

## **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);
  - (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 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 Court will promptly set a hearing and provide notice of the date and time set for the hearing to the objecting party, the claimant and the trustee. The hearing shall be conducted unless the objection

is resolved prior to the hearing by a stipulated order or withdrawal of the objection.

(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 present an order on the objection in accordance with sub-paragraph (b)(2)(A) of this rule, the trustee or any party in interest may, on ~~five (5)~~ *seven (7)* days notice to the objecting party, request that the objection be stricken.

(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**

FRBP 3007	Objections to Claims
FRBP 7001	Adversary Proceedings
FRBP 9014	Contested Matters
LBR 2002 - 1	Notice to Creditors and Other Interested Parties
LBR 7003 - 1	Cover Sheet
11 USC 506	Secured Claims
28 USC 1930(b)	Bankruptcy Fees