**INSTRUCTIONS FOR USING THE ECF TOOLS HEARING CANCELLATION MODULE**

The ECF Tools Hearing Cancellation Module ("Module") is an application contained within CM/ECF that allows attorneys to notify the Court via an ECF docket entry that an upcoming matter scheduled for hearing may be removed from the hearing docket.[1]  Local Bankruptcy Rule 9013-1(P) requires all hearings scheduled before the United States Bankruptcy Court for the Eastern District of Virginia to be cancelled using the Module.

*Sample hearing cancellation docket entry made in CM/ECF when the Module is used*:

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| | 31 | Hearing Cancelled by John Doe (Hearing date: 9/14/2023) (Re: related document(s) 21 Motion to Dismiss Case Failure to Make Plan Payments Pursuant to 11 USC 1307(c)(4), 1307(c)(6), Notice of Motion & Notice of Hearing Hearing scheduled for 9/14/2023 at 10:00 AM at Judge St. John's Courtroom, 600 Granby Street, 4th Floor, Courtroom 1, Norfolk, Virginia. Filed by John Doe of Chapter 13 Trustee on behalf of John Doe (Doe, John)) Order/Disposition due by 9/27/2023 (Doe, John). |
| 09/13/2023 | | |

Using the ECF Tools Hearing Cancellation Module

A short video demonstration can be viewed from within the Module by clicking on the information/ help icon [i] at the bottom right corner of the Module's task pane.  The video is also linked from the Hearing Cancellations page, accessible on the Court's web site at:
https://www.vaeb.uscourts.gov/hearing-cancellations

*Accessing the Module*
To access the Module, after logging into CM/ECF, a user must first access the ECF Tools platform by clicking the circular arrows icon 🔄 in the upper right corner of the CM/ECF screen.  A task pane will appear on the right side of the screen, displaying the Hearing Cancellation Module icon 📋.  Clicking on the Module icon opens a list of cases in which hearings are scheduled, along with the hearing dates and times, for cases in which the user is associated as an attorney.

Clicking on the "+" sign to the left of the case number allows the user to see the specific docket entry and docket event text related to the hearing in the selected case.  If multiple hearings appear for a case, the user must utilize this feature to ensure that the correct matter is being cancelled.  Cancellation of a

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[1]  The Court may restore **any** matter to a hearing docket after a user dockets a hearing cancellation entry.  If the Court determines that a matter should be restored to the hearing docket, the moving party will be notified.  The moving party will be responsible for notifying all necessary parties that the hearing will be held.

matter that a user is not permitted to cancel may result in the revocation of the privilege to utilize the Module. (Please refer to Rule #2, below.)

*Cancelling a hearing*
To cancel a hearing, check the box to the left of the case number associated with the hearing being cancelled. Click the "Process Cancellations" button **✔ Process Cancellations** located at the bottom of the Module screen to cancel the hearing. (*Note: The "Process Cancellations" button will remain inactive until the box to the left of a hearing to be cancelled is checked.) A box will appear requiring the user to click "Yes" to (1) acknowledge that an Order due deadline will be created when the hearing cancellation entry is docketed and (2) cause the hearing cancellation entry to be docketed. (If "No" is selected, the hearing cancellation will not be accepted, and the user will be returned to the main Module screen.) A Hearing Cancellation Results message will appear containing the case number, hearing date, and hearing time for the hearing that has been cancelled. **Verify that ✅ appears in the "Success" column to ensure the cancellation was docketed.** The hearing will no longer appear in the hearing list in the Module if a hearing cancellation is successfully docketed.

If a user attempts to cancel a matter but receives a confirmation box containing ❌ in the "Success" column, **the hearing cancellation was not docketed**. If you believe the message was received in error, please contact the assigned Judge's Courtroom Deputy.

*Cancelling more than one hearing*
Multiple hearings on a user's list may be cancelled at the same time by checking the appropriate boxes for those hearings. If a user wishes to cancel ALL of the hearings in the list, the checkbox at the top of the column, to the left of + icon in the label row, may be selected. Follow the remainder of the steps in the preceding section to docket the hearing cancellation entries. **Verify that ✅ appears for each of the hearings desired to be cancelled in the "Success" column to ensure the cancellations were docketed.**

*When a hearing does not appear in a user's hearing list*
A hearing that does not appear in the user's hearing list can be found by entering the case number in the search box at the top of the Module (unless the Court prohibits cancellation of such matter; see below). Enter a valid **7-digit** case number (*i.e.*, 15-70001 or 14-07001) and press Enter. Clicking the blue "X" icon **✖** on the right side of the search box allows a user to search for a new case or to return to the initial screen within the Module to view the hearings for cases in which the user is associated as an attorney.

If another attorney in a user's firm has a hearing for which a fellow attorney needs to docket a hearing cancellation, the user seeking to docket the hearing cancellation can search for the desired hearing in this fashion.

**Important:** The Hearing Cancellation Module contains default settings to prohibit the cancellation of hearings for certain matters on which the Court requires that hearings be held. Therefore, if the user searches for a matter on which a hearing is required, **that hearing will not appear in the Hearing Cancellation Module**. The list of matters that cannot be cancelled can be viewed by clicking on the Settings icon **⚙** in the lower left corner.

*Closing the Hearing Cancellation Module*
The Module's task pane can be closed by clicking the circular arrows icon in the upper right corner of the CM/ECF screen.

*Recommendation*
If a hearing continues to appear in the Module for a matter where a withdrawal has been docketed or an order resolving the matter has been submitted and/or entered, it is recommended that the hearing be cancelled via the Module to ensure that the matter is removed from the docket. If a withdrawal is docketed for a matter that appears on the list of matters that may not be cancelled, no hearing cancellation can be docketed. Please contact the assigned Judge's Courtroom Deputy to confirm whether the withdrawal of such matter will remove the hearing from the docket.

Rules Regarding Cancelling Hearings

1.      Pursuant to Local Bankruptcy Rule 9013-1(P), all hearing cancellations must be received by the Court no later than 3:00 p.m. on the last business day prior to the hearing. The Module will not permit a user to cancel a hearing after this time. If a user attempts to cancel a hearing after the 3:00 p.m. cutoff time, a message will inform the user that the time for cancelling the hearing has expired, and the attorney must attend the hearing, or the Court may dismiss the matter for failure to prosecute or take other appropriate action. (*Note: Federal holidays are not considered business days.)

2.      Only counsel for the moving party (the filing attorney or another member of the filing attorney's firm) may remove a hearing from the docket. Should a user other than counsel for the moving party cancel a hearing on the Court's docket, the matter will be restored to the hearing docket, and the offending user may have the privilege to utilize the Module and/or CM/ECF suspended, revoked, and/or be subject to further sanctions by the Court.

        **The exception to this rule is as follows**: Where an objection to confirmation to an original or amended/modified plan for which a confirmation hearing is scheduled, if the objection is resolved by the parties prior to 3:00 p.m. the last business day prior to the scheduled confirmation hearing, the objecting creditor or party in interest shall docket a hearing cancellation to remove the hearing from the Court's docket. Such cancellation shall not affect other, pending objections to confirmation of the same plan.

3.      If a matter is cancelled in error, the user should contact the assigned Judge's Courtroom Deputy immediately so that the matter may be restored to the hearing docket. Failure to do so may result in the matter not being heard, and the offending user may have the privilege to utilize the Module and/or CM/ECF suspended, revoked, and/or be subject to further sanctions by the Court.

4.      Pursuant to Local Bankruptcy Rule 9022-1(G), the moving party must submit a proposed order to the Court within fourteen (14) days from the date the hearing cancellation is docketed.

5.      The Court may restore **any** matter to a hearing docket after the docketing of a hearing cancellation entry. If a matter is restored to the hearing docket, the moving party will be notified. The moving party will be responsible for notifying all necessary parties that the hearing will be held. Notification to the moving party will include, at a minimum, the docketing of a "Hearing Reinstated" docket entry by the Court.

In the Event of a CM/ECF Outage

If the CM/ECF system or the Module experiences an outage, users must contact the Court to determine the appropriate alternate method for submitting hearing cancellations.  Users may be instructed to submit hearing cancellations to the assigned Judge's Courtroom Deputy by telephone or via electronic mail to a designated address.  The rules for submitting hearing cancellations set forth above will continue to apply in such circumstance.

Once access to the CM/ECF system and/or the Module is restored, users must resume usage of the Module.

Verifying that a Hearing Has Been Cancelled

In addition to viewing the cancellation entry in the individual case, a hearing cancellation can also be found by running a Docket Activity Report through the Reports menu of CM/ECF.  Select the Category, **misc**, on the Docket Activity Report screen.  This will display all events from the miscellaneous category.  However, if the box "Only cases to which I am linked" is checked, the events displayed will be limited to the events applicable to those cases.  A user may also input a date range in the boxes to the right of the "Entered" label.  Select "Run Report" to access the report results.  When using the Docket Activity Report method, make sure to select the "Full docket text" option.

**\*\*PLEASE NOTE:  ECF users viewing Docket Reports, Docket Activity Reports, etc., will incur PACER charges.\*\***

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