



United States Bankruptcy Court
Northern District of Ohio
Frank T. Bow Federal Building
201 Cleveland Avenue, S.W.
Canton, Ohio 44702
(330) 489-4431

From the desk of Judge Russ Kendig

DATE: December 14, 2007
TO: Counsel
FROM: Judge Kendig
RE: Scheduling 707(b) motions

Please take notice of a new procedure in motions to dismiss filed pursuant to 11 U.S.C. 707(b). Previously, these were automatically set for hearing if the debtor responded to the motion. This resulted in substantial inefficiencies because counsel have not conferred with the movant, typically the United States Trustee, prior to appearing for the evidentiary hearing.

The court is instituting a new procedure to deal with this problem. If a response is filed, the court will send out a notice of pretrial requiring the parties to confer and exchange information *before* the pretrial. The pretrial will then be utilized to set the evidentiary hearing date and discuss trial of the motion.

The notice the court will mail will provide information as to counsel's responsibilities.

Due to the likelihood of settlements, the pretrials will be deeply set, meaning many will be scheduled at the same time in anticipation that some will settle prior to the pretrial.