

**COURT PROCEDURES FOR
JUDGE DEBORAH L. THORNE**

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I. GENERAL

- a. Information for Self-Represented Parties. Filing personal bankruptcy under either chapter 7 or 13 requires careful preparation and understanding of complex legal issues. Mistakes or misunderstandings can have serious repercussions that affect your rights and long-term financial condition. Court employees and judges are prohibited by law from offering legal advice. It is recommended for these reasons that anyone considering bankruptcy seek the advice of a qualified attorney.
 - i. If nonetheless you choose to proceed without an attorney, which is called filing “pro se,” the court has published [a guide](#) to bankruptcy for unrepresented people. The [Chicago Bankruptcy Pro Se Help Desk](#) has also published an instruction packet for filing bankruptcy without a lawyer that is available on the Help Desk webpage. There are also checklists available to help you understand electronic self-representation. If you need the assistance of a lawyer in filling out bankruptcy forms, you may seek help from the Bankruptcy Pro Se Help Desk. The legal advice is free.

BANKRUPTCY PRO SE HELP DESK

(312) 229-6344

ilbkhelppdesk@gmail.com

- b. Calendar. Please read the court’s schedules for Joliet and Chicago dates carefully. If you notice a Joliet matter on a Chicago motion call (or vice versa), the motion will not be called and will be denied unless, prior to hearing, an amended notice is filed for the proper date.
- c. Local Rule 9013-2 governs Emergency Motions.
- d. Pleadings and Other Papers.
 - i. Judge Thorne’s guidelines for orders modifying the automatic stay, as well as sample order language, are available [here](#). Other things to remember, including some miscellaneous guidelines, are available [here](#).

- ii. To facilitate communication, especially involving self-represented parties, in all chapter 7 and 13 cases counsel should include their email addresses in signature blocks in each instance.
- e. Zoom Hearing Information. All court hearings before Judge Thorne will take place both in person (in Courtroom 682) and via Zoom. Counsel appearing by video must be in appropriate business attire. Zoom technology for hearings are available only to parties and counsel with matters before the court. Members of the public wishing to observe are welcome but must come to the Dirksen Federal Building, Courtroom 682, 219 South Dearborn Street in Chicago, Illinois. Please call our chambers at (312) 706-1805 with any questions or requests.
 - i. The court will record the entire call. No other recordings are permitted.
 - ii. To participate by Zoom, parties and counsel must change their screen name to first initial and last name, as well as client's name (unless counsel represents multiple clients in one motion call). To change a Zoom name, click the three dots in the top right of the video tile and choose "rename."
 - iii. You are required to join the hearing at least fifteen minutes prior to the scheduled hearing time for the first matter on which you intend to appear. Once your matter is called, unmute your audio and turn on video. When your matter is called, please state your name and (if counsel) your client's name. You are required to make your appearance clearly before addressing the court, speak slowly and distinctly, and make every effort not to interrupt others.
 - iv. It is highly recommended that you use a headset or earbuds with a microphone for this court call. Using a separate headset microphone instead of a built-in computer microphone reduces distortion, eliminates background noise, and ensures that everything you say will be picked up. To ensure the quality of the recording, the use of speaker phones, public booths or phones in other public places is prohibited. All background noise is strictly prohibited.
- f. Courtesy Copies. None required.
- g. Transcripts. Judge Thorne uses the Electronic Court Recording Operator (ECRO) System. Transcripts may be ordered by contacting:

D&E REPORTING
Dirksen Federal Building
219 S. Dearborn, Room 661
Chicago, IL 60604
(312) 986-1920
D.and.E.Reporting@gmail.com

II. PROCEDURES RELEVANT TO MULTIPLE CHAPTERS

- a. General Motion Guidelines. Motions lacking the applicable information, notice, or service may be denied summarily without prejudice. Parties and counsel should read the following requirements carefully to avoid delay and confusion.
- b. Motions to Continue or Impose Stay in Effect. Motions to continue the automatic stay in effect pursuant to 11 U.S.C. § 362(c)(3) or to impose the automatic stay under § 362(c)(4) should:
 - i. State the date the current petition was filed;
 - ii. State the case number(s) of previous cases dismissed within one year of the filing of the present case;
 - iii. Include copies of Schedules I and J from previous cases dismissed within one year of the filing of the present case, and Schedules I and J from the current case; these exhibits MUST be labeled in the document title on the docket (e.g., “Ex. 1 – Current I&J”; “Ex. 2 – Prior I&J”; “Ex. 3 – Affidavit”);
 - iv. State in detail the basis for continuing the stay in effect or imposing the stay (e.g., how and why the circumstances of this case are different from priors); and
 - v. Append a detailed affidavit containing specific facts demonstrating all circumstances including those related to the substantial change in the debtor's financial or personal affairs, to rebut the presumption.
- c. Motions for Relief from Automatic Stay. All motions for relief from the automatic stay must be accompanied by a [Required Statement to Accompany All Motions for Relief From Stay](#), as required in by Local Rule 4001-1(A).
 - i. See Judge Thorne's [Guidelines for Orders Modifying Stay and Sample Order Language](#).
 - ii. Certain stay relief procedures, available [here](#), apply in chapter 7 cases where the movant alleges that stay relief is warranted because the debtor has no equity in the property. These procedures will not apply to motions for relief from the stay in Chapter 11 or Chapter 13 proceedings or in motions in Chapter 7 cases where the request for relief is based on something other than the debtor’s lack of equity in the property.
- d. Motions for Rule 2004 Examinations. When filing a Rule 2004 motion, the movant must either (A) attach the proposed discovery requests (whether deposition requests, document requests, or other discovery procedure) to their Rule 2004 motion **or** (B) summarize the discovery that they will be seeking within the text of their Rule 2004 motion. For the avoidance of doubt, these procedures exempt

parties seeking relief under Bankruptcy Rule 2004 from Local Rule 7026-1(B) with respect to such requests in matters before Judge Thorne.

- e. Notice of Motions. The required notice of motion is available [here](#). All matters that do not conform to the notice will be stricken. When a notice is stricken, amended notice is required.
- f. Service of Motions and Claims Objections. For all contested matters (as defined in Bankruptcy Rule 9014), the motion or request must be served in compliance with Rule 7004. Corporations must be served as required under Rule 7004(b)(3) on an officer, managing or general agent, or on any agent authorized by appointment or by law to receive service of process. Service of a corporation at a P.O. Box to which payments are sent is not sufficient under Rule 7004(b)(3).
 - i. Please consult the [court's instructions](#) for serving the Internal Revenue Service.
- g. Motions Granted Without a Hearing. Objections must be filed two days prior to hearing (*e.g.*, any objection to a matter set for hearing on Wednesday must be filed by close-of-business Monday). **All matters of self-represented parties will be called.** Routine motions (as defined in Local Rule 9013-9) and other motions to which no objection is expected may be listed as "Will Be Granted Without a Hearing" on the call sheet for the hearing date.
 - i. The same procedure will apply in chapter 7 and 13 cases to motions for relief from stay where the motion alleges that stay relief is warranted because the debtor has no equity in the collateral and the debtor intends to surrender the collateral. This procedure does not apply to such motions in chapter 11 cases or in Chapter 13 cases where the request for relief is based on something other than the debtor's lack of equity in the property.
 - ii. Effect of listing as "Will be Granted Without a Hearing":
 - 1. If no party requests that the motion be called, it may be granted without hearing in open court.
 - 2. If a party asks the Courtroom Deputy to call the motion, it will be called.
 - 3. If the motion is called, the court will either grant the motion over the objection or continue it to give the movant an opportunity to be heard.
 - iii. If a motion is being granted without a hearing, it will be marked "WILL BE GRANTED WITHOUT HEARING – NO OBJECTION HAVING BEEN FILED" on the Court Calendar by no later than 3:00 p.m. the day before the motion is to be presented. Parties should check the court calendar frequently.

- h. Proposed Orders. All motions must be accompanied by a proposed draft order filed on ECF. The Administrative Rules require such orders to be submitted in Fillable Form Orders. Parties who fail to comply with the Fillable Form Order requirements may have the motion stricken for noncompliance with the Local Rules.
 - i. The following will be counted as exceptions to the Fillable Form Order requirement:
 - 1. If the proposed order is longer than one page;
 - 2. If the proposed order is made on an approved court form that is not readily adaptable to the Fillable Form Order requirement (e.g., bar date orders);
 - 3. If the proposed order contains original signatures (e.g., agreed orders signed by the parties or counsel); or
 - 4. If the proposed order is so complex that it is not readily adaptable into the Fillable Form Order requirement (e.g., orders with tables, orders with multiple exhibits, orders with complex formatting).
 - ii. If an order falls under one of the above exceptions, then the moving party should send the order in the form of a Word document to the draft order to follow email.
- i. Draft Orders to Follow. **Do not upload draft orders to follow to the docket.**
 - i. Draft orders to follow (“DOTF”) should be directed to thorne_dotf@ilnb.uscourts.gov by such time as ordered by the court. If parties agree to continue the matter prior to such hearing, a party may contact chambers to have the matter continued without a hearing.
 - ii. Minute orders relating to confirmation and proposed scheduling orders should also be sent using the DOTF email.
 - iii. To avoid delays in an order being entered, when submitting a DOTF via email:
 - 1. All parties who appeared with respect to the matter, including the applicable trustee in the matter whether or not the trustee appeared, must be copied on the email;
 - 2. The subject line of the email must identify the case name(s), case number(s) and related docket number(s) and date of hearing for which the DOTF is submitted;
 - 3. The email must indicate that all parties who appeared with respect to the matter have reviewed and (a) signed off on the order (if the

order is an actual Agreed Order, all parties' signatures must be included and the body of the email should indicate that it is agreed), or (b) not signed off on the order in which case it must be indicated what the nature of the disagreement is and whether the parties seek a hearing on the disagreement; and

4. The email must include any exhibits referenced in the DOTF.
 - iv. Failure to abide by any of the foregoing may result in the order being rejected or the matter being continued.
 - v. In chapter 11 matters, draft orders to follow must be submitted as both Word documents and PDFs.
- j. Motions for Approval of Attorney Fees. All attorneys or other professionals in cases filed under Chapters 7, 11 and 12 seeking approval of their fees must submit an itemization of their time in tenths of an hour and in the format required under Local Rule 5082-1. There is a different procedure for fee applications in chapter 13 cases; see IV(c).
- k. Requests for reimbursement of the following items of expense pursuant to 11 U.S.C. § 330(a)(1)(B) will be treated as follows:
 - i. Reimbursement of costs associated with photocopying shall be limited to 10 cents per page absent proof of actual expense in a greater amount.
 - ii. Any cost related to use of computer for legal research shall be considered overhead included in billing rates absent proof of an actual expense attributable to the case in which the request is made. This does not limit requests for compensation for time required of counsel to do the research.

III. CHAPTER 11 CASES

- a. Motions for Cash Collateral. For the first motion for cash collateral and its accompanying order, parties should follow the general procedures outlined elsewhere in this document.
 - i. When submitting a proposed order for an extended or renewed interim cash collateral motion, the order should be directed to the DOTF email address. Please submit with the proposed order a redlined version showing any changes from the previous order. In the alternative, parties may draft the proposed order to extend the terms of an order already entered on the docket, with appropriate references.
- b. Subchapter V Cases. In a Subchapter V case, proposed cash collateral/DIP financing orders and accompanying budgets should include a proposed provision to ensure payment of the Subchapter V Trustee's allowed fees and expenses (payment of a reasonable retainer will likely be acceptable in most circumstances).

IV. CHAPTER 13 CASES

- a. Plans containing language relating to the non-payment of late-filed claims will not be confirmed.
- b. Amendments to Plans. All plan amendments must be filed at least two (2) business days prior to scheduled confirmation hearing to provide adequate time for review. Plan amendments for Wednesday hearings must be filed by the prior Monday and amendments for Thursday hearings must be filed by the prior Tuesday to be considered at the time of the hearing. **All amendments made AFTER this time will automatically be continued to the next hearing date.**
- c. Attorney Fee Applications. A fully executed Court-Approved Retention Agreement (CARA) must be attached if applicable pursuant to Local Rule 5082-2. Always use the latest forms for your CARA, fee application and fee order. All updated forms can be found on the court's website. Amounts on the 2016(b) disclosure, fee application, CARA and order must match.
 - i. If a flat fee is not authorized pursuant to Local Rule 5082-2, attorneys seeking approval of their fees in Chapter 13 cases must file an application with an itemization of their time in tenths of an hour.
- d. Motions to Modify. All motions to modify a chapter 13 plan must include a paragraph that sets forth: (1) the term of plan, (2) the monthly payment amount, (3) the percentage agreed to be paid to GUC (i.e. 100% plan, \$450 for 36 months).
- e. Motions to Compel Discharge. Upon filing of a Motion to Compel Discharge, a certification of plan completion must be attached.

V. CONTESTED MATTERS AND ADVERSARY PROCEEDINGS

- a. Motions for Default Judgment. Pursuant to FRBP 7058, FRCP 58 applies in adversary proceedings. FRCP 58(a) requires that "every judgment and amended judgment must be set out in a separate document." FRCP 58(a) sets forth a list of motions that do not require a separate order from the judgment. That list does not include motions for default judgment. Thus, to comply with FRBP 7058 and LBR 9013-1(C)(5) (which requires each motion to have an accompanying proposed order), a motion for default judgment must be accompanied by 2 orders: (a) an order granting the motion for default judgment; and (b) a judgment order.
 - i. Motions for default judgment must also be accompanied by:
 - 1. an affidavit establishing the default per FRBP 7055(a);
 - 2. if the complaint is not verified, an affidavit establishing the truth of the allegations in the complaint upon which judgment is sought per FRBP 7055(b)(2)(C); and

3. as applicable, an affidavit establishing compliance with the Servicemembers Civil Relief Act, including an attached Status Report generated in accordance with such Act.
- b. Discovery Disputes. These procedures apply to ALL discovery disputes, whether they arise in the course of adversary proceedings or contested matters.
 - i. If, after (A) consultation among the parties in person, video conference, or by telephone and (B) good faith attempts to resolve differences, the parties are unable to resolve a dispute regarding discovery, and one or more parties determines that a motion to compel, for a protective order, or other relief needs to be brought before the Court, a party must file a letter on the docket (not to exceed 3 pages) in lieu of a formal motion.
 - ii. Counsel shall promptly email the Courtroom Deputy with a courtesy copy of the letter and the proposed date and time for a hearing on the dispute, if any. Counsel shall copy all relevant opposing counsel, and (as applicable) the relevant personnel at the Office of the United States Trustee and case trustee, on that email.
 - iii. Upon the receipt of a discovery letter called for by this procedure, Judge Thorne may call for a response from the opposing party (or parties), schedule a hearing, or both. Judge Thorne will address the letter as promptly as possible, as discovery disputes should not delay or distract parties from the resolution of disputes on their merits. The purpose of this procedure is to minimize discovery disputes and expedite their resolution where they occur.
 - c. Pre-trial Procedures. Discussed in open court on a case-by-case basis.
 - d. Pre-trial Statements. It is Judge Thorne's practice to require parties to meet and confer and together submit a joint pre-trial statement of uncontested (stipulated) and contested (disputed) facts. Judge Thorne also requires parties to submit their lists of exhibits and witnesses at least one week before a contested hearing or trial. The court will enter scheduling orders consistent with these practices when necessary.
 - i. If parties would like to propose dates for a scheduling order regarding these submissions and the date of a hearing or trial, they are to (a) meet and confer and (b) at least 3 days before the first (post-answer) status conference, file either (1) a proposed agreed form of Scheduling Order (using Judge Thorne's form) with proposed dates agreed to by the parties or (2) competing proposed Scheduling Orders, noting which proposal is made by which party.
 - e. Summary Judgment Pre-Filing Conference. Properly prepared motions for summary judgment require considerable attorney time and client expense. Sometimes such motions are unnecessarily filed. A careful examination of the

record prior to filing may reveal contested factual issues making the granting of the motion impossible, especially where the issue arises under 11 U.S.C. §§ 523 or 727.

- i. Beginning June 1, 2025, Judge Thorne will require the lead attorneys of the parties to appear for a pre-filing conference to discuss whether the filing of a summary judgment motion is advisable given the state of the record. The goal of the pre-filing conference is to have a careful, informed discussion of the issues before significant time and expense have been incurred. No party will ever be prevented from filing a dispositive motion.
 - ii. This conference should be scheduled with the Courtroom Deputy before any substantive work is done preparing the motion. Parties may also make a request to schedule such a hearing in open court. No written submissions should be made prior to the conference. The party who wishes to seek summary judgment should be prepared to present the uncontested facts that support the relief being sought, and the opposing party should be prepared to speak to whether those facts are contested.
- f. Trial Procedures. Pursuant to trial order entered and/or discussed in open court.
 - i. All trials and evidentiary hearings will be in person in the courtroom.
 - ii. All trial exhibits must be uploaded on the docket as instructed in the Pretrial Order. Each separate exhibit must be uploaded as its own separate pdf. Multiple exhibits uploaded together as one pdf will be rejected.
 - iii. Each attorney participating in a trial before Judge Thorne must be a member of the District Court Trial Bar or supervised by an attorney who is a member.
- g. Mediation of Cases Pending before Judge Thorne. If parties in matters before Judge Thorne agree that mediation would be worthwhile, the parties should ask Judge Thorne (either during a status conference or by joint email to the Courtroom Deputy) for referral to a mediator, at which point Judge Thorne will attempt to find a judge for referral. Judge Thorne will not mediate in cases that are assigned to her.
 - i. Once another judge is assigned to mediate, it is the parties' responsibility to contact that judge's staff as directed.
 - ii. Unless otherwise ordered, a mediation will not delay or stay discovery, pretrial hearing dates, or trial schedules.
 - iii. No person may rely on or introduce as evidence in any proceeding any aspect of the mediation unless such information is otherwise discoverable or admissible. The parties are bound by Fed. R. Evid. 408 and any applicable federal or state law equivalents relating to settlement discussions, mediations, or alternative dispute resolution procedures.

- h. Mediation of Colleagues' Cases. When another judge has referred a case to Judge Thorne for mediation, the following guidelines will apply:
- i. The parties are responsible for contacting chambers to schedule the mediation and must be prepared to communicate to chambers the anticipated length of the mediation.
 - ii. The parties must agree to make a good faith attempt to settle through mediation and are required to have at least one person of decision-making authority in attendance at the mediation with their counsel.
 - iii. At least two (2) business days before the scheduled mediation each party must email thorne_dotf@ilnb.uscourts.gov a position statement not to exceed five pages. Unless the parties agree that the statements are not confidential, the statements will be treated as confidential. The statement must NOT be FILED and should not be provided to the opposing party.
 - iv. All mediation communications, whether with the court or between parties, are considered settlement communications and are subject to Fed. R. Evid. 408.