

PART V

COURTS AND CLERKS

5001-1 *Court Administration*

The Courtrooms of the United States Bankruptcy Court are solely for trials, hearings, and other Court business. The Courtrooms will not be utilized for any other purpose unless approved by the Chief Judge.

5001-2 *Clerk - Office Location/Hours*

- a. **Filing Hours.** The Clerk's office will accept filings Monday through Friday between the hours of 8:00 A.M. and 4:00 P.M. After 3:00 P.M., if a filed copy is to be returned, only one such copy will be stamped.
- b. **After Business Hours.** After 4:00 P.M. and before 12:00 midnight on business days, documents may be left in the drop box located at the rear entrance of The Customs House, 701 Broadway, Nashville, Tennessee. Documents placed in the box by midnight will be filed stamped with that day's date.
- c. **Special Filings.** Any party needing to file documents with the Clerk outside of the regular filing hours indicated above must make advance arrangements for the late filing with the Clerk or the Chief Deputy.
- d. **Clerk's Mailing Address.** Any document mailed to the Clerk's Office shall be sent to the following address:

United States Bankruptcy Court for the Middle District of Tennessee
PO Box 24890
Nashville TN 37202-489090

5003-1 *Clerk - General/Authority*

The Clerk and the employees of the Clerk's Office desire to be of help to litigants and attorneys. However, interpreting the rules of procedure and giving legal advice are not permitted functions. **Notice is hereby given** to litigants and attorneys that the Clerk and the Clerk's employees are not responsible for information respecting rules or law.

5003-2 *Court Papers - Removal of*

- a. **Removal of Files.** No case files shall be removed from the office of the Clerk without an order, except that the United States Trustee or the case trustee may check out a file in accordance with procedures established by the Clerk.
- b. **Procedure for Removing a File.** An individual, other than the United States Trustee or case trustee seeking to remove a file shall file a motion and proposed order. The motion must specify the reason the file is to be removed and the amount of time the file is needed, but in no instance shall the file be removed for more than one (1) week. Only the individual filing the motion shall be allowed to take the file from the Clerk's Office. The individual must present a copy of the signed order to the Clerk at the time the file is removed from the Clerk's Office.

5005-1 *Filing and Transmittal of Papers*

- ~~b. **Use of E-Mail.**~~ The Clerk may post on the Court's website, www.tnmb.uscourts.gov, instructions to counsel for the use of e-mail to make announcements in the circumstances specified. Following the Clerk's instructions will excuse attendance at hearings as indicated.

5005-2 *Filing Papers - Number of Copies*

The original and two (2) copies of all petitions, statements and schedules shall be filed. The original and one (1) copy of proofs of claims in Chapter 12 and 13 cases, and all motions, pleadings and other documents in all cases and proceedings shall be filed except that the following documents require an original only: orders, reaffirmation agreements (copy, not original), notices, discharge affidavits, Chapter 11 monthly operating reports, and proofs of claims in Chapter 7 and Chapter 11 cases. In larger cases, parties are cautioned to determine whether a case management order alters the number of required copies. ***If a filed copy is to be returned***, one copy in addition to the copies required by this rule must be submitted to the Clerk. If the copy is to be mailed to the party filing the document, a self-addressed, stamped envelope must be provided.

5005-3 *Filing Papers - Size of Papers*

All papers for filing shall be 8 ½" x 11". All papers shall be clearly legible in a type no smaller than 10 point and all pages numbered at the bottom. All papers shall include names, addresses, phone numbers, and, when available, facsimile numbers and e-mail addresses beneath all signature lines.

5011-2 *Withdrawal of Reference*

- a. **Where to File.** Motions for withdrawal of the reference of a case or proceeding, in whole or in part, pursuant to 28 U.S.C. § 157(d) and District Court Administrative Order 28-7, shall be filed with the Clerk of the Bankruptcy Court.
- b. **Contents of Motion.** A motion to withdraw the reference shall contain the names of all parties to the case or proceeding and the names, addresses, and telephone numbers of their attorneys. The motion shall conspicuously state that “RELIEF IS SOUGHT FROM A UNITED STATES DISTRICT JUDGE.”
- c. **Documents Filed after the Motion to Withdraw the Reference.** All documents pertaining to the motion to withdraw the reference (after the motion) shall be filed with the Clerk of the District Court. All documents relating to other aspects of the bankruptcy case or proceeding shall be filed in the normal manner with the Clerk of the Bankruptcy Court.

5072-1 *Courtroom Decorum*

The following procedures apply during all hearings:

- (1) Attorneys shall stand behind the lectern when speaking and use the microphones.
- (2) There shall be no oral confrontation or colloquy between opposing attorneys.
- (3) All counsel, parties and witnesses shall be formally addressed by their surnames.
- (4) During the testimony of a witness, attorneys shall not approach the witness, courtroom deputy or the electronic court reporter without Court approval.
- (5) Documentary exhibits shall be prepared in a sufficient number for all participants including—the witness, the Court, opposing counsel and the examining attorney.
- (6) When a witness takes the stand, background information concerning the witness and the connection of the witness to the litigation shall be read or offered in writing, then acknowledged by the witness. The second question should address the issues in controversy.

5073-1 *Photography, Recording Devices and Broadcasting*

- a. **Prohibitions.** The taking of photographs, the airing of radio or televising of TV broadcasts, or transmission of verbal communications by unauthorized transmitting devices from the floors of the Courthouse occupied by the Courts during the progress of

or in connection with judicial proceedings, including meetings of creditors, whether or not Court is actually in session, is prohibited. Photographing and/or broadcasting in connection with ceremonial occasions or other special proceedings may be permitted with the approval of the Chief Judge.

- b. **Enforcement.** In order to facilitate the enforcement this rule, no photographic, broadcasting, television, sound or recording equipment or unauthorized transmitting devices (other than the official electronic recording equipment used for preparation of the Court record, transmitting devices used by the Court Security Officers, and any equipment used within the United States Marshal's office) will be permitted on the floors of the Courthouse occupied by the Courts, except when necessary as visual or auditory aids in the presentation of evidence during the course of a trial, or as otherwise ordered.

5081-1 *Fees - Form of Payment*

- a. **Transactions Requiring the Payment of Money.** Any transaction requiring the payment of money to the Clerk shall be conducted no later than 4:00 P.M. unless payment is left in the drop box pursuant to LBR 5001-2 or other arrangements are made in advance with the Clerk or Chief Deputy. No cash shall be left in the drop box.

- b. **Forms of Payment.** The Clerk will accept the following forms of payment:

- (1) cash--exact change only;
- (2) cashier's check;
- (3) money order; or
- (4) checks from attorneys or businesses (but not from a debtor).

No personal checks will be accepted. Checks shall be made payable to "Clerk, U.S. Bankruptcy Court."