

JUDGE DOROTHY EISENBERG'S PROCEDURES

Procedures for obtaining hearing dates	<p>Chapter 11 cases: To schedule a hearing on any motion in a chapter 11 case, call Christine Moffett, the Courtroom Deputy, at 631-712-6278.</p> <p>Chapter 7 and 13 cases: To schedule a hearing on any motion, call Christine Moffett, the Courtroom Deputy, at 631-712-6278. To obtain hearing dates for motions by notice of presentment, please refer to procedures set forth below.</p>
Requests for an emergency hearing	<p>To schedule an emergency hearing, call Christine Moffett, the Courtroom Deputy, at 631-712-6278 or Winnie Tsang-Louie, the Law Clerk, at 631-712-5694.</p>
Evidentiary Hearings	<p>All evidentiary hearings need to be scheduled in advance by the Court. If witness or expert testimony is anticipated, please call Christine Moffett, the Courtroom Deputy, at 631-712-6278 for scheduling purposes.</p> <p>The Court may accept a sworn affidavit from a witness as a proffer so long as the witness is present for cross-examination.</p>
Policy regarding monthly compensation requests	<p>Requests for monthly compensation in appropriate cases should be made in accordance with General Order No 538, which is available on the Court's website.</p>
Withdrawal of scheduled motions	<p>Where a matter has been settled or withdrawn prior to the scheduled hearing, the movant should inform the Courtroom Deputy at least 24 hours prior to the scheduled hearing and file a letter on the Court's docket.</p>

<p>Appearances</p>	<p>General: Unless excused by the Court, the moving party and any party in opposition must appear in person or through their respective counsel at the scheduled hearing date.</p> <p>Chapter 7 Trustee’s motion to dismiss due to failure to appear at a 341 meeting: Unless the Court directs otherwise, appearance by the Chapter 7 trustee on a motion to dismiss for failure to attend the section 341 meeting of creditors is excused.</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 or if the Court requires further information, then the Court may adjourn the matter to a new hearing date and require an appearance.</p> <p>To arrange for a telephone appearance, call Christine Moffett, the Courtroom Deputy, at 631-712-6278, at least 2 business days in advance of the hearing.</p>
<p>Adjournments</p>	<p>Adjournments on consent may be requested by telephone at least two business days prior to the scheduled hearing. Requests should be made to Christine Moffett, the Courtroom Deputy at 631-712-6278. If the requested adjournment is granted, a letter to the Court confirming consent to the adjournment by all parties in interest must be docketed on CM/ECF at least 24 hours in advance of the hearing and must be given to the parties in interest. Unless the follow-up letter is received by that time, the matter will remain on the calendar and an appearance is required.</p>

<p>Policy regarding Chambers copies</p>	<p>Chambers copies are required and should be presented to the Clerk’s Office.</p>
<p>Policy regarding motions by notice of presentment</p>	<p>Motions by notice of presentment will be considered on a case-by-case basis to the extent permitted by the Bankruptcy Code and Rules, and in accordance with E.D.N.Y. Local Bankruptcy Rule 2002-1, with the exception of motions for stay relief in chapter 11 cases, which must be scheduled for a hearing.</p> <p>Parties seeking to file a motion by notice of presentment for stay relief in chapter 7 and 13 cases should call Chambers at 631-712-6278 and a prerecorded message which will advise (a) procedures to follow when filing a Notice of Presentment to Vacate Stay, and (b) available dates and times for motions to be scheduled, and the last dates for filing motions in order to ensure the return date. This recording will be UPDATED WEEKLY.</p> <p>The Court may schedule a hearing on any motion that is made on presentment, including where the motion is not opposed.</p>
<p>Policy regarding emails and letters to Chambers concerning pending cases</p>	<p>Unless authorized by the Court, parties may not use e-mail to communicate with Chambers, except to submit proposed orders as indicated below. When Chambers permits a party to communicate via e-mail, use of the given e-mail address is for that time only.</p> <p>Letters may not be used to communicate with Chambers concerning pending cases except to confirm an adjournment granted by the Court.</p> <p>Letters should not be used to request relief that is available by motion or adversary proceeding.</p>

Submission of proposed orders

Proposed orders should be submitted in Word or WordPerfect format and may be transmitted electronically to:

DTEOrders@nyeb.uscourts.gov.

Proposed orders may also be submitted by sending a hard copy of the proposed order together with a disk containing an electronic copy in Word or WordPerfect format to

Clerk of the Court
United States Bankruptcy Court
Long Island Federal Courthouse
290 Federal Plaza
P.O. Box 9013
Central Islip, New York 11722

Stipulations to be so-ordered by the Court should also be docketed on CM/ECF as well as submitted electronically or by disk as set forth above.