Appendix A: Court Memoranda Adopted by Judge Koch

November 30, 2011	Notice Provision Required for Applications to Employ Professionals and Applications for Compensation Filed on or after December 1, 2011
October 12, 2012	Serving Documents in Compliance with Local Bankruptcy Rule 9013-3
August 5, 2013	Proposed Orders on Motions for Avoiding Unsecured Mortgage Liens and Judicial Liens
November 26, 2013	New Fee Effective 12/1/13, To Sell Property of the Estate Free & Clear of Liens under 11 USC § 363(f)
November 10, 2014	Change in Procedure for Applications to Retain Counsel in Chapter 7 Cases
December 1, 2016	Procedures for Avoiding Liens in Chapter 13 Cases
January 17, 2018	New Confirmation Order for Chapter 13 Cases Filed On or After December 1, 2017
February 8, 2019	Modification of Confirmation Order for Chapter 13 cases Filed on or after December 1, 2017
January 2, 2024	In-Person Hearings
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Dated November 30, 2011

Notice Provision Required for Applications to Employ Professionals and Applications for Compensation Filed on or after December 1, 2011

MEMORANDUM

Date: November 30, 2011

To: All counsel and parties appearing before Judges Pat E. Morgenstern-Clarren, Arthur I. Harris, and Jessica E. Price Smith

From: Judges Morgenstern-Clarren, Harris, and Price Smith

Re: Notice Provision Required for Applications to Employ Professionals and Applications for Compensation Filed on or after December 1, 2011

Effective December 1, 2011, we will require all applications to employ professionals and all applications for compensation to include a notice provision consistent with Local Bankruptcy Rule 9013-1. Previously, it had been a common practice to hold an application for 14 days and see if a timely objection was filed, without insisting that the application itself include a notice indicating the deadline for filing any objection. This new practice is intended to make our procedures consistent with Local Bankruptcy Rule 9013-1.

The following is an example of an acceptable notice provision:

NOTICE

Pursuant to Local Bankruptcy Rule 9013-1, any objection to this application must be filed within 14 days from the date of service as set forth on the certificate of service. If no response or objection is timely filed, the Court is authorized to grant the relief requested without further notice.

Dated October 12, 2012

Serving Documents in Compliance with Local Bankruptcy Rule 9013-3

MEMORANDUM

TO: All Attorneys Practicing in the United States Bankruptcy Court, Northern District of Ohio

FROM: Chief Judge Pat E. Morgenstern-Clarren, Judge Richard L. Speer, Judge Marilyn Shea-Stonum, Judge Russ Kendig, Judge Mary Ann Whipple, Judge Arthur I. Harris, Judge Kay Woods, Judge Jessica E. Price Smith

RE: Serving Documents in Compliance with Local Bankruptcy Rule 9013-3

Date: October 12, 2012

****

As we all know, procedural due process principles of notice and the opportunity to be heard before an impartial tribunal are the cornerstones of our judicial system. In order to safeguard these fundamental rights, notice must include, among other things, information sufficient to appropriately identify the method of service and contact information for all necessary parties.

Documents filed in this district must contain a certificate of service that complies with Local Bankruptcy Rule 9013-3. We have found, however, that the certificates of service submitted with motions and applications do not always contain the required information. For example, some certificates do not specify the parties served by email, as opposed to the parties served by regular mail; and some certificates do not indicate the email address or the physical address used by the party serving the document. To remedy this situation, the judges of this court have now approved the following standardized certificate of service, which will be deemed acceptable for filing in all five of the court's divisional offices:

CERTIFICATE OF SERVICE

I certify that on <date>, a true and correct copy of the <title of document> was served:

Via the court's Electronic Case Filing System on these entities and individuals who are listed on the court's Electronic Mail Notice List:

<name>, on behalf of <client>, at <email address>

And by regular U.S. mail, postage prepaid, on:

<name>, on behalf of <client>, at <address>

s/ <Attorney>
<Attorney and Bar Number>
<Address>
<Telephone #>
<Email address>

This standardized form certificate of service does not apply to the complaint or summons in adversary proceedings, governed by FED. R. BANKR. P. 7004, et seq.

See attached Exhibit A for an example of a completed certificate of service that meets the requirements of Local Bankruptcy Rule 9013-3.

The clerk of this court shall serve a copy of this memorandum by email to all ECF registered attorneys and trustees whose proper email addresses are listed in the Court's ECF email address book. In addition, the clerk of this court shall post this memorandum on the court's website at www.ohnb.uscourts.gov.

We hope that this will help all attorneys to comply with the obligation to provide appropriate notice and an opportunity to be heard.

EXHIBIT A

CERTIFICATE OF SERVICE

I certify that on September 24, 2012, a true and correct copy of First Bank's Motion for Relief from Stay was served:

Via the Court's Electronic Case Filing System on these entities and individuals who are listed on the Court's Electronic Mail Notice List:

Jane Smith, on behalf of Henry Homeowner, debtor, at jsmith@firstcounselors.com

Bob Brown, on behalf of Second Bank at bbrown@banklawyers.com

Alice Attorney, on behalf of the Chapter 13 Trustee's office at atty.trustee@chapter13.com

And by regular U.S. mail, postage prepaid, on:

Henry Homeowner, at 1234 Pleasant Road, Cleveland, OH 44114

Constance Creditor, on behalf of ABC Credit Co., at 4321 Owing Drive, Cleveland, OH 44114

s/ Andrew Attorney
Andrew Attorney, Bar Number 0012345
16 Oak Street
Canton, OH 44702
(330) 321-0000
Aattorney@office.com

Dated August 5, 2013

Proposed Orders on Motions for Avoiding Unsecured Mortgage Liens and Judicial Liens

MEMORANDUM

Date: 5 August 2013

To: All counsel and parties appearing before Judges Pat E. Morgenstern-Clarren, Arthur I. Harris, and Jessica E. Price Smith

From: Judges Morgenstern-Clarren, Harris, and Price Smith

Re: Orders avoiding totally unsecured mortgage liens in Chapter 13 cases under the authority of *In re Lane*, 280 F.3d 663 (6th Cir. 2002), and orders avoiding judicial liens under § 522(f)

In response to a request made at the town hall meeting in May 2013, the three bankruptcy judges in Cleveland have agreed to uniform language for (1) orders stripping totally unsecured mortgage liens in Chapter 13 cases, and (2) orders avoiding judicial liens under 11 U.S.C. § 522(f). The language in the two accompanying form orders will be acceptable for all cases pending before the bankruptcy judges in Cleveland. Should parties seek entry of an order that deviates from the language in these two form orders, they should explain in their motion (in bold face print) why the deviation is justified.

We hope that this change will assist attorneys in drafting proposed orders that can be entered without revision, thus saving time for both the attorneys and the court. Thank you for your anticipated cooperation in using these forms where appropriate.

draft order stripping mortgage lien(s)

UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF OHIO

In re:	)	Case No. <00-00000>
	)	
[NAME OF DEBTOR(S)],	)	Chapter 13
	)	
Debtor(s).	)	Judge <_____>
	)	
	)	ORDER GRANTING MOTION
	)	TO AVOID MORTGAGE LIEN(S)

This matter came before the Court on the Motion to Avoid Mortgage Lien(s) filed by the debtor(s), Docket #<__>. Movant has alleged that good cause for granting the motion exists and that the mortgage lien holder(s), the Chapter 13 trustee, and all other necessary parties were served with the motion and with notice of the deadline to oppose the motion. No party filed a response or otherwise appeared in opposition to the motion, or all responses have been withdrawn or overruled. For these reasons, it is appropriate to grant the relief requested.

IT IS, THEREFORE, ORDERED that the motion is granted.

IT IS FURTHER ORDERED that the lien(s) of <name of secured creditor> recorded in <location>, on <date>, at <volume/page, if applicable>, and bearing instrument number <number, if applicable>, [provide similar information, if avoiding multiple mortgage liens] is/are avoided, subject to the debtor(s)

successfully completing the Chapter 13 plan and receiving a discharge under 11 U.S.C. § 1328.

IT IS FURTHER ORDERED that the filing of a certified copy of this order and a certified copy of the Chapter 13 discharge order with the appropriate state or county office, together with the payment of any fees due, shall act as a release and satisfaction of the mortgage lien(s) identified above.

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draft order avoiding judicial lien(s)

UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF OHIO

In re:	)	Case No. <00-00000>
	)	
[NAME OF DEBTOR(S)],	)	Chapter <__>
	)	
Debtor(s).	)	Judge <_____>
	)	
	)	ORDER GRANTING MOTION
	)	TO AVOID JUDICIAL LIEN(S)
	)	UNDER 11 U.S.C. § 522(f)

This matter came before the Court on the Motion to Avoid Judicial Lien(s) filed by the debtor(s), Docket #<__>. Movant has alleged that good cause for granting the motion exists and that the judicial lien holder(s), the trustee, and all other necessary parties were served with the motion and with notice of the deadline to oppose the motion. No party filed a response or otherwise appeared in opposition to the motion, or all responses have been withdrawn or overruled. For these reasons, it is appropriate to grant the relief requested.

IT IS, THEREFORE, ORDERED that the motion is granted.

IT IS FURTHER ORDERED that the judicial lien(s) of <name of judicial lien holder>, recorded in <location>, on <date>, at <volume/page, if applicable>, and bearing instrument number <number, if applicable>, [provide similar information, if avoiding multiple judicial liens] is/are avoided under 11 U.S.C.

§ 522(f), subject to the debtor(s) receiving a discharge under 11 U.S.C. § 727 or § 1328.

IT IS FURTHER ORDERED that the filing of a certified copy of this order and a certified copy of the discharge order with the appropriate state or county office, together with the payment of any fees due, shall act as a release and satisfaction of the judicial lien(s) identified above.

###

Dated November 26, 2013

New Fee Effective 12/1/13, To Sell Property of the Estate Free & Clear of Liens under 11 USC § 363(f)

MEMORANDUM

TO: All Bankruptcy Attorneys who Practice in the United States Bankruptcy Court, Northern District of Ohio

FROM: Chief Judge Pat E. Morgenstern-Clarren

DATE: November 26, 2013

RE: New Fee Effective 12/1/13, To Sell Property of the Estate Free and Clear of Liens under 11 U.S.C. § 363(f)

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The Judicial Conference of the United States recently established a new fee that will apply to all motions for the sale of property free and clear of liens under 11 U.S.C. § 363(f). The fee is $176.00. The Judges in this district have agreed that chapter 7 trustees may apply to defer payment of this fee until such time as the sale is completed. A trustee wishing to do so should file an application to defer and submit a proposed order at the same time that the § 363(f) motion is filed. The trustee may then zero out the fee without waiting for the application to be approved.

Dated November 10, 2014

Change in Procedure for Applications to Retain Counsel in Chapter 7 Cases

MEMORANDUM

TO: All Chapter 7 Trustees with Cases Pending in the Cleveland office of the United States Bankruptcy Court for the Northern District of Ohio

FROM: The Hon. Pat E. Morgenstern-Clarren, The Hon. Arthur I. Harris, and The Hon. Jessica E. Price Smith

CC: Office of the United States Trustee for the Northern District of Ohio

DATE: November 10, 2014

RE: Change in Procedure for Applications to Retain Counsel in Chapter 7 cases

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To help us better assess applications where the chapter 7 trustee proposes to retain counsel to recover money for the estate, we ask that each application contain this information:

1. The legal action that the trustee anticipates taking, linked to a specific asset;

2. The value of the asset that the trustee anticipates recovering, estimated if necessary;

3. The manner in which the trustee arrived at the valuation; and

4. An estimate of the amount of legal fees to be incurred in recovering the asset, including the hourly rate for each professional who will be working on the matter.

We assume that the chapter 7 trustees are already doing this analysis before filing applications, and so hope that this will not be an extra burden.

For example:

The trustee wants to retain himself as counsel to file a motion to recover a tax refund from the debtor. The application should: (1) identify the tax refund(s) by year and taxing authority; (2) state the amount of the refund and identify any exemption to which the debtor is entitled; and (3) state the anticipated legal fees to be incurred in recovering the asset.

or

The trustee wants to retain herself as counsel to file a motion to recover personal property or the value of the property. The application should: (1) identify the specific property including information relevant to its identification (i.e., vehicle make and model); (2) state the value of the property, the source of the valuation, and identify any exemption to which the debtor is entitled; and (3) state the anticipated legal fees to be incurred in recovering the property.

* * *

This policy is in effect immediately. Pending applications should be supplemented if this information is not included. Please let any one of us know if you have questions about this. We appreciate your anticipated cooperation.

Dated December 1, 2016

Procedures for Avoiding Liens in Chapter 13 Cases

MEMORANDUM

Date: December 1, 2016

To: All counsel and parties appearing before Judges Pat E. Morgenstern-Clarren, Arthur I. Harris, and Jessica E. Price Smith in chapter 13 cases

From: Judges Morgenstern-Clarren, Harris, and Price Smith

Re: Avoiding totally unsecured liens under the authority of *In re Lane*, 280 F.3d 663 (6th Cir. 2002) or liens impairing exemptions under § 522(f) must be done by motion, not through special chapter 13 plan provisions

In an effort to establish uniform procedures in chapter 13 cases, the three bankruptcy judges in Cleveland would like to clarify that debtors seeking to avoid unsecured liens under the authority of *In re Lane*, 280 F.3d 663 (6th Cir. 2002) or liens impairing exemptions under § 522(f) must do so by motion, not through special chapter 13 plan provisions. Absent intervening precedent, the bankruptcy judges in Cleveland intend to adhere to this procedure at least until the effective date of any national chapter 13 plan form and related rules amendments, which would be no earlier than December 1, 2017.

Bankruptcy Rule 3012 currently provides for the valuation of a secured claim by motion. In addition, Bankruptcy Rule 4003(d) provides that "[a] proceeding to avoid a lien or other transfer of property exempt under § 522(f) of the Code "shall be by motion in accordance with Rule 9014." While the proposed national chapter 13 plan form and related rules amendments currently under consideration would provide for the avoidance of these liens through a chapter 13 plan, as well as by motion, they have yet to take effect and, at this point, are simply a proposed form and proposed rule amendments.

Chapter 13 debtors are free to include special plan provisions indicating that they intend to file a separate motion to avoid a totally unsecured lien under the authority of *In re Lane* or § 522(f); however, the bankruptcy judges in Cleveland will not accept special plan provisions that purport to accomplish such avoidance without filing a separate motion.

Dated January 17, 2018

New Confirmation Order for Chapter 13 Cases Filed On or After December 1, 2017

MEMORANDUM

Date: January 17, 2018

To: All counsel and parties appearing before Judges Arthur I. Harris and Jessica E. Price Smith in chapter 13 cases

From: Judges Harris and Price Smith

Re: New confirmation order for chapter 13 cases filed on or after December 1, 2017

Judges Harris and Price Smith have adopted a new form confirmation order for chapter 13 cases filed on or after December 1, 2017. A copy of the confirmation order is attached. The chapter 13 trustee shall be responsible for submitting a proposed confirmation order promptly after the Court has indicated that a chapter 13 plan is to be confirmed. The chapter 13 trustee shall append to the proposed confirmation order a copy of the chapter 13 plan being confirmed.

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF OHIO

In re:	)	Case No. __-_____
	)	
_____,	)	Chapter 13
Debtor.	)	
	)	Judge _____

CONFIRMATION ORDER

The Chapter 13 plan in this case came on for confirmation at a hearing before the Court. A copy of such plan, together with the applicable amendments or modifications (the "Plan"), is attached to this Order. Based upon the papers filed in this case, information presented by the Chapter 13 Trustee ("Trustee") and such other matters, if any, presented by the Debtor or Debtors ("Debtor"), Debtor's counsel, any objector or any other interested party, the Court finds that:

1. Notice of the confirmation hearing was duly given.

2. The Plan complies with applicable requirements of 11 U.S.C. §§ 1322 and 1325.

IT IS THEREFORE ORDERED THAT:

1. The Plan is confirmed.

2. The Debtor shall, until further order of the Court, make the periodic payments called for in the Plan to the Trustee. Except as otherwise permitted, such payments shall be made pursuant to order of the Court on the Debtor's employer.

3. The Debtor shall not incur additional debt exceeding $1,000 in the aggregate without notice to the Trustee and the approval of the Court.

4. The Debtor shall not transfer any interest in real property without the approval of the Court.

5. Unless the Plan provides otherwise in Part 2.3 or Part 8, the Debtor shall pay over to the Trustee each year during the pendency of the case any and all federal income tax refunds. The Debtor may retain from any federal income tax refund either $1,000 from a single tax return ($2,000 from a joint tax return) or the sum of any earned income tax credit and child tax credits, whichever is greater.

6. Secured creditors shall retain their liens. If this case is either dismissed or converted to a Chapter 7 case, the property vesting in the Debtor by reason of this Confirmation Order shall remain subject to the liens existing at the time of the filing of the case subject to adjustments in respect of amounts paid under the Plan.

7. After confirmation of the Plan, funds available for distribution will be paid monthly by the Trustee in the following order: (i) Trustee's authorized percentage fee and/or administrative expenses; (ii) attorney's fees as allowed under applicable rules and guidelines; (iii) conduit payments as provided for in Part 3.1; (iv) monthly payments on mortgage arrearages as provided for in Part 3.1 and monthly payments on claims as provided for in Parts 3.2, 3.3, 3.4 and, if so specified, Part 6.1 (if no fixed payment on an executory contract arrearage is specified, then the arrearage will be paid on a *pro rata* basis); (v) payments to priority creditors as provided for in Part 4, to be made on a *pro rata* basis; and (vi) general unsecured claims.

8. Any creditor seeking to file an unsecured deficiency claim as a result of collateral surrendered in Part 3.5 must do so no later than 90 days after this Confirmation Order is entered. If the collateral has not been liquidated, the deficiency claim is to be estimated.

9. The attorney for the Debtor is allowed a fee of _____, of which _____ has been paid. The balance of _____ shall be paid by the Trustee from the monies received under the Plan over 12 months, unless a longer period is needed because the plan payment is too small to allow for payment over 12 months.

10. The administrative expenses of the Trustee shall be paid in full pursuant to 11 U.S.C. §§ 503(b) and 1326(b)(2) and 28 U.S.C. § 586(e)(1)(B).

11. If the case is dismissed by the Court or by the Debtor under 11 U.S.C. § 1307, all funds remaining in the hands of the Trustee at the time of dismissal shall be paid to the Chapter 13 creditors pursuant to the terms of the Plan. If the case is converted to Chapter 7 under 11 U.S.C. § 1307, all funds remaining in the hands of the Trustee at the time of conversion shall be returned to the Debtor after deducting the Trustee's authorized percentage fee.

12. A debtor may request entry of an order declaring that a secured claim has been satisfied and that the lien has been released under the terms of the confirmed plan by filing and serving a motion under Bankruptcy Rule 5009(d), generally at the time the case is being closed. *See* 2017 Committee Note to Bankruptcy Rule 5009(d).

By submitting this form, the Trustee certifies that the wording of this form is identical in all respects to the form confirmation order adopted by Judge Harris and Judge Price Smith in a Memorandum dated January 17, 2018.

Submitted by:
/S/ Lauren A. Helbling
LAUREN A. HELBLING (#0038934)
Chapter 13 Trustee
200 Public Square, Suite 3860
Cleveland, OH 44114-2321
Phone (216) 621-4268 Fax (216) 621-4806
Ch13trustee@ch13cleve.com

Dated February 8, 2019

Modification of Confirmation Order for Chapter 13 cases Filed on or after December 1, 2017

MEMORANDUM

Date: February 8, 2019

To: All counsel and parties appearing before Judges Arthur I. Harris and Jessica E. Price Smith

From: Judges Harris and Price Smith

Re: Modification of confirmation order for chapter 13 cases filed on or after December 1, 2017

On January 17, 2018, Judges Harris and Price Smith adopted a new form confirmation order for chapter 13 cases filed on or after December 1, 2017. The form confirmation order is modified to include the finding that "Any and all objections filed by the Trustee have been resolved." A copy of the confirmation order is attached.

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF OHIO

In re:	)	Case No. __-_____
	)	
_____,	)	Chapter 13
Debtor.	)	
	)	Judge _____

CONFIRMATION ORDER

The Chapter 13 plan in this case came on for confirmation at a hearing before the Court. A copy of such plan, together with the applicable amendments or modifications (the "Plan"), is attached to this Order. Based upon the papers filed in this case, information presented by the Chapter 13 Trustee ("Trustee") and such other matters, if any, presented by the Debtor or Debtors ("Debtor"), Debtor's counsel, any objector or any other interested party, the Court finds that:

1. Notice of the confirmation hearing was duly given.

2. The Plan complies with applicable requirements of 11 U.S.C. §§ 1322 and 1325.

3. Any and all objections filed by the Trustee have been resolved.

IT IS THEREFORE ORDERED THAT:

1. The Plan is confirmed.

2. The Debtor shall, until further order of the Court, make the periodic payments called for in the Plan to the Trustee. Except as otherwise permitted, such payments shall be made pursuant to order of the Court on the Debtor's employer.

3. The Debtor shall not incur additional debt exceeding $1,000 in the aggregate without notice to the Trustee and the approval of the Court.

4. The Debtor shall not transfer any interest in real property without the approval of the Court.

5. Unless the Plan provides otherwise in Part 2.3 or Part 8, the Debtor shall pay over to the Trustee each year during the pendency of the case any and all federal income tax refunds. The Debtor may retain from any federal income tax refund either $1,000 from a single tax return ($2,000 from a joint tax return) or the sum of any earned income tax credit and child tax credits, whichever is greater.

6. Secured creditors shall retain their liens. If this case is either dismissed or converted to a Chapter 7 case, the property vesting in the Debtor by reason of this Confirmation Order shall remain subject to the liens existing at the time of the filing of the case subject to adjustments in respect of amounts paid under the Plan.

7. After confirmation of the Plan, funds available for distribution will be paid monthly by the Trustee in the following order: (i) Trustee's authorized percentage fee and/or administrative expenses; (ii) attorney's fees as allowed under applicable rules and guidelines; (iii) conduit payments as provided for in Part 3.1; (iv) monthly payments on mortgage arrearages as provided for in Part 3.1 and monthly payments on claims as provided for in Parts 3.2, 3.3, 3.4 and, if so specified, Part 6.1 (if no fixed payment on an executory contract arrearage is specified, then the arrearage will be paid on a *pro rata* basis); (v) payments to priority creditors as provided for in Part 4, to be made on a *pro rata* basis; and (vi) general unsecured claims.

8. Any creditor seeking to file an unsecured deficiency claim as a result of collateral surrendered in Part 3.5 must do so no later than 90 days after this Confirmation Order is entered. If the collateral has not been liquidated, the deficiency claim is to be estimated.

9. The attorney for the Debtor is allowed a fee of _____, of which _____ has been paid. The balance of _____ shall be paid by the Trustee from the monies received under the Plan over 12 months, unless a longer period is needed because the plan payment is too small to allow for payment over 12 months.

10. The administrative expenses of the Trustee shall be paid in full pursuant to 11 U.S.C. §§ 503(b) and 1326(b)(2) and 28 U.S.C. § 586(e)(1)(B).

11. If the case is dismissed by the Court or by the Debtor under 11 U.S.C. § 1307, all funds remaining in the hands of the Trustee at the time of dismissal shall be paid to the Chapter 13 creditors pursuant to the terms of the Plan. If the case is converted to Chapter 7 under 11 U.S.C. § 1307, all funds remaining in the hands of the Trustee at the time of conversion shall be returned to the Debtor after deducting the Trustee's authorized percentage fee.

12. A debtor may request entry of an order declaring that a secured claim has been satisfied and that the lien has been released under the terms of the confirmed plan by filing and serving a motion under Bankruptcy Rule 5009(d), generally at the time the case is being closed. *See* 2017 Committee Note to Bankruptcy Rule 5009(d).

By submitting this form, the Trustee certifies that the wording of this form is identical in all respects to the form confirmation order adopted by Judge Harris and Judge Price Smith in a Memorandum dated January 17, 2018, and as modified in the Memorandum dated February 8, 2019.

Submitted by:
/S/ Lauren A. Helbling
LAUREN A. HELBLING (#0038934)
Chapter 13 Trustee
200 Public Square, Suite 3860
Cleveland, OH 44114-2321
Phone (216) 621-4268 Fax (216) 621-4806
Ch13trustee@ch13cleve.com

Dated January 2, 2024

In-Person Hearings

UNITED STATES BANKRUPTCY COURT

Northern District of Ohio
Howard M. Metzenbaum United States Courthouse, Suite 248
201 Superior Avenue
Cleveland, Ohio 44114

The Honorable Suzana Krstevski Koch
United States Bankruptcy Judge

(216) 615-4422
JudgeKochChambers@ohnb.uscourts.gov

MEMORANDUM

To: Attorneys and Parties with Cases or Matters assigned to Judge Koch

From: The Honorable Suzana Krstevski Koch

RE: In-Person Hearings

Date: Effective as of January 2, 2024

As of January 2, 2024, unless otherwise ordered, attorneys and *pro se* parties must attend all hearings in person.

Telephone Appearances. The Court will allow appearance by telephone in limited circumstances for good cause. Any party or counsel who wishes to appear by telephone must file a motion requesting leave to attend by telephone explaining the reason for the request *no later than 3:00 p.m. two business days before the scheduled hearing*. Please note that the general press of business is not good cause. Should the Court grant a request to appear by telephone, Chambers will issue a unique passcode to the moving party.

Resolving a matter by settlement or withdrawal. A hearing may no longer be necessary if (1) all interested parties timely settle a matter or if a withdrawal is timely filed, and (2) the Court has no questions regarding the matter.

(1) Settlement/ Proposed Agreed Order. If there is clear agreement between all interested parties that all objections to the matter set for hearing have been resolved and a proposed agreed order *has already been submitted to the Court no later than 3:00 p.m. two business days before the scheduled hearing*, and the Court has approved and

entered the agreed order, then there may be no need to hold a hearing and the hearing may be removed from the Docket Calendar. A lack of any filed objections to a motion or application does not necessarily mean there is a clear agreement between all interested parties.

(2) Withdrawal. A withdrawal must be *filed no later than 3:00 p.m. two business days before the scheduled hearing*, otherwise the hearing will remain on the Docket Calendar, and counsel shall be present in person.

If a hearing is removed from the Docket Calendar, a Docket entry will issue to parties registered on the ECF system. Additionally, Judge Koch's "Docket Calendar for the Current Week" on her website is updated every 15 minutes and includes the most current Docket Calendar information.

Hearings may be adjourned by Court Order. Adjournments require advance Court approval. Parties may request an adjournment by motion *filed no later than 3:00 p.m. two business days before the scheduled hearing.*

If all interested parties are in agreement, instead of filing a motion, the parties may email a request for an adjournment to Chambers at JudgeKochChambers@ohnb.uscourts.gov The email to Chambers must be copied to all interested parties known to the requesting party, and it must be received by Chambers *no later than 3:00 p.m. two business days before the scheduled hearing.*

Any request for an adjournment, whether by motion or email, must state:

i. whether or not the adjournment is agreed to by all parties seeking and opposing the relief in question;

ii. the basis for the request;

iii. how many previous adjournments have been sought; and

iv. the period of time requested until the next hearing.

Late adjournment requests will not be considered unless good cause exists for the untimely request.

Whether requested by motion or email, a hearing is not adjourned until the Court orders an adjournment. If a hearing is adjourned from the current Docket Calendar, a Docket entry will issue to parties registered on the ECF system. Additionally, Judge Koch's "Docket Calendar for the Current Week" on her website is updated every 15 minutes and includes the most current Docket Calendar information.

Please note: a third adjournment will generally be a final adjournment, particularly for Chapter 13 plan confirmations, unless good cause is shown why any further adjournments are necessary.

Telephone calls to Chambers to request an adjournment are not permitted.

Expectation to appear in person. Compliance with these procedures shall excuse counsel from attending the hearing of a matter. Absent compliance with these procedures, counsel and *pro se* parties are expected to appear in person. Failure to appear may result in denial of the relief requested or other appropriate sanctions. In emergency or unforeseen circumstances, as soon as is reasonably practicable, counsel or *pro se* parties should contact Chambers to explain the emergency.

Communications sent to Chambers. Please note that communications sent to Chambers should be sent by attorneys admitted to practice before this Court. To the extent communications are sent by paraprofessionals, such communications should be limited to such communications as are appropriate under applicable rules governing the practice of law. The attorney of record for the matter must be copied on the email. The Court may enter communications sent to Chambers on the Docket for the case that is the subject of the communication and may include the content of the communication on the Docket Calendar.

Defined Terms. "Chambers" means Judge Koch's staff: her Courtroom Deputy, her Law Clerk, and her Judicial Paralegal. "Docket" is the log containing the complete history of each case in the form of brief chronological entries summarizing the court proceedings. "Docket Calendar" is the list of hearings including the date, time, and matter scheduled to be heard and can be found on Judge Koch's website under Docket Information: https://www.ohnb.uscourts.gov/content/judge-suzana-krstevski-koch

Please note, for Tuesday hearings, *3:00 p.m. two business days before the scheduled hearing* means the preceding Friday at 3:00 p.m., provided there is no intervening holiday. For example, Martin Luther King Jr.'s Birthday, Washington's Birthday, Memorial Day, Labor Day, and Columbus Day always occur on Mondays. For those weeks, *3:00 p.m. two business days before the scheduled hearing* means the preceding Thursday at 3:00 p.m.

Dated September 17, 2024

Motions that Do Not Require a Notice Pursuant to LBR 9013-1

UNITED STATES BANKRUPTCY COURT

Northern District of Ohio, Eastern Division
Howard M. Metzenbaum United States Courthouse
201 Superior Avenue, Suite 248, Cleveland, Ohio 44114

The Honorable Suzana Krstevski Koch
United States Bankruptcy Judge

(216) 615-4422
JudgeKochChambers@ohnb.uscourts.gov

MEMORANDUM

To: Attorneys and Parties with Cases or Matters assigned to Judge Koch

From: The Honorable Suzana Krstevski Koch

RE: Motions that do not require a notice pursuant to LBR 9013-1

Date: Effective as of September 17, 2024

To achieve an orderly administration of the business of this Court; to govern the practice of attorneys before Judge Koch; and to secure the just, speedy and inexpensive determination of all litigation coming before Judge Koch, and pursuant to Bankruptcy Rule 9029 and Rule 83 of the Federal Rules of Civil Procedure, the following motions do not require the notice referenced in Local Bankruptcy Rule 9013-1:

1. Application by Debtor to pay the filing fee in installments or to waive the filing fee as permitted by Fed. R. Bankr. P. 1006(b) or (c);

2. Debtor's Motion, for Cause, to Extend the Time to Pay Installment Payments for a Filing Fee, to not more than 180 Days from the Petition Filing Date;

3. Motion for Refund of Filing Fee;

4. Debtor's Motion for an extension pursuant to 11 U.S.C. §109(h)(3)(B);

5. Debtor's Motion to Extend Time pursuant to Bankruptcy Rule 1007 to File Schedules and Statement of Financial Affairs or other items;

6. Debtor's Motion under Fed. R. Bankr. P. 4004(c)(2) to defer entry of the discharge order for the purpose of filing a reaffirmation agreement;

7. Debtor's Motion under Fed R. Bankr. P. 4008(a) to enlarge the time for filing a reaffirmation agreement;

8. Motion for Temporary Restraining Order, emergency, or expedited hearing;

9. Motion to Continue Hearing/Chapter 13 Confirmation Hearing;

10. Motion for the entry or termination of a wage order;

11. First Motion for an order to extend or shorten time under Fed R. Bankr. P. 9006(b)(1)(1) or (c)(1), *however* (i) a motion to extend time within which to file a complaint objecting to discharge pursuant to Fed R. Bankr. P. 4004(b) or (ii) a motion to determine the dischargeability of a debt pursuant to Fed R. Bankr. P. 4007(c) *each require appropriate notice*, and in each case must be filed before the time has expired;

12. Trustee or United States Trustee's Motion for a Fed. R. Bankr. P. 2004 examination of the debtor;

13. Motion to limit notices as provided by Fed. R. Banrk. P. 2002(h) or (i);

14. Motion to Appear at Hearing by Telephone;

15. Motion to redact and/or restrict public access to documents containing one or more of the personal data identifiers listed in Fed. R. Bankr. P. 9037;

16. Motion by the trustee to reopen a chapter 7 case to administer unscheduled assets;

17. Motion to Reinstate a Case dismissed pursuant to an Order to Show Cause;

18. Motion to Appear Pro Hac Vice in compliance with Local Rule 2090-1;

19. Debtor's Motion to Convert pursuant to §§ 1112(a), 1208(a), or 1307(a);

20. Debtor's Motion to Dismiss a chapter 13 case pursuant to §1307(b) that has not been converted under 11 U.S.C. §§ 706, 1112, or 1208; and

21. Those matters subject to Judge Koch's Administrative Order No. 23-05, as entered October 19, 2023, amended September 12, 2024, and as may be amended from time to time.

Any party adversely affected by an order entered without notice pursuant to these General Practices and Procedures shall be entitled to reconsideration thereof in compliance with Bankruptcy Rule 9029, if, within ten days of service of notice of the entry of such order, such party files a written motion for reconsideration, which motion or memorandum attached shall state the grounds therefore. Such motion for reconsideration requires a notice pursuant to LBR 9013-1 and will ordinarily be considered by the Court upon the papers submitted. Any party adversely affected by an order shall retain all rights of any nature relating to the impropriety of the order on the underlying motion.