

Judge Brown's Procedures
revised effective **07/01/2014**

Continuances

A request for continuance **must be in writing** and must be filed prior to the hearing. Do not request a continuance by telephone. Unless Judge Brown authorizes a continuance in advance of the hearing, the matter will be called on the date and time set. Attorneys are expected to appear and be prepared to go forward on the hearing.

Settlements and Hearing Attendance

If a matter has been settled, counsel must submit an agreed order signed by counsel for each party to the agreement. If a hearing has been set on the matter, counsel must appear at the hearing and announce the details of the settlement or submit an agreed order when the case is called in court containing the terms of the settlement signed by all of the parties in interest. As soon as settlement is reached, counsel should notify the case manager of the settlement to allow for efficient management of court time and courtroom personnel. Where applicable, a motion to compromise controversy shall be timely filed and noticed within ten days after the hearing at which the settlement was announced.

In adversary proceedings, if a final judgment has not been submitted within one month after an order approving compromise of controversy has been entered, the court will issue a show cause for dismissal of the adversary proceeding.

Discovery

Parties should resolve discovery disputes without necessity of filing motions to compel or quash by calling chambers. In the event motions to compel or quash discovery are filed they may be considered by Judge Brown on an emergency basis with or without a hearing or in some cases by telephone conference. For those matters suited to disposition by telephone conference, Judge Brown's secretary will contact the moving party.

Motions to extend discovery deadlines shall be filed no later than 20 days prior to the deadline sought to be extended unless an emergency is shown.

Hearing Attendance by Telephone

Attendance at hearings set on complex chapter 11 cases may be made via the "meet-me-line." Parties may call the meet-me-line, 713-250-5622 with or without advance notice to the Court. The line is called by the Court for every complex chapter 11 case hearing.

Attendance at any other hearing via the meet-me-line must be arranged 2 days prior to hearing by the case manger or courtroom deputy by e-mail or by telephone and approved by Judge Brown.

Without Judge Brown's approval and arrangements with the courtroom deputy or case manager, the meet-me-line will not be accessed by the Court at the time the hearing is called in the courtroom.

Any party that opts to participate in a hearing via the meet-me-line does so at the risk of technological failure; the hearing will proceed regardless of such failure. Telephone participation is a privilege which either counsel or a party may forfeit by discourteous conduct.

Emergencies

Settings of emergency hearings are done by Judge Brown's case manager after the motion is filed. Attorneys are notified by the case manager of the setting.

All motions filed under 11 U.S.C. § 362 (c) (3) must be self-set by movant's counsel at the 9:00 am Wednesday docket. If there is no opposition and after review by the Court, the motion may be granted and the self-set hearing cancelled.

Correspondence

Do not request action on any case matter or attempt to inform the Court of case issues by letter. Any requests or information concerning cases must be set out in a pleading filed with Intake and served on all parties as required by local and federal rules.

Appearances

An attorney appearing at a hearing shall be familiar with the case, have authority to bind the client, and be in charge of the case for that appearance.

Motions Older than 30 Days

If you do not have an order or a hearing setting within 30 days from the date of the filing of your motion, you may resubmit the proposed order as an email attachment to the attention of Judge Brown's case manager at cmA487@txs.uscourts.gov, or call 713-250-5445.

Hearing Settings

Do not contact the court's staff for hearing settings unless directed to do so by Judge Brown. Hearings are set by using the self-calendaring procedure described below, or at Judge Brown's discretion. If Judge Brown sets a hearing, her case manager will contact the moving party who shall then notify all parties in interest of the setting and file a certificate of service. All settings are shown on Judge Brown's calendar at www.txs.uscourts.gov and on the case docket sheet. Go to the Complex Chapter 11 Information link for instructions on setting complex chapter 11 case hearings.

Self-calendared Hearings

Attorneys shall set hearings for miscellaneous motions described below, motions for relief from stay, objections to claims, fee applications in chapters 7 and 11, and initial status hearings in adversary proceedings in accordance with the procedures listed below. Display your selected hearing date prominently on the first page of the pleading. **SEND NOTICE OF YOUR SELECTED HEARING DATE TO JUDGE BROWN'S CASE MANAGER, RUBEN CASTRO, IDENTIFYING THE CASE NUMBER, THE PARTIES, THE MATTER SET, AND THE SELECTED HEARING DATE.** You may send notice to Ruben Castro by email at cmA487@txs.uscourts.gov.

Evidentiary Hearings

Parties are to file witness and exhibit lists at least 2 days prior to the hearing. All exhibits are to be legible. Printed exhibits in less than 12 pt font are to be enlarged to 14 pt font. Regarding exhibits: Parties are to bring 1 copy for the Court, 1 copy for the witness, and enough copies to exchange with all opposing counsel.

Miscellaneous Motions

Counsel may set for hearing all **electronically-filed** pleadings requiring less than 30 minutes of court time in adversary proceedings, chapter 7 main cases, and in non-complex chapter 11 main cases, **EXCEPT:**

- pleadings for which a hearing setting process is otherwise provided on Judge Brown's webpage
- pleadings in a chapter 13 or complex chapter 11 main case
- motions for summary judgment
- disclosure statements
- plan confirmation
- expedited motions

Miscellaneous motions shall be set for the dates and times shown on Judge Brown's webpage. You must serve notice of your motion and hearing date in accordance with applicable federal and local rules and file a certificate of service. Once your motion is set using the self-calendaring procedure, continuances may be granted only by written motion and court order. **If your setting fails to comply with these instructions, applicable notice requirements, or you fail to appear for your setting, your motion may be dismissed.** At the Court's discretion, your motion may be reset by Judge Brown's case manager, in which event you will be contacted to serve another notice of hearing.

Motions for Relief From Stay

All 362 preliminary hearings are held on Wednesdays at 9:00 a.m. in Courtroom 403, 515 Rusk, Houston, TX 77002. Select your preliminary hearing date from the chart displayed on Judge Brown's webpage.

All motions filed under 11 U.S.C. § 362 (c) (3) must be self-set by movant's counsel at the 9:00 am Wednesday docket. If there is no opposition and after review by the Court, the motion may be granted and the self-set hearing cancelled.

Failure of movant to appear at the preliminary or final hearing is grounds for dismissal of the motion. Agreed orders, default orders, or orders withdrawing the motion must be submitted in court when the hearing is called.

Evidentiary hearings on motions called at the preliminary hearing docket will be heard beginning at 10:00 a.m. the day of the preliminary hearing. Parties must exchange exhibits and a witness list at least 2 working days prior to the hearing. Contact Judge Brown's case manager 2 days prior to the hearing date if your hearing will require more than 1 hour.

Objections to Claims

Initial hearings on claim objections, except those filed in chapter 13 cases, are held beginning at 2:00 p.m. in Courtroom 403, 515 Rusk, Houston, TX 77002. Select your initial hearing date from the chart displayed on Judge Brown's webpage. Initial hearings for fewer than 5 claim objections on Chapter 13 cases are set for hearing on the confirmation date provided to you in the notice of creditor's meeting. Claim objections that are numerous should be set on the 2:00 p.m. initial hearing date for claim objection as listed on the chart displayed on Judge Brown's webpage.

You must send a copy of your objection and notice of this hearing date, time, and location to the claimant, the debtor, debtor's attorney and the trustee at least 30 days prior to the hearing and file a certificate of service.

Responses must be filed and served on the objecting entity no later than 5 working days prior to the initial hearing.

Failure of either party to appear in prosecution or defense of the objection is grounds for summary disposition of the objection. Agreed orders must be submitted in court when the hearing is called. Evidentiary hearings will be scheduled by the Court when the initial hearing is called. Exhibits and a witness list must be exchanged at least 2 working days prior to the evidentiary hearing date.

Chapter 13 contested matters

Unless otherwise provided in the Local Bankruptcy Rules for the Southern District of Texas, all contested matters in chapter 13 cases must be set for the confirmation hearing date provided in the

notice of creditors meeting. This includes, but is not limited to, motions to value collateral, claim objections, motions to vary the terms of the plan, and objections to fee applications.

Adversary Proceedings, Initial Status Hearing

All initial status hearings for adversary proceedings are held beginning at 9:30 am. in Courtroom 403, 515 Rusk, Houston, TX 77002. Select your preliminary hearing date from the chart displayed on Judge Brown's webpage.

You must send notice of this initial status hearing to all parties served with a complaint and summons no later than 20 days prior to the initial status hearing and file a certificate of service. Failure to send notice of this hearing is grounds for dismissal of your adversary proceeding for want of prosecution.

Fee Applications in chapters 7 and 11.

All fee applications are heard beginning at 9:30 a.m. in Courtroom 403, 515 Rusk, Houston, TX 77002. Select your fee application hearing date from the chart displayed on Judge Brown's webpage.

You should not set a hearing on your fee application if your total fees are under \$5,000.00, unless you are instructed to do so by Judge Brown's case manager. Judge Brown may consider such applications without a hearing.

You must send notice of your fee application and, if applicable, the hearing, date, time and location to debtor, debtor's counsel, the trustee, all creditors, and indenture trustees at least 20 days prior to the hearing date or within 24 hours of filing your fee application if no hearing is set and file a certificate of service.

Do not send a courtesy copy of fee applications on Chapter 13 cases to case manager.

You must include as the first page of your fee application the following information:

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

IN RE: §
DEBTOR(S) § CASE NO.
§

FEE APPLICATION COVER SHEET

Date of Hearing: _____

Name of Applicant: _____

Authorized to Provide Professional Service to: _____

Date Order of Appointment signed: _____

Date Rule 2016(b) statement filed: _____

Period for which Compensation
and Reimbursement is sought: _____

Total Professional Service Fees Sought: _____

Total Hours expended: _____

Professional rates: high: _____
low: _____

Staff rates: high: _____
low: _____

Blended hourly rate sought: _____

Total Expenses sought: _____

Retainer amount: _____

Prior applications, dates, amounts: _____

This is an: interim/final application: _____