

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

FILED

01 JUL -9 AM 11:35

IN RE:)
)
CERTAIN PROCEDURES FOR) Administrative Order No. 01-9
ADVERSARY PROCEEDINGS IN)
"ALLEGED ONE WITNESS MORTGAGES) JUDGE MARILYN SHEA-STONUM
CASES")

U.S. BANKRUPTCY COURT
NORTHERN DISTRICT OF OHIO
AKRON

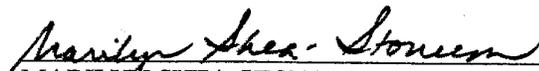
The number of adversary proceedings in which plaintiff-trustee challenges the validity and/or enforceability of security interests in real property granted by debtors pre-petition by alleging, *inter alia*, that execution of such security interests were not properly witnessed by two individuals in accordance with the requirements of Ohio Revised Code §5301.01 ("Alleged One Witness Mortgage Cases") increases. Because the initial pre-trial conference in the majority of these Alleged One Witness Mortgage Cases involve only the setting of discovery and other standard filing deadlines, the Court is issuing this Administrative Order in an attempt to facilitate more efficient administration of these adversary proceedings.

Accordingly, counsel will be afforded the opportunity to forego attendance at the initially scheduled pre-trial conference in Alleged One Witness Mortgage Cases if counsel for plaintiff and for every named defendant that has timely answered files with the Court, *by not later than 2 business days prior to the initially scheduled pre-trial conference*, a fully executed "AGREED SCHEDULE REGARDING DISCOVERY AND STIPULATIONS PURSUANT TO ADMINISTRATIVE ORDER 01-9" (an "Agreed Schedule") in the form attached hereto as Exhibit "A" which is incorporated by this reference as if fully re-written herein. An Agreed Schedule may contain facsimile or photostatic copies of counsels' signatures and, although the Court will accept a facsimile copy of an Agreed Schedule for filing, such facsimile must be faxed to the Clerk of Court's Office (and *not* Judge Shea-Stonum's chambers) at 330/375-5490 so that it is *actually received* by the Clerk of Court's Office *by not later than 12:00 noon, 2 business days prior to the initially scheduled pre-trial conference*. If an Agreed Schedule is not timely filed or if *any* named defendant has filed *a responsive pleading other than an answer*, the initial pre-trial conference will be held as scheduled and counsel shall be required to appear at that initial pre-trial conference (which appearance may be telephonic if requested 24 hours in advance) and have complied with all the requirements set forth in the Court's initial Pre-Trial Order that is entered in every adversary proceeding (the "Initial Pre-Trial Order").

If the requirements of the foregoing paragraph are fully complied with then the requirements set forth in the Initial Pre-Trial Order (i.e. the filing of a Pre-Trial Statement) shall be abated until the next scheduled pre-trial which will be set by the Court in a separate Order for sometime after the filing deadlines established by counsel in the Agreed Schedule.

The Court expects that counsel taking advantage of the privileges afforded by this Administrative Order will strictly adhere to the deadlines in the Agreed Schedule. Until further notice, the Court directs plaintiff-trustees in such adversary proceedings to serve a copy of this Administrative Order on each defendant with the summons and complaint. The Court will review the effectiveness of this Administrative Order within the first 6 months of its entry.

IT IS SO ORDERED.


MARILYN SHEA-STONUM
Bankruptcy Judge

**AGREED SCHEDULE
REGARDING DISCOVERY AND
STIPULATIONS PURSUANT TO
ADMINISTRATIVE ORDER 01-9**

Page 2 of 2

Adversary Proceeding No. ____ - _____

(Signature of Counsel)
Name of Counsel
Address of Counsel
Telephone Number of Counsel
Name of Client
Party Affiliation of Client in this Adversary Proceeding (i.e. plaintiff)

(Signature of Counsel)
Name of Counsel
Address of Counsel
Telephone Number of Counsel
Name of Client
Party Affiliation of Client in this Adversary Proceeding (i.e. plaintiff)

(Signature of Counsel)
Name of Counsel
Address of Counsel
Telephone Number of Counsel
Name of Client
Party Affiliation of Client in this Adversary Proceeding (i.e. plaintiff)

(Signature of Counsel)
Name of Counsel
Address of Counsel
Telephone Number of Counsel
Name of Client
Party Affiliation of Client in this Adversary Proceeding (i.e. plaintiff)