

**JUDICIAL PRACTICES AND PROCEDURES**  
**U.S. BANKRUPTCY JUDGE PATRICIA M. MAYER**

Judge Mayer assumed office on March 11, 2020. Judge Mayer received her J.D. from Temple University, James E. Beasley School of Law and her B.A. from DeSales University.

The following Practices and Procedures outline protocols for both Judge Mayer's Reading and Philadelphia courtrooms. When not specified otherwise, the practices and procedures are the same for each location.

Sara Roman is Judge Mayer's Courtroom Deputy for both Philadelphia and Reading.

However, Judge Mayer has two (2) ESR's: Keith Borzillo ([Keith\\_Borzillo@paeb.uscourts.gov](mailto:Keith_Borzillo@paeb.uscourts.gov); (610) 208-5047) handles Reading matters and Chris Caruso ([Christopher\\_Caruso@paeb.uscourts.gov](mailto:Christopher_Caruso@paeb.uscourts.gov); (215) 408-2824) handles Philadelphia matters.

**PRELIMINARY GENERAL MATTERS**

*1. Correspondence With the Court*

Judge Mayer discourages unsolicited correspondence from counsel. Judge Mayer will, however, occasionally invite and/or direct counsel to report on the status of matters by email. Otherwise, Judge Mayer will not consider matters raised via correspondence that should be raised properly by motion practice. All correspondence which relates to Judge Mayer's calendar must be directed to the courtroom deputy, Sara Roman: (610) 208-5048; [PMM\\_CRD@paeb.uscourts.gov](mailto:PMM_CRD@paeb.uscourts.gov)

*2. Communications With Law Clerks*

Judge Mayer permits counsel to speak directly with her law clerks, subject to the limitations that law clerks are not permitted to give legal advice or discuss the

merits of pending matters. Scheduling matters should be first taken up with the Judge's courtroom deputy.

3. *Pro Hac Vice Admissions*

Judge Mayer prefers written requests for admission pro hac vice, but will allow such requests to be made orally or in writing at the time of hearing, when in keeping with local rule.

## LITIGATION GENERALLY

1. *Continuances and Extensions*

a. *General Policy*

Judge Mayer is generally liberal with requests for continuances, provided that all parties consent and the matter has not been continued more than three (3) times. Such requests should be made to the courtroom deputy: Sara Roman: (610) 208-5048; [PMM\\_CRD@paeb.uscourts.gov](mailto:PMM_CRD@paeb.uscourts.gov)

b. *Need for Filing Formal Stipulation or Motion*

If all parties consent, requests for continuances will be granted ordinarily as of course without the need for filing a formal stipulation or motion (except in adversary or other matters subject to a scheduling or pretrial order). If a request for a continuance is opposed, the Judge favors resolution of the dispute by a conference call arranged by the parties. Depending upon the nature of the case and its posture, the Judge may require that a written motion be filed in lieu of a conference. The parties should contact the Judge's courtroom deputy to ascertain the Judge's preference in a particular case.

c. *Need for Court Appearance*

If Judge Mayer determines that a written motion is required, she may dispose of a contested continuance request on the papers alone without awaiting a response. The Judge may require a response. Counsel will be advised in advance if a court appearance will be necessary.

2. *Proposed Findings of Fact and Conclusions of Law*

Judge Mayer accepts proposed findings of fact and conclusions of law in contested matters or adversary proceedings only when specifically requested or allowed by the Court. Memoranda of law from the parties are welcome and the Judge may, depending upon the circumstances, refrain from deciding matters from the bench if parties wish to brief certain issues.

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3. Reading of Material Into the Record

Judge Mayer usually will not permit the reading of substantial material into the record.

4. Settlements

a. General Approach and Philosophy

Judge Mayer actively encourages settlement discussions and will participate in video conferences or chambers settlement conferences if all parties in interest agree. Judge Mayer will participate in such conferences only to the extent that her role as fact finder will not be jeopardized if such discussions are unsuccessful. Requests for settlement conferences, whether by Zoom video teleconference or in chambers, should be directed to the Judge's courtroom deputy.

b. Referral of Settlement Negotiations to Another Bankruptcy Judge

When all parties in interest are in agreement and mediation is either inappropriate or has been unsuccessful, a request for a settlement conference with another bankruptcy judge will be entertained.

c. Need for Court Appearance

Settlements should be reported to Judge Mayer's courtroom deputy and the necessary motions for court approval filed in accordance with Fed. R. Bankr. P. 9019 and local rule, as applicable. An objection to a proposed settlement will require a court appearance. Otherwise, if a certification of no response has been filed, counsel may check with the courtroom deputy to determine if an appearance is necessary.

d. Reporting of Settlements

Settlements must be reported to the court at least 24 hours in advance of the hearing on the contested matter. If a settlement is not reported to the court within 24 hours, the parties must appear at the hearing as scheduled.

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## UNCONTESTED MATTERS

When a motion or application is uncontested - no responsive pleading having been filed by the deadline set forth in the Notice of Motion - counsel for the moving party shall file a certificate of no response and notify Judge Mayer's courtroom deputy by telephone that the matter is uncontested. If, however, a moving party is aware that the respondent intends to appear and contest the request for relief (notwithstanding the failure to file a timely response), the moving party is expected to appear at the scheduled hearing.

## APPEARANCE IN COURT

The following are matters in which appearance by counsel is required, even in the absence of objection or response:

1. Motions to withdraw as debtor's counsel;
2. Motions requesting that a dismissal order or order granting relief from the automatic stay include provisions that restrict the filing of new bankruptcy cases or that provide in rem relief;
3. Motions to reconsider or to vacate orders dismissing or closing a case;
4. Motions to impose a stay under 11 U.S.C. §105;
5. Motions to extend stay or impose stay under 11 U.S.C. §§ 362(c)(3) or (c)(4). Debtor(s) shall also appear for hearings in these matters.
6. Motions for sale of property pursuant to 11 U.S.C. § 363;
7. Motions for default judgments in adversary proceedings; and
8. Objections to proofs of claim.

***Requested continuances and proposed settlements must be reported to the court at least 24 hours in advance of the hearing on the contested matter. If a settlement is not reported to the court within 24 hours, the parties must appear at the hearing as scheduled.***

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1. Remote Appearance By Zoom Video Conference (“Zoom”)

Telephonic hearings will no longer be available for any matters before Judge Mayer.

Judge Mayer will allow certain hearings to be held via Zoom pursuant to the parameters and requirements detailed below (which are different in Philadelphia and Reading). However, **all evidentiary hearings will be conducted in person.**

a. Reading Matters

Matters held in Judge Mayer’s Reading courtroom will be held in person unless parties consent to and receive permission to appear via Zoom in advance of the hearing, as detailed below.

- 1) Judge Mayer has implemented a hybrid procedure to accommodate both in-person and remote participation for most *non-evidentiary* hearings. The ability to participate remotely is available only at the discretion of the Court, and it may be rescinded if a party fails to comply with Court directives.
- 2) All chapter 7, 11, and 12 matters scheduled for Tuesdays at 10:00 a.m. or 11:00 a.m. will continue to be conducted **in person.**
- 3) All chapter 13 hearings on Confirmation/Trustee Motions to Dismiss/Motions to Modify Post-Confirmation which are scheduled for Thursday mornings at 10:00 a.m. **will be conducted via Zoom video conference.** A Zoom link will be set each week and placed on the top of the hearing list on Judge Mayer’s webpage. All matters passed by the Chapter 13 Trustee to 11:00 a.m. on the same day will be conducted via that Zoom Link at the start of the 11:00 hearing time.
- 4) All chapter 13 matters regularly scheduled for Thursday at 11:00 a.m. (e.g., Objections to Claims, Motions to Avoid Liens, Motions to Reconsider Court Orders, 9019 motions, etc.) will be conducted **in person.**
- 5) If counsel seeks an exemption from appearing in person, a request to appear via Zoom may be made, **with the consent of opposing counsel**, by notifying Judge Mayer’s courtroom deputy, Sara Roman ([PMM\\_CRD@paeb.uscourts.gov](mailto:PMM_CRD@paeb.uscourts.gov)) **no later than 3:00 p.m. on the day PRIOR to the hearing date.** Any requests submitted after 3:00 p.m. will be **DENIED.**
- 6) If the request for exemption is granted, counsel will receive by email a Zoom link for the hearing. **Courtroom attire and decorum is expected of all participants and a neutral Zoom background is required.**

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b. **Philadelphia Matters**

Matters held in Judge Mayer's Philadelphia courtroom will be held **on Zoom on Tuesdays and in person on Wednesdays**, unless parties consent to and receive permission to appear via Zoom in advance of the hearing, as detailed below.

- 1) All Chapter 13 hearings on Confirmation/Trustee Motions to Dismiss/Motions to Modify Post-Confirmation which **are scheduled for Tuesday afternoon at 1:00 p.m. will be conducted via Zoom video conference**. A Zoom link will be set each week and placed on the top of the hearing list on Judge Mayer's webpage. All matters passed by the Chapter 13 Trustee will be held via the same Zoom link.
- 2) With regard to Wednesday matters in Philadelphia, Judge Mayer has implemented a hybrid procedure to accommodate both in-person and remote participation for most ***non-evidentiary*** hearings. The ability to participate remotely is available only at the discretion of the Court, and it may be rescinded if a party fails to comply with Court directives.
- 3) All chapter 7, 11, and 12 matters scheduled for Wednesdays in Philadelphia at 9:30 a.m. will be conducted **in person**.
- 4) All motions for relief from or to extend the automatic stay scheduled in Philadelphia on Wednesdays at 1:00 p.m. will be conducted **in person**.
- 5) If counsel seeks an exemption from appearing in person, a request to appear via Zoom may be made, **with the consent of opposing counsel**, by notifying Judge Mayer's courtroom deputy, Sara Roman: (610) 208-5048; [PMM\\_CRD@paeb.uscourts.gov](mailto:PMM_CRD@paeb.uscourts.gov) **no later than 3:00 p.m. on the day PRIOR to the hearing date**. Any requests submitted after 3:00 p.m. will be **DENIED**.
- 6) If the request for exemption is granted, counsel will receive via email a Zoom link for the hearing. **Courtroom attire and decorum is expected of all participants and a neutral background is required.**

2. **Zoom Procedures Which Are Applicable To Both Reading And Philadelphia**

a. **Punctuality**

As with in-person hearings, remote participants must be present in the "virtual courtroom" at the time their case is called. Parties must account for the time needed to connect to the hearing and be cleared through any applicable waiting room. Accordingly, all parties must join the conference not less than ten (10) minutes prior to the start of the hearing.

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b. Joining Hearings Remotely

After receiving permission to participate remotely, parties will receive a confirmation email containing meeting information and the requisite links to attend the hearing. To join by computer, click on the meeting link in the confirmation email or, alternatively, enter the Meeting ID provided in the confirmation email into the Zoom mobile or desktop application. Participants will be placed into a waiting room and admitted into the main conference by the video conference host.

c. Entering a Remote Appearance

Once parties are connected through Zoom, they **MUST** provide their full names as their “screen names” when entering the Meeting ID to join the hearing. In hearings with a large number of participants, the Court may use the screen names to take the entry of appearances for the record.

d. Rules for Remote Participation

All parties participating remotely must abide by the following directives at all times. Failure to comply with the Court’s procedures may result in the Court imposing sanctions, including but not limited to, revoking the party’s privilege to participate remotely.

- 1) Basic Prohibitions The following actions are prohibited while participating remotely: (I) use of a telephone or device while in a vehicle or a public place; (II) conversing with anyone outside of the hearing; (III) failing to keep an audio microphone on “mute” when the participant is not speaking; (IV) allowing any background noise to interfere or disturb the proceedings; and (V) using the “speaker phone” function on a telephonic device. Once a participant’s hearing is called, they must remain seated and stationary at all times.
- 2) Hearing Attire and Surroundings **Appropriate professional courtroom attire is required.** Participants should be mindful of their backgrounds and office décor so as to not distract or detract from the court proceedings. Virtual backgrounds are permitted only if such backgrounds are solid and neutral. Any virtual background must be dignified and respectful. The background may not contain a message that is political, that may influence the witness, or that is otherwise inappropriate. To prevent image distortion, participants should refrain from having a large light source (i.e., windows) directly behind them.
- 3) Minimization of Noise Interference Participants must make a concerted effort to minimize all background noise and shall silence any devices that may make noise (e.g., telephones, cell phones, messaging and email alerts). All parties are

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responsible for the quality of their audio connection, and to that end, the Court strongly recommends that participants wear a corded headset with a microphone during hearings. Should participants choose to use a wireless device, such as AirPods or Bluetooth-enabled devices, they must remain in close proximity to the connection source and avoid movement that would interfere with the signal. The Court cannot rely on a legal argument it cannot hear.

- 4) Recording Other than the Court, no participant may record any part of the hearing, whether by use of Zoom recording capabilities, third-party applications, photographs, screenshots, or by any other means.

e. Off-Record Discussions Between Parties

Should participants wish to speak with each other or with clients off the record, participants should disconnect from Zoom, speak off the record, and then log back in. The video conference host will then admit returning participants into the main conference.

## **CONTESTED MATTER PRACTICE AND PROCEDURE**

1. Filing Memoranda of Law/Briefs

a. Before Hearing

Judge Mayer ordinarily does not require that memoranda of law be filed prior to a hearing. If a party chooses to file a pre-hearing memorandum of law, a copy should be served on all interested parties.

b. After hearing

Memoranda are required only if so indicated at the conclusion of proceedings in court.

c. Reply and Surreply Memoranda/Briefs

Reply and surreply memoranda/briefs are generally not required. If a briefing schedule has been established and does not include reply and surreply memoranda, requests to file such memoranda should be directed initially to Judge Mayer's Courtroom Deputy and will be considered on a case-by-case basis.



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2. Scheduling of Expedited Hearings

Local Bankruptcy Rule 1002-2, 1002-3, and 5070-1(g) govern requests for expedited hearings. Upon the filing of a motion for expedited hearing with the Clerk's Office, Judge Mayer's courtroom deputy will consult with the Judge to determine the appropriate course of action and counsel will be so advised. **In matters in which relief is requested that directly affects one (1) or more specific respondents, consistent with the Local Rule, Judge Mayer ordinarily will not grant or schedule an expedited hearing unless the movant's counsel confers with the respondent(s)' counsel regarding their consent to an expedited hearing and their availability for the requested expedited hearing.**

When submitting a proposed order for the scheduling of an expedited hearing, counsel are encouraged to use the form of order posted on the court website.

3. Scheduling of matters requiring more than 45 minutes

All motions scheduled on the regular motion calendar before Judge Mayer will be presumptively scheduled for argument lasting 15 minutes (or less) per side.

In any contested matter, if the moving party believes that the presentation of evidence or argument is anticipated to take more than 45 minutes in the aggregate, the moving party shall confer with opposing counsel and notify Judge Mayer's Courtroom Deputy no later than three (3) business days prior to the set hearing date of the need to separately list the hearing. The matter will be taken off the regular motion calendar and will be specially listed at a date and time convenient to the parties and to the Court. In any contested matter, if the movant or any respondent believes that substantial discovery is necessary, the parties shall jointly contact Judge Mayer's Courtroom Deputy no later than one (1) week prior to the scheduled hearing date to request the scheduling of an initial status conference.

4. Rule 52(c) Motions

Such motions are permitted under Fed. R. Bankr. P. 7052 and 9014 and may be made orally or in writing.

5. Examination of Witnesses or Argument by More Than One Counsel

Judge Mayer will permit more than one attorney for a party to examine different witnesses or argue different points of law if permission is asked in advance of any such examination and the circumstances warrant.

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6. Examination of Witnesses Beyond Redirect

If Judge Mayer chooses to direct questions to a witness, she will usually do so after direct and cross-examination has been completed and before counsel is offered the opportunity for redirect and recross examination. Judge Mayer does not favor examination of a witness after redirect and recross.

**PRESENTATION OF EVIDENCE: READING AND PHILADELPHIA**

1. For both Reading and Philadelphia:

a. Use of Rule 43(c) Affidavits

Judge Mayer permits the use of Rule 43(c) affidavits in lieu of testimony if the parties consent to their use. With the consent of all parties, Judge Mayer also will: (1) accept an offer of proof in lieu of actual testimony; and (2) permit an expert appraiser's written report to be substituted for direct examination of the appraiser if the report has been served upon opposing parties prior to the hearing and if the appraiser is available for cross examination and redirect examination.

b. Offering Exhibits in Evidence

Exhibits should ordinarily be offered in evidence at the conclusion of the party's case, rather than during the presentation of the case, unless otherwise justified by the circumstances.

c. Need for Presentation of Evidence if Uncontested

If the moving party must demonstrate cause for relief, or if the moving party requests that findings be made, evidence may be required even if the motion is uncontested, if the court is unable to make such findings on the basis of the pleadings alone. In appropriate circumstances, Judge Mayer will accept a proffer or affidavit.

2. Presentation Of Evidence In Reading

a. Judge Mayer's Reading courtroom is paperless

Electronic exhibits should be submitted and presented as follows.

- 1) Counsel must pre-mark each exhibit and convert *each* exhibit to a *separate* pdf.

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- 2) All (separately marked pdf) exhibits, along with an Exhibit List, must be served on each party and delivered to the Court by email to Judge Mayer's courtroom deputy, Sara Roman ([PMM\\_CRD@paeb.uscourts.gov](mailto:PMM_CRD@paeb.uscourts.gov)) at least three (3) calendar days in advance of the hearing.
  - 3) If any party objects to the court viewing exhibits or a particular exhibit during the trial, Judge Mayer will refrain from doing so until admitted into evidence or until an objection over its admission has been resolved, except to the extent necessary to make evidentiary rulings or to rule on the admissibility of the document.
  - 4) If a party anticipates the possibility of offering into evidence or otherwise using exhibits at the hearing in the party's case in rebuttal:
    - i. The party shall prepare a Rebuttal Exhibit List and shall e-mail the Rebuttal Exhibit List and all rebuttal exhibits to the courtroom deputy within three (3) calendar days of the scheduled hearing.
    - ii. The court will retain, without reviewing, the Rebuttal Exhibit List and the rebuttal exhibits unless and until the party seeks to use a rebuttal exhibit at the hearing.
    - iii. If a party seeks to use a rebuttal exhibit, the rebuttal exhibit will then be e-mailed to all parties participating in the hearing and the witness. If appropriate, the court will take a short recess to allow the other parties to review the exhibit.
  - 5) Counsel must present their exhibits electronically by bringing a laptop to the Courtroom and sharing the screen (displaying the relevant exhibit) with the witness and Judge. A video demonstrating this practice is available on the Court's Website.
  - 6) Failure to timely and strictly comply with the requirements for submission and presentation of exhibits may result in the exclusion of evidence during the contested hearing or trial.

### 3. Presentation Of Evidence In Philadelphia

#### a. Submission and Presentation of Exhibits for Zoom hearings in Philadelphia

- 1) Counsel must pre-mark each exhibit and convert *each* exhibit to a *separate* pdf.
  - 2) All (separately marked pdf) exhibits, along with an Exhibit List, must be served on each party and delivered to the Court by email to Judge Mayer's courtroom deputy, Sara Roman: (610) 208-5048; [PMM\\_CRD@paeb.uscourts.gov](mailto:PMM_CRD@paeb.uscourts.gov) at least three (3) calendar days in advance of the hearing.
  - 3) If any party objects to the court viewing exhibits or a particular exhibit during the
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trial, Judge Mayer will refrain from doing so until admitted into evidence or until an objection over its admission has been resolved, except to the extent necessary to make evidentiary rulings or to rule on the admissibility of the document.

- 4) If a party anticipates the possibility of offering into evidence or otherwise using exhibits at the hearing in the party's case in rebuttal:
  - i. The party shall prepare a Rebuttal Exhibit List and shall e-mail the Rebuttal Exhibit List and all rebuttal exhibits to the courtroom deputy within three (3) calendar days of the scheduled hearing.
  - ii. The court will retain, without reviewing, the Rebuttal Exhibit List and the rebuttal exhibits unless and until the party seeks to use a rebuttal exhibit at the hearing.
  - iii. If a party seeks to use a rebuttal exhibit, the rebuttal exhibit will then be e-mailed to all parties participating in the hearing and the witness. If appropriate, the court will take a short recess to allow the other parties to review the exhibit.

Failure to timely and strictly comply with the requirements for submission and presentation of exhibits may result in the exclusion of evidence during the contested hearing or trial.

*b. Submission and Presentation of Exhibits for in person hearings in Philadelphia*

While Judge Mayer intends to limit paper distribution to the extent possible, the Judge's Philadelphia courtroom is not currently equipped to handle virtual sharing of exhibits.

Therefore, the following procedure applies to *in person hearings in Philadelphia*.

- 1) Electronic sharing of exhibits prior to hearing: Counsel must pre-mark each exhibit and convert *each* exhibit to a *separate* pdf. All (separately marked pdf) exhibits, along with an Exhibit List, must be served on each party and delivered to the Court by email to Judge Mayer's courtroom deputy, Sara Roman: (610) 208-5048; [PMM\\_CRD@paeb.uscourts.gov](mailto:PMM_CRD@paeb.uscourts.gov) at least three (3) calendar days in advance of the hearing.
- 2) Sharing of exhibits in court: At the hearing or trial in court, the original paper exhibit should be given to the witness during her or her testimony and counsel should have sufficient copies of each exhibit for all parties. Judge Mayer does not

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require, but does encourage, counsel to provide a courtesy copy of an exhibit for her review on the bench during the testimony.

## **ADVERSARY PROCEEDINGS**

### *1. Discovery Matters*

#### *a. Length of Discovery Period and Extensions*

After the answer to the complaint is filed, a pretrial order will be entered establishing discovery deadlines, setting a date for submission of a joint pretrial statement and scheduling a pretrial/settlement conference date. Judge Mayer's standard pretrial order is available on the Court's website.

Extensions of deadlines which do not affect a scheduled trial date and to which the parties agree may be made by stipulation, which must be submitted to the court for approval. Otherwise, a motion will be required. The court may decide the motion on the papers, schedule a conference call or set the matter for hearing.

#### *b. Discovery Conferences and Dispute Resolution*

Judge Mayer will entertain conference calls for the purpose of resolving discovery disputes. Requests for sanctions may be made only by written motion.

#### *c. Confidentiality Agreements*

Judge Mayer will consider approval of confidentiality agreements within the bounds of Section 107 of the Bankruptcy Code and federal common law.

#### *d. Expert Witnesses*

Judge Mayer requires the advance identification of expert witnesses in the joint pretrial statement as provided in the pretrial order.

### *2. Pretrial Conferences*

If circumstances warrant, Judge Mayer may schedule an initial pretrial conference or status hearing early in the proceeding. Typically, a final pretrial/settlement

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conference will be scheduled in the pretrial order. Judge Mayer will entertain requests for other pretrial conferences by telephone request directed to the courtroom deputy or judicial assistant. Usually, such requests will be granted by telephone request only if all parties agree. Otherwise, a written request should be filed.

3. Filing of Memoranda and Briefs

a. Pretrial

Each party may file a trial memorandum with the Clerk of Court provided it is served on opposing counsel five (5) days prior to the trial date.

b. Post Trial

Post-trial memoranda, as well as proposed findings of fact and conclusions of law, are usually not necessary and will be allowed only upon consideration and approval of a joint request from the parties.

c. Need for Joint Pretrial Statement

Counsel are expected to notify the Court well in advance of the scheduled hearing date if any contested matter (including objections to a claim) will likely involve multiple witnesses, extensive use of documentary evidence, or present complex legal issues. Upon receipt of such notice from counsel, Judge Mayer may engage in more active pre-hearing management of the matter, which may include requiring the submission of a joint pretrial statement in the form prescribed by the Judge's pretrial order (the form of which is available on the Court's website).

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4. Mediation

Judge Mayer's pretrial order asks counsel to consider participation in the mediation program. If all parties agree, a mediator will be assigned. If parties do not identify a proposed mediator in their communication to the court indicating their willingness to mediate, the court will appoint a mediator from among the approved list of mediators. Mediation will usually but not automatically suspend any of the deadlines established in the pretrial order.

## **ARBITRATION**

1. General Approach to Arbitration Cases

Adversary proceedings will be assigned to compulsory arbitration in accordance with Local Bankruptcy Rule 9019-1.

2. Scheduling of Trial De Novo from Arbitration

Once a trial de novo is demanded, Judge Mayer will generally issue a pretrial order directing the filing of a joint pretrial statement and setting a date for trial.

## **TRIAL PROCEDURE**

1. Scheduling of Cases

Proceedings will be scheduled for trial at a pretrial conference. During the conference, the time allocated for trial will be determined. Unless otherwise directed by the Pre Trial Order, the Court will conduct the trial using the "chess clock" procedure with each party having an equal and specified amount of allocated total trial time. At the end of each session, Judge Mayer will advise the parties of their allocated trial time remaining.

2. Matters Involving Out-of-Town Parties or Witnesses

Judge Mayer will try to accommodate out of town parties or witnesses when scheduling trials. Counsel should make the court aware of such circumstances at the pretrial/settlement conference.

3. Side Bars

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Side-bar conferences will be allowed when necessary.

4. *In Limine Motions*

Judge Mayer's pretrial order contains a deadline for the filing of such motions.

Upon the filing of a Motion in Limine, Judge Mayer will issue a scheduling order that provides deadlines distinct from the pretrial order.

5. *Opening Statements and Summations*

Opening statements and summations should be brief and concise, limited to discussion of facts in evidence and applicable law.

6. *Examinations of Witnesses out of Sequence*

Judge Mayer will permit counsel to examine a witness out of turn if all parties consent or for the pressing need of the witness.

7. *Videotaped Testimony*

Judge Mayer will permit the use of videotaped testimony to the extent agreed by all parties or as allowed by the Federal Rules of Bankruptcy Procedure.

Arrangement to have equipment set up in the courtroom and/or cleared through security should be done in advance by contacting her courtroom deputy.

8. *Presentation of Evidence*

a. *Use of Rule 43(c) Affidavits*

Judge Mayer permits the use of Rule 43(c) affidavits in lieu of testimony if the parties consent to their use. With the consent of all parties, Judge Mayer also will: (1) accept an offer of proof in lieu of actual testimony; and (2) permit an expert appraiser's written report to be substituted for direct examination of the appraiser if the report has been served upon opposing parties prior to the hearing and if the appraiser is available for cross examination and redirect examination.

b. *Submission and Presentation of Exhibits*

See discussion under "Contested Matter Practice and Procedure" regarding

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procedures for the submission of evidence in Reading and Philadelphia.

c. Presentation of Electronic Evidence

Within reason and subject to consent of opposing counsel, Judge Mayer will allow parties to use technology - such as interactive flat screen displays and webcast testimony - in the courtroom during trials and contested hearings. Use of such technologies must be approved in advance by contacting the Judge's courtroom deputy.

## **INJUNCTIONS**

1. Scheduling and Expedited Discovery

Hearings on motions for temporary restraining orders or preliminary injunctions are scheduled in the same manner as requests for expedited hearings in contested matters.

Requests for expedited discovery should be filed and served upon opposing parties. Courtesy copies of all documents seeking expedited relief should be sent to chambers. The requests will be determined summarily after opposing parties have had a reasonable opportunity to respond.

2. Proposed Findings of Fact and Conclusions of Law

Judge Mayer usually requires such submissions.

## **COURTROOM DECORUM AND CONDUCT OF COUNSEL IN MATTERS PENDING BEFORE JUDGE MAYER**

Judge Mayer believes that the resolution of disputes, whether by agreement or by the court after a matter is ripe for decision, and that the progress of a case under title 11 U.S.C. can be either greatly aided or impeded by the attitudes and behavior of counsel and the parties involved in the proceeding. Judge Mayer, therefore, subscribes to the Code of Civility, adopted by the Supreme Court of Pennsylvania by Order dated December 6, 2000. In August, 1998, the American Bar Association House of Delegates adopted Guidelines for Litigation Conduct.@ Links to sites where these are reproduced in full follow. Counsel are encouraged to read each of these and become familiar with these guidelines.

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Λ *Pennsylvania Supreme Court Code of Civility*

Λ *American Bar Association Guidelines for Litigation Conduct*