

ORDER GUIDELINES

1. **Top Margin:** The Court's administrative procedures require a 3-inch margin at the top of the first page of the order. If you submit an order with a larger or small top margin on the first page, the Court will ask you to revise the order to include the correct margin.
2. **Ending Hash Tags:** The Court's administrative procedures require 4 hashtags (####) at the end of the text of the order. The purpose of the hashtags is to show that no more text will follow. You can use 3 or 5 hashtags if you wish, but please don't leave an inordinate amount of space between the last line of the order and the hashtags. If you leave too much space or you don't put any hashtags at the end of the order, the Court may ask you to revise and resubmit your order.
3. **Order Caption:** Most orders adjudicate contested matters in the main bankruptcy case, including orders granting relief from stay and orders approving stipulations. If the order is entered in the main bankruptcy case, the proper caption is simply the debtor's name as it appears in the caption of the bankruptcy case, first name first, last name last. The caption should also include the chapter of the case and the judge's initials in the case number.

Unless you intend that the court enter the order in an adversary proceeding, please don't include "double captions" that show a movant and respondent or refer to a plaintiff and defendant. If you submit an order for the court to enter in an adversary proceeding, the order should use the main case caption followed by the adversary proceeding caption, which must identify the plaintiff and defendant and adversary proceeding case number.

4. **Title of the Order:** The title of a proposed order should be more than simply "Order". The order's title should describe the relief sought and whether the order is granting or denying that relief. Examples of titles are: Order Approving Stipulation; Order Denying Motion to Dismiss; Order Granting Motion for Relief from Stay; Order for Judgment; Order Granting Extension of Time.
5. **Short Form Names and Designations:** If your creditor client has a long name and/or you want to include your client's successors and assigns as parties obtaining relief (assuming you included them in the motion), please first define the "movant" and then simply use the word movant throughout the order. Example:

Second National Bank as Trustee for the 2008 ABC Trust filed a motion for relief from stay on its own behalf and behalf of its successors and assigns (the "Movant") . . . the stay is modified to permit Movant to exercise its rights with respect to the property.

NOT for Movant its successors and assigns to exercise Movant's its successors and assigns rights . . .

6. **The Court Prefers the Use of Its Sample Orders:** The Court has posted sample orders for several of the most common motions, including motions for relief from stay and abandonment, on its

website. The court has also posted sample orders approving stipulations. The court presumptively prefers the language used in these sample orders in connection with the particular requests for relief or stipulation approvals covered by the sample orders.

7. **Language to Make a Lift-Stay Order Effective Immediately:** The court will typically order relief from stay to be effective immediately, rather than stayed for 14 days as provided by default in Rule 4001(a)(3), if the non-moving party does not object and the motion so requests. The preferred language is, "This Order is effective immediately and is not stayed for 14 days pursuant to Bankruptcy Rule 4001(a)(3)." If there was a contested hearing on a motion for relief from stay, the Court will ordinarily not waive the 14-day stay.
8. **Statutory Language, Grammatical English, and Proper Spelling:** When there is no sample order to use as a guide, counsel should draft the order using actual statutory language whenever possible, rather than changing or paraphrasing the statutory language. When there is no applicable statutory language, use grammatical English.

Please check spelling in your order. Be watchful for common miscues. For example, use "its" for the possessive pronoun, not "it's." If there is only one debtor in a case, the order should not refer to "debtors." Conversely, if there are two debtors, please refer to "the debtors," not "the debtor." The proper possessive forms are:

One debtor – debtor's

Two debtors – debtors'.

9. **Orders Should Command Only Requested Relief:** Do not include in the order any relief that the motion did not request. Only include as part of the commanded relief matters that the court is ordering. Do not include as part of the ordered relief factual determinations or matters to which the parties have agreed. Those matters can be referred to as introductory to the relief commanded, but should not be "ordered."
10. **Orders Should Command Specific Relief:** The order should state the specific relief commanded. For example, "the stay of 11 U.S.C. § 362 is modified to permit the Movant to exercise its rights and remedies with respect to the Property under its loan documents and applicable nonbankruptcy law." The order should not simply say, "the motion is granted" or "the objection is overruled."