

Rule 9033-1

Proposed Findings of Fact and Conclusions of Law

(a) General

Pursuant to 28 U.S.C. § 157(c), FRBP 9033, and LCivR 83.5(a) of the Local Rules of the United States District Court, absent the parties' consent, in non-core proceedings and in core proceedings that the bankruptcy court determines may not be finally adjudicated by a non-Article III tribunal, the bankruptcy court for this district may hear such proceedings and submit proposed findings of fact and conclusions of law to the district court.

(b) Subsequent Filings

(1) Objections

A party shall file in the bankruptcy court and serve specific written objections to the proposed findings and conclusions in accordance with FRBP 9033(b). A party shall respond to another party's objections in accordance with FRBP 9033(b). Any reply shall be filed within 7 days after the filing of objections.

(2) Motion for Extension

A motion for an extension of time for filing an objection or a response shall be filed in the bankruptcy court within the time limits prescribed by FRBP 9033(c) and shall be accompanied by a proof of service of the motion reflecting service on the other interested parties. The motion and accompanying declaration shall state the date the objection or response is due, how many previous extensions have been granted, when the objection or response was first due, and whether any previous requests for extension of time have been denied. The motion and declaration must also state the reasons why such an extension is necessary, the amount of additional time requested, and the position of the opponent regarding the proposed extension or why the moving party has been unable to obtain a statement of the opponent's position.

(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 proposed findings of fact and conclusions of law and all related documents that have been filed with the bankruptcy court to the district court. The prevailing party shall note the matter for hearing in accordance with LCivR 7(i) of the Local Rules of the United States District Court.

After the clerk of the bankruptcy court has transmitted the proposed findings of fact and conclusions of law and all related documents to the district court, all further documents related thereto 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 9033 Proposed Findings of Fact and Conclusions of Law

LCivR 83.5 Bankruptcy Cases, Proceedings and Appeals

LBR 9014-1 Consent to Bankruptcy Court Adjudication in Contested Matters

28 USC 157 Procedures

28 USC 1334 Bankruptcy cases and proceedings