

JUDGE PERHACH’S PROCEDURE TO SCHEDULE HEARINGS ON DISMISSAL MOTIONS FILED BY THE CHAPTER 13 TRUSTEE

Counsel for the Debtor is responsible for scheduling a hearing when filing an objection to a Chapter 13 Trustee’s motion to dismiss. This procedure only applies to objections to the Chapter 13 Trustee’s motions to dismiss. The Court will not consider “objections” to an opposing party’s Affidavit of Default or Certification of Default and may either summarily overrule or treat them as being without effect. Please refer to the Court’s Uniform Procedure for “Doomsday” Orders if a party has filed an Affidavit of Default or a Certification of Default and you are seeking to dispute the alleged default or enlarge a deadline. The procedure may be found at www.wieb.uscourts.gov/uniform-doomsday-procedures.

If a creditor files a motion to dismiss, the Court will set a hearing on the motion upon the Debtor’s timely objection.

I. FILING THE OBJECTION

1. **DATE AND TIME FOR HEARING:** Use CM/ECF to determine the date and time of the hearing as follows:

- a. In CM/ECF, go to Reports and look under Chambers Reports/Functions.
- b. Click on “CHAP Chamber Presets.”

Chambers Reports / Functions

[CHAP Chamber Presets](#)

[Docket Activity](#)

- c. Choose Judge Perhach from the drop-down menu.
- d. This will display a table listing the available presets for Judge Perhach, as of the date that you run the report.
- e. Choose a date and time to schedule a hearing based upon the trustee assigned to the case.
 - i. Choose 9:45 a.m. for Chapter 13 Trustee Rebecca Garcia cases.
 - ii. Choose 10:30 a.m. for Chapter 13 Trustee Scott Lieske cases.

2. **ADD THE HEARING DATE TO YOUR NOTICE OF HEARING**

- a. Once you find the appropriate hearing date and time, add the hearing date and time to your Notice of Hearing. You may also include the language from the notice as part of your Objection document.
- b. A sample notice form for hearings on objections to Chapter 13 trustees’ motions to dismiss is available on the Court’s website at <https://www.wieb.uscourts.gov/local-sample-forms> (“Notice of Hearing on Motion to Dismiss KMP”)

- i. This sample notice is a fillable pdf form. **Be sure to print and save the form to PDF before filing.** If the form is not saved, it is not an acceptable filing.
- ii. The suggested language for the Notice of Hearing is as follows:
PLEASE TAKE NOTICE that a telephone hearing will be held before the Honorable Katherine M. Perhach, United States Bankruptcy Judge, on [date] at [time], to consider the Trustee’s Motion to Dismiss this case. To appear by telephone, you must call the Court conference line at 1-888-675-2535, and enter access code 9918878# before the scheduled hearing time. Please note that the Court may already be in session, so please wait quietly on the telephone for your case to be called. The Debtor is/Debtors are welcome, but not required to participate in this hearing.

3. **DOCKET THE OBJECTION, NOTICE OF HEARING, AND CERTIFICATE OF SERVICE:**

Once the notice and objection are ready to file, you can follow these instructions to docket the Objection, Notice of Hearing, and Certificate of Service.

- a. Go to the Bankruptcy tab, then select Answer/Response, Reference an Existing Motion/Application and enter the case number.
- b. Make the following selection **(DO NOT SKIP THIS STEP!)**:

Are you including a Notice? Yes No

Are you including a Certificate of Service? Yes No

Next Clear

- c. Pick Objection in the selection menu.
- d. Select the Party and Filing Attorney.
- e. Attach the PDF of the Objection and add Attachments to Document

Attachments to Document: No Yes

- f. Attach the PDF of the Notice of Hearing and the PDF of the Certificate of Service.

1) Select the PDF document that contains the attachment.

Filename
 Notice of Hearing on Motion to Dismiss-Conference Line Procedure (2).pdf

2) Fill in the fields below.

Category	<i>and/or</i>	Description
<input type="text" value=""/>		<input type="text" value="Notice of Hearing"/>

- g. Check the “Refer to Existing Event(s)” box and use the drop-down menu under Set/Reschedule Hearing Information to choose the hearing date/time from your Notice of Hearing.

Set/Reschedule Hearing Information

In order to enter a hearing date/time/location, you must obtain prior approval from the presiding judge. Contact the Chambers of Judge Perhach.

Please select from the following hearings

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03/12/2019 - 09:45 AM - Objections to Chapter 13 Trustee's Motion to Dismiss - Rebecca Garcia [Slots: 4]	<input type="button" value="Hearing Judge"/>	Perhach, Katherine M.
03/12/2019 - 10:30 AM - Objections to Chapter 13 Trustee's Motion to Dismiss - Scott Lieske [Slots: 7]		

Objection due date:

- If needed, the Chamber Presets link opens the available preset dates also found under Reports.
- h. Link to the event filed by the Trustee (Motion to Dismiss or Renewed Motion to Dismiss).

II. TROUBLESHOOTING

1. If you can't find the presets, clear your cache. Instructional videos on how to clear your cache can be found on the Court's website under the “Attorney Resources” tab by clicking on the “Training” subtab.
2. If dates and times appear on the chart, but not for Judge Perhach, the correct Trustee, or the specific matter type needed, this usually means a date has filled up. Please contact Chambers (414-290-2660) and a new date will be provided. If you are filing after hours, you may leave a message. The dates will be updated on the next business day. You may file an Objection and then separately file a Notice of Hearing once the dates have been updated.
3. For questions on other technical problems with filing, please contact the CM/ECF Support Desk at 414-290-2700.