

12 TIPS FOR SUCCESSFUL ORDER PREPARATION



TIP 1: SUBMIT ORDERS
TIMELY



TIP 2: CIRCULATION OF ORDERS

- Circulate orders to affected parties.
- Submission to the Court is your representation that the order has been circulated and approved.



TIP 3: CAPTION INFORMATION

- Must include:
 1. Case number with judge code;
 - Chief Judge Surratt-States – 659
 - Judge Schermer – 399
 - Judge Clair – 169
 2. Chapter;
 3. Adversary Number, if applicable;
 4. Hearing Date and Time;
 5. Motion or Document Number;
 6. Debtor(s) name(s) exactly as written on the Court's docket sheet; and
 7. Respondent(s) name(s).



CORRECT VS. INCORRECT ORDER CAPTIONS

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

In re:	)	Case No. 21-XXXXX-XXX
)	
JOHN DOE DEBTOR and	)	Chapter ____
JANE DOE DEBTOR,)	
)	
Debtors.	)	Hearing Date: _____
)	
XYZ CREDITOR,	)	Hearing Time: _____
)	
Movant,)	
)	
v.	)	Re: Doc. _____
)	
JOHN DOE DEBTOR and)	
JANE DOE DEBTOR,)	
)	
Respondents.	)	<u>ORDER</u>

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MISSOURI (St. Louis Division)

In re:	)	Case No. 21-XXXXX
)	
JOHN and JANE DOE DEBTOR,)	
)	
Debtor(s).	)	Hearing Date: _____
)	
XYZ CREDITOR,	)	Hearing Time: _____
)	
Movant(s),)	
)	
v.)	
)	
JOHN and JANE DOE DEBTOR,)	
)	
Respondent(s).	)	<u>ORDER</u>



TIP 4: ORDER PREPARED BY SECTION

Dated: _____

BARRY S. SCHERMER
United States Bankruptcy Judge

Order Prepared by:

Joe Dough
Attorney for Movant
123 X Street
St. Louis, MO 63105



TIP 5: ORDERS ON NEGATIVE NOTICE

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

In re:)	
)	
JOHN DOE DEBTOR,	)	Case No. 21-XXXXX-399
JANE DOE DEBTOR,	)	Chapter 7
)	
Debtors/Movants,)	
)	
v.	)	Re: Motion No. 8
)	
XYZ BANK,)	
)	
Creditor/Respondent.)	

CERTIFICATION OF NO RESPONSE

The undersigned certifies that all entities entitled to notice of Debtors' Motion to Avoid Lien, in accordance with the Local Bankruptcy Rules have been served with the foregoing motion and the time for response has passed. No responses in opposition have been filed or any responses in opposition have been resolved. Movant requests the Court enter the proposed order.

Dated: November 19, 2021

/s/ Joe Dough
Joe Dough, MO Bar #, EDMO BAR #
Attorney for Debtors
Dough Law
123 ABC Lane,
St. Louis, MO 63102
Telephone: (555) 123-4567
Fax: (555) 123-4568
Email: Joe@doughlaw.com

ORDER



TIP 6: WHEN TO SUBMIT ORDERS FOR MATTERS SET FOR HEARING

- Submit the proposed order at the time of filing of the pleading.



TIP 7: AGREED/CONSENT ORDERS

- Must be submitted with /s/ signatures and **full signature blocks** of the parties to the agreement.
 - Full signature block =
 - 1. Law firm name
 - 2. Attorney's name (or non-attorney party's name, if applicable)
 - 3. Address
 - 4. Phone number
 - 5. Fax number
 - 6. E-mail address
 - 7. Registration number for the US District Court for the Eastern District of Missouri



TIP 8: RELIEF REQUESTED

- DO: address all relief that was requested in the pleading.
- DO NOT: add relief that was not requested in the pleading or at the hearing.



TIP 9: COPIES TO LIST

- Include on all proposed orders
- Proponents of the order should make sure they are also included.

Copies to:

Joe Dough
123 X Street
St. Louis, MO 63105
ATTORNEY FOR MOVANT

Jane Dough
456 X Street
St. Louis, MO 63141
ATTORNEY FOR DEBTORS

John Doe
3424 ABC Street
St. Louis, MO 63301
DEBTOR

Jane Doe
3424 ABC Street
St. Louis, MO 63301
DEBTOR

Diana S. Daugherty
P.O. Box 430908
St. Louis, MO 63143
CHAPTER 13 TRUSTEE

Office of US Trustee
111 S. 10th St., #6353
St. Louis, MO 63102



TIP 10: SETTLEMENT OF ADVERSARY PROCEEDINGS THAT DO NOT REQUIRE RULE 9019 MOTION

- Two ways to submit agreement:
 - 1. Submit agreed order and separate judgment signed by the parties.
- OR
- 2. File a settlement agreement and submit proposed order and separate judgment



TIP 11: ORDER SHOULD STAND ON ITS OWN

- “The Motion is **GRANTED** in that the contract between the Debtor and ABC Bank dated November 19, 2021, for production of widgets is rejected.”
- “The Motion is **GRANTED** in that the contract, as laid out in the Motion, is rejected.”



TIP 12: PROPOSED ORDER SUBMISSION

- Proposed orders can be submitted to the following email inboxes:
 - Judge Schermer – SchermerOrders@moeb.uscourts.gov
 - Judge Surratt-States - StatesOrders@moeb.uscourts.gov
 - Judge Clair - ClairOrders@moeb.uscourts.gov
- In the body of the email, please include
 - Case name and number,
 - The party on behalf of whom the order is submitted, and
 - The date and time of the hearing of the matter to which the order relates.
- If the order is urgent, tell us in the body of your email so we can try to address it with appropriate urgency



ADDITIONAL RESOURCES

- “How to be Successful in Bankruptcy Court”:

<https://www.moeb.uscourts.gov/sites/moeb/files/How%20to%20be%20Successful%20in%20Bankruptcy.pdf>

- “Procedures Manual”

<https://www.moeb.uscourts.gov/sites/moeb/files/Procedures%20Manual%202021.pdf>

- Local Rules

<https://www.moeb.uscourts.gov/rules-and-procedures>

- Missouri Secretary of State Business Search

<https://bsd.sos.mo.gov/BusinessEntity/BESearch.aspx?SearchType=0>

