

## **Rule 9013-5 SCHEDULING HEARINGS**

(a) Parties are directed to ascertain, and shall comply with, procedures stated on the Court's website for the scheduling practices of each Judge.

(b) The moving party shall serve all parties in interest with the motion, proposed order, and notice of hearing. For chapter 7 final accounts and proposed distributions, use Local Bankruptcy Form 23 (Notice of Filing of Final Account of Trustee, of Hearing on Applications for Compensation, Proposed Final Distribution and Proposed Abandonment of Property). For fee applications in chapter 7 and 13 cases, use Local Bankruptcy Form 8 (Summary Cover Sheet and Notice of Hearing on Professional Fees in Chapters 7, 12 and 13). For fee applications in chapter 11 and 15 cases, use Local Bankruptcy Form 9 (Summary Cover Sheet).

(c) If nothing is filed on the docket in response to a motion, then the moving party, assuming no agreement with the opposing party/counsel to the contrary, shall file with the Clerk a Certification of No Objection substantially in compliance with Local Bankruptcy Form 25 (Certification of No Objection). The Certification shall be filed no later than two (2) days after the objection deadline has expired. If the Court grants the relief by default, the hearing is canceled.

(d) If a disputed matter has been settled prior to the hearing, counsel for movant shall file a Settlement and Certification of Counsel substantially in compliance with Local Bankruptcy Form 26 (Settlement and Certification of Counsel). A proposed consent order shall be filed as an attachment to the Settlement and Certification of Counsel.

(e) Initial hearings on motions shall be brief, not more than ten (10) minutes in any case. No testimony will be heard. If there is an issue of fact, a discovery schedule, if appropriate, and an evidentiary hearing will be fixed by the Court at the initial hearing. If there is no issue of fact, the Court may dispose of the matter at such hearing, or on briefs, or as the Court may determine. Matters which are settled after responses are filed shall be heard prior to other matters scheduled for the same time upon request of the parties at the hearing.

(f) If a filing is not in substantial compliance with these Local Bankruptcy Rules or procedures, an order may be entered dismissing the motion without prejudice, and movant shall promptly notify respondent thereof.

(g) A motion for relief from default orders is governed by Fed. R. Bankr. P. 9023 or 9024 as applicable.

(h) A movant who files a motion for relief from stay and selects a hearing date in accordance with a Judge's scheduling practice shall be deemed to have waived the 30-day period specified in 11 U.S.C. § 362(e) when the hearing is scheduled for a date more than thirty (30) days after the date the motion is filed. If a hearing date is not available within the 30-day period, a movant who would be harmed by a delay of the hearing beyond the 30-day period specified in 11 U.S.C. § 362(e) shall file a motion for expedited hearing.