

JUDICIAL PRACTICES AND PROCEDURES

BANKRUPTCY JUDGE RICHARD E. FEHLING

Judge Fehling was born in Reading, PA in 1952. He received a B.A. from Yale University in 1974 and a J.D. from Dickinson School of Law in 1979. Judge Fehling was appointed to the United States Bankruptcy Court for the Eastern District of Pennsylvania on February 2006. Since his appointment, Judge Fehling has presided in the Reading Division of the Court.

RECENT CHANGES TO PRACTICES AND PROCEDURES

Quite a few of the following practices and procedures have been altered (many materially). Counsel should review all provisions that relate to counsel' anticipated appearance in Court.

A. PRELIMINARY GENERAL MATTERS

1. Communications, Including Correspondence, with the Court

Judge Fehling discourages communications, including correspondence, from counsel to the Court and will not consider communications that address any issue that should properly be raised in a pleading. Judge Fehling's Courtroom Deputy is responsible for scheduling all hearings and trials. Consequently, all communications that relate to Judge Fehling's calendar shall be directed to his Courtroom Deputy.

2. Communications with Law Clerks

Judge Fehling permits counsel to speak directly with his law clerk, subject to the obvious limitations that law clerks are not permitted to give legal advice or discuss legal issues. Any questions concerning the status of a matter under advisement should be directed to the Clerk's Office or should be placed in writing to the Judge, with a copy of the correspondence sent to all opposing parties. Any questions concerning the general status of a case or the status of an uncontested matter should be directed to the Clerk's Office.

3. Telephone Conferences

Judge Fehling welcomes the use of telephone conferences, particularly when they relate to pre-trial matters. The Judge's Judicial Assistant handles the scheduling of all telephone conferences and, therefore, all inquiries regarding the scheduling of telephone conferences should be directed to Judge Fehling's Judicial Assistant.

4. Pro Hac Vice Admissions

Judge Fehling prefers that written requests for admission *pro hac vice* be submitted in accordance with Local Bankr. R. 2090-1(c). As a matter of professional courtesy and in keeping with a "national practice," however, Judge Fehling liberally grants oral motions made in open court at the time of the hearing or trial. The fee required under Local Bankr. R. 2090-1(c) must be paid whether the request for admission pro hac vice is made by written application and motion or by oral motion in open court.

5. No Chambers Copies of Filed Papers

Parties shall not submit to Chambers so-called "courtesy" copies of pleadings, memoranda of law, or any other filed documents.

6. Proposed Orders

In certain specific types of motions, counsel shall provide a proposed order substantially in the form set forth in Appendix “B.”

- a. Expedited Consideration ([App. “B-1.”](#))
- b. Avoidance of a lien pursuant to 11 U.S.C. §522(f) ([App. “B-2.”](#))

B. LITIGATION GENERALLY

The following practices and procedures pertain to litigation generally, whether contested matters in motion practice or trials in adversary proceedings or any other matter that results in a court appearance.

1. Continuances and Extensions

a. General Policy

Counsel must first contact opposing counsel to seek consent to the requested continuance. Requests with consent for a continuance should be made by letter, telephone, or email to the Courtroom Deputy. As a matter of professionalism and civility, counsel should liberally consent to a reasonable request for a continuance, unless such a request materially prejudices their client. If all parties consent, a request for a continuance will usually be granted.

b. Need for Filing Formal Stipulation or Motion

All contested requests for a continuance must be made by written motion to the Courtroom Deputy. After receiving a motion for a continuance, the Courtroom Deputy will forward the motion to Chambers. Ordinarily, Judge Fehling will then have his Judicial Assistant schedule a telephone conference. Judge Fehling will decide on a case-by-case basis whether cause exists to grant a motion for a continuance. Counsel are urged to file their motions for the continuance as soon as they become aware of the need for a continuance and well in advance of a specially listed hearing or trial so that the Court may schedule another matter in the reserved time.

c. Need for Court Appearance

A party’s appearance (both counsel and party) in court is required when a continuance cannot be arranged.

2. Settlements

a. Philosophy

Judge Fehling actively encourages settlement discussions and will participate in telephone settlement conferences if the parties so request. Occasionally, when the nature of the case requires, Judge Fehling will conduct settlement conferences in his Chambers. Requests for a settlement conference, whether by telephone or in Chambers, should be directed to Judge Fehling's Judicial Assistant by letter or telephone.

b. Referral of Settlement Negotiations to a Mediator or to Another Bankruptcy Judge

If a settlement conference is held in a case assigned to Judge Fehling, he is ordinarily the Judge who will preside over the conference. If the nature of the case so requires, however, Judge Fehling will entertain a party's (or the parties') request to substitute a mediator or another Judge in the District to preside over the settlement conference.

c. Need for Court Appearance for a Settlement

To the extent court approval of any settlement is sought, the provisions of Fed. R. Bankr. P. 9019 must be followed if applicable. If an objection is filed to a settlement motion, a court appearance will be necessary.

3. Opening and Closing Statements

Judge Fehling prefers that opening statements and summations, if necessary, be brief and concise.

4. Filing Memoranda of Law and Proposed Findings of Fact and Conclusions of Law

a. Before Hearing/Trial

Unless specifically ordered to the contrary, memoranda of law need not be filed prior to a hearing or trial. If a party chooses to file a pre-hearing or pre-trial memorandum, the party may do so, understanding that Judge Fehling may very well ask for post-hearing briefs as well.

b. After Hearing

Counsel may be directed by bench order following a hearing or trial to file memoranda of law.

c. Reply and Surreply Memoranda/Briefs

Judge Fehling discourages the parties from filing reply and surreply memoranda of law. If a party desires to file a reply memorandum, he or she must first submit a written request to Judge Fehling. Judge Fehling will not consider any unsolicited reply memorandum without prior permission of the Court. If Judge Fehling permits a party

to file a reply memorandum, however, he will permit the opposing party to file a surreply memorandum.

d. Proposed Findings of Fact and Conclusions of Law

Judge Fehling will sometimes request that the parties file proposed findings of fact and conclusions of law with a memorandum of law following the conclusion of a hearing or trial. If Judge Fehling does not order the parties to file these submissions, however, the parties are not obligated to file them.

e. Maximum Page Length for Memoranda of Law

No memorandum of law may exceed 25 pages without express permission of Judge Fehling.

5. Rule 52(c) Motions

These motions are permitted under Fed. R. Bankr. P. 7052 and 9014.

6. Witnesses

a. Examination of Witnesses or Argument by More Than One Attorney

Judge Fehling will only occasionally approve the examination of a witness by more than one attorney representing a party; he will consider requests to do so in appropriate circumstances.

b. Examination of Witnesses Beyond Re-Direct and Re-Cross

Judge Fehling discourages the examination of witnesses beyond re-direct and re-cross.

c. Examination of Witnesses Out of Sequence

Judge Fehling will permit counsel to examine witnesses out of turn if all parties consent or if required for the legitimate convenience of the witnesses or otherwise.

d. Testimony by Telephone

Refer to Paragraph 8, Sub-Paragraph c. of this Section B, below.

7. Presentation of Evidence

a. Use of Rule 43(e) Affidavits

Judge Fehling permits the use of Rule 43(e) affidavits in lieu of testimony if the parties do not oppose their use. In addition, Judge Fehling will 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 or trial and if the appraiser is available for cross examination.

b. Marking and Exchanging Exhibits; Number of Copies

Exhibits must be pre-marked and exchanged with opposing counsel prior to the hearing. The original exhibit should be given to the witness during his or her testimony and counsel should come to court with sufficient copies of each exhibit to provide Judge Fehling, his law clerk, and all parties with a copy of each exhibit as it is being used. NOTE: Failure to follow this rule may result in the exclusion of non-conforming exhibits from consideration. If the exhibits are particularly numerous, a binder and index of tabbed Exhibits will facilitate the hearing or trial.

c. Offering Exhibits in Evidence

Exhibits should ordinarily be moved into evidence at the conclusion of the party's case in chief, unless otherwise justified by the circumstances of the case.

d. Need for Presentation of Evidence if Uncontested

The moving party always bears the risk of carrying their burden, even in uncontested matters. Judge Fehling does not presume to advise counsel regarding presentation of their case.

e. Reading of Material into the Record

Judge Fehling generally will not permit the parties to read lengthy material into the record. Instead, Judge Fehling will direct counsel to stipulate to the documentary submission.

f. Audio-Visual Evidence, Including Videotaped Testimony

Judge Fehling will permit the use of audio-visual evidence, including videotaped testimony, to the extent agreed upon by all parties or as allowed by the Federal Rules of Bankruptcy Procedure and the Federal Rules of Evidence. Arrangements to have appropriate equipment cleared through security and set up in the courtroom shall be made in advance by contacting Judge Fehling's Courtroom Deputy.

g. Confidentiality Stipulations and Documents Under Seal

Judge Fehling will consider requests by a party or a stipulation of all parties to

establish a procedure for asserting claims of privilege or protection as trial preparation material after production of discovery. Any requests for documents to be sealed shall accord with Local Bankr. R. 5003-1.

8. *Matters Involving Out-of-Town Parties or Witnesses*

a. *Generally*

Judge Fehling will attempt to accommodate out-of-town counsel, parties, and witnesses when scheduling and conducting hearings and trials. Counsel shall make the Court aware of such circumstances as early in the proceeding as possible.

b. *Participation in Court of Counsel or Parties by Telephone or Video Conferencing*

Judge Fehling will allow counsel and parties to participate in preliminary matters, hearings on contested matters, and in trials in adversary proceedings in certain circumstances in accordance with Local Bankr. R. 9076-1. Any requests by counsel or a party to participate in court by telephone or video conference should be brought to the attention of Judge Fehling's Courtroom Deputy and counsel for all opposing parties at the earliest possible opportunity. The nature and extent of such participation may vary from case to case and special procedures for each case may be set forth in a pre-trial procedural order if necessary. If any party intends to testify remotely in any such hearing or trial, the party shall comply with the requirements set forth in Sub-Paragraph c., below.

c. *Testimony of a Party or Other Person as a Witness in Court by Telephone or Video Conferencing*

Judge Fehling will allow a witness, including a party, to testify in preliminary matters, hearings on contested matters, and trials in adversary proceedings under the following conditions:

- (1.) Appropriate (in the sole discretion of court personnel) technical arrangements for remote testimony shall be made in advance of the hearing or trial;
- (2.) Appropriate (in the sole discretion of court personnel) arrangements shall be made to verify the identity of a remote witness, to assure that no person is "coaching" or otherwise assisting the remote witness, and to administer the oath to the remote witness;
- (3.) If the connection to the remote witness fails or if the remote witness' testimony becomes unintelligible (in the sole discretion of court personnel), the hearing or trial shall proceed without the remote witness' testimony, which may not be rescheduled to another day or time (unless the difficulty is caused by a malfunction of court equipment); and
- (4.) All exhibits to which the remote witness will refer in his or her testimony

shall be pre-marked with copies provided (whether as hard copies or in a suitable electronic format) to opposing counsel at least two days in advance of the hearing or trial.

9. *Side Bars*

Requests for side-bar conferences will be granted when necessary.

10. *In Limine Motions*

The pre-trial orders entered by Judge Fehling in some adversary proceedings contain a deadline for the filing of *in limine* motions when needed. (A copy of Judge Fehling's form pre-trial order is attached as App. "A.")

C. UNCONTESTED MATTERS

When a motion or application is uncontested because no responsive pleading was 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 Fehling's Courtroom Deputy by telephone that the matter is uncontested. Even in uncontested matters, the moving party continues to bear the risk of satisfying its burden, whether through the unopposed averments in the pleadings or through testimony and exhibits if necessary.

D. ADVERSARY PROCEEDINGS

1. *Discovery Matters*

a. *Length of Discovery Period and Extensions*

After a responsive pleading to the complaint is filed, a preliminary pre-trial conference will be scheduled. Based upon the discussions in that conference, a pre-trial order will be entered establishing, among other things, a discovery schedule. (A copy of Judge Fehling's form pre-trial order is attached as App. "A.") If all parties consent to an extension, a stipulation extending discovery may be filed accompanied by a proposed order approving the stipulation. In these situations, the discovery schedule will usually be extended pursuant to the consented request. If a party requests an extension to which objection is raised, a motion to extend the discovery deadline must be filed. Judge Fehling will usually decide such a matter without the parties' court appearance, although he may schedule a telephone conference to decide it. The parties should be aware, and take into account, that changing the discovery schedule could and often will affect all subsequent scheduled dates in the Pre-Trial Order.

b. *Discovery Dispute Resolution.*

If any discovery dispute arises, the parties shall call Judge Fehling's Chambers to schedule a telephone conference with Judge Fehling. If the dispute is not resolved in the telephone conference, the dispute must be resolved by motion practice. If neither party desires to present evidence relating to a discovery dispute, the parties may contact Judge Fehling's Courtroom Deputy and arrange to file a scheduling order to submit the matter on stipulated facts and memoranda of law (if necessary).

c. Confidentiality Agreements

Confidentiality agreements will be considered by Judge Fehling pursuant to 11 U.S.C. § 107 and federal common law. For documents filed under seal, refer to Local Bankr. R. 5003-1.

d. Expert Witnesses

The pre-trial order entered by Judge Fehling requires that expert witnesses be identified in the pre-trial statement. The pre-trial statement must also include a brief summary of the testimony the expert is expected to present at trial. (A copy of Judge Fehling's form pre-trial order is attached as App. "A.")

e. eDiscovery

The pre-trial order entered by Judge Fehling may require that all electronic discovery issues be addressed by the parties as part of the Rule 26 discovery conferences. (A copy of Judge Fehling's form pre-trial order is attached as App. "A.")

2. Pre-Trial Conferences

a. Scheduling Telephone Conference.

Upon the closing of the pleadings in an adversary proceeding, Judge Fehling's office will contact counsel about participating in a Preliminary Pre-Trial Conference. In such a Conference, the parties will discuss which pre-trial activities (mediation, discovery, exchange of experts, dispositive motions, etc.) will be necessary and which will not be necessary.

b. Pre-Trial Conference

Based upon the Preliminary Pre-Trial Conference, Judge Fehling will prepare and enter a Pre-Trial Order that will set the dates by which all pre-trial activities must be completed. The Pre-Trial Order will also set the date and time of the Pre-Trial Conference, which will ordinarily be held in open court, absent a compelling request to the contrary. (A copy of Judge Fehling's form Pre-Trial Order is attached as App.

“A.”) Counsel may request to appear by telephone at a Pre-Trial Conference by contacting Judge Fehling’s Courtroom Deputy in advance of the conference, but telephonic appearance is rarely permitted.

3. *Scheduling of Cases*

Proceedings will be scheduled for trial during the Pre-Trial Conference.

4. *Briefing Schedules for Motions*

Motions in an adversary proceeding (dismissal, summary judgment, etc.), other than motions for expedited consideration, which are discussed below, shall not be scheduled in accordance with the system for self-scheduling motions in contested matters. Counsel for the moving party, immediately upon the filing of the motion, shall contact Judge Fehling’s Courtroom Deputy, to notify her about the filing of the motion. Judge Fehling will then enter a scheduling order setting the dates by which supporting and opposing briefs shall be filed and shall, if warranted, setting the date and time for oral argument.

E. MEDIATION AND ARBITRATION

1. *Mediation*

Judge Fehling will enter a pre-trial order in all adversary cases. (A copy of Judge Fehling’s form pre-trial order is attached as App. “A.”) The pre-trial order requests that the parties inform Judge Fehling in writing whether they consent to participate in mediation, which participation Judge Fehling encourages. If all parties consent, a mediator will be appointed forthwith.

2. *General Approach to Arbitration Cases*

Adversary proceedings will be assigned to compulsory arbitration in accordance with Local Bankr. R. 9019-2.

3. *Scheduling a Trial De Novo from Arbitration*

If a trial *de novo* is demanded following arbitration, Judge Fehling will issue a Pre-Trial Order that contains a discovery schedule, a date for the filing of a Joint Pre-Trial Statement, and the date and time of the Pre-Trial Conference. (A copy of Judge Fehling’s form pre-trial order is attached as App. “A.”) Judge Fehling will schedule the trial during the Pre-Trial Conference.

F. EXPEDITED CONTESTED MATTERS

1. *Expedited Consideration Generally*

Local Bankr. Rules 5070-1(f) and 9014-2 govern requests for expedited hearings. Upon the filing of a motion for expedited hearing with the Clerk's Office, **and service of such a motion on other parties in interest**, Judge Fehling's Courtroom Deputy will consult with the Judge to determine the appropriate course of action, including the scheduling of a hearing or telephone conference. (The proposed order granting expedited consideration should be in substantial compliance with the form of order attached as [App. "B-1."](#))

2. *Certificate of Consultation and Service*

All motions for expedited consideration shall include a statement of counsel that certifies that counsel has consulted, or has attempted to consult, with all interested parties and the results of such consultation, as required by L.B.R. 5070-1(f)(1), and that certifies a list of all parties who have been served with the motion for expedited consideration.

G. INJUNCTIONS IN ADVERSARY PROCEEDINGS

1. *Scheduling and Expedited Discovery*

a. *TRO/Preliminary Injunction*

Motions for temporary restraining orders or for preliminary injunctions must be filed with the Clerk's Office **with notice given to opposing parties** in compliance with Fed. R. Bankr. P. 7065. Upon filing of the motion, Judge Fehling's Courtroom Deputy will consult with the Judge to determine the appropriate course of action, including the scheduling of a hearing or telephone conference.

b. *Expedited Discovery*

Motions for expedited discovery shall be filed with the Clerk's Office and **served upon opposing parties**. Such a motion will be determined summarily after opposing parties have had an opportunity to respond.

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

Judge Fehling does not require the filing of proposed findings of fact and conclusions of law when a temporary restraining order or preliminary injunction is sought unless the parties are advised otherwise.

APPENDIX "A"UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

.....

In re

: Chapter

Debtor(s)

: Bankruptcy No.

:

:

Plaintiff(s)

:

v.

:

:

Defendant

: Adversary No.

:

.....

PRE-TRIAL ORDER #1

(See Paragraph 7.I. for date of Mandatory Courtroom Conference)

.....

AND NOW, the Plaintiff(s) having filed an adversary proceeding and the Defendant(s) having filed a responsive pleading thereto, it is hereby ORDERED that:

1. On or before , **201** the parties shall file a Joint Jurisdictional Statement in which they state whether this matter is core or non-core, and whether the matter is core or non-core, the parties shall also state whether they consent to this Court's entry of a final order under 28 U.S.C. §157(c)(2) or otherwise.

2. On or before _____, **201** the parties shall submit to the clerk a Joint Statement indicating whether they consent to participate in the court-annexed mediation program. If they choose to participate, they shall indicate their joint selection of a mediator from the approved list. If, in an extraordinary circumstance, the parties want a judge to mediate, they shall so indicate.

3. On or before _____, **201** counsel shall have held and concluded the mandatory discovery conference pursuant to Fed. R. Civ. P. 26(f), which is incorporated into these proceedings by Fed. R. Bankr. P. 7026.

A. Prior to the Rule 26(f) conference, counsel shall review the client's information management systems including computer-based and other digital systems, to understand how information is stored and how it can be retrieved, including currently maintained computer files as well as historical archival backup and legacy computer files. Counsel shall also determine the person or persons with knowledge about the client's information management systems, including computer-based and other digital systems, with the ability to facilitate, through counsel, reasonably anticipated discovery.

B. During the Rule 26(f) conference, the parties shall review, as part of their deliberations, how to proceed with general discovery, electronic discovery, and the pre-trial schedule detailed below in paragraph 5 of this Order.

4. The following cites refer to frequently misused or unused portions of the Court's Practices and Procedures, which Practices and Procedures are found on the internet page for the Eastern District of Pennsylvania. Counsel should adhere to all Practices and Procedures, but deviation from the following Practices and Procedures will be rarely permitted absent prior notice and approval.

Par. A. 1.	Par. A. 2.	Par. A. 5.	
Par. B. 3.	Par. B. 4. a.	Par. B. 4. c.	Par. B. 4. e.
Par. B. 7. b.	Par. B. 7. c.	Par. B. 7. d.	Par. B. 7. e.
Par. B. 8. a.	Par. B. 8. b.	Par. B. 8. c.	
Par. D. 1. b.	Par. D. 4.		
Par. F. 1.	Par. F. 2.		
Par. G. 1.			

5. Within fourteen (14) days after the conclusion of the Rule 26(f) discovery conference, the parties shall file a discovery plan as mandated by Fed. R. Civ. P. 26(f) only in the event that:

A. any party proposes a discovery or pre-trial schedule that differs from the one outlined in paragraph 5 below,

B. any party objects that Rule 26(a)(1) initial disclosures are not appropriate in the circumstances of the action, or

C. disputes arise about electronic discovery.

In the event of (A), (B), or (C), above, a formal pleading shall be filed pursuant to motion practice under L.B.R. 9014-3.

6. Within fourteen (14) days after the conclusion of the Rule 26(f) discovery conference, the parties shall provide each other with the initial disclosures detailed in Fed. R. Civ. P. 26(a)(1).

7. The following discovery and trial schedule shall be reviewed by the parties in their deliberations at their Rule 26(f) discovery conference:

A. All expert witnesses shall be identified and a copy of each expert's report shall be provided to every other party, in accordance with Fed. R. Civ. P. 26(a)(2), on or before _____, **201** .

B. Any electronic discovery issues or proposed stipulations and orders relating to claims of privilege and attorney work product arising after production of electronic discovery pursuant to Rule 26(f)(4) shall be filed on or before _____, **201** using Official Form 35.

C. All discovery shall be completed on or before _____, **201** .

D. All motions to amend the pleadings, or for summary judgment with supporting briefs, shall be filed on or before _____, **201** .

E. All motions in limine (other than motions objecting to initial disclosures) shall be filed on or before _____, **201** .

F. All discovery disclosures pursuant to Fed. R. Civ. P. 26(a)(3) shall be served on opposing parties and filed with the bankruptcy court on or before _____, **201** .

G. Any objections to the Rule 26(a)(3) disclosures shall be served on opposing counsel and filed with the bankruptcy court pursuant to motion practice under L.B.R. 9014-3 on or before _____, **201** .

H. On or before _____, **201** , the parties shall file a Joint Pre-trial Statement. The Joint Pre-trial Statement shall be signed by all counsel. Plaintiff's counsel shall initiate the preparation of the Joint Pre-trial Statement and to assemble and file the

Joint Pre-trial Statement. Plaintiff's counsel shall submit a proposed Joint Pre-trial Statement to Defendant's counsel not less than 7 days prior to the deadline for its submission.

The Joint Pre-trial Statement shall set forth all of the issues on which the parties agree and disagree and shall contain the following:

- I. Basis of jurisdiction. (including a statement whether this matter is core or non-core). Under either circumstance, the parties shall state whether they consent to the court's entry of a final order pursuant to 28 U.S.C. § 157(c)(2). If the parties disagree, they shall each cite relevant authority to support their positions.
- II. Statement of uncontested facts.
- III. Statements of facts that are in dispute. No facts should be disputed unless opposing counsel expects to present contrary evidence on the point at trial or genuinely challenges the fact on credibility grounds.
- IV. Damages or other relief. A statement of damages claimed or relief sought. A party seeking damages shall list each item claimed under a separate descriptive heading, shall provide a detailed description of each item and shall state the amount of damages claimed. A party seeking relief other than damages shall list the exact form of relief sought with precise designations of persons, parties, places and things expected to be included in any order providing relief.
- V. Legal issues presented and the constitutional, statutory, regulatory and decisional authorities relied upon. Counsel shall include a brief statement regarding which party has the burden of proof on each legal issue.
- VI. Witnesses, listed in the order they will be called, with a brief statement of the evidence the witness will give. Witnesses shall be classified to include those whom any party expects to present and those whom any party may call if the need arises. If not already provided to all parties, the address and telephone number of each witness shall be disclosed.
- VII. Exhibits listed in the order they will to be offered into evidence. Exhibits shall be serially numbered and physically marked before trial in the order of their intended presentation. Documents that a party may offer if the need arises shall be separately identified.
- VIII. A list of each discovery item and trial deposition to be offered into evidence. Counsel shall designate by page and line the portion of deposition testimony and by number the interrogatories that shall be

offered in evidence at trial.

IX. Estimated trial time.

X. A certification that the parties have attempted good faith settlement discussions without success.

I. A mandatory final pre-trial/settlement conference shall be held on **Wednesday, , 201 , at A.M. in Bankruptcy Courtroom #1, Third Floor, The Madison, 400 Washington Street, Reading, PA.**

If the parties desire to continue the pre-trial/settlement conference, they shall provide the court with written notice of the request for a continuance at least three (3) business days prior to the date set for the pre-trial/settlement conference. No party shall be excused from attendance at the pre-trial/settlement conference unless the court approves the written request for a continuance.

(a). Failure of counsel for Plaintiff to attend the pre-trial/settlement conference without obtaining court approval for a continuance by providing the court with three (3) business days written notice of a request for a continuance may result in dismissal of the complaint without prejudice.

(b). Failure of counsel for Defendant to attend the pre-trial/settlement conference without obtaining court approval for a continuance by providing the court with three (3) business days written notice of a request for a continuance may result in entry of judgment against Defendant on the complaint.

J. If the adversary proceeding is not resolved prior to the conclusion of the conference, the court shall enter an Order Setting Adversary Trial Date and serve a copy of same on each party at said conference.

K. If any party violates any of these provisions, the court shall consider imposition of sanctions on the offending party and their counsel.

BY THE COURT

RICHARD E. FEHLING
Chief United States Bankruptcy Judge

In re: _____ :
 _____ : Case No. _____
 Debtor(s) _____ : Chapter _____

AND NOW, the Movants having requested expedited consideration of their Motion

[describe substantive relief requested in Motion] (the “Motion”) and the Movants certifying to the Court that they gave prior notice to all parties in interest by email or telephone, IT IS HEREBY ORDERED that an expedited hearing for my consideration of the Movants’ Motion shall be held at:

**United States Bankruptcy Court - E.D. PA.
Courtroom Number 1
Third Floor, The Madison
400 Washington Street
Reading, Pennsylvania**

on at .m. prevailing time.

IT IS HEREBY FURTHER ORDERED that any party opposing the Motion shall file an answer or response at or before the time and date of the hearing set above [this provision is not included if the expedited hearing is held on less than ten (10) days notice] and that any party opposing the Motion shall appear at the hearing on the Motion or it may be granted without further notice.

IT IS HEREBY FURTHER ORDERED that Movants' counsel shall immediately both (1.) notify by telephone and (2.) serve copies of this signed Order and the Motion on the following parties by e-mail or facsimile: Counsel for the United States Trustee and either the Chapter 7 or the Chapter 13 Trustee, counsel for the Debtors [if the motion is not filed by the Debtors], all secured creditors with liens on Movants' property (by serving their counsel if known), all other parties affected by the Motion (by serving their counsel if known), and all other interested parties.

BY THE COURT

RICHARD E. FEHLING
United States Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

ORDER

IT IS FURTHER ORDERED, pursuant to Section 349(b)(1)(B), 11 U.S.C. § 349(b)(1)(B), that dismissal of this case reinstates and lien voided under Section 522.

RICHARD E. FEHLING
United States Bankruptcy Judge