

DOCKETS, HEARINGS, AND TRIALS – INCLUDING EXPEDITED HEARINGS

- **Regular Monthly Dockets (Chapters 7, Chapter 13 Miscellaneous and Confirmation, Chapters 11 and 12, and Stay Relief)** – Counsel who are not based out of the area should attend **in person**. If not able to attend in person, attorneys who have co-counsel are encouraged to arrange courtroom coverage. Out-of-area counsel may appear by Zoom Audio (see posted instructions for “Remote Participation and Attendance”). Unless the Court directs otherwise, all pro se parties may appear by Zoom Audio if attending in person would cause a hardship, such as having to miss work.
- **Status, Scheduling, and Pretrial Conferences** – Attendance may be in person or by Zoom Audio (see posted instructions for “Remote Participation and Attendance”). The Court at times may require in-person attendance for these conferences.
- **Continuances of Matters Set on Regular, Monthly Dockets or for Status, Scheduling, or Pretrial Conferences** – Continuances of these matters may be requested by motion or, if the affected parties are in agreement, by contacting the Court at KSBml.Wichita.CRDs@ksb.uscourts.gov . If a motion is filed and it is joint or unopposed, the title and body of the motion should so state.
- **Trials, Evidentiary Hearings, and Oral Argument** – Hearings set for evidence or oral argument (other than minimal argument during a docket) normally require in-person attendance by anyone planning to actively participate. Requests from out-of-area participants to appear remotely and requests for remote participation by witnesses should be communicated to Clerk’s Office staff and will be considered by the Court on a case-by-case basis. Consideration of the request is facilitated by letting staff know if opposing parties have been consulted and if the request is opposed.
 - **Remote Witnesses at In-Person Hearings** – Pursuant to Federal Rule of Civil Procedure 43(a), as made applicable by Federal Rule of Bankruptcy

Procedure 9017, for good cause in compelling circumstances and with appropriate safeguards, the Court may permit testimony in open court by contemporaneous transmission from a different location. If permission from the Court for remote witness participation is not granted during a pretrial conference, the party seeking remote participation by a witness should file a timely motion with sufficient time for the Court to receive any objections and consider the request. Last-minute motions are subject to being summarily denied. Any motion under Rule 43(a) should include the reason(s) the witness requests to appear remotely, the subject matter of the anticipated testimony, the specific location from which the witness seeks to testify, and whether the request is opposed or unopposed by other parties expected to participate in the hearing or trial.

- **Chapter 11 or 12 First-Day Motion Hearings** – Out-of-area counsel are normally allowed to appear remotely. Other participants should appear in person. Coordination should be handled with Clerk’s Office staff as early as possible before the hearing. The Court at times may require all to appear in-person for these hearings.
- **Continuances of Trials, Evidentiary Hearings and Oral Arguments** – These continuances should be requested by motion. If the motion is joint or unopposed, the title and body of the motion should so state.
- **Disputes Resolved Prior to Evidentiary Hearing or Oral Argument** – If a matter scheduled for trial, evidentiary hearing, or oral argument is resolved, please notify the Clerk’s Office as soon as resolution is reached, and if it is the weekend before the hearing, by emailing Judge Herren’s law clerks. If an agreed order or redline version of a proposed or interim order has been approved by the parties, please forward that to Clerk’s Office staff or Judge Herren’s law clerks to assist the Court in deciding if the hearing can be canceled, or if appearances and an announcement are necessary.

- **Expedited Hearings –**

- **Process – *Expedited hearings are normally conducted in person and, unless otherwise directed by the Court, are evidentiary hearings.***

Present any matter to be heard on an expedited basis through a written motion, together with a Motion for Expedited Hearing and a request to shorten notice, along with a proposed Expedited Hearing Order. *See* Fed. R. Bankr. P. 9006(d).

- **A request for expedited hearing will *not* be considered without a written, substantive motion for relief and a written motion for expedited hearing. The motion for expedited hearing should explain why the matter needs to be expedited. *A motion for expedited hearing risks being summarily denied if it does not state: 1) the reason(s) an expedited hearing is necessary; 2) whether the requested relief is interim or final; 3) whether necessary parties have been consulted; and 4) whether the motion to expedite is opposed.***

- **Obtaining a Hearing Date –** Upon filing the motions, for Wichita Division cases the movant should contact the following representative in the Clerk's Office: Division Manager, Annette Albright, at (316) 315-4113; Assistant Division Manager, Sheritha Thompkins, at (316) 315-4115; or, email the Courtroom team at KSBml.Wichita.CRDs@ksb.uscourts.gov to advise them that expedited relief is being sought, an estimated length of time needed for the hearing, and to request a hearing date. If the request for an expedited hearing is approved, counsel will be contacted with the date and time to be included in the expedited hearing order to be uploaded for the judge's signature, and should also contain the hearing location, whether the hearing is in person, and any other relevant information such as remote connection information if remote attendance is approved.
- **Notice –** In addition to complying with the applicable notice and service requirements, e.g., Fed. R. Bankr. P. 7004, 9006 (d), and 9014, movant should directly communicate with counsel for the affected creditor or parties in

interest advising them of the time and place of the expedited hearing and the relief being sought. If a party's attorney cannot be ascertained, counsel should communicate via e-mail, telephone, or fax with an officer or principal of the affected creditor or non-moving interested party, advising that individual of the time and place of the expedited hearing and the relief being sought and obtain information for sending the pleadings via e-mail or fax. In addition to the affected party, be sure to serve all parties requesting notice, and the Chapter 7, 12, or 13 trustee.

- **Remote Attendance** – Requests from out-of-area participants to appear remotely at an expedited hearing should be communicated to Clerk's Office staff and will be considered by the Court on a case-by-case basis.
- **Exhibits (In-person and Zoom proceedings)**
 - **Submission of Exhibits.** No later than three (3) full business days before trial, unless the Court directs a different deadline, all parties shall submit to the clerk's office via e-mail at KSBWichita_Exhibits@ksb.uscourts.gov or via a flash drive all proposed exhibits in PDF format. Each PDF document may contain up to fifty (50) exhibits, with each individual exhibit marked per LBR 9072.1, **bookmarked and paginated** to ensure easy navigation. If exhibits are not properly marked, the Court, at its discretion, may not admit the exhibits. The first page of the PDF file shall be the Exhibit Sheet that accompanies the trial reminder letter and is used to track offering, objections, and admission of exhibits. One paper set of exhibits shall also be delivered to the clerk's office, tabbed, paginated, and in notebooks for witness use at any live hearing and as a file copy.
 - **Exchange of Exhibits and Remote Witnesses** – A complete set of exhibits shall also be delivered by each party to opposing counsel, unrepresented parties, and if applicable, any witness called to testify from a different location than the courtroom ("Remote Witness"). Exhibits provided to Remote Witnesses shall be in paper form, tabbed, paginated and in notebooks. All

exhibits must be clearly legible. Exhibits exchanged between parties can be in any agreed format.

- **Impeachment Exhibits.** Exhibits to be used only for impeachment purposes in a virtual hearing or with a Remote Witness shall be submitted to the Court and other parties via email separately from all other exhibits in a folder conspicuously labeled “For Impeachment Purposes Only,” the contents of which shall be password protected. Upon cross-examination, the impeaching party shall reveal the password so that the applicable pdf file in the “For Impeachment Purposes Only” folder may be accessed.