

### **Rule 9029-3 Hearing Agenda and Binders.**

In all chapter 7 asset cases, chapter 11 cases and chapter 15 cases, the counsel for the debtor, the statutory trustee, the foreign representative or the post-confirmation estate representative, as applicable, must file an agenda for each scheduled hearing in the case, in substantial conformity to Local Form 111 and meeting the requirements set forth in subsections (a)-(d). Counsel for the debtor is responsible for submitting to the Court the agenda along with copies of all documents relevant to matters scheduled to be considered by the Court at such hearing in accordance with subsection (e). Absent compelling circumstances, only those items listed on an agenda and the relevant documents timely delivered to the Court will be considered.

#### **(a) General Requirements of Agenda.**

- (i) Delaware counsel must file the agenda for a First Day Hearing immediately after obtaining the date and time from the presiding Judge. Otherwise, Delaware counsel must file the agenda in the bankruptcy case and adversary proceeding, if applicable, on or before 12:00 p.m. prevailing Eastern Time 2 business days before the date of the hearing. Failure to file the agenda timely may subject counsel to a fine.
- (ii) Resolved or continued matters must be listed before unresolved uncontested and contested matters. Unless otherwise authorized by the Court, a matter may only be listed as continued if the movant and all parties with outstanding objections to the matter consent to the continuance. Unresolved matters (and documents within each matter) must be listed in the order of docketing with corresponding docket numbers.
- (iii) If a hearing has been cancelled or rescheduled, the agenda should note the cancellation or rescheduling conspicuously. Counsel cannot cancel or reschedule a hearing without consent of the movant and all parties with outstanding objections, and the permission of the Judge's courtroom deputy.
- (iv) Copies of the agenda must be served upon Delaware counsel who have entered an appearance in the case, as well as all other counsel with a direct interest in any matter on the agenda, substantially contemporaneous with the Court filing.

#### **(b) Motions and Applications Listed on an Agenda.**

- (i) General Information. For each motion, the agenda must provide the title, docket number and date filed. Supporting papers must be similarly listed.
- (ii) Objection Information. For each motion, the agenda shall provide the objection deadline and any objections filed, and provide the docket number and the date filed, if available.
- (iii) Status Information. For each motion, the agenda must provide whether the matter is going forward, whether a continuance is requested (and any opposition to the continuance, if known), whether any or all objections have been resolved and any other pertinent status information, including whether the presentation of live witnesses is expected. If the status of a matter listed on the agenda as going forward

changes (e.g., settled or continued), counsel is required to inform the Judge's chambers immediately and file an amended agenda in accordance with subsection (d).

- (c) Adversary Proceedings. When an adversary proceeding is scheduled, the agenda must indicate the adversary proceeding number in addition to the information required by Local Rule 9029-3(b).
- (d) Amended Agenda. When an amended agenda is necessary, the amended agenda must list matters that are listed in the original agenda, with added matters being listed last and all changes being made in bold print.
- (e) Delivery of Agenda and Hearing Materials to Court.
  - (i) The agenda and any amended agenda, along with copies of all documents relevant to matters scheduled to be considered by the Court at such hearing, must be delivered to the presiding Judge's chambers in accordance with chambers procedures substantially contemporaneous with filing except as otherwise required for Fee Application Binders and Claims Binders.
  - (ii) For Judges requiring a hearing binder, the binder must contain the agenda and copies of all substantive documents necessary for the hearing (e.g., motions and responses). Certificates or affidavits of service should not be included in the hearing binder unless adequacy of service is an issue to be considered by the Court. The binder should not contain documents related to continued or resolved matters. Resolved matters subject to CNOs and CoCs must be submitted in a separate "CNO/CoC Binder".
  - (iii) Hearings on Fee Applications. A "Fee Application Binder" must be delivered to the Judge no later than 12:00 p.m. prevailing Eastern Time 2 weeks before the fee hearing date. All fee applications to be heard at the hearing must be in one separate hearing binder containing an index. The binder may be updated to provide for later-filed objections and/or responses.
  - (iv) Claims Binders. Local Rule 3007-1(d)(vi) governs claims binders required in connection with certain omnibus claims objections.
- (f) For additional requirements regarding the form and contents of agendas and binders, please refer to the "Quick Reference Guide to Agendas and Hearing Binders" located on the Court's website.