

CONTINUANCES, SETTLEMENTS, & WITHDRAWALS

This section applies to all matters on the Judge's docket, with the exception of adversary proceedings, which are governed by separate sections below. **In order to be timely considered by the Judge, requests for continuances, notifications of settlement, or withdrawals must be filed on CM/ECF by no later than 10:00 a.m. two business days prior to the date of the hearing.**¹ **Absent removal of the matter from the court calendar, all counsel and parties shall attend.**

I. Continuances

Continuances may be timely requested using the *Request for Continuance* text event on CM/ECF (if all responding parties consent) or by filing a motion for continuance along with a separate calendar removal request (if unable to obtain consents of all responding parties). Prior to making a continuance request in chapter 13 matters, the chapter 13 trustee should be consulted.² Parties are required to fill out all fields in the CM/ECF text event, and the failure to do so may result in the Court not granting the relief requested.

Continuances are not effective until granted by court order.³

II. Settlements

The settlement of a matter scheduled for hearing should be promptly reported to chambers using the *Notification of Settlement and Request for Removal from Court Hearing Calendar* text event on CM/ECF; or where applicable, by filing a notice and application for settlement pursuant to Fed. R. Bankr. P. 4001(d) or 9019, and a calendar removal request.

III. Withdrawals

Withdrawals of any filing upon which a hearing has been set should be filed on CM/ECF using the *Withdrawal from the Court Calendar* text event. When prompted by the text event, the party filing the withdrawal must specify the reason for withdrawal, including, but not limited to, the debtor's agreement to file an amended plan or the parties' agreement to enter into a consent order or take other action. Parties are required to fill out all fields in the CM/ECF text event, and the failure to do so may result in the Court requiring the parties to withdraw the matter at hearing.

¹ Extraordinary circumstances such as illness or family emergency will also be considered to obtain a continuance after the deadline. To make a late request due to extraordinary circumstances, counsel should both file the request on CM/ECF and email the request to Chambers.

² For some matters relating to confirmation, the matter will not be removed from the calendar in advance, but the Trustee may announce the continuance on the record during the hearing.

³ With regard to motions to dismiss or convert pursuant to 11 U.S.C. § 1112, a request for a continuance by the movant or consent to a continuance by the movant shall be deemed a waiver of the scheduling and ruling deadlines imposed by 11 U.S.C. § 1112(b)(3) and the rules.

STATEMENT OF DISPUTE

If a matter set for hearing is contested, the parties should complete and file a Joint Statement of Dispute by the applicable deadline, using the form attached as [Exhibit B](#).¹ If the pleadings on which the hearing is based clearly set forth all issues to be decided by the Court and the statutory, case law or other applicable authority, the parties may simply reference the pleadings in those sections of the Joint Statement of Dispute and complete the other sections.

Parties and counsel submitting a Joint Statement of Dispute **may not reserve** the right to materially alter or supplement the Joint Statement of Dispute and shall be bound to the position and disclosures provided therein. Issues and arguments not stated in the Joint Statement of Dispute (even if previously stated in pleadings) may be considered by the Court to be abandoned or waived by the respective party. The parties shall be presumed ready for a hearing upon reasonable notice at any time after the submission of the Statement of Dispute. Representations made in a Joint Statement of Dispute shall be considered binding on the parties. A reference to the proposed submission of evidence and the availability of witnesses to be called by a party may be relied upon by the opposing party. Counsel shall be prepared to discuss the Joint Statement and the affected proceeding with the Court at any time after its submission.

If parties cannot agree to a Joint Statement of Dispute, separate Statements shall be submitted to the Court, using the form attached as [Exhibit C](#), under the same requirements and conditions applicable to Joint Statements of Dispute, along with an explanation of reasons the statement could be submitted jointly. The Statements shall be filed by the same deadline required for a Joint Statement and shall be served upon opposing counsel by e-mail or hand delivery.

The failure by any party/counsel to timely submit a Joint or Separate Statement of Dispute which is complete and submitted in good faith, or to timely and fully consult with the Trustee or opposing party/counsel, or to be reasonably available for discussion with or hearing by the Court may be deemed by the Court to be a failure of that party to prosecute and may result in the dismissal or denial of the party's position, pleading, or plan of reorganization and may result in other sanctions pursuant to Bankruptcy Rule 9011, 11 U.S.C. § 105, 28 U.S.C. § 1927, or the inherent authority of the Court.

If a matter is settled after the filing of a Joint or Separate Statement of Dispute, counsel should advise chambers immediately by e-mail to judgewaites_hearings@scb.uscourts.gov with copy to all participating counsel.

For chapter 13 plan objections, the deadline to submit proposed Joint or Separate Statement of Dispute is the earlier of 30 days after the filing of the objection or 10:00 a.m. two (2) business day before the hearing.²

For all other matters, the deadline to submit the proposed Joint or Separate Statement of Dispute is 10:00 a.m. two (2) business days before the hearing.

¹ **The form used by the Judge differs from the form provided in the Local Rules.**

² Objections to confirmation involving disputes in value may be referred to mediation, in which case, the deadline for submitting a (Joint) Statement of Dispute will be listed in the Order Appointing Mediator.