## UNITED STATES BANKRUPTCY COURT NORTHERN DISTRICT OF OHIO EASTERN DIVISION

FILED

01 JUL -9 AH 11:35

IN RE:	)	U.S. 234-FLMCY COURT
CERTAIN PROCEDURES FOR	)	U.S. BENEVITORY COURT Administrative Order No. 01-50 DISTRICT OF CHIC AKRON
ADVERSARY PROCEEDINGS IN "ALLEGED ONE WITNESS MORTGAGES CASES"	)	JUDGE MARILYN SHEA-STONUM

The number of adversary proceedings in which plaintiff-trustee challenges the validity and/or enforceability of security interests in real property granted by debtors pre-petition by alleging, *inter alia*, that execution of such security interests were not properly witnessed by two individuals in accordance with the requirements of Ohio Revised Code §5301.01 ("Alleged One Witness Mortgage Cases") increases. Because the initial pre-trial conference in the majority of these Alleged One Witness Mortgage Cases involve only the setting of discovery and other standard filing deadlines, the Court is issuing this Administrative Order in an attempt to facilitate more efficient administration of these adversary proceedings.

Accordingly, counsel will be afforded the opportunity to forego attendance at the initially scheduled pre-trial conference in Alleged One Witness Mortgage Cases if counsel for plaintiff and for every named defendant that has timely answered files with the Court, by not later than 2 business days prior to the initially scheduled pre-trial conference, a fully executed "AGREED SCHEDULE REGARDING DISCOVERY AND STIPULATIONS PURSUANT TO ADMINISTRATIVE ORDER 01-9" (an "Agreed Schedule") in the form attached hereto as Exhibit "A" which is incorporated by this reference as if fully re-written herein. An Agreed Schedule may contain facsimile or photostatic copies of counsels' signatures and, although the Court will accept a facsimile copy of an Agreed Schedule for filing, such facsimile must be faxed to the Clerk of Court's Office (and not Judge Shea-Stonum's chambers) at 330/375-5490 so that it is actually received by the Clerk of Court's Office by not later than 12:00 noon, 2 business days prior to the initially scheduled pre-trial conference. If an Agreed Schedule is not timely filed or if any named defendant has filed a responsive pleading other than an answer, the initial pre-trial conference will be held as scheduled and counsel shall be required to appear at that initial pre-trial conference (which appearance may be telephonic if requested 24 hours in advance) and have complied with all the requirements set forth in the Court's initial Pre-Trial Order that is entered in every adversary proceeding (the "Initial Pre-Trial Order").

If the requirements of the foregoing paragraph are fully complied with then the requirements set forth in the Initial Pre-Trial Order (i.e. the filing of a Pre-Trial Statement) shall be abated until the next scheduled pre-trial which will be set by the Court in a separate Order for sometime after the filing deadlines established by counsel in the Agreed Schedule.

The Court expects that counsel taking advantage of the privileges afforded by this Administrative Order will strictly adhere to the deadlines in the Agreed Schedule. Until further notice, the Court directs plaintiff-trustees in such adversary proceedings to serve a copy of this Administrative Order on each defendant with the summons and complaint. The Court will review the effectiveness of this Administrative Order within the first 6 months of its entry.

IT IS SO ORDERED.

Marily Shea- Stoneen MARILYN SHEA-STONUM

Bankruptcy Judge

## EXHIBIT "A" to Administrative Order 01-9

## UNITED STATES BANKRUPTCY COURT NORTHERN DISTRICT OF OHIO EASTERN DIVISION

IN RE:		) CASE NO	
	,	) CHAPTER	
	DEBTOR(S)	) )	
	,	) ADVERSARY NO	
	PLAINTIFF(S),	) JUDGE MARILYN SHEA-STONUM	
VS.	DEFENDANT(S).	) ) AGREED SCHEDULE REGARDING ) DISCOVERY AND STIPULATIONS ) PURSUANT TO ADMINISTRATIVE ) ORDER 01-9	
This	adversary proceeding was initia	ted on and the Court has	
scheduled an	initial pre-trial conference in this m	natter onata.m./p.m. (the	
"Initial Pre-T	Trial"). Pursuant to the Court's Adr	ministrative Order 01-9 (the "Administrative Order"),	
the undersign	ned hereby represent to the Court:	(1) that this adversary proceeding is an Alleged One	
Witness Mon	rtgage Case as that term is defined	l in the Administrative Order; (2) that they comprise	
all the couns	el for plaintiff(s) and every named	defendant that has timely filed an answer; and (3) that	
they all here	by agree to the following schedule	regarding discovery and the filing of stipulations:	
A.	That by not later thancompleted; and	, <sup>(*)</sup> all discovery in this matter shall be	
В.	That by not later than	, (**) counsel shall have jointly filed with	
		ch are not in dispute and can be stipulated to in this	
	matter.		
(*) This d		et for more than 90 DAYS after the date set for the Initial Pre-	

This stipulation filing deadline SHALL NOT be set for more than 105 DAYS after the date set for the Initial Pre-

(\*\*)

Trial.

## AGREED SCHEDULE REGARDING DISCOVERY AND STIPULATIONS PURSUANT TO ADMINISTRATIVE ORDER 01-9

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	Adversary Proceeding No
(Signature of Counsel)	
Name of Counsel	
Address of Counsel	
<b>Telephone Number of Counsel</b>	
Name of Client	
Party Affiliation of Client in this Adversar	ry Proceeding (i.e. plaintiff)
(Signature of Counsel)	
Name of Counsel	
Address of Counsel	
Telephone Number of Counsel	
Name of Client Party Affiliation of Client in this Adversar	wy Duogooding (i.e. plaintiff)
Tarty Anniation of Chefit in this Auversal	y i rocccung (i.e. piantin)
(Signature of Counsel)	
Name of Counsel	
Address of Counsel	
<b>Telephone Number of Counsel</b>	
Name of Client	
Party Affiliation of Client in this Adversar	ry Proceeding (i.e. plaintiff)
(Signature of Counsel)	
Name of Counsel	
<b>Address of Counsel</b>	
<b>Telephone Number of Counsel</b>	
Name of Client	

Party Affiliation of Client in this Adversary Proceeding (i.e. plaintiff)