

CLARIFICATION of two questions asked at the Brown Bag Lunch held on
October 15, 2018

1. A question was asked as to whether a party can file a Certificate of No Objection (“CNO”) in an adversary proceeding.

A party can file a CNO to a motion in an adversary, just as they would to a motion in the main bankruptcy case. However, a party cannot simply file a CNO if the defendant fails to answer the complaint. In this instance the party must take the proper steps to file for default or default judgment.

See *W.P.A. LBR 9013-7* (“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.”).

2. A question was asked about *Local Form 11* not listing the frequency of a pay period despite Local Rule 3015-2 stating that the pay period frequency is required to be included in the Order.

Debtors are required to list the pay frequency in their proposed Wage Orders. Paragraph (g) of *Local Rule 3015-2* requires debtors to state the pay frequency when providing the payment amount, “e.g. \$535 biweekly.” *Local Form 11* includes a form Order attached at page 2. In the first paragraph of this Order, there is a space for the Debtor to enter the payment amount. This is where the debtor should insert both the amount of the paycheck and the frequency.

For example, the Order should state “...the Debtor shall deduct from that income the sum of **\$535 biweekly**, beginning on the next pay day following receipt of this order...” See *W.P.A.LBR. 3015-2* and *Local Form 11*.