

## **Judge Preferences**

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### **Judge Burris**

#### **Hearings**

For cases in the Columbia division, the location for hearings shall be the J. Bratton Davis U.S. Bankruptcy Courthouse, 1100 Laurel Street, Columbia, SC 29201. However, the debtor's counsel may indicate on the case docket (CM/ECF event provided) a preference for hearings in Greenville. If such a preference is indicated, thereafter parties self-scheduling hearings pursuant to SC LBR 9013-4 shall select a Greenville hearing date and location.

#### **Chapter 13 Docket**

In addition to the hearing procedures provided in Chambers Guidelines, in advance of any confirmation hearing, the Chapter 13 trustee shall provide notice to appropriate parties of deficiencies in a debtor's plan, schedules or statements, any other recommendations regarding confirmation of a Chapter 13 plan, and any other matters involving the trustee. The trustee shall assist the Court in identifying matters that are resolved and do not require a formal hearing and with the scheduling and continuance of confirmation hearings. The trustee shall report any recommendation or request on the CM/ECF docket after the time the applicable objection period for any matter has passed and continuing to the date of the hearing, including making recommendations on the hearing record. The trustee may examine witnesses or request or announce further hearing dates and times for continued matters. Settlements, trustee recommendations, and other agreed upon dispositions shall be noted in the records of the Court and executed by the judge at the appropriate time. The trustee shall make efforts to inform parties with scheduled hearings of these guidelines. If the trustee is informed of a resolution of a matter and the trustee has agreed, the trustee may excuse the attendance of other parties (whether the hearing is held telephonically or in-person) and report a resolution on the record.

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### **Judge Duncan**

#### **Electronic Exhibits.**

Generally, counsel should meet with the courtroom deputy clerk at least two (2) business days in advance of trial. Paper copies of each electronic document, pre-marked for identification, must be submitted for the record by the applicable times set forth in Chambers Guidelines or relevant orders. Other instructions may be provided by the courtroom deputy clerk regarding specific media.

#### **Chapter 13 form orders.**

If a form CI or CII order is entered following the first scheduled confirmation hearing, another confirmation hearing may be set. This confirmation hearing date will ordinarily be at least sixty (60) days from the date of the first scheduled confirmation hearing.

If a plan or modified plan is recommended for confirmation by the trustee after entry of a CI order, then any subsequent hearing may be removed from the calendar and the plan may be confirmed. If a modified plan is recommended for confirmation following a CII order and no objections have been filed, then any subsequent hearing may be removed from the calendar and the plan may be confirmed.

#### **Joint Statements of Dispute - chapter 13.**

Required only for plan confirmation or modification hearing disputes, and only for disputes other than with the trustee. The judge may request joint statements of dispute for other matters and in other chapters.

If an objection to chapter 13 plan confirmation is filed by any other party, the initial confirmation hearing will generally be continued to a new hearing date. In that event, a joint statement of dispute must be filed five (5) days before the continued confirmation hearing date. If after the first scheduled confirmation hearing, a modified plan is filed and additional objections are filed, a joint statement of dispute must be filed five (5) days before the continued confirmation hearing date. All objections will be taken up at the continued confirmation hearing.

For contested hearings on plan modification, the joint statement of dispute must be filed five (5) days before the hearing on modification.

### **Orders with Requests for Waiver of Stay.**

Fed. R. Bankr. P. 4001(a)(3) and 6004(h), respectively, provide for 14-day stays of orders granting motions for relief from the automatic stay and orders for the use, sale, or lease of property other than cash collateral. Any request ordering otherwise requires a hearing where counsel should be prepared to show cause for the request.

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## **Judge Gasparini**

### **Chapter 13 Matters**

#### **Scheduling Hearings**

Chapter 13 matters may be scheduled at different times depending on the nature of the matter.

- Matters scheduled for the “Confirm 13” docket/time slot should only include the following:
  - Confirmation Hearings
  - Motions to Modify Confirmed Plan
  - Motions for Moratorium
  
- Matters scheduled for the “362 13” docket/time slot should only include the following:
  - Motions for Relief from the Automatic Stay or Agreements related thereto
  - Co-Debtor Stay Motions
  - Motion to Extend/Impose the Automatic Stay
  - Motions to Reconsider Relief from Stay
  
- Any other matter should be scheduled for the “Other 13” docket.

#### **Chapter 13 General Docket**

In addition to the hearing procedures in the Chambers Guidelines, in advance of any confirmation hearing, the Chapter 13 trustee will post on Sharefile public folder information regarding deficiencies in a debtor’s plan, schedules or statements, any other recommendations regarding confirmation of a Chapter 13 plan, and any other matters involving the trustee. The trustee shall assist the Court in identifying matters that are

resolved and do not require a formal hearing and with the scheduling and continuance of confirmation hearings. The trustee shall file any recommendation or request on the CM/ECF docket beginning at the time the applicable objection period for any matter has passed and continuing to the date of the hearing, including making recommendations on the hearing record. The trustee may examine witnesses or request or announce further hearing dates and times for continued matters. Settlements, trustee recommendations, and other agreed-upon dispositions shall be noted in the records of the Court and approved by the judge at the appropriate time. If the trustee is informed of a resolution of a matter and the trustee has agreed to such resolution, the trustee may excuse the attendance of other parties (whether the hearing is held telephonically or in-person) and report the resolution on the record.

### **Plan Modifications**

If a modified or amended Chapter 13 plan is filed within 28 days of the scheduled confirmation hearing date on the prior plan, the debtor shall file and serve, along with the modified or amended plan, the local Form Notice of Confirmation Hearing setting the hearing for a future date that would allow full notice as required by the rules. In such case, the Chapter 13 trustee may file a request to have the original confirmation hearing date mooted by the filing of the subsequent plan. To the extent that deficiencies exist in the case as reflected on the Chapter 13 Trustee's Sharefile and a request to moot the original scheduled hearing is not filed, the Court will hold the original confirmation hearing to address any deficiencies or any other issues addressed in Sharefile. To ensure that the Chapter 13 trustee has sufficient time to review all pleadings in advance of confirmation hearings, counsel should consult with the Chapter 13 trustee prior to filing any amendments or modifications to a Chapter 13 plan within 7 days of the confirmation hearing on the original plan.