

Rule 9013-7 CERTIFICATES OF NO OBJECTION

(a) If an individual judge of the Court chooses to use the Certificate of No Objection (“CNO”) process, as will be indicated in the judge’s Procedure page located on the Court’s Website, and except as provided in subsection (h) below, this Rule shall apply in all instances wherein a party is seeking an order or other relief from the Court, whether by way of motion, application, or otherwise.

(b) The requirement of filing a CNO pursuant to this Rule is mandatory and is intended to assist the Court in the management of its hearing calendar and to facilitate the Court’s exercise of the option of granting requested relief without a hearing in the event there is no objection to it, and, it is otherwise appropriate.

(c) Within three (3) days after the response deadline for the requested relief has passed, or as soon as possible if the hearing on the requested relief is scheduled for less than forty- eight (48) hours after the deadline, the party seeking the relief shall file a CNO, substantially in the form of Local Form 25, if–

- (1) No objection to the requested relief has been filed on the docket or served on the party seeking relief;
- (2) No agreement has been made with the opposing party which would excuse the filing of a response or objection; and
- (3) The party seeking relief is not otherwise aware of any specific information to indicate that the opposing party objects to the requested relief.

(d) By filing a CNO, attorneys or unrepresented parties represent to the Court that they have reviewed the Court’s docket and no objection appears thereon, that they are otherwise unaware of any objection to the requested relief, and that the motion or other request for relief was properly served on each opposing party.

(e) A CNO may not be used for any other purpose and may not be accompanied by any exhibit or attachment other than a certificate of service.

(f) The filing of a CNO does not automatically mean that an order will be entered granting the requested relief and cancelling the hearing. After a CNO is filed, it is the responsibility of attorneys and unrepresented parties to check the calendar and determine whether the hearing will nevertheless proceed.

(g) If the circumstances are such that a CNO should have been filed but was not, or should not have been filed but was, the attorney or unrepresented party who improperly filed or failed to file it shall personally appear at the hearing to explain why this Rule was not followed and why a sanction should not be imposed if the failure to comply was willful.

(h) The CNO procedure as set forth in this Rule applies to motions filed within adversary cases, but does not apply with respect to a party that seeks judgment due to the failure of the opposing party to file an answer to a complaint. In such instances the proper procedure for seeking default and a default judgment is as set forth in Fed. R. Bankr. P. 7055, though if a motion for default judgment is filed as part of that procedure, the CNO requirement would apply as to such motion.