

Rule 3007-1

Claims - Objections

(a) Objection

- (1) An objection to the allowance of a claim shall identify the claimant by name and clerk's docket number and shall include the following:
 - (A) Notice that if the claimant fails to timely file a written response that:
 - (i) The court may rule on the pleadings filed without oral argument and without further notice to the claimant; and
 - (ii) That the claimant will be deemed to have consented to such a determination by the court in accordance with LBR 3007(b)(2)(B); and
 - (B) The specific date by which a response is considered to be timely filed, which date shall be no less than thirty (30) days from the date the objection is served, plus three (3) additional days as required by FRBP 9006; and
 - (C) an affidavit or unsworn declaration under penalty of perjury that clearly sets forth the basis of the objection sufficient to overcome the prima facie effect of the proof of claim pursuant to FRBP 3001(f).
- (2) The objecting party shall serve a copy of the objection, along with the affidavit or declaration and the notice as required by subparagraph (a)(1) of this rule, on the claimant, debtor, debtor's attorney and the trustee. Service of the Notice of Objection shall be in accordance with FRBP 7004 and 9014.
- (3) If the objection requires the determination of the value of a claim secured by a lien on property in which the estate has an interest, the objecting party shall also comply with LBR 3012-1.

(b) Response

- (1) Response Filed
 - (A) If the claimant files a written response to the objection, the claimant shall serve a copy of the response on the objecting party and the trustee.
 - (B) Upon the filing of a response, the objecting party shall obtain a date for a hearing to occur within forty-five (45) days of the response and provide notice of the date and time set for the hearing to the claimant and the trustee.

(2) No Response Filed

- (A) If no response is filed, the objecting party shall, within thirty (30) days of the expiration of time to timely file a response, present an ex parte order, based on the objection and supported by an affidavit or unsworn declaration under penalty of perjury that the objection was filed and served in accordance with sub-section (a) of this rule and that no response was filed or served.
- (B) Failure by the claimant to file a response shall be deemed as consent to have the court consider and determine the issue on the pleadings without oral argument.

(c) **Striking of Objection**

Should the objecting party fail to timely obtain a hearing date or present an order in accordance with sub-paragraphs (b)(1)(B) and (b)(2)(A) of this rule, the court may enter an order striking the objection after seven (7) days' notice to the objecting party and any responsive party.

(d) **Hearing**

Notwithstanding sub-paragraph (b)(2) of this rule, any party in interest may request a hearing in accordance with LBR 9073-1.

Related Provisions

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| FRBP 3007 | Objections to Claims |
| FRBP 7001 | Scope of Rules of Part VII |
| FRBP 9014 | Contested Matters |
| LBR 2002-1 | Notice to Creditors and Other Interested Parties |
| LBR 7003-1 | Commencement of Adversary Proceeding |
| 11 USC 506 | Determination of Secured Status |
| 28 USC 1930(b) | Bankruptcy Fees |