

CHAMBERS PROCEDURES FOR JUDGE J. KATE STICKLES

(Effective May 10, 2022; Revised November 1, 2022)

Courtroom Deputy: Al Lugano (al_lugano@deb.uscourts.gov)

Judicial Assistant: Paula Subda (paula_subda@deb.uscourts.gov)

Except as set forth below, the General Chambers Procedures, updated January 28, 2022, shall govern all procedural aspects of cases before the Court.

Scheduling and Hearing Procedures

Hearings

All hearings will take place in person other than status conferences, scheduling conferences, pretrial conferences, discovery hearings, fee hearings or first-day hearings, which will be conducted remotely (unless, in view of the circumstances of the case, the Court directs otherwise).

All participants at an in-person hearing are required to attend in person, except that remote participation at an in-person hearing is permitted in the following circumstances: (i) counsel for a party or a pro se litigant that files a responsive pleading and intends to make only a limited argument; (ii) a party or a representative of a party that has not submitted a pleading but is interested in observing the hearing; (iii) any party that is proceeding, in a claims allowance dispute, on a pro se basis; or (iv) other extenuating circumstances that warrant remote participation as may be determined by the Court.

Zoom Hearing Registration

Parties participating in hearings via zoom are required to register for the hearing no later than 4:00 p.m. the day prior to the scheduled hearing by using the Zoom link provided on the hearing agenda. The deadline to register for first day and emergency hearings is two hours prior to the hearing. See Hearing Registration form available on the Court's website. All participants must use their full names when registering and logging into Zoom or will not be granted access to the hearing.

Persons without internet access may contact Chambers staff to request a toll-free number to appear telephonically at a hearing. Please contact Chambers staff at least one business day prior to the scheduled hearing.

A Zoom hearing is an official court proceeding and appropriate conduct and courtroom attire is required. Disruptions or inappropriate behavior may result in removal. Under no circumstances may any Zoom participant photograph, record, or broadcast the proceedings or the participants.

Omnibus Hearings

Omnibus hearings are scheduled for one hour. If the parties anticipate needing additional time, please contact Chambers.

Request for Expedited Hearing

To request an expedited hearing, counsel is required to file a motion for shortened notice concurrent with filing the underlying motion seeking substantive relief. The motion requesting shortened notice shall include the averment of Delaware Counsel as required by Del. Bankr. L.R. 9006-1(e).

Agendas and Binders

Hearing Agenda

The “status” of a matter listed on a hearing agenda must indicate whether the matter is going forward, whether a continuance is requested (and whether such continuance is opposed), whether any or all of the objections have been resolved and any other pertinent status information, including whether the presentation of witness(es) is expected, and, if so, the identity of the witness(es), and the party presenting the witness(es). Counsel responsible for submitting the agenda shall consult with other parties in interest to identify all witnesses that will be presented.

Hearing Binders and Completion of Briefing Binders

Notices of Agenda and Notices of Completion of Briefing must contain a hyperlink to all referenced pleadings. In addition, a binder containing the relevant pleadings must be delivered to Chambers. See Quick Reference Guide to Agendas and Hearing Binders. All pleadings included in a binder should reference the docket number and date filed.

Fee Application Binders

A binder containing fee applications under consideration, including supporting documentation, must be delivered to Chambers. In addition, a single consolidated electronic binder, in a searchable PDF file, containing copies of all fee applications under consideration, including supporting documentation such as individual monthly fee applications, should be provided to Chambers. All pleadings included in a fee binder should reference the docket number and date filed.

Hearing on Interim and Final Fee Applications

All estate professionals’ fee applications should be scheduled for hearing on the same omnibus hearing date so as to avoid piecemeal hearings on fee applications.

Proposed Orders

Presentation of Revised Proposed Orders

If a movant intends to present a proposed form of order to the Court that contains revisions to the proposed form of order originally submitted with the pleading, counsel for the movant shall endeavor to provide the Court the revised form of order and redline form of order at least one hour prior to the hearing.

Revised Proposed Order Filed Under Certification

A revised proposed form of order that is submitted under certification of counsel must be accompanied by a redline revised proposed order reflecting all revisions to the proposed order originally submitted with the pleading.

Motions to Appear Pro Hac Vice

Local Form 105 shall be used when filing a pro hac vice motion. A font size of 10 point is acceptable to maintain a single page pleading.

Witnesses and Exhibits

If parties intend to call witnesses at a hearing, they must file and submit their intention to do so at least 48 hours prior to the hearing. The filing must contain the identity of each witness and the scope of the testimony.

All parties intending to introduce documentary evidence must supply a list of exhibits. For exhibits that are on the docket, the party should indicate the applicable docket number. If an exhibit is not on the docket, please supply the exhibit by email, in PDF format, to all relevant parties and to Chambers as soon as possible, but no later than 24 hours before the hearing. If the hearing at which the exhibit is to be introduced will proceed by Zoom, the e-mail to the Court must identify the name of the attorney who will be introducing the exhibit, so that the courtroom deputy may authorize the appropriate counsel to share their screen.

Pretrial and Trial Procedures

Discovery Disputes

Should counsel find that they are unable to resolve a discovery matter, the parties involved shall contact Chambers to advise of the dispute, unless a pretrial order provides otherwise. The party seeking relief from the Court shall file, and deliver to Chambers, a letter, not to exceed five (5) pages, in lieu of a formal motion, outlining the issues in dispute and its position on those issues. Any party opposing the request for relief shall respond by letter, not to exceed five (5) pages in length, in like fashion, no later than 48 hours following receipt of the moving party's letter. After receipt of the response letter(s), the Court will then decide whether to schedule a conference to address the dispute(s) or whether to order that motion practice be followed.

Joint Pretrial Order and Trial Procedures

All adversary proceedings must comply with the General Order re: Pretrial Procedures in Adversary Proceedings Set for Trial Before Judge J. Kate Stickles, available on the Court's website. The goal is to maintain consistency among the judges of the Court and therefore the order is virtually identical to the orders entered by Judge Sontchi and Judge Dorsey.

The parties must notify Chambers as soon as possible if a matter has settled and a Joint Pretrial Order will 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.

Citing Unpublished Legal Authority

When filing a pleading that cites to a ruling from a court outside this jurisdiction, that is not readily available on Lexis or Westlaw (e.g., transcripts containing bench rulings), a copy of the ruling must be attached to the pleading as an exhibit.

Translation of Documents

Any foreign language document offered by a party in a case must be accompanied by an English language translation and a certificate of translation. Any monetary figure reported in a currency other than U.S. Dollars that is submitted to the Court must be accompanied by the value of such monetary figure in U.S. Dollars as of a specified date and exchange rate. For budgets and financial statements, the U.S. Dollar-converted budget or statement shall be appended to any foreign-currency version and specify the exchange rate and date of conversion. The foreign currency must also be adequately identified (e.g., "pesos" is insufficient, but "Mexican Pesos" or "MXN" is sufficient)."