FILED

IN THE UNITED STATES BANKRUPTCY COURT NORTHERN DISTRICT OF OHIO 03 FEB 12 AM 10: 57 EASTERN DIVISION

AT AKRON

U.S. ISPANIEURICY COURT NORTHERN DISTRICT OF OHIO AKRON

IN RE:

Administrative Order Number 03-02

PROCEDURES REGARDING MOTIONS FOR RELIEF FROM STAY AND/OR ABANDONMENT

JUDGE MARILYN SHEA-STONUM

Given the increasing volume of cases filed in this Court location, this Administrative Order is being entered to require the "self-scheduling" of preliminary hearings on motions for relief from stay and/or abandonment (a "Relief/Abandonment Motion") filed in the United States Bankruptcy Court for the Northern District of Ohio at Akron. Therefore, <u>as of March</u> 3, 2003 the following procedures will apply to a Relief/Abandonment Motion filed in cases under chapters 7 and 13 of the Bankruptcy Code.

- 1. The party filing the Relief/Abandonment Motion ("Movant") must also file and serve a completed Official Bankruptcy Form 20A (the "Form Notice"), a copy of which is attached hereto as Exhibit "A." [A copy of the Form Notice is available on the Court's web site: www.ohnb.uscourt.gov]. Failure to file a Form Notice will result in the Court issuing a Notice of Deficiency.
- 2. In paragraph 3 of the Form Notice, Movant shall indicate an *exact* calendar date (month, day and year; *not* a generic number of days from receipt or service of the Relief/Abandonment Motion) by which objections to the Relief/Abandonment Motion must be filed with the Court and served upon parties in interest (the "Objection Deadline"). The Objection Deadline shall not be set at more than 5 days prior to the Preliminary Hearing Date (as defined in paragraph 3) and may not be set for a Saturday, Sunday or federal holiday. The timing of the Objection Deadline is set by this Court pursuant to FED. R. BANKR. P. 4001(d)(2).
- 3. The Movant shall also include in paragraph 3 of the Form Notice an *exact* calendar date and time on which the Court may hold a preliminary hearing on the Relief/Abandonment Motion (a "Preliminary Hearing Date"). A Preliminary Hearing Date shall not be set at less than 20 days prior to the date on which the Relief /Abandonment Motion is filed with the Court or served upon parties in interest, whichever date is later.

- 4. Movant may obtain available docket dates and times for a Preliminary Hearing Date through the Court's website [www.ohnb.uscourts.gov] or through calling the Clerk of Court's Office at <u>330/375-5843</u> and requesting connection to a voice recording which will set forth then available docket dates. The Court *strongly encourages* that this information be obtained from the Court's web site and not through telephone calls to the Court.
- 5. If the Court determines a Relief/Abandonment Motion to be deficient in any way, a Notice of Deficiency will be issued by the Court and a preliminary hearing on the deficient motion will not be held on the scheduled Preliminary Hearing Date. Instead, Movant shall prepare an amended Form Notice (which complies with paragraphs 2 and 3 of this Administrative Order) and shall file the amended Form Notice in conjunction with the filing of amendments intended to correct the noted deficiency (the "Amendments"). The measuring date for the scheduling of a Preliminary Hearing Date after a Notice of Deficiency has been issued shall be the date upon which the Amendments are filed with the Court or served upon parties in interest, whichever date is later.
- 6. If an objection to a Relief/Abandonment Motion is not filed then Movant and/or Movant's counsel need not appear on the scheduled Preliminary Hearing Date and shall, thereafter, submit an appropriate proposed order granting relief on a default basis.
- 7. Nothing in this Administrative Order prejudices a party's right, upon the filing of appropriate pleadings, to request an expedited hearing on a Relief/Abandonment Motion.

IT IS SO ORDERED.

MARILYN SHEA-STONUM

Bankruptcy Judge

Form 20A. Notice of Motion or Objection

[Caption as in Form 16A.]

	NOTICE OF [MOTION TO] [OBJECTION TO]
	has filed papers with the court to [relief sought in motion or objection].
Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)	
	ot want the court to [relief sought in motion or objection], or if you want the court to son the [motion] [objection], then on or before (date), you or your attorney must:
	le with the court a written request for a hearing {or, if the court uires a written response, an answer, explaining your position} at:
	{address of the bankruptcy clerk's office}
mai	ou mail your {request} {response} to the court for filing, you must il it early enough so the court will receive it on or before the date ed above.
You	u must also mail a copy to:
	{movant's attorney's name and address}
	{names and addresses of others to be served}]
a.m	tend the hearing scheduled to be held on(date), _(year)_, at/p.m. in Courtroom, United States Bankruptcy Court, dress}.]
	her steps required to oppose a motion or objection under local rule or rt order.]
	ur attorney do not take these steps, the court may decide that you do not oppose the notion or objection and may enter an order granting that relief.
Date:	Signature: Name: Address: