

DOCKETED

**UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF NEW YORK**

**EXPANDED DEFAULT PROCEDURES
IN ROCHESTER AND WATKINS GLEN TO INCLUDE
MOTIONS AS INDEXED ON EXHIBIT A**

STANDING ORDER

(A) MOTIONS IN GENERAL

Except as otherwise provided by rule or ordered by the Court, and except as provided in subdivision (B) immediately following, notices of motion along with supporting affidavits and memoranda shall be served on parties and filed with the Clerk at least five (5) days prior to the return date of the motion (eight days if served by mail). Motion dates may be obtained from the Clerk. Discretionary responses to motions (those not required by these rules or by order) shall be filed and served upon the adverse party or parties as soon as practicable.

**(B) EXPANDED DEFAULT PROCEDURES IN ROCHESTER AND WATKINS
GLEN AS INDEXED ON EXHIBIT A**

Motions listed on Exhibit A, index number one (1) through eighteen (18), are returnable in Rochester and Watkins Glen and shall be served upon the parties as set forth on Exhibit A.

**(C) MOTIONS REFERRED TO IN (B) SHALL ALSO MEET THE FOLLOWING
REQUIREMENTS:**

(1) Motions shall include the below “**default**” statement in bold print:

**PURSUANT TO FEDERAL RULE OF BANKRUPTCY PROCEDURE 9014 AND THE
STANDING ORDER ENTITLED, “EXPANDED DEFAULT PROCEDURES IN
ROCHESTER AND WATKINS GLEN TO INCLUDE MOTIONS AS INDEXED ON
EXHIBIT A”, DATED JUNE 1, 1998: IF YOU INTEND TO OPPOSE THE MOTION,
YOU MUST SERVE THE PARTIES LISTED IN THE PARTIES SERVED COLUMN ON
EXHIBIT A AND FILE WITH THE CLERK OF THE BANKRUPTCY COURT WRITTEN
OPPOSITION TO THE MOTION NOT LATER THAN THREE (3) BUSINESS DAYS
PRIOR TO THE RETURN DATE OF THIS MOTION. PURSUANT TO FEDERAL RULE
OF BANKRUPTCY PROCEDURE 9006(a), SATURDAYS, SUNDAYS AND LEGAL
HOLIDAYS SHALL BE EXCLUDED FROM THE COMPUTATION OF THE THREE (3)
DAY RESPONSE TIME. IN THE EVENT NO WRITTEN OPPOSITION IS SERVED AND
FILED, NO HEARING ON THE MOTION WILL BE HELD BEFORE THE COURT ON
THE RETURN DATE, AND THE COURT WILL CONSIDER THE MOTION AS
UNOPPOSED.**

- (2) Every motion must be accompanied by: 1) An original order and two copies to be submitted to the Court for determination and subsequent entry; and, 2) a proposed order as an exhibit to the motion and served on all parties.
- (3) Motion papers shall prescribe to the special requirements as outlined on Exhibit A, which may be revised by the Court from time to time.
- (4) One day prior to the return date of the motion, the Court will accept a consent order and a request to substitute that consent order for the order which accompanied the original motion papers. A cover letter must accompany a substitute consent order. The letter must clearly identify in bold the return date and time of the motion.
- (5) It is mandatory that motions referenced in this Standing Order be brought under the “**default**” procedure unless:
 - (a) The Court affirmatively waives the default procedure requirement on request of the movant; or,
 - (b) The matter is brought on shortened time, in which case the order shortening time should specifically provide that the matter will not be brought under the mandatory default procedure.
- (6) All responses, including opposition or withdrawal, must clearly identify in bold the return date and time of the motion.
- (7) Expanded default motion papers filed on or after June 15, 1998 shall conform to the above requirements.

D. EXHIBIT B CONTAINS A COMPREHENSIVE LIST OF ALL DEFAULT PROCEDURES IN ROCHESTER AND WATKINS GLEN INCLUDING THE FOLLOWING DEFAULT PROCEDURES IMPLEMENTED PRIOR TO THIS STANDING ORDER WHICH ARE STILL IN EFFECT:

- (1) §362(d) Motions in Chapter 7 and 13 Cases in Rochester and Watkins Glen, Standing Order dated August 5, 1992.
- (2) §522(f) Motions in Rochester and Watkins Glen, Standing Order dated March 9, 1993.
- (3) §554 Motions in Rochester and Watkins Glen, Standing Order dated March 9, 1993.
- (4) Revised Standing Order regarding §522(f) Motions in Rochester and Watkins Glen, dated April 13, 1993.

(5) Federal Rule of Bankruptcy Procedure 3007 - Objections to Claims - Procedure in Rochester and Watkins Glen, Standing Order dated May 20, 1993.

(6) §722 Motions in Rochester and Watkins Glen, Standing Order dated July 25, 1994.

(7) §1229 and §1329 Modification Motions in Rochester and Watkins Glen, Standing Order dated July 26, 1995.

IT IS SO ORDERED.

Dated: June 1, 1998



MICHAEL J. KAPLAN
CHIEF, U.S. BANKRUPTCY JUDGE

Dated: June 1, 1998



JOHN C. NINFO, II
U.S. BANKRUPTCY JUDGE

Dated: June 1, 1998



CARL L. BUCKI
U.S. BANKRUPTCY JUDGE

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