

JUDGE TRUST'S PROCEDURES *Update October 6, 2009*

Procedures for obtaining hearing dates	<p>Judge Trust has Self Calendaring Hearing dates and times listed on his Interim Procedures page on the Court's website. Please consult this web page for hearing dates and times:</p> <p>www.nyeb.uscourts.gov/rules_local_chambers.html</p> <p>To schedule a hearing in a matter not listed on the self calendaring page, or for emergency hearings, please contact chambers by email directed to the Judge's Courtroom Deputy, Yvette Mills, at: ast_hearings@nyeb.uscourts.gov . The details for this procedure are on Judge Trust's interim procedures page. Telephone calls to chambers are not allowed unless the party does not have email access.</p>
Policies regarding chambers copies	<p>Effective as of June 1, 2009, chambers copies are only required for the following: in chapter 11 cases, for all Plans of Reorganization, Disclosure Statements, and fee applications; in adversary proceedings, for all motions for summary judgment; and for any motions filed in any cases where the motion papers, including memoranda, affidavits and exhibits, total 50 pages or longer. Chambers copies are not required for monthly operating reports.</p>
Procedures for seeking an adjournment	<p>Requests for agreed adjournments are to be emailed to the Judge's Courtroom Deputy, Yvette Mills, at: ast_hearings@nyeb.uscourts.gov . The details for this procedure are on Judge Trust's interim procedures page. Telephone calls to chambers are not allowed unless the party does not have email access.</p> <p>Requests must state the reason why the adjournment is being sought, and must be made at least two (2) business days prior to the</p>

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	<p>scheduled hearing date. If an adjournment is not granted, the parties are required to appear. If an adjournment is not agreed, the party seeking the adjournment must proceed by motion.</p>
<p>Procedures for requesting telephone appearances</p>	<p>Requests to appear by telephone are to be emailed to ast_hearings@nyeb.uscourts.gov at least two (2) business days prior to the scheduled hearing date. Any request for a telephonic appearance must be copied to all parties who have filed papers related to the subject hearing. The details for this procedure are on Judge Trust's interim procedures page. Telephone calls to chambers are not allowed unless the party does not have email access.</p>
<p>Procedures for seeking an emergency hearing</p>	<p>Orders to show cause; <i>ex parte</i> orders; and orders shortening time must be by motion, and must comply with E.D.N.Y. LBR 9077-1. After the motion is filed with the Court, please notify the Judge's Courtroom Deputy, Yvette Mills, at: ast_hearings@nyeb.uscourts.gov . The details for this procedure are on Judge Trust's interim procedures page. Telephone calls to chambers are not allowed unless the party does not have email access.</p>
<p>Policy regarding motions by notice of presentment</p>	<p>The following motions may be brought by notice of presentment in accordance with E.D.N.Y. LBR 2002-1:</p> <ol style="list-style-type: none">1. Motion to approve a compromise or settlement.2. Motion to extend time to file objection to discharge and/or dischargeability of debt.3. Motion to modify a Chapter 13 plan after confirmation.4. Motion objecting to a claim(s).5. Motion to allow a late filed claim.6. Motion to reopen a case.7. Motion to convert a case.

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	<p>8. Motion to redeem property.</p> <p>9. Motion to avoid a lien(s).</p> <p>10. Motion for a default judgment in an adversary proceeding.</p> <p>11. Motion to approve a sale.</p> <p>12. Interim fee applications within certain limits.</p> <p>13. A request for an order confirming the termination or inapplicability of the automatic stay pursuant to Bankruptcy Code §§ 362(c)(4)(A)(ii) or (j). Please consult Judge Trust's interim procedures webpage on the Court's website for more instructions regarding Motions by presentment.</p>
<p>Procedures for Final Hearing</p>	<p>Final meeting. Unless the Court directs otherwise, the Court will excuse the appearance of chapter 7 trustees and their retained professionals at the final meeting of creditors if no objections have been filed and neither the trustee nor any of the professionals is requesting compensation, including commissions or fees and expenses, in excess of \$10,000.00. If a party does not file an objection, but appears at the final meeting of creditors, then the Court may adjourn the matter to a new hearing date and require an appearance.</p>
<p>Procedures for submission of proposed orders</p>	<p>Proposed orders are submitted in two manners only: for parties participating in the Eorders test program, until further notice, orders should be uploaded through the CM/ECF system; all other parties should submit orders to Chambers electronically at astorders@nyeb.uscourts.gov. Please see the following web page for further information on procedures for filing electronic orders: http://www.nyeb.uscourts.gov/gen_info.html</p>

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<p>Policy regarding emails and letters to chambers concerning pending cases</p>	<p>Any relief sought must be requested by motion, complaint, application or request, not by letter, email or telephone call.</p> <p>Letters may not be used in lieu of pleadings unless expressly authorized in advance by the Court. A request for relief, whether by motion, complaint, application or request, must be made by a pleading filed in accordance with the applicable Federal Rules of Bankruptcy Procedure and the Local Bankruptcy Rules.</p> <p>Responses, answers and oppositions thereto must also be by pleadings, not by letter, email or telephone call.</p>
<p>Policy regarding monthly compensation requests</p>	<p>Judge Trust will entertain requests for monthly compensation in appropriate cases. Requests should be made in accordance with General Order No 538, which is available on the Court's website.</p>