U. S. Bankruptcy Court, District of Delaware

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Honorable Kevin Gross
Chief Judge

David D. Bird
Clerk of the Court

Quick Reference Guide to Agendas and Hearing Binders

Build a Binder that Keeps You Organized and Wins the Respect of the Court

This booklet is a quick reference guide for counsel as they prepare hearing agendas and binders. It contains the requirements for how binders are to be submitted to chambers.

Know and Follow Your Judge's Requirements

Each Judge's chambers has specific requirements for the way binders are to be submitted to their chambers. Reference these requirements frequently as you prepare binders. Updates may be found on our website at www.deb.uscourts.gov.

IMPORTANT NOTE: Any case management or administrative order supercedes the instructions in this reference guide.

Contents

You can download an electronic version of this Reference Guide with clickable links at http://www.deb.uscourts.gov/Chambers/BinderGuide.pdf

Click on the page you wish to view.

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Local Rules Click here to go online and review Local Rules.

Please label the spine and front of your binder correctly.

Click here for directions on how to do this.

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Binder Basics

All Binders Submitted to this Court
Must Follow These General Guidelines.
Click here to learn about your Judge's specific guidelines.

- Maximum binder width is three (3) inches. If you submit a larger binder, you risk having it returned.
- Binders should be loosely filled. Please do not overstuff. Use multiple binders instead.
- Binders should be concise, neat, and in good condition. Make sure clasps are secured.
- EXCEPT for Agendas and Orders, all pages should be printed double-sided.

It is the responsibility of the debtor's counsel (or counsel to the trustee) to submit binders whenever a hearing agenda is filed (Local Rule 9029-3).

PLEASE NOTE: If you outsource the assembly and delivery of your binders, it is your responsibility both to make sure your contractors follow these guidelines and to tell your runners where to go to deliver your binders.

Fines may be levied for binders that do not follow the requirements in this Reference Guide.

Front and Spine of All Binders Must be Labeled as Follows:

- Title of Binder
- Case Name and Number
- Hearing Date and Time
- Firm Name (Very Important)
- Number Sequence if Multiple Binders (e. g. 1 of 4)

Binders will be available for firms to pick up in the third floor clerk's office after the hearing.

Please remove them within two (2) business days.

How to Fill Your Binder

- ✓ **Documents should not be stapled. Multi-page orders to be handed up in court should be held together with a clip.**
- ✓ Docket reference number and date filed must be written on the bottom right of the first page of all documents, EXCEPT Orders, where docket reference number of the motion is to be listed in the caption. *Example:*
  Case No. 09-10465 (KG)
  Re: Docket No. 1149
- ✓ The first document shall be the Agenda or Index of Pleadings. If something is listed in the Agenda or Index, you must have a corresponding document in the binder. Documents must be inserted and tabbed to follow the order of the Agenda or Index.
- ✓ Include a copy of each order. Tab orders separately.
- ✓ Include only substantive documents and proposed orders. Do not include certificates of service or the service lists filed with each pleading unless an issue has been raised about the sufficiency of service.

Notice of Agenda of Matters Scheduled for Hearing

All Binders Submitted to this Court Must Follow These Guidelines

Use Local Form 111 as the template for your Agenda. Click here for a copy of the form, also available on the forms link of our website. www.deb.uscourts.gov

Double check the updated docket before filing an Agenda to be sure you have included all docket numbers and dates filed on pleadings listed.

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- Deliver Notice of Agenda of Matters Scheduled for Hearing binder to Judge's Chambers no later than 12:00 Noon two business days prior to hearing date.
- Keep Chambers abreast of any changes that are coming. You cannot reschedule or cancel a hearing without consent of all interested parties and the courtroom deputy. You must 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). Click here for Chamber contact info.
- You must call Chambers if you will be filing an amended Agenda. Amended Agendas must be delivered to Chambers no later than two hours before hearing.
- Without judge's prior approval, there will be no additions or corrections past deadline for submitting Matters Going Forward.

Refer to Local Rule 9029-3, Hearing Agenda Required.

Fines may be levied for binders not following the requirements in this Reference Guide. Click here to go to Binder Basics for instructions in binder size and assembly. Click here to see if your Judge has special requirements for this binder.

Important Details

- Agenda must be e-filed prior to delivering it to Chambers in the Matters Going Forward/CNO binder(s).
- Proposed orders should be flagged.
- If a matter is under CNO, do NOT include in Agenda binder, place it in the CNO binder.
- Amended agendas should have new material in **bold** only. There is no need to italicize or underline. Do not change the original order of the agenda; instead, add any additional matters to the end of the amended agenda.
- Counsel is responsible for the timely filing, delivery, correctness, and completeness of the Notice of Agenda and related binder. **Piecemeal delivery is not appropriate**.
- **Late binders may result in a fine for debtor's local counsel.**

Preparation of Agenda

- ✓ Number agenda items consecutively. Do not start with No. 1 at each new section.
  - If your agenda has items 1-8, you should have tabs 1-8 with the documents related to that tab's item filed behind it.
  - Include stay motions and adversary proceedings in the above sections. Do not create a separate section for these matters.
- ✓ Include response deadline and any extensions.
  - If a response does not appear to have been filed with the court, this should be so noted on the agenda and a copy provided in the binder.
- ✓ Index of Pleadings from Fee App Binder may be attached to Agenda as an exhibit for Uncontested Fee Apps.
- ✓ Index of Pleadings from Objection to Claims binder may be attached to Agenda as an exhibit.
  - List Objections in order they appear on the docket.
  - List Objections to Claims and Responses in either the Uncontested Going Forward or Contested Matters Going Forward section.
  - Include detailed Status of ALL claims included in Omnibus Objections.

First Day Hearing Binder

All Binders Submitted to this Court
Must Follow These Guidelines

In addition to the information on this page, binders submitted to this court **must** follow the guidelines on the Binder Basics page.

Click here to review those guidelines.

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- Deliver binder to third floor clerk's office immediately after e-filing. Click here for directions to the clerk's office.
- If filed after hours, binder must be delivered **at** 8:00 a.m. the following business day.
- If Judge has been assigned, deliver the binder to Judge's Chambers. **NOTE:** Some Judges require two copies of this binder. Click here to learn about your Judge's requirements.
- Keep Chambers abreast of any changes that are coming. Click here for Chamber's contact information.

Fines may be levied for binders that do not follow the requirements in this Reference Guide.
Click here to see if your Judge has special requirements for this binder.

Important Details

- Bring to court a copy of each order with related docket number written in the caption. *Example:*
  Case No. 09-10465 (KG)
  Re: Docket No. 1149
- Documents should not be stapled. Bind multi-page orders to be handed up with a clip.
- Proposed orders should be flagged.
- CNO's should not be in first day binder.
- Your exhibits should be tabbed and pre-labeled.
- Do not deliver drafts of first day motions to the Clerk's office or chambers. They are to be delivered in final form only after those motions have been filed.

Preparation of First Day Hearing Binder

- ✓ Index of Pleadings should be first document.
- ✓ Include all petitions.
- ✓ A proposed budget must be included in the first day hearing binder.
- ✓ Include all motions with copies of all proposed orders; docket reference number of the motion is to be listed in the caption of the order under the case number.
  Example:
  Case No. 09-10465 (KG)
  Re: Docket No. 1149
- ✓ Include Declaration in support of First Day Motions.
- ✓ Each document to be tabbed corresponding with Index.

CNO Binders

All Binders Submitted to this Court
Must Follow These Guidelines

In addition to the information on this page, binders submitted to this court **must** follow the guidelines on the Binder Basics page.

Click here to review those guidelines.

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- This binder must be delivered to Chambers no later than 12:00 Noon, two (2) business days prior to hearing date.
- You must call Chambers to get permission if this binder is going to be late. Failure to do so could result in a fine. Click here for Chamber contact information.

Fines may be levied for binders that do not follow the requirements in this Reference Guide.
Click here to see if your Judge has special requirements for this binder.

Important Details

- A separate CNO binder shall be delivered by the debtor or trustee with the hearing binder and Notice of Agenda containing any uncontested matters where certificates of no objection have been timely filed.
- No parties other than Debtor's Counsel or Counsel to the Trustee should submit CNOs for Matters listed on Agenda.

Preparation of CNO Binder

- ✓ Agenda should be the first document in this binder.
- ✓ For all motions on Agenda to which no response has been filed, include a copy of CNO and a separate proposed order.
- ✓ Docket number and date filed must be written on the bottom right corner of first page of all documents EXCEPT Orders, where docket reference number of the motion is to be listed in the caption. *Example:*

  Case No. 09-10465 (KG)
  Re: Docket No. 1149
- ✓ Each document should be tabbed corresponding to Agenda, e. g. (1) Motion, (a) CNO, (b) Proposed Order.
- ✓ Certification of Counsel should be included in CNO binder if replacing a CNO.

Matters Going Forward

All Binders Submitted to this Court
Must Follow These Guidelines

In addition to the information on this page, binders submitted to this court **must** follow the guidelines on the Binder Basics page.

Click here to review those guidelines.

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- This binder must be delivered to Chambers no later than 12:00 Noon, two (2) business days prior to hearing date.
- You must call Chambers to get permission if this binder is going to be late. Failure to do so could result in a fine. Click here for Chamber contact information.

Fines may be levied for binders that do not follow the requirements in this Reference Guide.
Click here to see if your Judge has special requirements for this binder.

Important Details

- Bring to Court a copy of each order with related docket number written in the caption.
  Example:
  Case No. 09-10465 (KG)
  Re: Docket No. 1149

Preparation of Matters Going Forward Binder

- ✓ Agenda should be the first document in this binder.
- ✓ Each document to be tabbed according to Agenda, e.g. Agenda item 1 = tab 1 with all material relating to that item organized behind it.
- ✓ Include all Matters Going Forward with proposed orders.
- ✓ Docket number and date filed must be written on the bottom right of the first page of all documents **EXCEPT** Orders, where docket reference number of the motion is to be listed in the caption.

Fee Applications Binders

All Binders Submitted to this Court
Must Follow These Guidelines

In addition to the information on this page, binders submitted to this court **must** follow the guidelines on the Binder Basics page.

Click here to review those guidelines.

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- This binder must be delivered to Chambers no later than 12:00 Noon, one (1) week prior to hearing date.
- You must call Chambers to get permission if this binder is going to be late. Failure to do so could result in a fine. Click here for Chamber contact information.
- Fee Application binders will be returned if matters do not go forward and shall be resubmitted at the appropriate time for the rescheduled hearing.

Fines may be levied for binders that do not follow the requirements in this Reference Guide.
Click here to see if your Judge has special requirements for this Binder.

Important Details

- List fees separately at the end of the agenda under a "Fee Applications" title.
- Counsel responsible for the agenda must prepare a chart of fees requested and approved to date by all Court-approved professional firms. Such chart shall be submitted to chambers at the time the fee application binders are delivered. *The chart shall include the following information for each firm:*
  - 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.
  - vi. Amounts of any voluntary reductions.

  In addition, the chart shall include a grand total of all professional fees and expenses in the case.

Preparation of Fee Applications Binder

- ✓ Index of Pleadings should be the first document in this binder.
- ✓ Each document must be tabbed corresponding to the Index.
- ✓ Include any objections to the fee.
- ✓ Include interim/monthly fee apps with CNOs and respective quarterly fee apps along with any CNOs related to the quarterly fee apps.
- ✓ Fee apps must be grouped by firm in accordance with Index. Please do not submit a separate fee binder for each professional.

Objections to Claims Binders

All Binders Submitted to this Court
Must Follow These Guidelines

In addition to the information on this page, binders submitted to this court **must** follow the guidelines on the Binder Basics page.

Click here to review those guidelines.

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- This binder must be delivered to Chambers no later than 12:00 Noon, two (2) weeks prior to hearing date.
- You must call Chambers to get permission if this binder is going to be late. Failure to do so could result in a fine. Click here for Chamber contact information.

Fines may be levied for binders that do not follow the requirements in this Reference Guide.
Click here to see if your Judge has special requirements for this binder.

Important Details

- If the Objection is nonsubstantive, then copies of the proofs of claim need not be provided to the Court, except that proofs of claim and any attached supporting documentation relating to an Objection based on Local Rule 3007-1(d)(vi) (i.e., a claim without any supporting documents) shall be provided to the Court as set forth in Local Rule 3007-1(e)(iv)(A)-(C).
- When the Objection is substantive, a copy of the proofs of claim and all supporting documentation shall be provided to the Court as follows:

  i. Proofs of claim shall be in a binder and separated by tabs;

  ii. Proofs of claim shall be in the order as listed in the exhibit(s), with additional tabs indicating to which exhibit the claims relate;

  iii. At least fourteen (14) days before the hearing on the Objection, a Notice of Submission of Proofs of Claim is to be filed and delivered to the respective Judge's chambers with copies of the claims (with all attachments) along with the Objection to those claims. The Notice of Submission of Proofs of Claim stating that the claims have been delivered to chambers and that copies can be requested from objector's counsel shall be served upon all parties requesting notice under Fed. R. Bankr. P. 2002.

Preparation of Objections to Claims Binder

- ✓ Index of Pleadings should be the first document in this binder.
- ✓ Include omnibus objections with any claims that are going forward.
- ✓ Include responses to objections if available at the time of submission.
- ✓ Include Declaration of Claims Agent.
- ✓ Each document must be tabbed corresponding to the Index.
- ✓ 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.

Exhibits Binders

All Binders Submitted to this Court Must Follow These Guidelines

- Maximum binder width is three (3) inches. If you submit a larger binder, you risk having it returned.
- Binders should be loosely filled. Please do not overstuff. Use multiple binders instead.
- Binders should be concise and neat and in good condition. Make sure clasps are secured.
- You must provide chambers with two sets of exhibit binders. NOTE: Additional sets of binders will be required for witnesses and counsel.

In addition to the information on this page, binders submitted to this court **must** follow the guidelines on the Binder Basics page.

Click here to review those guidelines.

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Fines may be levied for binders that do not follow the requirements in this Reference Guide.
Click here to see if your Judge has special requirements for this binder.

Important Details

Front and Spine of All Binders Must be Labeled as Follows:

- Title of Binder
- Case Name and Number
- Hearing Date and Time
- Firm Name
- Number Sequence if Multiple Binders. The exhibits included in the binder must be noted on front and spine.
  Example: Binder 1 of 3
  Exhibits 1-20

These binders may not be returned immediately after hearings.

You will be contacted by chambers when it is time to pick them up.

Preparation of Exhibits Binder

- ✓ Do not staple multi-page exhibits.
- ✓ Each binder should have a copy of the Index as its first page.
- ✓ Tab each exhibit according to the order of the Index.
- ✓ Each exhibit must be pre-marked in the bottom right hand corner.
  Example: Plaintiff Exhibit 1
  Debtor Exhibit 1

Notice of Completion of Briefing Binder

All Binders Submitted to this Court Must Follow These Guidelines

In addition to the information on this page, binders submitted to this court **must** follow the guidelines on the Binder Basics page.

Click here to review those guidelines.

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- This binder is due to chambers immediately upon filing the Notice of Completion of Briefing.
- It is not necessary to contact chambers regarding this binder. Chambers will contact counsel if any additional action is required.

Fines may be levied for binders not following the requirements in this Reference Guide. Click here to go to Binder Basics for instructions in binder size and assembly. Click here to see if your Judge has special requirements for this binder.

Important Details

- Chambers won't be abreast of the matters you want considered until this binder has been delivered to them.
- In Adversary Proceedings, once briefing is completed, the movant shall file a Notice of Completion of Briefing, which shall include a list of all relevant pleadings and related docket numbers. Counsel shall then deliver a binder with the relevant pleadings to chambers.

Preparation of Binder

- ✓ An Index of related matters should be the first page.
- ✓ The Index should include a list of original motions, answers, replies, and any related documents,
- ✓ The original docketed pleadings and related documents referenced in the Index should be tabbed according to the order in which they are listed in the Index.

General Chambers Procedures

Click on the links below to be taken to these pages on our website.

- Adversary Proceedings
- Agendas and Binders
- Cell Phones
- Fee Applications
- General Provisions
- Hearings
- Local Rules
- Matters Not Requiring a Hearing
- Objections to Claims
- Pleadings
- Settlement Agreements
- Telephonic Appearances
- Transcripts
- Use of Court Equipment for Hearings

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Chambers Contact Links

Judge's Chambers may have specific requirements for the way binders are to be submitted to their chambers.

Click on links below to read about the requirements for the Judge who will hear your case.

- The Honorable Kevin Gross, Chief Judge
- The Honorable Kevin J. Carey
- The Honorable Judith K. Fitzgerald
- The Honorable Brendan L. Shannon
- The Honorable Christopher S. Sontchi
- The Honorable Mary F. Walrath
- The Honorable Peter J. Walsh

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