

## MEMORANDUM

TO: Bankruptcy lawyers with cases assigned to Judge Morgenstern-Clarren

CC: web site for the Bankruptcy Court for the Northern District of Ohio  
([www.ohnb.uscourts.gov](http://www.ohnb.uscourts.gov))

FROM: Judge Pat E. Morgenstern-Clarren

DATE: March 2, 2004

RE: Emergency hearings: definition and procedures

The number of motions for emergency hearings or to shorten the usual 20-day notice period have been increasing over the last several months. Requests for emergency hearings disadvantage opposing counsel, who are often caught unaware and must drop other matters to attend to the emergency. They also tend to increase legal fees because more than one person may have to participate in order to be prepared on short notice. Additionally, there are parties in interest who will not receive notice of the hearing in time to participate due to travel or schedule issues. And finally, such motions require that court resources be devoted on short notice to one matter, to the detriment of other matters that are pending. All of the problems, of course, are inconsequential when the request is truly based on an emergency.

In evaluating whether the circumstances warrant emergency relief, the court uses this definition of an emergency:

A sudden unexpected happening; an unforeseen occurrence or condition . . . [A]n unforeseen combination of circumstances that calls for immediate action without time for full deliberation.

BLACK'S LAW EDITION 6<sup>TH</sup> ED.

Please bear this definition in mind when requesting that a matter be heard on an emergency basis and include in the motion the facts establishing the emergency. When such a motion is filed, please immediately notify by telephone either Peggy Majoros, courtroom deputy, or Mara Doganiero, law clerk.

Thank you.