Federal Court Manual

Hon. Karen S. Jennemann
United States Bankruptcy Judge

The following information has been obtained by a voluntary questionnaire. This information is not binding on any judge or court official and may not be relied upon for precedential purposes.

1. Staff:

Judicial Assistant:	Cindy Courtney	407.648.6832
Courtroom Administrator:	Kathy Deetz	407.648.6906
Career Law Clerk:	Tiffany Payne	407.648.6053

2. Is it appropriate to telephone Chambers regarding questions of procedure on pending matters?

   Yes, if the question truly is procedural, not substantive.

3. Is it appropriate to telephone Chambers regarding the status of pending matters?

   Yes, particularly if substantial and unexpected time has passed since a matter was taken under advisement.

4. Should courtesy copies of pleadings and motions be forwarded to Chambers?

   Never. Staff is instructed to throw away all courtesy copies.

5. When should legal memorandum be filed in support of or in opposition to, motions?

   Legal memorandums are appreciated on unique or complex legal issues. Memorandums are not requested for routine or simple legal issues, although parties are invited to submit a simple list of cases for the Court to review.

6. a. Should copies of cases cited in motions and memorandum be forwarded to Chambers?

Never. However, copies of cases can be helpful during a court hearing. Always bring enough copies for all parties.

b. If so, do you object to cases printed in Westlaw or CD-Rom format, rather than copies from a reporter?

No.

c. If copies of cases are submitted, is it appropriate to highlight portions of cases?

Yes. Highlighting is encouraged.

7. a. Is it appropriate to cite unpublished opinions in motions or memoranda?

Yes.

b. If so, should they be attached to the motions or memoranda?

Yes.

8. Do you allow telephonic hearings?

Yes. The following procedures shall apply:

a. Telephonic hearings are considered a privilege, not a right.

b. Telephonic hearings are granted at the discretion of the assigned judge.

c. Any party may request to appear by telephone; however, unless special circumstances are demonstrated, generally only those parties or their counsel who are not located in the Orlando Division of the United States Bankruptcy Court for the Middle District of Florida will be allowed to appear by telephone.

d. Unless an emergency arises, all requests for telephonic hearings must be made **at least seven days** prior to the scheduled hearing date.

e. All requests shall be made to the Courtroom Administrator, Kathy Deetz, at 407.648.6906. The requesting party must supply an appropriate telephone number to Ms. Deetz at the time the initial request for the telephonic hearing is made.

f. If a request for a telephonic hearing is granted, the requesting party must be available at least five minutes prior to the scheduled hearing and for one hour following the scheduled hearing time, unless the hearing concludes earlier. If the requesting party is not immediately available at the designated time, the hearing will proceed without the requesting party. If an attorney cannot be located by a receptionist or if the Courtroom Administrator accesses an attorney's voicemail, the requesting party will lose the right to participate in future telephonic hearings.

g. Telephonic hearings are not permitted for preliminary hearings on motions for relief from stay, evidentiary hearings, or hearings conducted in connection with a Chapter 13 case. As such, telephonic hearings generally only will be held in connection with Chapter 7 hearings, Chapter 11 hearings, and adversary proceeding hearings. **No evidentiary hearing will be conducted by telephone.**

9. What can an attorney do to call attention to a pending motion of particular importance to expedite rulings?

If a motion is an emergency, attorneys should follow Local Rule 9004-2. Otherwise, the court will schedule motions in ordinary course.

10. a. What do you consider to be an emergency matter?

Few true emergencies exist, and all emergency motions are evaluated on a case-by-case basis. The one exception is that "first day" hearings in Chapter 11 cases involving an operating debtor automatically are scheduled within three days of the petition date.

b. How does one request emergency relief?

Follow the procedures set forth in Local Rule 9004-2.

11. a. Would you entertain motions in limine prior to trial?

Only in truly exceptional cases.

b. If you will consider motions in limine prior to trial, how far in advance should they be filed?

As early as possible.

12. What are your procedures concerning ex-parte temporary restraining orders?

They are treated as emergency motions and evaluated on a case-by-case basis.

13. a. What is your policy/practice regarding the use of alternative dispute resolution devices such as court-annexed, non-binding arbitration and mediation?

I encourage and sometimes require mediation.

b. Will you refer settlement negotiations to another bankruptcy judge?

No.

14. When a dispute arises during a deposition, is it appropriate to call Chambers to seek an immediate ruling?

No.

15. a. Do you grant trial dates certain?

Yes.

b. If not, what is your policy regarding notice of being called for trial during a trial docket (e.g., 48 hours)?

N/A

16. Do you require trial briefs?

Occasionally and only as directed in specific pretrial orders.

17. Do you require proposed findings of fact and conclusions of law to be filed?

Rarely.

18. Should trial briefs and/or proposed findings of fact and conclusions of law be submitted to Chambers on a computer disk?

    If requested, findings of fact and conclusions of law should be submitted on a computer disk using Microsoft Word, if possible.

19. Do you prefer opening statements?

    No.

20. Do you conduct Daubert hearings prior to trial?

    No.

21. What is your procedure for use of videotapes, trial graphics, depositions, demonstrations?

    I encourage use of any aid to help the court and witnesses understand the facts. Any demonstrative aid must be easily viewed by everyone in attendance. Large blow-ups of balance sheets and financial calculations rarely are helpful and usually are better presented as paper exhibits. As to depositions, I require parties to submit segments they would like to include on the record, which I will independently read. Any objections will be resolved at trial. I do not allow parties to read deposition transcripts during a trial.

22. What matters are acceptable for utilizing negative notice?

    See Attachment 1.

23. How does a litigant obtain a hearing date?

    Call the Courtroom Administrator, Kathy Deetz, at 407.648.6906.

24. How does one know if a hearing is to be evidentiary (if Fed. R. B. P. 9014(e) has not been implemented)?

    Court notice will provide whether hearing is evidentiary or non-evidentiary.

25. What are your requirements for proposed orders?

    Proposed orders should be submitted no later than three days after a hearing. Filing users relying on CM-ECF may submit orders by e-mail.

26. Do you have a policy on continuances and enlargements of time (e.g., hearing required)?

A written motion is required for any continuance or enlargement of time. A hearing may or may not be set, depending on the circumstances surrounding the request.

27. Under what circumstances do you require the debtor's attendance at a hearing?

Debtors generally should attend all hearings.

28. Do you grant pro hac vice admission on oral requests at hearings?

Yes.

29. What is your practice or policy when counsel fail to serve opposing parties with motions within the times set forth in the Rules or in your orders?

I have no set policy, but will take whatever action is appropriate on a case-by-case basis.

30. What is your practice or policy when counsel fail to provide opposing counsel with copies of proposed exhibits prior to a hearing or trial?

I have no set policy, but will take whatever action is appropriate on a case-by-case basis.

31. Please indicate any pet peeves of which you would like the federal bar to be aware.

Court time is very precious. If you know you will need more time or if a matter settles and you need no time, please call my courtroom administrator as soon as possible.

Pre-mark exhibits before evidentiary hearings, and make sure you bring sufficient copies.

United States Bankruptcy Court
Middle District of Florida
135 W. Central Boulevard
Orlando, Florida 32801
(407) 648-6365

Hon. Arthur B. Briskman

Hon. Karen S. Jennemann

ACCEPTABLE USE OF NEGATIVE NOTICE FOR CHAPTERS 7, 11 & 13

The table below consolidates the appropriate use of negative notice by practitioners as permitted by Local Rule 2002-4. All practitioners are encouraged to use negative notice wherever appropriate but are also reminded of the Court's discretionary authority to set any matter for hearing even if no objection was filed as stated in L.R. 2002-4 (e).

PLEASE NOTE
Judge Briskman does not permit negative notice in Chapter 11 cases and "operating" Chapter 7 cases. Fee Applications may not be negatively noticed without prior approval of Judge Briskman

JUDGE BRISKMAN	JUDGE JENNEMANN
Chapter 7 Motions for Relief from Stay – 21 day notice required	Chapter 7 Motions for Relief from Stay – 21 day notice required
NEGATIVE NOTICE IS NOT PERMITTED IN CHAPTER 11 CASES FOR JUDGE BRISKMAN	Motions to Approve Agreements Relating to Relief From Stay, Prohibiting or Conditioning the Use, Sale or Lease of Property, Providing Adequate Protection, Use of Cash Collateral and Obtaining Credit – 15-day notice L.R. 2002-4(a) (1) (b) (3) (i)
Motions to Avoid Lien L.R. 2002-4(a) (2)	Motions to Avoid Lien L.R. 2002-4(a) (2)
Motions to Sell or Lease Property (*but not Motions to Sell Property Free and Clear of Liens*) L.R. 2002-4 (a) (3)	Motions to Sell or Lease Property (*but not Motions to Sell Property Free and Clear of Liens*) L.R. 2002-4(a) (3)
Motions to Compel Abandonment & Notices of Abandonment L.R. 2002-4(a) (4)	Motions to Compel Abandonment & Notices of Abandonment L.R. 2002-4(a) (4)
Motions to Approve Compromises or Settlements L.R. 2002-4(a) (5)	Motions to Approve Compromises or Settlements L.R. 2002-4(a) (5)
Motions for Turnover of Property	Motions for Turnover of Property
Motions to Value Property	Motions to Value Property
Motions to Determine Secured Status	Motions to Determine Secured Status
Motions to Redeem	Motions to Redeem
Objections to Claims – 30-day notice required L.R. 2002-4(b) (3) (ii)	Objections to Claims – 30-day notice required L.R. 2002-4(b) (3) (ii)
Objections to Exemptions/Turnover of Property	Objections to Exemptions/Turnover of Property
NOT PERMITTED BY JUDGE BRISKMAN	Motions to Make Payments Outside the Chapter 13 Plan
NOT PERMITTED BY JUDGE BRISKMAN	Motions to Modify Confirmed Chapter 13 Plan
NOT PERMITTED BY JUDGE BRISKMAN	Motions to Reopen

Revised 9/18/2002

ATTACHMENT 1