

**COURT PROCEDURES FOR
JUDGE MICHAEL B. SLADE**

Courtroom Deputy

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Chambers

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1. GENERAL

a. Pleadings and Other Papers.

- i. Signature blocks must include one or more attorney email addresses where Chambers and other parties in interest can reach an attorney responsible for the pleading.
- ii. References to documents filed on the docket must include the docket number and, where applicable, a pin cite to the relevant page or paragraph being referenced.
- iii. All papers must comply with applicable requirements to protect minors and personally identifiable information, including those set forth in 11 U.S.C. § 112 and Bankruptcy Rule 9037.

b. Proposed Orders.

- i. Must use a “fillable” form. Information and instructions regarding Fillable Form Orders are available [here](#).¹
- ii. A party filing a revised proposed order must file a redline to the previously filed version of that proposed order as a separate *attachment* to the new proposed order when uploading to CM/ECF.

c. Consensual resolutions of objections and disputes are preferred. Movants are expected to reach out to objecting or opposing parties *prior* to the hearing on their motion or initial status conference, as applicable, to attempt to resolve, narrow, or identify a path to resolution of the dispute. Both the movant and objecting party should be prepared to advise the Court of the status of such discussions and whether an evidentiary trial is anticipated to be necessary.

d. Courtesy Copies.

- i. No courtesy copies of any pleadings in any case are required unless specifically required herein or requested by the Court.

¹ <https://www.ilnb.uscourts.gov/forms/fillable-form-order-information>.

- ii. When submission of paper copies is required, deliver them to the Clerk of the Court's Intake Desk in Room 710 of the Dirksen Federal Building (clearly labeled for Judge Slade).
- e. Transcripts. Judge Slade uses the Electronic Court Recording Operator (ECRO) System. Transcripts of proceedings conducted by Judge Slade when a Court Reporter was not present may be ordered by contacting:

D&E REPORTING

Dirksen Federal Building

219 S. Dearborn-Rm 661

Chicago, IL 60604

(312) 986-1920

D.and.E.Reporting@gmail.com

2. CONTESTED MATTERS AND ADVERSARY PROCEEDINGS

- a. Discovery Disputes.
 - i. These procedures apply to ALL discovery disputes, whether they arise in the course of adversary proceedings or contested matters. If, after (A) consultation among the parties in person, video conference, or by telephone and (B) good faith attempts to resolve differences, the parties are unable to resolve a dispute regarding discovery, and one or more parties determines that a motion to compel, for a protective order, or other relief needs to be brought before the Court, a party must file a letter on the docket (not to exceed 3 pages) in lieu of a formal motion.
 - ii. Counsel shall promptly email the Courtroom Deputy with a courtesy copy of the letter and the proposed date and time for a hearing on the dispute, if any. Counsel shall copy all relevant opposing counsel, and (as applicable) the relevant personnel at the Office of the United States Trustee and case trustee, on that email.
 - iii. Upon the receipt of a discovery letter called for by this procedure, Judge Slade may call for a response from the opposing party (or parties), schedule a hearing, or both. Judge Slade will address the letter as promptly as possible, as discovery disputes should not delay or distract parties from the resolution of disputes on their merits. The purpose of this procedure is to minimize discovery disputes and expedite their resolution where they occur.
- b. Rule 2004 Motions.
 - i. When filing a Rule 2004 motion, the movant must either, (A) attach the proposed discovery requests (whether deposition requests, document requests, or other discovery procedure) to their Rule 2004 motion or

(B) summarize the discovery that they will be seeking within the text of their Rule 2004 motion.

- ii. Motions that do not comply with this procedure may be denied summarily without prejudice. For the avoidance of doubt, these procedures exempt parties seeking relief under Bankruptcy Rule 2004 from Local Rule 7026-1(B) with respect to such requests in matters before Judge Slade.

c. Pretrial Procedures and Scheduling Orders.

- i. Setting and adhering to schedules is critical to the just, fair, and timely resolution of matters before the Court. Accordingly, in all adversary proceedings (and contested matters requiring an evidentiary hearing), Judge Slade anticipates entering scheduling orders in the form available on his website (in the Standing Orders/Required Forms tab) promptly after the filing of the answer (or completion of briefing, as applicable). Once entered, Judge Slade expects strict compliance with such Scheduling Order.
- ii. If parties would like to propose dates for the Scheduling Order, they are to (A) meet and confer and (B) at least 3 days before the first (post-answer) status conference, file either (1) a proposed agreed form of Scheduling Order (using Judge Slade's form) with proposed dates agreed to by the parties or (2) competing proposed Scheduling Orders, noting which proposal is made by which party. Changes to the form other than to the bracketed text are disfavored and will be considered only in compelling circumstances.
- iii. Dispositive motions will be due consistent with applicable Bankruptcy Rules and Local Rules, subject to the following procedure regarding motions for summary judgment.

d. Summary Judgment Pre-Filing Conference.

- i. Properly prepared motions for summary judgment require considerable attorney time and client expense. Sometimes such motions are unnecessarily filed. A careful examination of the record prior to filing may reveal contested factual issues making the granting of the motion impossible.
- ii. It is Judge Slade's practice to hold a pre-filing conference with the lead attorneys of the parties to discuss whether the filing of a summary judgment motion is advisable given the state of the record. **No written submissions should be made prior to the conference.** The party who wishes to seek summary judgment should be prepared to point out the uncontested facts that support the relief being sought, and the opposing party should be prepared to speak to whether those facts are contested.

- iii. This conference should be scheduled with the Courtroom Deputy *before* any substantive work is done preparing the motion.
 - iv. No party will ever be prevented from filing a dispositive motion, but the goal of the pre-filing conference is to have a careful, informed discussion of the issues before significant time and expense have been incurred.
- e. Evidence.
- i. If parties intend to call witnesses and/or introduce exhibits at a hearing, they must file on CM/ECF a witness and exhibit list consistent with an entered Scheduling Order or, if no Scheduling Order has been entered, no later than 7 days prior to the commencement of the evidentiary hearing.
 - A. On such date, the parties shall (1) exchange copies of all exhibits and demonstrative exhibits on the Witness and Exhibit Lists and (2) submit to the Court two sets of the Witness and Exhibit Lists, the exhibits, and the demonstrative exhibits in binders with tabs that denote each exhibit's assigned number.
 - ii. Each exhibit must be filed as a separate attachment to the Witness and Exhibit List and, when offering an exhibit into evidence, a party must reference the exact docket number of the filed exhibit (e.g., docket no. 23-8).
- f. Trials.
- i. All trials and evidentiary hearings will be held in person in Courtroom 642.
 - ii. If a party or witness has compelling reasons, Judge Slade will consider motions for leave to testify remotely, but will only grant such motions if relief from this in-person trial requirement is absolutely necessary.
- g. Mediation.
- i. **Cases Pending Before Judge Slade.** Judge Slade welcomes requests to arrange a mediation for matters when parties are serious about attempting to settle disputes. If parties in matters before Judge Slade agree that mediation would be worthwhile, the parties should ask Judge Slade (either during a status conference or by joint email to the Courtroom Deputy) for referral to a mediator, at which point Judge Slade will reach out to his colleagues and attempt to find a judge for referral. To be clear, Judge Slade will not mediate, or hold settlement conferences, in cases that are assigned to Judge Slade.
 - A. Once another judge is assigned to mediate, it is the parties' responsibility to contact that judge's staff as directed.

- B. Unless otherwise ordered, a mediation will not delay or stay discovery, pretrial hearing dates, or trial schedules.
 - C. Participants in mediation are prohibited from divulging, outside of the mediation, any oral or written information disclosed by the parties in the course of the mediation. No person may rely on or introduce as evidence in any proceeding any aspect of the mediation unless such information is otherwise discoverable or admissible. The parties are bound by Fed. R. Evid. 408 and any applicable federal or state law equivalents relating to settlement discussions, mediations, or alternative dispute resolution procedures.
- ii. **Cases Pending Before Other Judges.** Assuming his availability, Judge Slade is happy to mediate disputes that are pending before other Judges. When another Judge has referred a case to Judge Slade for mediation and Judge Slade has agreed to mediate, the following guidelines will apply:
- A. The parties are responsible for contacting the Courtroom Deputy to schedule the mediation, and must be prepared to communicate to Chambers the anticipated length of the mediation and at least three (3) dates on which *all* parties are available to mediate.
 - B. The parties must agree to make a good faith attempt to settle through mediation and are required to have at least one person of decision-making authority in attendance at the mediation with their counsel.
 - C. The parties are advised that Judge Slade anticipates scheduling *ex parte* conference calls, separately with each side, in advance of the mediation, to ensure that the time spent during the mediation is used efficiently.
 - D. On a date set by Judge Slade or, alternatively, no later than 3 business days before the scheduled mediation, each party must email to the Courtroom Deputy a position statement not to exceed five pages. Unless the parties agree that the statements are not confidential, the statements will be treated as confidential. The statement must NOT be FILED and should not be provided to opposing parties.

3. PROCEDURES RELEVANT TO MULTIPLE CHAPTERS

- a. Motion Requirements. Motions lacking the applicable information may be denied summarily without prejudice.
 - i. **Stay Relief.** In addition to the Required Statement mandated by Local Rule 4001-1, all motions to lift the automatic stay must include **(A)** a

statement that, prior to filing the motion, the movant conferred via telephone, video conference, or in-person meeting, with counsel for the Debtor, **(B)** whether the motion to lift stay is agreed to or contested by the Debtor, **(C)** an estimate of whether (and how much) equity the debtor has in the applicable collateral, regardless of whether relief is sought under 11 U.S.C. § 362(d)(2), and **(D)** at least the following information: **(1)** total amount of the debt owed to the movant, **(2)** the status of the debtor's postpetition payment obligations to the creditor (e.g., "Debtor has missed the past 3 payments of \$555 each, for a total arrearage of \$1665"); and **(3)** what specifically the movant intends to do if Judge Slade lifts the stay (e.g., "If the stay is lifted, Creditor intends to foreclose on its lien, evict the Debtor, and sell the property" "If the stay is lifted, Creditor intends to repossess and sell the 2016 Nissan Ultima").

A. Agreed orders to resolve stay relief motions are welcome. However, such order must provide that, before the automatic stay terminates, the debtor has no less than 7 days after receiving a notice of default of any payment plan provided for in the agreed order to seek further relief from the Court.

ii. **Stay Extension.** Motions to continue the automatic stay in effect pursuant to 11 U.S.C. § 362(c)(3) or to impose the automatic stay under § 362(c)(4) should: **(A)** state the case number(s) of previous case(s) dismissed within one year of the filing of the present case, **(B)** include copies of Schedules I and J from (1) previous cases dismissed within one year of the filing of the present case and (2) the current case, **(C)** explain in detail the bases for continuing the stay in effect or imposing the stay, and **(D)** be accompanied by a factual affidavit from the Debtor(s) explaining the reasons why each of the previous cases was dismissed and why the automatic stay should be continued or imposed in the present case.

b. Claims Objections.

i. Each claim objection must identify the claimant and claim number.

ii. A copy of the proof of claim must be attached to the objection and redacted in accordance with Bankruptcy Rule 9037.

iii. Notice to the claimant must be served in compliance with Fed. R. Bankr. P. 3007, including without limitation service on the person who signed the claim form at the address found on the claim form.

A. Further instructions on [serving the Internal Revenue Service](https://www.ilnb.uscourts.gov/news/serving-internal-revenue-service)² are available on the Court's website.

² <https://www.ilnb.uscourts.gov/news/serving-internal-revenue-service>.

c. Fee Applications in Chapter 7, 9, 11, and 12 Cases.

- i. Applications for approval of professional fees and expenses must attach (A) a report of time and service entries generally consistent with the United States Trustee's Fee Guidelines,³ including reporting time in tenths of an hour increments, and in the format required under Local Rule 5082-1 and (B) the following summary chart at the beginning of the application:

| | |
|---|---|
| Name of Applicant: | |
| Applicant's Role in Case: | |
| Retention Order: | ECF No. ____; entered __/__/__ |
| Petition Date: | __/__/__ |
| Confirmation Order: | <input type="checkbox"/> ECF No. ____; entered __/__/__ <input type="checkbox"/> Not yet entered <input type="checkbox"/> N/A (Chapter 7) |
| Time Period Covered by Application: | __/__/__ to __/__/__ |
| Total Fees Requested in this Application: | \$ _____ |
| Total Hours Covered by this Application: | |
| Total Expenses Requested in this Application: | \$ _____ |

4. CHAPTER 11 CASES

- a. All hearings are evidentiary unless otherwise specifically ordered.
- b. First Day Motions and Hearings.
- i. For “first day” motions, the court requires two (2) physical sets of pleadings and one (1) electronic set (zip file of PDFs, with proposed orders in Word) within one (1) business day of their filing.
- c. Complex Chapter 11 Cases.
- i. To obtain a “first day hearing” setting under Local Rule 9090-2, proposed counsel for the Debtor(s) shall contact the Courtroom Deputy upon the assignment of a Complex Chapter 11 Case to Judge Slade. Such hearings will be scheduled as quickly as possible.
- d. Subchapter V Cases.
- i. Proposed Cash Collateral/DIP Financing orders should include a proposed provision to ensure payment of the Subchapter V Trustee's allowed fees and expenses (payment of a reasonable retainer is likely to be acceptable).

³ https://www.justice.gov/sites/default/files/ust/legacy/2013/06/28/Fee_Guidelines.pdf.

5. CHAPTER 13 CASES

- a. Motion Requirements. Motions lacking the applicable information may be denied summarily without prejudice.
 - i. **Dismissal.** All motions to dismiss a chapter 13 case must state whether a plan has been confirmed and, if so, include a paragraph (or chart) that sets forth the following information: **(A)** the term of plan and status (e.g., “20 months into a 60-month plan, 33% time passed”), **(B)** the monthly plan payment amount, and **(C)** the status of the debtor’s payments under the plan, including (1) how much has been paid and percent of total and (2) the number of payments and amount in arrears.
 - ii. **Plan Modifications.** All motions to modify a chapter 13 plan must include a paragraph (or chart) that sets forth the following information about the debtor’s current confirmed plan *and* any proposed modifications thereof: **(A)** the term of plan and status (e.g., “20 months into a 60-month plan, 33% time passed”), **(B)** the monthly plan payment amount, **(C)** the percentage agreed to be paid to general unsecured creditors, and **(D)** the status of the debtor’s payments under the plan, including (1) how much has been paid and percent of total and (2) whether the debtor is current and, if not, the number of payments and amount in arrears.
- b. Fee Applications in Chapter 13 Cases.
 - i. If a flat fee is authorized pursuant to Local Rule 5082-2, the application for approval of professional fees and expenses must also attach the fully executed Court-Approved Retention Agreement.
 - ii. Otherwise, applications for approval of professional fees and expenses must attach (A) a report of time and service entries generally consistent with the [United States Trustee’s Fee Guidelines](https://www.justice.gov/sites/default/files/ust/legacy/2013/06/28/Fee_Guidelines.pdf),⁴ including reporting time in tenths of an hour increments, and in the format required under Local Rule 5082-1, (B) the fully executed engagement letter (or agreement setting out terms of compensation), and (C) the following summary chart at the beginning of the application:

⁴ https://www.justice.gov/sites/default/files/ust/legacy/2013/06/28/Fee_Guidelines.pdf.

| | |
|---|---|
| Name of Applicant: | |
| Applicant's Role in Case: | |
| Petition Date: | __/__/__ |
| Confirmation Order: | <input type="checkbox"/> ECF No. ____; entered __/__/__ <input type="checkbox"/> Not yet entered |
| Time Period Covered by Application: | __/__/__ to __/__/__ |
| Total Fees Requested in this Application: | \$_____ |
| Total Hours Covered by this Application: | |
| Total Expenses Requested in this Application: | \$_____ |
| Total Retainer Received: | |

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