

Rule 9013 - 1

Motions and Orders

(a) Adversary Proceeding

- (1) If the moving party so elects, a motion in an adversary proceeding may be made after notice and hearing pursuant to LBR 2002-1. Notice need be given only to the parties to the adversary proceeding.
- (2) If the election in paragraph (a)(1) is not made, a hearing date of a motion in an adversary proceeding shall be requested from the Clerk.

(b) Combining of Motions

- (1) Motions may be combined with other motions, except motions to lift the automatic stay unless permitted by LBR 4001-1, motions to withdraw the reference, or motions to reopen cases .
- (2) If motions are combined, each request shall be clearly identified in the caption ~~captioned~~ and ~~the requests separated~~ in the body of the pleading.
- (3) If different objection periods or service or notice requirements are required for combined motions, the longest objection period and most complete service or notice shall be used for all the combined motions.
- (4) Motions in Adversary Proceedings and main cases shall not be combined.

Note: The changes proposed here are to provide a clearer procedure where motions are combined. Although the most common notice period is 20 days, some motions require less or more, i.e. modifications to the automatic stay and abandonment (12 days); voiding 524 type liens (15 days); objections to proofs of claim (30 days) . Also some motions require notice to the MML, such as abandonment, whereas others require less, such as notices to lift the co-debtor stay. Motions and notices in contested matters are required to be served in accordance with FRBP 7004, whereas notices described in FRBP 2002 do not.

(c) Proposed Orders

(1) Request for Entry

A party desiring that a proposed order be entered shall file, on the prescribed form, a request for entry of order granting motion.

(2) Submission of Proposed Orders

All proposed orders submitted to the court for signature shall be by separate document, and the last page of which shall be identified by case number and nature of document or contain some portion of the text. Proposed orders are not to be filed, but submitted in the manner and form designated by the Clerk.

Note: Frequently the signature page of electronically submitted orders do not contain some portion of the text nor is the "footer" sufficient to positively connect it to the prior pages. The pages of an electronic document are connected, and so long as the document is viewed electronically no concern exists, however, if the document is printed then should the pages become separated, possibility confusion might be of concern.

(3) Orders Upon Stipulations

A party seeking approval of a stipulation shall:

- (A) file the stipulation, accompanied by a motion to approve the stipulation or relate it to a previously filed motion; and
- (B) satisfy notice and hearing requirements as to any provision in the stipulation; and
- (C) not provide for the dismissal or conversion of a case without the need for a separate order.
- (D) obtain the endorsement of the Chapter 12 or 13 trustee as appropriate if any of the provisions of the stipulation affect the trustee's administration of the plan.

Note: LBR 2082-1(m) and 2083-1(k) address requirements for the modification of plans, however, should parties enter into a stipulation that does not modify the plan, yet would affect the administration of the plan by the trustee, this suggested change will assist in ensuring that the trustee is kept aware of such changes.

Orders Prepared by the Court

Orders resulting from a hearing before the court will be prepared by the court unless otherwise directed by the court.

(d)___Memorandum of Authorities

- (1) A party may, or, when required by the Court shall, file in support of or in opposition to a motion or other request for an order of the Court, a brief written memorandum of reasons and a list of authorities on which he relies. ~~The text shall be 1 and ½ or double-spaced, except that quoted material may be single-spaced.~~ Such memorandum must be filed and served on the opposing party in accordance with LBR 5005-1(c).

Note: This language is redundant of that found in LBR 9004-1 - Documents- Requirements of Form.

- (2) Citations to Washington cases in a memorandum of authorities shall be to the Washington Reports. Citations to cases from other states shall be to the National Reporter System. Citations to federal cases shall be to the United States Reports, Federal Reporter, or Federal Supplement. Citations to bankruptcy cases shall be to West's Bankruptcy Reporter, Collier's Bankruptcy Cases or Bankruptcy Court Decisions.

Related Provisions

FRBP 9013 Motions: Form and Service
FRBP 9014 Contested Matters
FRBP 9021 Entry of Judgment

LBR 2002-1 Notice to Creditors and Other Interested Parties
LBR 4001-1 Automatic Stay - Relief From
LBR 5010-1 Reopening Cases
LBR 5011-1 Withdrawal of Reference
LBR 6007-1 Abandonment

LBR 9013-1
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