



**INSTRUCTIONS FOR USING THE ECF-TOOLS HEARING CANCELLATION MODULE
FOR HEARINGS IN THE NORFOLK & NEWPORT NEWS DIVISIONS ONLY**

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 The Module is currently configured for use in the Norfolk and Newport News Divisions **only**.

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



08/31/2018	● 31	Hearing Cancelled by John Doe (Hearing date: 9/6/2018) (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 9/6/2018 at 10:00 AM at Chief 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 9/14/2018 (Doe, John).
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At this time, use of the ECF-Tools Hearing Cancellation Module is approved ONLY for hearings scheduled in the Norfolk and Newport News Divisions.

Using the ECF Tools Hearing Cancellation Module

A short video demonstration of how to use the Module can be viewed [here](#). The video can also be viewed from the Hearing Cancellations page, accessible on the Court’s web site at: https://www.vaeb.uscourts.gov/wordpress/?page_id=5566

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,

¹ The Court may restore **any** matter to a hearing docket after a user docket 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.



the user must utilize this feature to ensure that the correct matter is being cancelled. Cancellation of a 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.)

Canceling 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  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 a Norfolk Courtroom Deputy.


Canceling 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 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 case number using the format of a two-digit year, followed by a dash, followed by the five-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: (November 30, 2018 Update) The Hearing Cancellation Module now contains default settings to prohibit the cancellation of hearings in certain matters on which the Court requires that hearings be held. The list of those matters can be viewed by clicking on the Settings icon  in the lower left corner. Therefore, if the user searches for a matter on which a hearing is required, **that hearing will not appear in the Hearing Cancellation Module.**


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 a Norfolk Courtroom Deputy to confirm whether the withdrawal of such matter will remove the hearing from the docket.

Help

A video demonstration of the Module can be accessed by clicking on the information/help icon  at the bottom right corner of the Module's task pane. The video may also be accessed through the following hyperlink [Hearing Cancellation Video Demonstration](#). Users may contact a Norfolk Courtroom Deputy for assistance.

Rules Regarding Cancelling Hearings

The existing rules regarding submitting hearing cancellations remain in effect, including the following.

1. 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.

(November 30, 2018 Update) The exception to this rule is as follows: For original or amended/modified plans filed on or after October 29, 2018, where a consent resolution to an objection to confirmation is reached that anticipates the filing of an amended plan, the objecting party may remove the scheduled Confirmation Hearing from the docket prior to 3:00 p.m. on the last business day before the Confirmation Hearing. **See Norfolk and Newport News Standing Order 18-1, entered October 9, 2018.**

3. If a matter is cancelled in error, the user should contact the 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. The Court's rules regarding matters for which hearings must be held remain unchanged. Those matters for which hearings must be held (unless counsel for the moving party (a) withdraws the motion by filing an appropriate pleading; or (b) submits an order dismissing the matter that is entered on the docket prior to 3:00 p.m. on the last business day prior to the hearing) include: Motions to Allow the Late Filing of a Proof of Claim; Motions to Vacate Dismissal; Motions to Reopen; Motions to Extend the Time to Object to Discharge/Dischargeability; Motions to Extend or Impose the Automatic Stay; Motions to Approve a Loan Modification; most Chapter 11 motions (with the exception of Motions for Relief from the Automatic Stay); and any matters set for hearing by the Court, including Orders/Notices to Show Cause, Reaffirmation Agreements, and Orders Setting Hearing. This list is **non-exhaustive**. If a user is unsure as to whether a matter may be removed from the docket, the Judge's Courtroom Deputy should be contacted *before* a hearing cancellation entry is docketed.

5. Pursuant to Local Bankruptcy Rule 9022-1(F), the moving party must submit a proposed order to the Court within fourteen (14) days from the date the hearing cancellation is docketed. Failure to timely submit an order may result in the matter being dismissed for failure to prosecute.

6. 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 Judge's Courtroom Deputy by telephone or via electronic mail to a designated address. The existing rules for submitting hearing cancellations apply, including those set forth above.

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.****