

**COURT PROCEDURES/PRACTICE GUIDE**  
**JEFFREY P. NORMAN**  
**UNITED STATES BANKRUPTCY JUDGE**

**1. Applicable Rules.**

Practice in this Court is governed by the Federal Rules of Bankruptcy Procedure, the Local Rules of the United States Bankruptcy Court for the Southern District of Texas, and these Court Procedures.

All parties appearing before the Court are charged with responsibility for compliance with applicable rules.

**2. Contact with Court and Court Personnel.**

Communications with the Court should be in the form of pleadings filed with the clerk of court. Attorneys and parties who are not represented by counsel may contact the Court's Case Manager, Mario Rios, at [mario\\_rios@txs.uscourts.gov](mailto:mario_rios@txs.uscourts.gov) or (713) 250-5393. If Mr. Rios is out of the office and may contact Tracy Conrad, at [tracy\\_conrad@txs.uscourts.gov](mailto:tracy_conrad@txs.uscourts.gov) or at the chambers main line number at (713) 250-5252 or you may contact the Clerk's office at (713) 250-5500.

Unless otherwise permitted in these Courtroom Procedures, contact with Judge Norman and his law clerks, other than by pleadings, is strictly prohibited. Letters and telephone calls to chambers are prohibited.

Courtesy copies and other communications by **mail** should be directed to United States Bankruptcy Court, Attn: Mario Rios, 515 Rusk St., 4<sup>th</sup> Floor, Houston, Texas 77002. Courtesy Copies via **email** may be directed to [mario\\_rios@txs.uscourts.gov](mailto:mario_rios@txs.uscourts.gov) and [tracy\\_conrad@txs.uscourts.gov](mailto:tracy_conrad@txs.uscourts.gov).

**3. Attendance at Hearings.**

Unless otherwise set forth in the local rules, these Court Procedures, or an order by this Court, a person with authority to bind the client must attend each hearing. For parties represented by an attorney, this will generally be an attorney with full authority to act on the matter before the Court. If a client represented by counsel does not give full authority to the counsel who will appear, a representative of the client with full authority on the matter to be considered should accompany counsel at the hearing.

**4. Motions, Applications, Objections, Hearings and Response Deadlines.**

All non-emergency main case motions/applications should be self-calendared for hearing. Hearing dates for self-calendaring are posted on the Court's website. Adversary motions should not be self-calendared and will be set by the Court. Motions/Applications require a minimum of 24 days negative notice, and claim objections require a minimum of 30 days negative notice. Any hearing notice without sufficient negative notice will be struck by the Court *sua sponte*. Emergency motions will be set for hearing by the Court pursuant to LBR 9013-1(i). Motions to Extend the

Automatic Stay or Impose the Automatic Stay, if not self-calendared, will also be set by the Court. Parties may also request by motion an expedited hearing on any motion/application. Courtesy copies of emergency motions or a request for an expedited hearing may be sent via email to chambers as they may not be seen by chambers staff until the next business day. The Court may grant or deny any relief sought in any motion/application or objection without hearing based on responsive pleadings. Parties may upload agreed orders granting relief prior to any scheduled hearing and the Court may grant agreed relief without further hearing or notice. All agreed orders in Chapter 13 cases require the signature of the Chapter 13 Trustee. Agreed Orders filed within 48 hours of a scheduled hearing may not be seen by the Court prior to the scheduled hearing. Courtesy copies of late filed Agreed Orders should be forwarded to the Court's Case Manager and Courtroom Deputy for entry prior to the schedule hearing.

Each motion, application, objection, and response filed with the court must be accompanied by a proposed order pursuant to Local Bankruptcy Rule 9013-1 (h). Failure to file a proposed order can be grounds for denial of the motion. Orders should be succinct and not contain unnecessary findings or verbiage.

The court will generally rule on all motions based on responsive pleadings unless the presentation of evidence is required. Hearings that are set may not be heard if the Court can rule on a motion without the necessity of a hearing. If your motion is unopposed, the Court is likely to sign your order after the response deadline but before the hearing date. Motions that are ruled on before the hearing date are struck from the Court's docket. If your motion does not appear on the Court's docket, then the Court has already entered its order. There may be a delay between the Court ruling on your motion and the docketing of the order, especially if your order is signed the day of your hearing.

The Court reviews pleading form and service on every motion. Defective pleading form or incorrect service will lead to denial of your motion. The Bankruptcy Rules create a system of notice and service requirements. The following is a general aid for notice and service:

- a. Motions are typically governed by Bankruptcy Rules 9013 and 9014. These rules require pleadings state with particularity the relief requested and the grounds therefore, and require the pleadings be served in the same manner as a summons and complaint under Bankruptcy Rule 7004.
- b. Most applications (e.g., to sell or use property of the estate, professional employment, Rule 9019 settlement or compromise, compensation) must be served in accordance with Bankruptcy Rule 2002.
- c. Service of pleadings are additionally governed by LBR 9013-1(d).

All motions, except those made at trial, must be made in writing and state with particularity the grounds supporting the motion and the relief or order sought. Motions should address each issue presented and follow with the pertinent facts, statutory framework, legal arguments, and the specific relief requested.

Motions filed in adversary proceedings are not subject to the negative notice requirements of main bankruptcy cases and shall be governed by the Federal Rules of Civil Procedure and the Federal Rules of Bankruptcy Procedure. The Court will set all motions in adversary proceedings for hearing and will also set a response deadline. At the expiration of the response deadline, the Court may rule without the necessity of a hearing based on responsive pleadings.

## **5. Continuances.**

Continuances may be requested and granted without a motion, if all parties are in agreement. Parties seeking a continuance must jointly email chambers consenting to a continuance. Emails should be addressed to [mario\\_rios@txs.uscourts.gov](mailto:mario_rios@txs.uscourts.gov) and [tracey\\_conrad@txs.uscourts.gov](mailto:tracey_conrad@txs.uscourts.gov). The parties will receive a reply email indicating whether the Court grants or denies the continuance request. If the parties do not receive a reply email, they should assume that the hearing will go forward as scheduled. When all parties do not agree to a continuance, a continuance may only be requested by motion, and such motion requires an affidavit indicating the efforts the parties took to obtain consent to the continuance. The Court may deny a continuance request even if all parties have agreed to the continuance.

## **6. Telephone Participation.**

Parties may listen by telephone to any hearing. The Court's conference call number is (712) 770-8095, conference code 159497. Parties may appear by telephone on all non-Chapter 13 panels but may not present evidence or question witnesses. Parties who wish to appear by telephone should give advance notice via email to the Court's Case Manager and Courtroom Deputy. Parties appearing by telephone do so at their own risk. If technological problem arises, hearings will continue without the participation of the telephone participant.

## **7. Exhibits.**

Exhibit lists must be filed and exchanged prior to the hearing pursuant to LBR 9103-2. Exhibits must be pre-marked by party and number, and exchanged prior to the hearing. At hearings and trials, the Court requires three copies of each exhibit list and exhibits, including the copies for witnesses.

## **8. Adversary Proceedings.**

Should a properly served defendant not file an answer, then the plaintiff should file a Motion for Entry of Default pursuant to Federal Rule of Civil Procedure 55(a). Thereafter, the Clerk of the Bankruptcy Court will enter default against the defendant. After entry of default by the Clerk, the plaintiff may file its Motion for Default Judgment pursuant to Federal Rule of Civil Procedure 55(b). Thereafter, the Court will set a response deadline and evidentiary hearing date. At the expiration of the response deadline, the plaintiff should upload a proposed form of Default Judgment. The Court will consider all of the pleadings, including any relevant affidavits and, if possible, rule before the scheduled evidentiary hearing date. Should the Court not enter the proposed Default Judgment, the plaintiff should be ready to present evidence at the scheduled

default judgment hearing.

Parties should attempt to make their Rule 26(f) disclosures prior to the scheduling conference in every adversary proceeding. The Court will enter a scheduling order after the scheduling conference. Parties should be ready to provide the Court time estimates for discovery and trial. Parties can expect trial settings within six months of the scheduling conference unless there are exigent circumstances or the case is overly complex. Plaintiffs may avoid appearing at pretrial conferences if the Clerk has entered default against all defendants prior to the scheduling conference, as the Court will remove the case from its docket. Should a plaintiff not appear at a scheduled pretrial conference, the Court may dismiss the adversary without prejudice for lack of prosecution.

### **9. Discovery Disputes.**

Discovery disputes that cannot be resolved between the parties should ordinarily be submitted by written motion. However, if a dispute arises during an oral deposition, a party may contact the Court at (713) 250-5252 during the deposition and request a telephonic hearing.

The Court intends to enforce Federal Rule of Civil Procedure 37 as made applicable to proceedings in this Court by Federal Rule of Bankruptcy Procedure 7037.

### **10. Settlements.**

Settlements are always encouraged. If a case is settled, the parties should promptly contact the Court. The proposed settlement may be presented in the form of a written order prior to the scheduled hearing. If the proposed settlement has not been approved in writing by all parties, then only one counsel is required to attend the hearing, though all interested parties are invited to attend. If the Court does not approve of the proposed settlement, the hearing will be reset for a subsequent date.

Settlements submitted prior to the hearing date will normally be signed by the Court prior to the hearing and the hearing canceled. Only when an order is signed and docketed is the hearing canceled.

If a settlement is in an adversary proceeding and requires approval pursuant to Federal Rule of Bankruptcy Procedure 9019, the 9019 motion should be filed in the main case only. A proposed form of order in the main case and a proposed form of judgment or order in the adversary proceeding must be attached to the 9019 motion.

### **11. Consent or Agreed Orders in Chapter 12 or 13 Cases**

Consent or agreed orders in Chapter 12 or 13 cases require the signature of the Chapter 12 or 13 Trustee. All consent or agreed orders presented without the Trustee's signature will be denied without prejudice and may be resubmitted.

## **12. Amended Orders.**

Parties may only request that a signed order be amended through filing a motion to amend. Merely submitting a proposed amended order is insufficient. The motion to amend should be filed with the proposed amended order.

## **13. Oral Rulings.**

The Court may issue oral rulings either immediately following a hearing or trial or on matters under advisement. When issuing an oral ruling, the Court reserves the right, without changing its final ruling, to correct the transcript, not only as to inaccuracies in transcription, but also as to content. In order to ensure that the oral ruling fully and clearly states the Court's rationale for its decision, the Court may: (1) add, alter, or delete any language in the transcript of the oral ruling; (2) correct grammar or punctuation; and/or (3) add or delete any citations to authority. If the Court's edits to the transcript of the oral ruling go beyond the correction of transcription errors, then the document filed by the Court will no longer be a transcript. Instead, the Court will docket it as a corrected and modified bench ruling, although the Court's holdings on the issues before it will not change.