

Rule 5011-1

Withdrawal of Reference

(a) Motion

A withdrawal of reference of any case or adversary proceeding, in whole or in part, may be initiated by the bankruptcy court upon its own motion or on timely motion of any party.

(b) Filing and Service

Any motion for withdrawal of reference of any case, in whole or in part, shall be filed in the bankruptcy court and served promptly after service of any pleading or document in which the basis for the motion first arises. Any motion for withdrawal of reference in an adversary proceeding, in whole or in part, shall be filed in the bankruptcy court no later than 14 days following the entry of the scheduling order. Response documents shall be filed and served no later than 14 days after service of the motion for withdrawal. Reply documents, if any, shall be filed and served no later than 7 days after service of any response.

(c) Transmittal of Documents to District Court

After expiration of the time for filing documents as provided in subsection (b) of this rule, the clerk of the bankruptcy court shall transmit the motion and all related documents that have been filed with the bankruptcy court to the district court. The transmittal may include comments by the bankruptcy judge, including an analysis of the issue(s) and, if applicable, the impact of the adversary proceeding upon the underlying case. The moving party shall note the matter for hearing in accordance with LR 7.1(h)(3) of the Local Rules of the United States District Court.

After the clerk of the bankruptcy court has transmitted the motion and all related documents to the district court, all further documents related to the motion to withdraw the reference shall be filed with the clerk of the district court. Unless otherwise ordered by the bankruptcy court or district court, parties shall continue to file with the clerk of the bankruptcy court all documents relating to other matters in the case or adversary proceeding.

Related Provisions

FRBP 5011	Withdrawal and Abstention from Hearing a Proceeding
LBR 7008-1	Statement Regarding Consent in Adversary Proceedings
28 USC 157	Procedures
28 USC 1334	Bankruptcy cases and proceedings
28 USC 1930	Bankruptcy fees

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