

Practice Changes for Calendars in Buffalo, Batavia,
Mayville, Niagara Falls, and Olean

It has been brought to the court's attention that various counsel have been inconvenienced by the need to undertake significant travel in order to present a single non-controverted motion, and that the incidence of such burden has increased with the decline of bankruptcy filings throughout the Western District of New York. To address this problem, the court will immediately implement the following practice changes with regard to certain motions that would otherwise be set for hearing in Buffalo, Batavia, Mayville, Niagara Falls or Olean.

A. Parties may henceforth make the following requests by *ex parte* application, rather than by notice and hearing:

- Requests by a Chapter 7 debtor to reopen a case for any purpose other than to add an asset or creditor;

- Requests by any party to permit or approve loan modification discussions or agreements in a consumer case.

B. The following matters, though still required to be brought by motion and notice of motion, may be submitted "on the papers" if that request is noted conspicuously on the Notice of Motion:

- Requests by a debtor to avoid liens pursuant to 11 U.S.C. § 522(f) unless the judgment creditor is a natural person;

- In a Chapter 7 case, requests by a creditor to lift the automatic stay with respect to property as to which the debtor has filed a statement of intention to surrender;

- In a Chapter 13 case, requests by a creditor to lift the automatic stay with respect to property that is to be surrendered pursuant to the terms of a confirmed plan.

In the event that the above referenced matters are submitted “on the papers,” the moving party should check the docket prior to the return date and time to see if opposing papers have been filed. If opposing papers are filed, counsel for the moving party is requested to extend to opposing counsel the courtesy of either (1) arranging a convenient adjournment or (2) appearing at the return date and time to argue the merits of the motion. In the event that no opposing papers are filed but a party unexpectedly appears to present oral opposition with respect to any of the motions listed above, the matter will be rescheduled.