

SUBMISSION OF ORDERS TO THE HONORABLE GUY R. HUMPHREY

Proposed Orders Formatting and Content

All proposed orders must be formatted as follows: 4 inch margin at the top of the first page and 3 pound signs (# # #) centered at the bottom of the last page. Proposed orders should not contain a judge's signature line/block. (See court's website at www.ohsb.uscourts.gov/ECF_Home/ECF_Users_Manual/ECF_Users_manual.htm).

Pursuant to Local Bankruptcy Rule 9072-1(a), all proposed orders shall contain in the caption the name of the debtor(s), the case number, the adversary case number, if applicable, the chapter under which the case is filed, and the name of the judge to whom the case is assigned. The caption shall also contain a heading stating the nature of the order and the proposed relief to be granted. All proposed orders shall clearly identify the filed documents to which the proposed order relates by referencing the docket number(s). **Proposed orders should not contain social security numbers, account numbers, or other confidential information.**

Submission of Proposed Orders When No Objection or Response is Filed

Bankruptcy Rule 9006(f) adds three days to the notice period for a response. Unless a response time is governed by a separate order of the court, proposed orders should not be submitted until the three days past the relevant notice period has expired. In addition, orders should be presented to the court within seven days after the notice period has expired. See Local Bankruptcy Rule 9072-1(e). Presenting orders many weeks, or even months, after a notice period has expired creates an administrative inconvenience for the court in attempting to process orders.

Submission of Agreed Orders upon Settlement of Matters

Pursuant to Local Bankruptcy Rule 9072-1(g), an agreed order shall be submitted within seven (7) days.

Submission of Orders upon Court Decision

Pursuant to Local Bankruptcy Rule 9072-1(f), when the court requests counsel to prepare an order following a decision rendered by the court, the order shall be submitted within seven (7) days.

Service of Orders

Local Bankruptcy Rule 9072-1(d) (“Rule”) was amended effective December 1, 2011. The intent of the amendment was to further clarify the short-hand designations for service thereby reducing errors in service. Please review and familiarize yourself with the Rule and with the analysis of the Rule set forth below. Orders containing service lists not in compliance with the Rule may be returned for correction.

Remember:

LBR 9072-1(d) applies only to service of orders. Service of motions, applications, notices, etc. is governed by LBR 9013-3.

All proposed orders submitted for the court’s consideration must contain a service list of all parties to receive a copy of the order. Generally, the service list must include all parties served with the underlying pleading or motion. However, where all creditors and parties in interest were served with the underlying pleading or motion, the service list may be limited to those parties particularly affected by the order. The service list must be stated using one of the following short-hand designations, as appropriate:

(1) “Default List” designation. A designation at the end of a proposed order stating “Copies to: Default List” will result, if the order is entered, in the clerk sending a copy of the order to the Debtor, Debtor’s attorney, case trustee, U.S. Trustee, the movant’s attorney, or the movant if the movant is pro se. It is not necessary to list names and addresses of those parties included in the Default List when this designation is used. If service beyond the Default List is required, see below.

(2) Default List plus additional parties designation. If parties in addition to those on the default list are to be served, the order must include a designation stating “Copies to: Default List,” plus a specific listing of the additional parties. Check to see if the additional party is on the Court’s Mailing Information List in the case. The Mailing Information List is found in CM/ECF by clicking on “Reports,” then clicking on “Noticing Information.” Enter the case number and click “Submit.” The report generated will contain a list of parties who receive e-mail notice/service (the Electronic Mail Notice List), and a list of those who receive regular mail notice/service (Manual Notice List). If the additional party is listed under the Electronic Mail Notice List in the case, it is sufficient to list only the name of the party to whom the order is to be sent. Do not list the party’s e-mail address. The clerk will send the order to that party at the e-mail address of record with the Court. If the additional party is not on the Electronic Mail Notice List, then set forth the additional party’s name and mailing address on the service list.

(3) “All Filing Parties” designation. If service of the order is required on all parties who have filed a document in the case (other than a proof of claim), add a designation to the end of the order stating: “Copies to: All Filing Parties.” The clerk will send the order to all parties on

the Default List, plus all parties on the Electronic Mail Notice List and the Manual Notice List. Use this designation only when all filing parties are particularly affected by the order.

(4) “All Creditors and Parties in Interest” designation. If an order is required to be served on all creditors and parties in interest by Fed. R. Bankr. P. 2002 or by the Court, add the designation “Copies to: All Creditors and Parties in Interest” to the end of the order. The clerk will send a copy of the order to all parties on the Mailing Matrix of the case. (The Mailing Matrix may be found in CM/ECF by clicking on “Reports,” then clicking on “Noticing Information.” Enter the case number and click “Submit.” A link for the Mailing Matrix is at the end of the report.) Do not use the “All Creditors and Parties in Interest” designation when more limited service will suffice. Unnecessary service of orders to all creditors and parties in interest is expensive and wasteful of Court (i.e., taxpayer) resources.

(5) Service in Chapter 11 cases – “Default List Plus Creditors’ Committee” or “Default List Plus Top 20.” A designation at the end of a proposed order stating “**Default List Plus Creditors’ Committee**” or “**Default List Plus Top 20**” will result, if the order is entered, in the clerk sending a copy of the order to the Debtor, the Debtor’s attorney, the movant’s attorney, or the movant if the movant is pro se, the 20 largest unsecured creditors or, to the extent there is a creditors’ committee, counsel for the creditors’ committee, and the U.S. Trustee. It is not necessary to list names and addresses of those parties included in the Default List when this designation is used. **In Chapter 11 cases in which the use of master service list has been approved by the Court, it is sufficient to add a designation to the end of the order stating “Copies to: Master Service List No. ____, filed (date),” in lieu of a listing of names and addresses.**

(6) Adversary Proceedings. Service lists on orders in adversary proceedings need only list the attorney for each party and each pro se party, except that if the Debtor is pro se in the adversary proceeding, the order must still be served on the attorney who represents the Debtor in the estate case. Unless the U.S. Trustee or the case trustee is a plaintiff or defendant in the adversary proceeding, it is not necessary to add either to the service list on orders in adversary proceedings.

Entry of Orders

The court endeavors to promptly review, sign, and enter all orders submitted by counsel or parties. 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, the counsel or party who submitted the order should contact the court’s Courtroom Deputy.

Ex Parte Orders

The court will entertain orders on motions filed without a 21 day or other notice in accordance with Local Bankruptcy Rule 9013-1 and General Order No. 12. General orders may be viewed on the court's website at: <http://www.ohsb.uscourts.gov/> - General Orders. Please note though that all such motions or applications must still be served upon all proper parties in interest, but without the 21 day notice. Such orders should be uploaded with the motion or application seeking the substantive relief.