FILED

AUG - 2 2004

UNITED STATES BANKRUPTCY COURT FOR THE DISTRICT OF ARIZONA

IN THE UNITED STATES BANKRUPTCY COURT

FOR THE DISTRICT OF ARIZONA

In re:	)	
	)	
PROCEDURES IN STAY RELIEF MATTERS	)	ORDER CONTINUING STAY IN EFFECT
	)	PENDING PRELIMINARY HEARING AND
	)	ESTABLISHING PROCEDURES FOR
	)	RESOLUTION OF STAY RELIEF MOTIONS
	)	

The Movant having filed a Motion for Relief from Stay (the "Motion") in the above-captioned proceeding and an objection thereto having been filed;

IT IS ORDERED AND NOTICE IS GIVEN THAT:

1. Movant's counsel may schedule a preliminary hearing on the Motion on one of the dates and times listed on the Court's website at www.azb.uscourts.gov provided that seven (7) days' notice of such hearing must be provided to debtor, debtor's counsel, any other respondents, and all other persons entitled to notice under applicable rules and procedures, and their counsel. To obtain the current list of available hearings, select "Judges Procedures," then James M. Marlar.

2. A copy of this Procedure Order **MUST** be attached to the Notice of Hearing for the notice to be effective.

3. A copy of the ECF receipt for the notice **MUST** be e:mailed to Cindy_Turnbull@azb.uscourts.gov at least 7 days prior to the hearing in order for the matter to be properly calendared. Failure to e:mail the receipt will result in the hearing having to be continued to a later date and time and re-noticed.

NOTICE IS FURTHER GIVEN THAT, pursuant to 11 U.S.C. Section 362(e), the Final Hearing on the Motion may be consolidated with and heard at the time of the Preliminary Hearing if the Court, in its discretion, so directs. Accordingly, the parties should be prepared to present evidence at the Preliminary Hearing if they desire an early resolution of the Motion.

However, the parties should be aware that, in most instances, the matter will be continued for approximately 30 days to a Final Hearing. This interval is intended to give the parties and their attorneys an opportunity to discuss and perhaps resolve the controversy.

FINAL HEARING

If the court so directs, the date and time of the Final Hearing will be announced at the Preliminary Hearing, and recorded in the Court's minutes. **NO OTHER NOTICES WILL BE GENERATED** and the parties are to consult the minutes to assure that they have properly scheduled that date and time.

A. "One Minute" Final Hearings

Most cases lend themselves to very short Final Hearings. Based upon the sense of the case's progress, the Court and/or the parties should indicate if the matter can probably be disposed of quickly at the Final Hearing. Those matters will be set on the "One-Minute" calendar.

B. Lengthier Hearings

If the parties anticipate a more protracted Final Hearing, then that matter will also be set at the Preliminary Hearing. In that event, the following apply:

1. List of Witnesses and Exhibits

No later than two weeks prior to the Final Hearing, the parties are to exchange a list of witnesses and exhibits, together with copies of all exhibits to be utilized at the Final Hearing, including impeachment evidence, and are to file the list of witnesses and exhibits with the Court (but not the documents themselves). The pleadings filed with the Court shall bear the date and time of the Final Hearing, and the Motion caption.

Any witness not so timely disclosed, or any exhibit not so timely exchanged, will not be considered by the Court at the Final Hearing, except upon a showing of good cause.

2. Continued Proceedings

Once the Final Hearing has been commenced, and if the allotted time is consumed, the Clerk will search the calendar for additional time to continue the hearing, in order to accommodate conclusion of the matter within the shortest possible time.

3. Settlement Notification

If the matter settles, the parties shall immediately notify the Court of said fact by communicating with the Judge's law clerk, Kelly Carlson, Esq., or courtroom deputy, Cindy Turnbull, so that the Final Hearing scheduled in this matter may be vacated.

CONTINUATION OF THE STAY

Based on the initial review of the record in the pending case and all the pleadings, the Court finds it appropriate to continue the stay in full force and effect pending further order of this Court.

Dated 8/2/04

THE HONORABLE JAMES M. MARLAR
United States Bankruptcy Judge