

## ILNB Western Division Revised Procedures<sup>1</sup>

EFFECTIVE: AUGUST 1, 2014

Hearings on Motions	PLEASE SEE <a href="#">MOTION/ADVERSARY SCHEDULE</a> FOR DATES WHEN JUDGE LYNCH IS NOT SITTING	
	Motions in Chapter 7 Cases:	
	Original (New) Motions and Involuntary Petitions	Mondays and Wednesdays at 9:30 a.m.
	Continued Motions and Set Matters; Adversary Status	Mondays and Wednesdays at 10:00 a.m.
	Matters Set for Oral Argument	Mondays and Wednesdays at 11:00 a.m.
	Motions in Chapter 11 Cases:	
	All Chapter 11 matters, including Involuntary Petitions	Wednesdays at 10:30 a.m.
	Matters Set for Oral Argument	Wednesdays at 11:00 a.m.
	Motions in Chapter 12 Cases:	
	All Chapter 12 matters	Alternate Fridays at 1:30 p.m. (consult the "Mot/AdvSchedule" tab on this webpage)
Motions in Chapter 13 Cases:		
Please consult the "Mot/AdvSchedule" tab on this webpage for the court's Chapter 13 dates ("Alternate Fridays").		
Trustee's Objections to Claims	Alternate Fridays at 8:45 a.m.	
Trustee's Motions to Dismiss	Alternate Fridays at 8:50 a.m.	

<sup>1</sup> Found on Judge Lynch's webpage, <http://www.ilnb.uscourts.gov/content/judge-thomas-m-lynch> .

	<p>Original (New) Motions and Involuntary Petitions; Continued Motions and Set Matters; Adversary Status</p> <p>Alternate Fridays at 9:00 a.m.</p> <p>Confirmation Hearings</p> <p>Alternate Fridays at 10:00 a.m.</p> <p>Matters Set for Oral Argument</p> <p>Alternate Fridays at 11:00 a.m.</p> <p>The 11:00 a.m. oral argument time may only be scheduled by or with prior approval of the judge.</p>
Service of Motions	<p>For all contested matters (as defined by Bankruptcy Rule 9014) the motion or request must be served in compliance with R. Bankr. P. 7004. Notice to corporations must be served on an officer, managing or general agent, or on any agent authorized by appointment or by law to receive service of process as required by Rule 7004(b)(3). Attempted service upon a corporation at a "P.O. box" address does not comply with Rule 7004(b)(3). The moving party shall consult Rule 7004(b)(4) for service by mail upon the United States and Rule 7004(h) for service upon an insured depository institution (as defined in section 3 of the Federal Deposit Insurance Act).</p>
Stricken Motions	<p>The scheduled hearing date for motions that are noticed for an incorrect date, time, or location will be stricken automatically prior to the date originally noticed for hearing. Any emergency motion that is scheduled for hearing without receiving prior approval from Judge Lynch also will be stricken. The courtroom deputy will inform movant's attorney prior to the hearing date if the hearing date or motion has been stricken.</p> <p>A motion may be denied in court for want of prosecution if the movant fails to appear to present its motion.</p>

<p>Motions Granted Without Hearing</p>	<p>Except as provided below, All Chapter 7 and 11 motions are heard in open court. Chapter 13 matters that are noted on the court call as “no objection” or “confirmed” will not be called. In addition, if a matter is noted as continued to a date certain, that matter will not be called until the date noted. Notations of "no objection" or "confirmed," and continuance will be posted on the "<a href="#">Court Calendar</a>" section of Judge Lynch's website after 2 p.m. on the last business day prior to the hearing date.</p> <p>Routine motions (as defined in <a href="#">Local Rule 9013-9</a>) and other motions to which no objection is expected may be listed as “WILL BE GRANTED WITHOUT A HEARING IN THE ABSENCE OF AN OBJECTION” and on the <a href="#">Court Calendar</a> for the hearing date.</p> <p>In addition to routine motions defined above, the following motions may also be listed as “WILL BE GRANTED WITHOUT A HEARING” on the <a href="#">Court Calendar</a> for the hearing date:</p> <ul style="list-style-type: none"> <li>A. Motion for relief from the automatic stay under section 362 in Chapter 7 cases: <ul style="list-style-type: none"> <li>a. With respect to real property or personal property other than a vehicle, when the motion alleges that stay relief is warranted because the debtor has no equity in the property or the debtor has stated an intention to surrender the property and the trustee has filed a no-asset report.</li> <li>b. With respect to a vehicle, when the motion alleges that stay relief is warranted because the debtor has no equity in the vehicle or that the vehicle is uninsured.</li> </ul> </li> <li>B. Motion for relief from the automatic stay in Chapter 13 cases: <ul style="list-style-type: none"> <li>a. With respect to real property or personal property other than a vehicle, when the motion alleges that the movant holds a valid security interest in the property and the debtor’s chapter 13 plan calls for surrender of the property.</li> <li>b. With respect to a vehicle, when the motion alleges that the movant holds a valid security interest in the property, and that the vehicle is uninsured or the debtor’s chapter 13 plan calls for surrender of the vehicle.</li> </ul> </li> </ul>
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Please note that these procedures do not apply: (1) when the motion seeks relief based on other grounds; and (2) to motions for relief from stay in chapter 11 or chapter 12 cases.

- C. Debtor's motion to delay discharge for no more than 30 days to allow the debtor to file a reaffirmation petition.
- D. Motion to reopen a bankruptcy case in order to file Debtor's Certification Regarding Domestic Support Obligation, but only if the reopening fee has been paid.
- E. Debtor's motion to reopen its bankruptcy case in order to file Debtor's Certification of Completion of Postpetition Instructional Course Concerning Personal Financial Management, but only if the reopening fee has been paid. Please note that Debtor must propose to file its certificate within 14 days of the order if the certificate has not already been filed.
- F. Motion to dismiss a case for failure to obtain a credit counseling certificate pursuant to section 109(h).
- G. Motion to remove person/entity from the service list in a chapter 11 case.

Effect of listing as "WILL BE GRANTED WITHOUT A HEARING":

A . IF ANY PARTY ASKS THE COURTROOM DEPUTY TO CALL THE MOTION, IT WILL BE CALLED.

B . If no party requests that the motion be called, it will be granted as of the date of the scheduled hearing without hearing in open court.

C . If the motion is called, the court will either grant the motion over the objection or continue it to give the movant an opportunity to be heard.

If a motion may be granted in chambers without hearing, it will be marked "WILL BE GRANTED WITHOUT A HEARING" in the Court Calendar by no later than 2:00 p.m. on the last business day before the motion is scheduled to be presented.

	<p>Consult the <a href="#">Court Calendar</a> to see whether your motion “Will Be Granted Without a Hearing.” A copy of the day’s Court Calendar also will be found on the message board located outside the courtroom and on counsel tables.</p>
<p>Withdrawal of Motions or Set Matters</p>	<p>Parties may withdraw a motion or other set matter and not appear if no later than noon of the last business day before the scheduled date of the set matter the moving counsel has filed an electronic notice of withdrawal and notified all appropriate parties that the motion is being withdrawn. Movant also shall contact the courtroom deputy at (779) 772-8619. The matter then will be posted as "withdrawn" on the <a href="#">Court Calendar</a>.</p>
<p>Motion to Continue Stay</p>	<p>Motions to continue the automatic stay in effect pursuant to Section 362(c)(3) or to impose the automatic stay under Section 362(c)(4) shall include the Debtor’s affidavit or declaration and:</p> <ul style="list-style-type: none"> <li>A. State the case number of previous cases dismissed within one year of the filing of the present case;</li> <li>B. Include copies of Schedules I and J from previous cases dismissed within one year of the filing of the present case, and Schedules I and J from the current case; and</li> <li>C. State in detail the bases for continuing the stay in effect or imposing the stay.</li> </ul>

<p>Motions for Approval of Fees</p>	<p>Cases filed under Chapters 7, 11 and 12:</p> <p>All attorneys or other professionals in cases filed under Chapters 7, 11 and 12 who seek approval of their fees must submit an itemization of their time in tenths of an hour and otherwise comply with the requirements of <a href="#">Local Rule 5082-1</a>.</p> <p>Cases filed under Chapter 13 :</p> <p>Refer to <a href="#">Local Rule 5082-2</a>. Motions for approval of fees pursuant to the Court-Approved Retention Agreement will be granted in chambers when a case is noted as “confirmed.” All applications that are not based on the Court-Approved Retention Agreement must be itemized in conformity with <a href="#">Local Rule 5082-1</a>.</p>
<p>Courtesy Copies</p>	<p>No copies of motions, exhibits or other filings are to be delivered to chambers unless specifically requested by Judge Lynch.</p>
<p>Pretrial Procedures</p>	<p>Status Hearings and Discovery. Discussed in open court on a case by case basis. Parties need not submit a Rule 26(f) report unless otherwise directed to do so by the court.</p> <p>Final Pretrial Order: The trial date will be set forth in a final pretrial order sent to the parties. The final pretrial order may also contain deadlines for the filing and exchanging of witness lists, exhibit lists, stipulations of fact, and trial briefs, a deadline for the exchange of the exhibits themselves, and a deadline for objections to exhibits. Strict compliance with the final pretrial order is required. Failure to comply with the final pretrial order will result in the imposition of sanctions. <i>See, e.g., Michael v. Khan (In re Kahn)</i>, 321 B.R. 709, 711 (Bankr. N.D. Ill. 2005).</p> <p>See Judge Lynch’s <a href="#">Pretrial Forms</a>.</p>
<p>Appearance by Telephone</p>	<p>Consult the linked <a href="#">Instructions for Telephonic Appearance</a>. All requests for telephonic participation must be approved by the court at least two (2) business days before the hearing.</p>
<p>Emergency Motions</p>	<p>To schedule an emergency matter consult <a href="#">General Order No. 12-01</a> and then contact the courtroom deputy at (779) 772-8619.</p>