

GENERAL PRACTICES AND PROCEDURES BEFORE HON. GUY R. HUMPHREY

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1.0 Reaffirmation Agreements

All reaffirmation agreements must be accompanied by a fully completed Reaffirmation Agreement Cover Sheet - [Bankruptcy Form 427](#). See Bankruptcy Rule 4008(a). Reaffirmation agreements filed without a cover sheet completed in its entirety as prescribed by Bankruptcy Form 427 may be presumed to impose an undue hardship on the debtor and set for hearing.

Further, the court strongly suggests that all reaffirmation agreements be prepared as prescribed by [Bankruptcy Form 2400A](#). Reaffirmation agreements, which fail to contain all of the disclosures required by 11 U.S.C. § 524 and appear significantly different from Form 2400A, will be denied. The court notes that Form 2400A and alternative Form 2400A/B ALT are both acceptable.

The debtor's counsel is responsible for ensuring that filed reaffirmation agreements are in compliance with the requirements of 11 U.S.C. § 524 and Bankruptcy Rule 4008.

[Click here to view Bankruptcy Forms on the U.S. Courts' website](#)

2.0 Relief from Stay Motions

As a reminder, note that a relief from stay motion cannot be continued by a debtor without the consent of the moving creditor. All relief from stay motions must comply with the provisions of Local Bankruptcy Rule 4001-1. **If the collateral is a vehicle, the motion must include a certificate of title or a copy of the Vehicle Registration Record (Ohio Bureau of Motor Vehicle Form BMV 1149 0301) provided pursuant to Ohio Revised Code § 4503.26(A).** Local Bankruptcy Rule 4001-1(a)(3).

3.0 Scheduling of Hearings and Trials Re: Self-Calendaring

The court, and in Chapter 13 cases – the Chapter 13 Trustee – in conjunction with the court, schedules all contested matters and trials. In general, hearings are only scheduled in the event that an objection or response to the motion or application is filed in opposition to the relief sought in the motion or application. Accordingly, counsel should not place a hearing date and time in any motion, application, notice, or response or other filing unless specifically authorized by the court with such hearing date and time provided by the court.

4.0 Requests for Oral Argument on Motions to Dismiss, For Judgment on the Pleadings, Summary Judgment, or Any Other Contested Matter

In the event that a party desires oral argument on a motion to dismiss, for judgment on the pleadings, summary judgment, or any other contested matter, that party may request oral argument by motion served on all other parties in interest. Such party may submit an order on any such motion on an *ex parte* basis without a 21-day notice.

5.0 Claim Objections and Avoidance of Liens

In accordance with Local Bankruptcy Rule 3007-1(b), all objections to claims must refer to the claim numbers assigned by the clerk of the court (and shall not refer to the Chapter 13 Trustee's claim numbers unless such numbers are used in addition to the clerk's assigned numbers and are identified as such). Further, claim objections must be served on the notice address provided in the filed proof of claim, on the filing attorney (if any) at the address set forth in the proof of claim, and on any party required to be served by Local Bankruptcy Rule 9013-3. **If the objection is to a claim of the United States, or any of its officers or agencies, or an insured depository institution, service must also be pursuant to Bankruptcy Rule 7004. See Bankruptcy Rule 3007(a)(2)(A).**

Failure to comply with all of these requirements may result in the objection being denied without prejudice.

In accordance with Bankruptcy Rule 3007(b), a party in interest shall not include a demand for relief of a kind specified in Rule 7001 in an objection to the allowance of a claim, but may include the objection in an adversary proceeding. In the event a debtor or other party in interest objects to a claim on the basis of a lien being void or voidable, including as being wholly unsecured or as impairing the debtor's homestead exemption, and the avoidance issue has not been determined through an adversary proceeding or motion, the court will adjourn the claim objection pending the filing and determination of an appropriate adversary proceeding or motion. However, the court will entertain agreed orders signed by an appropriate representative of the holder of the lien avoiding the lien in lieu of the filing of an adversary proceeding or motion.

The court encourages use of the Local Form Motions and Orders on the court's website for avoiding liens.

[PDF fillable Form Motion to Avoid Unsecured Mortgage](#)

6.0 Motions to Avoid Judicial Liens Pursuant to 522(f) of the Bankruptcy Code

Motions to avoid judicial liens encumbering real property must include the following information:

- 1) the address of the property on which the judicial lien is to be avoided;
- 2) the specific certificate of judgment to be avoided, including the amount of the certificate of judgment;
- 3) all other liens (mortgages, other certificates of judgment, etc.) on the property, including the amount of each lien;
- 4) the exemption the debtor is claiming to be impaired and the amount of the exemption;
- 5) the state law under which the debtor is entitled to the exemption.

For a motion filed within a Chapter 13 case, any proposed order to avoid a judicial lien must be conditioned on the debtor completing all payments in the plan or the debtor's discharge.

Service must comply with Bankruptcy Rule 7004. Failure to comply with all of these requirements may result in the motion being denied without prejudice.

The court encourages use of the Local Form Motions and Orders on the court's website.

[PDF fillable Form Motion to Avoid Judicial Lien Pursuant to 11 U.S.C. § 522\(f\)](#)

7.0 Service Pursuant to Bankruptcy Rule 7004

The court will require service pursuant to Bankruptcy Rule 7004 for all adversary proceedings, motions to avoid liens, motions to redeem, and claim objections against an insured depository institution and the United States and for any other extraordinary relief sought against an insured depository institution, the United States, the State of Ohio and any corporate entity, including but not limited to motions for violation of the stay or for violation of the discharge injunction. *See* Bankruptcy Rules 3007(a)(2), 7004(a)(1), 7004(b), 7004(h) and 9014(b) and Federal Rule of Civil Procedure 4(c).

The court will also require service pursuant to Bankruptcy Rule 7004 for Nonstandard Provisions involving the United States and its agencies included in Paragraph 13 of the Mandatory Chapter 13 Form Plan. *See* Bankruptcy Rules 7004(b)(4), 7004(b)(5) and Federal Rule of Civil Procedure 4(i).

7.1 Insured Depository Institutions

See Bankruptcy Rules 7004(h) concerning service upon an insured depository institution. **The court will require service upon an insured depository institution by certified mail addressed to the attention of an officer.** In such instances, if the envelope is properly addressed, the officer need only be identified by title; the name of the officer is not required.

The following exceptions allow service on an insured depository institution to be made by first-class mail:

- the institution has appeared through its attorney; or
- the institution has waived **in writing** its entitlement to service by certified mail and has designated an officer to receive service.

Counsel who have appeared on behalf of an insured depository institution, although receiving electronic notice through ECF as a registered participant, must be served by first class mail to meet the requirements of Bankruptcy Rule 7004(h). See ECF Procedure 2(e).

[Click here for FDIC BankFind Website](#)

7.2 United States and Its Agencies

See Bankruptcy Rules 7004(b)(4) and 7004(b)(5) and Federal Rule of Civil Procedure 4(i) concerning service upon the United States and its agencies. **The court will require service upon the United States by either first class, certified or registered mail addressed to:**

- 1) the civil-process clerk at the United States attorney's office;
- 2) the Attorney General of the United States at Washington, D.C.; and
- 3) the agency.

The receptionist in each of the United States Attorney's offices in this District (i.e. Cincinnati, Dayton, Columbus) accepts service of process for the United States Attorney as the "civil process clerk." The United States Attorney's preference however is service on the office (civil process clerk) where the matter is pending. The United States Attorney's office in Dayton is located at 200 W. Second Street, Suite 602, Dayton, Ohio 45402.

The Internal Revenue Service has registered its mailing address for where notices should be sent with the Clerk in accordance with Bankruptcy Rule 5003(e). See [Clerk's Register](#).

7.3 State of Ohio and Its Departments, Offices and Institutions

See Bankruptcy Rule 7004(b)(6), Federal Rule of Civil Procedure 4(j) and Ohio Rules of Civil Procedure 4.1(A) and 4.2(K) concerning service upon the State of Ohio. **The court will require service upon the State of Ohio, its departments, offices and institutions, by either first class, certified or express mail addressed to:**

- 1) the attention of the officer, identified by both name and title, responsible for administration of the department, office or institution; or
- 2) the Ohio Attorney General and the department, office or institution at the address registered with the Clerk or, if a proof of claim has been filed, at the address where notices should be sent.

The State of Ohio has registered mailing addresses for various state entities with the Clerk in accordance with BR 5003(e). See [Clerk's Register](#).

7.4 Municipal Corporation or other Governmental Organizations

See Bankruptcy Rule 7004(b)(6), Federal Rule of Civil Procedure 4(j) and Ohio Rules of Civil Procedure 4.1(A) and 4.2(N) concerning service upon municipal corporations and other governmental organizations. **The court will require service upon municipal corporations or upon any of its offices, departments, agencies, by either first class, certified or express mail addressed to:**

- 1) the attention of the officer, identified by both name and title, responsible for administration of the department, office, agency or institution; or
- 2) by serving the city solicitor or other comparable legal officer.

7.5 County in State of Ohio and Its Offices, Agencies, Districts, Institutions, Departments or Units

See Bankruptcy Rule 7004(b)(6), Federal Rule of Civil Procedure 4(j) and Ohio Rules of Civil Procedure 4.1(A) and 4.2(L) concerning service upon a county in the State of Ohio. **The court will require service upon a county or upon any of its offices, agencies, districts, departments, institutions or units by either first class, certified or express mail addressed to:**

- 1) the attention of the officer, identified by both name and title, responsible for administration of the office, agency, district, department, institution or unit; or
- 2) by serving the prosecuting attorney for the county.

7.6 Corporations

See Bankruptcy Rule 7004(b)(3), Federal Rule of Civil Procedure 4(h) and Ohio Rules of Civil Procedure 4.1(A) and 4.2(F) concerning service upon corporations. **The court will require service upon corporations either by first class mail to the attention of an officer or agent of the corporation or by certified or express mail to any of a corporation's usual places of business.** If the envelope is properly addressed, the officer or agent need only be identified by title or position; the name of the officer or agent is not required.

8.0 Default Motions on Adversary Proceedings

8.1 Obtaining Service

A plaintiff should attempt to obtain service within a reasonable time after filing an adversary proceeding. Once service has been executed, and the time for an answer or other responsive filing has passed, a plaintiff should seek a default judgment or take some other action. Adversary proceedings which are filed, but un-acted upon for lengthy periods of time, may risk dismissal for lack of prosecution.

8.2 Proof of Certified Mail Service ("Green Cards")

When the method of service is certified mail and a party is seeking judgment by default, the court requires all signed return receipts ("green cards") to be filed either as a separate document or as an exhibit or attachment to the motion for default judgment. In the event a signed return receipt has been lost after being returned to the serving party, an affidavit of the server may be filed with the motion stating, in addition to any other pertinent facts supporting the granting of default judgment, that the signed return receipt was returned by the postal service signed, but has been lost.

8.3 Servicemembers Civil Relief Act

In pursuing default judgment in an adversary proceeding against an individual, the motion for default judgment must comply with the Soldiers' and Sailors' Civil Relief Act of 1940, as amended by the Servicemembers Civil Relief Act in 2003.

When an individual defendant has not made an appearance, a plaintiff shall file an affidavit stating whether or not the defendant is in military service and "showing necessary facts

to support the affidavit[.]” 50 U.S.C. § 3931(b)(1)(A). Alternatively, if a Plaintiff is unable to make such a determination, the affidavit shall so indicate. 50 U.S.C. § 3931(b)(1)(B). “Military service” is defined in 50 U.S.C. § 3911(2) and includes active duty, including the National Guard under defined circumstances, and when “a servicemember is absent from duty on account of sickness, wounds, leave or other lawful cause.”

To the extent a plaintiff lacks independent knowledge concerning whether a defendant is in military service, information is available on the Servicemember Civil Relief Act (SCRA) website.

[Click here for SCRA Website Record Search](#)

9.0 Mediation and Settlement Conferences

All parties are encouraged to pursue settlement negotiations and alternative dispute resolution mechanisms prior to and during the time that any litigation is pending before the court. In the event the parties believe that a mediation or settlement conference may be of assistance in the resolution of the proceeding or contested matter, the parties shall file a Request for Mediation in accordance with the court’s Mediation Program. For further information regarding mediation procedures see the court’s website at <https://www.ohsb.uscourts.gov/mediation-program>.

PROCEDURES FOR HEARINGS AND TRIALS BEFORE HONORABLE GUY R. HUMPHREY

Opening of Courtroom

The courtroom will be opened fifteen (15) minutes prior to every hearing or trial unless other arrangements are made with the Courtroom Deputy.

Use of Electronic Display System

Counsel and pro se parties shall use the court's electronic display system for presentation of all documentary evidence and documentary demonstrative exhibits. At the conclusion of any trial or hearing, all parties shall provide an original hard copy of each exhibit to be retained by the court as part of the record. Presentation of all exhibits during any trial or hearing shall be by means of the court's electronic display system. If counsel intend to present exhibits electronically from a laptop computer or other digital presentation device, then counsel must provide at least three (3) days advance notice to the court to ensure security clearance and technical compatibility. Courtroom equipment testing and setup of counsel-provided devices are the responsibility of counsel and must be completed prior to the trial or hearing commencement time. **The court will not provide laptop computers or other such devices to counsel or pro se parties for use in the courtroom during hearings and trials.**

In addition to the document camera and ability to display exhibits electronically from a laptop computer, parties may also use the court's electronic "white board."

Removable media devices such as USB thumb drives will not be accepted by court personnel for use in any of the court's electronic equipment. Counsel wishing to present documentary evidence contained on a thumb drive or other such device must have their own, previously vetted laptop computer or other digital presentation device available in the courtroom at the time of the hearing or trial.

Counsel and pro se parties are encouraged to make arrangements with the Courtroom Deputy to come to the court prior to any hearing or trial to familiarize themselves with the use of the court's presentation equipment and to test the use of any laptop computer or other digital presentation device which they intend to use to make their presentation. Please call the Courtroom Deputy at the telephone number posted on this website to make such arrangements.

**Use of An Interpreter or Equipment for the Hearing Impaired
or Other Arrangements for People with Disabilities**

Please advise the Courtroom Deputy in advance if an interpreter or equipment for the hearing impaired will be required or a wheelchair user will be a witness so that appropriate accommodations can be made in advance.

Completion of Hearing or Trial

Unless otherwise ordered or scheduled by the court, all hearings and trials, once commenced, shall continue from day-to-day until completed.

Transcripts

Please contact the Clerk's office to make arrangements to obtain a copy of any trial or hearing transcript or any excerpt from a hearing or trial. In the event a transcript is requested, the court's redaction policy must be followed.

Courtroom Conduct and Decorum

The following procedures are to be followed in all proceedings in open court:

At the commencement of the hearing, each attorney shall stand and state his or her name and introduce by name the parties and witnesses present for that attorney's cause. Each attorney shall also state that the names of all witnesses and copies of all proposed exhibits have been exchanged with all other attorneys; or, shall state the names of all witnesses and provide copies to all other attorneys of all proposed exhibits that have not been exchanged.

All persons, whether counsel, parties, or witnesses, shall be formally addressed by their surnames.

Unless otherwise authorized by the court, all arguments, examination of witnesses, and presentations by counsel shall be conducted from the court's lectern.

Portable Electronic Devices

See General Order 10-2 for the court's policy on the presence of portable electronic devices (e.g. laptop computers, cellular phones, pagers, etc.) in the courthouse and courtrooms. These devices may not be used to take photographs in the courtroom or record judicial proceedings. While in the courtroom, cellular phones and other electronic devices must be off or in silent mode.

[Click here for General Orders](#)

SUBMISSION OF ORDERS TO THE HONORABLE GUY R. HUMPHREY

Proposed Orders Formatting and Content

All proposed orders must be formatted with a 4 inch margin at the top of the first page. Proposed orders should not contain a judge's signature line/block. (See [ECF User's Reference Manual – Submission of Proposed Orders](#)).

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 underlying filing to which the proposed order relates by referencing the docket number(s) in the caption. **Orders not in compliance with this Rule may be returned for correction. 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 when a party is served by mail. 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 (i.e. the 25th day for motions and the 34th day for claim objections). Further, if the third additional day falls on a weekend or a legal holiday, the time to file a response does not expire until the conclusion of the first day that the court is open following the weekend or legal holiday. See Bankruptcy Rule 9006(a)(1)(C). 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 and the underlying motion or objection may be denied without prejudice on that basis.

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\(d\)](#) requires short-hand designations for 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.

NOTE: 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. 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 Additional Parties," and 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 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.

(4) 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.**

(5) 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.

Properly Limiting Service of Orders

Generally, the service list must include all parties served with the underlying motion or application. LBR 9072-1. However, where all creditors and parties in interest were served with the underlying motion or application, the service list may be limited to those parties particularly affected by the order. **For example, when a motion seeking a post-confirmation modification in a Chapter 13 case has been properly served on all creditors and parties in interest and there has been no filed response, the order granting the modification needs only to be served on the “Default List” and any particularly affected creditor, such as a mortgagee or tax entity. If there are no particularly affected creditors, then service on the “Default List” alone is sufficient.**

The following is a list of orders that are excepted from the limited service requirements and must be served on all creditors and parties in interest:

- Orders continuing or imposing the automatic stay
- Orders converting or dismissing a case
- Orders delaying discharge, other than an order delaying discharge to file a reaffirmation agreement
- Orders confirming a plan or denying confirmation of a plan

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 10 days** 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](#). 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.

Requests for Expedited Relief or to Shorten Notice before Honorable Guy R. Humphrey

The court reminds counsel that all requests for an expedited hearing or to shorten the notice time (“motion for expedited relief”) must comply with [Local Bankruptcy Rule 9073-1](#) and [General Order No. 12](#). The court will review the motion for expedited relief and only grant such request in the event the court concludes that such relief is warranted. Absent extraordinary circumstances, the court will not grant an expedited hearing or shorten the notice period to less than seven (7) days.

Hearing Request. In the event an expedited hearing is required, counsel must contact the judge’s Courtroom Deputy to obtain a date and time for the expedited hearing. Failure to promptly contact the court to request an expedited hearing when necessary may constitute a basis to deny such a request.

Noticing of Merit Motion and Motion for Expedited Relief. Pursuant to General Order 12, the merit motion should always include the 21 day notice provided for by Local Bankruptcy Rule 9013-1. However, best practice would be to indicate in the 21 day notice that a separate motion seeking to shorten the notice period has been filed and identify the number of days of the proposed notice period. The motion for expedited relief should **not** include a notice.

Service and Certificate of Service. In addition to service by United States first class mail, all motions for expedited relief, which seek to shorten the notice period to 10 days or less, must be promptly served with the merit motion or application upon all parties directly affected by the merit motion by email, facsimile, or overnight delivery service unless the movant is unable to locate an email or physical address or facsimile number for the affected party after reasonable diligence is exercised. If counsel for a directly affected party has filed a notice of appearance, that counsel may be served instead of the party, except in the case of a debtor who also must be served. Counsel for the movant shall promptly file a certificate of service evidencing such service.

Order on Motion for Expedited Relief. The proposed order granting the motion for expedited relief must be uploaded concurrently with the motion for expedited relief and, if granted, served by counsel in the same manner as the motion for expedited relief. Failure to submit a proposed order concerning a motion for expedited relief with the motion seeking expedited relief may constitute a basis to deny such a request.

REQUESTING EXPEDITED REVIEW OF MOTIONS SEEKING EXPEDITED RELIEF

Effective immediately, Judge Humphrey requests the movant counsel to contact his Courtroom Deputy, Joni Behnken, by phone at 937-225-2863 or email at joni_behnken@ohsb.uscourts.gov whenever a motion to shorten time and/or to expedite a hearing is filed. If Ms. Behnken is unavailable, Neil Berman, Judge Humphrey's Career Law Clerk, shall be contacted at 937-225-7835 or neil_berman@ohsb.uscourts.gov. Email contact is preferred. Any proposed order shortening time or seeking an expedited hearing shall be uploaded at the same time the motion is filed. If these procedures are not followed, such motions may get delayed for review by Judge Humphrey's chambers and orders granting such motions may not be entered promptly, and the relief sought by the movant, if granted, may be correspondingly delayed.

Requests for Extensions of Time before Honorable Guy R. Humphrey

Effective November 1, 2024, in the Dayton court location, any motion filed, or order submitted that provides for an extension of time shall contain a specific calendar date for such an extension. The failure to appropriately specify the calendar date for an extension sought may result in the court denying the requested relief.

RETENTION OF SPECIAL COUNSEL AND MOTIONS TO APPROVE SETTLEMENTS OR COMPROMISES IN CHAPTER 7 & 13 CASES

Who May File Applications for Retention of Special Counsel and Motions to Approve Settlements. All applications to retain special counsel in Chapter 13 cases assigned to Judge Humphrey must be filed by the Chapter 13 Trustee, or the debtor. See 11 U.S.C. § 327(e), Bankruptcy Rule 2014(a) and Local Bankruptcy Rule 2014-1(a). Also, all applications or motions to retain special counsel in Chapter 7 cases assigned to Judge Humphrey must be filed by the Chapter 7 Trustee or counsel to the Chapter 7 Trustee. See 11 U.S.C. § 327(e) and Bankruptcy Rule 2014(a). Sample forms for the retention of special counsel, including a form application for retention and a form affidavit of proposed special counsel are contained in the Local Bankruptcy Rule forms, as LBR Forms 2014-1(g) - 1 and 2014-1(g) - 2. Any application or motion to retain special counsel filed by special counsel will be denied without prejudice. Similarly, any such motion filed by another counsel retained by special counsel will be denied without prejudice.

In addition, all applications or motions to approve settlements or compromises pursuant to Bankruptcy Rule 9019 in Chapter 13 cases assigned to Judge Humphrey must be filed by the Chapter 13 Trustee, or the debtor. See Bankruptcy Rule 9019. All applications or motions to approve settlements in Chapter 7 cases assigned to Judge Humphrey must be filed by the Chapter 7 Trustee or counsel to the Chapter 7 Trustee. Any application or motion to approve a settlement or compromise filed directly by special counsel will be denied without prejudice. See Bankruptcy Rule 9019.

[Click here to go the Local Rules and Forms](#)

When to File Applications to Retain Special Counsel and Motions to Approve Settlements. Applications to retain special counsel must be filed timely. If the debtor is represented by an attorney relating to a personal injury, workers compensation, social security, or other claim at the time the debtor's bankruptcy case is filed and the debtor or trustee desires to continue that representation, the application to retain that attorney as special counsel should be filed with the bankruptcy petition. If the representation by special counsel is to commence following the filing of the bankruptcy case, then the application to retain counsel should be filed at the time that special counsel is hired by the debtor or trustee. The court generally does not have legal authority to approve the retention of legal counsel on a *post facto*, retroactive, or *nunc pro tunc* basis. See *In re Jarvis*, 53 F.3d 416 (1st Cir. 1995); *In re Carter*, 533 B.R. 632 (Bankr. S.D. Ohio 2015). Again, in general, special counsel may not be compensated for the time period during the bankruptcy which preceded the court's approval of the retention of the attorney.

Applications seeking approval of a compromise or settlement, including the distribution of the proceeds from any such settlement, need to be filed as promptly as possible following the entering into any such settlement. See Bankruptcy Rule 9019. Any distribution of funds from such a settlement without the prior approval of the bankruptcy

court may be set aside or avoided by the bankruptcy court and returned to the bankruptcy estate. See 11 U.S.C. § 549. Accordingly, it is imperative that the distribution of any proceeds of a settlement be approved by the court prior to the making of the distributions.

Motions to Approve Settlement Combined with Requests for Compensation of Special Counsel, Disbursement of Proceeds, and Retention of Proceeds by the Debtor in Chapter 13 Cases. Judge Humphrey requires all motions requesting approval of a settlement of an action or claim, including a personal injury action, workers compensation claim, etc., which combine a Rule 9019 motion with a request to compensate special counsel, a request to disburse funds to third party claimants, and, in some instances, a request to retain a portion of the settlement proceeds by the debtor, to comply with the following requirements:

1. The caption of the motion must clearly identify all relief being sought in the motion (e.g. *Motion for Approval of Personal Injury Settlement, Compensation of Special Counsel, Distribution of Proceeds from Personal Injury Settlement, and Retention of a Portion of the Proceeds by the Debtor*). See LBR 9004-2 (“The caption . . . shall contain a specific statement of the nature of the pleading or other paper and the specific relief requested or to be granted.”). The docket text of the motion must also properly describe the filing. ECF Procedure 3(d).
2. The memorandum must include an explicit statement of each type of relief being sought. A request to compensate special counsel or to retain a portion of the proceeds by the debtor should not be buried in the statement or itemization regarding disbursement of the settlement proceeds. Judge Humphrey suggests that the memorandum contain separate sections addressing each type of relief sought.
3. Motions including a request to retain a portion of the settlement proceeds by the debtor must satisfy all of the requirements set forth in Judge Humphrey’s Policies and Procedures regarding [Motions to Retain Funds in Chapter 13 Cases](#), including the requirement that the motion include an affidavit of the debtor verifying that the funds will be used as described in the motion and do not include expenses that are already included in the debtor’s budget on Schedule J.
4. Supporting documentation referenced in the motion, including orders approving employment, retention agreements, itemizations, settlement statements, and the required affidavit, must be attached or, if separately filed or entered in the record, properly identified by the docket number assigned by the Clerk.

Form motions in MS Word format can be obtained from the Chapter 13 Trustee or by emailing the Courtroom Deputy (Joni_Behnken@ohsb.uscourts.gov). Although these forms are not mandatory, they include all of the information that will be needed to approve these motions without the need for a supplemental filing or an amended motion, and Judge Humphrey encourages counsel to use the forms.

Guidelines for Preparing Itemizations for Fee Applications

Judge Humphrey requires all fee applications to be accompanied by an itemization that adheres to the following guidelines:

Itemization of Attorney Fees

1. Itemization Format

- All entries must be reported in chronological order. To the extent possible, the court requests that the entries be numbered.
- Time entries should be kept concurrently with the services rendered in time periods of tenths of an hour.

2. Identification of Professionals

- The applicant's professionals and paraprofessionals should be identified by their initials after each time entry.
- A summary of each professional and paraprofessional's full name and corresponding initials, hourly rate, and total hours billed must be included at the end of the itemization.
- Time entries involving multiple professionals or multiple billing levels for the same professional (i.e. paralegal rate, attorney rate) should be reported in separate entries.

3. Description of Services

- Services should be described concisely, but with sufficient detail to allow a reader to understand exactly what services were provided or which tasks were performed. Vague entries hinder the court's ability to review the itemization for reasonableness. Each task or service should be reported in a separate time entry and should not be combined or "block billed." The following examples are not acceptable entries:
 - "Multiple emails with debtor over four months"
 - "10+ calls with counsel to discuss objection"
- Time entries for telephone calls, emails, letters, and other communications should give sufficient detail to identify the parties contacted and the nature of the communication. Simply stating "emailed debtor" or "telephone call with trustee" is not sufficient. The purpose of the call or email must be indicated. However, any description of the services performed should not be so detailed as to divulge information that may be privileged.
- Time entries for court hearings and conferences should identify the subject of the hearing or conference. If multiple clients are represented at the same hearing or conference, the time billed should be split appropriately between or among them. Duplicate billing is generally inappropriate.

Reimbursement for Actual, Necessary Expenses.

Detailed itemization of all expenses must include the date incurred, description of expense (e.g., mailing, type of travel, rate, destination), method of computation, and, where relevant, name of the person incurring the expense and purpose of the expense. Itemized expenses should be identified by their nature (e.g., copying costs, postage, computer research costs, mileage, etc.) and by the date incurred. Unusual items require more detailed explanations.

Motions to Retain Funds in Chapter 13 Cases

Judge Humphrey requires all motions requesting approval to retain funds in excess of \$2,500 to include an itemization detailing how the funds will be spent for necessary and unexpected expenses outside the debtor's or debtors' budget. This requirement applies to funds received from a bonus, commission, insurance claim, inheritance, personal injury claim, worker's compensation, social security claim or any other source. In addition, if a debtor requests to keep any amount of a tax refund that is not exempt under paragraph 8.2 of the Mandatory Chapter 13 Form Plan, the debtor is required to submit an itemization for how both the exempt and non-exempt portion of the refund will be spent. The itemization must include the description of the proposed expenditures, the estimated costs, and the calculation showing 1) the aggregate amount proposed to be retained; 2) the amount, if any, to be turned over to the Chapter 13 trustee; and 3) the amount, if any, that is left over. In addition, the itemization must be accompanied by supporting documentation, including any estimates prepared by proposed service providers (e.g., building contractors, mechanics, medical service providers, etc.) and any cost comparisons of goods the debtor intends to purchase (e.g., new appliances, vehicles, etc.). However, medical bills or invoices or any other documentation which may provide private or confidential information (particularly information protected by the Health Insurance Portability and Accountability Act ("HIPAA")) should not be attached or filed with the court unless appropriately redacted. (A summary billing page without the private or confidential information may be attached or filed in such instances.) In addition, if any personal identifiers are included on any such documents, the personal identifiers shall be redacted in accordance with Federal Rule of Bankruptcy Procedure 9037.

Further, consistent with the current procedures in Cincinnati, all Motions to Retain shall include an affidavit of the debtor verifying that the funds will be used as described in the motion and do not include expenses that are already included in the debtor's budget on Schedule J. See Affidavit, attached Exhibit A.

These requirements also apply to any motion for approval of settlement and motion to sell property through which the debtor is retaining funds, unless a separate motion to retain has been filed.

A form Motion to Retain in MS Word format can be obtained from the Chapter 13 Trustee or by emailing the Courtroom Deputy (Joni_Behnken@ohsb.uscourts.gov). Although this form is not mandatory, it includes all of the information that will be needed to approve motions to retain without the need for a supplemental filing or an amended motion, and Judge Humphrey encourages counsel to use the form.

Finally, all proposed orders on Motions to Retain shall include a provision that the debtor(s) will provide proof of the use of the funds to the Chapter 13 Trustee within 14 days of their use.

EXHIBIT A

AFFIDAVIT

The Debtor(s), _____, being first duly sworn and cautioned
state(s) as follows:

1. The requested retained funds will be used for the purpose stated in the Motion to Retain.
2. These expenses were not budgeted for within Schedule J.
3. I am requesting to retain the Settlement Proceeds to pay for these expenses.

/s/
Debtor

/s/

Joint Debtor

State of _____)
) SS
County of _____)

Before me, a Notary Public in and for said county, personally appeared the above, _____, who acknowledged that he/she did sign the foregoing instrument and that the same is their free act and deed.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed by official seal at _____, Ohio this __ day of _____, ____.

Notary Public

TRIAL, HEARING AND CONFERENCE LOGISTICS

As of August 2, 2021, as a general policy, Judge Humphrey will determine the means by which any hearing, trial, or conference (collectively, “Proceedings”) will be conducted (telephone, video, or in-person) based upon the facts and circumstances of a particular case, proceeding, or matter in accordance with [General Order 35-9](#). When appropriate, the court will consult with counsel and any interested parties not represented by legal counsel when making a final determination regarding the logistics of any Proceeding.

Generally, Proceedings will be conducted as follows, unless the court orders otherwise:

1. Status conferences on contested matters and pretrial conferences in adversary proceedings will be conducted by telephone (AT&T Teleconferencing Services).
2. Non-evidentiary hearings will be conducted by telephone (AT&T Teleconferencing Services) or by video conference (ZoomGov).
3. Evidentiary hearings and trials will proceed in person in the courtroom if the current status of the Covid-19 pandemic allows. The Courtroom Deputy will advise all counsel and any interested party not represented by legal counsel not less than 7 days prior to a hearing or trial as to whether it will be by video conference or in person. If a witness or counsel cannot appear in person due to a health issue or other limitation, counsel shall promptly notify Judge Humphrey’s Courtroom Deputy, Joni Behnken, by email at joni_behnken@ohsb.uscourts.gov or by phone at (937) 225-2863 and the Court will make a determination as to how any such testimony or presentation shall proceed.

Parties in interest may also request that an evidentiary hearing or trial be conducted by video conference upon the following conditions:

- a. the requesting party has requested consent from counsel for all interested parties and any interested party not represented by legal counsel prior to contacting the Court;
- b. the requesting party contacts Judge Humphrey’s Courtroom Deputy at least 7 days prior to any hearing or trial to obtain the permission of the Court; and
- c. counsel can provide sufficient information to the Court establishing that any testimony can be contemporaneously transmitted with appropriate safeguards. See Federal Rule of Civil Procedures 43(a), applicable by Federal Rule of Bankruptcy Procedure 9017, (“For good cause in compelling circumstances and with appropriate safeguards, the court may permit testimony in open court by contemporaneous transmission from a different location.”).

**** Note: Any decision to conduct a hearing in person or virtually is subject to change for reasons including, but not limited to concerns about the current state of the COVID-19 pandemic. ****

Judge Humphrey’s scheduling orders will provide the logistics for all Proceedings. Counsel and parties not represented by legal counsel should always consult the Court’s scheduling orders for the logistics determined by the Court first and, after such consultation, may contact the Courtroom Deputy with any additional questions.

See Judge Humphrey’s [Procedures for Hearings and Trials](#) for information regarding Proceedings conducted in the courtroom. See also, [Guidelines for Court Hearings on Zoom](#).

TELEPHONIC HEARINGS IN COMPLEX CHAPTER 11 CASES

Attorneys appearing telephonically for hearings before Judge Humphrey in Complex Chapter 11 cases (as defined by General Order 30-2) must register with CourtSolutions LLC and receive consent to participate. CourtSolutions is a web-based application specifically designed for management of telephonic appearances in hearings before the court – a virtual courtroom. Requests for approval to participate telephonically are emailed to the court upon registration and will be approved as the court deems appropriate. Attorneys requesting to appear and participate in hearings telephonically must be admitted to the court, admitted pro hac vice, or have a pro hac vice motion pending.

Attorneys, represented parties, and unrepresented parties (pro se parties) wishing to listen to telephonic hearings, but not participate, will also need to register with CourtSolutions, but are not required to receive consent of the court prior to completing the registration.

Due to the emergency caused by the spread of the coronavirus (COVID-19), both telephonic (CourtSolutions) and video appearances may be used for hearings. See General Order 35-6 (as may be amended).

For more information about CourtSolutions and to log in or register, please use the following links:

[Landing page - Sign up and Log in](#)

[General Information](#)

[Pro Se Appearances](#)

[Contact Information](#)

DIGITAL AUDIO RECORDINGS OF TELEPHONIC CONFERENCES, HEARINGS AND TRIALS AVAILABLE ON PACER

Judge Humphrey has implemented a program that makes digital audio recordings of court proceedings available on the internet through PACER. These recordings will be available on a case by case basis at Judge Humphrey's discretion, or upon specific request of a party in interest. Attorneys in a case or adversary proceeding may access the audio file one time with no charge via the Notice of Electronic Filing email that is sent when an audio file is docketed in the case or adversary proceeding, and may also download the audio file for future access. Any other party wishing to download a copy of the audio file from PACER will be charged a fee of \$2.40 per file. Previously, a party wishing to obtain a digital audio recording (CD) had to pay a \$26 fee.

The judiciary's privacy policy restricts the publication of certain personal data, including limiting the disclosure of Social Security and financial account numbers to the last four digits, using only initials for the names of minor children, and limiting dates of birth to the year. **If information subject to the judiciary's privacy policy is stated on the record, it will be available in the audio files over the internet.** Please avoid introducing personal data and other sensitive information into the record, unless necessary to prove an element of the case. If private information is mentioned during a conference or hearing, you may move the court to seal, restrict, or otherwise prohibit placement of the digital audio file of the conference or hearing on the internet through the PACER system. It is the responsibility of counsel to notify the Judge of their desire to restrict audio from the internet.

In accordance with 28 U.S.C. § 735(b), "[n]o transcripts of the proceedings of the court shall be considered as official except those made from the records certified by the reporter or other individual designated [by the court] to produce the record." Official transcripts must be prepared by a court approved transcriptionist from a copy of the audio file maintained by the Clerk. Counsel will not be permitted to present transcripts prepared from audio files taken off PACER, whether complete or excerpted, as evidence in court proceedings. However, counsel who do not require an official transcript may download a copy of the audio file and have their staff transcribe the proceeding for their own use.

Please contact the courtroom deputy to make arrangements to obtain an official copy of any court proceeding transcript or any excerpt from a court proceeding.

Counsel should be aware that the microphones in the courtroom are very sensitive and anything said near a microphone during a court proceeding is being recorded and may be placed on the record and made available to the public through an electronic audio file.

Southern District of Ohio Bankruptcy Court

Guidelines for Court Hearings on Zoom

ADVANCED PREPARATION

- Each participant will need a device with a microphone and camera, with internet access on the same device.
- All participants must have video and sound turned on in their Zoom settings. Note, sound may be connected via computer audio or by telephone. See Learning Resources “Audio.”
- Participants should attempt to provide adequate lighting and sound for the judge to clearly see and hear them.
- Participants are encouraged to test Zoom before the hearing, including downloading the app at least one day before the hearing if using a tablet or phone. Click link to test Zoom: [Http://zoom.us/test](http://zoom.us/test)

CASE PARTICIPANTS & ATTENDEES

- The Court may not provide technical support for Zoom participants or attendees.
- Appropriate attire is mandatory for any appearance in Court. Dress for your Zoom proceeding as if you were attending your court proceeding in the courtroom.
- Lighting is very important, please take a moment to review Zoom’s [Lighting Overview](#).
- Use a background that is not distracting.
- The Zoom proceeding format may not provide means for case participants or attendees to talk among themselves.

ZOOM ACCOUNT AND SOFTWARE

- Zoom Participants and Attendees: You do not need a Zoom account, but you can set one up at <https://zoom.us>. A paid Zoom account is not necessary for any interaction with the Court.
- To attend a video Zoom proceeding: Follow Zoom’s overview for [Joining and Participating in a Webinar](#).
- To attend an audio only Zoom proceeding: Follow Zoom’s overview for [Joining a Meeting by Phone](#).
- The Zoom Web Client allows you to join a Zoom meeting or webinar without downloading any plugins or software and provides the best functionality and experience, but you must be signed into a Zoom account.
- Always keep your software up to date. The Zoom Client automatically updates itself upon launching the software, but you can also [update it manually](#).

THE HEARING

- All participants must have video and sound turned on in their Zoom settings. See Learning Resources “Audio.”
- Participants may be placed on mute when entering the meeting.
- The Courtroom Deputy may remind all participants of the protocol at the start of the hearing.
- Each participant should ensure there are no distractions during the hearing.
- If the zoom system goes down during a hearing, the hearing may resume telephonically using the AT&T Connect tele-conference line.
- **Participants should speak clearly and slowly.**
- **Counsel shall ensure that all parties are ready before beginning evidentiary presentation.**

Each participant may speak only when called on by the Judge or CRD.

SETTINGS

- Zoom has a lot of settings, and as the Zoom system evolves, certain aspects or features may change. Below are a few settings recommended by the Court to improve your video conference.
 - General: Ask me to confirm when I leave a meeting: ON (Helps prevent unintended departures).
 - Video: Enable HD: OFF (Helps prevent poor video performance, and usually looks just as good HD).
 - Video: Always display participant names on their video: ON.
 - Video: Always show video preview dialog when joining a video meeting: ON (Final check before your video displays to others).

INTEGRITY OF THE PROCEEDINGS

- The meeting will be password-protected.
- The waiting-room function may be utilized to manage attendance.
- The meeting link, meeting ID, and meeting password will be provided only to those with the judge’s permission to join.
- **Counsel will provide the meeting link, meeting ID, and meeting password to clients, and witnesses, but are prohibited from distributing it further.**

Southern District of Ohio Bankruptcy Court

Guidelines for Court Hearings on Zoom

LEARNING RESOURCES

- The Court will likely use only the audio and video functionality of Zoom. For security and enforcement of Court standards, the Court may disable some Zoom features. Functions such as waiting room, chat, etc. may be disabled for your session.
- Consult the following resources to learn how to select the correct audio and video source, how to mute/unmute your audio, and how to Start/Stop your video.
- Audio: <https://support.zoom.us/hc/en-us/sections/200319096-Audio>
- Video: <https://support.zoom.us/hc/en-us/sections/200521865-Video>
- Learn how to use Zoom controls: <https://support.zoom.us/hc/en-us/articles/200941109-Attendee-controls-in-a-meeting>
- Hot Keys and Keyboard Shortcuts to start/stop video, mute, etc.: <https://support.zoom.us/hc/en-us/article/205683899-Hot-Keys-and-Keyboard-Shortcuts-for-Zoom>
- Learn how to Share your Screen: <https://support.zoom.us/hc/en-us/articles/201362153-Sharing-your-screen>

BEFORE COURT SESSION USING ZOOM

- Connect your device to power.
- Make sure your internet connection is good. <https://www.pcworld.com/article/2048594/how-to-your-home-internet-speed.html>
- Test your video link: use link above
- Test your audio link: use link above
- Turn off all audio disruptions (phones, messaging alert, etc.)
- Run a quick test to connect with another Zoom user, or use the Zoom test: <https://support.zoom.us/hc/en-us/articles/115002262083-Joining-a-test-meeting>

RECOMMENDATIONS

- Mute your phone and all sounds from all other applications (emails notifications, chat messaging, etc.)
- **Avoid using a mobile device to connect with Zoom, if possible. Although tablets (iPad) and smartphones can be used, they are very limited, and the performance is inferior.**
- Avoid using battery power only (laptops, etc.) Plug into a good power source while in a Zoom proceeding.
- **Avoid using an open microphone and speakers, such as those that are built-into-laptops or a webcam. Using a good quality headset (headphones with mic) will often help ensure that you can be heard and can hear others with maximum quality.**
- Avoid noisy and/or echoing locations. Use of a headset will improve audio quality when this is unavoidable.
- Avoid distracting real or virtual backgrounds.
- Avoid using Wi-Fi if possible, connecting via a hard-wire Ethernet cable.
- To conserve your computer's processing power and networking, avoid running any unnecessary applications beside Zoom.
- For home networks, if possible, avoid sharing your internet service with others during the session.
- If you are using an external camera and/or microphone, plug them in before opening the Zoom application. A headset is recommended.
- Only 1 microphone and speaker system should be active per physical location to avoid a loud screeching sound.
- **Be sure to mute yourself when you are not speaking.**
- The share-screen function may be used by participants to display exhibits, but permission must be requested from the Judge during the hearing.

DISCLAIMER

- Please be advised, the Judge will add to or omit any instructions listed within the Guidelines for Court Hearings on Zoom at their discretion, at any time.

Guidelines for Court Hearings on Zoom

There are 4 ways to join a Zoom meeting

- With the Zoom app on your desktop
- Through a link via your email invitation
- From the Zoom website
- Or via telephone dial-in

JOINING A MEETING FROM ZOOM APP

From the **Zoom app**:

1. Open the Zoom app on your desktop, start button, Zoom folder, start Zoom
2. **Click** on Sign in
3. Click **Join**
4. Enter **Meeting ID** (this is displayed in the email invitation)
5. You can then choose whether to come into the meeting with audio or video enabled or disabled.

JOINING A ZOOM MEETING VIA EMAIL

From **Email link**:

1. Click the join **link** in your email or calendar invite.

Join ZoomGov Meeting

[https://www.zoomgov.com](https://www.zoomgov.com/j/16TWXINckpl)

/j/16 TWXINckpl

Meeting ID: 160 972 1804

Password: 808508

One tap mobile

+16692545252,, US (San Jose)

+16468287666,, US (New York)

2. Depending on your default web browser, you may be prompted to open Zoom.

Southern District of Ohio Bankruptcy Court

Guidelines for Court Hearings on Zoom

JOINING FROM ZOOM WEBSITE

From the **Zoom website**:

1. Open **Chrome** or preferred web browser
2. Go to the **Zoom website**: <https://zoom.us/>
3. Enter your **meeting ID/password** provided by host/organizer
4. Click **Join**

JOINING A MEETING VIA TELEPHONE

Telephone dial-in:

1. On your phone, dial the teleconferencing number provided in your invite
2. Enter your **meeting ID/password** provided by host/organizer
3. Click **Join**

Note: If you have already joined the meeting via computer, you will have the option to enter your 2-digit participant ID to be associated with your computer. If you have not joined on your computer, simply press # again when prompted to enter in your participant ID.

Note: Use *6 to mute/unmute your individual line.

MERGE PHONE AUDIO WITH ZOOM VIDEO MEETING

Follow one of the sections above to start a [Zoom Phone call](#) or [Zoom meeting](#).

Make sure the Zoom Phone is activate. If the audio is not active, [switch audio from meeting to Zoom Phone](#).

Click/tap **Meet** using the [in-call controls](#).

Click/tap **Merge**.

Zoom will add the call participant to the Zoom meeting. If you have [waiting room](#) enabled for the meeting, the call participant will be added to the waiting room for you to admit.

Note: If you select **New**, Zoom will [elevate the phone call to a Zoom meeting](#) and prompt you to end the current meeting.

Southern District of Ohio Bankruptcy Court

Guidelines for Court Hearings on Zoom

ATTENDEES CONTROLS IN ZOOM MEETINGS

The attendee controls appear at the bottom of your screen if you're not currently screen sharing.



Attendees have access to these features:

Mute / Unmute: Mute and unmute your microphone.

Audio Controls (click the ^ arrow next to **Mute / Unmute**): Allows you to change the microphone and speaker that Zoom is currently using on your computer, leave computer audio, and access the full [audio settings](#).

Tip: Use the following [keyboard shortcuts](#) to mute or unmute yourself. You can also use [push to talk](#) if you want to unmute yourself by holding the spacebar.

- Windows: **Alt + A**
- Mac: **Shift + Command + A**

Start Video / Stop Video: Turns your camera on or off.

Video Controls (click the ^ arrow next to **Start Video / Stop Video**): Change cameras if you have multiple cameras, select a [virtual background](#) (if enabled), or access your full [video settings](#).

MAINTAINING DECORUM

- Dress and look like you are going to court. (No hats please).
- Do not join the Zoom meeting while in a moving vehicle. Internet connectivity may affect your Zoom connection.
- Do your best to have a stable internet connection. Ask others in your house or office to avoid large data use (game streaming; video streaming; etc.) while on a video call.
- Use your full real name. Avoid using nicknames or device's default name setting.
- Do your best to have a solid or non-distracting background or utilize a virtual background.

NOTIFICATION OF SETTLEMENTS OR WITHDRAWALS AND REQUESTS FOR CONTINUANCES

Settlement or Withdrawal of a Matter

With the exception of matters scheduled by the Chapter 13 Trustee for the court's regular Chapter 13 docket hearings, the parties to a settlement or withdrawal of any matter scheduled for hearing or trial shall notify the court by email, as noted below, as soon as a settlement is reached, but in any event, **not later than 4 p.m. of the day prior to the hearing. If an email is not timely sent, at least one counsel of record must appear at the hearing to put any settlement on the record, unless specifically notified by chambers otherwise.**

A notification of a withdrawal should be made by the moving or objecting party or indicate the moving or objecting party has consented to the withdrawal. A notification of a settlement should be copied to all counsel of record or be clear that all counsel have agreed to the settlement.

The email address for settlements is humphrey337@ohsb.uscourts.gov. **Do not use this email for any other purpose other than notifying the court of settlements.** In the **subject line** of the email, please include the hearing date and time and include the following information in the **body** of the email:

- Case name and number
- Attorney name, firm name, and party you represent
- Matter set for hearing
- Resolution of the matter
- If an agreed order is not to be submitted within seven days, please notify the court of when and how the settlement will be documented

The court does not send reply emails to settlement or withdrawal notifications.

Continuances

All requests for continuances require a motion or agreed order prior to the date and time of the hearing. **The court suggests that counsel initiate a conference call with all counsel of record and the Courtroom Deputy (Joni_Behnken@ohsb.uscourts.gov) to obtain a new date and time for the continued hearing or trial, followed by submission of an agreed order containing that agreed upon new date and time. Matters are not continued except by separate order of the court or notification from chambers that the continuance request has been approved.**

Clerk's Entry of Default

On occasion, a party may request that the Clerk enter a default against a defendant. An Entry of Default is not required and **does not take the place of a default judgment**. The Clerk is permitted to enter a default only upon being presented with an affidavit or affirmation setting forth the facts. These facts should include:

1. Date of issuance of the summons;
2. Statement of whether the court fixed a deadline for serving an answer of motion, or whether the 30 (or 35) day time limit applies;
3. Date of service of the complaint;
4. Date of filing of an affidavit of service;
5. Statement that no answer or motion has been received with the time limit fixed by the court or by Federal Rule of Bankruptcy Procedure 7012(a);

The affidavit or affirmation should be filed with the court and must have a completed proposed Entry Of Default (Form B 2600) attached. The affidavit and proposed Entry of Default should be filed in CM/ECF using the *Request for Entry of Default and Affidavit* event which is available in the "Other" category of Adversary events.

NOTE: Failure to submit a proposed Entry of Default and an affidavit, which contains all the information listed above, will prevent the Clerk's office from completing an Entry of Default.

Applicable Law and Rules

1. Fed. R. Bankr. P. 7012(a) provides that the defendant in an adversary proceeding must serve an answer within 30 days of the issuance of the summons by the court, unless the court prescribes a different time. If the United States or an officer or agency of the United States is the defendant, an answer must be served within 35 days of the issuance of the summons. (Fed. R. Bankr. P. 9006 provides that if the last day is a Saturday, Sunday or legal holiday, the deadline is extended to the next business day following the Saturday, Sunday, or legal holiday.)
2. Rule 7012(b) incorporates by reference Fed. R. Civ. P. 12(b) – (h). These provisions permit the defendant to serve several types of motions, including a motion to dismiss the complaint, a motion for a more definite statement, and a motion to strike, in lieu of serving an answer.

3. Although Rule 7012(a) requires that the answer or motion be served, Fed. R. Civ. P. 55(d), incorporating Fed. R. Bankr. P. 7005, requires that all papers which are to be served also “shall be filed with the court within a reasonable time after service.” (emphasis added).
4. If the defendant serves neither an answer nor one of the motions described in Rule 12(b) – (h) within the time fixed by Rule 7012(a), the defendant is in default.
5. Fed. R. Bankr. P. 7055 incorporates by reference Fed. R. Civ. P. 55. This Rule provides that when the defendant is in default, the plaintiff may seek to have the clerk enter the default on the court docket. This entry of default is accomplished by the execution of form 2600.
6. The court may set aside an entry of default for good cause shown. Fed. R. Civ. P. 55(c), incorporating Fed. R. Bankr. P. 7055.

[PDF fillable Entry of Default Form B 2600](#)

PERSONAL IDENTIFIERS AND REDACTION POLICIES

Personal Identifiers

Subject to certain exceptions provided by Bankruptcy Rule 9037, Rule 9037(a) provides the following:

Redacted filings. Unless the court orders otherwise, in an electronic or paper filing made with the court that contains an individual's social-security number, taxpayer-identification number, or birth date, the name of an individual, other than the debtor, known to be and identified as a minor, or a financial-account number, a party or nonparty making the filing may include only:

- (1) the last four digits of the social-security number and taxpayer-identification number;
- (2) the year of the individual's birth;
- (3) the minor's initials; and
- (4) the last four digits of the financial-account number.

The court does not and will not review documents for compliance with this Rule. It is the responsibility of counsel and pro se filers (individuals filing without legal counsel) to review all documents, including exhibits to filings and proofs of claim, to ensure compliance with Rule 9037.

In the event that counsel or a pro se party determines that it filed documents with personal identifiers improperly included, such party shall request the court to restrict public access and to redact such document or filing. Such request shall be made by filing a Motion to Redact pursuant to Rule 9037 and paying the \$25 filing fee. Upon the filing of such a motion, the court will restrict public access to both the Motion to Redact and the unredacted document pending the court's ruling on the Motion to Redact. Pursuant to newly added subdivision (h)(1)(B), effective December 1, 2019, the proposed redacted document must be attached to the Motion to Redact. Failure to attach the proposed redacted document may result in the Motion to Redact being denied and the restrictions to public access being lifted.

In the event that counsel or a pro se party determines that another filer filed a document with personal identifiers improperly included, in cases assigned to Judge Humphrey, such party may request the court to restrict public access to the unredacted document by either contacting Judge Humphrey's Courtroom Deputy or by filing a Motion to Restrict Public Access. Upon such request, the court will restrict public access to the identified document and may, if appropriate, require the party who filed the unredacted document to properly redact the document pursuant to Rule 9037.

Exhibits and other supporting documentation containing personal identifiers, and improperly filed statements of Social Security numbers (Official Form 121), filed in cases assigned to Judge Humphrey may be restricted from public access, without redaction, by

filing a Motion to Restrict Public Access. Upon the filing of such a motion, the identified document will be immediately restricted pending the court's determination of the Motion.

The court may sanction a party or counsel in the event that any party or counsel fails to cooperate with the court with respect to compliance with Rule 9037 or engages in repeated violations of Rule 9037.

Transcript Redaction Policy

The court's policy and procedures regarding redaction of transcripts are on the court's website. All filers should consult the court's website concerning those procedures and should be familiar with them and adhere to them with respect to the filing of any transcripts.

[Click here for Transcript Redaction Process](#)