Motions Practice

Setting Hearings

Contact the calendaring department at (208) 334-9698 to obtain a hearing date. Procedures for notice and hearings are governed by Local Bankruptcy Rule 2002.2. It is the Court's practice to "deep set" the calendar. Parties who anticipate extended evidence or testimony should alert the calendaring clerk when scheduling the hearing.

Vacating or Continuing Hearings

Judge Pappas adheres to Local Bankruptcy Rule 2002.2(f) regarding continuances. A proposed order must accompany any motion or stipulation for a continuance.

Motions to Reconsider

Motions to reconsider are to be filed with the Clerk. The case administrator will forward the motion to chambers. Counsel will be contacted should the judge require the motion to be scheduled for hearing.

Forms of Orders

Orders are submitted electronically under the ECF Procedures. Local Bankruptcy Rule 9004.1. In addition, all orders in Chapter 12 and 13 cases must bear the signature approval of the chapter 12 or 13 Trustee unless otherwise ordered by the Court.

Evidentiary Hearings

Evidentiary hearings are generally governed by Federal Rule of Bankruptcy Procedure 9014 and Local Bankruptcy Rule 9014.1. However, objections to claims are governed by Local Bankruptcy Rule 3007.1 and stay relief matters by Local Bankruptcy Rule 4001.2(e)(3). Parties shall mark and compile exhibits in the same manner as in adversary proceedings. *See* sample pretrial order.

If a deadline exists for filing pre-hearing briefs and/or witness and exhibit lists, parties must comply with that deadline, regardless of the status of settlement negotiations, unless otherwise ordered by the Court.

Parties should be prepared at the beginning of a hearing to stipulate to the admission of any uncontested exhibits.