

UNITED STATES BANKRUPTCY COURT
Western District of New York



Paul R. Warren
Clerk of Court

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NOTICE TO ATTORNEYS
EXPANSION OF DEFAULT PROCEDURES - ROCHESTER DIVISION

No. 01-12
Dated: 11/26/01

PLEASE TAKE NOTICE that the following changes have been made to enhance the default procedure for motions heard in Rochester and Watkins Glen, effective **December 21, 2001**, as follows:

(1) The “Common Default Statement” has been revised to clarify the requirements for the service of opposing papers;

(2) As a result of the Decision by the Honorable John C. Ninfo, II in In re: Jeffries, (Case No. 98-20500)(9/28/98, Ninfo, J.), permitting the valuation of a secured claim pursuant to 11 U.S.C. §506(a), in Chapter 13 cases, to be made by motion as a contested matter in the first instance, subject to conversion to an adversary proceeding if appropriate, and the Decision of the Second Circuit in Pond v. Farm Specialist Realty, 252 F.3d 122 (2nd Cir. 2001), the default procedures in Rochester and Watkins Glen have been expanded to include §506(a) valuation motions seeking to determine the status of a secured claim for the purpose of Chapter 13 Plan Confirmation.

A copy of the “Standing Order,” dated November 26, 2001, effecting these changes is attached. A copy of the “Guide to Default Procedures for Motions Heard in Rochester and Watkins Glen”, listing all service requirements and any special requirements for each type of motion covered by the default procedure, is attached as Exhibit “A”. A copy of the “§506(a) Motion Cover Sheet” is attached as Exhibit “B”. The “Cover Sheet” must accompany every §506(a) valuation motion, the absence of which will result in your motion being returned unprocessed. §506(a) valuation motions should be scheduled on the Court’s 11:00 a.m. motion calendar.

Please contact the Rochester Clerk’s Office if you have any questions regarding default procedures, return dates and times or visit the Court’s website at:

www.nywb.uscourts.gov/judges/ninfo/practice/defaults

