

## Rule 9014-1

### Consent to Bankruptcy Court Adjudication in Contested Matters

Any party contending that the bankruptcy court cannot exercise final adjudicatory power regarding a matter shall file and serve a memorandum of points and authorities, along with any relevant evidence, objecting to the bankruptcy court's final adjudication of the matter by no less than 14 days before the initial status conference in an adversary proceeding or by the objection deadline that would otherwise apply regarding the motion or other request for relief regarding such matter. Any response must be filed at least 7 days before such initial status conference or by the otherwise applicable reply deadline. **Failure to file and serve papers in a timely manner will be deemed to be implied consent to the bankruptcy court's final adjudication of the matter.**

#### Advisory Committee Note – June 2020

The bankruptcy court is not an Article III court and thus is constitutionally unable to exercise the judicial power necessary to finally adjudicate certain matters. See *Stern v. Marshall*, 564 U.S. 462, 482-503 (2011). Nevertheless, litigants before a bankruptcy court can consent to its exercise of final adjudicatory power, which consent may be express or implied. See *Wellness Int'l Network, Ltd. v. Sharif*, 575 U.S. \_\_\_, 135 S. Ct. 1932, 1947-49 (2015). FRBP 7008 requires certain pleadings in adversary proceedings to contain a statement that the pleader does or does not consent to entry of final orders or judgment by the bankruptcy court. This rule provides a procedure regarding consent to the entry of final orders or judgment by the bankruptcy court in contested matters that may not satisfy the statutory definition of core proceedings or that may be statutorily core but nevertheless outside the scope of final Non-Article III adjudication without consent of the parties.

#### Related Provisions

- FRBP 7008 General Rules of Pleading
- FRBP 7012 Defenses and Objections
- FRBP 9027 Removal
- FRBP 9033 Proposed Findings of Fact and Conclusions of Law
- LBR 9033-1 Proposed Findings of Fact and Conclusions of Law
- 28 USC 157 Procedures
- 28 USC 1334 Bankruptcy cases and proceedings

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