

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF VIRGINIA
Motions Practice and Procedure Guidelines

The United States Bankruptcy Court provides the following Guidelines pertaining to motions practice and procedure in the Eastern District of Virginia. The Court may, in certain instances, impose additional requirements if circumstances warrant.

The Guidelines do not alter the requirements regarding appearances at hearings pursuant to Local Bankruptcy Rule 2090-1(H).

Should any Guideline be construed so as to conflict with the Local Bankruptcy Rules of this Court, the provisions of the Local Bankruptcy Rules shall control.

Questions regarding the Guidelines may be directed to the Judge's Courtroom Deputy. Parties are reminded that the Clerk's Office is prohibited from providing legal advice.

Hearing Dates

Hearing dates appear on each Judge's respective Hearing Dates & Information page on the Court's website, which can be accessed by left-clicking on the "Judges' Hearing Dates & Information" link in the drop-down menu under "Hearing Information."

A Judge may require specific matters to be heard on designated dates and/or at designated times. Dates provided may be used only for the matters designated.

A Judge may establish a maximum number of a specific type of matter that one attorney/firm may set for one docket.

Counsel should consult a Judge's Hearing Dates & Information page for information regarding scheduling matters where evidence or legal argument will be presented.

Hearings must be set for the Division in which the case is pending, unless permission is otherwise granted.

Unless otherwise posted on a Judge's Hearing Dates & Information page, motions must be set for hearing before the Judge to whom the case is assigned.

Counsel is responsible for ensuring a matter is set for the correct date, time, and location.

The moving party should view the Court's website prior to filing a motion to ensure that the hearing date remains available and that the time frame within which the date may be used has not expired.

If a hearing needs to be scheduled for a date beyond the dates listed, the moving party should contact the Judge's Courtroom Deputy.

The moving party should make a good faith attempt to coordinate a mutually agreeable hearing date with opposing counsel.

If a Motion for Relief from Automatic Stay is scheduled for a preliminary hearing on a date that is more than 30 days after the moving party files the motion, the moving party shall be deemed to have consented to a waiver of its rights under 11 U.S.C. §362(e)(1) relating to the automatic lifting of the stay. The stay shall remain in effect until further order of the Court. (**Further guidance for these motions may be found in the Court's separate Motions for Relief from Automatic Stay Guidelines.**)

If a proposed consent order will be tendered to the Court simultaneously with the filing of a Motion for Relief from Automatic Stay, a hearing should not be scheduled and a hearing date should not be included in the Notice of Motion.

Pursuant to Local Bankruptcy Rule 3015-2, objections to confirmation of the original Chapter 13 plan filed in a case must be noticed for hearing for the date, time, and location of the confirmation hearing as set forth in the notice regarding the § 341 Meeting of Creditors. Objections to confirmation of a modified Chapter 13 plan must be noticed for hearing for the date, time, and location of the confirmation hearing as set forth in the modified plan.

Motions requesting an expedited hearing must comply with Local Bankruptcy Rule 9013-1(N), as well as with any additional requirements set forth on the respective Judge's Hearing Dates & Information page.

Parties proceeding *pro se* (without legal counsel) may utilize the dates provided on the Judges' Hearing Dates & Information pages for scheduling hearings on the enumerated types of matters. Please note that, pursuant to Local Bankruptcy Rule 9010-1, entities other than individuals (*e.g.*, corporations, partnerships, and municipalities) may not proceed *pro se* and must retain legal counsel. All noticing requirements must be complied with, or the Court may not hear the matter.

Proper Notice of Hearing

It is the moving party's responsibility to comply with proper noticing requirements, including service upon all proper parties in accordance with the Federal Rules of Bankruptcy Procedure and the Local Bankruptcy Rules, and to provide the correct date, time, and location of the hearing.

If a moving party's notice of hearing is insufficient, or the moving party has utilized an expired hearing date, the matter may not be heard.

Continuances

Information regarding a Judge's policy concerning continuances can be found on the Judge's Hearing Dates & Information page.

The party requesting a continuance is encouraged to consult with opposing counsel, and the trustee if applicable, prior to requesting a continuance and advise the Court of the position of opposing counsel and the trustee, if applicable. Continuances should be requested only for good cause and with sufficient time to allow the Court to consider the request prior to the hearing date. All continuance requests should propose a date and time for the continued hearing from the dates available on the Judge's respective Hearing Dates & Information page, if dates for such matters are provided on that page.

Telephonic Appearance

Information regarding a Judge's policy concerning telephonic appearances can be found on the Judge's Hearing Dates & Information page.

Cancelling a Hearing

Pursuant to Local Bankruptcy Rule 9013-1(O), the moving party is responsible for notifying the Court of any settlement or other valid reason that a hearing or trial need not be conducted. The moving party shall notify the Court of the cancellation of a hearing or trial in the manner(s) set forth on each Judge's respective Hearing Dates & Information page.