

ALTERNATIVE PROCEDURES FOR SETTING HEARINGS
IN DIVISION H2 FOR CERTAIN LIMITED MATTERS
“SELF-SETTING HEARINGS”

SOME matters may be set for hearing when the motion or application is filed. READ THE FOLLOWING RULES CAREFULLY.

NOTE THAT IF YOU WANT TO SELF-CALENDAR YOU MUST CHANGE THE “RULE 9013 NOTICE” THAT IS IN YOUR EXISTING FORMS. DO NOT USE YOUR OLD FORMS. YOUR PLEADINGS THAT ARE SELF-CALENDARED MUST INCLUDE THE NOTICES SET FORTH BELOW.

1. These procedures are optional. Movants may elect to use these procedures or movants may elect not to. Please read the procedures in full before deciding whether to use them and before trying to use them. If you elect not to use these alternative procedures, comply with the generally applicable local rules. (To by-pass self-calendaring, just click “Next” on the self-calendaring page on CM/ECF without entering a date.)
2. These procedures may be used for all contested matters and applications except
 - a. Matters in cases designated as complex chapter 11 cases.
 - b. Motions for relief from the stay.
 - c. Chapter 13 confirmation hearings, motions to dismiss chapter 13 cases, or motions to modify a chapter 13 plan.
 - d. Hearings on chapter 11 disclosure statements or confirmation hearings.
3. In summary, and subject to specific rules set forth below, the objective is to allow attorneys to set hearings on some motions and applications when the initial pleading is filed.
 - a. To enable these alternative procedures, the Court will establish dates and times for Omnibus Hearing Calendars. Those dates are available on the Court’s website and are also available when a matter is filed on CM/ECF. To determine what dates are available (before logging in to CM/ECF), go to www.txs.uscourts.gov and follow the links to the webpage for Judge Steen (division H2):
<http://www.txs.uscourts.gov/bankruptcy/judges/wws/>
 - i. For Houston cases, it is important to check the website prior to filing each motion. The case manager will monitor settings. If too many hearings are set for one time, the case manager will adjust the Calendar accordingly. Therefore, a date that was available in the morning may have been removed from the list in the afternoon and would not be available for motions filed in the afternoon. You may not use an Omnibus Hearing Calendar date and time unless that date and time is shown as available when the motion is filed and noticed.

4. Laredo and Victoria Cases.
 - a. All hearing dates in Victoria and most dates in Laredo are considered Omnibus Hearing Calendars. In general, a party may set a hearing on any date that the Court is in Victoria and on the first day of hearings in any week that the court is in session in Laredo. Check the web page for specific dates and check the time of day for which hearings may be set.
 - b. CAUTION: The Court publishes on this web site an anticipated travel calendar. However, sometimes this page is not as current as the Omnibus Hearing Calendars. Therefore, before self-setting a hearing date, counsel should check the Omnibus Hearing Calendar dates, not the anticipated travel schedule..

5. If you want to use self-calendaring, you must check the court's website to determine the hearing date and you must include the appropriate notice in your pleading before you log on to CM/ECF to file it. After you type the pleading, save it as a PDF file, and log into CM/ECF to file the pleading, it is too late to include the necessary notice in your pleading and you will not be able to use self-calendaring for that matter. Therefore, decide whether you qualify for self-calendaring and whether you want to use self-calendaring before you finish typing your pleading and log on to CM/ECF to file it.

6. Set a hearing only if you think a hearing will be necessary. Contact appropriate parties/counsel to try to determine whether the motion will be opposed, and to estimate the time required for a hearing. If no objection is anticipated and the motion is not urgent, there is no need to set the matter for hearing on an Omnibus Hearing Calendar. File the motion with the general "negative notice" language of local rule 9013. If you do not self-calendar:
 - a. The Court will diary the motion and, if no objection is filed, the Court will either issue a default order or will set the matter for hearing if the court believes that a hearing is needed. The Court will usually act within 35 days after the date that the motion was filed.
 - b. If an objection is filed or if the court determines that a hearing is needed, the Court will set the matter for a hearing or status conference on an Omnibus Hearing Calendar, usually about 45 days after the motion was filed, with about 7 days' notice of the hearing .
 - c. It is appropriate to set a hearing if time is of the essence, if contacting potential adverse parties is impractical, if you cannot determine whether potentially adverse parties will oppose the relief, or if you know that the relief will be opposed.

7. HEARING NECESSARY, BUT SHORT HEARING SUFFICIENT. If the movant anticipates that a hearing will be necessary, but estimates that 15 minutes or less will be sufficient for the hearing, the movant may set the matter for hearing on any of the Court's Omnibus Hearing Calendars.
 - a. The date that movant chooses for the hearing must be at least 30 days after the date that the movant files the motion and gives notice of the hearing, and
 - b. The hearing date must be set forth prominently at the beginning of the motion (in the format set forth below):

CAUTION: A HEARING DATE IS SET IN THIS MATTER

THIS PLEADING SEEKS A COURT ORDER THAT MAY AFFECT YOU OR YOUR PROPERTY. IF YOU OBJECT TO THE RELIEF REQUESTED, YOU SHOULD CONTACT THE MOVANT TO TRY TO REACH AN AGREEMENT. IF YOU CANNOT REACH AN AGREEMENT, YOU MUST FILE A RESPONSE AND SEND A COPY TO THE MOVANT WITHIN 20 DAYS OF THE DATE THAT YOU WERE SERVED WITH THIS PLEADING. OTHERWISE THE COURT MAY GRANT THE RELIEF REQUESTED WITHOUT FURTHER NOTICE TO YOU. IF YOU FILE A RESPONSE, YOU MUST STATE IN THE RESPONSE WHY YOU BELIEVE THAT THE MOTION SHOULD NOT BE GRANTED. UNLESS THE COURT GRANTS A DEFAULT ORDER. THE COURT WILL CONDUCT A HEARING ON THIS MATTER ON THE ____ DAY OF _____, 200__ AT _____.M. THIS WILL NOT BE AN EVIDENTIARY HEARING UNLESS THE PARTIES AGREE IN ADVANCE TO PRESENT EVIDENCE AND AGREE THAT THE ENTIRE EVIDENTIARY HEARING WILL TAKE LESS THAN 15 MINUTES.

8. **LONG HEARING REQUIRED.** If the movant concludes that more than a 15 minute hearing will be required, then prior to filing the motion counsel may contact the court's case manager (preferably by e-mail at the address listed on the Court's web page) and ask for a hearing date. Counsel should give the case manager a time estimate for the hearing, based on conversations with anticipated adverse parties. The case manager will provide the movant with a hearing date by telephone or e-mail (or the case manager may give other instructions). If the movant elects this method of self-setting the hearing, the motion must use the following alternative form of notice, immediately below the title:

CAUTION: A HEARING DATE IS SET IN THIS MATTER

THIS PLEADING SEEKS A COURT ORDER THAT MAY AFFECT YOU OR YOUR PROPERTY. IF YOU OBJECT TO THE RELIEF REQUESTED, YOU SHOULD CONTACT THE MOVANT TO TRY TO REACH AN AGREEMENT. IF YOU CANNOT REACH AN AGREEMENT, YOU MUST FILE A RESPONSE AND SEND A COPY TO THE MOVANT WITHIN 20 DAYS OF THE DATE THAT YOU WERE SERVED WITH THIS PLEADING. OTHERWISE THE COURT MAY GRANT THE RELIEF REQUESTED WITHOUT FURTHER NOTICE TO YOU. IF YOU FILE A RESPONSE, YOU MUST STATE IN THE RESPONSE WHY YOU BELIEVE THAT THE MOTION SHOULD NOT BE GRANTED. IF YOU FILE A RESPONSE. THE COURT WILL CONDUCT A HEARING ON THIS MATTER ON THE ____ DAY OF _____, 200__ AT _____.M. THIS WILL BE AN EVIDENTIARY HEARING. ANY PARTY INTENDING TO PRESENT EVIDENCE MUST DELIVER A WITNESS AND EXHIBIT LIST TO OPPOSING COUNSEL AT LEAST TWO BUSINESS DAYS PRIOR TO THE HEARING. EXHIBITS MUST BE ATTACHED TO THE LIST. COURTESY COPIES OF THE LISTS AND EXHIBITS MUST BE SUPPLIED TO CHAMBERS WHEN THEY ARE EXCHANGED.

9. Emergency And Expedited Motions.

- i. It is important for counsel and parties to use great discretion when using these emergency and expedited procedures. Do not use these procedures unless there is truly a need for emergency and expedited relief. Simple neglect in failing to file the motion in time to allow requisite notice is not a good reason for an emergency or expedited hearing.
- ii. Check the Court's Omnibus Hearing Calendar. Determine the hearing date that will be timely to address the need for expedited consideration, but will allow maximum notice and opportunity to be heard.
 - (1) Example: Suppose that the debtor owns perishable inventory which will spoil on November 15. The Court's web page shows Omnibus Hearing Calendars on October 31, November 7, and November 14. Counsel should choose November 14.
- iii. When the matter is called for hearing, the Court will first inquire into the nature of the emergency, the reason why normal hearing procedures were not adequate, and what notice has been given to opposing parties. The Court may issue appropriate orders to assure all interested parties adequate notice and opportunity to be heard.
- iv. If the movant elects this method of self-setting the hearing, the motion must contain the following alternative form of notice immediately below the title:

EMERGENCY/EXPEDITED HEARING SET ON REDUCED NOTICE

CAUTION: AN EXPEDITED HEARING DATE IS SET IN THIS MATTER

THIS PLEADING SEEKS A COURT ORDER THAT MAY AFFECT YOU OR YOUR PROPERTY. IF YOU OBJECT TO THE RELIEF REQUESTED, YOU SHOULD CONTACT THE MOVANT TO TRY TO REACH AN AGREEMENT. IF YOU CANNOT REACH AN AGREEMENT, YOU MUST FILE A RESPONSE AND SEND A COPY TO THE MOVANT WITHIN 20 DAYS OF THE DATE THAT YOU WERE SERVED WITH THIS PLEADING. OTHERWISE THE COURT MAY GRANT THE RELIEF REQUESTED WITHOUT FURTHER NOTICE TO YOU. IF YOU FILE A RESPONSE, YOU MUST STATE IN THE RESPONSE WHY YOU BELIEVE THAT THE MOTION SHOULD NOT BE GRANTED. THE COURT WILL CONDUCT A HEARING ON THIS MATTER ON THE ____ DAY OF _____, 200__ AT _____ .M. THIS WILL BE AN EVIDENTIARY HEARING. ANY PARTY INTENDING TO PRESENT EVIDENCE MUST DELIVER A WITNESS AND EXHIBIT LIST TO OPPOSING COUNSEL AT LEAST TWO BUSINESS DAYS PRIOR TO THE HEARING. EXHIBITS MUST BE ATTACHED TO THE LIST. COURTESY COPIES OF THE LISTS AND EXHIBITS MUST BE SUPPLIED TO CHAMBERS WHEN THEY ARE EXCHANGED.