

**Individual Practices of Walter Shapero**  
U.S. Bankruptcy Court for the Eastern District of Michigan  
Southern Division  
211 West Fort Street, Detroit, MI 48226  
Judge Walter Shapero's Chambers, Courtroom and Associated Offices  
are Located on the 10<sup>th</sup> Floor of the Theodore Levin Courthouse  
231 West Lafayette Street, Detroit, MI 48226  
Judicial Assistant, Marsha Heinonen (313)234-2649  
Law Clerk, Ashley Jericho  
Courtroom Deputy, Sandra G. Gentle (313)234-2643  
Chamber Support Clerk, Lori A. Ford (313)234-5196

## **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. Gentle, directly at (313)234-2643 . Do not call the Judicial Assistant, Marsha Heinonen, or the Law Clerk, Jeffrey Snell, 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 Detroit at (313)234-0065, or parties may view case dockets on CM/ECFn through PACER. The weekly dockets for Judge Shapero 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. Gentle at (313)234-2643. Dockets for the week are normally posted on the Court's website no later than Tuesday the week prior to the scheduled hearing.
- 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.
- G. Objection to Proof of Claim hearing dates. Objection to Proof of Claim dates will be made available on the Court's website and should be referred to prior to filing for notice purposes.

## **II. Motions**

- A. Filing of Motion in Paper Form. All motions are to be filed electronically. If you do not have electronic access for filing pleadings with the Court you are required to follow the ECF Procedure 3 instructions, also listed on the Court's website.
- B. Oral argument on motions. The Court will normally schedule oral argument on motions. 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, one will be at an appropriate date and time.
- C. Motion day. Judge Shapero's motion day is Thursday. Counsel does *not* need to check in with the Courtroom Deputy prior to Court hearings. Cases will be called

generally in the order in which they appear on the docket, which is posted outside the courtroom.

- D. Pro hac vice appearance. By District Court Rule pro hac vice appearances are not permitted. For the requirements and procedures for admission to the bar, counsel are directed to Rule 83.20(c)(1) of the Local Rules for the District Court, Eastern District of Michigan.
  
- E. Participation by telephone or video. Participation by telephone or video is permitted only in unusual and appropriate circumstances. Counsel must request approval at least three (3) days in advance. Contact the Chamber Support Clerk to request permission and make arrangements.
  
- F. Discovery disputes. Pursuant to L.B.R. 7026-3 is allowed.

### **III. Order**

- A. Orders. All orders are to be submitted electronically for entry.
  
- .B. Order to Show Cause. Orders to show cause are issued by the Court and generally require the appearance of counsel or other indicated persons at the stated time, There is no provision in the Bankruptcy Rules authorizing parties to request an order to show cause.

### **IV. Status Conference**

- A. Location. Status conferences are generally held in chambers unless indicated otherwise on the notice.
  
- B. Initial scheduling conference in adversay proceeding. The joint

Fed.R.Civ.P.26(f) report must be filed five days in advance of the scheduling conference. If a Rule 26(f) report has been filed five 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. The Court will automatically issue a Chapter 11 case management order once the Debtor has filed all the required documents with the voluntary petition including, but not limited to, schedules and statement of financial affairs. The Court will issue the case management order prior to the scheduled §341 hearing. The required information to be included in the combined Chapter 11 Plan and Disclosure Statement can be found on the Court's website.

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

- A. Conduct During Court Proceedings. Speak clearly. State your name and the party you are representing for the record. New attorneys should give the Chamber Support Clerk their business card to ensure correct information in the record.
- B. Exhibits. For trials and evidentiary hearing, parties must strictly comply with L.B.R. 7016-1(d). At least one day prior to the trial or evidentiary hearing, counsel shall arrange with the Chamber Support Clerk, Lori A. Ford at (313)234-5196, to have original documentary exhibits marked. It is the responsibility of counsel to mark copies to be provided to opposing counsel. Parties shall not mark exhibits prior to their submission to the Chamber Support Clerk. At the trial or evidentiary hearing, counsel shall have five copies of all exhibits: one for the witness, the Judge, opposing counsel, the Chamber Support Clerk and the Law

Clerk.

## **VI. Default Judgments**

- A. Motion for default judgments will be accepted pursuant to L.B.R. 7055-1:
  - 1. A description of the nature of the claim;
  - 2. An affidavit representing that the defendant is not (I) an infant; (ii) incompetent; and is not (iii) in the military as provided in the Service Member's Civil Relief Act.
  - 3. 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. Settlement**

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 Plans of Reorganization and Disclosure Statements**

Judge Shapero 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 at:

<http://www.mieb.uscourts.gov/rulesAndForms/forms/Combined%20Plan%20and%20Disclosure%20Statement%20-%20Judge%20Shapero.pdf>

## **IX. 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. Questions concerning such position should be direct to the Law Clerk, Jeffrey Snell at (313)234-2642.

## **X. Reaffirmation Agreement Hearings**

A. Pro se cases Pursuant to L.B.R. 4008-1(c) cases where the Debtor the debtor is not represented by counsel and signs one or more reaffirmation agreements, the debtor is allowed to sign the motion in section E of the reaffirmation agreement(s) and the matter will be scheduled for hearing.

- B. Debtor(s) represented. In cases where the Debtor is represented by counsel and has entered into reaffirmation agreements, where there is a presumption of undue hardship, a separate motion for approval must be filed and the matter will be scheduled for hearing pursuant to L.B.R. 4008-1(b).

#### **XI. Motions to Extend or Impose the Automatic Stay**

- A. Every motion to extend or impose a stay under § 362(c) of the Bankruptcy Code must be accompanied by an affidavit signed by the Debtor setting forth the facts upon which the motion is based.
- B. The procedure for scheduling a hearing or a motion to extend or impose a stay under § 362(c) of the Bankruptcy Code is set forth in L.B.R. 4001-5.