

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

IN RE:

Local Bankruptcy Rule 9013.4

General Order No. 92-

ORDER

And now, to-wit, this 10th day of April, 1992,

it is ORDERED that, in order to make technical corrections to Local Bankruptcy Rule 9013.4 on an interim basis, the rule is hereby AMENDED. Deletions are lined through (-----) and additions are highlighted [redacted] :

4. Self-Scheduling; Documents Required and Service [¶6(a) or ¶6(b) only]

(b) A Notice of Hearing substantially conforming to Local Bankruptcy Form No. 4A, No. 4B. For sale motions use Local Bankruptcy Form No. 4C or 4D. The Notice shall allow at least ~~14~~ 17 calendar days for response (which period includes 3 days for mailing if service is by mail) and at least 10 calendar days between the response date and the hearing date. The Notice shall be attached in front of the face of the Motion. (Note: 30 days' notice is required on objections to claims.) For fee applications in chapters 11, 12 and 13, in lieu of L. B. Form 4A or 4B use ¶6(b)(2). For fee applications in chapter 7 cases use ¶6(b)(25). For chapter 7 final accounts and proposed distributions use L.B. Form 14.

5. Filings With the Clerk - Default

(a) In ¶6(a) or 6(b) matters any party in interest who wishes to present a consent, objection or response of any type to a ¶6(a) or ¶6(b) motion must serve the original and one copy on the moving party within the time period stated in the notice. If no written response, or a written response which does not object to the Motion, is received timely by the Movant by the date specified in the Notice (~~plus 3 additional days as required by Bankruptcy Rule 9006(f) where service is by mail~~), then not less than 7 calendar days before the scheduled hearing date, counsel shall file with the Clerk

- 1) in duplicate, a proposed Default Order, one copy being loose and unbound,*
- 2) a Certificate of Default (Local Bankr. Form No. 6),
- 3) a Certificate of Service (Local Bankr. Form No. 5),
- 4) the Notice of Hearing, and

5) the Motion,

* In ¶6(b) matters do not attach a proposed default order but only a proposed order granting the relief requested. whereupon in ¶6(a) matters the Clerk, on behalf of the judge, shall issue an order by default against any defaulting party, in accordance with the motion.¹

(b). In ¶6(a) or 6(b) matters if a written response, which must be in duplicate, objecting to the Motion is received timely by the Movant, ~~(including the 3 additional days where service is by mail)~~, then, not less than 7 calendar days before the originally scheduled hearing date, counsel for movant shall file with the Clerk

1) the Notice of Hearing (L.B. Form No. 4A, ~~or~~ 4B, 4C, 4D or 15 will be used),

2) the Motion,

3) any responses received,

4) the Proposed Order, and

5) a Certificate of Service (L.B. Form No. 5)²

This Paragraph ¶5(b) shall be observed whether or not the hearing has been continued to a future date.³

6. Applicability

(a) This Self-Scheduling Rule shall apply to the following Motions or matters:

(1) Relief from Automatic Stay.

(2) Abandonment (See Rule 6007(a) and (b); Local Bankruptcy Rule 6007.1 is superseded).

(3) Lien Avoidance under Rule 4003(d).

(4) Objections to claims (Note: 30 days' notice required under Bankruptcy Rule 3007).

~~(5) Objections to claim of exemption.~~

~~(6)~~ (5) Appointment of a Chapter 11 trustee when not filed by the Debtor.

~~(7)~~ (6) Motion to determine secured status under §506(a) when only the value of collateral is at issue.

~~(8)~~ (7) Motion to redeem property

1. Draftsman's Comment: Items in ¶5(a) or ¶5(b) should be filed together and may be attached for one combined filing, in the order indicated.

2. See Footnote 1.

3. At the Bar Association meeting of February 26, 1992, attendees were directed to file a certificate of default in ¶6(a) or 6(b) matters even if responses were received. This directive is hereby rescinded and certificates of default shall be filed only if no responses are received.

(b) This Self-Scheduling Rule shall apply to the following matters, except that no Order by default may be entered thereon and Movant must appear for the scheduled hearing:

(1) Deleted.

(2). Application for professional fees in chapters 11, 12 and 13. (Note: Applicant to follow L.B. Rule 9016.1 and use Local Bankruptcy Form No. 15 in giving notice.) ~~except that Form 15 is not necessary when Form 14 is applicable.~~)

(3) Private or public sale. Counsel shall conform practice under Local Bankruptcy Rule 6004.1 to this Rule, but the length of notice provided in ¶4(b) hereof shall prevail. Counsel shall not call the Courtroom Deputy for a sale date unless a major or unusual problem is anticipated. The Notice of Sale shall specify that all objections shall be served in duplicate on the movant who shall file the original with the motion. (Note: Follow and use L. B. Form No. 4C or 4D in giving notice.)

(4) Dismissal of the case ~~except requests by chapter 13 debtors pursuant to §1307(b).~~

(c) The Self-Scheduling provisions of this Rule shall not apply to the following matters (as to which the motion shall be initially filed with the Clerk and scheduled separately as the judge deems appropriate):

...

(3) Appointment of a professional ~~(except that the terms of employment remain subject to the future control of the Court).~~

(4) Approval of settlement or compromise. (Note: Follow and use Local Bankruptcy Form No. 16 in giving notice if the court fixes a hearing and a date for filing objections.)

(23) Objections to exemptions.

~~(23)~~ (24) Chapter 7 fee applications. (Note: Applicant to follow L.B. Rule 9016.1 and use L.B. Form 2.)

(25) Chapter 7 final account and proposed distribution (but trustees shall choose a self-scheduling motion date on which to schedule the hearing, insert that date on L.B. Form 14 and the clerk shall serve the notices).

(26.) Matters not otherwise provided for in this Rule.

8. (b) Motion Number

Except as to motions in adversary proceedings, a Motion Number shall be included by the movant immediately below the case number and chapter number on all motions. The Motion Number shall consist of not more than three initials of the attorney for movant (e.g., first, middle and last name) or if preferred, the initials of the law firm thereof, a dash, and the number which is one number higher than the number of motions previously filed or served by said attorney in conjunction with that bankruptcy case. (Example: the first Motion Number assigned by Attorney John D. Doe would be JDD-1, the second JDD-2, the third JDD-3, and so on. This sequence will be repeated for each bankruptcy case in which said attorney files or serves a motion.)

11. Nature of Hearings in Motion Court

Hearings in Motion Court shall be brief, not more than 15 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. 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. Motion matters which are settled after response is filed shall be heard prior to other matters scheduled for the same time upon oral request of the parties at Motion Court.

16. Erroneous Filing of Response

All original responses under 6(a) or 6(b) erroneously filed with the clerk shall be returned to the respondent. If a response is not served on movant within the time frame provided in the original notice, the response will not be considered by the court unless respondent establishes good cause in a motion to reconsider filed and served within ~~the appeal period.~~ 10 days.

17. Motions for Reconsideration of Default Orders

Motions for reconsideration filed within ~~the 10 days appeal period~~ will be considered. However, a default order duly entered hereunder will remain in effect unless there is a showing of reasonable cause and that respondent has a meritorious defense.

4-10-92

/S/ Joseph L. Cosetti

/S/ Warren W. Bentz

/S/ Judith K. Fitzgerald

LOCAL BANKRUPTCY FORM NO. 4A

UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

IN RE	:	BANKRUPTCY NO. _____
	:	
Debtors	:	CHAPTER NO. _____
	:	
Movant	:	MOTION NO. _____
v.	:	Filed under Local Bankr.
	:	Rule 9013.4 ¶16(a)
Respondent	:	

NOTICE OF HEARING
WITH RESPONSE DEADLINE
ON MOTION OF _____ (NAME OF MOVANT)

FOR _____

TO THE RESPONDENT(S):

You are hereby notified that the above Movant seeks an order affecting your rights or property.

You are further notified to serve (in duplicate) a written response to the attached Motion upon the undersigned by the **Response Date** listed below. (which is seventeen (17) calendar days after the date of this Notice). If you fail to timely respond, the Motion will be granted by the court by default without a hearing. See Local Bankruptcy Rule 9013.4.

You should take this to your lawyer at once.

If your written response (in duplicate) is timely served, the undersigned will file the Motion and all Responses with the Clerk of the Bankruptcy Court and a hearing will be held on the **Hearing Date** listed below. Only a limited time of 15 minutes is being provided on the calendar. No witnesses will be heard. If there is an issue of fact, an evidentiary hearing will be scheduled at a later date by the Clerk. No hearing will be held if you do not timely serve a written response.

Date of Notice by Mailing or other service: _____

Response Date: _____

Hearing Date: A hearing will be held on _____ at _____ m.
before Judge _____ in Court Room _____,

(address).

Attorney for Movant/Applicant

(Signature)

(Typed Name)

(Address)

(Telephone and PA Attorney I.D. No.)

Movant must serve this Notice and a copy of the motion on all Respondents. Movant must serve only the Notice on all creditors and other parties in interest as and when required by applicable bankruptcy rules.

LOCAL BANKRUPTCY FORM NO. 4B
UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

IN RE : BANKRUPTCY NO. _____
: :
Debtors : CHAPTER NO. _____
: :
: :
Movant : MOTION NO. _____
v. : Filed under Local Bankr.
: Rule 9013.4 ¶6(b)
Respondent :

NOTICE OF HEARING
WITH RESPONSE DEADLINE
ON MOTION OF _____ (NAME OF MOVANT)

FOR _____

TO THE RESPONDENT(S):

You are hereby notified that the above Movant seeks an order affecting your rights or property.

You are further notified to serve (in duplicate) a written response to the attached Motion, upon the undersigned by the **Response Date** listed below. (which is seventeen (17) calendar days after the date of this Notice). If you fail to timely respond, the Motion may be granted and a judgment entered against you by the court at the hearing. See Local Bankruptcy Rule 9013.4.

You should take this to your lawyer at once.

With or without your written response (in duplicate), the undersigned will timely file the Motion and all Responses with the Clerk of the Bankruptcy Court. A hearing will be held on the **Hearing Date** listed below. Only a limited time of 15 minutes is being provided on the calendar. No witnesses will be heard. If there is an issue of fact, an evidentiary hearing will be scheduled at a later date by the Clerk.

Date of Notice by Mailing or other service: _____

Response Date: _____

Hearing Date: A hearing will be held on _____ at _____ m
before Judge _____ in Court Room _____,

(address).

Attorney for Movant/Applicant

(Signature)

(Typed Name)

(Address)

(Telephone No. and PA I.D. No.)

***Movant must serve this Notice and a copy of the motion on all Respondents.
Movant must serve only the Notice on all creditors and other parties in interest
as and when required by applicable bankruptcy rules.**

LOCAL BANKRUPTCY FORM NO. 4C

UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

IN RE	:	BANKRUPTCY NO. _____
	:	
Debtors	:	CHAPTER NO. _____
	:	
	:	
Movant	:	MOTION NO. _____
v.	:	Filed under Local Bankr.
	:	Rule 9013.4 ¶6(b)
Respondent	:	

NOTICE OF NONEVIDENTIARY HEARING WITH RESPONSE DEADLINE
ON MOTION TO SELL PROPERTY

TO THE RESPONDENT(S) AND ALL CREDITORS AND PARTIES IN INTEREST:

You are hereby notified that the above Movant seeks an order to sell property in which Respondents may have an interest.

Anyone who wishes to object is further notified to serve (in duplicate) a written response to the Motion upon the undersigned by the **Response Date** listed below. (which is seventeen (17) calendar days after the date of this Notice). If Respondents fail to timely respond, the Motion may be granted at the hearing. See Local Bankruptcy Rule 9013.4.

Each Respondent should take this to his lawyer at once.

Whether or not any written response is received, the undersigned will timely file the Motion and all responses with the Clerk of the Bankruptcy Court. A hearing will be held on the **Hearing Date** listed below. The court may entertain higher offers at the hearing.

The property to be sold is: _____

Terms of sale are: _____

Examination of the property or further information can be obtained from the undersigned.

Date of Notice by Mailing or other service: _____

Response Date: _____

Hearing Date: A hearing will be held on _____ at ____ m.
before Judge _____ in Court Room _____,

(address).

Attorney for Movant/Applicant

(Signature)

(Typed Name)

(Address)

(Telephone and PA Attorney I.D. No.)

Movant must serve this Notice and a copy of the motion on all Respondents. Movant must serve only the Notice on all creditors and other parties in interest as and when required by applicable bankruptcy rules.

LOCAL BANKRUPTCY FORM NO. 4D

UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

IN RE	:	BANKRUPTCY NO. _____
	:	
Debtors	:	CHAPTER NO. _____
	:	
	:	
Movant	:	MOTION NO. _____
v.	:	Filed under Local Bankr.
	:	Rule 9013.4 ¶6(b)
Respondent	:	

NOTICE OF NONEVIDENTIARY HEARING
WITH RESPONSE DEADLINE ON MOTION TO SELL PROPERTY
AT PUBLIC AUCTION

TO THE RESPONDENT(S) AND ALL CREDITORS AND PARTIES IN INTEREST:

You are hereby notified that the above Movant seeks an order to sell property in which respondents may have an interest.

Anyone who wishes to object is further notified to serve (in duplicate) a written response to the Motion upon the undersigned by the **Response Date** listed below. (which is seventeen (17) calendar days after the date of this Notice). If Respondents fail to timely respond, the Motion may be granted at the hearing. See Local Bankruptcy Rule 9013.4.

Each Respondent should take this to his lawyer at once.

Whether or not any written response is received, the undersigned will timely file the Motion and all responses with the Clerk of the Bankruptcy Court. A hearing will be held on the **Hearing Date** listed below. **THEREAFTER THE SALE ITSELF WILL BE CONDUCTED BY THE UNDERSIGNED ON THE DATE AND TIME LISTED BELOW**

The property to be sold is: _____

Terms of sale are: _____

Examination of the property or further information can be obtained from the undersigned.

Date of Mailing or other service: _____

Date of Mailing or other service: _____

Response Date: _____

Hearing Date: A hearing will be held on _____ at ____ m. before Judge _____ in Court Room _____, _____ (address).

Sale Date: A sale will be conducted by the movant on _____

AT _____ **m. AT THE FOLLOWING LOCATION:** _____

Attorney for Movant/Applicant

(Signature)

(Typed Name)

(Address)

(Telephone and PA Attorney I.D. No.)

*Movant must serve this Notice and a copy of the motion on all Respondents.
Movant must serve only the Notice on all creditors and other parties in interest
as and when required by applicable bankruptcy rules.

LOCAL BANKRUPTCY FORM NO. 6

UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

IN RE	:	BANKRUPTCY NO.	_____
	:		
Debtor(s)	:	CHAPTER NO.	_____
	:		
Movant	:	MOTION NO.	_____
v.	:	Filed under Local Bankr.	
	:	Rule 9013.4 ¶6()	
Respondent	:	(insert a or b)	

CERTIFICATE OF DEFAULT

I, the undersigned, certify that, having served or caused to be served a copy of the Notice, Motion and proposed orders on the Service Date Listed Below as shown in the CERTIFICATE OF SERVICE filed herein, that more than 17 days have passed pursuant to Local Rule 9013.4 and that I received no response as of this date except _____

Method of service: Mail _____; Specify if other: _____

Service Date: _____

Date Certificate of Default Signed⁴: _____

Attorney for Movant/Applicant:

(Signature)

(Typed Name)

(Address)

(Telephone and PA Attorney I.D. No.)

4. The date the certificate of service is signed should be at least 18 days later than the service date.

LOCAL BANKRUPTCY FORM NO. 12
NOTICE OF CONTINUANCE

UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

IN RE : BANKRUPTCY NO. _____
: :
Debtor(s) : CHAPTER NO. _____
: :
: :
Movant : MOTION NO. _____
v. : Filed under Local Bankr. :
: Rule 9013.4 ¶6() :
Respondent : (insert a or b)

NOTICE OF CONTINUANCE

TO THE CLERK, UNITED STATES BANKRUPTCY COURT FOR THE WESTERN DISTRICT OF PENNSYLVANIA AND ALL PARTIES IN INTEREST:

TAKE NOTICE that the above-captioned matter, which was scheduled for hearing on _____, has been continued. The hearing will be held on _____ at _____ m. in Courtroom _____, _____ Building, _____, PA. This is the first continuance of the matter, and all parties in interest or their counsel have consented.

Attorney for Movant

(Signature)

(Typed Name)

(Address)

(Telephone and PA Attorney I.D. No.)

c: (names and addresses)

LOCAL BANKRUPTCY FORM NO. 13
ORDER GRANTING CONTINUANCE

UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

IN RE : BANKRUPTCY NO. _____
: :
Debtor(s) : CHAPTER NO. _____
: :
: :
Movant : MOTION NO. _____
v. : Filed under Local Bankr.
: Rule 9013.4 ¶6(c)
Respondent :

Related to Mot. No. _____
(Insert Mot. No. of
matter to be continued)

ORDER GRANTING CONTINUANCE

This _____ day of _____, 19__, it is hereby ORDERED
that the hearing previously scheduled in the above-captioned
matter is continued. The hearing shall take place on
_____, 19__, at _____ m. in Courtroom _____,
_____, Pennsylvania.

United States Bankruptcy Judge

c: (names and addresses)

LOCAL BANKRUPTCY FORM NO. 15

UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

IN RE : BANKRUPTCY NO. _____
: :
Debtor : CHAPTER NO. _____
: :
: MOTION NO. _____
Applicant : Filed under Local Bankr. _____
: Rule 9013.4 ¶6(b)

SUMMARY COVER SHEET AND NOTICE OF HEARING ON PROFESSIONAL FEES
IN CHAPTERS 11, 12 AND 13

To All Creditors and Parties in Interest:

1. Applicant represents _____.
2. This is a (check one)
_____ final application
_____ an interim application

for the period _____ to _____.

3. Previous retainer paid to Applicant: \$_____
4. Previous interim compensation tentatively allowed to Applicant: \$_____.
5. Applicant requests additional Compensation of \$_____.
Reimbursement of Expenses of \$_____.

6. A hearing on the Application will be held at the date and time listed below. Parties in interest may attend and object.

7. Any written objections must be served on the Applicant in duplicate on or before _____, 19__, (seventeen (17) days from the date of this notice). Applicant will file all objections and other responses with the Clerk. Copies of the application are available from the applicant.

Date of mailing or other service: _____ Applicant or Attorney for Applicant: _____
(Signature)
Hearing Date: _____
(Typed Name)
Hearing Time: _____
(Address)
Hearing Location: _____
(Telephone and PA Attorney I.D. No.)

(Note: 1. Scheduling dates in this Notice shall comply with L.R. 9013.4 ¶4(b). 2. The full application need be served only upon counsel for Debtor, the U.S. Trustee, a chapter 11 trustee if one exists, the creditors' committee attorney or, if none, the 3 largest secured creditors and the 4 largest unsecured creditors. 3. Applicant shall serve this Notice on all creditors and parties in interest including any person who has filed a request for notices. 4. A certificate of service shall be filed with this Notice, the application and any responses as required by L.R. 9013.4 ¶5(b). 5. This Form shall not be used in chapter 7

cases. In chapter 7 cases Applicants use L.B. Form 2. Trustees use L.B. Forms 2 and 14.

LOCAL BANKRUPTCY FORM NO. 16
UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

IN RE : BANKRUPTCY NO. _____
: :
Debtor(s) : ADVERSARY NO. _____
: :
Plaintiff/Movant : MOTION NO.* _____
v. : Filed under Local Bankr.
: Rule 9013.4 ¶6(c)
:
Defendant/Respondent :

ORDER AND NOTICE OF HEARING ON APPROVAL OF SETTLEMENT

TO ALL CREDITORS AND PARTIES IN INTEREST:

IT IS ORDERED AND NOTICE IS HEREBY GIVEN THAT a Motion for Approval of Settlement has been filed in the above-captioned estate by:

1. Summary and reason for settlement: _____.
2. _____, 19__, at _____ .m. is fixed for hearing on this matter in _____.
You may file an objection to the settlement; if you do, you must file it with the Clerk by _____. It should specifically state the basis of the objection, and you are required to be present at the hearing.
3. Movant shall serve ~~The undersigned is serving~~ a copy of this Order and Notice on all creditors (or their official committee), other parties in interest, the debtor and the trustee (if a trustee has been appointed), by mail, and will file a certificate of such service within 5 days hereof.

Dated ~~of Mailing~~:

United States Bankruptcy Judge

* Movant is to complete this form before filing it as a cover sheet with the proposed settlement, leaving blank the hearing and objection dates. If the court determines that a hearing is necessary, objection and hearing dates will be provided to movant with this form.

SECOND PAGE OF LOCAL BANKRUPTCY FORM 14

5. In addition to the commissions and fees that may be allowed by the court, liens and priority claims which must be paid in advance of general creditors have been filed in the total amount of \$ _____. (State here only amount of liens and priority claims.)

General unsecured claims have been allowed in the amount of \$ _____. (State here only amount to be paid.)

6. _____ The debtor has been discharged.
_____ The debtor has not been discharged.
_____ The debtor is a corporation.

7. Any property not administered by the trustee will be deemed abandoned. The trustee's motion to abandon the following property will be heard and acted upon:

8. Anyone objecting to the final account, final fee applications or the proposed order of distribution shall file the objection with the clerk and serve a copy on the trustee and, if objecting to fees, serve a copy of the objection on the applicant. All objections shall be filed and served on or before 10 days before the scheduled hearing date.

9. The trustee's final SUMMARY OF PROPOSED DISTRIBUTION is attached.

Date

Bankruptcy Judge