

**Individual Practices of Daniel S. Opperman
U. S. Bankruptcy Court for the Eastern District of Michigan**

**Northern Division
111 First Street
Bay City, Michigan 48708
Courtroom Deputy, Wendy Erickson
(989) 894-8844**

**Southern Division
226 West Second Street
Flint, Michigan 48502
Courtroom Deputy, Jill McFarlane
(810) 235-2039**

I. Communications With Chambers

- A. Chambers staff cannot give legal or procedural advice. The Court’s procedures are governed by the Federal Rules of Bankruptcy Procedure and Local Rules of Bankruptcy Procedure 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. Counsel having questions concerning scheduling matters should contact the Courtroom Deputy, Ms. Erickson (Bay City), directly at (989) 894-8844 or the Courtroom Deputy, Ms. McFarlane (Flint), directly at (810) 235-2039. Do not call the Judicial Assistant, Suzanne Hert, or the Law Clerk, Melanie Beyers, with respect to any scheduling matters. Chambers personnel cannot provide case information. All calls pertaining to case information and docket entries should be directed to the Auto Attendant in Bay City at (989) 894-8840, or in Flint at (810) 235-4126, or the parties may view case dockets on PACER. The weekly docket may be viewed on the Court’s website under the heading “Court Docket”.
- C. Letters. Letters to the Judge are discouraged, unless specifically requested; 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 may, at the Judge's discretion, be treated as pleadings and 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. Erickson in Bay City at (989) 894-8844 or Ms. McFarlane in Flint at (810) 235-2039. Dockets for the week are normally posted on the Court's website no later than Monday of that week.
- F. Requests for adjournments. Requests for adjournments should be made strictly in conformance with L.B.R. 5071-1. All requests for adjournments must be made at least 24 hours in advance of the scheduled hearing. Requests not in conformity with the above will be at the discretion of the Court.

II. Motions

- A. Filing of motion papers. All pleadings shall be filed electronically in compliance with the Court's Administrative Procedures for Electronic Case Filing posted on the Court's website. If an exception to the electronic filing requirement exists as defined in Electronic Procedure 3, all papers shall be filed in the Clerk's Office. If filing an emergency motion or motion for expedited hearing, counsel should call Ms. Erickson in Bay City at (989) 894-8844, or Ms. McFarlane in Flint at (810) 235-2039 so that

the motion can be immediately brought to the Judge's attention. Counsel shall deliver a paper Judge's copy of Chapter 11 Combined Plans and Disclosure Statements to chambers within one day of the electronic filing of this document.

- B. Oral argument on motions. The Court will schedule oral argument on motions, if necessary. The parties will be notified of the date and time of argument. Evidence will not ordinarily be taken at the time of the oral argument unless the Court has previously notified the parties. If an evidentiary hearing is determined to be necessary, the Court will schedule such at an appropriate date and time.
- C. Motion day. Motion day is Wednesday in Flint and Thursday in Bay City. Counsel does *not* need to check in with the Courtroom Deputy either in chambers or in the courtroom. Although cases will be called generally in the order in which they appear on the docket posted outside the courtroom, any case that has settled or otherwise resolved will be called earlier. Counsel should appropriately advise the Courtroom Deputy of any settlement or resolution and reasonable efforts will be made to call the case as soon as possible.
- D. Pro hac vice appearance. Pro hac vice appearances are not permitted. For the requirements and procedures for admission to the bar, counsel are directed to E.D. Mich. LR 37.1 of the Local Rules for the District Court, Eastern District of Michigan.
- E. Participation by telephone. Participation by telephone is permitted only in unusual and appropriate circumstances. Counsel must request approval at least one day in advance. Contact the Courtroom Deputy to request permission and make

arrangements.

- F. Discovery disputes. E.D. Mich. LR 37.1 applies to all discovery disputes. After the LR 37.1 conference, any remaining discovery disputes must be summarized and attached as an exhibit to an appropriate pleading filed at least five (5) days before the hearing.

III. Orders

- A. Chambers staff cannot search for or give the status of orders previously submitted for the Judge's signature.
- B. Orders to show cause. Orders to show cause are issued by the Court and require the appearance of counsel at the stated time unless otherwise indicated in the order.

IV. Status Conferences

- A. Location. Status conferences are generally held in chambers unless indicated otherwise on the notice.
- B. Initial scheduling conference in an adversary proceeding. A Fed. R. Civ. P. 26(f) report must be filed five (5) days in advance of the scheduling conference. If a Rule 26(f) report has been filed five (5) days in advance of the scheduling conference, and is in the approved format, the parties will not need to attend the scheduling conference, unless the Court has directed otherwise in the order scheduling the conference. If a litigant is acting in pro per, the initial scheduling conference will take place on the record.
- C. Chapter 11 case management orders. If appropriate, the initial Chapter 11 case 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. Requirements for information to include in the Combined Chapter 11 Plan and Disclosure Statement can be found on the Court's website.

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. If the spelling of names of cases, people, places, or things is important, counsel should give a list of such words to the Court Recorder at the start of trial.
- 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 Court Recorder, Pamela Skillman in Flint (810) 235-4426 or Kimberly Teeple (989) 894-8861, to have all documentary exhibits marked and provide copies of all exhibits to opposing counsel. Counsel shall also provide one copy of an Exhibit List to the Court Recorder. Parties shall not mark exhibits prior to their submission to the Court Recorder. At the trial or evidentiary hearing, counsel shall have an original and three copies of all exhibits; one for the witness, the Judge and opposing counsel.
- 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 Court Recorder, Pamela Skillman (Flint) or Kimberly Teeple (Bay City), with material errors.

D. E.D. Mich. LR 52.1 applies to all non-jury trials.

VI. Default Judgments

A. Motions for default judgments 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 as provided in the Service Member's Civil Relief Act of 2003, Pub. L. No. 108-189, 117 Stat. 2835 (2003); and
5. An affidavit and documentation substantiating the relevant allegations in the complaint.

B. If the plaintiff seeks an award of damages in the motion for default judgment, the required affidavit and substantiating documentation 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 at 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 motion for default judgment must be accompanied by a proposed judgment pursuant to L.B.R. 7055-1.
- D. The Court may also request a hearing on the motion at its discretion.

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. Law Clerks, Internships, and Externships

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

IX. Reaffirmation Agreement Hearings

The Court follows the “Notice Regarding Reaffirmation Agreements”, as may be amended, of the Bankruptcy Court for the Eastern District of Michigan.

In all pro se cases where the Debtor signs one or more reaffirmation agreements, the Court will schedule a hearing to determine whether or not the reaffirmation agreement(s) will be approved.

In cases where the Debtor is represented by counsel and has entered into numerous reaffirmation agreements, the file will be screened and, where appropriate, approval of the reaffirmation agreements will be set for hearing.