

Rule 7008-1 MOTIONS IN ADVERSARY PROCEEDINGS

A. Requirement of Written Motion: All motions shall be in writing unless made during a hearing or trial.

B. Grounds and Relief to be Stated: Motions filed within adversary proceedings shall contain a descriptive title of the motion in addition to the complete adversary caption. The caption must conform to Official Form 16D.

C. Response: The response to any motion shall be filed and served within fourteen (14) days after service of the motion plus an additional three (3) days when service is by mail. If no response is timely filed, the motion shall be deemed uncontested and the Court shall dispose of the motion. Replies and surreplies are not permitted unless ordered by the Court. If permitted, replies and surreplies shall be filed and served within five (5) days, plus an additional three (3) days when service is by mail, after service of the response or reply, as applicable.

D. Briefs: The movant shall file a brief, if any, and any supporting affidavits as an attachment to the motion and the respondent shall file a brief, if any, and any supporting affidavits as attachments to the response. Briefs shall be limited to twenty (20) pages. Reply and surreply briefs are not authorized to be filed unless the Court orders them in a particular case. If authorized, reply and surreply briefs shall be limited to five (5) pages, and shall address only matters not addressed in the initial brief.

E. Continuances: Motions for continuance of a trial date shall be considered by the Court only upon motion filed and served at least seven (7) calendar days before the scheduled trial.

F. Bringing Contested Motions to Attention of Court: Any request for oral argument or hearing on a contested motion within an adversary proceeding must be in writing and referenced in the caption of the pleading.

G. A proposed order of Court shall be filed as an attachment to all motions and other pleadings requesting relief.

H. When briefing is complete, the moving party shall file a certification that briefing is completed substantially in compliance with Local Form No. 16. In addition to filing the certificate electronically, a courtesy copy shall be delivered to the Judge's chambers. The Court may not act until the certificate is filed with the Clerk.