

**UNITED STATES DISTRICT COURT
FOR THE
EASTERN DISTRICT OF PENNSYLVANIA**



STANDING ORDERS

DECEMBER 1, 2009

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STANDING ORDERS

- ◆ Bankruptcy Administration Orders dated July 25, 1984 and November 8, 1990;
- ◆ Approval of Pre-Judgment Notice of 28 U.S.C. 3101(d) dated May 7, 1992;
- ◆ Presentence Investigations and Time Limits dated June 13, 1994.

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

IN RE: BANKRUPTCY ADMINISTRATION:

ORDER

This 25th day of **July, 1984**, pursuant to authorization provided in 28 U.S.C. §157, as amended, and pursuant to Resolution approved by the judges of this court, it is

ORDERED that any and all cases under Title 11 and any and all proceedings arising under Title 11 or arising in or related to a case under Title 11 are and shall be referred to the Bankruptcy Judges for the district, and it is

FURTHER ORDERED that the Bankruptcy judges of the district are authorized to perform the duties to the full extent set forth in 28 U.S.C. §157, as amended, and subject to the review procedures set forth in 28 U.S.C. §§157(c)(1) and 158. It is

FURTHER ORDERED that personal injury tort and wrongful death claims in bankruptcy cases pending in this district shall be tried in this district court or in the district court in the district in which the claims arose, as determined by a judge of this district.

This Order shall not be deemed to affect the status of any case, matter or proceeding presently pending before a district judge.

/s/ Alfred L. Luongo
ALFRED L. LUONGO
CHIEF JUDGE

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

IN RE: BANKRUPTCY ADMINISTRATION:

ORDER OF REFERENCE

And now this 8th day of **November, 1990**, pursuant to a Resolution approved by the judges of this Court, it is hereby Ordered that:

1. The order dated July 25, 1984, referring cases under the Bankruptcy Code to the Bankruptcy Judges for this district is amended by deleting the following paragraph of that order:

ORDERED that any and all cases under Title 11 and any and all proceedings arising under Title 11 or arising in or related to a case under Title 11 are and shall be referred to the Bankruptcy Judges for the district.

And substituting for that paragraph the following:

ORDERED that any and all cases under chapter 7, 11, 12, and 13 of Title 11 and any and all proceedings arising under Title 11 or arising in or related to a chapter 7, 11, 12, or 13 case under Title 11 are and shall be referred to the Bankruptcy Judges for the district.

2. This order shall not be deemed to affect the status of any case, proceeding or matter previously referred to the Bankruptcy Judges for the district.

/s/ Louis C. Bechtle
LOUIS C. BECHTLE
CHIEF JUDGE

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

IN THE MATTER OF: :
:
APPROVAL OF PRE-JUDGMENT : **Miscellaneous No.:**
NOTICE OF 28 U.S.C. § 3101 (d) :

PROCEDURAL ORDER

In accordance with Section 3101(d) of the Federal Debt Collections Procedures Act of 1990, 28 U.S.C. § 3101(d), the form and content of the pre-judgment notice to be provided to the debtors when the government seeks a pre-judgment remedy under Section 3101, *et. seq.* as set forth below, is hereby APPROVED:

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

United States of America,)
Plaintiff)
)
v.) **Case No.: _____**
)
Defendant(s))

CLERK'S NOTICE OF PREJUDGMENT (_____)
[Attachment, Garnishment, Receivership, Sequestration]

You are hereby notified that this [property] is being taken by the United States Government ("the Government"), which believes that [name of debtor] owes it a debt of \$ [amount] for [reason for debt]. The Government has filed a lawsuit to collect this debt. The Government has determined that it must take possession of this property at this time because [recite the pertinent ground or grounds from section 3101(b)]. The Government wants to be sure [name of debtor] will satisfy any indebtedness the court determines is due.

You are hereby notified that there are exemptions under the law which may protect some of the property from being taken by the Government if [name of debtor] can show that the exemptions apply. Attached is a summary of the major exemptions which apply in most situations in the State of [State where property is located]:

[A statement summarizing in plain and understandable English the election available with respect to such State under Section 3014 and the types of property that may be exempted under each of the alternatives specified in paragraphs (1) and (2) of Section 3014(a), and a statement that different property may be so exempted with respect to the State in which the debtor resides.]

If you are [name of debtor] and you disagree with the reason the Government has given for taking your property at this time, or if you think you do not owe the money to the Government that it says you do, or if you think the property the Government is taking qualifies under one of the above exemptions, you have a right to ask the court to convene a hearing so it can consider your views, including returning your property to you.

If you want a hearing, you must promptly notify the court. You must make your request in writing, and either mail it or deliver it in person to the Clerk of Court at [address]. If you wish you may use this notice to request the hearing by checking the box below and mailing or delivering this notice to the court clerk. You must also send a copy of your request to the Government at [address], so the Government will know that you want a hearing and can be present at the hearing. The hearing will take place seven (7) days after the clerk receives your request, if you ask for it to take place that quickly and if the court can hear you that soon. Under all circumstances the hearing will take place as soon as possible.

At the hearing you may explain to the judge why you think you do not owe the money to the Government, why you disagree with the reason given by the Government for having to take your property, or why you believe the property the Government has taken is exempt or is owned by someone else. You may present any or all of these claims at the hearing.

If you think you live outside the Federal judicial district in which the court is located, you may request, within twenty-one (21) days after you receive this notice, that this proceeding to take your property be transferred by the court to another court located in the Federal judicial district in which you reside. You must make this request in writing, and either mail it or deliver it in person to the Clerk of Court at [address]. You must also send a copy of your request to the Government at [address], so the Government will know you want the proceeding to be transferred to another court location.

Be sure to keep a copy of this notice for your own records. If you have any questions about your rights or about this procedure, you should contact a lawyer, an office of public legal assistance, or the Clerk of Court. The Clerk is not permitted to give legal advice, but can refer you to other sources of information.

CLERK
UNITED STATES DISTRICT COURT

It is further Ordered that a copy of the Pre-Judgment Notice shall accompany all Pre-Judgment Writs issues by the Court.

DATED: May 7, 1992

/s/ Louis C. Bechtle
LOUIS C. BECHTLE
Chief Judge

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**RE: PRESENTENCE :
INVESTIGATIONS :
AND TIME LIMITS :**

ORDER

AND NOW, this 13th day of **JUNE, 1994**, in accordance with the resolution approved by the Judges of this court this same day, it is hereby

ORDERED that the following standing order is adopted for use in criminal cases in which sentences are imposed under the Sentencing Reform Act of 1984:

1. Sentencing will occur without unnecessary delay and not less than eighty (80) days following the date on which a defendant pleads guilty, nolo contendere, or is found guilty, unless an individual judge directs that the sentence be imposed on an earlier or later date.
2. At the time the presentence investigation and report are ordered, a sentencing hearing date will be fixed by the sentencing judge; and, the attorney for the Government will make available to the probation officer all investigative and file material relevant to the case. The sentencing hearing date may be continued if necessary.
3. Not less than thirty-five (35) days before the sentencing hearing, the probation officer must furnish the presentence report to the defendant, the defendant's counsel, and the attorney for the Government. The probation officer's recommendation for sentence will not be disclosed unless directed by an individual judge.
4. Within fourteen (14) days after receiving the presentence report, the parties shall deliver in writing to the probation officer, and to each other, any objections to any material information, sentencing classifications, sentencing guideline ranges, and policy statements contained in or omitted from the presentence report. If no objections will be filed, the probation officer shall be so notified in writing within the aforesaid time limits. Any objection not filed will be deemed waived unless the Court finds good cause for allowing it to be raised.

5. Should the attorney for the Government intend to file a motion for a downward departure under United States Sentencing Guideline Section 5K1.1, or from a statutory mandatory minimum, the probation officer will be notified in writing on or before the submission date set for the filing of objections, and be provided with whatever information supports the motion.
6. Not later than seven (7) days before the sentencing hearing, the probation officer must submit the presentence report to the Court, together with an addendum setting forth any unresolved objections, the grounds for those objections, and the probation officer's comments on the objections. At the same time, the probation officer must furnish the revisions of the presentence report and the addendum to the defendant, the defendant's counsel, and the attorney for the Government.

(This standing order takes into account the amendments to Rule 32 of the Federal Rules of Criminal Procedures which have an effective date of December 1, 1994).

FOR THE COURT:

/s/ Edward N. Cahn
EDWARD N. CAHN
CHIEF JUDGE