



MEMORANDUM

To: Bankruptcy Practitioners in the Middle District of Georgia
From: Kyle George, Clerk of Court
Subject: Proposed LBR 9072-1 and Proposed LBR 9073-1 February 10, 2021

1. Several years ago this Court developed the “Final Disposition Calendar Procedures” which are included as part of the Clerk’s Instructions at Appendix J. The process is widely known and used by regular bankruptcy practitioners in our jurisdiction.

2. As part of those procedures, Appendix J says that “The presiding Judge may enter an order dismissing the motion for failure to prosecute or continue the hearing to the next Final Disposition Calendar, depending on the circumstances.”

3. One notable deficiency is that our local rules do not include language specifying that a motion (or other matter) may be dismissed for failure to prosecute under the Final Disposition Calendar Procedures. During our recent Judges Meeting, the Judges agreed that because of the gravity of a possible dismissal of an action, the local rules warrant having that possibility so stated in the rules.

4. In addition to modifying the Appendix J instructions to not limiting dismissal only to motions (but also to applications, objections, or other matters), we propose the addition of two rules, Local Bankruptcy Rules 9072-1 Orders-Proposed and 9073-1 Hearings, using the Uniform Local Rule Numbering System. The proposed rules are:

LBR 9072-1. Orders – Proposed (added March __, 2021)

When parties report to the Court that a matter has been resolved and that an order will be submitted, the underlying matter (motion, application, objection, other contested matter, etc.) will generally then be placed on the Court’s Final Disposition Calendar. Attorneys (or unrepresented parties) are expected to submit the proposed order before the date on which the matter appears on the Final Disposition Calendar. If the proposed order has not been submitted and signed,

the attorneys (or unrepresented parties) shall appear at the Final Disposition Calendar hearing unless their appearance is excused by the Court. Failure to do so may result in the matter being dismissed for failure to prosecute. More details concerning the Final Disposition Calendar may be found in the Clerk's Instructions, Appendix J.

LBR 9073-1. Hearings (added March __, 2021)

If a matter (motion, application, objection, other contested matter, etc.) has been placed on a Final Disposition Calendar and is not resolved by the signing of the order submitted by the parties before the hearing on the Final Disposition Calendar, the attorneys (or unrepresented parties) shall appear at the Final Disposition Calendar hearing unless their appearance is excused by the Court. Failure to do so may result in the matter being dismissed for failure to prosecute. More details concerning the Final Disposition Calendar may be found in the Clerk's Instructions, Appendix J.

5. I would very much appreciate comments back to me via email no later than March 12, 2021. My email address is Kyle_George@gamb.uscourts.gov. Your assistance in this matter is greatly appreciated.