

## Rule 5011-1

### Withdrawal of Reference

**(a) Motion**

A ~~motion to withdrawal of~~ *reference* of any case or adversary proceeding, in whole or in part, ~~shall~~ *may be initiated by* filed in the ~~B~~bankruptcy ~~C~~court *upon its own motion or on timely motion of any party.* ~~and shall not be combined with any other motions.~~

**(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. Unless otherwise ordered by the bankruptcy court or district court, parties shall continue to file with the bankruptcy court all documents in the bankruptcy case or adversary proceeding. Any supplemental documents relating to the motion for withdrawal of reference filed after transmittal shall be promptly transmitted by the bankruptcy court to the district court.*

*NOTE: Please see LBR 7008-1 regarding the right to judgment by the United States District Court for procedures in adversary proceedings which include a claim outside the statutory definition of "core" bankruptcy issues.*

#### Related Provisions

FRBP 5011                      Withdrawal and Abstention from Hearing a Proceeding

*LBR 7008-1                      Right to Judgment by the United States District Court*

28 USC 157                      ~~Bankruptcy Court Jurisdiction~~ *Procedures*

28 USC 1334                      ~~District Court Jurisdiction~~ *Bankruptcy cases and proceedings*

28 USC 1930(b)                      ~~Bankruptcy Court Fees Schedule~~

**LBR 5011-1**

~~MAY 1, 1996~~ *August 1, 2012*