

PRACTITIONER BEST PRACTICES/GUIDELINES
RELATING TO MOTIONS FOR RELIEF
WESTERN DIVISION

The Court established [Administrative Order 17-07](#) which provides instructions on how to handle Consensual Request for Continuances and Request to Vacate Hearings on Settled Matters amongst other things.

As practitioners and members of the local bar, we wish to set internal best practices and standards to ensure the efficiency and sustainability of local practice before the Court. To be effective these norms must be transparent to attorneys that may come to practice here among and across from us. The Tuscaloosa bankruptcy bar recognizes how fortunate it is to practice before a Court that works extremely hard in putting policy and procedures in place that allow for an efficient disposition of matters pending before the Court.

In effort to help decrease docket preparation time regarding pending matters involving a Motion for Relief the Automatic Stay and to avoid unnecessary court appearances, the following recommendations are made to practitioners:

1. If there is a consensual request for a continuance or a request to vacate hearing on settled matters, please notify the courtroom deputy via email at crdeputyjhh@alnb.uscourts.gov no later than 1 PM, two (2) business days prior to the Motion for Relief docket.
 - a. If the matter has been settled and a proposed order has not been circulated, please go ahead and notify the courtroom deputy of the settlement so the matter can be vacated from the docket.
 - b. If the parties are notifying the courtroom deputy of a consensual request for a continuance, please remember to indicate in your email that the movant affirmatively *waives* any and all applicable 11 U.S.C. 362(e) deadlines.
 - c. Consensual request for continuances of a Motion for Relief the Automatic Stay are normally granted if timely requested, and 362(e) deadlines are waived.
 - d. The parties should submit all proposed orders within 21 days of the hearing date. Click [HERE](#) for guidelines for submitting E-Orders.
2. Notify the courtroom deputy no later than no later than 1 PM, two (2) business days prior to a motion docket when the only reason the case is being called is for a co-debtor stay.
3. If best practice is not possible, attorneys should still make their best efforts to notify the Court of continuances or settlements as early as possible.
4. Exchange post-petition payment history.

In Chapter 13 cases pending in the Western Division, it is expected that the creditor's counsel will furnish post-petition payment histories to the debtor's counsel upon request.