

GENERAL PRACTICES AND PROCEDURES BEFORE HON. BETH A. BUCHANAN

(Revised April 21, 2022)

Unless otherwise indicated, Judge Buchanan’s Policies and Procedures are applicable for both Cincinnati and Dayton cases.

Table of Contents

1.0	Hearings	2
1.1	Courtroom Conduct.....	2
1.2	Telephonic Appearances	2
1.3	Oral Argument/Evidentiary Hearings	2
2.0	Dockets	2
2.1	Agreed Resolutions or Withdrawals	2
2.2	Request to Reschedule Hearing.....	2
2.2.1	Required Notification to Chambers	3
3.0	Chapter 13 Matters.....	3
4.0	Notice of Filing of Motion/Application and Opportunity to Respond	3
5.0	Orders.....	4
5.1	Proposed Order Must Conform to Relief Requested in Motion or Application	4
5.2	Entry of Orders.....	4
6.0	Motions for Expedited Hearings or to Reduce Response Times	4
6.1	Local Bankruptcy Rule 9073-1	4
6.2	Preferred Procedure for Filing and Notice of Underlying Substantive Motion or Application.....	4
6.3	Obtaining a Hearing Date.....	4
6.4	Service.....	4
7.0	Motions to Extend the Automatic Stay Pursuant to 11 U.S.C. § 362(c)(3).....	5
8.0	Motions for Relief from Stay	5
8.1	Chapter 7, 11 and 13 Cases Involving Individual Debtors	5
8.2	Chapter 12 Cases and Non-Individual Chapter 7 and 11 Cases.....	5
8.3	Agreed Motions for Relief from Stay	5
8.4	Default Orders	5
9.0	Orders Avoiding Liens.....	5

1.0 Hearings

1.1 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.

1.2 Telephonic Appearances

Please review Sections 2 and 6 of the *Second Amended Instructions for Attendance of Hearings before the Honorable Jeffrey P. Hopkins and the Honorable Beth A. Buchanan* which is located on the Bankruptcy Court's website at: www.ohsb.uscourts.gov under the Judges' Information / Judge Beth A. Buchanan / Policies and Procedures tab for further instructions.

1.3 Oral Argument/Evidentiary Hearings

If it is anticipated that extensive oral argument or the presentation of extensive testimony and/or documentary evidence will be necessary during a regularly scheduled hearing docket, counsel should so advise the Courtroom Deputy no later than 3 business days prior to the hearing date.

2.0 Dockets

The Court actively encourages parties to seek alternative resolutions to their disputes rather than resorting to the Court's judgment. In an effort to facilitate consensual resolutions and to reduce the dockets to matters that require adjudication, the Court has instituted the following procedures to report resolutions and withdrawals prior to hearings and to make requests to reschedule hearings.

2.1 Agreed Resolutions or Withdrawals

Please review Section 2.2.1 below and Section 5 of the *Second Amended Instructions for Attendance of Hearings before the Honorable Jeffrey P. Hopkins and the Honorable Beth A. Buchanan* which is located on the Bankruptcy Court's website at: www.ohsb.uscourts.gov under the Judges' Information / Judge Beth A. Buchanan / Policies and Procedures tab for further instructions and notification requirements.

2.2 Request to Reschedule Hearing

Please review Section 2.2.1 below and Section 4 of the *Second Amended Instructions for Attendance of Hearings before the Honorable Jeffrey P. Hopkins and the Honorable Beth A. Buchanan* which is located on the Bankruptcy Court's website at: www.ohsb.uscourts.gov under the Judges' Information / Judge Beth A. Buchanan / Policies and Procedures tab for further instructions.

2.2.1 Required Notification to Chambers

To ensure the request is promptly brought to the Court's attention, counsel must also email chambers at [[J Buchanan Orders@ohsb.uscourts.gov](mailto:J.Buchanan.Orders@ohsb.uscourts.gov)] and report that a motion or agreed order to reschedule has been submitted to the Court for consideration.

Please review Sections 4 and 5 of the *Second Amended Instructions for Attendance of Hearings before the Honorable Jeffrey P. Hopkins and the Honorable Beth A. Buchanan* which is located on the Bankruptcy Court's website at: www.ohsb.uscourts.gov under the Judges' Information / Judge Beth A. Buchanan / Policies and Procedures tab for further instructions.

All first and second requests for a rescheduled hearing will be reviewed by the Court and, if granted, the matter will be removed from the docket. The Court will post a preliminary docket by 4:00 P.M. the day prior to the scheduled hearing and a final docket by Noon on the day of the scheduled hearing. If the matter does not appear on the preliminary or final docket, counsel is excused from attending the hearing.

The Court will use its best efforts to promptly process requests for a rescheduled hearing. Counsel can aid in this effort by submitting a request to reschedule as early as possible and following the procedures set forth above for bringing the request to the Court's attention. It is counsel's responsibility to check the final docket to determine whether the request to reschedule has been granted.

3.0 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.

4.0 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 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 Forms 420A or 420B, 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.).

5.0 Orders

5.1 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.

5.2 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 one week 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 Courtroom Deputy.

6.0 Motions for Expedited Hearings or to Reduce Response Times

6.1 Local Bankruptcy Rule 9073-1

Motions for expedited hearing or disposition are governed by Local Bankruptcy Rule 9073-1.

6.2 Preferred Procedure for Filing and Notice of Underlying Substantive Motion or Application

This Court prefers that the underlying substantive motion or application (i) be filed and served as a separate filing at the same time as the motion for expedited hearing or disposition and (ii) in lieu of a twenty-one (21) day notice, contain a conspicuous statement that a motion has been filed requesting an expedited hearing and/or to reduce the response time regarding the underlying substantive motion or application. The time period in which to respond to the underlying substantive motion or application will be set forth in the Court's order on the motion for expedited hearing or disposition and shall be served as required by Local Bankruptcy Rule 9073-1(b) or as otherwise ordered by the Court.

6.3 Obtaining a Hearing Date

If an expedited hearing is requested, counsel must notify the 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.

6.4 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).

7.0 Motions to Extend 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 extend 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.

8.0 Motions for Relief from Stay

8.1 Chapter 7, 11 and 13 Cases Involving Individual Debtors

The Court will schedule hearings on motions for relief from stay in chapter 7, 11 and 13 cases involving individual debtors only after a response, objection or motion contra is filed. The hearing will be scheduled for a date not more than 60 days after the filing of the motion. If no response, objection or motion contra to the motion for relief from the automatic stay is filed, no hearing will be scheduled and the relief requested by the motion may be granted without further notice.

8.2 Chapter 12 Cases and Non-Individual Chapter 7 and 11 Cases

In chapter 12 cases and chapter 7 and 11 cases where the debtor is not an individual, the Court will schedule hearings on motions for relief from stay to be held within 30 days of the filing of a motion. If no timely response to the motion is filed, the hearing may be vacated and the relief requested by the motion may be granted without further notice.

8.3 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.

8.4 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.

9.0 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.