

United States Bankruptcy Court Southern District of Florida

www.flsb.uscourts.gov

GUIDELINES FOR SELF-CALENDARING

The following guidelines apply when utilizing the court's self-scheduling process for scheduling non-emergency matters in chapter 7 and 13 cases in all divisions, and for chapter 11 cases and adversary proceedings in the West Palm Beach division. This automated process allows CM/ECF registered users ("the filer") to select an available hearing date and time from the assigned judge's calendar at the time the motion is filed. The self-scheduling program will also display a hyperlink to the court-generated Notice of Hearing form that will contain the selected hearing date and time.

For chapter 13 cases, a list of each judge's motion/confirmation hearing dates and times are posted on the court's website at www.flsb.uscourts.gov and at the chapter 13 trustee's website: www.ch13herkert.com and www.ch13weiner.com.

SELF-CALENDARING PROCEDURE

A) Selecting a hearing date

The CM/ECF system has been programmed with the available calendar dates and times for each judge. Selectable dates that comply with applicable noticing requirements set forth in the federal and local bankruptcy rules will display when a motion is filed. In order to self-schedule a motion, it must be filed at least 14 days prior to the hearing and the selected hearing date must allow for at least 10 days' notice to all interested parties. The hearing date and time must be selected from the available list. If a matter is not properly scheduled in accordance with these guidelines, the trustee or the clerk may docket an entry that will CANCEL the hearing and the matter will be removed from the calendar. It is the responsibility of the filing party to select the correct hearing date and time from the Self-Scheduling Utility (SCU) based on applicable noticing requirements.

B) Matters for which self-scheduling may not be used

The self-scheduling process may not be used to set a hearing for an emergency motion (including chapter 11 first-day motions filed pursuant to LR 9013-1 (G), (H), (I), (J) & (K)), motion to rehear or reconsider, motion for summary judgment, evidentiary hearing or a hearing on a contested motion that was initially filed on negative notice, and any other designated relief as authorized by the court.

C) Motions for Relief from Stay

If a motion for relief from stay is self-calendared and the next available hearing date is more than 30 days after the date the motion is filed, the movant will be deemed to have consented to voluntarily waiving the 30-day limitation established by U.S.C. § 362(e) [See Local Rule 9073-1(C)].

D) Motions Requiring Service Pursuant to BR 7004

Any motion requiring service pursuant to BR 7004 must be served in accordance with that rule.

E) Notice of Hearing

The SCU will automatically generate a Notice of Hearing form with the designated date, time and location for the self-calendared matter. The Notice of Hearing form will be available via a hyperlink in CM/ECF at the conclusion of the filing process so that it may be printed locally and served on (non-electronic) interested parties via U.S. Mail.

F) Certificate of Service

A certificate of service substantially conforming to the local form certificate of service required under Local Rule 2002-1(F), must be filed in accordance with Local Rule 9073-1(B).

G) Continuances

Once a matter is set using the self-calendaring procedure and notice served on interested parties, continuances may **ONLY** be requested by motion and granted by court order. The parties must appear at the hearing unless an order has been entered (at least two business days prior to the hearing) continuing the hearing or the motion is withdrawn (at least two business days before the hearing). Notwithstanding this requirement, any matter continued at the hearing may be continued by notice or court order pursuant to the court's instructions.

Self-calendaring FAQs

Is Self-Calendaring available for all chapters?

Currently, self-calendaring is only available for use in chapter 7 and 13 cases in all divisions, and for chapter 11 cases and adversary proceedings in the West Palm Beach division.

Are there any matters for which self-calendaring may not be used?

The self-calendaring process may not be used to set a hearing for an emergency motion (including chapter 11 first-day motions filed pursuant to LR 9013-1 (G, H, I, J & K), motion to rehear or reconsider, motion for summary judgment, evidentiary hearing or a hearing on a contested motion that was initially filed on negative notice, and any other designated relief as authorized by the court.

How do I serve non-electronic recipients?

The filer will be able to view the automated Notice of Hearing form from a link provided on the Notice of Electronic Filing (NEF) screen immediately upon the electronic setting of the hearing. The Notice of Hearing form can be printed locally and served on all required parties. A certificate of service conforming to Local Rule 2002-1(F) must be filed by the movant.

Do I still have to file a Certificate of Service with the court?

Pursuant to Local Rule 9073-1(B), the movant is required to file, not later than two business days after service of the notice of hearing, a certificate of service for that notice of hearing as required under Local rule 2002-1(F).

What if I make a mistake?

If the filer inadvertently selects an incorrect date or time block the filer must file a notice to withdraw the motion and file a new motion and select the correct hearing date and time.

What do I do if the date I want to select for my hearing does not display?

The filer should contact the courtroom deputy for the assigned judge.

What if I exit the SCU screens AFTER I have filed my motion but before I produce my Notice of Hearing form?

No further action by the efiler is necessary, as the courtroom deputy for the assigned judge will set the motion for hearing and generate a Notice of Hearing form.

I was ordered by the Judge during a hearing to reschedule my matter on the next calendar date which is outside the allowable date range. How do I do this and provide adequate Notice of Hearing?

The courtroom deputy will usually handle matters that require a hearing to be rescheduled, continued or renoticed. However, the judge may request the movant upload an order rescheduling the hearing.

I am a chapter 7 or 13 Trustee. Does the new process change trustee batch events to reschedule hearings for exemptions to objections?

No, the SCU will not be added to batch events. Continue using your current procedure.

I closed the Adobe Acrobat window that displayed the Notice of Hearing form before I was able to print it. How do I get back to it?

Each registered case participant will receive an NEF of all activity in a case, including one-free-look at the document(s) being filed. Alternatively, the Notice of Hearing hyperlink in the NEF may still be accessible by using the browser's "Back" button. If you have logged out of CM/ECF or attempted to file another document you will need to review the case docket to view the Notice of Hearing form (PACER fees will apply).

Who do I call if I am experiencing technical difficulties or do not understand how to proceed?

For questions regarding self-calendaring contact our CM/ECF Help Desks Miami (305) 714-1800; Ft. Lauderdale (954) 769-5700; and West Palm Beach (561) 514-4100. Case related questions should be directed to the division where the assigned judge is chambered.
