

**Individual Practices of Honorable Marci B. McIvor**  
U.S. Bankruptcy Court for the Eastern District of Michigan  
Southern Division  
211 W. Fort St., Suite 1850  
Detroit, Michigan 48226  
Courtroom 1875

Judicial Assistant: Susan Maruszewski (313) 234-0010  
Courtroom Deputy: Patti O'Hara (313) 234-0014  
Chambers Support Person: Leslie Binion (313) 234-0013

**I. Communications with Chambers**

- A. Chambers staff cannot give legal advice. The Court's procedures are governed by the Federal Rules of Bankruptcy Procedure and Local Bankruptcy Rules for the Eastern District of Michigan, which are available on this website. This memorandum is intended as a supplement to those rules, and not as a substitute.
- B. Telephone calls. Telephone calls to chambers are permitted, but should be made only when necessary. Chambers personnel cannot provide case information. All calls pertaining to case information and docket entries should be directed to the Auto Attendant at (313) 234-0065, or parties may view case dockets on PACER.
- C. Letters. Letters to the Judge are discouraged; written communications should be made only by pleadings. Copies of correspondence between counsel shall not be sent to the Judge and will be discarded. Letters to the Judge from pro se litigants are treated as pleadings and will be docketed as such.
- D. Facsimiles. Faxes to chambers are not permitted unless specifically requested by the Judge. When the Judge permits a fax, the use of the

chamber's fax number is for that time only.

- E. Scheduling and calendaring. For scheduling or calendar matters, call Ms. Patti O'Hara at (313) 234-0014.
- F. Requests for adjournments. Requests for adjournments should be made strictly in conformance with L.B.R. 5071-1, except that one adjournment of a hearing on a motion or initial status conference in an adversary proceeding shall be permitted by telephone to Patti O'Hara if all counsel have agreed. A stipulated order must be submitted to the Court for entry.

## **II. Motions**

- A. Filing of motion papers. All papers should be filed at Intake on the 17th floor. With the exception of motions for expedited hearings and pleadings specifically requested by the Judge, the Judge's copy of pleadings should be filed with Intake and not brought to chambers. If pleadings are being mailed to the Court for filing, they should be addressed to U.S. Bankruptcy Court, Intake Dept., 211 W. Fort Street, 17th Floor, Detroit, Michigan 48226.
- B. Oral argument on motions. When an answer/objection to a motion is filed, the Court will schedule oral argument on the motion. The parties will be notified of the date and time of argument.
- C. Pro hac vice appearance. A motion pursuant to L.B.R. 9014-1 must be filed with the Court. Pro hac vice appearances are allowed upon approval from the Court.
- D. Participation by telephone. Participation by telephone is permitted. Counsel must request approval in advance. Contact Patti O'Hara to request

permission and make arrangements.

- E. Discovery disputes. Discovery motions are not encouraged.

### **III. Orders**

Orders to show cause. Orders to show cause are issued by the Court. Orders to show cause will not be issued upon motion by a party, as there is no provision in the Bankruptcy Rules authorizing a party to request an order to show cause.

### **IV. Status Conferences**

- A. Location. Status conferences are generally held on the record in the courtroom.
- B. Initial scheduling conference in an adversary proceeding. A Fed. R. Civ. P. 26(f) report between the parties must be filed 5 days in advance of the scheduling conference.
- C. Initial chapter 11 status conference. The initial chapter 11 status conference is scheduled by the Court upon order issued shortly after the case is filed. Debtor's counsel is responsible for sending notice to the 20 largest creditors.

### **V. Trials and Evidentiary Hearings**

- A. Court Recorder. Please respect the court recorder's function. Speak clearly. Do not speak while someone else is speaking. New attorneys should give the court recorder their business card to ensure correct information in the record.
- B. Exhibits. For trials and evidentiary hearings, parties must strictly comply with L.B.R. 7016-1(d). At least one day prior to trial or evidentiary hearing,

counsel shall arrange with the chambers support person, Leslie Binion, to have all documentary exhibits marked and provide copies of all exhibits to opposing counsel. At the trial or evidentiary hearing, counsel shall have 3 copies of all exhibits: one for the witness, the Judge and the law clerk, assuming opposing counsel has already received a copy.

- C. Transcripts. Counsel are responsible for promptly raising any issue concerning the accuracy of transcripts certified by the official court recorder. Counsel should contact the chambers support person, Leslie Binion, with material errors.

## **VI. Default Judgments**

- A. Applications for default judgment will not be accepted absent the following:
1. A description of the nature of the claim;
  2. An affidavit representing that this Court has subject matter jurisdiction over the action;
  3. An affidavit representing that this Court has personal jurisdiction over the defendant;
  4. An affidavit representing that the defendant is not (i) an infant; (ii) an incompetent; or (iii) in the military;
  5. An original certificate of default stating that the defendant was properly served and failed to answer/appear, signed and stamped by the Clerk of the Court;
  6. All required substantiating documentation. Generally, a copy of the complaint satisfies number 1 - 3.

- B. If the plaintiff seeks an award of damages in the motion for default judgment, the plaintiff must also include:
1. A request for an amount equal to or less than the principal amount demanded in the complaint;
  2. Definitive information and documentation such that the amount provided for in the proposed judgment can be calculated. If this requirement cannot be satisfied, a default judgment may be granted as to liability, and damages will be determined by an evidentiary hearing.
  3. An affidavit representing that no part of the judgment sought has been paid, other than as indicated in the motion;
  4. A request for interest, if interest is sought, on the principal amount not to exceed the judgment rate under Michigan law or authority if a different rate is sought; and
  5. The calculations made in arriving at the proposed judgment amount.
- C. The application for default judgment must be accompanied by a proposed judgment pursuant to L.B.R. 7055-1.

## **VII. Settlements**

Counsel are required to strictly comply with L.B.R. 9019-1 regarding the settlement of an adversary proceeding or contested matter.

## **VIII. Chapter 11 Combined Plans of Reorganization and Disclosure Statements**

The Judge uses a fast track system for all chapter 11 cases unless it is determined that it is not practical. The Judge's requirements for information to include in the combined chapter 11 plan and disclosure statement can be found on this website.

**IX. Law Clerks, Internships and Externships**

The Judge is not currently accepting applications for law clerks, internships or externships. If a position become available, a notice will be posted on this website.