

NOTICE

Re: Cancellation of or Continuance of Hearings or Conferences

Honorable C. Kathryn Preston
January, 2013

I. Cancellation of Hearings or Conferences.

A. Amended Filing

In the event that a motion, application, or other filing (“Motion”) is set for hearing, and the Motion is subsequently amended, the hearing shall be cancelled and the Amended Motion set for hearing in the ordinary course if a response or objection is filed in accordance with L.B.R. 9013-1, and the Court determines a hearing is warranted (see L.B.R. 9013-1 (c)). Counsel who filed the Amended Motion shall notify the Court when the Amended Motion is filed if filed less than two (2) days prior to the hearing.

B. Withdrawal or Settlement

Once a matter is *noticed* for hearing or conference, then the parties must do one of three things to cancel the hearing:

- 1) Withdraw the Motion for which the hearing is set;
- 2) Withdraw the response/objection, or
- 3) Settle the matter (per L.B.R. 9072.1, an agreed order is to follow within seven (7) days).

If necessary documents are not filed or an agreed order entered at least two (2) days prior to the hearing, then withdrawal of the Motion, withdrawal of a response or settlement should be reported to the Court via email. An email address has been established for this purpose **and this purpose only**. No reply to the email will be sent except a request by the Court for clarification if needed.

Please email Courtroom Deputy at Preston250@ohsb.uscourts.gov to inform her of hearing disposition by *noon* of the day before the hearing. If a withdrawal is not filed at least **2** days prior to the hearing, please alert the Court. Otherwise, one party will need to appear at the time of the hearing to inform the Court of the resolution.

Please use the **hearing date and the Debtor’s last name as your subject line**. Include the following in the body of the email:

Case number:

Case name:

Your name:
Party represented:
Date of hearing:
Matter(s) being heard (*i.e.*, relief from stay, etc.):
Resolved by agreed order, withdrawal, etc.):
(please submit/file appropriate document(s) within 7 days).

In the event that the agreed order is submitted, or withdrawal is not filed within seven (7) days, the Court may deny the Motion for lack of prosecution, without further notice or hearing. If a party requests that the Motion be reset, the reset hearing or conference will not be removed from the docket unless an agreed order is submitted and signed, at least 2 days prior to the hearing date, or a withdrawal of the motion/response is filed.

II. Continuation of Hearings or Conferences.

Once the matter is *noticed* or the conference is scheduled, then the parties must do the following to continue the hearing.

- 1) If the parties agree to continuance of a hearing, the parties must jointly call the Courtroom Deputy to Judge Preston at (614) 469-6638 (x5795) at least one (1) week prior to the hearing or conference to select a mutually convenient continued hearing date and then submit an agreed order with the new date and time of the hearing.

Exception: Chapter 13 Trustee's motion's to dismiss for default of payment or plan length, and confirmation hearings.

- 2) If any party objects to a continuance, then the party wishing continuance of the hearing must file a motion at least one (1) week prior to the hearing or conference and call Courtroom Deputy to Judge Preston and advise her that a motion has been filed so she can inform the Judge.

* Absent exigent circumstances, a continuance will not be granted upon a request made less than seven (7) days prior to the scheduled hearing.*