

**GENERAL PRACTICES AND PROCEDURES
BEFORE THE HON. BETH A. BUCHANAN**

(Revised March 2025)

Table of Contents

1.0	Hearings.....	2
1.1	Courtroom Conduct	2
1.2	Telephonic Appearances at Status Conferences, Hearings, and Other Proceedings	2
1.2.1	Mega Docket and Chapter 13 Confirmation Hearing Docket	2
1.2.2	Call-In Instructions.....	3
1.2.3	Guidelines	3
1.3	Evidence Presentation During Hearings and Trials	4
2.0	Mega Docket and Chapter 13 Confirmation Hearing Docket	5
2.1	Agreed Resolutions or Withdrawals	5
2.2	Request to Reschedule Hearing	5
2.3	Chapter 13—Matters Related to Confirmation	6
3.0	Notice of Filing of Motion/Application and Opportunity to Respond	6
4.0	Orders	6
4.1	Proposed Order Must Conform to Relief Requested in Motion or Application	6
4.2	Entry of Orders	6
5.0	Motions for Expedited Hearings or to Reduce Response Times	7
5.1	Local Bankruptcy Rule 9073-1	7
5.2	Preferred Procedure for Filing and Notice of Underlying Substantive Motion or Application	7
5.3	Obtaining a Hearing Date	7
5.4	Service.....	7
6.0	Motions to Extend the Automatic Stay Pursuant to 11 U.S.C. § 362(c)(3)	7
7.0	Motions for Relief from Stay.....	8
7.1	Chapter 7, 11 and 13 Cases Involving Individual Debtors	8
7.2	Chapter 12 Cases and Non-Individual Chapter 7 and 11 Cases.....	8
7.3	Agreed Motions for Relief from Stay	8
7.4	Default Orders.....	8
8.0	Orders Avoiding Liens	8
9.0	Adversary Proceedings: Motions for Summary Judgment	8

1.0 Hearings

The following is general information regarding hearings before Judge Buchanan. Parties and their counsel should carefully review the order scheduling the hearing for specific information and requirements particular to the matter set for hearing.

1.1 Courtroom Conduct

At the commencement of the proceeding, each attorney shall stand and state his or her name and introduce by name the parties and witnesses present for that attorney's cause. Unless otherwise permitted by the Court, all arguments, examinations of witnesses and presentations by counsel shall be conducted from the podium. Arguments shall be directed to the Court and not to other counsel. Courtesy, respect and professionalism shall be displayed at all times.

1.2 Telephonic Appearances at Status Conferences, Hearings, and Other Proceedings

At the Court's discretion, parties may be permitted to attend status conferences, hearings, or other proceedings telephonically. If it is unclear from the scheduling order whether telephonic attendance at a particular proceeding is permitted, parties should contact Judge Buchanan's Courtroom Deputy, Heather Gilliam, by telephone at (513) 684-2468 or by email at Heather_Gilliam@ohsb.uscourts.gov.

1.2.1 Mega Docket and Chapter 13 Confirmation Hearing Docket

(a) No Witness Testimony / Requirements for Documentary Evidence. No witness testimony or statements by an individual who is not an attorney will be permitted at the Court's regularly scheduled monthly mega docket or chapter 13 confirmation hearing docket. If witness testimony will be necessary, the parties shall contact Judge Buchanan's Courtroom Deputy, Heather Gilliam, by telephone at (513) 684-2468 or by email at Heather_Gilliam@ohsb.uscourts.gov so that the hearing may be rescheduled.

Parties may submit documents for admission into evidence for matters set for hearing on the Court's regularly scheduled monthly mega docket or chapter 13 confirmation hearing docket provided that witness testimony is not required to authenticate and identify such documentary evidence. Attorneys are required to make a good faith attempt to stipulate to the admission of documents (subject to other evidentiary objections) where the authenticity of such documents is not in dispute.

While the Court may consider documentary evidence for matters scheduled on the Court's regularly scheduled monthly mega docket or chapter 13 confirmation hearing docket, parties are still required to timely file exhibit lists, together with copies of the identified exhibits. Documents attached to pleadings will not be considered as evidence at the hearing unless incorporated by reference in a timely filed exhibit list or attached to a timely filed exhibit list.

(b) Lengthy Proceedings. If it is anticipated that extensive oral argument or the presentation of extensive documentary evidence will be necessary during a the Court's regularly scheduled monthly mega docket or chapter 13 confirmation hearing docket, counsel should so

advise Judge Buchanan's Courtroom Deputy, Heather Gilliam, by telephone at (513) 684-2468 or by email at Heather_Gilliam@ohsb.uscourts.gov no later than three (3) business days prior to the hearing date.

1.2.2 Call-In Instructions

Unless otherwise ordered or directed by the Court, the instructions for appearing by telephone are:

Conference Number: (646) 828-7666

Meeting ID: 161 860 5702

Passcode: 575980

(No security code is needed for Judge Buchanan's conference number)

There is no cost to you for this service.

1.2.3 Guidelines

If appearing at a status conference, hearing, or other proceeding telephonically, parties are directed to comply with the following procedures:

(a) Please call the conference number at least five minutes prior to the scheduled hearing.

(b) If possible, parties appearing telephonically should use a landline rather than a cell phone. Parties shall not use cell phones while in public spaces or while driving or riding in an automobile. If a cell phone is used, parties shall ensure that they have a strong cellular phone signal or use the Wi-Fi calling option on their phones.

(c) Parties are strongly cautioned that the use and quality of Bluetooth technology, such as headphones and earbuds, may negatively affect the Court's ability to hear them and the ability of the court recording system to capture an accurate recording the proceedings.

(d) Similarly, parties should not use the speaker phone or the "hands-free" feature of their phones when addressing the Court.

(e) Counsel shall not connect their clients to the telephonic hearing by "conference call." If the client wishes to listen in, the client must separately call into the hearing. Unless otherwise ordered by the Court, witnesses must attend the hearing in-person.

(f) The order of proceedings will be reflected on the docket posted on Judge Buchanan's information page on the Court's website.

(g) When connected to the conference line, all parties should "mute" their phone using the mute feature on the phone. When your case is called, please unmute your phone. If counsel has multiple cases before the Court, please re-mute your phone for cases being heard in which you are not involved.

- (h) When addressing the Court, parties shall:
 - i. wait until they are called upon by the Court to speak;
 - ii. announce his or her name each time the party starts to speak;
 - iii. make an extra effort to speak slowly, clearly and concisely;
 - iv. pause a moment before speaking as delays in the transmission of calls are common; and,
 - v. not “speak over” or interrupt another speaker.

1.3 Evidence Presentation During Hearings and Trials

Effective immediately, the Court adopts the following procedures regarding evidence presentation during hearings and trials:

(a) Counsel and pro se parties shall use the Court’s electronic display system for presentation of all documentary evidence and documentary demonstrative exhibits.

(b) Counsel and pro se parties who intend to present exhibits electronically from a laptop computer or other digital presentation device must use their own devices; the Court will not supply laptops or other devices.

(c) 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 and pro se parties wishing to present documentary evidence contained on a removable media device must provide their own laptop computer or other digital presentation device.

(d) At least three days prior to the hearing or trial, counsel and pro se parties shall contact the courtroom deputy at the number listed on the Court’s website to:

(1) notify the Court that digital evidence will be submitted; and,

(2) determine whether testing is necessary to ensure technical compatibility and whether electronic presentation practice is needed prior to hearing or trial.

(e) Any laptop computer or other digital presentation device shall be charged and compatible with a standard power outlet (the Court will not provide a power supply cord for the computer or device), and at least one of the following display connections:

(1) HDMI cable; Mini DisplayPort cable; or VGA cable.

(f) It is the responsibility of counsel or presenting parties to test and set up their laptop computers or other devices in the courtroom. Testing must be completed before the start of the hearing or trial.

(g) Counsel and pro se parties that wish to present documentary evidence or exhibits on paper shall use the Court's overhead projector.

2.0 Mega Docket and Chapter 13 Confirmation Hearing Docket

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

If a matter is not ready for adjudication, the Court urges parties to pursue settlement or request a rescheduled hearing in accordance with the instructions provided herein.

2.1 Agreed Resolutions or Withdrawals

(a) Agreed Orders. Parties who have consensually resolved a matter on the Court's mega docket or chapter 13 confirmation hearing docket may report such agreement to chambers by uploading an agreed order **and** reporting the resolution via e-mail at J_Buchanan_Orders@ohsb.uscourts.gov **by 10:00 a.m. on the day of the scheduled hearing**.

(b) Withdrawals. Withdrawals of a motion/application or response will be accepted **until 10:00 a.m. on the day of the scheduled hearing**. Counsel must also email chambers at J_Buchanan_Orders@ohsb.uscourts.gov.

(c) All agreed orders and withdrawals will be reviewed by the Court prior to Noon (12:00 p.m.) on the day of the scheduled hearing, at which time the final docket will be posted.

(d) Compliance with this procedure shall excuse counsel from attending the hearing of a matter on the mega docket or chapter 13 confirmation hearing docket. However, any such submission presented to chambers after 10:00 a.m. on the day of the scheduled hearing may still appear on the docket and counsel's attendance shall not be excused. It is counsel's responsibility to check the final docket to determine whether the matter has been removed from the docket.

2.2 Request to Reschedule Hearing

The Court will liberally grant a request to reschedule a hearing, even if it is not the first request, as long as the following procedures are followed:

(a) A directly affected party may request the rescheduling of a hearing by: (i) filing a motion and concurrently uploading a corresponding proposed order; or (ii) by uploading an agreed order.

(b) The request, whether by motion or agreed order, must be made no later than **5:00 p.m. on the business day prior to the date of the scheduled hearing**. If the request is granted,

the matter will not appear on the final docket. The final docket is posted by Noon (12:00 p.m.) on the date of the scheduled hearing. If a matter does not appear on the final docket, counsel is excused from attending the hearing. It is counsel's responsibility to check the final docket to determine whether the request to reschedule has been granted.

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

2.3 Chapter 13—Matters Related to Confirmation

Matters that materially impact confirmation of a plan (e.g., motions to avoid liens, certain objections to claims, etc.) will be heard in conjunction with the hearing on confirmation of the plan. To the extent that such matters are not filed and served in sufficient time to be heard at the time of confirmation, confirmation of the plan will be delayed.

3.0 Notice of Filing of Motion/Application and Opportunity to Respond

All motions and applications must include a twenty-one (21) day notice (or such other notice period as may be required by the Federal Rules of Bankruptcy Procedures) that complies with the sample notice set forth in Local Bankruptcy Rule 9013-1(a) and/or with Official Forms 420A or 420B, unless the motion or application provides a reason why notice is not required (*e.g.*, separate motion filed to reduce response time, no notice required pursuant to General Order No. 12, etc.).

4.0 Orders

4.1 Proposed Order Must Conform to Relief Requested in Motion or Application

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

4.2 Entry of Orders

The Court endeavors to promptly review, sign and enter all orders submitted to the Court. In the event an order is not entered within one week after it has been submitted to the Court and the Court has not otherwise addressed the matter for which the order was submitted, counsel or the party who submitted the order should contact the Courtroom Deputy.

5.0 Motions for Expedited Hearings or to Reduce Response Times

5.1 Local Bankruptcy Rule 9073-1

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

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

This Court prefers that the underlying substantive motion or application (i) be filed and served as a separate filing at the same time as the motion for expedited hearing or disposition and (ii) in addition to the twenty-one (21) day notice, contain a conspicuous statement that a motion has been filed requesting an expedited hearing and/or to reduce the response time regarding the underlying substantive motion or application.

Counsel shall upload a proposed order granting the request for an expedited hearing and/or to reduce the response time at the same time the motion for expedited hearing or disposition is filed. The time period in which to respond to the underlying substantive motion or application shall be set forth in the proposed order.

5.3 Obtaining a Hearing Date

If an expedited hearing is requested, counsel must notify the Courtroom Deputy that a motion has been filed. The Court will review the motion and, if it is granted, the Courtroom Deputy will notify counsel of the date and time of the expedited hearing. Counsel will then submit an order containing the specified hearing date and time.

5.4 Service

Motions for expedited hearing or disposition and any notice and orders relating thereto, together with any underlying substantive filing or other paper, must be promptly served as outlined by Local Bankruptcy Rule 9073-1(b) upon all parties affected by the relief. Movant shall file a certificate of service evidencing compliance with Local Bankruptcy Rule 9073-1(b). The moving party must carefully read the order as it may contain additional service requirements depending on the nature of the relief requested.

6.0 Motions to Extend the Automatic Stay Pursuant to 11 U.S.C. § 362(c)(3)

The Court will issue an order setting a hearing date prior to the thirtieth (30th) day following the filing of the petition and setting a deadline for filing responses for motions filed to extend the automatic stay pursuant to 11 U.S.C. § 362(c)(3). If no timely response is filed to the motion and the Court determines that the movant has satisfied the applicable burden of proof under 11 U.S.C. § 362(c)(3), the hearing may be vacated and the relief requested by the motion may be granted without further notice.

7.0 Motions for Relief from Stay

7.1 Chapter 7, 11 and 13 Cases Involving Individual Debtors

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

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

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

7.3 Agreed Motions for Relief from Stay

If all parties (including the Chapter 7 Trustee or standing Chapter 13 Trustee) are in agreement, an agreed order on relief from stay may be submitted without the necessity of filing a motion for relief from stay.

7.4 Default Orders

Default orders for relief from stay shall not contain factual findings or conclusions of law relating to the standing of the moving party to enforce the loan documents or the validity or priority of the moving party's lien position.

8.0 Orders Avoiding Liens

The Court will not sign a proposed order granting a motion to avoid a lien that contains language *ordering* a state court clerk of courts or county recorder to release the applicable lien. A proposed order granting a motion to avoid a lien may provide that this Court's order granting such motion may be submitted to a state court clerk of courts or county recorder as *evidence* of the release of the applicable lien.

9.0 Adversary Proceedings: Motions for Summary Judgment

A motion for summary judgment is only appropriate where there is no genuine dispute as to any material fact and the movant is entitled to judgment as a matter of law. The issue of a party's intent is a factual question that is not subject to disposition by way of 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 exists no genuine dispute. 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 attorney’s affidavits. **Failure of the moving party to submit an accurate and complete Statement of Material Facts may 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 may be deemed undisputed for purposes of summary judgment unless specifically controverted by the opposing party. Fed. R. Civ. P. 56(e).**

The Court notes that a joint stipulation of facts filed in conjunction with a motion for summary judgment may facilitate the Court’s determination.