

UNITED STATES BANKRUPTCY COURT  
WESTERN DISTRICT OF NEW YORK

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In re:

NEGATIVE NOTICE PROCEDURES  
FOR MOTIONS BEFORE JUDGE WARREN

**ADMINISTRATIVE ORDER**

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This Administrative Order supersedes the “Amended Standing Order” dated December 18, 2009, and each and every Standing Order referenced therein, so as to:

- (1) Eliminate the use of the phrase “Default Procedures” and adopt the more commonly used phrase “Negative Notice Procedures” to more accurately describe motion practice before Judge Warren.
- (2) Adopt revised and clarified “Negative Notice Procedures” to eliminate the former reference to “3 business days,” and adopt the more precise and measurable requirement that *written opposition to a motion must be served and filed not less than 72 hours prior to the scheduled date and time of the hearing on a motion.*
- (3) Adopt a revised “Negative Notice Statement,” to clarify the requirements for serving and filing papers in opposition to a motion. The Negative Notice Statement must be prominently displayed on the Notice of Motion, for all affected motion types, in all cases assigned to Judge Warren.

The revised “Negative Notice Statement” and revised “Negative Notice Procedures” accompany this Administrative Order. The Negative Notice Procedures govern motions filed *on or after January 1, 2021*, in all cases assigned to Judge Warren.

**SO ORDERED.**

DATED: December 21, 2020  
Rochester, New York

\_\_\_\_\_/s/  
**HON. PAUL R. WARREN**  
United States Bankruptcy Judge

### **Negative Notice Statement**

The following Negative Notice Statement, prominently displayed in **bold print**, must be included on the Notice of Motion for all motions brought under the Negative Notice Procedures:

**UNDER THE ADMINISTRATIVE ORDER DATED DECEMBER 21, 2020, REVISING THE NEGATIVE NOTICE PROCEDURES FOR MOTIONS BEFORE JUDGE WARREN:**

**IF A PARTY REPRESENTED BY COUNSEL INTENDS TO OPPOSE THIS MOTION, WRITTEN OPPOSITION TO THE MOTION MUST BE SERVED AND FILED ELECTRONICALLY IN CM/ECF NOT LESS THAN 72 HOURS PRIOR TO THE SCHEDULED DATE AND TIME OF THE HEARING ON THE MOTION (NOTWITHSTANDING RULE 9006(a) FRBP).**

**IN CASES UNDER CHAPTERS 7, 12 AND 13, YOU MUST SERVE THE OPPOSING PAPERS ON: THE MOVANT AND MOVANT'S COUNSEL, THE DEBTOR AND DEBTOR'S COUNSEL (IF NOT THE MOVANT), AND THE TRUSTEE. IN CASES UNDER CHAPTER 11, THE OPPOSING PAPERS MUST ALSO BE SERVED ON THE CREDITORS' COMMITTEE AND ITS ATTORNEY, OR IF THERE IS NO COMMITTEE, THE 20 LARGEST UNSECURED CREDITORS, AND THE UNITED STATES TRUSTEE.**

**IN THE EVENT THAT WRITTEN OPPOSITION IS NOT TIMELY SERVED AND FILED, NO HEARING WILL BE HELD ON THE MOTION; THE COURT WILL CONSIDER THE MOTION TO BE UNOPPOSED.**

**NEGATIVE NOTICE PROCEDURES  
FOR MOTIONS  
BEFORE JUDGE WARREN**

**(Note: Even when no opposition is filed, the Court will review each motion to determine whether it is appropriate to grant the relief requested.)**

| MOTION TYPE   | SERVICE AND FILING OF PAPERS   | PARTIES SERVED  | REQUIREMENTS  |
|---|--|---|---|
| <p>§ 362(d) - Motion for stay relief</p>                      | <p>Motion must be served and electronically filed at least <b>12 days</b> prior to the return date and time.(*)</p> <p><i>Papers filed (by parties represented by counsel) in opposition or response must be served and electronically filed not less than 72 hours prior to the scheduled <u>date and time</u> of the motion, notwithstanding Rule 9006(a) FRBP.</i></p> <p>(* ) Service must comply with Rule 7004 FRBP.</p> | <p><b><u>Chapters 7, 12 and 13</u></b></p> <p>Debtor, Debtor’s attorney and trustee.</p> <p><b><u>Chapter 11</u></b></p> <p>Debtor, Debtor’s attorney, UST, trustee (if appointed), creditors’ committee and its attorney (if any). If no committee—serve the 20 largest unsecured creditors.</p> | <p>(1) Negative Notice Statement must be prominently displayed in notice of motion, (2) Cover sheet, (3) Copies of mortgage or lien documents and proof of lien perfection must be included with motion involving secured property, (4) Proposed order must be included with motion as an exhibit, and (5) Affidavit of service.</p> <p>A consent order may be submitted, if provided to the Court at least 24 hours prior to the return date and time. Under 28 U.S.C. § 1930(b), a fee is due upon the filing of a § 362(d) motion.</p> |
| <p>§ 363 - Motion to authorize the use of cash collateral</p> | <p>Motion must be served and electronically filed at least <b>15 days</b> prior to the return date and time.(*)</p> <p><i>Papers filed (by parties represented by counsel) in opposition or response must be served and electronically filed not less than 72 hours prior to the scheduled <u>date and time</u> of the motion, notwithstanding Rule 9006(a) FRBP.</i></p> <p>(* ) Service must comply with Rule 7004 FRBP.</p> | <p><b><u>Chapter 11</u></b></p> <p>UST, trustee (if appointed) parties in interest, creditors’ committee and its attorney (if any). If no committee—serve the 20 largest unsecured creditors.</p>   | <p>(1) Negative Notice Statement must be prominently displayed in notice of motion, (2) Proposed order must be included with motion as an exhibit, and (3) Affidavit of service.</p> <p>A consent order may be submitted for proposed order, if provided to the Court at least 24 hours prior to the return date and time.</p>  |

| MOTION TYPE   | SERVICE AND FILING OF PAPERS   | PARTIES SERVED  | REQUIREMENTS  |
|---|--|---|---|
| <p>§ 363(b) - Motion to use, sell or lease property of the estate</p> <p><b>Note: Requests by the moving party can be submitted in Negative Notice or traditional motion format. Do not include “Negative Notice Statement” when using traditional motion format.</b></p> | <p>Motion must be served and electronically filed at least <b>21 days</b> prior to the return date and time.(*)</p> <p><i>Papers filed (by parties represented by counsel) in opposition or response must be served and electronically filed not less than 72 hours prior to the scheduled <u>date and time</u> of the motion, notwithstanding Rule 9006(a) FRBP.</i></p> <p>(* ) Service must comply with Rule 7004 FRBP.</p> | <p><b><u>Chapters 7, 12 and 13</u></b></p> <p>Debtor, debtor’s attorney, UST, trustee and all creditors.</p> <p><b><u>Chapter 11</u></b></p> <p>Debtor, debtor’s attorney, UST, trustee (if appointed), attorney for creditors’ committee (if any) and all creditors.</p>   | <p><b><u>Negative Notice Format:</u></b> (1) Negative Notice Statement must be prominently displayed in notice of motion, (2) Proposed order must be included with the motion as an exhibit, and (3) Affidavit of service.</p> <p><b><u>All motion papers</u></b> must contain the following elements:</p> <p><b><u>Private Sale:</u></b> (1) Description of property to be sold, (2) Name of purchaser and relationship to debtor, if any, (3) The price received for each item, and (4) Terms of Sale.</p> <p><b><u>Auction Sale:</u></b> (1) Name of auctioneer, (2) Date, time and location of auction, (3) General description of property being auctioned, and (4) Minimum bid, if any.</p> <p>A consent order may be submitted for proposed order, if provided to the Court at least 24 hours prior to the return date and time.</p> |
| <p>§ 364 - Motion to obtain credit</p>  | <p>Motion must be served and electronically filed at least <b>15 days</b> prior to the return date and time.(*)</p> <p><i>Papers filed (by parties represented by counsel) in opposition or response must be served and electronically filed not less than 72 hours prior to the scheduled <u>date and time</u> of the motion, notwithstanding Rule 9006(a) FRBP.</i></p> <p>(* ) Service must comply with Rule 7004 FRBP.</p> | <p><b><u>Chapter 11</u></b></p> <p>UST, parties in interest, trustee (if appointed), creditors’ committee and its attorney (if any). If no committee—serve the 20 largest unsecured creditors.</p> <p><b><u>Chapters 12 and 13</u></b></p> <p>Debtor, Debtor’s attorney, mortgagee, attorney for the mortgagee (if any have appeared or filed a proof of claim), trustee and UST.</p> | <p>(1) Negative Notice Statement must be prominently displayed in notice of motion, (2) Proposed order must be included with motion as an exhibit, and (3) Affidavit of service.</p> <p>A consent order may be submitted for proposed order, if provided to the Court at least 24 hours prior to the return date and time.</p>  |

| MOTION TYPE  | SERVICE AND FILING OF PAPERS  | PARTIES SERVED  | REQUIREMENTS   |
|--|---|---|--|
| <p>§ 365 - Motion to assume or reject an executory contract or unexpired lease of the debtor</p>       | <p>Motion must be served and electronically filed at least <b>12 days</b> prior to the return date and time.(*)</p> <p><i>Papers filed (by parties represented by counsel) in opposition or response must be served and electronically filed not less than 72 hours prior to the scheduled <u>date and time</u> of the motion, notwithstanding Rule 9006(a) FRBP.</i></p> <p>(*) Service must comply with Rule 7004 FRBP.</p> | <p><b><u>Chapters 7, 12 and 13</u></b></p> <p>Debtor, debtor’s attorney, UST, trustee and parties in interest.</p> <p><b><u>Chapter 11</u></b></p> <p>Debtor, debtor’s attorney, trustee (if appointed), UST, creditors’ committee and its attorney (if any). If no committee—serve the 20 largest unsecured creditors.</p> | <p>(1) Negative Notice Statement must be prominently displayed in notice of motion, (2) Proposed order must be included with motion as an exhibit, and (3) Affidavit of service.</p> <p>A consent order may be submitted for proposed order, if provided to the Court at least 24 hours prior to the return date and time.</p> |
| <p>§ 365(d)(4) - Motion to extend the time to assume or reject an executory contract of the debtor</p> | <p>Motion must be served and electronically filed at least <b>12 days</b> prior to the return date and time.(*)</p> <p><i>Papers filed (by parties represented by counsel) in opposition or response must be served and electronically filed not less than 72 hours prior to the scheduled <u>date and time</u> of the motion, notwithstanding Rule 9006(a) FRBP.</i></p> <p>(*) Service must comply with Rule 7004 FRBP.</p> | <p><b><u>Chapters 7, 12 and 13</u></b></p> <p>Debtor, debtor’s attorney, UST, trustee and parties in interest.</p> <p><b><u>Chapter 11</u></b></p> <p>Debtor, debtor’s attorney, trustee (if appointed), UST, creditors’ committee and its attorney (if any). If no committee—serve the 20 largest unsecured creditors.</p> | <p>(1) Negative Notice Statement must be prominently displayed in notice of motion, (2) Proposed order must be included with motion as an exhibit, and (3) Affidavit of service.</p> <p>A consent order may be submitted for proposed order, if provided to the Court at least 24 hours prior to the return date and time.</p> |

| MOTION TYPE   | SERVICE AND FILING OF PAPERS  | PARTIES SERVED  | REQUIREMENTS   |
|---|---|---|--|
| <p>§ 506(a) - Motion to determine status of secured claim</p> | <p>Motion must be served and electronically filed at least <b>12 days</b> prior to the return date and time.(*)</p> <p><i>Papers filed (by parties represented by counsel) in opposition or response must be served and electronically filed not less than 72 hours prior to the scheduled <u>date and time</u> of the motion, notwithstanding Rule 9006(a) FRBP.</i></p> <p>(*) Service must comply with Rule 7004 FRBP.</p> | <p><b><u>Chapter 13</u></b></p> <p>Debtor, debtor’s attorney, holder of lien to be avoided, lienholder’s attorney, UST and trustee.</p> | <p>(1) Negative Notice Statement must be prominently displayed in notice of motion, (2) Cover sheet, (3) A signed appraisal, a letter of valuation or a market analysis of real property as an exhibit to the motion, (4) Proposed order must be included with motion as an exhibit, (5) Proof of balance of superior liens, and (6) Affidavit of service,</p> <p>A consent order may be submitted for proposed order, if provided to the Court at least 24 hours prior to the return date and time.</p> |
| <p>§ 522 - Motion objecting to debtor’s claimed exemption</p> | <p>Motion must be served and electronically filed at least <b>12 days</b> prior to the return date and time.(*)</p> <p><i>Papers filed (by parties represented by counsel) in opposition or response must be served and electronically filed not less than 72 hours prior to the scheduled <u>date and time</u> of the motion, notwithstanding Rule 9006(a) FRBP.</i></p> <p>(*) Service must comply with Rule 7004 FRBP.</p> | <p><b><u>Chapters 7, 12 and 13</u></b></p> <p>Debtor, debtor’s attorney, trustee and UST.</p>   | <p>(1) Negative Notice Statement must be prominently displayed in notice of motion, (2) Proposed order must be included with motion as an exhibit, and (3) Affidavit of service.</p> <p>A consent order may be submitted for proposed order, if provided to the Court at least 24 hours prior to the return date and time.</p>   |

| MOTION TYPE   | SERVICE AND FILING OF PAPERS   | PARTIES SERVED  | REQUIREMENTS  |
|---|--|---|---|
| <p>§ 522(f) - Motion for avoiding the fixing of a lien on an interest of the debtor in property to the extent that such lien impairs an exemption</p> | <p>Motion must be served and electronically filed at least <b>12 days</b> prior to the return date and time.(*)</p> <p><i>Papers filed (by parties represented by counsel) in opposition or response must be served and electronically filed not less than 72 hours prior to the scheduled <u>date and time</u> of the motion, notwithstanding Rule 9006(a) FRBP.</i></p> <p>(* ) Service must comply with Rule 7004 FRBP.</p> | <p><b><u>Chapters 7, 12 and 13</u></b></p> <p>Debtor, debtor’s attorney, any judgment creditor which is a party to the motion and its attorney, the attorney for any judgment creditor at the time the judgment was taken, UST and trustee.</p> | <p>(1) Negative Notice Statement must be prominently displayed in notice of motion, (2) Cover sheet, (3) A signed appraisal, a letter of valuation, or a market analysis of real property as an exhibit to the motion, (4) A proposed order must be included with the motion as an exhibit, and (5) Affidavit of service.</p> <p>A consent order may be submitted for proposed order, if provided to the Court at least 24 hours prior to the return date and time.</p> |
| <p>§ 523 - Motion to extend the time to file complaints to have the Court determine the dischargeability of a debt</p>                                | <p>Motion must be served and electronically filed at least <b>12 days</b> prior to the return date and time.(*)</p> <p><i>Papers filed (by parties represented by counsel) in opposition or response must be served and electronically filed not less than 72 hours prior to the scheduled <u>date and time</u> of the motion, notwithstanding Rule 9006(a) FRBP.</i></p> <p>(* ) Service must comply with Rule 7004 FRBP.</p> | <p><b><u>Chapter 7</u></b></p> <p>Debtor, debtor’s attorney, UST and trustee.</p>   | <p>(1) Negative Notice Statement must be prominently displayed in notice of motion, (2) Papers are to clearly set forth detailed facts, so that the Court can make the required affirmative finding of “cause”, (3) Proposed order must be included with motion as an exhibit, and (4) Affidavit of service.</p> <p>A consent order may be submitted for proposed order, if provided to the Court at least 24 hours prior to the return date and time.</p>              |



| MOTION TYPE   | SERVICE AND FILING OF PAPERS  | PARTIES SERVED  | REQUIREMENTS   |
|---|---|---|--|
| <p>§ 542 - Motion by trustee to compel turnover of property of estate</p> | <p>Motion must be served and electronically filed at least <b>12 days</b> prior to the return date and time.(*)</p> <p><i>Papers filed (by parties represented by counsel) in opposition or response must be served and electronically filed not less than 72 hours prior to the scheduled <u>date and time</u> of the motion, notwithstanding Rule 9006(a) FRBP.</i></p> <p>(*) Service must comply with Rule 7004 FRBP.</p> | <p><b><u>Chapters 7, 12 and 13</u></b></p> <p>Debtor, debtor’s attorney, UST and parties in interest.</p>   | <p>(1) Negative Notice Statement must be prominently displayed in notice of motion, (2) Proposed order must be included with motion as an exhibit, and (3) Affidavit of service.</p> <p>A consent order may be submitted for proposed order, if provided to the Court at least 24 hours prior to the return date and time.</p>   |
| <p>§ 554 - Motion for abandonment of property</p>                         | <p>Motion must be served and electronically filed at least <b>12 days</b> prior to the return date and time.(*)</p> <p><i>Papers filed (by parties represented by counsel) in opposition or response must be served and electronically filed not less than 72 hours prior to the scheduled <u>date and time</u> of the motion, notwithstanding Rule 9006(a) FRBP.</i></p> <p>(*) Service must comply with Rule 7004 FRBP.</p> | <p><b><u>Chapters 7, 12 and 13</u></b></p> <p>Trustee and UST. If the movant is a creditor, service must also be made upon the debtor and debtor’s attorney.</p> <p><b><u>Chapter 11</u></b></p> <p>UST, trustee (if appointed) creditor’s committee and its attorney (if any). If no committee—serve the 20 largest unsecured creditors. If the movant is a creditor, service must also be made upon the debtor and debtor’s attorney.</p> | <p>(1) Cover sheet, (2) Negative Notice Statement must be prominently displayed in notice of motion, (3) Copies of mortgage or lien documents and proof of lien perfection, (4) Basis for market value if other than an appraisal, letter of valuation, market analysis, NADA value or other source of value which has been agreed to by the trustee, (5) A proposed order must be included with the motion papers as an exhibit, and (6) Affidavit of service.</p> <p>A consent order may be submitted for proposed order, if provided to the Court at least 24 hours prior to the return date and time. Pursuant to 28 U.S.C. § 1930(b), a fee is due upon the filing of a § 554 motion.</p> |



| MOTION TYPE  | SERVICE AND FILING OF PAPERS  | PARTIES SERVED   | REQUIREMENTS   |
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| <p>§ 554(c) - Motion by trustee excepting property of the estate from abandonment</p>                              | <p>Motion must be served and electronically filed at least <b>12 days</b> prior to the return date and time.(*)</p> <p><i>Papers filed (by parties represented by counsel) in opposition or response must be served and electronically filed not less than 72 hours prior to the scheduled <u>date and time</u> of the motion, notwithstanding Rule 9006(a) FRBP.</i></p> <p>(*) Service must comply with Rule 7004 FRBP.</p> | <p><u>Chapter 7</u></p> <p>Debtor, debtor’s attorney, UST and parties in interest.</p> | <p>(1) Negative Notice Statement must be prominently displayed in notice of motion, (2) Proposed order must be included with motion as an exhibit, and (3) Affidavit of service.</p> <p>A consent order may be submitted for proposed order, if provided to the Court at least 24 hours prior to the return date and time.</p> |
| <p>§ 707(a)(1) - Motion by trustee to dismiss a case for failure of debtor to appear at a meeting of creditors</p> | <p>Motion must be served and electronically filed at least <b>21 days</b> prior to the return date and time.(*)</p> <p><i>Papers filed (by parties represented by counsel) in opposition or response must be served and electronically filed not less than 72 hours prior to the scheduled <u>date and time</u> of the motion, notwithstanding Rule 9006(a) FRBP.</i></p> <p>(*) Service must comply with Rule 7004 FRBP.</p> | <p><u>Chapter 7</u></p> <p>Debtor, debtor’s attorney, UST and all creditors</p>        | <p>(1) Negative Notice Statement must be prominently displayed in notice of motion, (2) Proposed order must be included with motion as an exhibit, and (3) Affidavit of service.</p> <p>A consent order may be submitted for proposed order, if provided to the Court at least 24 hours prior to the return date and time.</p> |

| MOTION TYPE  | SERVICE AND FILING OF PAPERS  | PARTIES SERVED   | REQUIREMENTS   |
|--|---|--|--|
| <p>§ 722 - Motion to redeem tangible personal property intended for personal, family or household use from a lien securing a dischargeable consumer debt</p> | <p>Motion must be served and electronically filed at least <b>12 days</b> prior to the return date and time.(*)</p> <p><i>Papers filed (by parties represented by counsel) in opposition or response must be served and electronically filed not less than 72 hours prior to the scheduled <u>date and time</u> of the motion, notwithstanding Rule 9006(a) FRBP.</i></p> <p>(*) Service must comply with Rule 7004 FRBP.</p> | <p><u>Chapter 7</u></p> <p>Debtor, debtor’s attorney, any other creditor which is a party to the motion and its attorney, UST and trustee.</p> | <p>(1) Negative Notice Statement must be prominently displayed in notice of motion, (2) Cover sheet, (3) Proof of value in the form of a signed appraisal or letter of valuation, and proof of perfection, if applicable, must be included with the motion, (4) Proposed order must be included with motion as an exhibit, and (5) Affidavit of service.</p> <p>A consent order may be submitted for proposed order, if provided to the Court at least 24 hours prior to the return date and time.</p> |
| <p>§ 727 - Motion to extend the time to file complaints objecting to the discharge of the debtor</p>   | <p>Motion must be served and electronically filed at least <b>12 days</b> prior to the return date and time.(*)</p> <p><i>Papers filed (by parties represented by counsel) in opposition or response must be served and electronically filed not less than 72 hours prior to the scheduled <u>date and time</u> of the motion, notwithstanding Rule 9006(a) FRBP.</i></p> <p>(*) Service must comply with Rule 7004 FRBP.</p> | <p><u>Chapter 7</u></p> <p>Debtor, debtor’s attorney, UST and trustee.</p>   | <p>(1) Negative Notice Statement must be prominently displayed in notice of motion, (2) Papers are to clearly set forth detailed facts so that the Court can make the required affirmative finding of “cause”, (3) Proposed order must be included with motion as an exhibit, and (4) Affidavit of service.</p> <p>A consent order may be submitted for proposed order, if provided to the Court at least 24 hours prior to the return date and time.</p>  |

| MOTION TYPE  | SERVICE AND FILING OF PAPERS  | PARTIES SERVED  | REQUIREMENTS  |
|--|---|---|---|
| <p>§ 1112 - Motion to convert or dismiss</p>   | <p>Motion must be served and electronically filed at least <b>21 days</b> prior to the return date and time.(*)</p> <p><i>Papers filed (by parties represented by counsel) in opposition or response must be served and electronically filed not less than 72 hours prior to the scheduled <u>date and time</u> of the motion, notwithstanding Rule 9006(a) FRBP.</i></p> <p>(*) Service must comply with Rule 7004 FRBP.</p> | <p><b><u>Chapter 11</u></b></p> <p>Debtor, debtor’s attorney, trustee (if appointed), UST, equity security holders, all creditors and attorney for creditors’ committee (if any).</p> | <p>(1) Negative Notice Statement must be prominently displayed in notice of motion, (2) Proposed order must be included with motion as an exhibit, and (3) Affidavit of service.</p> <p>A consent order may be submitted for proposed order, if provided to the Court at least 24 hours prior to the return date and time.</p> <p>Pursuant to 28 U.S.C. § 1930(b), a conversion fee is due upon the filing of a motion to convert a Chapter 11 case to Chapter 7. No fee is due if the request is to convert to Chapter 12 or Chapter 13.</p> |
| <p>§ 1121(d) - Motion to extend the exclusive time within which a debtor in possession must file a plan and disclosure statement</p> | <p>Motion must be served and electronically filed at least <b>12 days</b> prior to the return date and time.(*)</p> <p><i>Papers filed (by parties represented by counsel) in opposition or response must be served and electronically filed not less than 72 hours prior to the scheduled <u>date and time</u> of the motion, notwithstanding Rule 9006(a) FRBP.</i></p> <p>(*) Service must comply with Rule 7004 FRBP.</p> | <p><b><u>Chapter 11</u></b></p> <p>UST, trustee (if appointed), creditors’ committee and its attorney (if any). If no committee—serve the 20 largest unsecured creditors.</p>         | <p>(1) Negative Notice Statement must be prominently displayed in notice of motion, (2) Proposed order must be included with motion as an exhibit, and (3) Affidavit of service.</p> <p>A consent order may be submitted for proposed order, if provided to the Court at least 24 hours prior to the return date and time.</p>  |

| MOTION TYPE  | SERVICE AND FILING OF PAPERS  | PARTIES SERVED                                   | REQUIREMENTS   |
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| <p>§ 1221 - Motion to extend the time to file a plan</p> | <p>Motion must be served and electronically filed at least <b>12 days</b> prior to the return date and time.(*)</p> <p><i>Papers filed (by parties represented by counsel) in opposition or response must be served and electronically filed not less than 72 hours prior to the scheduled <u>date and time</u> of the motion, notwithstanding Rule 9006(a) FRBP.</i></p> <p>(*) Service must comply with Rule 7004 FRBP.</p> | <p><u>Chapter 12</u></p> <p>UST and trustee.</p> | <p>(1) Negative Notice Statement must be prominently displayed in notice of motion, (2) Proposed order must be included with motion as an exhibit, and (3) Affidavit of service.</p> <p>A consent order may be submitted for proposed order, if provided to the Court at least 24 hours prior to the return date and time.</p> |

| MOTION TYPE                                      | SERVICE AND FILING OF PAPERS  | PARTIES SERVED   | REQUIREMENTS  |
|--|---|--|---|
| <p>§ 1228(b) - Motion for hardship discharge</p> | <p>Motion must be served and electronically filed at least <b>12 days</b> prior to the return date and time.(*)</p> <p><i>Papers filed (by parties represented by counsel) in opposition or response must be served and electronically filed not less than 72 hours prior to the scheduled <u>date and time</u> of the motion, notwithstanding Rule 9006(a) FRBP.</i></p> <p>(*) Service must comply with Rule 7004 FRBP.</p> | <p><b><u>Chapter 12</u></b></p> <p>Trustee, UST and all creditors.</p> | <p>(1) Negative Notice Statement must be prominently displayed in notice of motion, (2) Proposed order must be included with motion as an exhibit, and (3) Affidavit of service.</p> <p>The proposed order shall incorporate <b>three elements</b>:</p> <p>(1) Language that the last day for filing complaints under 11 U.S.C. § 1228(c) objecting to the discharge of particular debts shall be thirty (30) days from the date of the order and if no complaint is filed the debts may be discharged, (2) Reaffirmation agreements must be filed within sixty (60) days of the last day fixed for filing complaints against the discharge, and (3) If the movant is a debtor(s) not represented by counsel, the order shall also contain language that should the debtor(s) plan to file a reaffirmation agreement, a request for a § 524(d) hearing along with the reaffirmation agreement must be filed within sixty (60) days of the last day fixed for filing complaints against the discharge.</p> |

| MOTION TYPE  | SERVICE AND FILING OF PAPERS  | PARTIES SERVED  | REQUIREMENTS  |
|--|---|---|---|
| <p>§§ 1229 and 1329 - Motions to modify the plan</p> | <p>Motion must be served and electronically filed at least <b>21 days</b> prior to the return date and time.(*)</p> <p><i>Papers filed (by parties represented by counsel) in opposition or response must be served and electronically filed not less than 72 hours prior to the scheduled <u>date and time</u> of the motion, notwithstanding Rule 9006(a) FRBP.</i></p> <p>(*) Service must comply with Rule 7004 FRBP.</p> | <p><u>Chapter 12 and 13</u></p> <p>Trustee and all creditors.</p> | <p>(1) Negative Notice Statement must be prominently displayed in notice of motion, (2) Cover sheet must accompany motion and also be served on all creditors and the trustee, (3) Full application must be served upon any affected secured creditor, trustee, debtor, and any creditor or their attorney who appeared at the § 341 meeting or confirmation hearing, (4) Additional professional fee requests should be addressed in the motion and indicated whether or not fees are to be paid within or outside the plan, (5) The amended budget is to be included with the motion, (6) Proposed order must be included with motion as an exhibit, and (7) Affidavit of service.</p> <p>The proposed order shall incorporate <b>four elements</b>:</p> <p>(1) Language that the plan has been confirmed, (2) Changes made to the plan, (3) Attorney's fees to be paid through the plan and, (4) A statement acknowledging that the remaining provisions of the original plan are still in effect.</p> <p>A consent order may be submitted for proposed order, if provided to the Court at least 24 hours prior to the return date and time.</p> |

| MOTION TYPE  | SERVICE AND FILING OF PAPERS  | PARTIES SERVED  | REQUIREMENTS   |
|--|---|---|--|
| <p>§ 1301 - Motion for stay relief of action against co-debtor</p> | <p>Motion must be served and electronically filed at least <b>21 days</b> prior to the return date and time.(*)</p> <p><i>Papers filed (by parties represented by counsel) in opposition or response must be served and electronically filed not less than 72 hours prior to the scheduled <u>date and time</u> of the motion, notwithstanding Rule 9006(a) FRBP.</i></p> <p>(*) Service must comply with Rule 7004 FRBP.</p> | <p><u>Chapter 13</u></p> <p>Debtor, debtor’s attorney, trustee and co-debtor.</p> | <p>(1) Negative Notice Statement must be prominently displayed in notice of motion, (2) Proposed order to be included with the motion as an exhibit, and (3) Affidavit of service.</p> <p>A consent order may be submitted for proposed order, if provided to the Court at least 24 hours prior to the return date and time.</p> |



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| <p>§ 1328(b) - Motions for hardship discharge</p> | <p>Motion must be served and electronically filed at least <b>12 days</b> prior to the return date and time.(*)</p> <p><i>Papers filed (by parties represented by counsel) in opposition or response must be served and electronically filed not less than 72 hours prior to the scheduled <u>date and time</u> of the motion, notwithstanding Rule 9006(a) FRBP.</i></p> <p>(*) Service must comply with Rule 7004 FRBP.</p> | <p><u>Chapter 13</u></p> <p>Trustee, UST and all creditors.</p> | <p>(1) Negative Notice Statement must be prominently displayed in notice of motion, (2) Proposed order must be included with motion as an exhibit, and (3) Affidavit of service.</p> <p>The order shall incorporate <b>three elements</b>:</p> <p>(1) Language that the last day for filing complaints under 11 U.S.C. § 1328(c), (d) objecting to the discharge of particular debts shall be thirty (30) days from the date of the order, and if no complaint is filed the debts may be discharged, (2) Reaffirmation agreements must be filed within sixty (60) days of the last day fixed for filing complaints against the discharge, and (3) If the movant is a debtor(s) not represented by counsel, the order shall also contain language that should the debtor(s) plan to file a reaffirmation agreement, a request for a § 524(d) hearing along with the reaffirmation agreement must be filed within sixty (60) days of the last day fixed for filing complaints against the discharge.</p> |

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| <p><b>Rule 1014(a) FRBP</b> - Motion to change venue</p>   | <p>Motion must be served and electronically filed at least <b>12 days</b> prior to the return date and time.(*)</p> <p><i>Papers filed (by parties represented by counsel) in opposition or response must be served and electronically filed not less than 72 hours prior to the scheduled date and time of the motion, notwithstanding Rule 9006(a) FRBP.</i></p> <p>(*) Service must comply with Rule 7004 FRBP.</p> | <p><b><u>Chapters 7, 12 and 13</u></b></p> <p>Trustee, UST and all creditors.</p> <p><b><u>Chapter 11</u></b></p> <p>Trustee (if appointed), UST, all creditors and attorney for creditors' committee (if any).</p>   | <p>(1) Negative Notice Statement must be prominently displayed in notice of motion, (2) Proposed order must be included with motion as an exhibit, and (3) Affidavit of service.</p> <p>A consent order may be submitted for proposed order, if provided to the Court at least 24 hours prior to the return date and time.</p>  |
| <p><b>Rule 2002(a)(3) FRBP</b> - Motion to approve the compromise of a controversy in an <i>adversary</i> proceeding</p> | <p>Motion must be served and electronically filed at least <b>21 days</b> prior to the return date and time.(*)</p> <p><i>Papers filed (by parties represented by counsel) in opposition or response must be served and electronically filed not less than 72 hours prior to the scheduled date and time of the motion, notwithstanding Rule 9006(a) FRBP.</i></p> <p>(*) Service must comply with Rule 7004 FRBP.</p> | <p><b><u>Chapters 7, 12 and 13</u></b></p> <p>Plaintiff, plaintiff's attorney, defendant, defendant's attorney, UST, debtor, debtor's attorney, trustee and all creditors.</p> <p><b><u>Chapter 11</u></b></p> <p>Plaintiff, plaintiff's attorney, defendant, defendant's attorney, UST, debtor, debtor's attorney, trustee (if appointed), all creditors and attorney for creditors' committee (if any).</p> | <p>(1) Negative Notice Statement must be prominently displayed in notice of motion, (2) Proposed order must be included with motion as an exhibit, and (3) Affidavit of service.</p> <p>A consent order may be submitted for proposed order, if provided to the Court at least 24 hours prior to the return date and time.</p> <p><b>Note: The following intervention language must be included in Notices of Hearing to Compromise or Settle in a § 727 Adversary Proceeding pursuant to Rule 7024 FRBP — “Creditors may elect to continue the adversary proceeding to deny the discharge of the debtor(s) under 11 U.S.C. § 727 by filing a notice of intervention with the Clerk’s Office within 72 hours of the hearing date and time. If no intervention, an Order will be signed approving the compromise/ settlement”.</b></p> |

| MOTION TYPE  | SERVICE AND FILING OF PAPERS  | PARTIES SERVED   | REQUIREMENTS  |
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| <p><b>Rule 2002(a)(3) FRBP</b><br/>- Motion to approve the compromise of a controversy in a <i>bankruptcy</i> proceeding</p> | <p>Motion must be served and electronically filed at least <b>21 days</b> prior to the return date and time.(*)</p> <p><i>Papers filed (by parties represented by counsel) in opposition or response must be served and electronically filed not less than 72 hours prior to the scheduled <u>date and time</u> of the motion, notwithstanding Rule 9006(a) FRBP.</i></p> <p>(*) Service must comply with Rule 7004 FRBP.</p> | <p><b><u>Chapter 7</u></b></p> <p>Debtor, debtor’s attorney, UST, trustee and all creditors.</p> <p><b><u>Chapter 11</u></b></p> <p>Debtor, debtor’s attorney, UST, attorney for creditors’ committee (if any) and all creditors.</p>  | <p>(1) Negative Notice Statement must be prominently displayed in notice of motion, (2) Proposed order must be included with motion as an exhibit, and (3) Affidavit of service.</p> <p>A consent order may be submitted for proposed order, if provided to the Court at least 24 hours prior to the return date and time.</p>  |
| <p><b>Rule 3007 FRBP</b> -<br/>Objection to claims</p>   | <p>Motion must be served and electronically filed at least <b>30 days</b> prior to the return date and time.(*)</p> <p><i>Papers filed (by parties represented by counsel) in opposition or response must be served and electronically filed not less than 72 hours prior to the scheduled <u>date and time</u> of the motion, notwithstanding Rule 9006(a) FRBP.</i></p> <p>(*) Service must comply with Rule 7004 FRBP.</p> | <p><b><u>Chapters 7, 12 and 13</u></b></p> <p>Debtor, debtor’s attorney, trustee, UST, claimant, claimant’s attorney (if known) or person designated as power of attorney.</p> <p><b><u>Chapter 11</u></b></p> <p>Debtor, debtor’s attorney, trustee (if appointed), UST, claimant, claimant’s attorney (if known) or person designated as power of attorney, creditors’ committee and its attorney (if any). If no creditors’ committee—serve the 20 largest unsecured creditors.</p> | <p>(1) Negative Notice Statement must be prominently displayed in notice of motion, (2) Only one claim objection will be allowed per notice or order unless the objecting party is granted permission by chambers to use another format, (3) A proposed order to be included with the motion as an exhibit and, (4) Affidavit of service.</p> <p>A hearing will be held with regard to an objection to the claim of the United States unless the United States consents to a waiver of hearing.</p> <p>A consent order may be submitted for proposed order, if provided to the Court at least 24 hours prior to the return date and time.</p> |

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| <p><b>Rule 3007 FRBP</b> - Objection to claims (cont.)</p> | <p>See previous page</p>   | <p><b>Note:</b> If IRS is the claimant, service shall be upon IRS, the Attorney General and U.S. Attorney.</p> <p>If NYS is the claimant, service shall be upon NYS Dept. of Taxation and Finance in Albany and NYS Dept. of Taxation and Finance in Rochester.</p>   | <p>See previous page</p>   |
| <p><b>Rule 7024 FRBP</b> - Motion to Intervene</p>         | <p>Motion must be served and electronically filed at least <b>12 days</b> prior to the return date and time. (*)</p> <p><i>Papers filed (by parties represented by counsel) in opposition or response must be served and electronically filed not less than 72 hours prior to the scheduled <u>date and time</u> of the motion, notwithstanding Rule 9006(a) FRBP.</i></p> <p>(*) Service must comply with Rule 7004 FRBP.</p> | <p><b><u>Chapters 7, 12 and 13</u></b></p> <p>Plaintiff, plaintiff's attorney, defendant, defendant's attorney, UST, debtor, debtor's attorney, trustee and all creditors.</p> <p><b><u>Chapter 11</u></b></p> <p>Plaintiff, plaintiff's attorney, defendant, defendant's attorney, UST, debtor, debtor's attorney, trustee (if appointed), all creditors and attorney for creditors' committee (if any).</p> | <p>(1) Negative Notice Statement must be prominently displayed in notice of motion, (2) Proposed order must be included with the motion as an exhibit, and (3) Affidavit of service.</p> <p>A consent order may be submitted for proposed order, if provided to the Court at least 24 hours prior to the return date and time.</p> <p><b>Note: The following intervention language must be included in Notices of Hearing to Compromise or Settle in a § 727 Adversary proceeding pursuant to Rule 7024 FRBP: "Creditors may elect to continue the adversary proceeding to deny the discharge of the debtor(s) under 11 U.S.C. § 727 by filing a notice of intervention with the Clerk's Office within 72 hours of the hearing date and time. If no intervention, an Order will be signed approving the compromise/ settlement".</b></p> |

| MOTION TYPE  | SERVICE AND FILING OF PAPERS  | PARTIES SERVED  | REQUIREMENTS   |
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| <p><b>Rule 7055 FRBP</b> - Motion for entry of default judgment against any party, including the debtor</p>                  | <p>Motion must be served and electronically filed at least <b>12 days</b> prior to the return date and time.(*)</p> <p><i>Papers filed (by parties represented by counsel) in opposition or response must be served and electronically filed not less than 72 hours prior to the scheduled <u>date and time</u> of the motion, notwithstanding Rule 9006(a) FRBP.</i></p> <p>(*) Service must comply with Rule 7004 FRBP.</p> | <p><b><u>Chapters 7, 12 and 13</u></b></p> <p>Debtor, debtor’s attorney, UST, trustee, defendant and defendant’s attorney.</p> <p><b><u>Chapter 11</u></b></p> <p>Debtor, debtor’s attorney, UST, trustee (if appointed), defendant and defendant’s attorney.</p> | <p>(1) Negative Notice Statement must be prominently displayed in notice of motion, (2) Documentation in support of request, (3) Proposed order for the entry of default judgment (Items 2 and 3 are to be included with the motion as exhibits), and (4) Affidavit of service.</p>  |
| <p><b>Local Rule 2091-A(1)</b> - Motion to withdraw as attorney</p> <p><b>NOTE: to be used by Debtor's counsel ONLY.</b></p> | <p>Motion must be served and electronically filed at least <b>12 days</b> prior to the return date and time.(*)</p> <p><i>Papers filed (by parties represented by counsel) in opposition or response must be served and electronically filed not less than 72 hours prior to the scheduled <u>date and time</u> of the motion, notwithstanding Rule 9006(a) FRBP.</i></p> <p>(*) Service must comply with Rule 7004 FRBP.</p> | <p><b><u>Chapters 7, 12 and 13</u></b></p> <p>Debtor, trustee and UST.</p> <p><b><u>Chapter 11</u></b></p> <p>Debtor, trustee (if appointed), UST and attorney for creditors’ committee (if any).</p>   | <p>(1) Negative Notice Statement must be prominently displayed in notice of motion, (2) Application should set forth sufficient detail as to why such a withdrawal will not substantially prejudice the client, (3) Proposed order must be included with motion as an exhibit, and (4) Affidavit of service.</p> <p>A consent order may be submitted for proposed order, if provided to the Court at least 24 hours prior to the return date and time.</p> |