

## **POLICIES AND PROCEDURES**

(Revised February 26, 2025)

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## **1. Introduction**

These policies and procedures, subject to being revised and/or updated, are to assist the bar and to expedite procedures for cases assigned to the Honorable Mina Nami Khorrami. These policies and procedures are intended to supplement, not to replace or duplicate, other applicable rules. Counsel are advised to consult the Federal Rules of Bankruptcy Procedures (“FRBP”) the Local Bankruptcy Rules (“LBR”), Forms and Procedures ([Local Bankruptcy Rules](#)), the Court’s ECF Procedures ([Electronic Filing Guidance](#) and [ECF Administrative Procedures](#)), and the Court’s General Orders ([General Orders](#)).

These policies and procedures are subject to any order that may be issued by the Court. In the event of any inconsistency between these policies and procedures and any order issued in a specific case by the Court, the order shall govern.

## **2. Communication with Chambers**

Parties may contact Judge Nami Khorrami’s staff at the telephone numbers provided on the Court’s website ([Judge Mina Nami Khorrami page](#)). Parties may contact Judge Nami Khorrami’s courtroom deputy for all matters concerning scheduling, and her law clerks regarding procedural matters. When emailing the Court, please make sure to include both law clerks and the courtroom deputy to ensure receipt of your email by the Court.

## **3. Hearings**

### **a. Courtroom Conduct**

At the beginning of each hearing, counsel shall stand and state his/her/their name and introduce by name the parties and witnesses. Counsel shall provide the Court with his/her/their business card and a list of any unusual or technical vocabulary. Counsel shall also provide the spelling of the name of witnesses. Unless permitted by the Court, all arguments, examinations of witnesses, and presentations by counsel shall be conducted from the podium. Please use discretion when discussing matters at counsel table, as proceedings in the courtroom are broadcast to other offices within the courthouse. Due to technical requirements of the recording system, recording may commence shortly before the commencement of the hearing and may continue shortly after the hearing has concluded. Use the “push” button to mute the microphone when discussing confidential matters.

### **b. Court Appearance – In-Person and Telephonic Hearings and Appearances**

All matters will be heard in person except for pretrials and status conferences, which will be held telephonically unless the Court orders otherwise. For all pretrials and status conferences, held telephonically, instructions for appearing by telephone will be included in the hearing notice or otherwise in an email communication from the courtroom deputy.

Please call the conference number at least 15 minutes prior to the scheduled proceeding. Telephonic appearances are not permitted in evidentiary matters. Attorneys may monitor evidentiary hearings or trials telephonically with prior approval of the Court but will not be

permitted to participate. At the Court's discretion, parties may be allowed to appear and participate telephonically in non-evidentiary matters with prior approval of the Court. Parties wishing to appear telephonically must contact the courtroom deputy at least one (1) business day prior to the hearing to request a telephone appearance. The party must provide good cause for the request to appear by telephone. After consideration of the request, the courtroom deputy will notify counsel whether the request has been approved by the Court. Telephonic appearances are via Zoom Audio.

**c. Continuances**

Matters scheduled before the Court may be continued without a motion if all parties agree. A request for continuance shall be made by sending an email, addressed to all involved parties, to: [NamiKhorrami.Continuance@ohsb.uscourts.gov](mailto:NamiKhorrami.Continuance@ohsb.uscourts.gov). Please make sure the case name, number, type of matter, and date of the hearing is reflected in your email. The body of the email should also state that all involved parties agree to a continuance. A request for continuance shall be submitted no later than 4:00 p.m. on the business day before the hearing. If the Court approves the request, a reply will be sent to all parties with the new date and time. An agreed order shall then be submitted by the parties.

If all involved parties do not agree to a continuance, the party seeking the continuance must file a motion setting forth the reason the continuance is requested and the reason there is no agreement as soon as practicable prior to the scheduled hearing. If the Court grants the request for a continuance, then the party seeking the continuance shall submit an order containing the continued date and time obtained from the courtroom deputy. If the Court denies the request for a continuance, the party seeking the continuance shall submit an order denying the motion. In the event of denial of a request for continuance, the parties and counsel are expected to appear for the hearing.

**d. Settlement, Resolutions, and Withdrawals**

If a matter before the Court is resolved, or a party withdraws a motion, application or response, the parties shall report the settlement or withdrawal, as soon as possible, by sending an email to: [NamiKhorrami.Resolutions@ohsb.uscourts.gov](mailto:NamiKhorrami.Resolutions@ohsb.uscourts.gov) no later than 4:00 p.m. the business day before the hearing. Please make sure the case name, number, type of matter, and date of the hearing is reflected in your email. Orders or appropriate documents resolving the matter shall be submitted to the Court within seven (7) days of the submission of a resolution email to the Court. See [LBR 9072-1\(g\)](#).

Compliance with these procedures shall excuse counsel from attending the hearing on a matter. Absent compliance with these procedures, parties and their counsel are expected to appear for the hearing. It is the responsibility of counsel to check the final docket to determine whether the matter has been removed from the docket.

**e. Presentation of Evidence**

All documentary exhibits shall be prepared for presentation at any hearing or trial as follows:

- i. exact copies of each original exhibit to be introduced shall be available for the witness, the examining attorney, any other party or party's counsel present at the hearing or trial, the Court, and the Court's law clerk(s);
- ii. prior to the hearing or trial, all exhibits and copies thereof shall be clearly labeled and marked as set forth in the instructions to [LBR Form 7016-1–Attachment B](#);
- iii. in the event that a party has more than two (2) exhibits, exhibits for use by the witness and the Court shall be placed in a binder in sequential order; and
- iv. any personally identifiable information which is neither necessary nor relevant to the case, shall be redacted from all exhibits and copies thereof. If such information is necessary and relevant, the presenting party shall remove or partially redact the information: social security numbers shall be redacted to show only the last four digits; birth dates should contain only the year of birth; financial account numbers should be redacted to the last four digits; and references to individuals known to be minors shall be by initials.

A party presenting evidence shall utilize the electronic evidence presentation system in the courtroom. See [General Order 62-1](#). The party shall still provide a hard copy of the exhibit(s) for the official Court record and for the Court's use, marked, redacted, and bound as indicated above.

If counsel intends to present exhibits electronically from a laptop computer or other digital presentation devices, then counsel must provide at least three (3) business days advance notice to the courtroom deputy to ensure security clearance and technical compatibility. Courtroom equipment testing and setup of counsel-provided devices are the sole responsibility of counsel and should be completed prior to the commencement of the trial date. Once the security clearance and technical compatibility has been verified by the Court, the electronic exhibit will remain in the custody of the courtroom deputy.

#### **4. Motions**

All motions or applications must include a twenty-one (21) day notice (or such other notice period as may be required by FRBP) that complies with the sample notice set forth in [LBR 9013-1\(a\)](#) and/or with Official Forms [420A](#) or [420B](#), unless the motion or application provides a reason why notice is not required.

##### **a. Motion for Expedited Hearings or Disposition**

Except for a motion to continue or impose the automatic stay under [LBR 4001-1](#), if an expedited hearing or disposition is needed, counsel must file a motion in compliance with [LBR 9073-1](#), providing sufficient reasoning for the expedited request. As soon as a motion for expedited hearing or disposition has been filed, counsel shall contact the courtroom deputy and advise of the filing of the motion. The Court will then review the motion. If counsel is requesting an expedited hearing, and if the motion is granted, counsel shall then submit an order containing the specified hearing date and time. If counsel is seeking only to shorten the response time, counsel should upload a proposed order granting the motion to shorten the response time when the motion is filed. Motions or applications for expedited hearing or disposition and any notice and order

relating thereto, together with any underlying substantive motion or pleading must be served as outlined by [LBR 9073-1\(b\)](#) on all parties affected by the relief. Movant shall file a certificate of service evidencing compliance with [LBR 9073-1\(b\)](#). The Court will endeavor to make a ruling on a motion requesting expedited consideration as soon as it practically can. Nevertheless, depending on the Court's availability and whether the party called to advise the Court of the motion being filed, a motion requesting expedited consideration may not be ruled upon by the Court until the next business day. Any late filed motions requesting expedited consideration may not be considered by the Court until the following business day.

**b. Motion for Extension or Imposition of the Automatic Stay**

Pursuant to [LBR 4001-1](#), parties are not required to file a separate motion for an expedited hearing or to shorten the notice period in connection with motions to extend or impose the automatic stay pursuant to §362(c)(3) or (4) of the Bankruptcy Code as long as the motion has been filed within five (5) days of the petition filing date. Upon the filing of a motion to extend or impose the automatic stay, Movant shall immediately notify the courtroom deputy. The Court will prepare an order specifying the hearing date, notice procedures, objection deadline, and whether a hearing is required in the absence of objections. If the Court does not order a hearing and no objections are filed, the movant shall immediately, upon the expiration of the objection deadline, submit an order granting the relief upon any terms and conditions required by the Court.

**c. Motion for Relief from Stay**

Parties may submit an agreed order for relief from stay, without a motion, if all parties, including the Chapter trustee, are in agreement.

The following language (or language substantially similar) shall be included in orders on motions for relief from stay regarding real estate or motor vehicles: "The automatic stay imposed by 11 U.S.C. § 362 is modified with respect to [Name of Creditor], its successors and assigns, to pursue its in rem remedies under non-bankruptcy law regarding the [ADDRESS OF REAL PROPERTY] or [YEAR, MAKE, MODEL OF MOTOR VEHICLE]."

The following language (or language substantially similar) shall be included in orders on motions for relief from stay seeking authority to proceed with an eviction against the debtor: "[Name of Creditor] is hereby granted relief from the automatic stay imposed by 11 U.S.C. § 362 to pursue its in rem remedies under non-bankruptcy law regarding the real property known as [ADDRESS OF REAL PROPERTY]. [Name of Creditor] may proceed with an eviction action against the Debtor(s). The relief from stay is granted for the limited purpose of pursuing eviction against the Debtor(s) but not for monetary judgment."

If the Motion did not contain a request for a waiver of the 14-day stay pursuant to Fed. R. Bankr. P. 4001(a)(4), the proposed order on the Motion should contain the following language: "As Creditor/Movant has not requested a waiver of the provisions of Fed. R. Bankr. P. 4001(a)(4), this Order is subject to the 14-day stay provided by Fed. R. Bankr. P. 4001(a)(4) and is stayed until 14 days from the date of the entry of the order."

A motion seeking relief from stay to pursue a state court domestic relations matter must be served on the debtor(s), counsel for the debtor(s), the non-debtor spouse, counsel for the non-debtor spouse, if known by the movant, the Chapter trustee, and the Office of the United States Trustee.

The following language (or language substantially similar) shall be included in orders on motions for relief from stay for domestic relations actions in cases where an individual debtor with a non-filing spouse is requesting such relief: "IT IS ORDERED that the state court may make such orders as are appropriate regarding all aspects of the divorce proceeding. To the extent any order of the state court concerns the division of non-exempt property of the bankruptcy estate or the allocation of the pre-petition indebtedness, those orders will be subject to the review of this Bankruptcy Court by providing to the United States Trustee, the Chapter 13/Chapter 7 trustee, all creditors in the within case, and any other necessary parties, notice and an opportunity to object and request a hearing pursuant to the Federal Rules of Bankruptcy Procedure and the Local Rules of Bankruptcy Procedure."

Motions for relief from stay in individual Chapter 7 and Chapter 13 cases are set for hearing only if an objection, memorandum contra, or other response is filed.

#### **d. Motions for Summary Judgment**

Unless otherwise directed by the Court, a motion for summary judgment shall contain a "Statement of Material Facts." The Statement of Material Facts shall set forth, in numbered paragraphs, each material fact as to which the moving party contends there is no genuine issue. Each fact listed must be supported by a specific citation to the record. The record for purposes of the Statement of Material Facts includes the pleadings, depositions, answers to interrogatories, admissions, and affidavits. It does not, however, include an attorney's affidavit(s). Failure of the moving party to submit an accurate and complete Statement of Material Facts shall result in denial of the motion.

Unless otherwise directed by the Court, the opposing party shall file a response to the Statement of Material Facts. The non-movant's response shall mirror the movant's Statement of Material Facts by admitting and/or denying each of the movant's factual assertions in matching numbered paragraphs. Each denial must be supported by a specific citation to the record or a statement that no citation exists to support the movant's factual assertion. The non-movant's response may also set forth any additional material facts that the non-movant contends are in dispute. Any facts set forth in the Statement of Material Facts shall be deemed admitted unless specifically controverted by the opposing party.

A summary judgment motion is only appropriate where there are no genuine issues of material fact and the matter involved is a matter of law. The issue of a party's intent is a factual question that is seldom subject to disposition by way of summary judgment.

#### **e. Oral Argument**

In the event 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. The Court may on its own motion set matters for oral argument.

## **5. Chapter 11 Matters**

### **a. Chapter 11 and Subchapter V**

Parties wishing to schedule first day hearings in Chapter 11 cases should contact the courtroom deputy on the date of filing to discuss scheduling of the hearings. Two (2) copies of first day motions should be provided to Chambers in advance of the hearing.

It is expected that Debtor's counsel will have consulted with the United States Trustee and Subchapter V trustee, if applicable, in advance regarding all relief to be requested at the first day hearings.

### **b. Complex Chapter 11**

Please refer to this Court's Procedures for Complex Chapter 11 Cases: [Complex Chapter 11 Cases](#).

## **6. Chapter 13 Matters**

The Chapter 13 confirmation docket is continuously updated. Parties should consult both the schedule posted on the Court's website and the Chapter 13 trustee's network to check the status of their case.

The Chapter 13 trustee network can be found on the following links.

For Faye D. English, please refer to:

<https://www.ndc.org/home> or

<https://www.13network.com/LoginMain.aspx?tc=coh>

For Edward A. Bailey, please refer to:

<https://www.ch13.org> or <https://www.13network.com/LoginMain.aspx?tc=wor>

Evidence on objections to confirmation or Court concerns will be taken at the confirmation hearing. The Court will provide information to the parties regarding any Court concerns prior to the confirmation hearing. Parties should be ready to present evidence on their objections at the confirmation hearing.

## **7. Adversary Proceedings and Contested Matters**

**a. Default Judgments by the Court** – Parties must follow the two-step process for entry of default judgment by the Court as set forth in Fed. R. Civ. P. 55. First, a party must apply for an entry of default by the Clerk under Rule 55(a). Then, after a party obtains an entry of default from the Clerk, the party may file a motion for default judgment under Rule 55(b)(2). Entry of default by the Clerk is a prerequisite to entry of a default judgment by the Court, and a motion for default judgment filed prior to entry of default by the Clerk may be denied without prejudice. *See*



*Heard v. Caruso*, 351 Fed. App'x 1, 15-16 (6th Cir. 2009); *Cabatech, LLC v. Nextlight, LLC*, 2024 U.S. Dist. LEXIS 69560, at \*2-3, 2024 WL 1605921, at \*1 (S.D. Ohio Apr. 12, 2024).

A party moving for default judgment against an individual must include an affidavit that the defendant is not a minor, incompetent, or in the military service, per 50 U.S.C. § 3931. The following is a link to a website for information about whether a party is a service member: <https://scra.dmdc.osd.mil/scra/#/home>. The affidavit must show specific facts that demonstrate the defendant is not in military service and contain sufficient information regarding the efforts made to determine the defendant's military status. See *Barrett v. Tri-Coast Pharmacy, Inc.*, 518 F. Supp. 3d 810, 822 (D.N.J. 2021). An affidavit that simply states in conclusory fashion that the defendant is not in the military is not sufficient.

**b. Pretrial Procedures** - Pretrial statements pursuant to [LBR Form 7016-1—PPS](#) are not required in adversary proceedings and contested matters. The Court will schedule a pretrial conference after an answer or other responsive pleading is filed. The Court expects that all parties will appear at the pretrial conference fully prepared to discuss the matters set forth in LBR Form 7016-1 and Fed. R. Civ. P. 26(f).

**c. Discovery Disputes** – The Court will establish a discovery cutoff date at the pretrial conference. After the discovery cutoff date, the Court will not involve itself in discovery disputes, and therefore parties should serve their discovery requests in sufficient time prior to the cutoff date to permit receipt and meaningful review of the responses, as well as any consultations among counsel that may be required by the applicable rules prior to filing a discovery motion. The parties are free to continue with discovery beyond the cutoff date on a voluntary basis. Parties are reminded to consult [LBR 7026-1](#) in the event of any discovery dispute. LBR 7026-1, including the briefing timelines set forth in LBR 7026-1(b)(2), governs any discovery disputes, whether in a contested matter or adversary proceeding. Parties are encouraged to utilize the informal conference procedure established in LBR 7026-1(b)(1) by contacting the courtroom deputy to request that the Court convene a telephone conference to determine if a discovery dispute can be resolved short of formal motion practice.

**d. Mediation and Settlement** - 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, pursuant to [LBR 9019-2](#). 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 may advise the Court by contacting the courtroom deputy and the Court will assist in the appointment of a mediator or settlement judge.

**e. Trial and Evidentiary Hearings** - The courtroom will be opened fifteen (15) minutes prior to every hearing or trial unless other arrangements are made with the courtroom deputy. Please advise the courtroom deputy in advance if any party or witness requires an accommodation for a disability such as an interpreter, equipment for persons with hearing impairments, accessibility for anyone using a wheelchair, etc., so that the appropriate accommodation can be made prior to the hearing or trial. 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 three (3) business days prior to the hearing date.

## **8. Obtaining Records from the Court**

Requests for a transcript of a hearing are to be directed to Kimberly McDaniels at 614-469-6638 ext. 5796 or [Kimberly\\_McDaniels@ohsb.uscourts.gov](mailto:Kimberly_McDaniels@ohsb.uscourts.gov). The party requesting the transcript must supply the date and time of the hearing, case name, and case number.

## **9. Orders**

[LBR 9072-1\(a\)-\(g\)](#) governs submission of orders. FRBP 9006(f) adds three (3) days to the notice period for a response. Please do not submit orders until the fourth day after the relevant notice period has expired.

Proposed orders must conform to the relief requested in the underlying motion or application. The Court will not sign a proposed order that contains relief that was not requested in the underlying motion or application.

The Court endeavors to promptly review, sign, and enter all orders submitted. If an order has not been entered within seven (7) days after it has been submitted, the attorney or party who submitted the order may contact the courtroom deputy regarding the status of the proposed order.

## **10. Oral Rulings**

The Court may issue oral rulings either immediately following a hearing or trial or on matters under advisement. When issuing an oral ruling, the Court reserves the right, without changing its final ruling, to correct the transcript, not only as to inaccuracies in transcription, but also as to content. In order to ensure that the oral ruling fully and clearly states the Court's rationale for its decision, the Court may: (1) add, alter, or delete any language in the transcript of the oral ruling; (2) correct grammar or punctuation; and/or (3) add or delete any citations to authority. If the Court's edits to the transcript of the oral ruling go beyond the correction of transcription errors, then the document filed by the Court will no longer be a transcript at that point. Instead, the Court will docket it as a corrected and modified bench ruling, although the Court's holdings on the issues before it will not change.