

Individual Practices of Judge Thomas J. Tucker
U.S. Bankruptcy Court for the Eastern District of Michigan
Southern Division
211 W. Fort St., Suite 1900
Detroit, Michigan 48226
Courtroom 1925
Courtroom Deputy, Mary Vozniak (313) 234-0033

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. Vozniak, directly at (313) 234-0033. Do not call the Judicial Assistant, Sherie Hitch, or the Law Clerk, Lisa Barnett, 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 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 should 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 chambers fax number is for that time only.
- E. Scheduling and calendaring. For scheduling or calendar matters, call Ms. Mary Vozniak at (313) 234-0033.
- F. Requests for adjournments. Requests for adjournments should be made strictly in conformance with L.B.R. 5071-1 (effective May 5, 2008), except that one adjournment of a hearing on a motion or initial status conference in an adversary proceeding will be permitted by telephone to Ms. Vozniak if all counsel to the hearing have agreed. A stipulated order must be submitted to the Court for entry.

II. Motions

- A. Filing of motion papers. For items that may be filed in traditional paper form, rather than electronically, 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 filed in paper form should be filed with Intake and not brought to chambers. If paper pleadings are being mailed to the Court for filing, they should be addressed to U.S. Bankruptcy Court, Intake Department, 211 W. Fort St., 17th Floor, Detroit, Michigan 48226.
- B. Oral argument on motions. Generally, 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. Ordinarily, evidence will not be taken

at the time of oral argument unless the Court has previously notified the parties otherwise.

- C. Motion day. Judge Tucker's motion day is Wednesday. Counsel does *not* need to check in with the Courtroom Deputy either in chambers or in the courtroom. 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. 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) and (d) of the Local Rules for the District Court, Eastern District of Michigan.
- E. Participation by telephone. Out-of-town counsel may participate by telephone in any hearing or conference, except evidentiary hearings or trials. And the Court now permits any counsel to participate by telephone in an adversary proceeding initial scheduling conference, under circumstances described in the notice issued for such a conference. Otherwise, participation by telephone is permitted only in unusual circumstances. Counsel must request approval to participate by telephone, and make arrangements for such telephone participation, no later than noon on the business day before the hearing or conference. Contact Ms. Vozniak to request permission and make arrangements.
- F. Discovery disputes. Discovery motions are not encouraged. Counsel must always comply with the "meet and confer" requirements of L.B.R. 9014-1(h).

III. Orders

A. 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. All scheduling conferences are held on the record in the courtroom.
- B. Initial scheduling conference in an adversary proceeding. A Fed. R. Civ. P. 26(f) report must be filed at least five days in advance of the scheduling conference, *i.e.*, no later than the Wednesday before the conference (which normally will be held on a Monday morning).
- C. Initial chapter 11 case status conference. 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.

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 must arrange with the Court Recorder Glynis Averytte, (313) 234-0038, to have all documentary exhibits marked and provide copies of all exhibits to opposing counsel. At the trial or evidentiary hearing, counsel must have three copies of all exhibits: an original, one for the witness, and one for the Judge, 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 Court Recorder, Glynis Averytte, with material errors.

VI. Default Judgments

Counsel are required to strictly comply with L.B.R. 7055-1 and the Service Members Civil Relief Act of 2003.

VII. Settlements

Counsel are required to comply with L.B.R. 9019-1 regarding the settlement of an adversary proceeding or contested matter, except when the Court issues an order in a particular case that varies the procedure under that local rule.

VIII. Chapter 11 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 are distributed with the order scheduling the initial chapter 11 case status conference.

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.

X. Reaffirmation Agreement Hearings

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.