



United States Bankruptcy Court District of Delaware

824 N. Market Street
Wilmington, Delaware 19801
(302) 252-2900
www.deb.uscourts.gov

Honorable Laurie Selber Silverstein
Chief Judge

Una O'Boyle
Clerk of the Court

General Chambers Procedures

Effective February 1, 2023

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Overview

Unless otherwise ordered, the following procedures apply to all Judges and are to be followed when practicing in this Court.

For additional guidelines, click on the following links to be taken to:

- [the individual Judge's chambers page](#)
- [the chapter 13 procedures](#)
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Section 1: General Provisions

Topic	Procedure
a. Local Rules Govern	<ul style="list-style-type: none"> • The Local Rules of Bankruptcy Practice and Procedure of the United States Bankruptcy Court for the District of Delaware will govern all procedural aspects of the case.
b. Deliveries to Chambers	<ul style="list-style-type: none"> • Any deliveries to chambers must be made during normal business hours.
c. Orders Submitted to Chambers	<ul style="list-style-type: none"> • All orders submitted to chambers following a hearing shall be accompanied by a Certificate of Counsel ("COC") (see Del. Bankr. L.R. 9019-1 and 9013-1(k)) and promptly filed. All orders must also be uploaded to CM/ECF. • No bare orders or letters will be considered, unless otherwise requested by the Judge. • If orders are not submitted promptly after the hearing, there may be a delay in entry of the order.

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Section 2: Pleadings

a. General	
Topic	Procedure
i. Documents Transmitted to Chambers	<ul style="list-style-type: none"> • All documents transmitted to chambers shall either contain the ECF generated header containing the case number, docket number and date filed or include the docket number and date filed in the bottom right-hand corner of the first page <i>except</i> Orders, where the docket number of the motion is to be referenced in the caption. <p style="text-align: center;"><i>Example:</i> Case No. 23-00001 (LSS) Re: D.I.100</p> <ul style="list-style-type: none"> • Do not attach the notice of electronic filing.
ii. Motions and Stipulations	<ul style="list-style-type: none"> • All motions (except motions filed in adversary proceedings or motions accompanied by a motion for expedited hearing or motion to shorten notice) and stipulations requiring notice under Fed. R. Bankr. P. 9019 must be filed with a hearing date and objection deadline. (See Del. Bankr. L.R. 9006-1(c)).
iii. Stipulations	<ul style="list-style-type: none"> • Stipulations must have a separate proposed order attached. • “So Ordered” clauses are not permitted.
iv. Proposed Orders	<ul style="list-style-type: none"> • All proposed orders shall reference the docket number of the related motion in the caption. • No order shall contain a “stand-alone” signature page (including date). • All orders must be paginated (and treated as if a separate document, i.e., starting with page 1, not a continuation of any CNO, COC or Motion, etc.). • All proposed orders must be uploaded to CM/ECF and provided to chambers pursuant to the Judge’s chambers procedures, as applicable.
v. Certificates of No Objection	<ul style="list-style-type: none"> • Certificates of No Objection (“CNO”) shall be filed no sooner than 24 hours after the objection deadline has passed to allow for any paper filings to be entered on the docket. (See Del. Bankr. L.R. 9013-1(j)).

Section 2: Pleadings, cont.

b. First Day Pleadings	
Topic	Procedure
i. First Day Hearing Binder	<ul style="list-style-type: none"> • Click here to be taken to our Hearing Binder Guide for detailed requirements for first day hearing binders.
ii. Drafts of First Day Motions	<ul style="list-style-type: none"> • Do not provide drafts of first day motions to the Clerk's office or chambers. • The filed first day motions should be provided to chambers in the format (hard copy or electronic copy) requested by the Judge assigned to the case.
iii. Retention Applications	<ul style="list-style-type: none"> • No retention applications will be considered on the first day except the retention of a claims agent under 28 U.S.C. § 156(c). (See Del. Bankr. L.R. 2002-1(f)). • All other retention applications must be noticed for a scheduled omnibus hearing date that would allow at least 21 days' notice of the retention application. (See Del. Bankr. L.R. 2014-1(b)).
iv. Proposed Budget	<ul style="list-style-type: none"> • If a debtor will be subject to a budget pursuant to a financing motion, the applicable budget must be attached as an exhibit to the financing motion. (See Del. Bankr. L.R. 4001-2(a)(iii)).
v. Pre-Petition Obligations	<ul style="list-style-type: none"> • No motion seeking authority to pay pre-petition obligations will be considered unless the motion and proposed order include the maximum amount sought to satisfy the pre-petition obligations.

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Section 3: Agendas and Binders

Topic	Procedure
a. Notice of Agenda Binder	<ul style="list-style-type: none"> • Click here to be taken to our Hearing Guide for detailed requirements for notice of agenda binders submitted to our court.
b. Notice of Agenda	<ul style="list-style-type: none"> • A notice of agenda, in substantial conformity with Local Form 111 and meeting the requirements of Del. Bankr. L.R. 9029-3, shall be filed by 12:00 p.m. (ET) (noon), two business days prior to the hearing date.
c. Timely Filing	<ul style="list-style-type: none"> • Local counsel for the debtor, statutory trustee, foreign representative, or the post-confirmation estate representative, as applicable, is responsible for the timely filing, delivery, correctness, and completeness of the notice of agenda and the related hearing binder. Piecemeal delivery of the notice of agenda and the relevant pleadings is not appropriate. • Absent compelling circumstances, only those items listed on the notice of agenda and the relevant pleadings timely delivered to chambers will be considered. If the notice of agenda and related pleadings are not delivered within the prescribed time limit, local counsel for the debtor or trustee may be assessed a fine.
d. Change of Status	<ul style="list-style-type: none"> • Counsel is required to inform the Judge's chambers immediately if the status of a matter listed on the notice of agenda as going forward has changed (e.g., settled or continued).
e. Rescheduling Hearings	<ul style="list-style-type: none"> • Counsel cannot reschedule or cancel a hearing without proper consent of all interested parties and the courtroom deputy. This includes hearings where all matters have CNOs / COCs filed. Please refer to the Judge's chambers procedures for additional requirements, as applicable. Click here to go to the Chambers' Information page on our website.
f. Tabbing Documents	<ul style="list-style-type: none"> • Hearing binders shall contain the notice of agenda, and copies of all documents listed as "going forward," with each document tabbed in accordance with the notice of agenda.

Section 3: Agendas and Binders, cont.

Topic	Procedure
g. Include Only Substantive Documents	<ul style="list-style-type: none"> • Hearing binders shall contain only the substantive documents necessary for the hearing (e.g., motions and responses going forward). • Do not include in the binder certificates of service or the service lists filed with each pleading unless an issue has been raised about sufficiency of service, in which case only the appropriate portion of the service list shall be included.
h. CNO / COC Binder	<ul style="list-style-type: none"> • A CNO / COC binder shall be separately compiled that contains any uncontested matters where CNOs / COCs have been timely filed and submitted to chambers with the hearing binder and notice of agenda. • Do not send loose copies of the CNO / COC and related motions; inclusion in the CNO / COC binder is sufficient. • Please refer to the Judge's chambers procedures for electronic and/or paper binder requirements, as applicable. • Click here to be taken to our Hearing Binder Guide for detailed requirements for CNO / COC binders submitted to our court.
i. Binder Due Dates	<ul style="list-style-type: none"> • Hearing binders are to be delivered directly to chambers by 12:00 p.m. (ET) (noon), two business days prior to the hearing date, <i>except for</i>: <ol style="list-style-type: none"> i. the first day hearing binder, which is due immediately after filing. ii. the fee applications hearing binder, which is due no later than 12:00 p.m. (ET) (noon) one week prior to the hearing date. iii. the claim hearing binder, which is due no later than 12:00 p.m. (ET) (noon) two weeks prior to the hearing date. (See Del. Bankr. L.R. 3007-1(e)(iv)(C)). • A late hearing binder may result in a fine for local counsel. • Please refer to the Judge's chambers procedures for electronic and/or paper binder requirements, as applicable.

j. Binder Pick-Up	<ul style="list-style-type: none">• Generally, binders will be available for firms to pick-up in the third floor Clerk's office. You will be notified when binders are ready for pick-up.• Please remove binders within five business days of notification.
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Section 4: Hearings

a. General	
Topic	Procedure
i. Scheduling First Day Hearing	<ul style="list-style-type: none"> A first day hearing will be scheduled no sooner than 24 hours after receipt of the first day binder.
ii. Requesting An Expedited Hearing (Motion to Shorten Notice)	<ul style="list-style-type: none"> If requesting an expedited hearing, a motion for expedited hearing or motion to shorten notice shall be filed and provided to chambers, together with a copy of the underlying motion to be heard. Please refer to the Judge's chambers procedures for electronic and/or paper requirements, as applicable. (See Del. Bankr. L.R. 9006-1(e)). The Court will then determine the appropriate hearing date.
iii. Scheduling Omnibus Hearing Dates	<ul style="list-style-type: none"> In any chapter 11 case, the Court may, <i>sua sponte</i> or upon motion of a party in interest, enter an order setting omnibus hearing dates for the case. Any such order shall be entered on the docket and made available to anyone interested in obtaining a copy from (i) the Court or (ii) counsel for the debtor. (See Del. Bankr. L.R. 2002-1(a)). Please inform chambers if a hearing is no longer needed once the applicable filing deadlines have passed.
b. Use of Technology in the Courtroom	
Topic	Procedure
i. Noticing the Court Regarding Request to Use Technology	<ul style="list-style-type: none"> Per Del. Bankr. L.R. 9036-1(c), unless otherwise authorized by the Court, parties intending to use any technology in the Courtroom must give the Court notice by the time the agenda is due under Del. Bankr. L.R. 9029-3. At that time, notice should also be sent via email to debml_Courtroom_Technology@deb.uscourts.gov. Operations personnel will respond to all requests promptly.

c. Proposed Orders	
Topic	Procedure
i. Proposed Orders	<ul style="list-style-type: none">• All orders shall be uploaded to CM/ECF.• If a proposed revised order is being presented at a hearing, counsel shall present to the Court a blacklined copy showing the changes made to the original order and shall make available additional copies of both the clean and blacklined revised proposed order for parties in interest. If the hearing presentation is by zoom, counsel should contact chambers in advance for permission to share screen so that the blackline changes can be shared on screen.• If an order is modified at the hearing, unless otherwise ordered, following the hearing counsel shall file a COC with the clean and blacklined revised order, and upload the clean revised order to CM/ECF.

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Section 5: Matters Not Requiring a Hearing

Topic	Procedure
a. Documents Seeking Court Approval Without a Hearing	<ul style="list-style-type: none"> • The following documents that seek Court approval without a hearing shall be transmitted directly to chambers immediately upon filing: <ul style="list-style-type: none"> i. Motions to Shorten Notice, along with any referenced motion. ii. Stipulations (with a separate order attached) that do not require notice under Fed. R. Bankr. P. 9019, along with any referenced motion. iii. CNO / COC, along with the referenced motion and other relevant documents. • All proposed orders must be uploaded to CM/ECF and provided to Chambers pursuant to the Judge's chambers procedures, as applicable.
b. Properly Identifying Documents	<ul style="list-style-type: none"> • All documents shall either contain the ECF generated header containing the case number, docket number and date filed or include the docket number and date filed in the bottom right-hand corner of the first page <i>except</i> Orders, where the docket number of the motion is to be referenced in the caption. <p style="text-align: center;"><i>Example:</i> Case No. 23-00001 (LSS) Re: D.I.100</p>
c. Documents Must Be Transmitted to Chambers	<ul style="list-style-type: none"> • If the documents are not transmitted to chambers, they will not be considered. • Please refer to the Judge's chambers procedures for electronic and/or paper delivery requirements, as applicable.
d. E-Orders	<ul style="list-style-type: none"> • <i>Pro Hac Vice</i> and Omnibus Hearing Orders are not to be submitted to Chambers. See instructions for Uploading A Proposed Order For Electronic Signature.

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Section 6: Adversary Proceedings

Topic	Procedure
a. Filing Motions	<ul style="list-style-type: none"> • All case dispositive motions filed in adversary proceedings shall be subject to Del. Bankr. L.R. 7007-1 (briefs and schedule). • No hearing will be scheduled unless the Court directs.
b. Notice of Completion of Briefing	<ul style="list-style-type: none"> • In accordance with Del. Bankr. L.R. 7007-4, no earlier than seven (7) days and no later than fourteen (14) days after completion of briefing or expiration of a deadline on an adversary proceeding motion, counsel to the movant shall file and serve a “Notice of Completion of Briefing” containing a list of all relevant pleadings with related docket numbers or a CNO to the extent the respective motion or pleading was unopposed, and no briefing occurred. • Counsel shall then deliver a binder with the relevant pleadings to chambers. Click here for more information about assembling this binder. • Please refer to the Judge’s chambers procedures for electronic and/or paper requirements, as applicable.
c. Motions to Approve a Settlement	<ul style="list-style-type: none"> • Motions to approve a settlement of an adversary proceeding shall be filed in the main bankruptcy case and the related adversary proceeding. • The Judge assigned to the main bankruptcy case is responsible for approving settlement motions.

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Section 7: Fee Applications

Topic	Procedure
a. Consideration of Fee Applications	<ul style="list-style-type: none"> All fee applications will be considered in accordance with the Local Rules and the respective administrative order entered in each case.
b. Certificates of No Objection	<ul style="list-style-type: none"> CNOs / COCs to monthly fee statements shall be filed but not delivered to chambers. When fee applications are scheduled on a quarterly basis, copies of the CNOs / COCs and the respective fee applications shall be included in the fee application binders. Click here for more information about assembling this binder.
c. Interim Fee Applications	<ul style="list-style-type: none"> Interim fee applications will be scheduled on omnibus hearing dates on a quarterly basis and shall be designated on the proposed order scheduling omnibus hearings.
d. Representation at Hearing	<ul style="list-style-type: none"> A representative for each applicant personally familiar with the services rendered and costs incurred that are the subject of the application shall appear at the hearing in support of the application. Please refer to the Judge's chambers procedures for fee hearing protocol, as applicable.
e. Fee Applications Binder	<ul style="list-style-type: none"> Fee applications must be in a separate hearing binder containing an index and delivered to chambers one week prior to the scheduled fee hearing. Click here for information regarding assembly of fee applications binder. Please do not submit a separate fee binder for each professional. Please refer to the Judge's chambers procedures for electronic and/or paper fee binder requirements, as applicable.
f. When Matters Do Not Go Forward	<ul style="list-style-type: none"> Fee application binders will be returned if matters do not go forward and shall be resubmitted at the appropriate time for the rescheduled hearing.
g. Mega Cases	<ul style="list-style-type: none"> Cases with \$100 million or more in assets and/or liabilities may have fee auditors appointed by the Court.

Section 7: Fee Applications, cont.

Topic	Procedure
h. Fees Requested	<ul style="list-style-type: none"> • Counsel responsible for the agenda must prepare a chart of fees requested by all Court-approved professional firms. • Such chart shall be submitted to chambers at the time the fee application binders are delivered (one week prior to the hearing). • The chart shall include the following information for each firm: <ol style="list-style-type: none"> i. The firm's role in the case (e.g., debtor's counsel, committee counsel); ii. The fee period during which such firm was retained; iii. Total fees and expenses requested in the case; iv. Amounts approved to date; v. Amounts outstanding; and vi. Amounts of any voluntary reductions.
i. Total of Fees Requested	<ul style="list-style-type: none"> • In addition, the chart shall include a grand total of all professional fees and expenses in the case.
j. Additional Information on Fee Applications	<ul style="list-style-type: none"> • Refer to Del. Bankr. L.R. 2016-2 for additional information regarding fee applications.

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Section 8: Objections to Claims

Topic	Procedure
a. Declarations in Support of Claims	<ul style="list-style-type: none"> • Declarations must be filed in support of all claim objections, including non-substantive objections. • Counsel cannot certify whether claims are duplicative, amended or late filed unless they have personally reviewed those claims.
b. Continuing a Portion of a Particular Claim Objection to a Future Hearing Date	<ul style="list-style-type: none"> • In the event a portion of a particular claim objection is continued to a future hearing date, only the claims/responses that are the subject of that hearing shall be listed on the subsequent notice of agenda. • A chart showing the status of all remaining claims/responses shall also be attached.
c. Claims Binders	<ul style="list-style-type: none"> • Claims binders shall be delivered to chambers two weeks prior to the scheduled hearing. • The omnibus objection to claims and the affidavit or declaration in support of the objection shall be included in the binder, together with copies of the proofs of claims and any supporting documentation relating to the omnibus objection as required by Del. Bankr. L.R. 3007-1(e)(iv). • Click here for information regarding assembly of claims binder. • Please refer to the Judge's chambers procedures for electronic and/or paper claims binder requirements, as applicable.
d. If Matters Do Not Go Forward	<ul style="list-style-type: none"> • Claims binders will be returned if matters do not go forward and shall be resubmitted at the appropriate time for the rescheduled hearing.

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