

PUBLIC ANNOUNCEMENT

United States Bankruptcy Court for the Western District of Pennsylvania

IMPORTANT NOTICE REGARDING JUDGE BÖHM'S PROCEDURES

Please be aware that effective October 15, 2014, the Honorable Carlota M. Böhm will be implementing new procedures for use in all cases assigned to her, including the expansion of self-scheduling to Chapters 7, 11, and 12 filings. Please consult these procedures, attached hereto, prior to filing pleadings or appearing in matters before Judge Böhm beginning October 15, 2014. Judge Böhm's updated procedures will be available under the "Judges' Info" tab on the Court's website as of the effective date. Also attached, please find the Notice setting forth available dates for the self-scheduling of motions. Please note that Chapter 7 and 11 motions **may not** be self-scheduled until October 15, 2014.

If you have any questions regarding these procedures, please plan to attend the Brown Bag Lunch with the Bankruptcy Judges scheduled for 12:00 p.m. on Monday, September 29, 2014, in Judge Böhm's Courtroom.

**GENERAL PROCEDURES ESTABLISHED FOR
CASES ASSIGNED TO JUDGE CARLOTA M. BÖHM**

EFFECTIVE OCTOBER 15, 2014

A. Procedures Applicable to All Cases

- Correspondence with the Court: Judge Böhm discourages letters or other ex parte communications concerning cases (See Fed.R.Bankr.9003). To the extent parties feel it is necessary to correspond with the Court regarding administrative matters, they should do so in writing and copy opposing counsel. Please note that correspondence may be docketed. Information regarding the merits of a matter is properly brought before the Court in the form of a pleading. Unless expressly authorized by Judge Böhm, no documents or papers are to be faxed or e-mailed to chambers. Judge Böhm's staff will assist with the administration of procedural matters but is prohibited from giving legal advice.
- Continuation, Rescheduling, and Cancelling Hearings: Requests to continue, reschedule or cancel a hearing must be made by written motion. Written requests to continue, reschedule or cancel a duly noticed hearing are considered by Judge Böhm on a case-by-case basis. Prior to filing a request to continue, reschedule, or cancel a hearing, the moving party shall make a good faith effort to contact opposing counsel to discuss the consent to such request. All requests for a continuance, rescheduling, or cancellation of a duly noticed hearing should identify the good cause supporting the requested action, and **identify whether the parties in interest consent and/or object to the proposed relief**. No hearings will be continued, rescheduled, or cancelled, even if the matter has been settled, unless an appropriate motion and proposed order have been electronically filed with the Clerk at least **three (3) full business days** before the scheduled hearing date. If time does not allow for the filing of a motion **three (3) full business days** before the scheduled hearing, calling Chambers or the courtroom deputy will not continue, reschedule, or cancel the hearing.
- Filing of Pleadings, Motions and Other Court Documents: All pleadings are to be electronically filed with the Clerk's Office. All pleadings requesting relief must include, as a separate attachment, a proposed order which details the specific relief to be granted. All pleadings and other documents, including orders and certificates of service, regarding a matter that is already filed shall contain the caption, case number, and docket number of the matter to which they relate. When filing a joint or uncontested motion, the pleading shall be designated as such. Unless otherwise ordered by this Court, no pleading(s) will be considered at a hearing, status conference, or other proceeding before this Court, unless filed at least **three (3) full business days** prior to the date of said proceeding.

Unless otherwise ordered by this Court, the Local Rules, or these procedures, no courtesy paper copies of electronically filed pleadings shall be delivered directly to Chambers unless specifically ordered. Please be aware that the Local Rules require paper copies of

all requests for expedited relief to be delivered to chambers. No pleadings or correspondence are to be faxed or e-mailed to Chambers unless authorized by Judge Böhm or her staff.

- Scheduling of Hearings: As a general matter, most motions, applications, and other requests for relief filed in Chapters 7, 11, 12 & 13 cases are “self-scheduled.” Parties are directed to the Court’s website for information regarding the dates and times for hearings that may be self-scheduled.
 - Matters Excluded from Self-Scheduling. The following matters shall not be self-scheduled by the moving party and will be scheduled by the Court:
 - Amendments to Plans
 - Amendments to Schedules
 - Applications to Modify Chapter 13 Plans
 - Chapter 7 Trustee’s Application to Retain Herself/Himself as Counsel
 - Chapter 11 Disclosure Statements
 - Confirmation Hearing(s) on Chapters 11, 12, or 13 Plans
 - Evidentiary Hearings (including evidentiary hearings for contested matters in the main bankruptcy case)
 - First Day Matters in Chapter 11 Cases (see Section C. “Procedures Applicable to Chapter 7 & Chapter 11 Cases”)
 - Matters in Adversary Proceedings
 - Matters related to the Loss Mitigation Program (excluding motions to approve a loan modification)
 - Objections to Rule 3002.1 Mortgage Payment Changes
 - Objections to Post-Petition Mortgage Fees, Expenses, and Charges
 - Trustee’s Certification of Completion of Chapter 13 & Final Account
 - Trustee’s Certification of Conclusion Where No Funds Were Received or Distributed
 - Motions for/to:
 - Contempt
 - Dismissal or Conversion by the Debtor
 - Discharge
 - Extensions of Time
 - Emergency/Expedited Hearing
 - Hardship Discharge
 - Payment of Unclaimed Funds
 - Reconsider, Vacate, or Modify an Order
 - Reopen
 - Restrict Access (re: Redact Document)
 - Sanctions
 - Status Conference
 - Wage Attachment

- Terminate Wage Attachment filed by Trustee (Motions to Terminate Wage Attachment filed by any other party are to be self-scheduled)
 - Waiver of Filing Fees
- Self-Scheduling of Chapters 7, 11, 12 & 13 Matters
- Choosing a Hearing Date: When scheduling a matter, the movant shall choose a hearing date from the list published by the Clerk of Court relating to Judge Böhm's self-scheduling calendar dates, and the moving party shall complete, file, and serve a Notice of Hearing. (Note: the Notice of Hearing must conform to the Notice of Hearing forms utilized by the Court.) **Only the hearing dates listed and published by the Clerk of Court for Judge Böhm shall be used for self-scheduled matters.** Any matters scheduled by the movant for a date other than one listed by the Clerk of Court will be dismissed without prejudice to be refiled, renoticed, and rescheduled by the movant for an authorized date. If a matter is dismissed for noncompliance, the filing party must serve all parties in interest with notice of the dismissal order and cancellation of the improperly scheduled hearing.
 - Request for Expedited Hearing or Waiver When Self-Scheduling Dates are Unavailable: In the event a movant is entitled to a hearing within a certain number of days and no hearing date is available within the specified time period for self-scheduling, movant may either (1) file a motion requesting an expedited hearing by following Judge Böhm's Procedures for the Filing of Emergency and/or Expedited Matters or (2) choose a later hearing date from the dates and times available for self-scheduling, thereby waiving movant's right to an earlier hearing on the matter.
 - Notice of Hearing: Except with respect to matters that require a longer notice period (such as objections to claims), the hearing date selected by the movant must provide for at least 25 calendar days' notice of the hearing. At least 25 calendar days before the chosen authorized hearing date, the movant shall simultaneously electronically file the motion and Notice of Hearing and serve the same on the Trustee, when applicable, and all other respondents and parties in interest. The motion must be filed in sufficient time to allow: (1) up to 17 days for a response as required by Local Rule 9014-1; and (2) a deadline for filing responses/answers/objections that is no less than seven (7) days before the scheduled hearing date. Objections to claims must be filed at least 30 days before the selected hearing date. Any matters scheduled by the movant which provide for less than the required period of notice will be dismissed without prejudice to be refiled, renoticed, and rescheduled by the movant for an authorized date. If a matter is dismissed for noncompliance, the

filing party must serve all parties in interest with notice of the dismissal order and cancellation of the improperly scheduled hearing.

- Failure to Comply: The Court may strike a pleading or other request for relief if the proponent fails to adhere to the self-scheduling procedures. Parties are not permitted to opt out of self-scheduling absent approval of the Court.

- Filing of Emergency and/or Expedited Matters: In regards to emergency matters or matters in which an expedited hearing is requested, please notify the courtroom deputy of the filing. Judge Böhm will evaluate such request for an expedited hearing on a case-by-case basis and will schedule a hearing at a date and time as may be appropriate. Courtesy copies of emergency motions or requests for expedited hearings should be provided and delivered to the courtroom deputy unless otherwise instructed by the Court. For matters concerning a request for expedited hearing or waiver when self-scheduling dates are unavailable, please see “Request for Expedited Hearing or Waiver When Self-Scheduling Dates are Unavailable” above.

- Certificate of No Objection and Certification of Counsel: **The Court requires the use of Certificates of No Objection (“CNO”) and Certifications of Counsel (“COC”) as provided in Local Rule 9013-5 and supplemented by these procedures.**
 - Certificate of No Objection (“CNO”): In the event that no response or answer to a particular matter has been filed by the due date, the Court requires that a Certificate of No Objection (substantially in the form of Local Form 25) be filed within **three (3) business days** following said due date. At the discretion of Judge Böhm, it is possible that the matter may not be defaulted and the hearing will remain scheduled. Similarly, a matter may be defaulted or cancelled absent a properly filed CNO. The website can be checked after 12:00 noon the day prior to the scheduled hearing to determine if the matter remains on the calendar. If a CNO is not timely filed and the matter remains on the calendar, the party, if *pro se*, or counsel for the party must appear at the hearing and explain said failure to comply with this procedure.

This Court is aware that under certain circumstances, either the response deadline or the three-day period for filing a CNO may conflict with the “three full business day” rule set forth in the “Filing of Pleadings, Motions and Other Court Documents” section above. In the event that such a situation should occur the moving party shall file its CNO on the earliest applicable date (the date immediately following the response deadline). Please note that due to time constraints, said filing will not guarantee that a default will be entered prior to the hearing. If no default is entered prior to the scheduled hearing, the moving party must attend the hearing regardless of whether a CNO has been filed.

With respect to adversary proceedings, please note that a CNO should not be filed in the event that a defendant(s) fails to file an answer to a complaint. In such instances, the appropriate remedy is for the plaintiff(s) to file a motion for default judgment in accordance with the procedures set forth under Section B. “Procedures Applicable to Adversary Proceedings.”

- Certification of Counsel (“COC”): Parties shall submit consensual orders to the Court resolving motions, adversary proceedings, or other contested matters by filing a COC, substantially conforming to Local Form 26 and in accordance with Local Rule 9013-5, together with an attached proposed agreed order. A COC shall be served on all affected parties in interest. If there is an applicable objection or response deadline, the COC shall not be filed until after the expiration of such deadline. A COC shall also be filed when the parties seek entry of an Order that differs from the proposed Order attached to a filed motion. In such instances, a revised proposed Order and redline showing the changes should be attached to the COC.

When parties properly use the Certification of Counsel Procedure, certifying that all necessary parties consent to the entry of the order, the Court can more efficiently address the proposed consent order and may be able to enter the order without further hearing.

Please note that consent orders or agreed-to orders shall include signature blocks for each consenting party and otherwise comply with Local Rule 5005-6(c)(1) or (c)(2).

- Briefs: Unless Court permission upon proper motion is received prior to filing, no brief by any Party shall be in excess of twenty (20) pages.
- Appearance of Counsel at Hearings: Counsel must appear at scheduled hearings unless the order scheduling the hearing specifically provides otherwise. Parties who do not appear when a case is called will be deemed to have waived their appearance and the Court will proceed with the hearing. The Court will not vacate an order entered due to a party’s failure to appear when the case is called. If counsel is scheduled to appear simultaneously before two different bankruptcy judges, it is counsel’s responsibility to promptly alert the Court that counsel’s attendance is required in another courtroom. Upon notice of counsel’s obligation, the Court will endeavor to reorder the hearing list to accommodate counsel’s obligation. If counsel fails to notify the Court of the simultaneous hearings, the Court will proceed to call the case in the order in which it was originally scheduled and if counsel is not present when the case is called, counsel will be deemed to have waived their appearance.

Do not contact chambers concerning whether a scheduled hearing has been cancelled (or defaulted). To determine whether a matter remains on the hearing calendar, check the

calendar at <http://www.pawb.uscourts.gov> after 12:00 noon the day before the hearing. Orders entered by default will be identified on the calendar. To verify whether a default order has been entered, check the docket. If a Certificate of No Objection is timely filed, the matter may, at the Court's discretion, be taken off the calendar. If a Certificate of No Objection ("CNO") is not timely filed, or if a default order is not entered, counsel **must** appear at the hearing.

- **Witnesses**: No witnesses will be heard on motions days unless the court specifically orders otherwise in a particular case. All evidentiary hearings will be specially scheduled. For Evidentiary Hearings and Trials, witnesses shall appear in person unless prior approval has been obtained from this Court upon proper motion.
- **Telephone Participation**: Parties or counsel who are located more than one-hundred (100) miles from the courthouse or have cause to appear telephonically may be able to participate in most non-evidentiary hearings telephonically provided that arrangements are made by calling the courtroom deputy at least **three (3) full business days** prior to the scheduled hearing. Participation by telephone is always at the discretion of the Court. Out-of-town counsel participating by telephone at any given hearing may be required to have local counsel present in the courtroom. Telephone participants must participate through CourtCall.
- **Video Conferencing**: In limited circumstances and for non-evidentiary hearings only, the Court may permit counsel to appear via video conference from another courtroom within the United States Bankruptcy Court for the Western District of Pennsylvania. Counsel wishing to participate in a hearing by video conference, where permitted, must advise the Court at least three (3) business days prior to the hearing in which the request to appear by video conference is being made. Arrangements for video conference participation may be made by contacting the courtroom deputy.
- **Exhibits**: Prior to any hearing where documentary evidence would be submitted and unless otherwise ordered, counsel shall provide the Court with three (3) complete copies of marked exhibits at least three (3) business days prior to the date set for the commencement of any proceeding in which exhibits are to be offered. Each party shall make an additional set of exhibits available for use by witnesses at the time of the taking of evidence in any proceeding.

If any party's exhibits cumulatively total in excess of 20 single-sided pages, each set of the exhibits shall be bound in a three-ring binder, with each exhibit separated by a tabbed divider page. Additionally, the lower right hand corner of each page of the collective exhibit document shall be consecutively numbered (Bates Stamp numbering) from the first page to the last page, independent of exhibit identification numbers previously placed on the exhibits.

- Mediation and Alternative Dispute Resolution: Judge Böhm encourages litigants to utilize mediation as a means to resolve disputes. If litigants have a matter that is ripe for mediation, advise Judge Böhm in writing of the litigants' desire to mediate the particular controversy.
- Motions for Temporary Restraining Order: A plaintiff seeking a temporary restraining order must electronically file a motion for temporary restraining order and a motion for preliminary injunction at the same adversary number as the original complaint for injunctive relief. See Fed.R.Bankr.P. 7065 and Fed.R.Civ.P. 65. As soon as the request for a temporary restraining order is filed, the plaintiff's counsel must call the courtroom deputy to arrange for a hearing.
- Motions for Summary Judgment: The procedures that follow shall govern all motions for summary judgment unless the Court directs otherwise.

A party seeking summary judgment shall electronically file a motion that sets forth succinctly, but without argument, the specific grounds upon which the judgment is sought, and must be accompanied by all of the following:

- *Concise Statement of Material Facts*. A separately filed concise statement setting forth the facts deemed to be essential for the Court to decide the motion, which facts the movant contends are undisputed and material, including any facts that, for purposes of the motion only, are assumed to be true. The facts set forth in the concise statement shall be stated in separately numbered paragraphs. A party must cite with specificity to each pleading, deposition, answer to interrogatory, admission on file, or other part of the record supporting the party's statement, acceptance, or denial of the material fact.
- *Memorandum of Law in Support*. The supporting memorandum must address applicable law and explain why there are no genuine issues of material fact precluding entry of summary judgment, and why the moving party is entitled to judgment as a matter of law.
- *Appendix*. Documents referenced in the Concise Statement of Material Facts shall be included in an appendix. The Appendix may contain extracted and highlighted portions of the referenced documents, which need not be submitted in their entirety.

Any opposition to a motion for summary judgment must be made within the time set by the Court and include all of the following:

- *Response*. A response to the motion for summary judgment;
- *Responsive Concise Statement of Material Facts*. A separately filed concise statement that responds to each numbered paragraph in the moving party's Concise Statement of Material Facts by:

- Admitting or denying whether each fact contained in the moving party's Concise Statement of Material Facts is undisputed and/or material;
 - Setting forth the basis for the denial (if any fact contained in the moving party's Concise Statement of Material Facts is not admitted in its entirety) and the basis for any claim that the fact is material, together with citations to specific references to each pleading, deposition, answer to interrogatory, admission on file, or other part of the record supporting the denial; and,
 - Setting forth in separately numbered paragraphs any other material facts that allegedly are at issue and/or that the opposing party asserts are necessary for the Court to decide the motion, together with citations to specific references to each pleading, deposition, answer to interrogatory, admission on file, or other part of the record supporting the party's statement of the material fact.
- *Memorandum of Law in Opposition.* The memorandum of law in opposition to the motion for summary judgment must address applicable law and explain why there are genuine issues of material fact to be tried and/or why the moving party is not entitled to judgment as a matter of law.
 - *Appendix.* Documents referenced in the Responsive Concise Statement of Material Facts shall be included in an appendix. The Appendix may contain extracted and highlighted portions of the referenced documents, which need not be submitted in their entirety.

By the deadline set by the Court, the moving party shall separately file a response to any new facts contained in the Responsive Concise Statement of Material Facts.

Alleged material facts set forth in the Concise Statement of Material Facts and in the Responsive Concise Statement of Material Facts that are claimed to be undisputed will, for the purpose of deciding the motion for summary judgment, be deemed admitted unless specifically denied or otherwise controverted.

- Motions Seeking Sale Approval: In addition to the requirements of a sale motion pursuant to Local Rules 6004-1 and 9013-3(c), the proposed order filed with a sale motion shall: (1) reference the outside date for the sale closing (unless otherwise ordered by the Court); and (2) require the report of sale to be filed within 14 days of the closing.
- Motions to Approve Settlement: Any motion to approve a settlement or compromise filed in a bankruptcy or adversary case pursuant to Fed. R. Bankr. P. 9019 **shall be served on all creditors** and a certificate of service to that effect shall be filed.
- Motion(s) for Relief From Stay: Judge Böhm discourages the filing of any motion for relief from stay prior to a debtor's first scheduled §341 Meeting of Creditors.

Agreements: When there is an agreement relating to relief from the automatic stay or providing adequate protection, Rule 4001(d) requires service of the motion and a copy of the agreement on the official committees or, if no committee was appointed, on scheduled creditors. In addition, the motion and copy of the agreement must be served on any entity on whom the court directs service. If no objection is filed, the court may approve or disapprove the agreement without a hearing. If an objection is filed or the court determines that a hearing is appropriate, the court will hold a hearing on at least five days' notice.

- Motions to Reopen Case to File Debtor's Certification of Postpetition Financial Management Course: Motions pursuant to 11 U.S.C. § 350 and Fed.R.Bankr.P. 5010 to reopen a Chapter 7 case in order to file the debtor's certification required by Bankruptcy Rule 1007(b)(7) must be simultaneously filed with Official Form B23 and set forth the following:
 - (1) the reason the certification was not filed before the case was closed; and
 - (2) who [attorney or debtor(s)] paid the fee to reopen the case.The proposed order attached to the motion shall state that the case is reopened for the purpose of filing the certification and entering the discharge and that the clerk is to close the case thereafter.
- Forms: The forms available on Judge Böhm's website and the Local Bankruptcy Forms of the United States Bankruptcy Court for the Western District of Pennsylvania shall be used in pending cases when applicable.
- Proceeding Memoranda: As routine practice, the Court often issues a proceeding memorandum following a hearing. Each proceeding memorandum may contain a concise summary of the discussions held on the record. The proceeding memoranda should not be considered a substitute for the complete hearing transcript, and no party should make any inferences or draw any conclusions from the inclusion or omission of any details from the hearing. Parties are advised that proceeding memoranda are prepared as the hearing occurs and are not subsequently verified against the audio transcript. For this reason, the proceeding memoranda should not be cited or relied upon by the parties in their motions or pleadings. To the extent a complete record of the hearing is desired, a transcript request should be made with the Clerk pursuant to W.PA.LBR 5007-1.
- Courtroom Deputy Clerks: Counsel or parties (if pro se) may contact the deputy clerks only when authorized to do so by these procedures (i.e., Filing of Emergency Matters and Motions for Temporary Restraining Order). **The deputy clerks are prohibited from giving legal advice, and may not discuss the case beyond the scheduling parameters set forth in these procedures.** The contact information for Judge Böhm's deputy clerks is as follows:

Ms. Donna Sawchak (cases ending in 0-2)	(412) 644-4328
Ms. Diane Rice (cases ending in 3-6)	(412) 644-6550
Ms. Kathleen Theis (cases ending in 7-9)	(412) 644-4917

B. Procedures Applicable to Adversary Proceedings (Effective: November 1, 2013)

- **Pro Se Plaintiffs:** Pro Se Plaintiffs may be excused from complying with the Early Conference of Parties procedure, set forth below, by filing an *Application for Waiver of Early Conference of Parties Requirement* (CMB Form AP-3). The motion must certify that the Pro Se Plaintiff intends to proceed without counsel. If the Application is granted, the Court will schedule a First Pretrial Conference. The Court may require the Pro Se Plaintiff and opposing counsel to confer at the First Pretrial Conference and complete the Early Conference Certification and Stipulation. A copy of CMB Form AP-3 is available through Judge Böhm's Forms, located under the "Judges' Info" tab on the Court's website at <http://www.pawb.uscourts.gov/>.
- **Early Conference of Parties (MANDATORY):** In all proceedings governed by Part VII of the Fed. R. Bankr. P., the parties shall comply with this procedure, unless all Defendants have defaulted. The Plaintiff(s) shall serve Defendant(s) with the Summons, Complaint, *Order Regarding Adversary Proceeding & Notice to Comply with Early Conference of Parties Procedure* (CMB Form AP-1), and the *Early Conference Certification and Stipulation* (CMB Form AP-2). The Plaintiff(s) shall file a Certificate of Service within fourteen (14) days of the issuance of the Summons certifying that all of the aforementioned documents were served on Defendant(s). At the Early Conference of Parties (Early Conference), counsel for the parties shall confer to discuss all matters set forth in CMB Form AP-2, so that the form can be completed in its entirety and filed with the Court. Counsel must discuss settlement and mediation with their client(s) prior to attending the Early Conference. Such conference, either as an in-person meeting or telephonic conference call, shall take place no later than thirty (30) days from the date on which all answers/responses are due. Where there are multiple Defendants, Plaintiff(s)' counsel shall take all reasonable steps to schedule the Early Conference so that counsel for all parties can participate. Where necessary, in multi-defendant cases and upon a showing of good cause, the court may grant an application for an extension of time within which to hold the Early Conference.

Default Judgment: In an adversary proceeding, if a responding party fails to file an answer and/or responsive pleading by the response deadline, no default judgment will be automatically entered by this Court and the filing of a CNO is not appropriate. Instead, the moving party **must** file a Motion for Default Judgment and a hearing with response deadline will be scheduled. If the responding party fails to file a response to the Motion for Default Judgment by the response deadline and the moving party timely files a CNO this Court may enter a default judgment at the discretion of Judge Böhm. The website can be checked after 12:00 noon the day prior to the scheduled hearing to determine if the matter remains on the calendar.

- Early Conference Certification and Stipulation (CMB Form AP-2): No later than seven (7) days after the Early Conference of Parties, an Early Conference Certification and Stipulation (CMB Form AP-2) **completed in its entirety and signed by all counsel, or the parties if unrepresented**, shall be filed by counsel for the Plaintiff(s). Upon filing of CMB Form AP-2, the Court will assign a First Pretrial Conference date. Plaintiff(s) shall serve notice of the First Pretrial Conference on all other parties, the Trustee, and the U.S. Trustee, and file with the Court a Certificate of Service stating that such service has been made. Unless a Motion for Extension of Time has been properly filed or the Court has otherwise extended the deadline for compliance, failure to file the completed CMB Form AP-2 in accordance with this procedure within thirty-seven (37) days of the Answer deadline may result in the issuance of a Rule to Show Cause Why the Adversary Proceeding Should Not Be Dismissed.

- Good Faith Requirement: All parties are obligated to make a good faith effort to comply with the Early Conference of Parties requirement. Failure by any party to comply with this procedure may result in sanctions being implemented on said party by, *inter alia*, fine, reprimand, dismissal and/or prohibition against said party offering testimony or exhibits. If, after reasonable effort is made by the Plaintiff(s) to facilitate the occurrence of the Early Conference of Parties, a party is uncooperative/obstructive/non-responsive/etc., the Plaintiff(s) may seek relief from the Court by properly filing a Motion to Compel and Extend the Time for Compliance with Early Conference of Parties Requirement. In this Motion, the Movant(s) must aver that the Movant(s) made a good faith effort to secure Respondent(s)' participation in the Early Conference of Parties, as well as attach a copy of at least one (1) written communication by Plaintiff(s)/Movant(s) to Defendant(s)/Respondent(s), aside from the service of AP-1 and/or AP-2, demonstrating such effort.

- First Pretrial Conference: The First Pretrial Conference will not be scheduled until the Early Conference Certification and Stipulation is completed in its entirety and filed with the Court. At the First Pretrial Conference, counsel, or the parties if unrepresented, shall be prepared to discuss, *inter alia*, all matters set forth in the Early Conference Certification and Stipulation. At that time, the Court will resolve any disputed matters noted within the Early Conference Certification and Stipulation and will issue an Order Governing Pretrial Matters, which will adopt, and amend to the extent necessary, the terms contained within the Early Conference Certification and Stipulation.

- Pretrial Statements: Following the First Pretrial Conference, the Court will issue a Trial Order and Notice with attached Pretrial Statement (CMB Form AP-4) setting deadlines to file Pretrial Statements and scheduling a Final Pretrial Conference and Trial. Pretrial Statements shall be completed using the forms issued by the Court. The parties will be required to exchange pre-marked Trial Exhibits at this time. A copy of CMB Form AP-4 is available through Judge Böhm's Forms, located under the "Judges' Info" tab on the Court's website at <http://www.pawb.uscourts.gov/>.

- Final Pretrial Conference: A Final Pretrial Conference will be held after discovery concludes and after the deadline for filing dispositive motions passes. At this time, the

parties should be prepared to discuss all matters relating to Trial. Any special accommodations for witnesses or requests regarding the use of technology should be raised by motion prior to the Final Pretrial Conference. At the conclusion of the Final Pretrial Conference, the parties should be prepared to move forward with Trial as scheduled.

C. Procedures Applicable to Chapter 7 & Chapter 11 Cases

- Scheduling of Hearings: "Self-Scheduling" applies to most motions, applications, and other requests for relief filed in Chapters 7 and 11 cases. The movant should refer to Section A. "Procedures Applicable to All Cases" to determine when self-scheduling is required.
- First Day Matters in Chapter 11 Cases: As soon as the first-day motions have been filed in a particular Chapter 11 case, contact the courtroom deputy to arrange for a hearing. Counsel for the Chapter 11 debtor is required to provide Chambers with the "first-day" binder of all filed first-day motions and any responses or objections thereto, along with a proposed agenda for the first-day hearing and an affidavit or declaration of a representative of the debtor in support of the first-day motions.
- Motions under 11 U.S.C. § 1113 (Rejection of Collective Bargaining Agreements): As soon as a party electronically files a motion for relief under 11 U.S.C. §1113 the movant must deliver to Chambers a courtesy paper copy of the motion along with a paper copy of all collective bargaining agreements and modifications thereto to which the motion relates, and must call the courtroom deputy to arrange a hearing.

D. Procedures Applicable to Chapter 12 & Chapter 13 Cases

- Scheduling of Hearings: "Self-Scheduling" applies to most motions, applications, and other requests for relief filed in Chapters 12 and 13 cases. The movant should refer to Section A. "Procedures Applicable to All Cases" to determine when self-scheduling is required.
- Motions Seeking Approval of Motor Vehicle Financing: In addition to the requirements of Local Rule 4001-4(d), a motion seeking approval of motor vehicle financing shall contain a proposed order requiring a report of financing to be filed within 14 days of the closing date of the approved loan. In the instance where financing to purchase a vehicle is not obtained within 60 days of entry of an Order approving the same, the Debtor shall file a status report to indicate whether it is continuing to seek financing or has instead abandoned that effort.
- Amendments to Plans Previously Confirmed on a Final Basis:
 - It is not necessary to file a motion to modify when an amendment to a finally confirmed Chapter 13 plan is sought. Instead the proponent must file:

- A "Notice of Proposed Modification to Confirmed Plan Dated _____," which substantially complies with the form found on Judge Böhm's website; and
 - A proposed Amended Chapter 13 Plan.
- If these two items are filed, the proposed amendment will follow the Court's standard conciliation/confirmation process. The Amended Plan and the Notice of Proposed Modification shall be served on all creditors.
- Failure to file the Notice of Proposed Modification contemporaneously with the Amended Plan will cause a corrective entry to be issued on the docket advising counsel that the Notice of Proposed Modification should be filed and served along with the Amended Plan. If the debtor does not take corrective action within the time period proscribed by the corrective entry, the proposed amendment will be denied without prejudice due to failure to adhere to these procedures.
- Cases Ready for Trustee's Final Account/Report
 - Cases Involving a Plan Duration of 60 Months: Following completion of the 60th month after plan confirmation, the Court routinely schedules a status conference to determine the necessity of entering a scheduling order to implement the closure of the case.
 - Cases Involving a Plan Duration of Less Than 60 Months: In instances where a case has not been closed within four (4) months of the end of the plan term, debtor's counsel shall file a motion requesting a status conference to determine whether Court intervention is needed to close out the case. Such motion for a status conference should advise the Court as to (1) whether the plan base is met; (2) the date on which the plan duration has run; and, (3) within four (4) months of either event, whether the Chapter 13 Trustee has filed a final account/report or taken some other action toward closing the case (i.e., notifying debtors that they are to assume responsibility for the mortgage payments and cease making payments to the Chapter 13 Trustee). Debtor's counsel shall serve the motion for a status conference, and any scheduling order related thereto, upon the Chapter 13 Trustee and all other parties in interest. Nothing contained in these procedures should be deemed or construed to eliminate the Chapter 13 Trustee's responsibility to promptly close Chapter 13 cases when the plan term has expired and the plan goals (and base) have been met.

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

NOTICE

**MOTION COURT DATES FOR JUDGE CARLOTA M. BÖHM
FOR SELF-SCHEDULED HEARINGS**

Pursuant to Local Rule 9013-5(a) and the General Procedures Established for Cases Assigned to Judge Carlota M. Böhm (the “General Procedures”), the following list identifies the hearing dates and times to be used to self-schedule motions in Chapter 7, 11, 12, and 13 cases before Judge Böhm for the months of *November 2014, December 2014, and January 2015*.

Please consult Section A, “Procedures Applicable to All Cases” of the General Procedures on Judge Böhm’s webpage for a list of matters that may not be self-scheduled. Any matter that is not eligible for self-scheduling will be set for hearing by the Court.

Counsel for a moving party for a self-scheduling matter shall select a date and time from the list below that satisfies all applicable notice and service requirements for the type of relief requested.

CHAPTER 12 AND CHAPTER 13 CASES

Thursday, November 13, 2014	Thursday, December 18, 2014	Wednesday, January 14, 2015
9:00 a.m.	9:30 a.m.	9:30 a.m.
9:30 a.m.	10:30 a.m.	10:30 a.m..
10:00 a.m.	11:30 a.m.	11:30 a.m.
10:30 a.m.		
11:00 a.m.		
2:30 p.m.		
3:00 p.m.		

CHAPTER 7 AND CHAPTER 11 CASES

Friday, November 14, 2014	Tuesday, November 18, 2014	Tuesday, November 25, 2014	Tuesday, December 9, 2014
9:00 a.m.	1:30 p.m.	1:30 p.m.	1:30 p.m.
10:00 a.m.	2:30 p.m.	2:30 p.m.	2:30 p.m.

Tuesday, December 16, 2014	Tuesday, January 6, 2015	Tuesday, January 13, 2015	Tuesday, January 20, 2015
1:30 p.m.	1:30 p.m.	1:30 p.m.	1:30 p.m.
2:30 p.m.	2:30 p.m.	2:30 p.m.	2:30 p.m.

ALL OF THE ABOVE DATES AND TIMES ARE SUBJECT TO REVISION. Please check each month for any changes in the dates and times that have been published previously.

The selected hearing date and time must be placed on a Notice of Hearing and shall be served (together with the motion) as required by the Bankruptcy Code, Federal Rules of Bankruptcy Procedure, Local Rules, or otherwise.

THIS SCHEDULE IS AVAILABLE TO BE VIEWED ON PACER (Public Access to Court Electronic Records) AND ON THE COURT'S WEB SITE (www.pawb.uscourts.gov).

Michael R. Rhodes
Clerk of Court