

**JUDGES' PROCEDURES
UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK**

(Amended 11/12/2020)

1. REQUESTS FOR LEGAL ADVICE

Chambers and Clerk's Office personnel are not permitted to give legal advice. No requests for legal advice should be made to Chambers or to the Clerk's Office, whether in person, by telephone, email or letter.

2. COMMUNICATION WITH CHAMBERS BY LETTER

Letters should be filed on the docket and emailed to Chambers.

3. STANDARDS OF CIVILITY

By [Administrative Order No. 568](#), dated October 28, 2010, the Court adopted the New York State Standards of Civility as guidelines for practice in all cases and proceedings in this Court. It is expected that all persons appearing in this Court will conduct themselves in accordance with these standards.

4. ELECTRONIC FILING PROCEDURES

The Court's electronic filing procedures are set forth in [Administrative Order No. 559](#), *Electronic Means of Filing, Signing and Verification of Documents*.

5. OBTAINING A HEARING DATE

a. Chapter 7, 11, 13 Cases and Adversary Proceedings

[Chief Judge Alan S. Trust](#)

[Judge Nancy Hershey Lord](#)

[Judge Elizabeth S. Stong](#)

[Judge Louis A. Scarcella](#)

[Judge Robert E. Grossman](#)

[Judge Jil Mazer-Marino](#)

b. Emergency Motions

A hearing on an emergency motion or an application for an order to show cause may be requested by emailing or calling the Courtroom Deputy Clerk at the email address or telephone number provided for this purpose on the Court's website. The motion or application and any affidavit or affirmation required by [E.D.N.Y. Local Bankruptcy Rule 9077-1](#) should be docketed before a hearing is requested. A party requesting a hearing on an emergency motion or application for order to show cause should be prepared to serve the motion or application together with the scheduling order or order to show cause on the day that it is entered.

Injunctive relief, including temporary restraining orders, will not ordinarily, be granted without the party against whom relief is sought being given an opportunity to respond.

In cases before Chief Judge Trust, see [Chief Judge Trust's Procedures](#) on the Court's website.

c. Conferences

A conference may be requested by filing a letter on the docket and emailing a copy of the letter to the Courtroom Deputy Clerk for the Judge before whom the matter is pending at the email address provided for this purpose on the Court's website. A letter, no longer than two pages, explaining the reason for the conference and stating whether a telephone or in-person conference is requested, should be docketed and served on all (adverse/interested) parties before the request is made.

In cases before Chief Judge Trust, see [Chief Judge Trust's Procedures](#) on the Court's website.

6. CHAMBERS COPIES

a. Chief Judge Alan Trust

In cases before Chief Judge Trust, see [Chief Judge Trust's Procedures](#) on the Court's website.

b. Judge Elizabeth Stong

Required for all motions or any related documents in all cases, including monthly operating reports in Chapter 11 cases.

c. Judge Robert Grossman

No Chamber's copy is required as long as it's on the docket.

d. Judge Nancy Hershey Lord and Judge Louis Scarcella

Required for motion papers in Chapter 11 cases and for Chapter 11 plans and disclosure statements, and as otherwise requested by the Court.

e. Judge Jil Mazer-Marino

Required for: dispositive motions in adversary proceedings; Chapter 11 first day motions, plans and disclosure statements; motions which, with exhibits, exceed 75 pages (excluding motions for relief from stay); and, when requested.

7. REQUESTING ADJOURNMENTS ON CONSENT

Adjournments with the consent of all interested parties may be requested by contacting Chambers at the email address and/or telephone number provided for this purpose on the Court's website at least two business days prior to the scheduled hearing date. If the requested adjournment is granted, a follow-up letter, confirming the consent of all (adverse/interested) parties to the adjournment that lists all matters to be adjourned, must be received by Chambers and filed electronically on the docket at least one business day prior to the hearing. Unless the follow-up letter is received by Chambers and filed on the docket by that time, the scheduled matter will remain on the calendar.

In cases before Chief Judge Trust, see [Chief Judge Trust's Procedures](#) on the Court's website.

8. SETTLEMENT OR WITHDRAWAL OF MOTIONS AND ADVERSARY PROCEEDINGS

a. When a motion or adversary proceeding has been settled or withdrawn, the movant should inform the Courtroom Deputy Clerk by email and file a confirming letter on the docket at least one business day prior to the scheduled hearing.

b. Upon receipt of the email, the Court will determine whether the parties are excused from appearing at the hearing or trial.

In cases before Chief Judge Trust, see [Chief Judge Trust's Procedures](#) on the Court's website.

9. REQUESTING TELEPHONE OR VIDEO APPEARANCES

a. Telephone Appearances

Telephone appearances may be requested by emailing or calling the Courtroom Deputy Clerk for the Judge before whom the matter is pending at the email address or telephone number provided for this purpose on the Court's website. Requests must be made at least two business days prior to the scheduled hearing date. Requests to appear by telephone will be considered on a case-by-case basis.

b. Video Appearances

Facilities may be available to permit appearances to be made by video in Central Islip and in Brooklyn. Requests to appear by video in Brooklyn for a hearing in Central Islip, or to appear by video in Central Islip for a hearing in Brooklyn, may be made by telephone or email to the Courtroom Deputy Clerk for the Judge before whom the matter is pending at least seven days prior to the scheduled hearing date. Requests to appear by video in either Brooklyn or Central Islip from a location outside the district should be made at least 14 days prior to the scheduled hearing date. Requests to appear by video will be considered on a case-by-case basis.

In cases before Chief Judge Trust, see [Chief Judge Trust's Procedures](#) on the Court's website.

10. WAIVERS OF APPEARANCE

a. Chapter 7 Trustee Motions to Dismiss

Unless the Court directs otherwise, the Court will waive the appearance of Chapter 7 Trustees on a motion to dismiss for failure to attend the Section 341 meeting of creditors.

b. Final Meetings of Creditors

Unless the Court directs otherwise, the Court will waive the appearance of Chapter 7 Trustees, their retained professionals, and the United States Trustee at the final meeting of creditors if neither the Trustee nor any of the professionals are requesting compensation, including commissions or fees and expenses, in excess of \$10,000.00. If an objection to such a motion is timely filed, or if the Court so directs, the Trustee and/or its counsel shall attend the hearing. If a party fails to interpose a timely objection, but appears at the final meeting of creditors, then the Court may adjourn the matter to a new hearing date and require an appearance.

c. Motions to Sell the Estate's Interest in a Motor Vehicle in Cases Assigned to Judge Grossman

Unless the Court directs otherwise, the Court will waive the appearance of Chapter 7 Trustees and their counsel at hearings on motions by the Chapter 7 Trustee to sell the estate's interest in a motor vehicle. If an objection to such a motion is timely filed, or if the Court so directs, the Chapter 7 Trustee and/or its counsel shall attend the hearing. If a party fails to interpose a timely objection but appears at the hearing to object and the Chapter 7 Trustee or its counsel are not present, the Court may adjourn the matter to a new hearing date and require an appearance.

11. UNCONTESTED MATTERS

When a calendar matter is uncontested, a party may request that the matter be heard at the beginning of the calendar by speaking with the Courtroom Deputy Clerk before the call of the calendar.

Judge Grossman's calendar is called in order.

12. TRIAL EXHIBITS

Parties should bring a sufficient number of copies of any exhibit to a trial or evidentiary hearing so that copies may be provided to each counsel and any witnesses. In addition, three copies should be provided to the Court. Parties are directed to follow [E.D.N.Y. Local Bankruptcy Rule 9070-1](#) with respect to the retention and removal of exhibits.

13. NOTICES OF PRESENTMENT

a. Chief Judge Alan Trust

In cases before Chief Judge Trust, see [Chief Judge Trust's Procedures](#) on the Court's website.

b. Judge Elizabeth Stong

Will entertain motions by notice of presentment to the extent permitted by the Bankruptcy Code and the Bankruptcy Rules, and in accordance with [E.D.N.Y. Local Bankruptcy Rule 2002-1](#), with the exception of motions for stay relief in any case filed under any chapter of the Bankruptcy Code.

c. Judge Robert Grossman

Does not entertain notices of presentment.

d. Judge Nancy Hershey Lord

Will entertain motions by notice of presentment to the extent permitted by the Bankruptcy Code and the Bankruptcy Rules, and in accordance with [E.D.N.Y. Local Bankruptcy Rule 2002-1](#) with the exception of motions for stay relief and motions to approve loan modifications in any case filed under any chapter of the Bankruptcy Code.

e. Judge Louis Scarcella

In Chapter 7 and 13 cases, motions for (1) approval of settlements pursuant to Fed. R. Bank. P. 9019, and (2) relief from stay, where debtor is represented by counsel, will be considered on presentment.

f. Judge Jill Mazer-Marino

Will entertain motions by notice of presentment to the extent permitted by the Bankruptcy Code and the Bankruptcy Rules, and in accordance with [E.D.N.Y. Local Bankruptcy Rule 2002-1](#), with the exception of motions for stay relief in any case filed under any chapter of the Bankruptcy Code.

14. SUBMISSION OF ORDERS

Parties with passwords to the CM/ECF system should upload proposed orders in accordance with the procedures governing electronic submission of proposed orders, available on the Court's website at http://www.nyeb.uscourts.gov/main_attorney/eorders.php. Proposed orders must be uploaded as a ".pdf" document and a Microsoft Word document.

Parties without passwords to the CM/ECF system should email proposed orders to the Hearings email address for the Judge to whom the order is being submitted which is provided for that purpose on the Court's website.

15. MOTIONS FOR RELIEF FROM STAY TO FORECLOSE A MORTGAGE ON REAL PROPERTY OR A SECURITY INTEREST IN A COOPERATIVE APARTMENT

Motions for relief from stay to foreclose a mortgage on real property or a security interest in a cooperative apartment should be made in accordance with the Court's [General Order No. 533](#), *Motion for Relief from Stay to Foreclose a Mortgage on Real Property or a Security Interest in a Cooperative Apartment*.

16. PAYMENT AND CURE OF PRE-PETITION JUDGMENT OF POSSESSION INVOLVING RESIDENTIAL REAL PROPERTY

The procedures for payment and cure of pre-petition judgment of possession involving residential real property pursuant to Bankruptcy Code § 362(i) are set forth in [Administrative Order No. 541](#), *Payment and Cure of Pre-Petition Judgment of Possession Involving Residential Property*.

17. BAR DATE ORDERS

Applications for the entry of a Bar Date Order should be made in accordance with the guidelines set forth in [Administrative Order No. 684](#), *Amendments to Bar Date Order Guidelines*.

For cases assigned to Chief Judge Trust, 60 days' notice of the bar date is required.

18. MONTHLY COMPENSATION REQUESTS

Requests for monthly compensation may be made in accordance with [Administrative Order No. 538](#), *Order Establishing Procedures for Monthly Compensation and Reimbursement of Expenses of Professionals*. Whether a request for monthly compensation will be granted will be determined on a case-by-case basis by the Judge to whom the case is assigned.

19. FINANCING MOTIONS

Motions in Chapter 11 cases where the debtor in possession or Trustee seeks authority to use cash collateral pursuant to Bankruptcy Code § 363(c) or seeks to obtain credit pursuant to Bankruptcy Code § 364, should be made in accordance with the guidelines set forth in [Administrative Order No. 558](#), *Adoption of Guidelines for Financing Motions*.

20. ASSET SALES

Motions for the sale of assets under Bankruptcy Code § 363(b) should be made in accordance with the guidelines set forth in [Administrative Order No. 557](#), *Adoption of Sale Guidelines*.

21. FIRST DAY MOTIONS

First day motions in Chapter 11 cases should be made in accordance with the guidelines set forth in [Administrative Order No. 565](#), *Adoption of Guidelines for First Day Motions*.

22. LOSS MITIGATION

The Loss Mitigation Program and procedures are available in cases assigned to Judges Stong, Lord, Scarcella and Mazer-Marino. Loss Mitigation Program Procedures are set forth in [General Order No. 676](#), *Adoption of Modified Loss Mitigation Program Procedures*.

In all cases assigned to Judge Scarcella, motions are required for all requests by debtors to enter into the Court's Loss Mitigation Program as follows:

The debtor shall: (a) serve the motion upon the Office of the United States Trustee, the Chapter Trustee and the mortgagee, in compliance with the Court's loss mitigation procedures, (b) provide for 17 days' notice, and (c) obtain a hearing date via the Court's website.

The motion shall: (a) include (i) the address of the subject property, (ii) the name of the mortgagee and (iii) the last 4 digits of the loan number; (b) include sufficient information to demonstrate that the debtor has a likelihood of succeeding in loss mitigation; (c) state whether the debtor has been denied loss mitigation option(s) within the year prior to the current request; and (d) if the debtor has been denied loss mitigation option(s) within the year prior to the current request, explain what circumstances have changed since the prior denial.

A motion for relief from the automatic stay pursuant to Bankruptcy Code §362 filed by the mortgagee may be adjourned to the date of the hearing on the debtor's loss mitigation motion/request.

23. FEES AND DISBURSEMENTS FOR PROFESSIONALS

Fees and Disbursements for Professionals should be made in accordance with the guidelines set forth in [General Order No. 613](#), *Guidelines for Fees and Disbursements for Professionals in Eastern District of New York Bankruptcy Cases*.