


The order below is hereby signed.

Signed: March 8 2021



  
Elizabeth L. Gunn  
U.S. Bankruptcy Judge

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF COLUMBIA**

**In re**

**GENERAL ORDER HOLDING CERTAIN PROVISIONS OF THE LOCAL RULES OF THIS COURT IN ABEYANCE AND ENLARGING AND/OR EXPANDING CERTAIN OTHER PROVISIONS OF THE LOCAL RULES OF THIS COURT FOR CASES ASSIGNED TO THE HONORABLE ELIZABETH L. GUNN**

**GENERAL ORDER NO 2021-01**

The Court having reviewed the Local Rules in effect as of the date of entry of this Order and pursuant to Local Rule 9029-1, effective March 8, 2021, in an effort to enhance the efficiencies of the Court and to bring its Local Rules into alignment with the recently released self-noticing features in the Court’s CM/ECF system, the Court hereby modifies the Local Rules to (i) suspend and/or hold in abeyance the requirements found therein to separately docket a notice of hearing; (ii) update certain rules to provide for the combined noticing and self-scheduling of hearings and (iii) add hearing noticing requirements in adversary proceedings in matters pending before the Honorable Elizabeth L. Gunn.

Specifically, the modifications set forth in this Order (i) remove the requirement to separately docket a notice of hearing and when a notice of hearing is required; (ii) provide for the

option to combine a notice of hearing with a notice of motion, objection, or other pleading; (iii) provide for the option to self-schedule a hearing by utilizing pre-approved dates and times found on the Court's website; and (iv) modify the Local Rules to require a party in an adversary proceeding to file a notice of motion in the same manner and form as in a contested matter. In order to effectuate these procedural updates, the numerous references to the notice and hearing requirements in the Local Rules are addressed in the modifications included herein. A redline of the modifications is attached hereto as Exhibit A. The Court's adoption of these modifications formalizes the procedures introduced by the Court upon the launch of the its hearing self-noticing CM/ECF updates in December 2020.

Nothing in this Order shall (i) modify the Local Rules in cases assigned to the Honorable S. Martin Teel, Jr. or (ii) modify any of the requirement(s) to submit separate notices of hearings or any other requirements set forth in Appendix B: District Court Local Bankruptcy Rules.

Therefore, for the reasons set forth above and to implement the policies set forth therein, effective March 8, 2021, the Court **ORDERS** the following modifications to the standing Local Rules:

**RULE 4001-1. RELIEF FROM THE AUTOMATIC STAY**

- (a) Title; Requirement of Separate Motion. In addition to complying with Fed. R. Bankr. P. 4001(a), each motion under 11 U.S.C. § 362(d) for relief from the automatic stay:
- (1) must be filed separately from any other motion (other than a motion for relief from the co-debtor stay);
  - (2) must bear a title clearly identifying it as a motion for relief from the automatic stay;
  - (3) must bear a title that identifies any property involved, with (A) the street address of real property or (B) the make and model of motor vehicle or other tangible personal property;

- (4) must be submitted with a proposed order that identifies any property involved as in the case of the motion itself.
- (b) Discovery in Automatic Stay Litigation. The time to respond to a motion to shorten the time for responses to discovery requests shall be 7 days after the filing of a motion to shorten time, but conspicuous notice of that response time must be included with any such motion.
- (c) Obtaining a Hearing Date for § 362(d) Motion.
- (1) General. Prior to filing a motion for relief from the stay, the moving party may select a date and time from the Court's website for the hearing from the dates that are available or contact the Courtroom Deputy for an alternative date and time.
- (2) Preserving Right to Insist That Hearing Date be Within 30 Days of Filing of Motion. If the moving party believes that a hearing date within 30 days of the intended date of the filing of the motion is not being made available, and the moving party will not consent to the hearing date being held on an available date that is beyond that 30 days, then:
- (A) the moving party must file and serve with its motion for relief from the automatic stay a notice certifying (subject to the requirements of Fed. R. Bankr. P. 9011(a)) that the Clerk failed to make available a hearing date within the 30-day period specified by 11 U.S.C. § 362(e) and demanding that the Court make available a hearing date, of the Court's choosing, that is within 30 days of the date on which such motion for relief from stay is filed;
- (B) the Clerk must, on such written notice being filed, make available at least one hearing date and time of the Clerk's choosing that is within the indicated 30-day period; and
- (C) upon the Clerk's issuing notice of the hearing date and time chosen by the Clerk, the moving party must within 1 day thereafter file and serve on the other parties to the motion a notice that the hearing on its motion will be held on the date and at the time specified by the Clerk.
- (d) Filing of Notice of § 362(d) Hearing with Motion. Except as provided in paragraph (c)(2) above, the moving party must file and serve, with the motion, a notice of the motion and notice of hearing (which complies with this Rule and [LBR 9013-1](#)). For clarity, the notice of motion and notice of hearing may be included in a single document with the Motion for Relief, in a single attachment to the Motion for Relief, or be docketed separately either in a combined document or as two separate documents. The moving party will be deemed to have waived the 30-day automatic termination rule of 11 U.S.C. § 362(e) if the hearing

date chosen by the moving party is more than 30 days after the motion is filed with the Court or if the moving party fails to file the required notice of hearing.

- (e) Conditions to Granting Motion as Unopposed in a Chapter 7 Case. In a Chapter 7 case, when the movant seeks to enforce a security interest in collateral, and the Chapter 7 Trustee has not consented to the motion or filed a report of no distribution, the motion will not be granted against the Chapter 7 Trustee as not timely opposed by the Chapter 7 Trustee unless the movant has included proof of perfection with the motion.
- (f) Obligation to Disclose Payment History. If a motion seeking relief from the automatic stay includes as a ground for relief failure to make post-petition payments, then at least 7 days prior to the hearing, the movant shall file and serve upon the debtor's counsel (or the debtor, if pro se) a statement showing a history of payments received post-petition.
- (g) Inapplicability of Rule 55 and the Servicemember's Civil Relief Act. Unless the Court otherwise directs, neither Rule 55 nor the Servicemember's Civil Relief Act of 2003 applies with respect to the granting of an unopposed motion for relief from the automatic stay.
- (h) Cross-References. [Local Bankruptcy Rule 9013-1](#) sets forth the general requirements for motions, which are applicable as well to motions under Fed. R. Bankr. P. 4001(a) (and other motions under Fed. R. Bankr. P. 4001). Local Bankruptcy Rules [5070-1](#), [5071-1](#), [9070-1](#), and [9073-1](#) govern hearings. [Local Bankruptcy Rule 9014-1](#) makes certain [Part VII \(Adversary Proceedings\)](#) rules applicable.

*Note: Paragraph (e) governs unopposed lift stay motions in Chapter 7. It contemplates that the movant will provide the Chapter 7 Trustee with a title report or some other evidence of a perfected security interest. Paragraph (g) recognizes that the automatic stay is akin to a preliminary injunction having been granted against certain entities. Accordingly, the party seeking relief from the automatic stay is akin to an entity against whom a judgment has been imposed, and ordinarily is not viewed as akin to a plaintiff to whom Rule 55 and other provisions regarding default judgments apply when seeking to have the motion for relief from the automatic stay granted as unopposed.*

#### **RULE 4003-1. OBJECTIONS TO EXEMPTIONS**

- (a) Any party objecting to exemptions must file a certificate of service reflecting service of a copy of the objection to exemptions and memorandum in support, if any, and the proposed order required by [LBR 9072-1](#) upon the debtor, the debtor's counsel, the trustee, and, in a case under Chapter 7 or 11, the United States Trustee. The objection must include a notice substantially conforming to Official Form 420A, advising the debtor conspicuously that either:

- (1) within 21 days of filing of the objection, the debtor must file and serve an opposition to the objection, which may include supporting documents and other evidence and if no opposition is filed, the Court may sustain the objection; OR
  - (2) provides notice of the objection, applicable response deadline, and hearing date and time either selected from the available dates on Court's website or obtained from the Courtroom Deputy.
- (b) Notice is sufficient if substantially in the form of Official Form 420A or [Local Official Form No. 7](#).
  - (c) A reply to an opposition may be filed within 7 days after the filing of the opposition.
  - (d) Cross-References. For the effect of the debtor's failure to attend a meeting of creditors on the computation of the bar date for objecting to exemptions, see [LBR 2003-1\(c\)](#). Local Bankruptcy Rules [5070-1](#), [5071-1](#), [9070-1](#), and [9073-1](#) govern hearings. [Local Bankruptcy Rule 9014-1](#) makes certain [Part VII \(Adversary Proceedings\)](#) rules applicable.

*Note: Effective December 1, 2016, **Form B20A** was amended to conform to the numbering scheme of the Forms Modernization Project and is now known as **Form 420**.*

## **RULE 5070-1. CALENDARS AND SCHEDULING**

- (a) (1) Obtaining a Hearing Date for of Motion, Application, or Objection. A party may obtain a hearing date on a motion, application, or objection, by selection of a date and time from the Court's website of an available date or by contacting the Courtroom Deputy for an alternative date and time. If the parties reasonably expect a matter to take more than 30 minutes, the parties should not use the dates on the Court's website and should contact the Courtroom Deputy for a special date and time for the hearing. Notwithstanding the foregoing, if a movant does not set a motion, application, or objection for hearing, the Court may set a hearing on such motion, application, or objection on any other matter at its discretion.  
  
(2) Form of Notice of Motion. The notice of the motion, application or objection should substantially conform to Official Form 420A and/or Local Official Form No. 3 and may be combined with the notice of hearing and/or the notice of deadline to object. For clarity, a party may file a separate notice of motion, notice of hearing, and/or notice of deadline to object, or may combine the pleadings into one clearly titled document. It is the movant's responsibility to comply with proper noticing requirements, including serving any notice(s) sufficiently in advance of a scheduled hearing date such that the deadline for filing an opposition expires prior to the date of the hearing:
- (b) Emergency Matters. When any motion, application, or objection requires the Court's immediate attention or an immediate hearing, the movant must file a separate one-sentence

Praecepte Re Emergency Matter stating “The attached motion [or application or objection] requires a ruling by the Court no later than [insert date] for reasons set forth in [insert name of document explaining reasons]” or “The attached motion [or application or objection] requires a hearing before [insert date] for reasons set forth in [insert name of document explaining reasons].” The movant must explain the reasons an emergency exists in the motion, application, or objection itself or in a motion for an emergency hearing or ruling. Frivolous assertions of an emergency may result in sanctions under Fed. R. Bankr. P. 9011.

- (c) Section 362(d) Motions. [Local Bankruptcy Rule 4001-1\(c\)](#) governs scheduling a hearing on a motion for relief from the automatic stay and sets deadlines for giving notice of the hearing.

## **RULE 9013-1. MOTION PRACTICE**

- (a) Multiple Requests for Relief in Same Motion Paper. Multiple requests for unrelated relief may be sought in the same written motion. When a motion requests multiple forms of related relief the title of the motion and proposed order must clearly identify the requested relief and must be docketed using each applicable CM/ECF docketing event and pay any applicable fees.
- (b) General Procedure for Motions.
- (1) Grounds and Proposed Order. All motions must (i) state with particularity the factual and legal grounds therefor (including, without limitation, references to any applicable sections of the Bankruptcy Code, Federal Rules of Bankruptcy Procedure, or Local Rules), (ii) set forth the relief or order sought, (iii) must be accompanied by a proposed order conforming with LBR 9072-1, and a certificate of service complying with LBR 5005-3. The proposed order should be docketed as an exhibit or attachment to the motion and not as a separate docket entry unless that separate entry is ONLY to file a previously omitted or deficient proposed order to a motion.
- (2) Optional Supporting Materials. A memorandum of facts and law may be filed with or combined with a motion. Supporting affidavits or documents entitling the movant to the relief requested may be filed with a motion.
- (3) Required Notice. Except as provided in paragraph (E), a motion commencing a contested matter, or a motion filed within an adversary proceeding must include or be accompanied by a conspicuous notice of the opportunity to oppose the motion:
- (A) Content of Notice. The notice must conform substantially to Official Form 420A and/or Local Official Form No. 3.
- (B) When the notice is included in the motion, (i) the notice shall be included prior to the motion, each with a separate title; (ii) the title of the motion

must include a reference to the notice as in Official Form 420A and/or Local Official Form No. 3, or (iii) the notice must appear immediately following the title of the motion.

- (C) Impermissible Content of Notice. Unless otherwise ordered by the Court, a notice may not compel an opposing party to attend a Court hearing in support of the opposition.
- (D) Suggested Form of Notice. Notice is sufficient if in substantially the form of Official Form 420A or Local Official Form No. 3.
- (E) Exceptions to Requirement of Notice. No notice is required under this LBR 9013-1(b)(3) when the motion is:
  - (i) a motion governed by the notice rules of LBR 2002-1(b);
  - (ii) a debtor's motion;
    - (I) to extend the time to file papers required under Fed. R. Bankr. P. 1007;
    - (II) to extend the time for objecting to discharge or filing complaints to determine the nondischargeability of a debt or for filing a reaffirmation agreement;
    - (III) to reopen the case in order to file a financial management certificate and obtain issuance of a discharge; or
    - (IV) to reopen the case to pursue obtaining relief in aid of the debtor's discharge;
  - (iii) a motion seeking conversion under 11 U.S.C. § 1112(a);
  - (iv) a motion seeking a shortening of time to respond to a motion; and
  - (v) any motion or application of a nature that would ordinarily not be of concern to other parties in the case.
- (4) Deadline for Opposition. If a notice is silent as to the deadline for objections or unless LBR 2002-1(b) applies to the motion, within 17 days of filing of the motion (or such other time as provided by the Fed. R. Bankr. P. or by order), the party upon whom the motion is served must file and serve an opposition containing a complete specification of the factual and legal grounds upon which the motion is opposed.
- (5) Default. If no opposition is timely filed, the Court may grant a motion without a hearing and/or cancel a previously scheduled hearing. For clarity, if a hearing on

an uncontested motion is not cancelled by the parties or the Court, the Court will hold the hearing.

- (6) Reply Memorandum. A reply memorandum may be filed within 7 days after the date of filing of the opposition to the motion.
  - (7) Action on Motion If Grounds Inadequate. Except as otherwise provided by the Bankruptcy Code and the Fed. R. Bankr. P., the Court may grant or deny a motion on the papers without a hearing if the motion sets forth inadequate grounds for relief or if the opposition sets forth inadequate grounds for denying the motion.
  - (8) Shortening Time to Oppose an Application, Motion, Objection to Claim, or Objection to Exemption. Local Bankruptcy Rule 9006-1(c) through (d) govern the shortening of time to oppose a motion.
- (c) Entities to be Served.
- (1) In an adversary proceeding and in a contested matter already commenced, every motion must be served as provided by Fed. R. Bankr. P. 7005.
  - (2) Every motion commencing a contested matter must be served upon the parties against whom relief is sought as provided by Fed. R. Bankr. P. 9014 and 7004, the parties specified by Fed. R. Bankr. P. 9013, the United States Trustee when required by Fed. R. Bankr. P. 9034, and any other parties specified in the Fed. R. Bankr. P. (such as in Fed. R. Bankr. P. 4001). In addition, unless the Court orders otherwise, copies of the motion must be transmitted to:
    - (A) the debtor;
    - (B) the debtor's attorney (if any);
    - (C) the United States Trustee in chapters 7 and 11;
    - (D) all parties that to the movant's actual knowledge have asserted any concern as to or would be directly adversely affected by the outcome of the particular motion or have or claim any interest in (as opposed to an unsecured claim against) any property that is the subject of the motion;
    - (E) counsel who has to the movant's actual knowledge been representing any party described in part (D); and
    - (F) chair and counsel for any appointed committees.
  - (3) Motions under 11 U.S.C. § 1121(d) to reduce or extend the periods of 11 U.S.C. § 1121(b) and (c) (the exclusivity periods for filing a plan and gaining acceptances) must be served on the persons specified in paragraph (2) above and if no committee



of unsecured creditors has been appointed, the creditors listed on the list filed under Fed. R. Bankr. P. 1007(d).

- (d) Cross-References. Special rules for motions for relief from the automatic stay are set forth in LBR 4001-1. Local Bankruptcy Rules 5070-1, 5071-1, 9070-1, and 9073-1 govern hearings. Emergency motions requiring the Court's immediate attention, or an emergency hearing are governed by LBR 5070-1(b). Proposed orders must be submitted with motions as provided by LBR 9072-1. Exceptions to certain parts of this Rule apply under LBR 2004-1 to motions for Fed. R. Bankr. P. 2004 examinations. Local Bankruptcy Rule 9014-1 makes certain Part VII (Adversary Proceedings) Rules applicable.

*Note: LBR 9013-1(a) contemplates that motions seeking relief in the alternative, as in the case of a motion to dismiss or convert, may be filed in a single document.*

*With respect to LBR 9013-1(b)(3)(E)(v), among the motions the court routinely hears without requiring LBR 9013-1(b)(3) notice are an application to waive the filing fee (because the Chapter 7 Trustee is well aware that the trustee may file an opposition if the application is objectionable or file a motion to vacate if the debtor was not eligible for a waiver); a motion of an attorney to waive the electronic filing requirement; a motion for pro hac vice admission; a motion to refund a filing fee; and a motion to exempt the debtor from credit counseling requirements.*

*Under the Court's current Administrative Order Relating to Electronic Case Filing, attorneys who register for e-filing do not consent to service electronically of a document commencing a contested matter in a case where such attorney has not otherwise entered an appearance. Accordingly, not only that attorney's client but the attorney as well must be served with a paper copy of the document commencing the contested matter.*

[Signed and dated above]

Exhibit A

**RULE 4001-1. RELIEF FROM THE AUTOMATIC STAY**

- (a) Title; Requirement of Separate Motion. In addition to complying with Fed. R. Bankr. P. 4001(a), each motion under 11 U.S.C. § 362(d) for relief from the automatic stay:
- (1) must be filed separately from any other motion (other than a motion for relief from the co-debtor stay);
  - (2) must bear a title clearly identifying it as a motion for relief from the automatic stay;
  - (3) must bear a title that identifies any property involved, with (A) the street address of real property or (B) the make and model of motor vehicle or other tangible personal property;
  - (4) must be submitted with a proposed order that identifies any property involved as in the case of the motion itself.
- (b) Discovery in Automatic Stay Litigation. The time to respond to a motion to shorten the time for responses to discovery requests shall be 7 days after the filing of a motion to shorten time, but conspicuous notice of that response time must be included with any such motion.
- (c) Obtaining a Hearing Date for § 362(d) Motion.
- (1) General. Prior to filing a motion for relief from the stay, the moving party ~~must contact the Courtroom Deputy Clerk or consult the Court's website to obtain~~ may select a date and time from the Court's website for the hearing from the dates that are available or contact the Courtroom Deputy for an alternative date and time.
  - (2) Preserving Right to Insist That Hearing Date be Within 30 Days of Filing of Motion. If the moving party believes that a hearing date within 30 days of the intended date of the filing of the motion is not being made available, and the moving party will not consent to the hearing date being held on an available date that is beyond that 30 days, then:
    - (A) the moving party must file and serve with its motion for relief from the automatic stay a notice certifying (subject to the requirements of Fed. R. Bankr. P. 9011(a)) that the Clerk failed to make available a hearing date within the 30-day period specified by 11 U.S.C. § 362(e) and demanding that the Court make available a hearing date, of the Court's choosing, that is within 30 days of the date on which such motion for relief from stay is filed;

- (B) the Clerk must, on such written notice being filed, make available at least one hearing date and time of the Clerk's choosing that is within the indicated 30-day period; and
  - (C) upon the Clerk's issuing notice of the hearing date and time chosen by the Clerk, the moving party must within 1 day thereafter file and serve on the other parties to the motion a notice that the hearing on its motion will be held on the date and at the time specified by the Clerk.
- (d) Filing of Notice of § 362(d) Hearing with Motion. Except as provided in paragraph (c)(2) above, the moving party must file and serve, with the motion, a notice of the motion and notice of hearing (~~in addition to the notice required by which complies with this Rule and LBR 9013-1~~). For clarity, the notice of motion and notice of hearing may be included in a single document with the Motion for Relief, in a single attachment to the Motion for Relief, or be docketed separately either in a combined document or as two separate documents. The moving party will be deemed to have waived the 30-day automatic termination rule of 11 U.S.C. § 362(e) if the hearing date chosen by the moving party is more than 30 days after the motion is filed with the Court or if the moving party fails to file the required notice of hearing.
- (e) Conditions to Granting Motion as Unopposed in a Chapter 7 Case. In a Chapter 7 case, when the movant seeks to enforce a security interest in collateral, and the Chapter 7 Trustee has not consented to the motion or filed a report of no distribution, the motion will not be granted against the Chapter 7 Trustee as not timely opposed by the Chapter 7 Trustee unless the movant has included proof of perfection with the motion.
- (f) Obligation to Disclose Payment History. If a motion seeking relief from the automatic stay includes as a ground for relief failure to make post-petition payments, then at least 7 days prior to the hearing, the movant shall file and serve upon the debtor's counsel (or the debtor, if pro se) a statement showing a history of payments received post-petition.
- (g) Inapplicability of Rule 55 and the Servicemember's Civil Relief Act. Unless the Court otherwise directs, neither Rule 55 nor the Servicemember's Civil Relief Act of 2003 applies with respect to the granting of an unopposed motion for relief from the automatic stay.
- (h) Cross-References. Local Bankruptcy Rule 9013-1 sets forth the general requirements for motions, which are applicable as well to motions under Fed. R. Bankr. P. 4001(a) (and other motions under Fed. R. Bankr. P. 4001). Local Bankruptcy Rules 5070-1, 5071-1, 9070-1, and 9073-1 govern hearings. Local Bankruptcy Rule 9014-1 makes certain Part VII (Adversary Proceedings) rules applicable.

*Note: Paragraph (e) governs unopposed lift stay motions in Chapter 7. It contemplates that the movant will provide the Chapter 7 Trustee with a title report or some other evidence of a perfected security interest. Paragraph (g) recognizes that the automatic stay is akin to a preliminary*

*injunction having been granted against certain entities. Accordingly, the party seeking relief from the automatic stay is akin to an entity against whom a judgment has been imposed, and ordinarily is not viewed as akin to a plaintiff to whom Rule 55 and other provisions regarding default judgments apply when seeking to have the motion for relief from the automatic stay granted as unopposed.*

## **RULE 4003-1. OBJECTIONS TO EXEMPTIONS**

- (a) Any party objecting to exemptions must file a certificate of service reflecting service of a copy of the objection to exemptions and memorandum in support, if any, and the proposed order required by [LBR 9072-1](#) upon the debtor, the debtor's counsel, the trustee, and, in a case under Chapter 7 or 11, the United States Trustee. The objection must include a notice substantially conforming to Official Form 420A, advising the debtor conspicuously that either:
- (1) within 21 days of filing of the objection, the debtor must file and serve an opposition to the objection, which may include supporting documents and other evidence; and if no opposition is filed, the Court may sustain the objection; OR
  - ~~(2) an interested party may request a hearing, which may be held in the Court's discretion; and~~
  - ~~(3) if no opposition is filed, the Court may sustain the objection.~~
  - (2) provides notice of the objection, applicable response deadline, and hearing date and time either selected from the available dates on Court's website or obtained from the Courtroom Deputy.
- (b) Notice is sufficient if substantially in the form of [Official Form 420A](#) or [Local Official Form No. 7](#).
- (c) A reply to an opposition may be filed within 7 days after the filing of the opposition.
- (d) Cross-References. For the effect of the debtor's failure to attend a meeting of creditors on the computation of the bar date for objecting to exemptions, see [LBR 2003-1\(c\)](#). Local Bankruptcy Rules [5070-1](#), [5071-1](#), [9070-1](#), and [9073-1](#) govern hearings. [Local Bankruptcy Rule 9014-1](#) makes certain [Part VII \(Adversary Proceedings\)](#) rules applicable.

*Note: Effective December 1, 2016, **Form B20A** was amended to conform to the numbering scheme of the Forms Modernization Project and is now known as **Form 420**.*

**RULE 5070-1. CALENDARS AND SCHEDULING**

\*\*\* COURT NOTE: The redline on this section is particularly hard to follow. Parties are encouraged to reference the clean version for clarity.\*\*\*

~~(a) Optional Scheduling (1) Obtaining a Hearing Date for of Motion, Application, or Objection for Hearing. Instead of awaiting the setting of a hearing by the Court, a A party may obtain and set a hearing date on a motion, application, or objection, subject to the power of the Court to decide the matter on the papers in advance if:~~

~~(1) the movant (A) submits to the Clerk a request for a hearing on and obtains a hearing by selection of a date and time from the Clerk's Office, or (B) the movant obtains a hearing Court's website of an available date provided by the Clerk either on the Court's website or through or by contacting the Courtroom Deputy Clerk; and~~

~~(a) within 3 days of notification of the hearing for an alternative date, and time. If the parties reasonably expect a matter to take more than 30 minutes, the parties should not use the dates on the Court's website and should contact the Courtroom Deputy for a special date and by any deadline time for the hearing. Notwithstanding the foregoing, if a movant does not set a motion, application, or objection for hearing, the Court may set by the Federal Rules of Bankruptcy Procedure a hearing on such motion, application, or these Rules, the movant files objection on any other matter at its discretion.~~

~~(1) (2) Form of Notice of Motion. The notice of the motion, application or objection should substantially conform to Official Form 420A and/or Local Official Form No. 3 and may be combined with the notice of hearing and/or the notice of deadline to object. For clarity, a party may file a separate notice of the scheduled hearing and a certificate of service, complying with , regarding service motion, notice of the notice; hearing, and~~

~~any required/or notice of opportunity deadline to file an opposition object, or may combine the pleadings into one clearly titled document. It is the movant's responsibility to the matter is filed and served comply with proper noticing requirements, including serving any notice(s) sufficiently in advance of the a scheduled hearing date such that the deadline for filing an opposition expires prior to the date of the hearing.;~~

(b) Emergency Matters. When any motion, application, or objection requires the Court's immediate attention or an immediate hearing, the movant must file a separate one-sentence Praecipe Re Emergency Matter stating "The attached motion [or application or objection] requires a ruling by the Court no later than [insert date] for reasons set forth in [insert name of document explaining reasons]" or "The attached motion [or application or objection] requires a hearing before [insert date] for reasons set forth in [insert name of document explaining reasons]." The movant must explain the reasons an emergency exists in the motion, application, or objection itself or in a motion for an emergency hearing or ruling. Frivolous assertions of an emergency may result in sanctions under Fed. R. Bankr. P. 9011.

- (c) Section 362(d) Motions. [Local Bankruptcy Rule 4001-1\(c\)](#) governs scheduling a hearing on a motion for relief from the automatic stay; and sets deadlines for giving notice of the hearing.

## **RULE 9013-1. MOTION PRACTICE**

- (a) Multiple Requests for Relief in Same Motion Paper. Multiple requests for unrelated relief may be sought in the same written motion. When a motion requests multiple forms of related relief the title of the motion and proposed order must clearly identify the requested relief and must be docketed using each applicable CM/ECF docketing event and pay any applicable fees.
- (b) General Procedure for Motions.
- (1) Grounds and Proposed Order. All motions must (i) state with particularity ~~the~~ factual and legal grounds therefor (including, without limitation, references to any applicable sections of the Bankruptcy Code, Federal Rules of Bankruptcy Procedure, or Local Rules), (ii) set forth the relief or order sought, ~~-(iii) must be accompanied by a proposed order conforming with LBR 9072-1, and a certificate of service complying with LBR 5005-3. The proposed order should be docketed as an exhibit or attachment to the motion and not as a separate docket entry unless that separate entry is ONLY in an attempt to file a previously omitted or deficient proposed order to a motion.~~
  - (2) Optional Supporting Materials. A memorandum of facts and law may be filed with or combined with a motion. Supporting affidavits or documents entitling the movant to the relief requested may be filed with a motion.
  - (3) Required Notice ~~When Motion Commences A Contested Matter.~~ Except as provided in paragraph (E), a motion commencing a contested matter ~~(but not a motion filed within the contested matter after the filing of the motion that commenced the contested matter,~~ or a motion filed within an adversary proceeding) must include or be accompanied by a conspicuous notice of the opportunity to oppose the motion:
    - (A) Content of Notice. The notice must conform substantially to Official Form 420A and ~~state:/or~~ [Local Official Form No. 3.](#)
      - ~~(i) — that a party may append to its opposition an opposing memorandum and supporting affidavits or documents; and~~
      - ~~(ii) — that if the opposition states inadequate grounds for denial, the Court may grant the motion without a hearing.~~

- (B) When the notice is included in the motion, ~~either~~(i) the notice shall be included prior to the motion, each with a separate title; (ii) the title of the motion must include a reference to the notice as in Official Form 420A and/or Local Official Form No. 3, or (iii) the notice must appear immediately following the title of the motion.
- (C) Impermissible Content of Notice. Unless otherwise ordered by the Court, a notice may not compel an opposing party to attend a Court hearing in support of the opposition.
- (D) Suggested Form of Notice. Notice is sufficient if in substantially the form of Official Form 420A or Local Official Form No. 3.
- (E) Exceptions to Requirement of Notice. No notice is required under this LBR 9013-1(b)(3) when the motion is:
- (i) a motion governed by the notice rules of LBR 2002-1(b);
  - (ii) a debtor's motion;
    - (I) to extend the time to file papers required under Fed. R. Bankr. P. 1007;
    - (II) to extend the time for objecting to discharge or filing complaints to determine the nondischargeability of a debt or for filing a reaffirmation agreement;
    - (III) to reopen the case in order to file a financial management certificate and obtain issuance of a discharge; or
    - (IV) to reopen the case to pursue obtaining relief in aid of the debtor's discharge;
  - (iii) a motion seeking conversion under 11 U.S.C. § 1112(a);
  - (iv) a motion seeking a shortening of time to respond to a motion; and
  - (v) any motion or application of a nature that would ordinarily not be of concern to other parties in the case.
- (4) Deadline for Opposition. ~~Unless~~If a notice is silent as to the deadline for objections or unless LBR 2002-1(b) applies to the motion, within 17 days of filing of the motion (or such other time as provided by the Fed. R. Bankr. P. or by order), the party upon whom the motion is served must file and serve an opposition containing a complete specification of the factual and legal grounds upon which the motion is opposed.



- (5) Default. If no opposition is timely filed, the Court may grant ~~the~~ motion without a hearing. ~~If the and/or cancel a previously scheduled hearing. For clarity, if a hearing on an uncontested motion is one commencing a contested matter, default is governed not cancelled by Fed. R. Bankr. P. 7055 and LBR 7055-1 (and in the parties or the Court, the ease of “lift stay motions,” LBR 4001-1(e)). Court will hold the hearing.~~
  - (6) Reply Memorandum. A reply memorandum may be filed within 7 days after the date of filing of the opposition to the motion.
  - (7) Action on Motion If Grounds Inadequate. Except as otherwise provided by the Bankruptcy Code and the Fed. R. Bankr. P., the Court may grant or deny a motion on the papers without a hearing if the motion sets forth inadequate grounds for relief or if the opposition sets forth inadequate grounds for denying the motion.
  - (8) Shortening Time to Oppose an Application, Motion, Objection to Claim, or Objection to Exemption. Local Bankruptcy Rule 9006-1(c) through (d) govern the shortening of time to oppose a motion.
- (c) Entities to be Served.
- (1) In an adversary proceeding and in a contested matter already commenced, every motion must be served as provided by Fed. R. Bankr. P. 7005.
  - (2) Every motion commencing a contested matter must be served upon the parties against whom relief is sought as provided by Fed. R. Bankr. P. 9014 and 7004, the parties specified by Fed. R. Bankr. P. 9013, the United States Trustee when required by Fed. R. Bankr. P. 9034, and any other parties specified in the Fed. R. Bankr. P. (such as in Fed. R. Bankr. P. 4001). In addition, unless the Court orders otherwise, copies of the motion must be transmitted to:
    - (A) the debtor;
    - (B) the debtor’s attorney (if any);
    - (C) the United States Trustee in chapters 7 and 11;
    - (D) all parties that to the movant’s actual knowledge have asserted any concern as to or would be directly adversely affected by the outcome of the particular motion or have or claim any interest in (as opposed to an unsecured claim against) any property that is the subject of the motion;
    - (E) counsel who has to the movant’s actual knowledge been representing any party described in part (D); and

- (F) chair and counsel for any appointed committees.
- (3) Motions under 11 U.S.C. § 1121(d) to reduce or extend the periods of 11 U.S.C. § 1121(b) and (c) (the exclusivity periods for filing a plan and gaining acceptances) must be served on the persons specified in paragraph (2) above and if no committee of unsecured creditors has been appointed, the creditors listed on the list filed under Fed. R. Bankr. P. 1007(d).
- (d) Cross-References. Special rules for motions for relief from the automatic stay are set forth in LBR 4001-1. Local Bankruptcy Rules 5070-1, 5071-1, 9070-1, and 9073-1 govern hearings. Emergency motions requiring the Court's immediate attention, or an emergency hearing are governed by LBR 5070-1(b). Proposed orders must be submitted with motions as provided by LBR 9072-1. Exceptions to certain parts of this Rule apply under LBR 2004-1 to motions for Fed. R. Bankr. P. 2004 examinations. Local Bankruptcy Rule 9014-1 makes certain Part VII (Adversary Proceedings) Rules applicable.

*Note: LBR 9013-1(a) contemplates that motions seeking relief in the alternative, as in the case of a motion to dismiss or convert, may be filed in a single document.*

~~*The notice requirement of LBR 9013-1(b)(3) does not apply to a motion filed within an adversary proceeding or a motion filed within a pending contested matter.*~~

*With respect to LBR 9013-1(b)(3)(E)(v), among the motions the court routinely hears without requiring LBR 9013-1(b)(3) notice are an application to waive the filing fee (because the Chapter 7 Trustee is well aware that the trustee may file an opposition if the application is objectionable or file a motion to vacate if the debtor was not eligible for a waiver); a motion of an attorney to waive the electronic filing requirement; a motion for pro hac vice admission; a motion to refund a filing fee; and a motion to exempt the debtor from credit counseling requirements; ~~and a motion to seal documents.~~*

*Under the Court's current Administrative Order Relating to Electronic Case Filing, attorneys who register for e-filing do not consent to service electronically of a document commencing a contested matter; in a case where such attorney has not otherwise entered an appearance. Accordingly, not only that attorney's client but the attorney as well must be served with a paper copy of the document commencing the contested matter.*