# Honorable Robert E. Nugent

Wichita Motion and Ch 13 Confirmation Docket Calendar

*****03/03/2020 REVISION**January through June 2020***

**January**

| S | M | T | W | T | F | S |
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**February**

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**March**

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**April**

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**May**

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**June**

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| Month | Docket Setting | Obj Cut-Off |
|---|---|---|
| **January** | | |
| 09 at 9:00 a.m. | Ch 7 Motions | 12/30/19 |
| 09 at 10:30 a.m. | Ch 11/12 Motions | 12/30/19 |
| 09 at 1:30 p.m. | Ch 13 Motions | 12/30/19 |
| 09 at 2:30 p.m. | Ch 13 Confirmations | 12/30/19 |
| **NACTT Mid-Year Mtg – Washington, DC (1/23/20 – 1/25/20)** | | |
| 22 at 10:30 a.m. | Stay Relief All Chapters & Any Ch 13 Motions | 01/13/20 |
| **February** | | |
| 06 at 9:00 a.m. | Ch 7 Motions | 01/27/20 |
| 06 at 10:30 a.m. | Ch 11/12 Motions | 01/27/20 |
| 06 at 1:30 p.m. | Ch 13 Motions | 01/27/20 |
| 06 at 2:30 p.m. | Ch 13 Confirmations | 01/27/20 |
| 26 at 10:30 a.m. | Stay Relief All Chapters & Any Ch 13 Motions | 02/17/20 |
| **March** | | |
| 11 at 9:00 a.m. | Ch 7 Motions | 03/02/20 |
| 11 at 10:30 a.m. | Ch 11/12 Motions | 03/02/20 |
| 11 at 1:30 p.m. | Ch 13 Motions | 03/02/20 |
| 11 at 2:30 p.m. | Ch 13 Confirmations | 03/02/20 |
| ***(Monthly counsel luncheon has also been moved to 3/11)*** | | |
| 25 at 10:30 a.m. | Stay Relief All Chapters & Any Ch 13 Motions | 03/16/20 |
| **April** | | |
| 09 at 9:00 a.m. | Ch 7 Motion | 03/30/20 |
| 09 at 10:30 a.m. | Ch 11/12 Motions | 03/30/20 |
| 09 at 1:30 p.m. | Ch 13 Motions | 03/30/20 |
| 09 at 2:30 p.m. | Ch 13 Confirmations | 03/30/20 |
| 29 at 10:30 a.m. | Stay Relief All Chapters & Any Ch 13 Motions **(**Hearing Date Reinstated 03/03/2020)** | 04/20/20 |
| **May** | | |
| 14 at 9:00 a.m. | Ch 7 Motions | 05/04/20 |
| 14 at 10:30 a.m. | Ch 11/12 Motions | 05/04/20 |
| 14 at 1:30 p.m. | Ch 13 Motions | 05/04/20 |
| 14 at 2:30 p.m. | Ch 13 Confirmations | 05/04/20 |
| 27 at 10:30 a.m. | Stay Relief All Chapters & Any Ch 13 Motions | 05/18/20 |
| **June** | | |
| 11 at 9:00 a.m. | Ch 7 Motions | 06/01/20 |
| 11 at 10:30 a.m. | Ch 11/12 Motions | 06/01/20 |
| 11 at 1:30 p.m. | Ch 13 Motions | 06/01/20 |
| 11 at 2:30 p.m. | Ch 13 Confirmations | 06/01/20 |
| ***Annual KBA Mtg – Wichita, KS (06/10/20 – 06/12/20)*** | | |
| 24 at 10:30 a.m. | Stay Relief All Chapters & Any Ch 13 Motions | 06/15/20 |

**Hearing Location**

All motions in Judge Nugent's cases are held in Courtroom 150. **NOTE:** Monthly Bankruptcy Counsel luncheons are held at noon at the Wichita Bar Association on the first docket date each month. (See yellow underlined dates.)

****See Next Page For Additional Information**. Document may be viewed on www.ksb.uscourts.gov website. Select the Motions Docket & Court calendars link. Judge Nugent's Wichita Court Dates and Information are located on the bottom right-hand side of the page.

**July**

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**August**

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**September**

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**October**

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**November**

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**December**

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3rd Revision Date 3/3/2020; **2nd Revision Date 1/27/2020 To Change 3/12/2020 Dockets to 3/11/2020; ~~Revised 1/7/20 (cancelled 4/29/20 setting)~~**

## **ADDITIONAL NOTES FROM CALENDAR PAGE

All motions for a particular chapter should be noticed to the hearing time set forth for the chapter on the first docket day of the month.

## STAY/DISMISSAL DOCKET CRITERIA

Absent prior consent of Judge Nugent, the following are the only types of matters eligible to be noticed for the **second docket day** each month known as the Stay Relief/Ch 13 Dism Docket day .

- Motions For Relief From Stay - **All Chapters** [includes motions for relief which are combined with other relief types such as adequate protection, abandonment, etc.]
- Chapter 13 Trustee Motions To Dismiss (**Chapter 13 cases only**)

## OBJECTION CUT-OFF DEADLINES

Movants may establish objection deadlines for a particular motions docket any time prior to the Objection Cut-Off Date so long as proper notice has been given pursuant to Fed. R. Bankr. P. The objection Cut-Off Date will always fall on the **Monday** of the **week prior** to the particular Motions Docket or Stay Relief/Ch 13 Dism Docket day ***unless otherwise specified*** in the calendar information.

## 2020 CLERK'S OFFICE HOLIDAY OBSERVANCE CLOSINGS

New Year's Day - 01/01/20
Martin Luther King Holiday - 01/20/20
Presidents Day Holiday - 02/17/20
Memorial Day - 05/25/20
Independence Day - 07/03/20
Labor Day - 09/07/20
Columbus Day - 10/12/20
Veterans Day - 11/11/20
Thanksgiving - 11/26/20
Christmas - 12/25/20

UNITED STATES BANKRUPTCY COURT
DISTRICT OF KANSAS
OFFICE OF THE CLERK
167 U.S. Courthouse
401 North Market
Wichita, Kansas 67202
Telephone: (316) 315-4110

# NOTICE TO COUNSEL REGARDING YEAR 2020 MOTION DOCKET CALENDAR AND INSTRUCTIONS FOR NOTICING HEARINGS IN JUDGE NUGENT CASES AT WICHITA, KANSAS

***(Applicable to hearings for January - June, 2020)***

Attached is the Year 2020 calendar established for ***non-evidentiary*** hearings before the Honorable Robert E. Nugent at Wichita, Kansas, pursuant to D. Kan. LBR 9013.2 of the Rules of Practice and Procedure for the United States Bankruptcy Court for the District of Kansas. **Motions or objections filed in cases assigned to Judge Nugent are to be scheduled for these docket dates in Room 150, U.S. Courthouse, 401 N. Market, Wichita, Kansas,** and must be noticed by counsel giving sufficient time to comply with the Bankruptcy Code, Fed. R. Bankr. P. 2002, and the Local Rules of Practice and Procedure. Motions which require additional noticing time under the Bankruptcy Code, Fed. R. Bankr. P. 2002, or the Local Rules of Practice and Procedure **must comply with such requirements.** Counsel may be required to re-notice any motion not in compliance with the rules. Instructions for scheduling motions under this rule and proposed sample forms for your use are also attached. Counsel should also refer to D. Kan. LBR 5005.1 for guidance in complying with the district's electronic filing requirements.

If counsel becomes aware that the hearing time will require more than fifteen (15) minutes, counsel should advise the Clerk's office stating that additional time may be needed for the hearing; however, this will not delete the matter from the docket. The matter will be specially set for a future date if the Court finds it necessary. The stay and motions dockets are not designed for evidentiary hearings unless specifically granted by the Court.

**Objection cut-off deadlines are included in the calendar. These deadlines (*with the exception of holidays*) are on the *Monday* the week prior to the established hearing dates. Notices which contain objection deadlines after the cut-off deadline *will not* be placed on that month's docket. All notices must include the actual date of the objection deadline. Objection deadlines set out merely as "21 days" will no longer be processed.**

**Note: Counsel are responsible for scheduling hearings using the appropriate calendar for Motions filed in Judge Nugent or Judge Somers cases that are filed in Wichita. If counsel is uncertain to whom a case is assigned, clarification may be obtained from the PACER or VCIS information systems, or from the Clerk's Office.**

# WICHITA, KANSAS YEAR 2020
# MOTIONS DOCKET *AND* CHAPTER 13 CONFIRMATION CALENDAR INSTRUCTIONS

## 1. HEARING DATES AND TIMES

### A. Motions Dockets:

The Court will conduct a docket day for the purpose of hearing all chapter specific Motions on the ***second Thursday* of each month** (Except as noted on the Wichita Motion and Chapter 13 Confirmation Docket Calendar For The Year 2020). Please refer to that calendar for hearing dates, times, and cut-off deadlines for **all motions**. ***[All hearings will commence at the specified chapter start time, unless otherwise noted.]*** Attendance by counsel is mandatory unless the parties submit an agreed Journal Entry to the Court at least one (1) business day prior to the hearing. Failure to appear may result in sanctions, the dismissal of your motion, or the granting of other default relief. Counsel who are prepared to state matters as resolved at the Stay/Dismissal Day docket will be provided an opportunity to make their announcement prior to commencement of the docket call. Counsel may be excused at that point, if they have no further pending matters scheduled to be brought before the court at that time.
**Chapter 7 Motions** will be heard at **9:00 a.m.**
**Chapter 11/12 Motions** will be heard at **10:30 a.m.**
**Chapter 13 Motions** will be heard at **1:30 p.m.**

### B. Chapter 13 Confirmation Day:

The Court will conduct a Chapter 13 confirmation hearing docket on the ***second Thursday* of each month**, unless otherwise noted. Please refer to the Motions Docket and Chapter 13 Docket Day calendar for hearing dates and times. The objection deadline cut-off for miscellaneous motions is also set forth in the calendar; however, objections to confirmation of an original plan *must be filed no less than* 10 *days prior to the confirmation date.*
**Chapter 13 Confirmation Hearings** will be heard at **2:30 p.m.**

### C. Stay Relief All Chapters & Any Chapter 13 Motions Docket Day:

The Court will generally conduct a **second motions docket on the *last Wednesday* of each month** (Except as noted on the Wichita Motion Docket and Chapter 13 Confirmation Docket Calendar for the Year 2020). Please refer to that motion calendar for hearing dates, times, and cut-off deadlines for all stay relief motions in *any chapter* and *any* Chapter 13 motions and the related objections. All hearings on this *second docket day each month* will commence at 10:30 a.m., unless otherwise noted. Attendance by counsel is mandatory unless the parties submit an agreed Journal Entry to the Court at least one (1) business day prior to the hearing. Failure to appear may result in sanctions, the dismissal of your motion, or the granting of other default relief.
**Stay Relief All Chapters & Any Chapter 13 Motions** will be heard at **10:30 a.m.**

**2. PROCEDURE**

In addition to the motion, counsel will also be required to prepare (1) a Notice form as set out in paragraphs A or B below, and (2) a Certificate of Service of the motion and notice to opposing counsel, the panel trustee, U.S. Trustee, and all parties required by the Rules to be noticed. The two types of notices are described below and sample forms are attached. For use in adversary proceedings, the forms must be modified to comply with Fed. R. Bankr. P. 7010.

(**A.**) **NOTICE WITH OPPORTUNITY FOR NON-EVIDENTIARY HEARING (*Sample A*):** This form will be sent with a copy of the motion. It states that unless an objection is filed in writing with the Clerk of the U.S. Bankruptcy Court on or before the date of the objection deadline, the motion will be granted by entry of an order to be prepared and submitted by counsel for movant within fourteen (14) days of the objection deadline. NO court hearing is necessary unless an objection is timely filed. If an objection is timely filed, the motion will be heard at the date and time shown on the notice, provided counsel has complied with all noticing instructions. No objection date may extend past the objection cut-off deadline as noted on the hearing calendar. Any untimely-filed objections will be brought to the Court's attention.
***CM/ECF Docket Event: Bankruptcy > Notices > Objection Deadline***

(**B.**) **NOTICE OF NON-EVIDENTIARY HEARING ON MOTION (*Sample B*):** This form will be sent with a copy of the motion, which places the matter directly on the motions docket. An objection deadline of at least seven (7) business days prior to the hearing date must be established and the specific date thereof set out within the notice. With this type of notice, the issue(s) will be heard unless an agreed journal entry is filed or the Court directs that the matter should be set for pre-trial or evidentiary hearing. Counsel for movant must give parties fourteen (14) days notice prior to the motions docket, except where additional notice time is required by the Bankruptcy Code, the Fed. R. Bankr. P., or the Local Rules of Practice and Procedure. No objection deadline may extend past the objection cut-off deadline as noted on the hearing calendar, and no motion filed after the cut-off deadline will be placed on the docket for that month. Counsel for movant will be expected to appear for the scheduled hearing unless an agreed journal entry executed by all parties is submitted 24 hours in advance.
***CM/ECF Docket Event: Bankruptcy > Notices > Hearing***

**3. MOTIONS FOR RELIEF FROM STAY UNDER 11 U.S.C. § 362(d) / THIRTY DAY REQUIREMENTS OF 11 U.S.C. § 362(e)**

Motions for Relief from Stay may be accompanied by a Notice With Opportunity for Non-evidentiary Hearing or a Notice of Non-evidentiary Hearing which places the matter directly on the court's motions docket. A motion for relief from stay may be combined with a request for adequate protection. The inclusion in the motion of a request for any other relief or the setting of such motion pursuant to D. Kan. LBR 9013.2 for a docket more than thirty (30) days from filing of the motion shall constitute a waiver of the thirty (30) day requirement of 11 U.S.C. § 362(e). *See* D. Kan. LBR 4001(a).1(b). Any hearing on a motion for relief from stay appearing on the Stay Day docket within such thirty (30) days shall be considered a preliminary hearing and movant's failure to request that the final hearing be concluded within thirty (30) days thereafter shall constitute a similar waiver. *See* D. Kan. LBR

4001(a).1(b). Creditors seeking to shorten or eliminate the fourteen (14) day stay pursuant to Fed. R. Bankr. P. 4001(a)(3) should include in *both* their *motion and proposed order* a concise statement of the basis for shortening or eliminating the stay. The Court, as a matter of course, will not grant relief from the fourteen (14) day stay of an Order Granting Relief from the Automatic Stay as is provided for in R. 4001(a)(3).

**4. FILING REQUIREMENTS**

Required filing fees must accompany the motion. These procedures will have no effect on the filing fees required by 28 U.S.C. § 1930. No stipulated order will be accepted without the prior filing of a motion. The attorney for the movant must amend and promptly notify all parties of any errors made in noticing of hearings of the docket calendar by filing the appropriate amended notice.

**5. SUBMISSION OF ORDERS**

All orders submitted to the Court for signature should have a four inch margin at the top of the first page only. All other pages of the order will have a top margin of one inch. The document should be formatted to an exact 8.5 x 11" size. A line for the date and a signature line for the judge is omitted. All orders will be signed electronically by the judge in the space provided by the four inch margin on the first page. Three pound symbols (###) should be centered in the middle of the page between the text of the order and the attorney submission/approval signature blocks. Attorney signatures are to be filed electronically with the signature represented by an "**s/**" *and* **the name** typed in the space where a signature would otherwise appear, or as a scanned image of the signature(s). A hearing date should be included in the body of the order only if there has been an actual hearing. If the order is submitted on a matter noticed out with opportunity for hearing, no objections filed and no hearing held, the order should so recite. All orders must have the following information at the top of a page bearing only signatures: 1) Name of court; 2) Case caption, case number and chapter; and 3) Name or caption of the order and page number. The orderly administration of the Court's business requires that orders be promptly submitted and entered. Unless otherwise directed, orders are due fourteen (14) days from expiration of the objection deadline. The Clerk will monitor the timely submission of all orders and follow up on the same. Failure to submit Orders within fourteen (14) days will result in the Clerk's office issuing a "Notice Of Deadline for Submission of Order Due." Failure to comply with this guideline, L.B.R. 9074.1, and the Notice of Deadline may result in immediate dismissal of the matter in question, an order to show cause, or, where appropriate, other sanction.

**6. NOTICING REQUIREMENTS**

All notice and objection deadlines must comply with the requirements of the Bankruptcy Code, the Fed. R. Bankr. Procedure, and the Local Rules of Practice and Procedure. Reference to the following Fed. R. Bankr. P. will be helpful:

**2002**. Notices to Creditors, Equity Security Holders, United States, and U.S. Trustee.
(a) Twenty-one (21) day Notices to Parties in Interest (all creditors, etc.).
(b) Twenty-eight (28) day Notices to Parties in Interest (all creditors, etc.).
**9006**. Time. (a) Computations. (b) Enlargement. (c) Reduction.
**2018-2019 Norton Bankruptcy Rules, pp. 1369 - 1375 (Thomson Reuters), Appendix A to Bankruptcy Rules re: Time Frames Under the Fed. R. Bankr. P.**



**7. MISCELLANEOUS PROCEDURAL CONCERNS**

(A). The name, address, telephone number, e mail address, and State Supreme Court number of each attorney shall be typed or printed under all signatures on any pleading submitted in this Court.

(B). Counsel are reminded that Rule 11 of the Federal Rules of Civil Procedure as is made applicable to bankruptcy applies to all pleadings. Attorneys signing pleadings that do not state a valid legal or factual basis may be subject to sanctions. **"General denial" objections are strictly discouraged.**

(C). A hard copy of Judge Nugent's Wichita Stay/Dismissal Docket and Motions Docket dates and times may be obtained from the Bankruptcy Clerk's office in Wichita or printed from the Court's website (www.ksb.uscourts.gov)

**IT IS SO ORDERED.**

**s/ ROBERT E. NUGENT**
**UNITED STATES BANKRUPTCY JUDGE**