

Courtroom Conduct

At the commencement of the proceeding, each attorney shall stand and state his or her name and introduce by name the parties and witnesses present for that attorney's cause. Unless otherwise permitted by the Court, all arguments, examinations of witnesses and presentations by counsel shall be conducted from the podium. Arguments shall be directed to the Court and not to other counsel. Courtesy, respect and professionalism shall be displayed at all times.

Telephonic Appearances

- 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 the Court's Courtroom Deputy at least two (2) business days prior to the hearing or conference. Since telephonic appearances are connected to the courtroom's speaker system and the electronic recording equipment, it is necessary for individuals participating by telephone to state their name for the record each and every time such party addresses the Court.
- 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.
- Use of cellular phones, car phones, speaker phones or phones in public places is not permitted for either telephonic participation or monitoring absent compelling circumstances.

Hearings

- Hearing dockets will be posted to the Court's website.
- For the Chapter 13 mega docket and miscellaneous dockets, settlements and requests for continuances will be taken up to 30 minutes before the scheduled hearing time. While the Court will endeavor to post updated hearing dockets to the website, parties are encouraged to check individual case docket sheets for the most current status of particular matters set for hearing.
- For confirmation hearings, the final docket will be posted to the Court's website by 4:00 p.m. the business day prior to the confirmation hearing date. Settlements regarding confirmation must be made prior to the final docket being posted. Settlements of miscellaneous matters scheduled on the confirmation hearing docket may be made up to 30 minutes before the scheduled hearing time.

Chapter 13 Matters

- Matters that materially impact confirmation of a plan (*e.g.*, motions to avoid liens, certain objections to claims, etc.) will be heard in conjunction with the hearing on confirmation of the plan. To the extent that such matters are not filed and served in sufficient time to be heard at the time of confirmation, confirmation of the plan will be delayed.
- Debtors shall use the current form Chapter 13 plan that is provided by the Cincinnati Chapter 13 Trustee. Any deviations from the current form plan shall be included in paragraph 30 of the plan.
- If it is anticipated that extensive oral argument or the presentation of extensive testimony and/or documentary evidence will be necessary at a confirmation hearing, counsel should so advise the Courtroom Deputy no later than 3 p.m. on the preceding Friday before the scheduled confirmation date.

Notice of Filing of Motion/Application and Opportunity to Respond

ALL motions and applications MUST include a twenty-one (21) day notice (or such other notice period as may be required by Rules 2002 and 9006(f) of the Federal Rules of Bankruptcy Procedures) that complies with the sample notice set forth in Local Bankruptcy Rule 9013-1(a) and/or with Official Form 20A, unless the motion or application provides a reason why notice is not required (*e.g.*, separate motion filed to reduce response time, no notice required pursuant to General Order No. 12, etc.).

Orders

- Proposed Order Must Conform to Relief Requested in Motion or Application. The Court will not sign a proposed order that contains relief that was not requested in the underlying motion or application.

- Entry of Orders. The Court endeavors to promptly review, sign and enter all orders submitted to the Court. In the event an order is not entered within two weeks after it has been submitted to the Court and the Court has not otherwise addressed the matter for which the order was submitted, counsel or the party who submitted the order should contact the Court's Courtroom Deputy or Case Administration Specialist.

- Ex Parte Orders. The Court will entertain orders on motions or applications filed without a notice of filing in accordance with Local Bankruptcy Rule 9013-1 and General Order No. 12.

Motions for Expedited Hearings or to Shorten Response Times

- Local Bankruptcy Rule 9073-1. Motions for expedited hearing or disposition are governed by Local Bankruptcy Rule 9073-1.
- Preferred Procedure for Filing and Notice of Underlying Substantive Motion or Application.
This Court prefers that the underlying substantive motion or application be filed and served as a separate filing at the same time as the motion for expedited hearing or disposition.

The underlying substantive motion or application shall have a twenty-one (21) day notice. This allows this Court to rule on the substantive motion or application after the full notice period in the event that the accompanying motion to shorten response time is denied. *See* General Order No. 12.

The time period in which to respond to the underlying substantive motion or application will be set forth in the order on the motion for expedited hearing or disposition. The order shall be served as required by Local Bankruptcy Rule 9073-1(b) or as otherwise ordered by the Court.

- Obtaining a Hearing Date. If an expedited hearing is requested, counsel must notify the Court's Courtroom Deputy that a motion has been filed. The Court will review the motion and, if it is granted, the Courtroom Deputy will notify counsel of the date and time of the expedited hearing. Counsel will then submit an order containing the specified hearing date and time.
- Service. Motions for expedited hearing or disposition and any notice and orders relating thereto, together with any underlying substantive filing or other paper, **MUST** be promptly served as outlined by Local Bankruptcy Rule 9073-1(b) upon all parties affected by the relief. Movant shall file a certificate of service evidencing compliance with Local Bankruptcy Rule 9073-1(b).

Motions to Continue the Automatic Stay Pursuant to 11 U.S.C. § 362(c)(3)

The Court will issue an order setting a hearing date prior to the thirtieth (30th) day following the filing of the petition and setting a deadline for filing responses for motions filed to continue the automatic stay pursuant to 11 U.S.C. § 362(c)(3). If no timely response is filed to the motion and the Court determines that the movant has satisfied the applicable burden of proof under 11 U.S.C. § 362(c)(3), the hearing may be vacated and the relief requested by the motion may be granted without further notice.

Motions for Relief from Stay

- **Chapter 11, 12 and 13 Cases.** Unless a request for a preliminary hearing has been made pursuant to Local Bankruptcy Rule 4001-1(a)(9), the Court will issue an order setting a final hearing date and a deadline for filing responses to motions for relief from stay filed in Chapter 11, 12 and 13 cases. If no timely response is filed to the motion, the hearing may be vacated and the relief requested by the motion may be granted without further notice.
- **Chapter 7 Cases.** Motions for relief from stay filed in Chapter 7 cases will be set for hearing only if a timely response is filed to the motion. Movant is responsible for serving notice of the motion setting forth the applicable response period.
- **Agreed Motions for Relief from Stay.** If all parties (including the Chapter 7 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.
- **Default Orders.** Default orders for relief from stay shall not contain factual findings or conclusions of law relating to the standing of the moving party to enforce the loan documents or the validity or priority of the moving party's lien position.

Orders Avoiding Liens

The Court will not sign a proposed order granting a motion to avoid a lien that contains language *ordering* a state court clerk of courts or county recorder to release the applicable lien. A proposed order granting a motion to avoid a lien may provide that this Court's order granting such motion may be submitted to a state court clerk of courts or county recorder as *evidence* of the release of the applicable lien.

Transcripts

Requests for transcripts should be made to Yvonne Ventre, (513) 721-0530, or yvonne_ventre@ohsb.uscourts.gov.