

## Procedure to Schedule Hearings on Chapter 13 Dismissal Motions and Affidavits of Default

Counsel for the Debtor is responsible for scheduling a hearing when filing (1) Objections to Chapter 13 Trustee's Motions to Dismiss (including Renewed Motions) or (2) Objections to Chapter 13 Trustee's Affidavits (or Certifications) of Default. Do not schedule a hearing on a case that has already been dismissed.<sup>1</sup> Contact Chambers (414-290-2660) to choose a hearing different from the schedule or if the Motion to Dismiss was filed by a Creditor.

### Filing the Objection:

- 1) The hearing date can be found in CM/ECF
  - a. In CM/ECF go to Reports and look under Chambers Reports / Functions

**Chambers Reports / Functions**  
[CHAP Chamber Presets](#)  
[Docket Activity](#)

    - i.
    - ii. Click on the CHAP Chamber Presets
      1. The date and time present on the table is the date to use for scheduling the hearing.
        - a. Please be aware there are different times for each Trustee
        - b. It is only necessary to check the Presets for the current hearing date once per day
- 2) Add the hearing date to the sample notice (or include the language from the sample notice as part of the Objection document)
  - a. A form is available on Judge Kelley's procedure's website under Objections to Motions to Dismiss
    - i. BEWARE: This is a fillable form. Be sure to print (using the **RED PRINT** box on the bottom of the form) and save the form to PDF before filing. If the form is not saved, it can be edited at any time by any person which is not an acceptable filing
    - ii. SAMPLE Notice of Hearing on Motion to Dismiss (fillable .pdf) which can be found at <http://wieb.uscourts.gov/index.php/judges/svk/procedures8?id=174>
- 3) Docket the Objection, Notice of Hearing, and Certificate of Service
  - a. Go to Answer/Response, Reference an Existing Motion/Application and enter the case number
  - b. Make the following selection:

**Are you including a Notice? Yes**  **No**

**Are you including a Certificate of Service? Yes**  **No**

i.

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<sup>1</sup> If the case has already been dismissed, a Motion to Vacate the Order of Dismissal must be filed and a 21-day objection period must be provided to all creditors. Before filing a Motion to Vacate a dismissal, please review Judge Kelley's decision *In re Dorff* available at [http://www.wieb.uscourts.gov/opinions/files/pdfs/Dorff\\_Decision.pdf](http://www.wieb.uscourts.gov/opinions/files/pdfs/Dorff_Decision.pdf).

- 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

i. **Attachments to Document:**  No  Yes

- ii. Attach the PDF of the Notice of Hearing and 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**

and/or **Description**

1.

- f. Refer to Existing Event and use the drop down menu under Set/Reschedule Hearing Information

Refer to existing event(s)?

**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 Kelley.

Please select from the following hearings

[Chamber Presets](#)

Please select from the following hearings

11/03/2015 - 09:45 AM - Objections to Ch. 13 Motions to Dismiss-Tr. Rebecca Garcia [Slots: 16]

11/03/2015 - 11:00 AM - Objections to Ch. 13 Motions to Dismiss-Tr. Mary Grossman [Slots: 12]

Objection due date:

i.

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

### Troubleshooting:

- 1) I can't find the presets!
  - a. Clear your cache. Instructional videos on how to clear your cache can be found on the Court's website under Training or by following the below link: <http://wieb.uscourts.gov/index.php/component/content/article/40-orders-rules/76-training>