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LINK:
Northern District of Texas Local Bankruptcy Rules

ACKNOWLEDGEMENT
FROM THE
CLERK OF COURT

This publication is based on the policies and procedures of the United States Bankruptcy Court for the Northern District of Texas in effect as of September 1, 2011. It is not a substitute for requirements contained in the Bankruptcy Code, the Federal Rules of Bankruptcy Procedure, the Federal Rules of Civil Procedure, the local rules of this court, the Administrative Procedures of this court and various guidelines of the Judicial Conference of the United States and the Administrative Office of the United States Courts.

This publication will be updated on our website as necessary. Comments regarding this publication should be directed to:

United States Bankruptcy Court
Northern District of Texas
Attn: Editor
1100 Commerce Street, Room 1254
Dallas, TX 75242-1496

Email your comments to:

ecfhelp@txnb.uscourts.gov

PREFACE

In this publication, each gender reference includes the other gender and singular references include the plural and conversely (i.e., debtor refers to all debtors in a case).

The use of the word "parties" regarding service of documents and/or orders generally means the debtor, debtor's attorney, trustee, movant and the United States Trustee. The term "parties" refers to the parties in a particular matter such as a motion, an adversary proceeding, a document, etc. rather than to all creditors and parties in interest.

Use of the word "document" includes all electronic and paper documents presented for filing or submission to the court, but excludes exhibits submitted during a hearing or trial.

The following abbreviations are used:

§	Denotes a Section
CM/ECF	Case Management Electronic Case Files
"Code"	The Bankruptcy Code (Title 11, United States Code)
ECRO	Electronic Court Recorder Operator
Fed. R. Bankr. P.	Federal Rules of Bankruptcy Procedure
Fed. R. Civ. P.	Federal Rules of Civil Procedure
NARA	National Archives and Records Administration
N. D. Tex. L.B.R.	Northern District of Texas Local Bankruptcy Rules
PACER	Public Access to Court Electronic Records
USC	United States Code
VCIS	Voice Case Information System

1 ASSIGNMENT OF VENUE AND JUDGE ASSIGNMENT

Divisional Venue of Cases and Proceedings

The Northern District of Texas encompasses 100 counties in the state of Texas. In this district, there are four divisional offices. The staffed divisional offices are located in Amarillo, Dallas (headquarters), Fort Worth, and Lubbock. The district also includes three non-staffed divisional offices in Abilene, San Angelo, and Wichita Falls.

Upon the filing of any bankruptcy petition, the case shall be assigned to its proper divisional venue according to the residence of an individual debtor or principal place of business of any of the debtors. The initial assignment and transfer of divisional venue of all cases and proceedings is governed by 28 USC § 1408, 28 USC § 1409, 28 USC § 1410, 28 USC § 1412, and Fed. R. Bankr. P. 1014.

Divisional venue is indicated numerically in the case number. The first numerical digit after the year and hyphen represents the venue to which the case has been assigned. For example, the following case number, 04-34331-bjh7, is a Dallas case (3 = Dallas).

Divisional assignments are indicated according to the following code:

1	Abilene	5	Lubbock
2	Amarillo	6	San Angelo
3	Dallas	7	Wichita Falls
4	Fort Worth		

Divisional Offices

<u>Amarillo Division</u>

Address

624 S. Polk Street, Room 100
Amarillo, TX 79101-2389

Telephone Number

806-324-2302

Public Office Hours

The U. S. Bankruptcy Court Clerk's Office is open from 8:30 a.m. to 4:30 p.m. Monday through Friday. Contact the clerk's office for information regarding emergency filing procedures.

Counties Served

The Amarillo Clerk's Office serves the following counties: Armstrong, Brisco, Carson, Castro, Childress, Collingsworth, Dallam, Deaf Smith, Donley, Gray, Hall, Hansford, Hartley, Hemphill, Hutchinson, Lipscomb, Moore, Ochiltree, Oldham, Parmer, Potter, Randall, Roberts, Sherman, Swisher, and Wheeler.

Dallas Division

***Includes Wichita Falls*

Address

1100 Commerce Street, Room 1254
Dallas, TX 75242-1496

Telephone Numbers

Dallas Cases (214-753-2000)
Wichita Falls Cases (800-442-6850)

Public Office Hours

The Dallas Clerk's Office is open from 8:30 a.m. to 4:30 p.m. Monday through Friday. Contact the clerk's office for information regarding emergency filing procedures or refer to: http://www.txnb.uscourts.gov/emergency-filing-procedures-when-ecf-not-available

Counties Served

Archer, Baylor, Clay, Cottle, Dallas, Ellis, Foard, Hardeman, Hunt, Johnson, Kaufman, King, Knox, Montague, Navarro, Rockwall, Wichita, Wilbarger, and Young.

Fort Worth Division

Address

501 W. 10th Street, Room 147
Fort Worth, TX 76102-3643

Telephone Number

817-333-6000

Public Office Hours

The Fort Worth Clerk's Office is open from 8:30 a.m. to 4:30 p.m. Monday through Friday. Contact the clerk's office for information regarding emergency filing procedures or refer to: http://www.txnb.uscourts.gov/emergency-filing-procedures-when-ecf-not-available

Counties Served

Comanche, Erath, Hood, Jack, Palo Pinto, Parker, Tarrant, and Wise.

Lubbock Division

***Includes Abilene and San Angelo*

Address

1205 Texas Avenue, Room 306
Lubbock, TX 79401-4002

Telephone Numbers

Lubbock Cases (806-472-5000)
Abilene & San Angelo Cases (800-796-8262)

Public Office Hours

The Lubbock Clerk's Office is open from 8:30 a.m. to 4:30 p.m. Monday through Friday. Contact the clerk's office for information regarding emergency filing procedures or refer to: http://www.txnb.uscourts.gov/emergency-filing-procedures-when-ecf-not-available

Counties Served

Bailey, Borden, Brown, Callahan, Cochran, Coke, Coleman, Concho, Crockett, Crosby, Dawson, Dickens, Eastland, Fisher, Floyd, Gaines, Garza, Glasscock, Hale, Haskell, Hockley, Howard, Irion, Jones, Kent, Lamb, Lubbock, Lynn, Menard, Mills, Mitchell, Motley, Nolan, Reagan, Runnels, Schleicher, Scurry, Shackelford, Stephens, Sterling, Stonewall, Sutton, Taylor, Terry, Throckmorton, Tom Green, and Yoakum.

Assignment of Judges

In the absence of a conflict of interest, all cases filed in the Northern District of Texas are assigned to judges as follows:

1. Abilene: resident judge of the Lubbock Division.
2. Amarillo: resident judge of the Lubbock Division.
3. Dallas: randomly assigned through automated case assignment system to one of the three resident judges of the Dallas Division.
4. Fort Worth: randomly assigned through automated case assignment system to one of the two resident judges of the Fort Worth Division.
5. Lubbock: resident judge of the Lubbock Division.
6. San Angelo: resident judge of the Lubbock Division.
7. Wichita Falls: assigned to one of the resident judges of the Dallas Division.

Alpha letters in the case number indicate judge assignment. The two or three letters appearing after the case number indicate the specific judge assigned. For example, case 04-34331-bjh7, is assigned to Chief Judge Barbara J. Houser.

Judicial assignments are indicated according to the following codes:

BJH	Honorable Barbara J. Houser
RLJ	Honorable Robert L. Jones
M X M	Honorable Mark X. Mullin
HDH	Honorable Harlin D. Hale
RFN	Honorable Russell F. Nelms
SGJ	Honorable Stacey G. C. Jernigan

2 GENERAL INFORMATION

Federal Holidays

All offices will be closed in observance of the following federal holidays:

New Year's Day	January 1*
Martin Luther King's Birthday	3rd Monday in January
Presidents' Day	3rd Monday in February
Memorial Day	Last Monday in May
Independence Day	July 4*
Labor Day	1st Monday in September
Columbus Day	2nd Monday in October
Veterans' Day	November 11*
Thanksgiving Day	4th Thursday in November
Christmas Day	December 25*

* If the holiday falls on a Saturday, it is observed on the Friday before. If it falls on a Sunday, it is observed on the following Monday.

Copy/Certification/Exemplification Services

Each divisional clerk's office provides copy, certification, and exemplification services. Pursuant to the current fee schedule adopted by the Administrative Office of the United States Courts, the clerk's office will charge $.50 per page for copies, $11.00 per document for certification, and $21.00 for exemplification. To request copies, please complete a Copy Request form available in the clerk's office or on the court's web page (http://www.txnb.uscourts.gov) and return it to the clerk's office.

Transcript Duplication

To request a transcript or audio of a proceeding for a hearing held in Dallas, Fort Worth or Wichita Falls, complete and submit order form BTXN191 (Audio/Transcript Order Form) via email. For Abilene, Amarillo, Lubbock and San Angelo cases complete form AO435 (Transcript Order Form) and contact the Court for further ordering information. To request an audio CD or tape, complete and submit Form AO436 (CD/Tape Order). Submit completed order forms according to the following:

- For Dallas and Wichita Falls cases: dal_transcript@txnb.uscourts.gov
- For Fort Worth cases: ftw_transcript@txnb.uscourts.gov
- For Abilene, Amarillo, Lubbock and San Angelo cases: Contact Christi Graham at 806-472-5006.

For questions regarding transcript or audio requests:

- Chief Judge Houser (BJH) – Nicole Whittington at 214-753-2064.
- Judge Jones (RLJ) – Christi Graham at 806-472-5006.
- Judge Mullin (MXM) – Karyn Rueter at 817-333-6038.
- Judge Hale (HDH) – Jenni Bergreen at 214-753-2105.
- Judge Nelms (RFN) – Tandi Levario at 817-333-6014.
- Judge Jernigan (SGJ) – Dawn Harden at 214-753-2065.

Voice Case Information System

You may obtain basic case information through the Voice Case Information System (VCIS) at 866-222-8029.

Public Access to Court Electronic Records

Access to U. S. Bankruptcy Court records is available 24 hours a day, seven days a week through PACER (Public Access to Court Electronic Records). PACER allows you to retrieve electronic case summaries and docket information using a personal computer. PACER also allows you access to case information from various U. S. district courts and bankruptcy courts across the country.

For more information or to subscribe to PACER, visit the PACER Service Center website at http://pacer.psc.uscourts.gov/index.html or call 800-676-6856.

Public Information Terminals

Each clerk's office has public information terminals in the lobby. These terminals allow users direct query access to the court's database. The query system allows users to search by party name or case number. There is no charge to use the public terminals.

Internet Website

The clerk's office maintains an Internet website to disseminate information to the public. The address is http://www.txnb.uscourts.gov. See Appendix D, Technology 101 for Bankruptcy Attorneys.

Case Management/Electronic Case

General Order No. 2004-06 mandates that all documents filed in the U. S. Bankruptcy Court for the Northern District of Texas be filed electronically. CM/ECF allows attorneys the ability to file pleadings electronically via the Internet.

Users are reminded to refrain from including personal identifiers (i.e. social security numbers; names of minor children; dates of birth; and financial account numbers) as described in L.B.R

1007-1(d). The responsibility for redacting these personal identifiers rests solely with counsel and the parties.

Become a registered CM/ECF user by visiting http://www.txnb.uscourts.gov/attorney-registration. There you will find information on how to obtain a login and password. You will also find valuable information on all aspects of electronic filing in the Northern District of Texas.

The bankruptcy clerk's office also maintains an online CM/ECF User Manual at http://www.txnb.uscourts.gov/ecf/manual/contents.htm.

Record Retrieval

Bankruptcy case and adversary proceeding files for cases filed prior to February 18, 2003, are stored at National Archives and Records Administration (NARA) in Ft. Worth until their scheduled destruction.

There are two options for accessing files that have been moved to the NARA. First, upon request, the bankruptcy clerk's office can arrange to retrieve a particular file from the NARA. There is a $53.00 fee for this service. Requests may be made in writing or in person and should be directed to the clerk's office in which the case was closed. The second option is to order reproduction records from NARA online at https//eservices.archives.gov/orderonline, and click "Order Reproductions", then "Court Records".

Whether you choose to view a file in the clerk's office or order reproductions of court records online from NARA, the following information is required: 1) case number; 2) debtor name; 3) Transfer number; 4) Box number; 5) Location of Court (city and state). This information can be obtained by contacting the clerk's office in which the case was closed.

Electronic Courtroom Facilities

Evidence may be presented in electronic format in the Dallas courtrooms. Please contact the courtroom deputy for the presiding judge for more information. See Appendix D, Technology 101 for Bankruptcy Attorneys.

Wireless Internet access is also available in the Dallas and Fort Worth courtrooms. See Appendix C: Internet Access in Bankruptcy Courtrooms.

3 JUDICIAL INFORMATION

Chambers Location, Personnel and Calendar Procedures

Chief Judge Barbara J. Houser

Address

Chief Judge Houser's chambers are located at 1100 Commerce Street, Room 1421, Dallas, TX 75242-1496. Her courtroom is located in Room 1424 (Courtroom #2) on the 14th floor.

Telephone Numbers

Telephone inquiries to Chief Judge Houser's chambers should be directed to the following:

Law Clerk	214-753-2055
Law Clerk	214-753-2056
Courtroom Deputy	214-753-2059
ECRO Operator	214-753-2064
Courtroom Deputy Email	bjh_settings@txnb.uscourts.gov

Order Submission

Agreed Orders requiring immediate attention should be uploaded and counsel should notify the courtroom deputy by email.

Courtesy Copies of Pleadings

A complete paper copy of the pleadings listed below, including all attachments thereto, should be delivered within 24 hours of electronic filing to Chief Judge Houser's law clerk's attention at 1100 Commerce Street, Room 1254, Dallas, TX 75242-1496.

.

- Chapter 9 or Chapter 11 Plan of Reorganization
- Disclosure statement
- Motion for Summary Judgment
- Application for Compensation and/or Reimbursement of Expenses
- Motion to Dismiss pursuant to Fed. R. Bankr. P. 7012

Scheduling Settings

Most settings are scheduled with at least 21 days notice. Disclosure statements and chapter 11 plans are set with not less than 28 days notice **(three days must be added if party is serving by mail)**. Claims objections and trustee's final account hearings are set with 30 days notice.

All settings, except self-calendar matters as set forth below, including emergencies and expedited requests, are obtained from the courtroom deputy in advance of the filing of a motion or application. A notice of hearing must be filed and served in order for the motion or application to appear on the court's calendar. The notice of hearing must be filed within 2 days of service.

Settings requiring 30 minutes or less of ***total*** court time may be self-calendared. The court strongly encourages the use of self-calendaring for motions. Please review Chief Judge Houser's self-calendaring procedures online at: http://www.txnb.uscourts.gov/content/chief-judge-barbara-j-houser

Settings that **do not** fit within the self-calendaring guidelines may be obtained by emailing the courtroom deputy at bjh_settings@txnb.uscourts.gov.

Telephonic Hearing Policy

Hearings may be conducted by teleconference when deemed appropriate by the court. As a general rule, parties may "listen in only" and may NOT prosecute motions or give testimony via telephone. In addition, telephonic appearances are NOT permitted for trial docket call, Chapter 13 or lift stay dockets. In approving a hearing by teleconference, consideration will be given to the nature and scope of the matter before the court, associated time and cost of travel, and equity to all parties. The request shall identify the attorney or party making the request by name and role in the bankruptcy case, shall include a statement of the reason for the request, and shall include a direct-dial, non-cell telephone number where the party may be reached in the event the request is granted. Requests should be emailed no later than 2 business days prior to the hearing. Counsel may request a telephonic hearing by emailing the courtroom deputy at bjh_settings@txnb.uscourts.gov.

Emergency/Expedited Requests

The courtroom deputy must be notified by email when filing an emergency motion or motion for expedited hearing. Such motions should be filed in accordance with the procedures outlined in the ECF User Manual which can be found on the court's website at: http://www.txnb.uscourts.gov/ecf/manual/contents.htm

Motion to Lift/Annul/Modify or Relief From Stay

Typically, Chief Judge Houser schedules preliminary hearings on motions to lift stay on Tuesday afternoons at 1:15 p.m. (**During trial docket call week, hearings will be at 1:30 p.m.)** In

addition, information regarding removing lift stay motions from the court's docket may be found in the self-calendaring procedures.
NOTE: Contested motions for relief from the automatic stay may NOT be set on this docket if the total time estimate for both sides' presentation to the court will exceed 15 minutes. Instead, you must contact the courtroom deputy for a special setting.

United States Trustee Docket

The United States Trustee's docket is **generally** scheduled on the third Thursday of the month at 1:15 p.m. Settings are scheduled by Mary Fran Durham, Office of the United States Trustee. The bankruptcy clerk's office sends out notices.

Chapter 13 Trustee Docket

The Chapter 13 Trustee's office prepares the Chapter 13 docket and submits a copy to the court prior to the hearings. General dockets are always scheduled through the Chapter 13 Trustee's office.

Resets/Removals from the Docket (Non-lift stay motions)

The **movant** may reset or remove settings by contacting the courtroom deputy no later than **10:00 a.m.** the day prior to the hearing.

For settlements and agreed orders obviating the need for a hearing, counsel need not appear at the scheduled hearing if, not later than 10:00 a.m. on the business day prior to the hearing, counsel has notified the courtroom deputy by email or fax that parties have settled or will upload an agreed order, or has otherwise appeared to place the agreement on the record. The announcement to the court will be docketed in the case record. Otherwise, the parties shall appear at the scheduled hearing to place the agreement on the record.

Fee Applications

No hearing is required for fee applications served with 21 day negative notice language, unless the court orders a hearing. After the response time has expired, if there has been no objection, pursuant to L.B.R 9007-1, a Certificate of No Objections must be filed, accompanied by the proposed order being uploaded. If an objection is filed, either email or contact the courtroom deputy to set the application for hearing.

Trustee's Final Report

Notice is mailed by the bankruptcy clerk's office. No hearing is required for the trustee's final report unless an objection is filed or the court orders a hearing. If an objection is filed, it will be set for hearing.

Trial Docket Call/Adversaries

Typically, Chief Judge Houser's trial docket is scheduled on the first Tuesday of the month at 1:15 p.m. A list of trial docket call dates is available on the court's website. The judge will schedule trials at the docket call. Trials are usually set the following week.

The courtroom deputy schedules the trial docket call and trial week and issues the Standing Scheduling Order when a complaint is filed. The plaintiff's attorney shall serve all parties with the Standing Scheduling Order along with the summons and complaint. Compromise, settlement, and stipulations are expected to have occurred prior to the docket call. Documents are also to be exchanged and marked before the docket call. Pursuant to the Standing Scheduling Order regarding adversary proceedings:

(i) Pursuant to L.B.R. 7016-1(a), a Joint Proposed Pretrial Order shall be filed, served, and uploaded for Court entry seven calendar days prior to docket call;
(ii) Proposed Findings of Fact and conclusions of Law shall be filed seven days prior to docket call; and
(iii) A list of witnesses and exhibits, except for those being used for impeachment purposes, shall be filed with the court.

Trial docket calls and trial settings may be taken off the docket for resets/settlements if a telephone call, letter or email signed by an attorney is received no later than 10:00 a.m. on the business day prior to the hearing.

Motions for Default Judgment

Motions for default judgment **always** require a hearing.

Motions for Summary Judgment

Motions for summary judgment **always** require a hearing.

Adversary Proceedings Against Multiple Defendants

The court strongly discourages the filing of a single adversary proceeding against multiple, unrelated defendants involving unrelated facts or transfers. To the extent that counsel believes such an adversary proceeding is appropriate and such an adversary proceeding is filed, counsel shall, prior to any docket call thereon, provide the court no later than 2 business days prior to docket call, a list or chart summarizing the status of the adversary proceeding as against each defendant – *i.e.*, whether the defendant has defaulted, whether the defendant has agreed to a settlement, whether the defendant has been dismissed from the lawsuit, etc.

Omnibus Objections to Claims

A party re-setting an omnibus objection to multiple claims shall provide the court, no later than 2 business days prior to the re-set date, with a list or chart setting forth the claims objections which remain to be determined on the reset date.

Judge Robert L. Jones

Address

Judge Jones' chambers are located at 1205 Texas Avenue, Room 312, Lubbock, Texas 79401. His courtrooms are located as follow:

Abilene video dockets and hearings	Room 2201, 3rd and Pine Streets, Abilene, Texas
Abilene live hearings	Room 2000A, 3rd and Pine Streets, Abilene, Texas
Amarillo hearings	Room 100, 624 South Polk, Amarillo, Texas
Lubbock hearings	Room 314, 1205 Texas Avenue, Lubbock, Texas
San Angelo video dockets and hearings	Room 102A, 33 E. Twohig, San Angelo, Texas
San Angelo live hearings	Room 216, 33 E. Twohig, San Angelo, Texas

On video dockets and hearings, parties may also appear in Room 314, 1205 Texas Avenue, Lubbock, Texas. As a courtesy, please notify the courtroom deputy by email 24 hours prior to the video docket or hearing if you will appear at the Lubbock location.

Telephone Numbers

Telephone inquiries to Judge Jones' chambers should be directed to the following:

Judicial Assistant	806-472-5020
Law Clerk	806-472-5021
Courtroom Deputy	806-472-5006
Courtroom Deputy Email	rlj_settings@txnb.uscourts.gov

Order Submission

Emergency orders requiring immediate attention should be uploaded and counsel should notify the courtroom deputy by email.

Default orders should be uploaded through ECF or submitted on CD **after** the response time has expired. Take care to observe Fed. R. Bankr. P. 9006(f) by adding three additional days if service was by mail. Do **not** include findings of fact in the default order; recite only the service of the motion, the fact that no response was filed, and that the allegations are deemed admitted. See L.B.R.4001-1(b) .

Courtesy Copies of Pleadings

A complete paper copy of the pleadings listed below, including all attachments thereto, should be delivered within 24 hours of electronic filing to Judge Jones's law clerk's attention at 1205 Texas Avenue, Room 306, Lubbock, Texas 79401.

- Chapter 9 or Chapter 11 Plan of Reorganization
- Disclosure statement
- Motion for Summary Judgment and Response to Motion for Summary Judgment and any appendices of summary judgment evidence
- Application for Compensation and/or Reimbursement of Expenses
- Motion to Dismiss pursuant to Fed. R. Bankr. P. 7012
- All Memoranda of Law

Scheduling Settings

Most settings are scheduled with at least 24 days notice. Disclosure statements and chapter 11 plans are set with not less than 28 days notice. Claims objections and trustee's final account hearings are set with 30 days notice.
Most settings may be self-calendared. The court strongly encourages self-calendaring for motions. A notice of hearing must be filed and served in order for a setting to appear on the court's calendar. Please review Judge Jones' self-calendaring procedures and obtain available hearing dates and times online at: http://www.txnb.uscourts.gov/content/judge-robert-l-jones

Settings that do not comply with self-calendaring guidelines may be obtained by emailing the courtroom deputy at: rlj_settings@txnb.uscourts.gov

Telephonic/Video Hearing Policy

Video conferencing and telephonic appearances are used primarily for docket calls for the Amarillo, Abilene, and San Angelo divisions. If the matter requires testimony, introduction of documentary evidence, or will take more than fifteen minutes, the court will routinely place the matter on a "live" docket. In the event a matter is heard by video, such hearing will be conducted in accordance with Standing Order 2000-4, Standing Order Concerning Video Hearings. For telephonic appearances, see Appendix A -Protocol for Hearings by Teleconference. Counsel may request a telephonic/video hearing by emailing the courtroom deputy at rlj_settings@txnb.uscourts.gov .

Emergency/Expedited Requests

Please notify the courtroom deputy by email when filing an emergency motion or motion for expedited hearing. Such motions should be filed in accordance with the procedures outlined in the ECF User Manual at Motions/Applications then Emergency Motions which can be found on the court's website at:
http://www.txnb.uscourts.gov/ecf/manual/contents.htm

Chapter 13 Trustee Docket

In the Abilene, Amarillo, and San Angelo Divisions, the Chapter 13 Trustee's office prepares the Chapter 13 docket and submits a copy to the court prior to the hearings. General dockets are always scheduled through the Chapter 13 trustee's office or by self-calendaring. The courtroom deputy only sets matters on this docket when instructed by the judge.

In the Lubbock Division, the court prepares the Chapter 13 general and modification docket. The Chapter 13 Trustee's office prepares the Chapter 13 confirmation docket.

Resets/Removals from the Docket

After hearings have been noticed, continuances may only be granted by court order upon motion. A party shall either file a written motion or, with the opposing side present or in agreement, present an oral motion. The motion shall establish cause for the continuance. The movant shall confer with the opposing party and advise the court if the motion is contested. A written motion shall not exceed two pages in length. The court may decide the motion by minute entry or by separate written order. The court appreciates a courtesy call or email to the courtroom deputy regarding the desired continuances, but the continuances themselves must be by court order.

For settlements and agreements, matters will not be removed from the docket unless an agreed order has been uploaded and signed by the court. Otherwise, the parties shall appear at the scheduled docket call to place the agreement on the record.

A notice or motion of withdrawal will not remove a matter from the court's docket unless it includes consent by opposing counsel or no response in opposition was filed. Otherwise, movant's counsel shall appear at the docket call to announce the withdrawal.

Fee Applications

General Order 2010-01 shall govern hearings on fee applications in Chapter 13 cases. Hearings on fee applications in Chapter 7 or Chapter 11 cases may be self-calendared. Fee applications in Chapter 7 cases may be submitted with the trustee's final report, but the applicant must inform the court in the title of the pleading. If a fee application is submitted with the trustee's final report, a hearing will be set if an objection is filed or the court orders otherwise.

Trustee's Final Report

No hearing is required for the trustee's final report unless an objection is filed or the court orders a hearing. Notice is served by the clerk's office. After the objection period runs, if there are no objections, proposed orders should be uploaded for judicial review. If an objection is filed, it will be set for hearing.

Trial Docket Call/Adversaries

A list of trial docket call dates is available on the court's website at http://www.txnb.uscourts.gov/content/judge-robert-l-jones. The judge will schedule trials at the docket call and by signed court order.

The courtroom deputy schedules the trial docket call and trial week and issues the Standing Scheduling Order when a complaint is filed. The plaintiff's attorney shall serve all parties the Standing Scheduling Order with the summons and complaint. Compromise, settlement, and stipulations are expected to have occurred prior to the docket call. Documents are also to be exchanged and marked before the docket call. Pursuant to the Standing Scheduling Order regarding adversary proceedings:

(i) A proposed pretrial order shall be served and filed seven calendar days prior to docket call;

(ii) Proposed findings of fact and conclusions of law shall be filed seven days prior to docket call; and

(iii) A list of witnesses and exhibits, except for those being used for impeachment purposes, shall be filed with the court.

Trial docket calls and trial settings are **only** reset by a motion to continue or oral motion in court. They will be removed from the court's docket by the filing of a properly served compromise and/or settlement agreement.

Motions for Default Judgment

Motions for default judgment **always** require a hearing and will be set prior to the trial docket call if possible.

Exhibits

Exhibits for trials and contested matters must be marked and exchanged three business days in advance of the hearing. Per L.B.R. 9014-1(c)(2), lists of witnesses and exhibits must be filed and exchanged three business days in advance. Except in unusual circumstances, exhibits not exchanged in this manner will not be admitted, nor will testimony be allowed from witnesses who are not on the witness list. However, it is presumed that the debtor will testify. Exhibits must be marked before the hearing and submitted in a binder to the attention of Courtroom Deputy or presented to the court at the commencement of the trial or hearing.

A hard copy of all exhibits submitted in support of, or in response to, a motion for summary judgment should be provided in a binder and delivered to the attention of Courtroom Deputy Christi Graham at the time the motion or response is filed. The exhibits will be submitted to Judge Jones at the appropriate time.

Motions for Relief from the Automatic Stay

1. If the parties reach an agreement **prior** to the filing of a motion for relief from stay, an agreed motion and an agreed proposed order may be uploaded or submitted on CD to the clerk's office serving the division in which the case is pending. Do not include objection deadlines or set a hearing on agreed motions. The filing fee is waived on agreed motions.

   (i) In Chapter 7, 12, and 13 cases, the motion and order must be approved by the debtor's attorney, the movant's attorney, and the case trustee (the trustee or attorney may authorize another attorney to sign the motion and order on his/her behalf).

   (ii) In Chapter 11 cases, the motion and order must be approved by the debtor's attorney, the movant's attorney and the U. S. Trustee. The movant's attorney must notice the settlement pursuant to Fed. R. Bankr. P. 4001(d).

2. The procedures and time limits for relief from the automatic stay are contained in L.B.R. 4001-1. Take care to send notice to the parties specified in (a) of that rule.

3. If a proper notice is contained in the motion and no timely answer is filed, a default will be entered without a hearing. If a timely answer is filed, a **final** hearing will be held at the date, time, and place specified in the motion.

4. Prior to filing a motion for relief from the automatic stay, the movant's attorney should obtain a hearing date, time, and location in the division where the case is pending. This is available on the court's website under the "Judges" tab or at http://www.txnb.uscourts.gov/content/judge-robert-l-jones

5. The movant's attorney shall file and serve the motion and a separate notice of hearing the same day the hearing date is obtained from the website. The hearing will not be calendared until the notice of hearing is filed. This will be a **final hearing**; there will be no preliminary hearings unless requested by a party. Because of the court's schedule, it may not be possible to hold a hearing within 30 days of the filing of the motion. Attorneys who need a preliminary hearing within that 30-day time should ask the courtroom deputy for such a hearing.

6. The following must be placed below the case number on the motion:

   If a timely answer is filed, a final hearing on this motion will be held at [**insert the time and date obtained in self-calendaring on the website**].

7. The motion must contain information that a default will be entered if a timely answer is not filed and give the date, time, and place of the hearing if a timely answer is filed using the following language:

NO HEARING WILL BE CONDUCTED HEREON UNLESS A WRITTEN RESPONSE IS ELECTRONICALLY FILED OR SUBMITTED ON CD TO THE CLERK OF THE UNITED STATES BANKRUPTCY COURT AT [INSERT THE ADDRESS OF THE BANKRUPTCY CLERK'S OFFICE SERVING THE DIVISION IN WHICH THE CASE IS PENDING] BEFORE THE CLOSE OF BUSINESS FOURTEEN DAYS FROM THE SERVICE OF THIS MOTION. IF SERVICE IS BY MAIL, THREE ADDITIONAL DAYS ARE ALLOWED PURSUANT TO FED. R. BANKR. P. 9006(f).

ANY RESPONSE MUST BE IN WRITING, ELECTRONICALLY FILED OR SUBMITTED ON CD TO THE CLERK AND A COPY SERVED UPON COUNSEL FOR THE MOVING PARTY WITHIN THE TIME DESCRIBED ABOVE. IF NO RESPONSE IS TIMELY FILED, THE RELIEF REQUESTED SHALL BE DEEMED UNOPPOSED AND THE COURT MAY ENTER AN ORDER GRANTING THE RELIEF SOUGHT.

IF A RESPONSE IS FILED, A FINAL HEARING ON THE MOTION WILL BE HELD AT [INSERT THE TIME AND DATE FOR THE HEARING] IN [INSERT THE ROOM NUMBER, STREET ADDRESS, CITY AND STATE OF THE PLACE OF THE HEARING]. THE RESPONSE MUST CONTAIN THE INFORMATION REQUIRED BY N.D. TEX.
L.B.R. 4001-1(b)

8. The certificate of service to the motion must show compliance with L.B.R. 2002-1(g) and L.B.R. 4001-1(a). Show the name, address, and relationship to this case of each party served.

Judge Mark X. Mullin

Address

Judge Mullin's chambers is located at Room 128, United States Courthouse, 501 West 10th Street, Fort Worth, Texas 76102.

Telephone Numbers

Telephone inquiries to Judge Mullin's chambers should be directed to the following:

Law Clerk	817-333-6020
Law Clerk	817-333-6022
Courtroom Deputy	817-333-6016
Judicial Support Specialist	817-333-6038
Courtroom Deputy Email	mxm_settings@txnb.uscourts.gov

Order Submission

Unless the judge directs otherwise, approved orders requiring immediate attention should be uploaded and counsel should notify the courtroom deputy by email. Disagreements over the form of orders should be e-mail to the Courtroom Deputy.

Courtesy Copies of Pleadings

A complete paper copy of the pleadings listed below, including all attachments thereto, should be delivered within 24 hours of electronic filing to Judge Mullin's law clerk's attention at 501 W. 10th Street, Room 147, Fort Worth, TX 76102-3643.

- Chapter 9 or Chapter 11 Plan of Reorganization
- Disclosure statement
- Motion for Summary Judgment and all responses and replies to such motions and applicable appendices of summary judgment evidence.
- Application for Compensation and/or Reimbursement of Expenses
- Motion to Dismiss pursuant to Fed. R. Bankr. P. 7012
- All Memoranda of Law

Scheduling Settings

Most settings are scheduled with at least 21 day notice. Disclosure statements and chapter 11 plans are normally set with not less than 28 day notice. Claim objections and trustee's final account hearings are set with 30 day notice.

All settings, except emergencies and expedited requests, are set in advance of the filing of a motion or application. A notice of hearing must be filed and served in order for the motion or application to appear on the court's calendar.

Settings requiring 30 minutes or less of court time may be self-calendared. Please review Judge Mullin's self-calendaring procedures online at: http://www.txnb.uscourts.gov/content/judge-mark-x-mullin

Settings that do not comply with self-calendaring guidelines may be obtained by emailing or calling the courtroom deputy.

Telephonic Hearing Policy

Hearings may be conducted by teleconference when deemed appropriate by the court. In approving a hearing by teleconference, consideration will be given to the nature and scope of the matter before the court, associated time and cost of travel, and equity to all parties. Counsel may request a telephonic hearing by emailing the courtroom deputy at mxm_settings@txnb.uscourts.gov. See Appendix A for more information. Parties participating in a hearing by telephone may not present evidence.
Judge Mullin's court uses CourtCall for all telephonic appearances. Instructions and CourtCall contact information will be provided by a member of Judge Mullin's staff upon Court approval of the request to appear by telephone.

Emergency/Expedited Requests

As a courtesy, please notify the courtroom deputy by email when filing an emergency motion or motion for expedited hearing. Such motions should be filed in accordance with the procedures outlined in the ECF User Manual which can be found on the court's website at: http://www.txnb.uscourts.gov/ecf/manual/contents.htm

Motion to Lift/Annul/Modify or Relief From Stay

Typically, Judge Mullin schedules preliminary hearings on motions to lift stay on Thursday mornings at 9:30 a.m. Please see Judge Mullin's self-calendaring procedures online at http://www.txnb.uscourts.gov/content/judge-mark-x-mullin for a list of preliminary hearing dates and for information regarding final hearing settings.

On agreement of the parties, or upon default through failure to respond pursuant to L.B.R. 4001-1 of the responding party, preliminary hearings on stay motions shall be removed from the docket prior to hearing by calling or emailing the courtroom deputy. The movant should notify the courtroom deputy by 10:00 a.m. on the business day prior to the setting and provide notice to respondents in order to be removed. Final hearings may be removed from the docket prior to hearing in the same manner. For both preliminary and final motions, agreed and/or default orders for cases removed from the docket must be filed on or before the tenth day after the hearing date and should recite the agreement or default of the other party.

L.B.R. 4001-1(e) governs hearings on preliminary stay motions. Accordingly, absent compelling circumstances, evidence at preliminary hearings may be presented by affidavit only.

Agreed or default orders uploaded prior to the scheduled preliminary hearing date will be held until the hearing for signature. Judge Mullin will not approve waiver of the 14 days required by Fed. R. Bankr. P. 4001(a)(3) in a default order.

United States Trustee Docket

Typically, the United States Trustee's docket is scheduled on the second Thursday of the month at 11:00 a.m. Elizabeth Ziegler Office of the U. S. Trustee, schedules settings. Notice of the U.S. Trustee's docket is served by the clerk's office.

Chapter 13 Trustee Docket

The Chapter 13 Trustee's office prepares the Chapter 13 docket and submits a copy to the court prior to the hearings. General dockets are always scheduled through the Chapter 13 Trustee's office or by self-calendaring. The courtroom deputy only sets matters on this docket when instructed by the judge. In any Chapter 13 matter set by the judge, the debtor must be present for hearing.

Resets/Removals from the Docket (Non-lift stay motions)

After hearings have been noticed, continuances may only be granted by court order upon motion. A party shall either file a written motion or, with the opposing side present or in agreement, present an oral motion. The motion shall establish cause for the continuance. The movant shall confer with the opposing party and advise the court if the motion is contested. A written motion shall not exceed two pages in length. The court may decide the motion by minute entry or by separate written order. The court appreciates a courtesy call or email to the courtroom deputy regarding the desired continuances, but the continuances themselves must be by court order.

For settlements and agreed orders obviating the need for a hearing, counsel need not appear at the scheduled hearing if, prior to the hearing, counsel has notified the courtroom deputy by e-mail or phone that the parties have settled, or will upload an agreed order, or has otherwise appeared to place the agreement on the record. Otherwise, the parties shall appear at the scheduled hearing to place the agreement on the record.

Fee Applications

No hearing is required for fee applications served with 24 day negative notice language, unless the court orders a hearing. After the response time has expired, if there have been no objections, pursuant to L.B.R. 9007-1, a certificate of no objections must be filed, accompanied by the proposed order being uploaded. If an objection is filed, counsel shall set a hearing on the application using this court's self-calendaring procedures or contact the courtroom deputy.

Trustee's Final Report

Notice is mailed by the bankruptcy clerk's office. No hearing is required for the trustee's final report unless an objection is filed or the court orders a hearing. If an objection is filed, it will be set for hearing.

Trial Docket Call/Adversaries

Typically, Judge Mullin's trial docket is scheduled on the last Thursday of the month at 9:00 a.m. The judge will schedule trials at the docket call and by signed court order.

The courtroom deputy schedules the trial docket call and issues the Standing Scheduling Order and summons when a complaint is filed. The plaintiff's attorney shall serve all parties the Standing Scheduling Order with the summons and complaint. Compromise, settlement, and stipulations are expected to have occurred prior to the docket call. Documents are also to be exchanged and marked before the docket call. Pursuant to the Standing Scheduling Order regarding adversary proceedings:

(i) A proposed pretrial order shall be served and filed seven calendar days prior to docket call;

(ii) Proposed findings of fact and conclusions of law shall be filed seven days prior to docket call; and

(iii) A list of witnesses and exhibits, except for those being used for impeachment purposes, shall be filed with the court.

Judge Mullin will allow a one time, 30 day agreed continuance for trial docket call settings. This may be done by filing an agreed motion to continue along with an order and notifying the courtroom deputy by email or phone the day prior to docket call. Any subsequent continuances must be set for hearing. In addition, requests for continuances of more than 30 days will also be set for hearing.

Motions for Default Judgment

Motions for default judgment always require a hearing.

Motions for Summary Judgment

Motions for summary judgment must be submitted with a brief. Such motions always require a hearing.

Briefs

Any matter counsel anticipates will require significant time for the court to review should include briefs provided at least two business days in advance of the hearing. Counsel should provide the court with the documents and supporting briefs. Hard copies of briefs should be delivered to chambers.

Judge Harlin D. Hale

Address

Judge Hale's chambers and courtroom are located at 1100 Commerce Street, Room 1421, Dallas, TX 75242-1496. His courtroom is located in Room 1420 (Courtroom #3) on the 14th floor.

Telephone Numbers

Telephone inquiries to Judge Hale's chambers should be directed to the following:

Judicial Assistant	214-753-2016
Law Clerk	214-753-2017
Courtroom Deputy	214-753-2060
Courtroom Deputy Email	hdh_settings@txnb.uscourts.gov
Transcript and Tape Request	dal_transcript@txnb.uscourts.gov

Order Submission

Orders requiring immediate attention should be uploaded through Proposed Orders in ECF and counsel should notify the courtroom deputy by email.

Disagreements over the form of orders are discouraged and should be submitted for judicial review by email to the courtroom deputy.

Courtesy Copies of Pleadings

A complete paper copy of the pleadings below, including all attachments thereto, should be delivered within 24 hours of electronic filing to Judge Hale's law clerk's attention at 1100 Commerce Street, Room 1254, Dallas, TX 75242-1496.

- Motion for Summary Judgment and Response to Motion for Summary Judgment and any appendices of summary judgment evidence.

Scheduling Settings

Most motions are scheduled with at least 21 days notice from the date the motion is filed and served. Disclosure statements and Chapter 11 plans are set with at least 28 days notice (three days must be added if service is mailed). Claims objections and trustee's final account hearings are set with at least 30 days notice.

All settings, except self-calendar matters, emergencies and expedited requests, are obtained from the courtroom deputy in advance of the filing of the motion or application. A notice of hearing must be filed and served in order for the motion or application to appear on the court's calendar.

Settings requiring 15 minutes or less of court time may be self-calendared. The court encourages the self-calendaring of motions that meet the self-calendaring criteria. Please review Judge Hale's self-calendaring procedures online at:
http://www.txnb.uscourts.gov/content/judge-harlin-d-hale

Settings that do not comply with self-calendaring guidelines may be obtained by emailing the courtroom deputy at hdh_settings@txnb.uscourts.gov.

Telephonic Hearing Policy

Hearings may be conducted by teleconference when deemed appropriate by the court. In approving a hearing by teleconference, consideration will be given to the nature and scope of the matter before the court, number of parties seeking to appear by phone, associated time and cost of travel, and equity to all parties. Counsel may request a telephonic hearing by emailing the courtroom deputy at hdh_settings@txnb.uscourts.gov at least 24 hours before the hearing. Request should include the case name and number, the attorney's name and the party they represent.

Judge Hale's court uses CourtCall for all telephonic appearances. Instructions and CourtCall contact information will be provided by a member of Judge Hale's staff upon court approval of the request to appear by phone.

Generally, a witness will not be allowed to testify via telephone absent the advance consent of the parties participating in the hearing.

Emergency/Expedited Requests

Please notify the courtroom deputy by email when filing an emergency motion or motion for expedited hearing. Such motions should be filed in accordance with the procedures outlined in the ECF User Manual which can be found on the court's website at:
http://www.txnb.uscourts.gov/ecf/manual/contents.htm

Motion to Lift/Annul/Modify or For Relief From Stay

Dallas cases: Preliminary hearings on motions to lift stay are set on the dates provided in Judge Hale's self-calendaring dockets available on Judge Hale's webpage. Hearings must be set by movant within 30 days from the date of filing with notice to all parties. Preliminary hearings are usually scheduled on Wednesdays at 1:30 p.m. with exceptions for weeks of Wichita Falls hearings. Please check the website for more information at:
http://www.txnb.uscourts.gov/content/judge-harlin-d-hale

Final hearings are usually scheduled on Wednesdays at 2:00 p.m., except during trial week.

Preliminary hearings may be rescheduled by agreement to a final hearing or another preliminary hearing, or removed from the docket prior to the hearing by a phone call or email to the courtroom deputy by the movant. The movant must file an amended notice of hearing reflecting

the new date and time. Final hearings may also be rescheduled or removed prior to the hearing in the same manner.

Wichita Falls cases: Lift stay hearings are considered as final hearings. Please check the website for more information at: http://www.txnb.uscourts.gov/content/judge-harlin-d-hale

Motion to Extend or Impose Automatic Stay

Hearings on motions to extend or impose the automatic stay are generally set on the Court's self calendaring docket or on the court's lift stay docket. Requests for expedited hearing on extend stay motions are not favored and will not be granted without cause shown. For additional information, please refer to Clerk's notice 06-06.

U. S. Trustee Docket

The U. S. Trustee's docket is generally scheduled every fourth Thursday of the month at 9:00 a.m. The attorney in the Office of the U. S. Trustee handling Judge Hale's cases schedules settings.

Chapter 13 Trustee Docket

The Chapter 13 Trustee's docket is usually scheduled on the fourth Thursday of the month. These dockets are prepared by the Chapter 13 Trustee's office, and a list of contested matters is sent to the court prior to the hearings. General dockets are always scheduled through the Chapter 13 Trustee's office.

Chapter 13 matters which require longer evidentiary hearings are generally not set on the court's regular monthly Chapter 13 docket. Please conference with the Trustee to determine a mutually agreeable date on the court's docket and contact the courtroom deputy for a setting.

Resets/Removals from the Docket (Non-lift stay motions)

When requesting a continuance, movant shall certify to the courtroom deputy that all parties agree to the continuance. Improper resetting is grounds for substantial sanction. Multiple agreed passes on the same matter may eventually necessitate proof of client consent or result in the matter being dismissed for want of prosecution.

Fee Applications

Most applications for fees require a setting and may be self-calendared.

Trustee's Final Report

Final reports are set for hearing only when an objection is filed. The trustee will notice the objecting party only.

Trial Docket Call/Adversaries

Typically, Judge Hale's trial docket call is scheduled on a Monday each month at 9:00 a.m. A list of trial docket call dates is available on the court's website at http://www.txnb.uscourts.gov/judges-info/hearing-dates/judge-hales-hearing-dates

The courtroom deputy schedules the trial docket call and trial week and issues the Standing Scheduling Order when a complaint is filed. The plaintiff's attorney shall serve the Standing Scheduling Order with the summons and complaint on all parties. Compromise, settlement, and stipulations are expected to have occurred prior to the docket call. Documents are also to be exchanged and marked before the docket call. Pursuant to the Standing Scheduling Order regarding adversary proceedings:

(i) A proposed pretrial order shall be served and filed seven calendar days prior to docket call;
(ii) Proposed findings of fact and conclusions of law shall be filed seven days prior to docket call; and
(iii) A list of witnesses and exhibits, except for those being used for impeachment purposes, shall be filed with the court.

Trial docket calls and trial settings are only reset by motion to continue or oral motion in court. They may be taken off the docket for settlements if a letter, email or fax, signed by an attorney of record is received prior to the setting.

Thirty days following an announcement of settlement of an adversary proceeding, the case will be dismissed for want of prosecution unless written explanation is furnished to the court explaining why the case should be retained on the docket or be reset.

Motions for Default Judgment

Motions for default judgment always require a hearing and will be set prior to the trial docket call if possible. Settings may be obtained by emailing the courtroom deputy at hdh_settings@txnb.uscourts.gov. A time estimate should be included with the request.

Motions for Summary Judgment

Motions for summary judgment require a hearing unless the parties request the motion be decided on pleadings. Settings may be obtained by emailing the courtroom deputy at hdh_settings@txnb.uscourts.gov. A time estimate should be included with the request.

Judge Russell F. Nelms

Address

Judge Nelms' chambers are located at 501 W. Tenth Street, Room 206, Fort Worth, Texas, 76102. His courtroom is located in Room 204 on the 2nd floor.

Telephone Numbers

Telephone inquiries to Judge Nelms' chambers should be directed to the following:

Judicial Assistant	817-333-6025
Law Clerk	817-333-6028
Courtroom Deputy	817-333-6036
ECRO (Transcript and Tape Request)	817-333-6014
Courtroom Deputy Email	rfn_settings@txnb.uscourts.gov

Order Submission

Approved orders requiring immediate attention should be uploaded and counsel should notify the courtroom deputy by email. Disagreements over the form of orders should be emailed to the courtroom deputy.

Courtesy Copies of Pleadings

A complete paper copy of the pleadings listed below, including all attachments thereto, should be delivered within 24 hours of electronic filing to Judge Nelm's law clerk's attention at 501 W. 10th Street, Room 147, Fort Worth, TX 76102-3643.

- Motion for Summary Judgment and Response to Motion for Summary Judgment and any appendices of summary judgment evidence

Scheduling Settings

Most settings are scheduled with at least 24 days notice. Disclosure statements and Chapter 11 plans are set with not less than 28 days notice. Claims objections and trustee's final account hearings are set with 30 days notice.

All settings, except emergencies and expedited requests, are set in advance of the filing of a motion or application. A separate notice of hearing must be filed and served in order for the motion or application to appear on the court's calendar.

Settings requiring 30 minutes or less of court time may be self-calendared. The court strongly encourages the self-calendaring for motions. Please review Judge Nelms' self-calendaring procedures online at: http://www.txnb.uscourts.gov/content/judge-russell-f-nelms

Settings that do not comply with self-calendaring guidelines may be obtained by emailing the courtroom deputy at rfn_settings@txnb.uscourts.gov.

Telephonic Hearing Policy

Hearings may be conducted by teleconference when deemed appropriate by the court. In approving a hearing by teleconference, consideration will be given to the nature and scope of the matter before the court, associated time and cost of travel, and equity to all parties. The request should include a statement of the reason for the request in the event the request is granted. Counsel may request a telephonic hearing by emailing the courtroom deputy at rfn_settings@txnb.uscourts.gov *See Appendix A for more information.*

Emergency/Expedited Requests

Please notify the courtroom deputy by email when filing an emergency motion or motion for expedited hearing. A proposed order regarding the expedited motion should be uploaded in the court's order processing program. Such motions should be filed in accordance with the procedures outlined in the ECF User Manual which can be found on the court's website at: http://www.txnb.uscourts.gov/ecf/manual/contents.htm

Motion to Lift/Annul/Modify or Relief From Stay

Typically, Judge Nelms schedules preliminary hearings on motions to lift stay on Wednesdays at 9:30. Please see Judge Nelms' self-calendaring procedures online at http://www.txnb.uscourts.gov/content/judge-russell-f-nelms for a list of preliminary hearing dates.

Preliminary hearings are conducted in accordance with the L.B.R. 4001-1(e). Announcements may be made regarding default, agreed, and unopposed motions. **In rem** relief will be granted only if the relief is specifically requested by motion, and circumstances justifying **in rem** relief are shown.

U. S. Trustee Docket

The U. S. Trustee's docket is typically scheduled on the first Thursday of each month at 1:30. Settings are scheduled by Elizabeth Ziegler, Office of the U. S. Trustee. Notices of the U. S. Trustee's motions are served by the Clerk's Office.

Chapter 13 Trustee Docket

The Chapter 13 Trustee's office prepares the Chapter 13 docket and submits a copy to the court prior to the hearings. General dockets are always scheduled through the Chapter 13 Trustee's

office or by self-calendaring. The courtroom deputy only sets matters on this docket when instructed by the judge.

Resets/Removals from the Docket (Non-lift stay motions)

Parties wishing to continue a matter after notice of the hearing has been given shall file a motion for continuance and upload a proposed order. The motion shall establish cause for the continuance and must include a certificate of conference stating whether or not the continuance is contested.

If the continuance is unopposed, counsel should notify the courtroom deputy by email or phone. The courtroom deputy will advise if an appearance at the originally scheduled setting is necessary.

If the continuance is contested, the court will review the motion for continuance before making a ruling. The courtroom deputy will contact parties if a hearing is necessary.

For settlements and agreed orders obviating the need for a hearing, counsel need not appear at the scheduled hearing if, prior to the hearing, counsel has notified the courtroom deputy by email or phone that parties have settled, or will upload an agreed order, or has otherwise appeared to place the agreement on the record. Otherwise, the parties shall appear at the scheduled hearing to place the agreement on the record.

Fee Applications

No hearing is required for fee applications served with 24 day negative notice language, unless the court orders a hearing. After the response time has expired, if there have been no objections, pursuant to L.B.R. 9007-1, a certificate of no objections must be filed, accompanied by the proposed order being uploaded. If an objection is filed, counsel shall set a hearing on the application using this court's self-calendaring procedures or contact the courtroom deputy.

Trustee's Final Report

Notice is mailed by the bankruptcy clerk's office. No hearing is required for the trustee's final report unless an objection is filed or the court orders a hearing. If an objection is filed, it will be set for hearing.

Trial Docket Call/Adversaries

Typically, Judge Nelms' trial docket call is scheduled on the first Monday of each month at 1:30pm. A list of trial docket call dates is available on the court's website in the self-calendaring procedures. The judge will schedule trials at the docket call.

The courtroom deputy schedules the trial docket call and trial month and issues the Standing Scheduling Order and summons when a complaint is filed. The plaintiff's attorney shall serve all parties the Standing Scheduling Order with the summons and complaint. Compromise,

settlement, and stipulations are expected to have occurred prior to the docket call. Documents are also to be exchanged and marked before the docket call. Pursuant to the Standing Scheduling Order regarding adversary proceedings:

(i) A proposed pretrial order shall be served and filed seven calendar days prior to docket call;
(ii) Proposed findings of fact and conclusions of law shall be filed seven days prior to docket call; and
(iii) A list of witnesses and exhibits, except for those being used for impeachment purposes, shall be filed with the court.

Judge Nelms will allow a one time, 30 day agreed continuance for trial docket call settings. This may be done by filing an agreed motion to continue along with an order and notifying the courtroom deputy by email or phone the day prior to docket call. Any subsequent continuances must be set for hearing. In addition, requests for continuances of more than 30 days will also be set for hearing.

Motions for Default Judgment

Motions for default judgment **always** require a hearing.

Motions for Summary Judgment

Motions for summary judgment require a hearing.

Adversary Proceedings Against Multiple Defendants

The court strongly discourages the filing of a single adversary proceeding against multiple, unrelated defendants involving unrelated facts or transfers. To the extent that counsel believes such an adversary proceeding is appropriate and such an adversary proceeding is filed, counsel shall, prior to any docket call thereon, provide the court no later than 2 business days prior to docket call, a list or chart summarizing the status of the adversary proceeding as against each defendant – *i.e.*, whether the defendant has defaulted, whether the defendant has agreed to a settlement, whether the defendant has been dismissed from the lawsuit, etc.

Judge Stacey G. C. Jernigan

Address

Judge Jernigan's chambers are located at 1100 Commerce Street, Room 1421, Dallas, TX 75242-1496. Her courtroom is located in Room 1428 (Courtroom #1) on the 14th floor.

Telephone Numbers

Telephone inquiries to Judge Jernigan's chambers should be directed to the following:

Judicial Assistant	214-753-2040
Law Clerk	214-753-2042
Courtroom Deputy	214-753-2046
Courtroom Deputy Email	sgj_settings@txnb.uscourts.gov

Order Submission

Approved orders requiring **immediate** attention should be uploaded in ECF and counsel should notify the courtroom deputy by email. Disagreements over the form of orders should be submitted to the judge in writing by email.

Courtesy Copies of Pleadings

A complete paper copy of the pleadings listed below, including all attachments thereto, should be delivered within 24 hours of electronic filing to Judge Jernigan's law clerk's attention at 1100 Commerce Street, Room 1254, Dallas, TX 75242-1496.

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- Chapter 9 or Chapter 11 Plan of Reorganization
- Disclosure statement
- Motion for Summary Judgment and Response to Motion for Summary Judgment and any appendices of summary judgment evidence
- Application for Compensation and/or Reimbursement of Expenses
- Motion to Dismiss pursuant to Fed. R. Bankr. P. 7012
- Any pleadings, including attachments, over 150 pages

Scheduling Settings

Most settings are scheduled with at least 24 days notice. Disclosure statements and Chapter 11 plans are set with not less than 31 days notice. Claims objections and trustee's final account hearings are set with 33 days notice.

All settings, except emergencies and expedited requests, are set in advance of the filing of a motion or application. A notice of hearing must be filed and served in order for the motion or application to appear on the court's calendar.

Settings requiring 30 minutes or less of court time may be self-calendared. The court strongly encourages the self-calendaring of motions. Please review Judge Jernigan's self-calendaring procedures online at: http://www.txnb.uscourts.gov/content/judge-stacey-g-c-jernigan

Settings that do not comply with self-calendaring guidelines may be obtained by emailing the courtroom deputy at sgj_settings@txnb.uscourts.gov.

Telephonic Hearing Policy

Hearings may be conducted by teleconference when deemed appropriate by the court. In approving a hearing by teleconference, consideration will be given to the nature and scope of the matter before the court, associated time and cost of travel, and equity to all parties. Counsel may request a telephonic hearing by emailing the courtroom deputy at sgj_settings@txnb.uscourts.gov. *See Appendix A for more information.*

Judge Jernigan's court uses CourtCall for all telephonic appearances. Instructions and CourtCall contact information will be provided by a member of Judge Jernigan's staff upon court approval of the request to appear by phone.

Emergency/Expedited Requests

Please notify the courtroom deputy by email when filing an emergency motion or motion for expedited hearing. Such motions should be filed in accordance with the procedures outlined in the ECF User Manual which can be found on the court's website at: http://www.txnb.uscourts.gov/ecf/manual/contents.htm

Motion to Lift/Annul/Modify or Relief from Stay

Typically, Judge Jernigan schedules preliminary hearings on motions to lift stay on Thursday afternoons at 1:30 p.m. Please see Judge Jernigan's self-calendaring procedures online at http://www.txnb.uscourts.gov/content/judge-stacey-g-c-jernigan for a list of preliminary hearing dates.

Default orders uploaded prior to the scheduled preliminary hearing date will be held until the hearing for signature.

Motion to Continue/Extend the Automatic Stay

Please see Clerk's Notice 06-06 dated April 12, 2006, for requirements for motions to continue/extend the automatic stay pursuant to 11 U.S.C. § 362 (c)(3)(B). Motions to continue or impose the automatic stay will ordinarily be set on a preliminary lift stay docket unless a special setting is needed to provide adequate notice, or in the rare circumstance that an expedited hearing is granted. A list of extend stay dockets may be found at: http://www.txnb.uscourts.gov/content/judge-stacey-g-c-jernigan

U. S. Trustee Docket

The U. S. Trustee's docket is typically scheduled on the first Wednesday of the month at 1:30 p.m. Settings are scheduled by Nancy Resnick, Office of the U. S. Trustee. Notice of the U. S. Trustee's docket is served by the clerk's office.

Chapter 13 Trustee Docket

The Chapter 13 Trustee's office prepares the Chapter 13 docket and submits a copy to the court prior to the hearings. General dockets are always scheduled through the Chapter 13 Trustee's Office. The courtroom deputy only sets matters on this docket when instructed by the judge.

Resets/Removals from the Docket (Non-lift stay motions)

After hearings have been noticed, continuances may only be granted by court order upon motion. A party shall either file a written motion or, with the opposing side present or in agreement, present an oral motion. The motion shall establish cause for the continuance. The movant shall confer with the opposing party and advise the court if the motion is contested. A written motion shall not exceed two pages in length. The court may decide the motion by minute entry or by separate written order. The court appreciates a courtesy call or email to the courtroom deputy regarding the desired continuances, but the continuances themselves must be by court order.

For settlements and agreed orders obviating the need for a hearing, counsel need not appear at the scheduled hearing if, prior to the hearing, counsel has notified the courtroom deputy by email that parties have settled, will upload an agreed order or has otherwise appeared to place the agreement on the record. The communication to the court will be included in the case record. Otherwise, the parties shall appear at the scheduled hearing to place the agreement on the record.

Fee Applications

General Order 2013-01 shall govern hearings on fee applications in Chapter 13 cases. Judge Jernigan requires a hearing on fee applications in excess of $30,000 in Chapter 7 and 11 cases and the hearings may be self-calendared. Fee applications in Chapter 7 cases may be submitted with the trustee's final report, but the applicant must inform the court on the style of the pleading and submit an order after the 30-day objection period.

Trustee's Final Report

Notice is mailed by the bankruptcy clerk's office. No hearing is required for the trustee's final report unless an objection is filed or the court orders a hearing. If an objection is filed, it will be set for hearing.

Trial Docket Call/Adversaries

Typically, Judge Jernigan's trial docket call is scheduled on the second Monday of the month at 1:30 p.m. A list of trial docket call dates is available on the court's website. The judge will schedule trials at the docket call and by signed court order.

The courtroom deputy schedules the trial docket call and trial week and issues the Standing Scheduling Order and summons when a complaint is filed. The plaintiff's attorney shall serve all parties the Standing Scheduling Order with the summons and complaint. **Compromise, settlement, and stipulations are expected to have occurred prior to the docket call.** Documents are also to be exchanged and marked before the docket call. Pursuant to the Standing Scheduling Order regarding adversary proceedings:

(i) A Proposed Pretrial Order shall be served and filed seven calendar days prior to docket call;

(ii) Proposed Findings of Fact and Conclusions of Law shall be filed seven days prior to docket call; and

(iii) A list of witnesses and exhibits, except for those being used for impeachment purposes, shall be filed with the court.

Trial docket call and trial settings are **only** reset by motion to continue or oral motion in court. These settings may be taken off the docket for settlements if a letter or email from the attorney of record is received prior to the hearing.

Motions for Default Judgment

Default judgments may be requested at trial docket call or by motion. If by motion, a hearing is required.

Motions for Summary Judgment

Motions for summary judgment require a hearing unless the parties request it be decided on pleadings.

4 RULES GOVERNING PRACTICE BEFORE THE COURT

Admission to Practice

All duly licensed attorneys who are admitted to practice before the U. S. District Court for the Northern District of Texas shall be allowed to practice law before the bankruptcy court, unless the bankruptcy court orders otherwise. Northern District of Texas' Local Civil Rule 83.7 governs admission to the U. S. District Court for the Northern District of Texas. The procedure for admission can be found in L.B.R. 2090-1(b).

All partnerships, corporations and other business entities (other than an individual conducting business as a sole proprietorship) that appear in proceedings before this court must be represented by an attorney admitted to practice before this court.

An attorney who is not admitted to practice before this court may be permitted by the court to appear pro hac vice. Admittance pro hac vice is governed by Northern District of Texas' Local Civil Rule 83.9. The application fee is $25.

The application for admission pro hac vice in a bankruptcy case can be located at:
http://www.txnb.uscourts.gov/sites/default/files/forms/BTXN104a.pdf

The application for admission pro hac vice in an adversary proceeding can be located at:
http://www.txnb.uscourts.gov/forms/btxn105a-application-admission-pro-hac-vice-adv

Local Bankruptcy Rules

The Local Bankruptcy Rules of the U. S. Bankruptcy Court for the Northern District of Texas are to be used in conjunction with the Federal Rules of Bankruptcy Procedure in all cases and proceedings under Title 11 of the United States Code, except as otherwise ordered by the presiding judge in a case or proceeding. Copies of the Local Bankruptcy Rules are available on the court's website:
http://www.txnb.uscourts.gov/court-info/local-rules-and-orders/local-rules

The local rules may be amended or supplemented from time to time as necessary for the proper administration of justice. Should any matter of practice or procedure require the attention of the court on a more frequent basis, the court shall from time to time enter general orders.

General Orders

General orders are orders or rules of court that address the regulation of procedure in general, or in some general branch of the court's jurisdiction as opposed to a rule or an order made in an individual case. They may or may not eventually be replaced by a local rule. General orders are

available through the clerk's office or may be viewed on-line at
http://www.txnb.uscourts.gov/court-info/general-orders

5 U. S. TRUSTEE AND TRUSTEES

Responsibility

The United States Trustee Program is a component of the Department of Justice responsible for overseeing the administration of bankruptcy cases and private trustees under 28 USC § 586 and 11 USC § 101, *et seq*. It consists of 21 regional U. S. Trustee Offices nationwide and an Executive Office for United States Trustees (EOUST) in Washington, DC. Chapter 39 of Title 28 USC § 586 states the following:

Sec. 586. - Duties; supervision by Attorney General

(a)

Each U. S. Trustee, within the region for which such U. S. Trustee is appointed, shall –

(1)

establish, maintain, and supervise a panel of private trustees that are eligible and available to serve as trustees in cases under Chapter 7 of Title 11;

(2)

serve as and perform the duties of a trustee in a case under Title 11 when required under Title 11 to serve as trustee in such a case;

(3)

supervise the administration of cases and trustees in cases under Chapter 7, 11, 12, or 13 of Title 11 by, whenever the U. S. Trustee considers it to be appropriate –

(A)

(i)

reviewing, in accordance with procedural guidelines adopted by the Executive Office of the U. S. Trustee (which guidelines shall be applied uniformly by the U. S. Trustee except when circumstances warrant different treatment), applications filed for compensation and reimbursement under Section 330 of Title 11; and

(ii)

filing with the court comments with respect to such application and, if the U. S. Trustee considers it to be appropriate, objections to such application.

(B)

monitoring plans and disclosure statements filed in cases under Chapter 11 of Title 11 and filing with the court, in connection with hearings under 28 USC § 1125 and § 1128 of such title, comments with respect to such plans and disclosure statements;

(C)

monitoring plans filed under Chapters 12 and 13 of Title 11 and filing with the court, in connection with hearings under 28 USC § 1224, § 1229, § 1324, and § 1329 of such title, comments with respect to such plans;

(D)

taking such action as the U. S. Trustee deems to be appropriate to ensure that all reports, schedules, and fees required to be filed under Title 11 and this title by the debtor are properly and timely filed;

(E)

monitoring creditors' committees appointed under Title 11;

(F)

notifying the appropriate U. S. Attorney of matters which relate to the occurrence of any action which may constitute a crime under the laws of the United States and, on the request of the U. S. attorney, assisting the U. S. attorney in carrying out prosecutions based on such action;

(G)

monitoring the progress of cases under Title 11 and taking such actions as the U. S. Trustee deems to be appropriate to prevent undue delay in such progress; and

(H)

monitoring applications filed under 11 USC § 327 and, whenever the U. S. Trustee deems it to be appropriate, filing with the court comments with respect to the approval of such applications;

(4)

deposit or invest under 11 USC § 345 money received as trustee in cases under Title 11;

(5)

perform the duties prescribed for the U. S. Trustee under Title 11 and 28 USC § 586, and such duties consistent with Title 11 and 28 USC § 586 as the Attorney General may prescribe; and

(6)

make such reports as the Attorney General directs.

(b)

If the number of cases under Chapter 12 or 13 of Title 11 commenced in a particular region so warrants, the U. S. Trustee for such region may, subject to the approval of the Attorney General, appoint one or more individuals to serve as standing trustee, or designate one or more assistant U. S. Trustees to serve in cases under such chapter. The U. S. Trustee for such region shall supervise any such individual appointed as standing trustee in the performance of the duties of standing trustee.

(c)

Each U. S. Trustee shall be under the general supervision of the Attorney General, who shall provide general coordination and assistance to the U. S. Trustees.

(d)

The Attorney General shall prescribe by rule qualifications for membership on the panels established by U. S. Trustees under paragraph (a)(1) of this section, and

qualifications for appointment under subsection (b) of this section to serve as standing trustee in cases under chapter 12 or 13 of Title 11. The Attorney General may not require that an individual be an attorney in order to qualify for appointment under subsection (b) of this section to serve as standing trustee in cases under chapter 12 or 13 of Title 11.

(e)

(1)

The Attorney General, after consultation with a U. S. Trustee that has appointed an individual under subsection (b) of this section to serve as standing trustee in cases under chapter 12 or 13 of Title 11, shall fix -

(A)

a maximum annual compensation for such individual consisting of -

(i)

an amount not to exceed the highest annual rate of basic pay in effect for level V of the Executive Schedule; and

(ii)

the cash value of employment benefits comparable to the employment benefits provided by the United States to individuals who are employed by the United States at the same rate of basic pay to perform similar services during the same period of time; and

(B)

a percentage fee not to exceed -

(i)

in the case of a debtor who is not a family farmer, ten percent; or

(ii)

in the case of a debtor who is a family farmer, the sum of -

(I)

not to exceed ten percent of the payments made under the plan of such debtor, with respect to payments in an aggregate amount not to exceed $450,000; and

(II)

three percent of payments made under the plan of such debtor, with respect to payments made after the aggregate amount of payments made under the plan exceeds $450,000; based on such maximum annual compensation and the actual, necessary expenses incurred by such individual as standing trustee.

(2)

Such individual shall collect such percentage fee from all payments received by such individual under plans in the cases under chapter 12 or 13 of Title 11 for which such individual serves as standing trustee. Such individual

shall pay to the U. S. Trustee, and the U. S. Trustee shall deposit in the U. S. Trustee System Fund -

(A)

any amount by which the actual compensation of such individual exceeds 5 per centum upon all payments received under plans in cases under Chapter 12 or 13 of Title 11 for which such individual serves as standing trustee; and

(B)

any amount by which the percentage for all such cases exceeds -

(i)

such individual's actual compensation for such cases, as adjusted under subparagraph (A) of paragraph (1); plus

(ii)

the actual, necessary expenses incurred by such individual as standing trustee in such cases. Subject to the approval of the Attorney General, any or all of the interest earned from the deposit of payments under plans by such individual may be utilized to pay actual, necessary expenses without regard to the percentage limitation contained in subparagraph (d)(1)(B) of this section.

The legislative history of the Reform Act makes clear that the establishment, maintenance, and supervision of the panel of trustees is the U. S. Trustee's "primary function, and his most important contribution to the administration of the bankruptcy system" (H.R. Rep. No. 595, 95th Cong., 1st Sess. 439 (1977)).

U. S. Trustee/Assistant U. S. Trustee

The United States Trustee for Region 6 (which includes the Northern District of Texas) is William T. Neary and the Assistant U.S. Trustee is George McElreath. The U. S. Trustee's Office is located at 1100 Commerce Street, Room 976, Dallas, TX 75242. The U. S. Trustee can also be contacted by calling 214-767-8967.

Trustees

The trustee is a person appointed in a bankruptcy case to represent the interests of the bankruptcy estate and the unsecured creditors. In Chapter 7 cases, the trustee's responsibilities include reviewing the debtor's petition and schedules, liquidating the property of the estate, and making distributions to creditors. The trustee may also bring actions against creditors or the debtor to recover property of the bankruptcy estate. In addition to the responsibilities stated above, Chapter 13 trustees are responsible for overseeing the debtor's plan, receiving payments from debtors, and disbursing plan payments to creditors.

Chapter 7 Panel Trustees

Please note this information is subject to change without notice.

Dallas Division

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Chapter 13 Standing Trustees

Dallas Division

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http://www.13network.com/trustees/dal/dalhome.asp

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Abilene, Amarillo, San Angelo and Wichita Falls Divisions

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Chapter 12 Trustees

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6 BANKRUPTCY FEES AND METHODS OF PAYMENTS

Schedule of Fees and Instructions for Filings and Services

The court's fee schedule is available at http://www.txnb.uscourts.gov/fee-schedule.

All fees are fully earned and due upon filing or request for service and are accepted subject to collection. Trustees are required to pay fees when there are funds in the estate.

A Mailing List of Creditors shall be filed contemporaneously with the filing of a voluntary petition L.B.R. 1007-1. An Adversary Cover Sheet shall be filed contemporaneously with an adversary complaint L.B.R. 7003-1.

Methods of Payment

Acceptable methods of payment include cash, check, money order, cashier check, debit card, or credit card. Checks shall be payable to "Clerk, U. S. Bankruptcy Court." Checks made payable to a named person (i.e. "Tawana C. Marshall") are not acceptable. Only law firm checks will be accepted in payment of filing fees. Credit cards, debit cards, or checks from debtors will not be accepted.

If you file electronically via ECF then you must pay your fees online. For more information on paying fees online, please see the Online Credit Card Payment Guide at http://www.txnb.uscourts.gov/online-credit-card-payment-guide.

7 FILING REQUIREMENTS

Voluntary Petitions – Chapters 7, 9, 11, 12, and 13

Fed. R. Bankr. P. 9009 prescribes that the official forms "shall be observed and used with alterations as may be appropriate." The forms can be located via the clerk's office website at http://www.uscourts.gov/FormsAndFees/Forms/BankruptcyForms.aspx.
They are also available through various computer software packages, commercial legal printers, or office supply stores.

The official forms of the petitions, schedules, statements and plan are to be filed electronically or saved to a CD-ROM with paper size specifications set at 8½" x 11". Each page of the saved document should have margins (top, bottom, left, and right) of at least one (1) inch. Compliance with these standards will facilitate the reviewing of the file by the public.

The forms should be either typed or legibly printed. The petition should be arranged in the following order:

- Voluntary Petition*
- Certificate of Credit Counseling (if applicable)
- Notice to Individual Consumer Debtor(s) (if applicable)
- Statement of Affairs
- Summary of Schedules
- Schedules A – J (in alphabetical order)
- Statement of Intent (if applicable)
- Statement of Current Monthly Income…(as required)
- Disclosure of Compensation
- Pay Advices
- Debtor's Certification of Completion of Instructional Course Concerning Financial Management (as required)
- List of Creditors
- Certification Verifying Creditor Matrix

* The voluntary petition must always be the top page and include both the debtor's and the attorney's *electronic* signatures (i.e. /s/ John Doe). The debtor's attorney is to maintain a paper copy of the petition with the attorney's and debtor's signatures in the attorney's office for a period of seven years.

The following are the requirements for emergency or minimum filings:

- Voluntary Petition
- Declaration on Behalf of Corporation (if applicable)
- Notice to Individual Consumer Debtor(s) (if applicable)
- Disclosure of Compensation

- Mailing Matrix
- Filing Fee or Application and Order to Pay Filing Fee in Installments
- List of 20 Largest Unsecured Creditors (Chapter 11 Only)

A Notice of Deficiency will be issued when a case is filed without the minimum required documents. The Notice of Deficiency will reference the deadlines applicable to the documents that are deficient from the voluntary petition filing.

The court monitors these deficiencies and may enter an order of dismissal if they are not cured in the prescribed period of time (unless a motion to extend time for filing such documents is filed with the court). If you feel that you have received a deficiency notice in error, do not ignore it; contact the clerk's office in the appropriate division immediately or the case may be dismissed.

Effective October 1, 2003, all documents submitted to the court must be submitted electronically through the court's electronic filing system (CM/ECF). For more information on becoming a registered user please visit our website at http://www.txnb.uscourts.gov/becoming-registered-ecf-user.

All filings fees should be paid at the time of filing. Failure to submit the appropriate filing fees will result in the issuance of a Clerk's Notice of Fees Due, and if the fee is not received by the clerk's office within the specified period of time on the Clerk's Notice of Fees Due, the pleading or case may be dismissed for failure to pay.

All petitions are to be accompanied by an Official Form 21 Statement of Social Security Number. Form 21 verifies, under penalty of perjury, the debtor's full social security number or that the debtor does not have a social security number. **Electronic filers** shall electronically file the Statement of Social Security Number (Official Form 21) within seven days after the filing of the petition.

Also, within seven (7) days of the filing of the petition, the electronic filer shall tender to the Court in paper format the Declaration for Electronic Filing as described in the Administrative Procedures for Electronic Case Filing.

Involuntary Petitions General Requirements - Chapter 7 and 11

An involuntary petition may be commenced only under Chapter 7 or 11, and only against a person (except a farmer or corporation that is not a moneyed business or commercial corporation that may be a debtor under the chapter under which such case is commenced [11 USC § 303]). The exception that a husband and wife may file a joint petition applies to *voluntary* petitions only.

Official form B5 is to be used in every involuntary case, including a partnership. The form provides space for the signature of the attorney and the petitioning creditors. Furthermore, the 1991 advisory committee's note to that form provides, in part: "Each petitioning creditor, by signing on the line provided, signs both the petition and the unsworn declaration which 28 USC § 1746 permits instead of verification. The addresses as well as the names of individuals signing

the petition in a representative capacity are required, together with disclosure of which petitioner is represented by each signatory." Failure to sign the petition may constitute a serious defect in the filing. An involuntary case is commenced by three or more entities (petitioning creditors) with unsecured claims totaling at least $12,300. The alleged debtor must also have 12 or more creditors. If there are fewer than 12 creditors, there must be one or more entities (petitioning creditors) that hold unsecured claims totaling at least $12,300 to commence the case. As part of the filing requirement, the filing party must file a mailing matrix with the involuntary petition. Even though all creditors may not be known at the time of the filing, the filing party must submit at least the addresses of the petitioning creditor(s) and their attorneys on a matrix.

Upon filing, the clerk's office will assign a case number to the involuntary petition; however, an appointment of a trustee will not be made until an order for relief has been entered. Additionally, the filing party will receive a scheduling order setting a status conference, along with the summons. Service of the summons must be made within fourteen (14) days following the issuance of the summons. The party should file proof of such service with the court. If a summons is not timely delivered or mailed, the party should write a letter to the court asking for reissuance of the summons. Counsel for alleged debtor shall file a notice of appearance promptly upon employment.

Adversary Proceedings

Adversary proceedings, L.B.R. 7001-1, are assigned a number (separate from the bankruptcy case number), which must be used in conjunction with the related bankruptcy case number in the caption of all adversary proceedings. Captions of adversary proceedings should clearly reflect the name of the debtor, plaintiff, and defendant.

Pursuant to Fed. R. Bankr. P. 7001, an adversary proceeding must be filed when a party is seeking to:

1. recover money or property, except during a proceeding to compel the debtor to deliver property to the trustee, or a proceeding under 11 USC § 554(b) or § 725 of the Code, Fed. R. Bankr. P. 2017 or 6002.

2. determine the validity, priority, or extent of a lien or other interest in property, other than a proceeding under Fed. R. Bankr. P. 4003(d).

3. obtain approval pursuant to 11 USC § 363(h) for the sale of both the interest of the estate and of a co-owner in property.

4. object to or revoke a discharge.

5. revoke an order of confirmation of a chapter 11, 12, or 13 plan.

6. determine the dischargeability of a debt.

7. obtain an injunction or other equitable relief.

8. subordinate any allowed claim or interest, except when subordination is provided in a chapter 9, 11, 12, or 13 plan.

9. obtain a declaratory judgment relating to any of the foregoing.

10. determine a claim or cause of action removed pursuant to 28 USC § 1452.

Parties to an adversary proceeding are required to designate in their initial pleadings whether a proceeding is core or non-core (28 USC § 157 distinguishes between "core" and "non-core" proceedings). This designation is important to the judges and the clerk's office in determining how to process and handle final orders and rulings of the court.

Subsections (4) and (5) of the Fed. R. Bankr. P. 7004 address service of a summons and complaint (and in a contested matter, the motion [see Fed. R. Bankr. P. 9014]) on the United States or any officer or agency of the United States. Plaintiffs (or moving parties) frequently fail to effect service in accordance with these subsections. The most common defect is that service is not made on the Attorney General of the United States nor on the officer or agency involved – usually the U. S. Attorney for the district is served. There may be other parties who should also be served, such as the trustee, and that is a determination for the plaintiff (or the moving party) to make. Failure to effect such service could render any order issued on the objection invalid should the party not served subsequently file a motion under Fed. R. Bankr. P. 7060.

After the adversary proceeding is filed, the clerk's office issues a summons and a scheduling order. A summons is only valid for fourteen days following its issuance (Fed. R. Bankr. P. 7004(e)). If the 14-day period has passed without the summons being served, the plaintiff should request, in writing, that the summons be reissued.

Fed. R. Bankr. P. 7055 (and Fed. R. Civ. P. 55) provides the procedure for defaults and default judgments. The Clerk of Court plays a major role in entering defaults and, in certain circumstances, the Clerk can sign and enter default judgments. If the defendant has failed to respond, the plaintiff should file an affidavit of default, which sets forth the following facts:

1. The date of issuance of summons;

2. A statement of whether the court fixed a deadline for the filing of an answer or motion, or whether the 30 (or 35 if US office or agency) day limit applies;

3. The date of service of complaint;

4. The date of filing of affidavit of service or certificate of mailing;

5. A statement that defendant is not an infant or incompetent person, nor has been in the military of the United States since the filing of the suit or for a period of six months prior to such filing;

6. A statement that no answer or motion has been received within the time limit.

There are certain time constraints when filing an adversary proceeding pursuant to 11 USC § 523 and § 727 of the Bankruptcy Code. Please consult Fed. R. Bankr. P. 4004(a)(b)(c), 4007(c)(d), and 9006(b)(3) for time constraints associated with complaints to determine dischargeability and objecting to discharge.

The party initiating an adversary proceeding (Bankruptcy Rule 7004) or a contested matter (Bankruptcy Rule 9011) against an insured depository institution shall make service on insured depository institutions by certified mail when that service is required by Bankruptcy Rule 7004(h).

Amendments to Open or Pending Cases

Copy Requirements

Amendments to petitions, regardless of chapter, should be submitted in electronic format.

Adding Creditors to the Mailing Matrix

Pursuant to L.B.R. 1009-1(a)**,** amendments adding creditors must be:

a) signed by debtor; and
b) accompanied by a certificate of service to **new** creditors indicating service of the amendment, the §341 meeting notice, the discharge, and any other document which may affect the creditor.

Amendment to Schedules

Pursuant to L.B.R. 1009-1(b)(c)(d)**,** follow the steps outlined above if amending schedules to add creditors. If amending schedules without adding creditors, the debtor must sign the amendment and the certificate of service should indicate service of the amendment on creditors affected by it. A $30.00 filing fee is also required pursuant to 11 USC § 1930.

Schedules Filed After the Petition

If the schedules are being filed after the petition has been filed, and there are creditors in addition to those on the matrix or list filed with the petition, follow the steps outlined in "Adding Creditors" above. A supplemental mailing matrix or list of creditors containing fewer than ten (10) creditors, or a supplemental matrix in a Chapter 13 case, must be in electronic format. L.B.R. 1007-1(a) governs requirements for lists of creditors. The creditor matrix should be saved as an ASCII text file. For specific instructions on the creditor matrix specifications, refer to the style guide available at: http://www.txnb.uscourts.gov/sites/default/files/local_rules/LocalRules.pdf

Amended Schedules Due Following a Conversion

If amended schedules with additional creditors are due pursuant to an order converting the case from one chapter to another, you must also submit a mailing matrix of only the additional creditors.

Amending Voluntary Petition

Unless you are amending the voluntary petition itself, **do not** file another petition.

Motions for Joint Administration

L.B.R. 1015-1 states that Joint Administration is the combining of two or more cases in the interest of efficiency and economy. It does not involve the pooling of the assets and liabilities of the separate estates, which are being jointly administered. It involves the use of a single docket for matters occurring in the administration of the estates, the combining of notices to creditors and other purely administrative matters. However, since the pooling of the assets and liabilities of the separate estate does not occur, a separate listing of filed claims is necessary unless the court directs otherwise.

8 APPEALS

Appeals are governed by the 8000 series of the Federal Rules of Bankruptcy Procedure and the U. S. District Court for the Northern District of Texas' Local Rules. **All appeals must be directed to the U. S. District Court for the Northern District of Texas, but shall be filed with the Bankruptcy Clerk within 14 days of the date of entry of the judgment, order, or decree appealed from.** Failure to comply with the requirements set forth in the Order and Notice of Guidelines Regarding Appeals to the District Court, as outlined below, may result in the dismissal of the appeal or other action as determined by the U. S. district court judge subsequently assigned to the appeal.

Appeal of Multiple Judgments, Orders or Decrees

Each appealed judgment, order or decree of a bankruptcy judge requires a separate Notice of Appeal, separate filing fee and separate record. Appeal of related judgments, orders or decrees from the same case may be consolidated after transmission to the U. S. District Court.

Designation of the Record

Fed. R. Bankr. P. 8006 provides that within fourteen (14) days after filing the Notice of Appeal or entry of an Order Granting Leave to Appeal, the Appellant shall file with the Clerk of the Bankruptcy Court and serve on the Appellee(s): (1) a "designation" of the items, including transcripts and exhibits, to be forwarded as the Record on Appeal; and (2) a "statement of the issues." Within fourteen (14) days after service of the designation and statement, the Appellee may file and serve on the Appellant a designation of additional items to be included in the record on appeal. You are further required to identify pleadings in your designation by indicating the title of the document and the document number. The document number appears immediately to the left of the entry of the pleading on the docket sheet. Transcript requests are due the same date the party's designation is due.

Obtaining Copies of Docket Sheets

Docket sheets are available for viewing in the clerk's office during regular business hours Monday through Friday. The clerk's office charges a fee of $.50 per page for copies. PACER subscribers can print copies of docket sheets from their PC. (For more information on PACER, contact the PACER Service Center at 1-800-676-6856.)

Failure to File a Designation of Record

Failure to file a proper and timely Designation of Record will be deemed an indication that the appellant does not wish to pursue the appeal. The Record on Appeal consisting of a copy of the docket sheet, the Notice of Appeal, order from which the appeal is taken, and any related findings of fact and conclusions of law or memorandum opinion will be transmitted to the U. S.

District Court with a notice of the deficiency indicating that you failed to file a Designation of Record.

Transcript of Proceedings

For information on obtaining a transcript of proceedings, please see "General Information - Transcription and Tape Duplication" of this publication. U. S. District Court L.B.R. 8006.2(a) provides that: "A party who has designated a transcript of any proceeding or part thereof shall provide the clerk a copy of the transcript within seven (7) days of the date the reporter files the transcript in accordance with Fed. R. Bankr. P. 8007(a)." The transcript, like all other designated documents, must be assembled in the record in the order in which they are listed on the Designation/Cross-Designation.

Completion and Assembly of the Record on Appeal

Although the primary responsibility to transmit the Record on Appeal rests with the Clerk of the U. S. Bankruptcy Court, the amendment to Rule 8006, as of August 1, 1991, provides that: "Any party filing a designation of the items to be included in the record shall provide to the clerk a copy of the items designated" and "All parties shall take any other action necessary to enable the clerk to assemble and transmit the record." You may provide copies of all designated items, including exhibits from your own file.

Also, pursuant to U. S. District Court L.B.R. 8006.2(b), all copies of designated documents must be two-hole punched at the top, assembled in the order in which they are listed on the Designation/Cross-Designation and fastened into durable, binders with labels. Each binder should contain a maximum of 250 pages, including index pages.

If a party fails to provide copies within the fourteen (14) day deadline of filing the designation of record, the party will receive a deficiency notice to provide the copies immediately. U. S. District Court L.B.R. 8006.3 provides for the clerk to prepare the copies at the party's expense upon the party's failure to do so. However, the bankruptcy court does not provide paralegal services. A party is still responsible for submitting the record in the manner set forth in U. S. District Court L.B.R 8006.2 upon receipt of prepaid copies. U. S. District Court L.B.R 8006.3 is not an automatic extension of time for a party to submit copies of its designated record. A party should file a motion to extend time with an uploaded order if more time is needed to provide the copies.

Transmittal of the Record to the District Court

When the record has been assembled (including transcripts and exhibits) and after the expiration of applicable time limits, the Clerk of the U. S. Bankruptcy Court shall transmit the record to the Clerk of the U. S. District Court. Upon receipt of a complete record, the Clerk of the U. S. District Court will enter the appeal on the docket and shall provide written notice to the parties of the day on which the appeal was docketed. Your obligation under Fed. R. Bankr. P. 8009 to file appellant briefs begins on the date of entry of the appeal on the district court docket. Deficient designations will be presented to the presiding U. S. district judge for a determination on dismissing the appeal.

Interlocutory Appeals

Pursuant to Fed. R. Bankr. P. 8003, the Notice of Appeal from an interlocutory order of the U. S. Bankruptcy Court must be accompanied by a "Motion For Leave To Appeal" under 28 USC § 1334(b) or § 1482(b). Within 14 days after service of the Motion, an adverse party may file with the Clerk of the U. S. Bankruptcy Court an Answer in Opposition. Once the 14-day period for submission of an Answer has expired, the Notice of Appeal, the Motion for Leave to Appeal and any answer in opposition will be transmitted by the Clerk of the U. S. Bankruptcy Court to the Clerk of the U. S. District Court for assignment to a U. S. district court judge.

9 REMOVAL PROCEDURES AND WITHDRAWAL OF REFERENCE

Removal

Fed. R. Bankr. P. 9027 governs the procedures for removal of cases. Note that the proceeding must be removed to the district for the state or federal court where the civil action is pending.

Withdrawal of Reference

Motions for withdrawal of reference of a case or proceeding pursuant to Fed. R. Bankr. P. 5011 shall be filed with the Clerk of Court. A motion for withdrawal of reference must be accompanied by the appropriate filing fee. If a child support creditor or its representative is the movant, no fee is required. Refer to L.B.R. 5011-1 for more information on the procedures for withdrawal of reference including the requirements of this court.

The motion for withdrawal of reference must be accompanied by a separate notice of hearing, requiring the movant, prior to filing the motion, to obtain a self-calendar date for the status conference before the assigned bankruptcy judge. The hearing date and time must also be included on the face of the motion.

The clerk's office will prepare and transmit the motion for withdrawal of reference to the U. S. District Court within twenty-four hours of the filing of the motion and notify all parties of the U. S. District Court civil case number. All responses and subsequent papers must be filed, captioned and numbered with the U. S. District Court Clerk's Office. After the status conference, the bankruptcy judge will file a report and recommendation with the U. S. District Court.

APPENDIX A

Protocol for Hearings by Teleconference

Hearings may be conducted by teleconference when deemed appropriate by the court. In approving a hearing by teleconference, consideration will be given to the nature and scope of the matter before the court, associated time and cost of travel and equity to all parties. Counsel may request a telephonic hearing by email or by sending or faxing a letter to the courtroom deputy. Requests made by fax should be sent to (214) 753-2072 for the Dallas and Wichita Falls Divisions, (817) 333-6001 for Fort Worth Division, and (806) 472-5004 for the Abilene, Amarillo, Lubbock and San Angelo Divisions. **The request must be received at least 24 hours in advance of the hearing.**

Courtroom Deputy	**Email Address**
Viola Salcido-Chief Judge Barbara J. Houser	bjh_settings@txnb.uscourts.gov
Christi Graham - Judge Robert L. Jones	rlj_settings@txnb.uscourts.gov
Jennifer Calfee-Judge Mark X. Mullin	mxm_settings@txnb.uscourts.gov
Jodie Chapman-Judge Harlin D. Hale	hdh_settings@txnb.uscourts.gov
Jana McCrory-Judge Russell F. Nelms	rfn_settings@txnb.uscourts.gov
Traci Davis-Judge Stacey G. C. Jernigan	sgj_settings@txnb.uscourts.gov

The following recommendations should be useful in enhancing the teleconference quality.

1. Speakerphones may not be used. It has been the court's experience that background noise is magnified by the courtroom sound system and is too distracting.

2. Parties should speak using a normal telephone handset. Please be aware that noise from parties participating by phone is magnified by the sound system in the courtroom. Paper-shuffling, coughing, and any other noise is very distracting to all parties. If you have a mute feature on your phone, please use it.

Upon court approval, judicial staff will instruct the party requesting the phone hearing to arrange for the conference call to be set up and then dialed through to the appropriate chambers[1]. If more than one party will appear via phone, then the court will instruct a party to arrange for a conference call operator to set up the call on a single line. Placing a call to court late is the same as coming to court late. You will not be heard. Parties may not be added to a conference call once the hearing has commenced. On occasion, the court will dial a party directly.

[1] These procedures are subject to judicial modification. You will be advised of any additional requirements when your request for teleconference is granted.

All participants must be in place and prepared for the conference call at least fifteen minutes prior to the scheduled hearing time. Parties must remember to state their name for the record before speaking.

Technical assistance or information regarding the configuration of teleconference equipment may be obtained from the Court Technology and Facilities Specialist, Tim Christnagel, at (214) 753-2020.

APPENDIX B

Fee Application Cover Sheet

Interim / Final Fee Application of: _____

Capacity:_____Time Period:_____

Bankruptcy Petition Filed on: _____

Date of Entry of Retention Order:_____ Status of Case:_____

Amount Requested:		**Reductions:**	
Fees:	$ _____	Voluntary fee reductions:	$ _____
Expenses:	$ _____	Expense reductions:	$ _____
Other:	$ _____	**Total Reductions:**	$ _____
Total:	$ _____		

Draw Down Request:		**Expense Detail:**	
Retainer Received:	$ _____	Copies - per page cost and total:	$ ___
Previous Draw Down(s):	$ _____	Fax - per page cost and total:	$ _____
Remaining Retainer (now):	$ _____	Computer Research:	$ _____
Requested Draw Down:	$ _____	Other:	$ _____
Retainer Remaining (after):	$ _____	Other:	$ _____

Hourly Rates	**Attorney/Accountant**	**Paralegal/Clerical**
Highest Billed Rate:	$_ _	$ _____ Total Hours Billed: _____
Blended Rate:	$_____	$ _____

APPENDIX C

Internet Access in Bankruptcy Courtrooms

Wireless internet access is available only in Dallas and Fort Worth courtrooms.

In order to take advantage of the wireless access, parties attending courtroom proceedings must have laptops with wireless PC card adapters or built-in wireless capabilities. Internet access is also available in all courtrooms via a traditional AT&T DSL phone line. The network line is not a part of, nor is it connected to, the Judiciaries Communications Network.

To use your laptop to access case information during a hearing, please insure that your computer is properly setup for wireless access prior to entering the courtroom. Avoid downloading streaming audio or video to reduce the impact on the bandwidth available with the DSL connection.

The wireless SSID is: txnb0804. No Internet firewall or virus protection is installed with the AT&T DSL phone line so the usual precautions should be installed on your computer prior to connecting to the Internet.

Some wireless controllers will find this SSID automatically, while others must be pre-configured with this SSID. If you are unsure how to configure your computer, please seek the advice of your IT staff or other computer savvy persons. Courtroom personnel and the Clerk's office staff of the bankruptcy court will be unable to provide individual assistance.

Once connected to the Internet, you may use your browser to connect to ecf.txnb.uscourts.gov

Use your PACER logon and password to enter the web site. Do not use your CM/ECF logon and password to connect to the web site as CM/ECF is utilized for filing and will allow only one free look at your filed documents. With your PACER logon, you may access data for any case on file subject to the usual PACER fees.

Parties are expected to observe usual courtroom etiquette when using the wireless access. Be sure to turn off or mute the sound volume on your computer.

There is no wireless access in the Lubbock courtroom.

APPENDIX D

TECHNOLOGY 101

A Technology Reference Guide for Bankruptcy Attorneys

Welcome to Technology 101, a reference guide for using technology you will encounter as a practicing bankruptcy attorney. This information is designed to answer common questions attorneys encounter while using the court's technology.

Our Website

The court's website is www.txnb.uscourts.gov. Our website contains information you will need as a practicing bankruptcy attorney. You will want to become familiar with the following sections of the court's website:

REFERENCE LIBRARY SECTION, which contains information including the Attorney Desk Reference, links to the Bankruptcy Code and Federal Rules, General Orders and the Local Rules, and commonly used bankruptcy forms.

JUDGES SECTION, which contains judge-specific information including contact information, self-calendaring procedures for setting hearings, opinions, and the court calendar.

ECF SECTION, which contains information including instructions on becoming a registered CM/ECF user, ECF online help, the ECF User Manual, the ECF training class schedule, video tutorials, the ECF online credit card payment guide, direct links to CM/ECF and PACER (see sidebar), and Creditor/Limited Use Filer information.

CM/ECF vs. PACER

CM/ECF (Case Management/Electronic Case Filing) is the Northern District of Texas's web-based system you will use to file your documents. In order to get an account and start filing in ECF, you will need to either a) attend a 3.75 hour certification course held at one of our offices, or b) already be an ECF registered user in another bankruptcy district.

PACER (Public Access to Court Electronic Records) is a web-based system that allows you to search for and view data from our ECF system without a CM/ECF account. This system is intend ed for people who need access to court documents (case files, dockets, claims, etc.). PACER is not used for filing documents.

Links:

CM/ECF: http://ecf.txnb.uscourts.gov

PACER: www.pacer.gov

CM/ECF Registration: www.txnb.uscourts.gov/ECF/ECF-Register

Keys to Successful CM/ECF Use

- Make sure your documents are in PDF/A format and are no bigger than 5 MB in size.
- Protect your username and password. The system maintains a record of your account activities.
- Navigate CM/ECF filing screens carefully. Don't use the [BACK] button when filing. Doing so might duplicate your filing activity, including filings fees.

Courtroom Technology

Each courtroom has technology equipment to assist you with your presentations. Not all courtrooms provide the same equipment. Be sure to check with the Judge's Courtroom Deputy to find out what technology will be available. Courtrooms may have some or all of the following:

- TOOLS AVAILABLE FOR ATTORNEYS

  Wi-Fi (wireless internet) access is provided in and around the courtrooms for attorney use. IDs, passwords and instructions for connecting to Wi-Fi can be found at each attorney table.

  A **Document Camera** is available to display paper documents to the entire courtroom. This is helpful when cross-examining witnesses.

  Laptop Inputs (via courtroom connection plates) allow you to display your laptop screen to all monitors in the courtroom. Inputs can be found at the attorney tables, podium, and in some courtrooms, the witness stand. All video inputs use a VGA adapter. Some courtrooms can also share audio through the courtroom's audio system.

  DVD/VHS Players are provided to display DVDs and VHS tapes to the entire courtroom. Our DVD/VHS players feature high quality slow motion and frame-by-frame capabilities.

  Hearing Impaired Headsets are available in each courtroom. These headsets are tied into the courtroom's audio system.

- JUDGE-CONTROLLED TOOLS

  Courtroom Controls are managed by the Judge or Electronic Court Recorder Operator. These controls allow the Judge to move between video sources and also control any video or audio conferencing systems.

  Audio/Video Conferencing availability is particular to each judge. Judges most often use conferencing when they are traveling between courthouses, or when an out-of-town party has been specifically granted a request to appear via video/audio conference.

- COURTROOM ETIQUETTE

  Following these rules will ensure a more "enjoyable" courtroom experience:

  Don't Let Your Technology Talk – Be sure to mute all devices (phones, pagers, etc.) and type softly.

  Don't Be Late for Your Very Important Date – Pay close attention to your hearing time and return from breaks promptly.

  Efficiency is Your Friend – Resolve exhibit objections before the hearing. Know the facts of your case better than the Judge.

  Humility is Also Your Friend – Respect the Judge, opposing counsel and witnesses. Stand before you speak, refer to the Judge with the proper title, and ask permission to speak.

Preparing for Court

The following are things that you can do before coming to court to ensure that your presentation goes smoothly:

1. Review the Judge's courtroom procedures (found in the Attorney Desk reference on our website).
2. Familiarize yourself with and test your technology equipment AHEAD OF TIME.
3. Contact the Courtroom Deputy to find out what technology is available for use in the Judge's courtroom and arrange a time to test your equipment.
4. If using Wi-Fi, connect before your presentation.
5. Before using laptop inputs, be sure to set your screen resolution to 1024 x 768 pixels.
6. If you need to share audio, check with the Courtroom Deputy to ensure that the Judge's courtroom can play audio from the laptop over the sound system. If not, then you will need to provide your own speakers.
7. Bring your own cables to connect your laptop to the courtroom connection plates.
8. If you are going to provide a proposed order or other document via a flash (USB) drive, please make sure that the drive is cleaned of other files and checked for viruses.
9. If all else fails – REBOOT!