

Chambers Procedures for
Honorable Christopher S. Sontchi
(Effective September 17, 2009)

Contact Information:

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GENERAL CHAMBERS PROCEDURES

Except as set forth herein, the General Chambers Procedures, effective June 6, 2007, shall govern all procedural aspects of cases before the Court.

CHAPTER 7 CASES

Consumer and “No Asset” Business Cases under Chapter 7

The “Chapter 7 Calendar” is available on Judge Sontchi’s Chambers web page, which can be found under the “Chambers” drop-down menu on the Court’s home page.

The dates on the “Chapter 7 Calendar” are for scheduling matters in consumer and “no asset” business cases under Chapter 7 only. Matters must be scheduled in accordance with the local rules regarding noticing procedures. The dates on the Chapter 7 Calendar are subject to change at any time, so please check the calendar before filing.

Pursuant to Del. Bankr. L.R. 9029-3, the “Agendas and Binders” section of the General Chambers Procedures, effective April 3, 2006, do not apply to matters in consumer and “no asset” business cases under Chapter 7. All other portions of the General Chambers Procedures are applicable.

Pursuant to Del. Bankr. L.R. 9013-1(j), copies of certificates of no objection and the relevant pleadings relating to matters in consumer and “no asset” business cases under Chapter 7 **need not be delivered to Chambers**. The Court will obtain any certificates of no objection (and the relevant pleadings) in such matters directly from the docket.

Counsel cannot reschedule or cancel a hearing without consent of all interested parties and the courtroom deputy. This includes hearings where all matters have certificates of no objection filed. The court must review those matters with certificates of no objection and determine if a hearing is necessary. Chambers will then notify moving counsel whether a hearing is required.

“Asset” Business Cases under Chapter 7

In all “asset” business cases under Chapter 7, the trustee shall obtain omnibus hearing dates from Chambers and submit, under certification of counsel, a proposed order scheduling omnibus hearings. **The dates on the “Chapter 7 Calendar” are for scheduling matters in consumer and “no asset” business cases under Chapter 7 only.** Matters must be scheduled in accordance with the local rules regarding noticing procedures.

Pursuant to Del. Bankr. L.R. 9029-3, the “Agendas and Binders” section of the General Chambers Procedures, effective April 3, 2006, applies to matters in “asset” business cases under Chapter 7. All other portions of the General Chambers Procedures are also applicable.

Pursuant to Del. Bankr. L.R. 9013-1(j), the rules governing the filing and delivery of certificates of no objection are applicable to matters in “asset” business cases under Chapter 7.

Counsel cannot reschedule or cancel a hearing without consent of all interested parties and the courtroom deputy. This includes hearings where all matters have certificates of no objection filed. The court must review those matters with certificates of no objection and determine if a hearing is necessary. Chambers will then notify moving counsel whether a hearing is required.

ADVERSARY PROCEEDINGS

The following Local Rules of Civil Practice and Procedure of the United States District Court for the District of Delaware shall apply in all adversary proceedings: 1.1 - 1.3; 5.1.1 - 5.1.2; 5.4; 7.1.1 - 7.1.5; 9.4; 15.1; 23.1; 26.1 - 38.1; 43.1.

MOTIONS IN ADVERSARY PROCEEDINGS

All motions filed in adversary proceedings shall be subject to District Court Local Rule 7.1.2 (Motions). **No hearing will be scheduled unless the Court directs.**

Parties may use the common practice of stating in the caption of the notice and motion, in lieu of a hearing date and time, that no hearing will be held unless requested or ordered by the Court, together with the required response or objection date. For purposes of motions before Judge Sontchi, this will be considered in compliance with LR 9004-1(b).

Once briefing is completed on the motion, the movant shall file a Notice of Completion of Briefing, which shall include a list of all relevant pleadings to the motion and related docket numbers, **OR**, a Certificate of No Objection, whichever is more appropriate under the circumstances. (Please note, if a Certificate of No Objection has been filed, a Notice of Completion of Briefing does not have to be filed) Counsel shall then deliver the relevant pleadings to Chambers.

All motions submitted under a Notice of Completion of Briefing should be unstapled and in a binder. Motions submitted under a Certificate of No Objection do not require a binder; however, if the pleadings to be submitted are substantial please submit them unstapled in a binder.

If there is no objection to a motion, a Certificate of No Objection may then be filed at the conclusion of the objection period and a copy of the motion, the proposed order and the Certificate of No Objection should be forwarded to Chambers. Please do not send a copy of the motion to Chambers until the motion is ready to be ruled upon.

JOINT PRE-TRIAL MEMORANDUM

All adversary proceedings must comply with the General Order RE: Pre-Trial Procedures Set for Trial Before Judge Christopher S. Sontchi. The General Order is available on Judge Sontchi's Chambers web page, which can be found under the

"Chambers" drop-down menu on the Court's home page.

The Joint Pre-Trial Memorandum must be filed no later than **three (3) business days** prior to the earlier of the date set for (i) pre-trial conference (if one is scheduled) or (ii) trial and two (2) copies must be delivered contemporaneously to Chambers. Failure to file the Joint Pre-Trial Memorandum **and** deliver two (2) copies to Chambers within the time prescribed will result in adjournment of the pre-trial conference and/or trial without further notice to the parties and a hearing will be scheduled to show cause why sanctions should not be imposed.

The parties must notify Chambers as soon as possible if a matter has settled and a Joint Pre-Trial Memorandum will therefore not be filed. If a matter has settled or has otherwise been resolved, counsel must file a notice of settlement or notice of adjournment of trial in the adversary proceeding. The parties shall also immediately advise Chambers, in writing, of any occurrence or circumstance which the parties believe may suggest or necessitate the adjournment or other modification of the trial setting.

SETTLEMENT PROCEDURES

Motions to approve the settlement should be filed in both the main bankruptcy case and the adversary proceeding. Procedures for Motions to Approve a Settlement of an adversary proceeding are set forth in the "Settlement Agreements" section of the Attorney CM/ECF Manual, located on the Court's website.

HEARINGS IN ADVERSARY PROCEEDINGS

Counsel **cannot** reschedule or cancel a hearing without the consent of all interested parties **and** the courtroom deputy. This includes hearings where all matters have Certificates of No Objection filed. The Court will review those matters with Certificates of No Objection and determine if a hearing is necessary. Chambers will then notify counsel to file an Amended Agenda cancelling the hearing.

Initial scheduling conferences in adversary proceedings **cannot** be continued. A preliminary hearing will be held and a Scheduling Order shall be presented.

STATUS CONFERENCES AND REPORTS

All Status Conferences before Judge Sontchi require a Notice of Agenda to be filed in both the main bankruptcy case and all adversary proceedings to which the Status Conference relates. In all instances, counsel for the plaintiff is required to file an up-to-date status report to be submitted with the Notice of Agenda. The Status Report should list the adversary proceedings grouped by Category A through J (see "Instructions for Filing Status Reports" on the Court's home page at www.deb.uscourts.gov (under CM/ECF; Attorney CM/ECF Manual; Status)). The Status Report should detail the date(s) that answers are due, when notices of dismissal or settlement will be filed, discovery deadlines, trial dates, etc.

In all cases, the plaintiff shall file a status report forty-five (45) days after the date of the scheduling order, each forty-five (45) days thereafter, and thirty (30), twenty (20), and ten (10) days prior to trial, setting out the status of each unresolved adversary proceeding and the plaintiff shall contemporaneously deliver a copy of the report to Chambers.

HEARING AND CNO BINDERS

Hearing binders shall contain two (2) copies of the Notice of Agenda, along with one (1) copy of all documents listed as going forward, with each document tabbed in accordance with the Notice of Agenda. Please do not staple documents that are in the hearing binders.

Judge Sontchi does not require that all pleadings be included in the hearing binder for pre-trial conferences. The complaint and summons, etc. are not necessary. Plaintiff's counsel shall submit an up-to-date status report, outlining the status of each case. The Status Report should list the adversary proceedings grouped by Category A through J (see "Instructions for Filing Status Reports" on the Court's home page at www.deb.uscourts.gov). The status report should detail the date(s) that answers are due, when notices of dismissal or settlement will be filed, discovery deadlines, trial dates, etc.

Proposed scheduling orders, if at all possible, should be submitted in the binder prior to the hearing. Please note that all proposed scheduling orders for adversary proceedings filed after May 1, 2004 that include a claim for relief to avoid a preferential transfer or fraudulent conveyance must comply with Chief Judge Mary F. Walrath's General Order RE: Procedures in Adversary Proceedings. A form scheduling order can be found on Judge Sontchi's Chambers web page which shows an example of the form of order that should be submitted for approval. The form order may be modified (for example to specify deadlines for disclosure of fact witnesses and/or expert rebuttal witnesses).

TRIALS

In all adversary proceedings filed after May 1, 2004, that include a claim for relief to avoid a preferential transfer or fraudulent conveyance, trial shall be held within one hundred twenty (120) days of Order Assigning the Adversary Proceeding to Mediation, or as soon thereafter as the Court's calendar permits. The trial date will be scheduled in the Order Assigning the Adversary Proceeding to Mediation. The parties do not need to contact Chambers for a trial date. The Court may, in its discretion, schedule a pre-trial conference in lieu of or in addition to the trial.

Trials in all adversary proceedings that are on the same track will be conducted on a trailing docket. Adversary proceedings scheduled for trial on the same date and time will be called sequentially according to their adversary proceeding number starting from the lowest and continuing to the highest. Consequently, all parties are required to appear at the time scheduled without regard to the number of proceedings scheduled for trial that day or the number of their individual adversary proceeding.

Trial briefs are optional but if a party chooses to submit a brief, it must be filed no later than three (3) business days prior to trial. Trial briefs must be docketed and two (2) copies contemporaneously delivered to Judge Sontchi's Chambers. Counsel is required to notify Chambers as soon as possible if a matter has settled and will not be going forward. Counsel is required to file a notice of trial adjournment stating the reason(s) for adjournment of the trial. The parties shall also immediately advise Chambers, in writing, of any occurrence or circumstance which the parties believe may suggest or necessitate the adjournment or other modification of the trial setting.