Vickers, judicial assistant, at 614-469-6638, ext. 282. The Court will prepare an order specifying the hearing date, notice procedures, objection deadline, and whether a hearing is required in the absence of objections. If the Court does not order a hearing and no objections are filed, the movant shall, immediately upon expiration of the objection deadline, submit an order granting the relief upon any terms and conditions required by the Court.

Oral Rulings

The Court may issue oral rulings immediately following a hearing or trial or on matters under advisement. When issuing an oral ruling, the Court reserves the right, without changing its final judgment, to add, alter, or delete any language in the oral ruling, to correct grammar or punctuation and/or to add or delete any citations to authority, so that the ruling fully, completely and clearly states the Court's rationale for its decision. In the event of an appeal, following the Court's review of the transcript of the oral decision, a complete transcript of the ruling will be entered as a separate filing in the case or adversary proceeding.

Submission of Orders

Parties must follow Local Rule 9072-1(a)–(g) when submitting proposed orders.

- Orders **must be** in the e-order format as outlined in the ECF's User's Manual located on the Court's website (www.ohsb.uscourts.gov).

- All proposed orders must be submitted electronically. The first page of each order must contain a four-inch (4") top margin to accommodate the judge's electronic signature. Do not provide a date line or signature line or block for the judge's signature. The phrase "SO ORDERED" shall appear at the end of the text of all orders, including agreed orders. Each order must contain three (3) pound signs (# # #) centered at the end of the order.

- Do not submit an electronic order containing blanks. Orders containing blanks will be returned to counsel or discarded.

- The caption of each order must contain the name of the debtor(s), case number, adversary proceeding number if applicable, chapter under which the case is filed, and the name of the judge to whom the case is assigned. The heading of each order must contain the nature of the order and the relief granted or denied, and shall clearly identify by docket number the pleading to which the order relates. *See* LBR 9072-1(a). Proposed orders shall not contain social security numbers, account numbers, or other confidential information.

- Proposed orders must contain a service list in compliance with LBR 9072-1(d).

- Fed. R. Bankr. P. 9006(f) adds three (3) days to the notice period for a response. Do not submit orders until the fourth day after the relevant notice period has expired. Orders tendered prematurely will be discarded.

- Attorneys must include their mailing address, telephone number, fax number, email address and state bar number in the signature block under the signature line. *See* LBR 5005-1(c).

Reaffirmation Agreements

- The Director's Procedural Form 240A, either the 12/07 or the 12/09 version is the preferred reaffirmation agreement form in this Court.

- A completed and certified Reaffirmation Agreement Cover Sheet (Official Form 27) must be filed with every reaffirmation agreement.

- All parts of the reaffirmation agreement must be completed, signed and dated.

- An incomplete, unexecuted or undated reaffirmation agreement may be unenforceable, or may present an affirmative defense to the debtor(s) in an action by the creditor to enforce the reaffirmation agreement. The Court will take no action on non-compliant reaffirmation agreements.

- The reaffirmation agreement must be legible.

- A copy of the debtor(s)' most recent Schedules I and J must be filed with the reaffirmation agreement.

- In the event that the amounts set forth on Part D are not consistent with the amounts set forth on Schedules I and J, an explanation of the difference must be provided. *See* Fed. R. Bankr. P. 4008(b).

- If net monthly income—monthly income less monthly expenses—is insufficient to make the reaffirmation payment, the debtor(s) must explain how he or she can afford to make the payments.

Relief from Stay

- If all parties (including the Chapter 7 case trustee or standing Chapter 13 trustee) are in agreement, an agreed order on relief from stay may be submitted without the necessity of filing a motion for relief from stay.

- A motion seeking relief from stay to pursue a state court domestic relations matter must be served on the debtor(s), counsel for the debtor(s), the non-debtor spouse, counsel for the non-debtor spouse, the Chapter 7 case trustee or standing Chapter 13 trustee and the Office of the United States Trustee.

- Motions for relief from stay in Chapter 13 cases are set for hearing only if an objection, memorandum contra or other response is filed.

Settlements/Resolutions

The following procedure must be used to report the resolution/settlement of a matter set before Judge Hoffman. Parties who wish to report a resolution/settlement of a pending matter should report the same via email to: Hoffman282@ohsb.uscourts.gov. This email address is to be used only for purposes of reporting settlements/resolutions or agreed requests for a continuance. Replies to emails will not be forthcoming unless there is a request by the Court for clarification.

Please **address the email to all involved parties**. The **hearing date and the last name of the debtor(s) should appear as the subject line (*example*: 1/1/2010; Doe)**. The body of the email should set forth the following:

Case number:
Case name:
Your name:
Firm name:
Party represented:
Date of hearing:
Matter(s) being heard (*e.g.*, relief from stay, etc.):
Resolved by (*e.g.*, agreed order, withdrawal, etc.):

(Please submit/file appropriate document(s) resolving the matter within ten (10) days of the scheduled hearing date.)

REMINDER: Counsel must notify their respective clients of the settlement/resolution. Should counsel fail to notify their clients and an appearance is made by the client, sanctions may be imposed.

Summary Judgment Motions

- Unless otherwise directed by the Court, a motion for summary judgment shall contain a "Statement of Material Facts." The Statement of Material Facts shall set forth, in numbered paragraphs, each material fact as to which the moving party contends there is no genuine issue. Each fact listed must be supported by a specific citation to the record. The record for purposes of the Statement of Material Facts includes the pleadings, depositions, answers to interrogatories, admissions and affidavits. It does not, however, include attorney's affidavits. Failure of the moving party to submit an accurate and complete Statement of Material Facts shall result in denial of the motion.

- Unless otherwise directed by the Court, the opposing party shall file a response to the Statement of Material Facts. The non-movant's response shall mirror the movant's Statement of Material Facts by admitting and/or denying each of the movant's factual assertions in matching numbered paragraphs. Each denial must be supported by a specific citation to the record or a statement that no citation exists to support the movant's factual assertion. The non-movant's response may also set forth any additional material facts that the non-movant contends are in dispute. Any facts set forth in the Statement of Material Facts shall be deemed admitted unless specifically controverted by the opposing party.

Telephonic Appearances

- Telephonic appearances are **NOT** permitted in evidentiary matters. Attorneys may monitor evidentiary hearings or trials telephonically with prior approval of the Court, but will not be permitted to participate.

- Parties may participate telephonically in pretrial conferences, status conferences or other non-evidentiary matters at the Court's discretion. Parties wishing to participate telephonically must contact Kristie Vickers, judicial assistant, at 614-469-6638, ext. 282, at least two (2) business days prior to the hearing or conference. Individuals participating by telephone shall, for the record, state their name each and every time when addressing the Court.

- Use of cell phones is not permitted for either telephonic participation or monitoring.

Transcripts

Requests for a transcript of a hearing are to be directed to Pam Hesson, chambers specialist, by telephone (614/469-6638 ext. 220), email (pam_hesson@ohsb.uscourts.gov), or in-person after the hearing. The party requesting the transcript must supply the chambers specialist with the date and time of the hearing, and case information (case number/name). The chambers specialist will be able to provide the requesting party with an estimated cost, but the Court's transcriber, Tri-County Court Reporting, will contact the party for payment arrangements. Transcript requests regarding depositions or the § 341 meeting of creditors should be directed to counsel or the Office of the United States Trustee.