

CHAMBERS PROCEDURES FOR

JUDGE THOMAS M. HORAN

(Effective August 11, 2023)

Courtroom Deputy: Danielle Gadson (danielle_gadson@deb.uscourts.gov); (302) 252-2888, Extension 3

Judicial Assistant: Amanda Hrycak (amanda_hrycak@deb.uscourts.gov); (302) 252-2888, Extension 2

Judge Horan follows the General Chambers Procedures, except as set forth below.

Scheduling and Hearing Procedures

All hearings will take place in person other than status conferences, scheduling conferences, pretrial conferences, discovery hearings, fee hearings, which will be conducted remotely (unless the Court directs otherwise). First day hearings will be hybrid in-person/Zoom. All participants (including witnesses) at an in-person hearing are required to attend in person, except that remote participation at an in-person hearing is permitted for: (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) extenuating circumstances that warrant remote participation as may be determined by the Court. Where a hearing is a hybrid in-person/Zoom hearing, Delaware counsel are required to appear in person.

Omnibus Hearings. Hearings are scheduled for one hour. If parties anticipate needing additional time, please make scheduling arrangements with chambers.

Request for Expedited Hearing. To request an expedited hearing, counsel must file a motion to shorten notice. Such a motion should be filed contemporaneously with the motion seeking the relief in question. In addition to being filed on the docket, the motion to shorten notice should also be e-mailed to chambers, copying opposing counsel. Counsel may not set a motion for hearing, on a date that would require shortened notice, before an order shortening time is entered. The motion requesting shortened notice shall include the averment of Delaware counsel as required by Del. Bankr. L.R. 9006-1(e).

Counsel seeking emergency relief are strongly encouraged to contact Judge Horan's chambers to apprise the Court of a matter that requires urgent attention, including the scheduling of an emergency hearing.

Zoom Hearing Registration. When an individual will participate remotely over Zoom, participants 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.

Witnesses and Exhibits

Witnesses and Exhibits. If parties intend to call witnesses and/or introduce exhibits at a hearing, they must file a witness and exhibit list at least 48 hours before the hearing. The filing must contain the identity of each witness and the scope of the anticipated testimony, and list all exhibits. If an exhibit is not on the docket, counsel should supply the exhibit by e-mail, in PDF format, to all relevant parties and to chambers as soon as possible, but no later than 24 hours before the hearing. At the same time, please provide chambers with two copies of each exhibit binder.

Witnesses are expected to appear in person for any in-person or hybrid hearing. All requests for remote participation by witnesses must be emailed to chambers by no later than seventy-two hours prior to the hearing, and explain why the extraordinary relief of permitting a witness to appear by Zoom should be granted.

Agendas and Binders

Hearings. Please provide chambers with virtual, hyperlinked hearing agendas and two physical binders. Agendas must be filed and e-mailed, and binders delivered to chambers, by noon two days before the scheduled hearing. **Please contact chambers if there will be a delay.** If there is an unexplained delay in filing the agenda and submitting hearing binders, the hearing may be delayed or rescheduled. Counsel is encouraged to notify chambers when filing an amended agenda. Please contact chambers prior to scheduling, changing or cancelling a hearing. If a hearing is canceled or changed, counsel should promptly file an amended agenda to inform other parties-in-interest of the change.

Hearing Binders.

Please refer to the [Quick Reference Guide to Agendas and Hearing Binders](http://www.deb.uscourts.gov/sites/default/files/General%20Information/BinderGuide%5B1%5D.pdf), available at <http://www.deb.uscourts.gov/sites/default/files/General%20Information/BinderGuide%5B1%5D.pdf>.

Witness Binders. Counsel shall provide each witness with a physical copy of an exhibit binder, containing all exhibits that counsel intends to use during any direct examination of a witness.

Fee Applications. No later than the date that is two weeks prior to the fee application hearing, please provide chambers with (i) 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; and (ii) a hard copy of the fee binder. When submitting final fee applications, all previously approved fee applications need not be provided, unless there is a dispute regarding a prior interim award. 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.

Claims. Please provide chambers with a binder containing copies of all proofs of claim (with all attachments) along with the objection to those claims.

Completion of Briefing. Notices of Completion of Briefing must be filed containing hyperlinks to all relevant pleadings. After filing, please e-mail chambers a copy of the Notice.

Certificate of No Objection and Certification of Counsel Binders. Please do not send certificate of no objection binders and certification of counsel binders to chambers. When filing a certificate of no objection or certification of counsel, please attach as an exhibit the proposed form of order.

Redlined Documents. All redlined documents supplied to the Court, whether by a filing or in a printed copy delivered to Chambers, shall be in color.

Status conferences in cases under subchapter V

If a party in interest in a case under subchapter V of chapter 11 believes that a status conference with the Court would advance the orderly administration of the case, such party may reach out by email to chambers (copying counsel for other parties in interest) to seek a status conference. Such status conferences typically will be conducted by Zoom.

Discovery Disputes and Case Administration Matters

Should counsel find, after complying with the meet-and-confer obligations set forth in Local Rule 7026-1(a), that a motion to compel discovery, a motion for a protective order, or a motion related to scheduling or other case administration matters needs to be brought to the Court, the parties may submit letters (by filing them on the docket), not to exceed five pages, in lieu of formal motion papers. Counsel shall also e-mail a courtesy copy to chambers and

contact chambers (by phone or email) to seek a hearing date on such a matter. Absent an emergency that would warrant shorter notice, such a hearing will typically be set no less than ten days after the filing of the letter. Any response to a letter or motion must be filed no later than at noon, two days before the hearing. If the exigencies of the circumstances require the Court's immediate attention in a discovery matter, the parties may contact chambers to seek a remote hearing to be set as promptly as practicable. The requirements of the Local Rules and the General Chambers Procedures otherwise apply to discovery disputes.

Joint Pretrial Order and Trial Procedures

Parties to an adversary proceeding or contested matter that will involve discovery and the presentation of evidence are encouraged to submit a proposed Joint Pretrial Order (or, if the parties are unable to agree, to submit competing forms of order).

If a matter settles or is otherwise resolved, counsel should promptly inform chambers and 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 that the parties believe may necessitate the adjournment or other modification of the trial setting.

Citing Unpublished Legal Authority

When filing a motion or brief 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 provided to the Court as an exhibit.

Proposed Orders

Proposed orders will be considered after an e-order has been uploaded. Please refer to the [learning module](#) on the Court's website for assistance in uploading and/or replacing e-orders. For Certificates of No Objection and Certificates of Counsel, please refer to Local Rules 9013-1(j) and 9019-1, respectively. Please confer with chambers to obtain dates before filing a Certificate of Counsel and proposed Omnibus Hearing Date Order.

Motions for Admission Pro Hac Vice

Motions for *pro hac vice* must comply with Local Form 105. A font size of 10 point is acceptable to maintain a single-page pleading.

Redlines of Proposed Orders

If the parties reach an agreement on changes to a proposed order in advance of a hearing, the parties are encouraged to submit a redline showing those changes, where possible, one hour before the start of the hearing.

Courtroom Opportunities for Newer Attorneys

The Court encourages supervising attorneys to allow newer attorneys (those with less than seven years of experience) in-court speaking opportunities. Therefore, the Court provides the following guidelines:

1. After a motion is fully briefed (in either a contested matter or an adversary proceeding), a party may alert the Court that it intends to have a newer attorney argue the motion (or a portion of the motion). The party may advise the Court of such intent by filing a notice on the docket of the case or adversary proceeding.
2. If such notice is given, the opposing party is encouraged, but not required, to designate a younger attorney to present its case and to file a notice to such effect.
3. Whenever a younger attorney has been designated to argue a motion under this procedure, the Court will permit more experienced supervising counsel to assist the younger attorney where appropriate during the course of oral argument.

The Court particularly encourages debtors to provide opportunities to newer attorneys to present first day motions in chapter 11 cases.

