

Judge Hanan's General Procedures

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I. General information:

- A. Courtroom: Room 150
- B. Phone number: 414-290-2650
- C. CM-ECF Support Desk: 414-290-2700
- D. The court does not accept facsimile.
- E. Hours: Monday through Friday, 8:30 a.m. to 5:00 p.m.
- F. Courtroom Deputy: Betsy Skibicki, Michael Grube (back-up)
- G. Law Clerks: Meaghan Burnett, Samantha Davidson, & Kelly Krause
- H. Conference line number: (888) 808-6929, access code: 9122579 #

II. Contact with chambers:

- A. *Ex parte* communication with Judge Hanan is prohibited.
- B. Chambers staff cannot provide legal advice.
- C. The following are appropriate instances in which chambers may be contacted:
 - 1. Obtaining, rescheduling, or canceling a hearing;
 - 2. Confirming the court's receipt of an order; or
 - 3. Alerting the court to a filing that: (i) is an emergency filing, (ii) affects a hearing that is in the near future, or (iii) was required by the court to be made by a certain time to permit a timely ruling.
- D. When a party otherwise wishes to draw the court's attention to something or obtain further clarity on a matter, the party should file correspondence on the docket.

III. Chapter 13 calendar:

- A. The court holds chapter 13 hearings on Tuesdays.
- B. Cases assigned to Chapter 13 Trustee Scott Lieske are held from 9:00 a.m. to 10:30 a.m.
- C. Cases assigned to Chapter 13 Trustee Rebecca Garcia are held from 10:30 a.m. to 12:00 p.m.
- D. If a matter set for hearing has been resolved, parties should endeavor to contact chambers by 4:00 p.m. on Monday so the court may remove the hearing if possible.

IV. Green Bay calendar:

- A. Every month, the court generally designates two days for hearings in cases from the Green Bay area, to consider matters that cannot be heard by telephone.
 - 1. In-person hearings: The court generally holds in-person hearings in the Federal Courthouse in Green Bay on the third Friday of each month starting at 10:00 a.m.
 - 2. Video-conference hearings: The court holds hearings by video conference at the Northeast Wisconsin Technical College, 2740 W. Mason St., in Green Bay. These hearings usually are held on the last Thursday of each month starting at 1:00 p.m.
- B. Generally, the court requires the following hearings to be held in-person:
 - 1. Motions to continue/impose the automatic stay
 - 2. Reaffirmation agreements
 - 3. Evidentiary hearings and trials (including prove-up hearings on motions for default judgment)
- C. If counsel or the trustee should require a date different from the designated dates for the Green Bay calendar, the party should contact chambers to obtain a hearing date.

*****Please note that due to the court staff travel involved, the court WILL NOT cancel a hearing to be held in Green Bay without 24-hour advanced notice of any basis for cancellation.*****

V. How hearings are set:

- A. Other than hearings subject to the court's preset procedures, the court sets most hearings on its own. Hearings are generally set because a matter is contested, but in some instances the court will schedule a hearing because it has questions regarding the basis for the relief requested or the relief itself.
- B. There are several instances where a party must call chambers to obtain a hearing date. Those instances are as follows:
 - 1. Motions to continue/impose the automatic stay
 - 2. Motions to convert or dismiss a chapter 11 case
 - 3. Approval of disclosure statements in a chapter 11 case
 - 4. Confirmation of chapter 12 plans

VI. How hearings are held:

- A. The court holds hearings both telephonically and in-person. Hearings that are noticed as in-person require the attendance of counsel and may require a party's attendance if specifically listed in the notice.
- B. Telephonic hearings are conducted via a group telephone line. The notice will provide a number and an access code for the parties to call before the hearing starts. To appear by telephone, parties must call the court conference line at 1-888-808-6929, and enter access code 9122579 before the scheduled hearing time. The court may already be in session, so please wait with your phone on mute for your case to be called. **Do not place the call on hold**, as background music, for example, will be heard by all others on the call.

VII. Requests to appear by telephone (including trustee appearances by telephone):

- A. When a hearing has been scheduled/noticed to take place in person, rather than by telephone, and a party wishes to appear by telephone, the party must file a written request on the docket explaining the circumstances for the request. The written request must be filed in sufficient time before the hearing to allow the court to review the request and rule on it. The court will memorialize its ruling with an order or a docket notation.
- B. Parties appearing by phone will not be able to introduce evidence or question witnesses.
- C. **For chapter 13 trustees:** When a chapter 13 trustee does not intend to present or examine evidence at an evidentiary hearing, the trustee does not need to file a written request on the docket and may appear telephonically at the hearing by informing chambers staff in advance of the hearing.
- D. **For chapter 7 trustees:** A chapter 7 trustee may appear at hearings by telephone, unless the hearing notice specifically states that the trustee must appear in person. The trustee does not need to file a written request on the docket and may appear telephonically at the hearing by informing chambers staff in advance of the hearing.

VII. Motions to continue or impose the stay under § 362(c)(3) or (4):

- A. Before filing the motion, the moving party should contact chambers to request a hearing date.
- B. The motion should state in detail the bases for continuing or imposing the stay, and be accompanied by an affidavit from the debtor containing specific facts demonstrating that the case was filed in good faith (including facts concerning the substantial change in the debtor's financial or personal affairs since the prior dismissal).
- C. The court strongly advises the moving party to upload the supporting affidavit of the debtor *at the time of filing the motion*, along with the debtor's schedules and chapter 13 plan (if applicable), if not already filed. Without this information, the court may be unable to conclude that the debtor has satisfied its burden of proving that the case was filed in good faith.
- D. In the event that there are no objections to the motion, the moving party should file a proposed order. The court then may grant the motion if it determines, based upon the record before it (including the debtor's affidavit), that the debtor has met the appropriate burden of proving that the current case was filed in good faith.
- E. If the time for objections has not passed, a party has objected to the motion, the debtor fails to file a supporting affidavit or declaration, or the court is not satisfied that the debtor has met the appropriate burden of proof, then the court will hold a hearing at the scheduled time. **If the debtor files a supporting affidavit, but the court determines that it is insufficient to comply with section 362(c)(3)(B) and therefore the hearing will stay on the calendar, the court will notify counsel for the debtor via docket entry.**

IX. Objections to claims:

- A. Parties do not need to obtain a hearing date before filing an objection to a claim. The court will set a hearing on a claim objection if (1) a response is filed, or (2) following the response deadline and filing of a proposed order, the court determines that more evidence is needed to conclude whether there is a legal basis to sustain the objection.
- B. Unless the objection is based on facts of which the court may take judicial notice (such as a late, unsigned, or incomplete claim submission), the objection must be supported by admissible evidence sufficient to overcome the evidentiary effect of a properly documented proof of claim executed and filed in accordance with Fed. R. Bankr. P. 3001, such as a declaration (*see* 28 U.S.C. § 1746) or affidavit signed by the debtor or others with knowledge supporting the objection.
- C. Please refer to Local Rule 3007 for additional information on claim objection procedures and service requirements. This district's sample form for an "Objection to Claim and Notice of Opportunity for Hearing" is available on the court's website at <https://www.wieb.uscourts.gov/local-sample-forms>.

X. Motions requesting expedited relief:

- A. All requests to shorten notice should be made on motion, filed and served before or at the same time as the underlying motion. Parties are reminded to consult Local Rule 9013(b), which requires the citation of authority in every motion.
- B. Parties seeking expedited adjudication should contact chambers via telephone to advise the court of the filing. The court will work to consider the motion promptly.
- C. The court may (i) grant the request to shorten the notice period and provide a hearing date to be used to notice the underlying motion, (ii) rule on both the request to shorten notice and the underlying motion at a hearing that the court will set; or (iii) deny the party's request to shorten notice.

XI. Requesting that a hearing be adjourned:

- A. Preliminary hearings: To seek an adjournment of a preliminary hearing **(except for a hearing on a motion seeking relief from the automatic stay, see section XII.B below)**, the court may be contacted via telephone ***once all interested parties are on the line.***
- B. Evidentiary hearings: For adjournment of an evidentiary hearing, the parties must file a joint letter request on the docket, ***no later than three business days prior to the hearing***, stating the reason for the request and whether any parties will be prejudiced by the adjournment. **The court will grant such a request only in extraordinary circumstances.**

XII. Motions for relief from stay (and adjournment of hearings):

- A. Hearings on motions for relief from the automatic stay must be heard within 30 days after the motion is filed or relief may be provided to the movant as a matter of law. See 11 U.S.C. § 362(e)(1). This requirement also applies to renewed motions, made by letter request to the court.
- B. If parties seek to adjourn the hearing beyond 30 days, they must file a joint letter request explaining the circumstances for the adjournment. To grant the parties' request, the court must be satisfied that "there is a reasonable likelihood that the party opposing relief from such stay will prevail at the conclusion of [] a final hearing [on the matter]." 11 U.S.C. § 362(e)(1).
- C. The parties should file the joint letter request on the docket and then contact chambers via telephone to alert the court to the filing. Any joint letter request should be filed in sufficient time before the hearing to allow the court to review the request and rule on it.
- D. Requests for a further adjournment of a hearing on a motion for relief from stay that the court has adjourned already also must be made by letter request. The court will not adjourn a hearing on a motion for relief from stay based on a telephonic request.

XIII. Motions for default judgment:

- A. With limited exceptions, the court requires plaintiffs in adversary proceedings to submit evidence at a prove-up hearing (either live testimony or an affidavit from the plaintiff(s)) to substantiate the allegations in the complaint.

XIV. Service of motions in contested matters:

- A. For all contested matters initiated by motion governed by Fed. R. Bankr. P. 9014, the motion must be served in compliance with Fed. R. Bankr. P. 7004.
 - 1. To serve a domestic corporation via first class mail under Rule 7004(b)(3), a copy of the motion and supporting documentation must be mailed to “the attention of an officer, a managing or general agent, or to any other agent authorized by appointment or by law to receive service of process.” Service upon a corporation at a P.O. Box to which payments are sent is not sufficient under Rule 7004(b)(3).
 - 2. Additionally, under Rule 7004(h), service on an insured depository institution (as defined in section 3 of the Federal Deposit Insurance Act) is accomplished by mailing a copy of the motion via certified mail addressed to an officer of the institution. To determine whether an institution is an insured depository institution, run a search at www.fdic.gov. If the bank has appeared by counsel, service may be made on the counsel by first class mail.
- B. For objections to claims, please refer to the service requirements of Federal Rule of Bankruptcy Procedure 3007(a)(2) and Local Rule 3007(d).
- C. Parties are reminded to consult Local Rule 9013(b), which requires the citation of authority in every motion.

XV. Proposed orders submitted to the court:

- A. The court generally will hold orders submitted after a hearing for seven days to allow other parties time to comment on or object to the form of the order, per Local Rule 9014.5.
- B. The court may not hold a proposed order arising from a hearing if the court concludes that the proposed order is appropriate based on the record.
- C. The court will not hold orders arising from uncontested motions to continue the automatic stay.
- D. The court may edit any proposed order submitted by a party to match the court's preferred form, or to correct any errors. A list of this district's local forms is available at <https://www.wieb.uscourts.gov/local-sample-forms>.

XVI. Pretrial procedures, evidentiary hearings, and trials:

A. Preliminary pretrial conferences:

1. When the court issues a summons it generally sets a preliminary pretrial conference. At the preliminary pretrial conference, parties should be prepared to (i) discuss the factual basis and legal theory behind their respected action(s)/defense(s) presented in their filings, including the contested issues and whether further briefing will be necessary; (ii) discuss whether summary judgment may be sought; (iii) provide the court with a timeline for discovery, if necessary; (iv) inform the court about any settlement discussions, if applicable; (v) set dates for briefing and discovery deadlines, a final pretrial conference, and an evidentiary hearing or trial.
2. Often, the court will issue a scheduling order based on the information obtained from the parties at the preliminary pretrial conference.

B. Final pretrial conferences:

1. Generally, the court will hold a final pretrial conference one or two weeks in advance of an evidentiary hearing or trial. The purpose of the final pretrial conference is to determine what remains at issue and what the parties expect to present at the evidentiary hearing or trial.

C. Pretrial/Prehearing Reports:

1. For most trials and evidentiary hearings, the court will issue a separate scheduling order setting forth the requirements for filing a joint pretrial/prehearing report and the deadline by which the parties must do so.
2. Unless ordered otherwise (and for matters in which the court has not issued a scheduling order), each party must file a pretrial/prehearing report at least three business days before the evidentiary hearing, which should include the following:
 - a. A statement of the constitutional or statutory basis for the court's jurisdiction, including whether the matter is core or noncore and, if noncore, whether the party consents to the court's entry of a final order;
 - b. The elements of all claims or defenses the party believes to be at issue, and whether any elements are not disputed;
 - c. The names of the witnesses that the party intends to call in its case-in-chief and, if the witness is an expert, a narrative of the expert's background and experience; and
 - d. A list of all exhibits the party expects to introduce.

D. Exhibits and other evidence:

1. Unless ordered otherwise, at least three business days before the trial or hearing, the parties should file with the court and serve on all participating parties numbered copies of their exhibits. The plaintiff/moving party may use numbers 1-99, the defendant/objecting

party 100-199, and the trustee 200-299. **The court encourages counsel to consider the foundational requirements for all exhibits under the Federal Rules of Evidence.**

- 2. The court will not review in advance any exhibits, unless stipulated by the parties as admissible.**
3. Unless the parties stipulate to the admission of an appraisal, appraisers will be expected to testify when value is in dispute.
4. The court will not allow telephonic testimony or questioning without an advanced showing of good cause.