



**The Honorable Tiiara N.A. Patton  
United States Bankruptcy Court  
Northern District of Ohio, Eastern Division**

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Nathaniel R. Jones Federal Building & U.S. Courthouse  
10 East Commerce Street  
Youngstown, Ohio 44503-1621 Phone: (330) 742-0950

**Judge Patton’s General Practices and Procedures  
(Revised August 11, 2023)**

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I. **Applicable Rules**

Practice in this Court will be governed by the Federal Rules of Bankruptcy Procedure, the Local Rules of the United States Bankruptcy Court for the Northern District of Ohio (“Local Rules”), and these General Practices and Procedures. All parties appearing before Judge Patton are charged with the responsibility for compliance with all applicable laws, rules, and these procedures.

II. **Preliminary General Matters**

A. **Correspondence with the Court**

Judge Patton generally discourages unsolicited correspondence from counsel and will not consider correspondence that should be the subject of motion practice. Communication to the Court should be in the form of pleadings filed with the Clerk of the Court. Judge Patton will, however, occasionally invite and/or direct counsel to report on the status of matters via letters. Otherwise, all correspondence that relates to Judge Patton’s calendar must be directed to her courtroom deputy.

B. **Communication with Chambers**

Parties may contact Evelyn Ross ([evelyn\\_ross@ohnb.uscourts.gov](mailto:evelyn_ross@ohnb.uscourts.gov) or (330) 742-0950), Judge Patton’s courtroom deputy, for all matters concerning scheduling. Court staff is prohibited from giving legal advice or answering questions regarding the merits of a particular matter.

C. **Court Appearance – In Person and Video Conference Hearings**

Effective August 21, 2023, unless otherwise ordered by the Court, the presumption is that all proceedings before Judge Patton will take place in person except pretrial conferences, status conferences, and discovery hearings, which will be conducted via video conference using the Zoom® Video Communications application (“Zoom”). Please see [\*Judge Patton’s Procedures for Appearing via Zoom® Video Communications \(Effective August 21, 2023\)\*](#) memorandum for her procedures for video conference hearings.

Unless otherwise ordered by the Court, any party who will not be presenting evidence or argument may request to appear virtually using Zoom by complying with [\*Judge Patton’s Procedures for Appearing via Zoom® Video Communications \(Effective August 21, 2023\)\*](#).

A Zoom hearing is an official Court proceeding and appropriate conduct and courtroom attire are required. Disruptions or inappropriate behavior may

result in removal. Under no circumstances may any Zoom participant photograph, record, or broadcast the proceedings or the participants.

Persons without internet access may contact Evelyn Ross ([evelyn\\_ross@ohnb.uscourts.gov](mailto:evelyn_ross@ohnb.uscourts.gov) or (330) 742-0950) to request a telephone number to appear telephonically at a hearing. Please contact Ms. Ross at least one (1) business day prior to the scheduled hearing.

**D. Use of Facsimile Machines**

Judge Patton does not accept facsimile correspondence or pleadings from counsel unless requested or approved in advance.

**E. CM/ECF**

Neither the courtroom deputy nor the law clerks can answer CM/ECF filing questions. Please contact the Court's Help Desk at (330) 742-0920 for assistance.

**III. Court Calendaring and Scheduling**

**A. Obtaining Hearing Dates**

**1. Self-Calendaring Hearing Dates**

Hearings will be set either by parties self-calendaring a date from the options listed on [Judge Patton's Self-Calendaring Hearing Docket Dates](#) memorandum, or at the direction of the Court.

**2. Motions for Relief From Stay**

Motions for relief from stay may be set by parties self-calendaring through CM/ECF. When a motion is filed through CM/ECF, the system will prompt the selection of a date for a hearing. Only a date that is listed as an available date on [Judge Patton's Self-Calendaring Hearing Docket Dates](#) memorandum should be selected. It is the movant's responsibility to select a hearing date in such a way that the timing deadlines set forth in 11 U.S.C. § 362(e) will be met. However, if the movant selects a calendar date that is more than 30 days from the date the motion is filed, the motion shall include a statement that the movant waives the 30-day period described in 11

U.S.C. § 362(e), and consents to the automatic stay remaining in effect until the Court orders otherwise.

**B. Continuances, Extensions, Settlement, Resolutions and Withdrawals**

1. Continuances – All Parties Agree

Judge Patton is generally liberal with requests for continuances where all parties agree. Matters before the Court may be continued without a motion if all parties agree, by sending an email addressed to all involved parties to Evelyn Ross at [evelyn\\_ross@ohnb.uscourts.gov](mailto:evelyn_ross@ohnb.uscourts.gov). The email should include (a) case name, (b) case number, (c) type of matter, (d) date of the hearing, and (e) requested new date. The email should also state that all involved parties agree to a continuance. A request for continuance shall be submitted no later than **4:00 p.m.** the business day before the hearing. If the Court approves the request, a reply will be sent to all parties with a new hearing date and time.

Requests for an extension of the dates in a pretrial order shall be made by stipulation, with the consent of all parties or upon motion to the Court.

2. When a Request for a Continuance Is Opposed

If all involved parties do not agree to a continuance, the party seeking the continuance must file a motion setting forth the reason the continuance is requested and the reason there is no agreement as soon as practicable prior to the scheduled hearing. If the Court grants the request for continuance, then the party seeking the continuance shall submit an order containing the continued date and time obtained from the Courtroom Deputy. If the Court denies the continuance, the party seeking continuance shall submit an order denying the motion. In the event of denial of a request for continuance, the parties and counsel are expected to appear for the hearing.

3. Extensions of Deadlines

If the parties wish to modify deadlines that do not impact the Court's calendar, such as extensions of discovery deadlines or the date for filing an answer in an adversary proceeding prior to an initial pretrial conference, the parties may agree among themselves to such extensions without the necessity of a court order so long as the agreement is embodied in a writing (such as a stipulation) filed with the Court. All other extensions, such as a party's deadline to respond

to a motion, or a request to change a hearing date, must comply with the “Continuance” guidelines contained herein.

4. Settlement, Resolutions and Withdrawals

If a matter before the Court is resolved, or a party withdraws a motion, application or response, the parties shall report the settlement or withdrawal, as soon as possible, by sending an email to Evelyn Ross at [evelyn\\_ross@ohnb.uscourts.gov](mailto:evelyn_ross@ohnb.uscourts.gov) no later than **4:00 p.m.** the business day before the hearing. The email should include (a) case name, (b) case number, (c) type of matter, and (d) date of the hearing. Orders or appropriate documentation resolving the matter shall be submitted to Court within seven (7) days of the submission of resolution email to the Court.

Compliance with these procedures shall excuse counsel from attending the hearing of a matter. Absent compliance with these procedures, parties and their counsel are expected to appear for the hearing. It is the responsibility of counsel to check the final docket to determine whether the matter has been removed/stricken from the docket.

**C. Matters Initiated by the Court**

The Court routinely enters orders to show cause when it appears that documents ordered to be filed have not been filed, counsel has failed to appear for hearings, parties have failed to prosecute contested matters or adversary proceedings, or trustees have failed to file final reports. In addition, the Court may raise issues in a case *sua sponte* by order to show cause.

**D. Witnesses and Exhibits**

If parties intend to call witnesses and/or introduce exhibits at a contested hearing, they must file a witness and exhibit list at least two (2) business days before the hearing. The list must contain the scope of the witness testimony.

Unless otherwise ordered by the Court, all parties intending to introduce documentary evidence at a contested matter must file a list of exhibits no later than two (2) business days before the hearing. All documentary exhibits shall be prepared for presentation at any hearing or trial as follows:

1. Exact copies of each original exhibit to be introduced shall be available for the witness, the examining attorney, any other party or party’s counsel present at the hearing or trial, the Court, and the Court’s law clerk(s);

2. Prior to the hearing or trial, all exhibits and copies thereof shall be clearly labeled and marked;
3. If a party has more than two (2) exhibits, exhibits for use by the witness and the Court shall be placed in a binder in sequential order; and
4. Any personally identifiable information which is neither necessary nor relevant to the case, shall be redacted from all exhibits and copies thereof. If such information is necessary and relevant, the presenting party shall remove or partially redact the information: social security numbers shall be redacted to show only the last four digits; birth dates should contain only the year of birth; financial account numbers should be redacted to the last four digits; and references to individuals known to be minors shall be by initials.

IV. **Motions/Applications/Other Pleadings and Proposed Orders**

A. **Motions/Applications/Other Pleadings**

1. Notice of Motion

Motions, applications, or other pleadings seeking relief from the Court shall be filed and accompanied by: (a) a notice to all parties in interest entitled to notice as specified by applicable Federal Rules of Bankruptcy Procedure, statute, Local Rules, and/or as the Court may order; (b) a certificate of service in accordance with all applicable rules and Local Rule 9013-3; and (c) a proposed form of order, in compliance with section IV.G. incorporated below, attached as an exhibit to the motion, application, or other pleadings.

2. Objection/Response Deadlines

The notice of motion, application, or other pleadings seeking relief from the Court shall include a deadline by which parties in interest shall file a response or objection to the relief requested. The objection deadline shall comply with the Federal Rules of Bankruptcy Procedure, all applicable laws, Local Rules, and/or as the Court may

order, and shall be at least seven (7) days prior to hearing date included in the notice of motion.

3. Service of Motions/Applications/Other Pleadings

A movant's service of a motion, an application, or other pleadings must comply with all applicable laws and rules.

**B. Expedited Motions**

If an expedited hearing is requested, counsel shall contact Judge Patton's courtroom deputy and obtain a date and time for the expedited hearing. Counsel must then file a motion using the CM/ECF event code for the requested relief. The Court will review the motion and, if granted, the Courtroom Deputy will notify counsel of the date and the time of the expedited hearing. Counsel will then submit an order containing the specified hearing date and time of the expedited hearing. A motion or application for expedited hearing or disposition and any notice and order related thereto, together with any underlying substantive motion or pleading MUST be served in accordance with the order upon all parties affected by the relief. Movant shall file a certificate of service evidencing compliance with this Court's order.

The motion for expedited hearing or disposition shall set forth (i) a description of the relief requested; (ii) the reasons for which an expedited hearing or disposition is requested; (iii) the identity of all parties who may be affected by the relief requested in the underlying filing or paper; (iv) the method of notification of all interested parties; and (v) the proposed shortened notice or response period being sought and any proposed date or dates and time for any expedited hearing being sought.

**C. Motions for Lien Avoidance and Valuation of Security**

All requests for relief involving lien avoidance or valuation of security shall comply with all applicable laws and rules. Motions seeking the avoidance of



a lien on any other collateral under 11 U.S.C. § 522(f) must be in writing and state/include the following:

- (a) The subsection of 11 U.S.C. § 522(f) under which the relief is requested;
- (b) Name and address of lienholders whose liens are to be avoided;
- (c) A statement describing the nature of the lien;
- (d) A statement as to the priority and balance of each lien, including an explanation of the basis for the statement as to the balance;
- (e) The date upon which the lien was perfected;
- (f) The lien number or recording reference, and agency where lien was filed;
- (g) The legal description of the collateral sufficient for identification, including, but not limited to, the full street address including city and state, permanent parcel numbers, and the county auditor's property information printout attached as an exhibit to the motion;
- (h) A statement of value of the collateral, and the basis for the valuation;
- (i) A description of nature and amount of exemptions impaired; and
- (j) Any other facts which would be relevant in determining whether the motion should be granted.

**D. Chapter 13 – Confirmation Hearings/Plan Amendments/Modifications**

1. Objections to Confirmation

Evidence on objections to confirmation or Court concerns will not be taken at the initial confirmation hearing. At the time of the initial confirmation hearing, the Court will conduct the hearing as a pretrial or status conference and if necessary, will set a subsequent hearing

for presentation of evidence or oral argument relative to objections to confirmation or Court concerns.

2. Pre-confirmation Amendments

Pre-confirmation plan modifications are governed by 11 U.S.C. § 1323. An amended plan filed prior to confirmation shall clearly show any changes from the prior plan by highlighting the changes in a conspicuous manner. An amended plan shall be served in accordance with Federal Rules of Bankruptcy Procedure 2002 and 3015. Copies of the amended plan served on creditors and parties in interest shall also include conspicuous highlighting of the changes.

If a timely objection to confirmation of the amended plan is filed by the objection deadline included in the notice pursuant to Federal Rule of Bankruptcy Procedure 3015(f), the confirmation hearing may be rescheduled.

3. Post-confirmation Modifications

11 U.S.C. § 1329 addresses post-confirmation plan modification. A plan modification proposed after confirmation shall be made by motion, must be filed with the Court, and served in accordance with Federal Rules of Bankruptcy Procedure. The motion seeking modification of the plan shall include:

- (a) A particular reference to the provisions of the confirmed plan that are being modified, including any proposed percentage to be paid to unsecured creditors and the approximate number of months required to complete the proposed modified plan;
- (b) The extent to which the proposed modification affects the rights of creditors or other parties in interest;
- (c) If a motion to modify the plan proposes to decrease the dividend to unsecured creditors or to extend the length of the plan, the reason for the modification, including any change in circumstances since confirmation; and
- (d) If the motion to modify proposes to change the amount of each periodic payment to the plan, an amended *Schedule I: Your Income* and *Schedule J: Your Expenses*.

When creditors are not adversely affected, a party may move to excuse service and notice of a post-confirmation modification and

the objection deadline pursuant to Federal Rule of Bankruptcy Procedure 3015(h).

**E. Motions to Approve a Compromise and/or Settlement Agreement**

Settlements are always encouraged. If a case is settled, the parties should promptly contact Judge Patton's courtroom deputy.

A compromise or settlement agreement often arises when the parties agree to settle an adversary proceeding or contested matter. Parties must obtain court approval for these settlements. A motion to approve a compromise or a settlement agreement should be filed in the lead bankruptcy case except for settlements solely based on 11 U.S.C. § 523 (dischargeability). Motions to approve compromise solely based on section 523 must be filed in the relevant adversary proceeding. Parties shall comply with the Federal Rules of Bankruptcy Procedure regarding notice and service of a motion to approve a compromise or a settlement agreement.

When a compromise or settlement agreement is approved that resolves an entire adversary proceeding, parties shall also submit an order that closes the adversary proceeding and indicates that the adversary proceeding may be reopened to address any issues that arise in implementing the compromise or settlement agreement.

**F. Documents Filed Under Seal**

1. Motion to Seal Documents

- (a) Except as otherwise ordered by the Court, any party seeking to file a document ("Proposed Sealed Document") under seal must file a motion requesting such relief ("Sealing Motion").
- (b) The Sealing Motion shall include:
  - i. a certification of counsel as to one or more of the following, as appropriate: (1) that counsel for the filer of the Sealing Motion and the Holder of Confidentiality Rights<sup>1</sup> (or counsel thereto) have conferred in good faith and reached agreement concerning what information contained in the Proposed Sealed

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<sup>1</sup> If the Proposed Sealed Document is known by the filer thereof to contain information that has been designated by another entity as confidential pursuant to a protective order, contract or applicable law or as otherwise requiring protection for the benefit of another entity pursuant to section 107 of the Bankruptcy Code (such rights, "Confidentiality Rights" and any such entity holding Confidentiality Rights, a "Holder of Confidentiality Rights"), the filer thereof, prior to the filing of the Sealing Motion, shall attempt to confer in good faith with the Holder of Confidentiality Rights in an effort to reach agreement concerning what information contained in the Proposed Sealed Document must remain sealed from public view.

Document must remain sealed from public view; (2) that counsel for the filer of the Sealing Motion and the Holder of Confidentiality Rights (or counsel thereto) have conferred in good faith and been unable to reach agreement concerning what information contained in the Proposed Sealed Document must remain sealed from public view; (3) that the filer of the Sealing Motion has been unable to confer with the Holder of Confidentiality Rights (or counsel thereto), with an explanation of the reason(s) no such conference could occur; (4) that it would be futile for the filer of the Sealing Motion to attempt to confer with the Holder of Confidentiality Rights (or counsel thereto), with an explanation of the reason(s) establishing such futility; (5) to the best of the knowledge, information and belief of counsel for the filer of the Sealing Motion, the Proposed Sealed Document does not contain information subject to Confidentiality Rights of another Holder of Confidentiality Rights; and/or (6) that counsel for the filer of the Sealing Motion believes that the entire Proposed Sealed Document should be under seal, such that no Proposed Redacted Document can be filed with the Sealing Motion; and

- ii. except as otherwise ordered by the Court, shall be accompanied by a separately filed proposed redacted version of the Proposed Sealed Document in a form suitable to appear on the Court's public docket (the "Proposed Redacted Document"). The Proposed Redacted Document shall be filed under cover of a "Notice of Filing of Proposed Redacted Version of [Proposed Redacted Document title]".
- (c) A copy of the Proposed Sealed Documents shall be provided to the Court in a sealed envelope conspicuously marked with the case name, number, CHAMBERS COPY (CONFIDENTIAL) and a cover letter stating the document enclosed is a copy of the Proposed Sealed Document. After the hearing is concluded or the motion is decided, the Court will, at its discretion, destroy or return the Chambers copy of the sealed document to the sender.
- (d) In the event the Court grants relief concerning a Sealing Motion that requires redactions different from those contained in the Proposed Redacted Document (or if the Court grants relief requiring the filing of a redacted version of a Proposed Sealed Document where no prior Proposed Redacted

Document was filed), counsel for the movant shall file within one (1) business day after the Court's ruling is issued a final form of the publicly viewable version of the Proposed Sealed Document (the "Final Redacted Document") with the sealed portion(s) redacted consistent with the Court's ruling and filed in accordance with applicable CM/ECF procedures. The Final Redacted Document shall be filed under cover of a "Notice of Filing of Final Redacted Version of [Final Redacted Document title]".

- (e) In the event the Court denies the Sealing Motion, the Clerk shall take such action as the Court may direct.
- (f) For the avoidance of doubt, nothing in this procedure is intended to or shall modify any rights or obligations any entity has in connection with confidential information or information potentially subject to protection under 11 U.S.C. § 1107.

## 2. Use of Sealed Documents

- (a) If a party intends to use a document which has been previously placed under seal at a hearing or in connection with briefing, a copy of the sealed document (in an envelope and prominently marked "CHAMBERS COPY") shall be provided to the Court in the binder delivered to Chambers. After the hearing is concluded or the motion is decided, the Court will, at its discretion, destroy or return the Chambers copy of the sealed document to the sender.

## 3. Duration of Court Order

- (a) Unless the Court orders otherwise, a document sealed by the Court remains sealed until terminated by separate order.
- (b) On the second anniversary of the closing of the bankruptcy case, the Clerk shall send notice to the entity who submitted the sealed document and the entity's attorney that the document will be unsealed unless a party in interest files an objection within 60 days of service of the notice.
- (c) The Clerk shall send the notice to the address on the docket or any more current address ascertained by the Clerk.
- (d) If a party in interest objects to the unsealing of the document or if the Clerk's notice is returned unclaimed, the court will determine whether to maintain the document under seal, to unseal it, or to require further notification.

## G. **Proposed Orders**

### 1. Required Format of Proposed Orders

Consistent with the Court's [ECF Attorney Manual](#), all proposed form of orders must be submitted to the Court using the following format: (a) create a 4-inch margin (i.e., 4-inches of white space) at the top of the first page of the order; (b) after the final text on the last page of the order, type "# # #" centered on next line after the end of the body of proposed Order to signify the end of the document; (c) reference must be made to who submitted the proposed order; (d) order must include a service list with complete names and addresses of each party to be served; (e) the service list must state the method of service (electronic, postal mail, etc.) for each party served; (f) do not include a signature line/block at the end of the document for the judge's written signature (the judge's electronic signature will be applied to the top of the document in the 4-inch space you provided); and (g) submit the proposed order as a PDF document.

### 2. Submission of Proposed Orders

All proposed orders shall be submitted electronically using the CM/ECF E-Orders module. All proposed orders shall be submitted electronically at the time of filing of the motion, application, or other pleading seeking relief from the Court. All proposed orders must be attached as an exhibit to the motion, application, or other pleading seeking relief from the Court.

## V. **Discovery and Exhibits**

### A. **Discovery**

#### 1. Cooperation and Consultation

Discovery proceedings shall be promptly commenced. All counsel and any party appearing unrepresented are required to cooperate and consult with each other in a courteous manner in all matters related to discovery and shall freely exchange discoverable information and documents upon informal written request, whether or not a pretrial conference has been scheduled or held in a proceeding. No objections, motions, applications, or requests related to discovery disputes shall be filed pursuant to the provisions of Federal Rules of Bankruptcy Procedure 7026 – 7037 unless extrajudicial means for the resolution of the discovery dispute have been exhausted. Without other compelling factors, discovery should not be delayed as a result of a dispute involving the payment or allocation of the costs of discovery.

## 2. Discovery Disputes

Judge Patton will hold conference calls for the purpose of resolving discovery disputes. However, before the Court will consider hearing the dispute, parties must first comply with Local Rule 7026-1.

To the extent that extrajudicial means have not resolved a discovery dispute, a party seeking discovery or protective order may proceed with filing a motion to compel discovery or a motion for protective order. However, if a dispute arises during an oral deposition, a party may contact Judge Patton's courtroom deputy and request a hearing with the Court. Such motion shall be accompanied by supporting memorandum and affidavit setting forth what extrajudicial means have been attempted to resolve the discovery dispute, including a statement that the movant has met, or has offered in writing to meet, in person or by telephone with opposing counsel on one or more specific dates, and the offer has been refused, or that the movant has not received a written response to the offer. Only those specific portions of the discovery requests, or materials reasonably necessary for the Court to resolve the discovery dispute, shall be included with the motion.

Opposition to any motion filed pursuant to these procedures shall be filed within seven (7) days of the filing of any discovery dispute motion. The Court intends to enforce Federal Rule of Civil Procedure 37, as made applicable to proceedings in this Court by Federal Rule of Bankruptcy Procedure 7037.

### B. **Exhibits**

Parties shall refer to the scheduling order entered by the Court in connection with their contested matter, which will include details regarding exhibit submission to the Court and other parties.

## VI. Adversary Proceedings

### A. **Initial Pretrial Conference**

An initial pretrial conference in adversary proceedings **cannot** be continued. The parties shall conference and be prepared to present a proposed pretrial schedule and discovery plan for the adversary proceeding.

## B. **Discovery Matters**

### 1. Length of Discovery Period and Extension

A pretrial order will be entered in all adversary proceedings and certain contested matters establishing a discovery deadline. Parties may request extensions of the discovery deadlines by filing a motion and submitting an agreed order, consented to by all parties, or for cause shown.

### 2. Expert Witnesses

Judge Patton requires the advance identification of expert witness in the joint pretrial statement to be prepared in conformity with her standard pretrial order.

### 3. eDiscovery

The pretrial order entered by Judge Patton requires that all electronic discovery issues be addressed by the parties pursuant to Federal Rule of Civil Procedure 26, as made applicable to proceedings in this Court by Federal Rule of Bankruptcy Procedure 7026.

## C. **Mediation**

The pretrial order will ask counsel to consider participation in the mediation program. If all parties agree, a mediator will be assigned.

## VII. **Chapter 11 Matters**

### A. **Initial Status Conference**

An initial status conference in chapter 11 cases may occur shortly after the commencement of the case. The Court may issue an order ("Chapter 11 Status Conference Order") scheduling an initial status conference and requiring the debtor-in-possession to prepare and file a status conference statement ("Status Conference Statement") no fewer than seven (7) days prior to the status conference.

The purpose of the chapter 11 status conference is to: (1) review the financial business and issues that prompted the filing of the petition for relief; (2) understand the debtor's assets and liabilities; and (3) understand the debtor's strategy for exiting chapter 11.

The debtor-in-possession's Status Conference Statement should include, but is not limited to, the following: (1) the business, finances, and issues that prompted the filing of the case; (2) unique issues concerning secured debt, employees, cash collateral, executory contracts, and existing



management; (3) post-petition operations and revenue; (4) status of any litigation pending in or outside this Court; (5) compliance with requests for information from the United States Trustee and adequacy of insurance coverage; (6) a proposed schedule for filing and confirming the proposed plan; (7) whether the debtor is a “single asset real estate case,” a “small business debtor,” or a “health care business” as defined in title 11 of the United States Code; and (8) any other matters that might materially affect the administration of the case.

## VIII. **Motions for Summary Judgment**

### A. **Moving Party**

Unless otherwise directed by the Court, with a motion for summary judgment filed pursuant to Federal Rule of Civil Procedure 56, as made applicable to proceedings in this Court by Federal Rule of Bankruptcy Procedure 7056, the moving party must serve and file the following:

1. any affidavits and other materials referred to in Federal Rule of Civil Procedure 56(e);
2. a supporting memorandum of law; and
3. a separate statement of material facts to which the moving party contends there is no genuine issue (undisputed) and that entitles the moving party to a judgment as a matter of law, and that also includes the following:
  - (a) a description of the parties; and
  - (b) all facts supporting venue and jurisdiction of the Court.
4. The statement referred to in subsection VIII(A)(3) above must consist of short, numbered paragraphs, including within each paragraph specific references to the affidavits, parts of the record, and supporting materials relied upon to support the facts set forth in that paragraph. Failure to submit such a statement constitutes grounds for denial of the motion.
5. If additional material facts are submitted by the opposing party pursuant to section VIII(B) below, the moving party may submit a concise reply in the form prescribed in that subsection. All material facts set forth in a statement filed pursuant to section VIII(B)(3)(c), reflected below, will be deemed admitted unless controverted by the moving party’s statement.

**B. Opposing Party**

Unless otherwise directed by the Court, each party opposing a motion filed pursuant to Federal Rule of Civil Procedure 56, as made applicable to proceedings in this Court by Federal Rule of Bankruptcy Procedure 7056, must serve and file the following:

1. any opposing affidavits and other materials referred to in Federal Rule of Civil Procedure 56(e);
2. a supporting memorandum of law; and
3. a concise response to the movant's statement that contains:
  - (c) numbered paragraphs, each corresponding to and stating a concise summary of the paragraph to which it is directed;
  - (d) a response to each numbered paragraph in the moving party's statement, including, in the case of any disagreement, specific references to affidavits, parts of the record, and other supporting materials relied upon; and
  - (e) a statement, consisting of short, numbered paragraphs, of any additional facts that require the denial of summary judgment, including references to the affidavits, parts of the record, and other supporting materials relied upon. All material facts set forth in the statement required of the moving party will be deemed admitted unless controverted by the opposing party's statement.