

UNITED STATES BANKRUPTCY COURT FOR THE DISTRICT OF NEW JERSEY

PROPOSED LOCAL RULE AMENDMENTS FOR 2012

D.N.J. LBR 1001-1 SCOPE OF RULES

These rules shall be cited as the “District of New Jersey Local Bankruptcy Rules, D.N.J. LBR \_\_\_” (hereinafter “Local Rules” or “Rules”) of the United States Bankruptcy Court for the District of New Jersey (hereinafter “Court”). These rules and the Local Civil Rules of the United States District Court for the District of New Jersey (hereinafter “District Court Rules”) shall be followed insofar as they are not inconsistent with the Bankruptcy Code (hereinafter “Code”) and the Federal Rules of Bankruptcy Procedure (hereinafter “Fed. R. Bankr. P.”). The forms ~~appended hereto~~ shall be known as the Local Bankruptcy Forms of the United States Bankruptcy Court for the District of New Jersey “hereinafter “Local Forms”). The local forms shall be used in the circumstances indicated by the titles to such forms.

- (a) These rules shall be construed to secure the just, speedy and inexpensive determination of cases and proceedings in the Court. The application of these rules in any case or proceeding may be modified or relaxed by the Court in the interests of justice.
- (b) From time to time, the Court may issue general orders, administrative procedures, and guidelines for designating compliance with these Local Rules as set forth in the Appendices to these Rules and which are available in the Clerk’s Office and on the Court’s website, [www.njb.uscourts.gov](http://www.njb.uscourts.gov).

NEW JERSEY BOARD OF BANKRUPTCY JUDGES NOTES

- 1997 Comment: Formerly Local Rule 1.
- 2001 Comment: This Rule amendment is intended to allow the Court to issue general orders to supplement the Local Rules, such as the Court’s issuance of a general order to authorize the Court to establish practices and procedures for the filing, signing, and verification of documents by electronic means.
- 2011 Comment: In September 2009, the Judicial Conference approved a set of Guidelines for Distinguishing Between Matters Appropriate for Standing Orders and Matters Appropriate for Local Rules. In response to these Guidelines, the Board of Bankruptcy Judges concluded that the provisions of some of the Court’s General Orders should be addressed as appendices to the Local Rules. As a result, on August 1, 2011, the Court amended D.N.J. LBR 1001-1(c) to reference general orders, administrative procedures and guidelines which have been incorporated into these Local Rules by way of appendices.
- 2012 Comment: Because most practitioners access the Local Rules and Forms from the Court’s website, the expression “appended thereto” after the expression “The forms,” in subpart (a), is deleted.
- Reference: Fed. R. Bankr. P. 9029(a) Local Bankruptcy Rules.

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**D.N.J. LBR 1009-1 AMENDMENTS TO LISTS & SCHEDULES**

- (a) Amendment to List, Schedule or Statement. Whenever an amendment to the list of creditors, schedules or statement of affairs is filed pursuant to Fed. R. Bankr.P. 1009, the amendment must be verified by the debtor. The amendment shall include *only* the changes and shall indicate if changes are additions, modifications or deletions. The amendment must also be in compliance with **D.N.J. LBR 1007-2**.
- (b) Deletion or Modification of Creditor or Creditor Information. Whenever the listing of a creditor or other party is deleted or modified by the debtor, the debtor must provide notice to the trustee in the case, if any and to the creditor within 14 days of the date of the Court’s Order Directing Service of Notice of Amendments To Schedule D, E, F, G or H or List of Creditors.
- (c) (c) Addition of Creditor. Whenever a creditor is added by amendment to the debtor’s list of creditors or schedules, the debtor must serve the added creditor, by mailing within 14 ~~shall have 60~~ days from the date of the Court’s Order ~~Respecting Directing Service of Notice of Amendments~~ to Schedule D, E ~~or~~, F, G or H or List of Creditors, a copy of the applicable Notice of Commencement of Case Under the Bankruptcy Code, Meeting of Creditors and Deadlines. In addition, in a Chapter 12 or Chapter 13 case, the debtor must serve the added creditor with a copy of the Notice of Hearing on Confirmation of Plan, if any, a copy of the last confirmed plan, if any, and a copy of the last modified plan, if any, that has been filed in the case. In a Chapter 11 case, the debtor must serve the added creditor with a copy of the last modified plan and disclosure statement, if any, and a copy of any order approving the adequacy of the disclosure statement and/or scheduling the plan for confirmation.
- (d) Certification of Compliance. Within 14 days of the entry of the Order Directing Service of Notice of Amendments, the debtor shall file a certification of compliance with the notice requirements of this rule.

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**NEW JERSEY BOARD OF BANKRUPTCY JUDGES NOTES**

1997 Comment: Formerly Local Rule 2(d).

2008 Comment: This rule is amended to supplement and formalize the Court’s form Order Respecting Amendment in cases under Chapters 7, 11 and 13 which provides the added creditor 60 days from the date of entry of the Court’s Order Respecting Amendment or the date specified in the Notice of the Meeting of Creditors whichever is later, to file a complaint objecting to discharge under 11 U.S.C. § 727(a) and 1141(d) or to determine the dischargeability of a debt under 11 U.S.C. § 523(c) if the debtor is an individual.

2012 Comment: Subsection (a) of this Rule is supplemented by specifically referencing modifications, along with additions and deletions, as amendments to the debtor’s list of creditors, schedules or statement of affairs. Subsections (b) (c) and (d) of this Rule are amended to correspond to new changes to the Court’s form Order Directing Service of Notice of Amendments to Schedule D, E, F, G or H or List of Creditors in cases under Chapters 7, 11 and 13. Subsection (b) requires a debtor to notice the trustee in the case, if any, and the affected creditor or other party, when the debtor deletes or modifies the listing of or information about the creditor or party in the debtor’s schedules. Subsection (c) addresses the debtor’s responsibility to notice a creditor who is added to the debtor’s schedules. In all cases under chapters 7, 11 and 13, within 14 days from the Court’s entry of the Order Directing Service of Notice of Amendments, the debtor must serve, a copy of the applicable Notice of Commencement of Case Under the Bankruptcy Code, Meeting of Creditors and Deadlines upon the added creditor. Further, this subsection sets forth the additional documents that must be served upon the added creditor in cases under Chapters, 11, 12 and 13. Subsection

[\(d\) is also new and requires the debtor to file a certification of compliance with the notice requirements of this rule.](#)

#### D.N.J. LBR 1073-1 ASSIGNMENT OF CASES

- (a) For purposes of the division of business, the Court shall be divided into three units known as "vicinages," which shall consist of the counties served by such units in the three federal Courthouses in this District.

The Newark vicinage consists of Bergen, Essex, Hudson, Morris, Passaic, Sussex and Union Counties.

The Trenton vicinage consists of part of Burlington (except for the townships of Cinnaminson, Delran, Edgewater Park, Evesham (Marlton), Maple Shade, Moorestown, Mount Laurel, Palmyra, Riverside and Riverton), Hunterdon, Mercer, Middlesex, Monmouth, Ocean, Somerset and Warren counties.

The Camden vicinage consists of Atlantic, part of Burlington (the townships of Cinnaminson, Delran, Edgewater Park, Evesham (Marlton), Maple Shade, Moorestown, Mount Laurel, Palmyra, Riverside and Riverton), Camden, Cape May, Cumberland, Gloucester and Salem counties.

- (b) A petition commencing a case shall be filed in the vicinage in which the debtor resides if the debtor is an individual, or in which the debtor has its principal place of business within the District if the debtor is an entity other than an individual. ~~The address stated on the petition shall be the actual location of the debtor's residence or principal place of business.~~
- (c) All papers in a case shall be filed in the vicinage in which the case is pending.
- (d) If the petition commencing a case states in writing that the case is related to another case which has been or is being filed in the same vicinage, the clerk shall assign the case to the judge to whom the lowest numbered related case has been assigned. All other case assignments shall be made by the random draw method used by the Court.
- (e) An application to transfer a case from one judge to another, or from one vicinage to another, shall be made to the judge to whom the case has been assigned. The application shall be on notice to the debtor, any trustee, any secured creditors, and any official committees.
- (f) If a case is dismissed, and, within 180 days of such dismissal, another bankruptcy case is filed as to the same debtor, the subsequent case shall be assigned to the same judge to whom the prior case was assigned.

#### NEW JERSEY BOARD OF BANKRUPTCY JUDGES NOTES

1997 Comment: Formerly Local Rule 9

2002 Comment: This Rule amendment realigns the Newark Vicinage to include the Counties of Middlesex and Union.

2007 Comment: In accordance with the Court's General Order dated September 26, 2006, the Trenton Vicinage is realigned to include the County of Middlesex effective October 1, 2006.

~~2012 Comment: LBR 1002-1(a)(1) already requires the petition to list the actual location of the debtor's residence or principal place of business. Thus, this requirement is deleted from LBR 1073-1(b).~~

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Reference: Fed. R. Bankr. P. 5005 Filing and Transmittal of Paper

**D.N.J. LBR 3002.1-1 NOTICE RELATING TO CLAIMS SECURED BY SECURITY INTEREST IN THE DEBTOR'S PRINCIPAL RESIDENCE**

- (a) **Response to Notice of Fees, Expenses and Charges.** If the debtor does not object to the Notice of Fees, Expenses and Charges filed under Fed. R. Bankr. P. 3002.1(c), or if the debtor's objection is overruled, the debtor shall either 1) pay all postpetition amounts included in the Notice of Fees, Expenses and Charges; or 2) enter into an agreed order allowing the charges (to be paid by the Trustee); or 3) take no action and the charges will not be paid by the Trustee and will not be deemed to have been paid upon closure or conversion of the case.
- (b) **Application of Payments.** The holder of a claim secured by a security interest in the debtor's principal residence shall apply payments from the Trustee to arrears being cured and apply payments from the debtor to post-petition monthly payments.
- (c) **Order Deeming Mortgage Current. In addition to the provisions of Fed. R. Bankr.P. 3002.1(i).** If the holder of a secured claim fails to respond to the Trustee's Notice of Final Cure Payment filed under Fed. R. Bankr.P. 3002.1(f), the debtor may submit a proposed order which deems the mortgage current as of the date of Notice of Final Cure Payment. The proposed order shall be served on the holder of the secured claim and the trustee. The parties served with the order shall have 7 days to file and serve an objection. A hearing may be conducted on the objection in the court's discretion.

**2012 Comment:** Effective December 1, 2011, the United States Supreme Court approved the adoption of Fed. R. Bankr.P. 3002.1, Notice Relating to Claims Secured by Security Interest in the Debtor's Principal Residence. The adoption of Fed. R. Bankr.P. 3002.1 superseded the Court's General Order entered on May 21, 2009 Adopting Supplemental Chapter 13 Plan Provisions Requiring: (1) Supporting Information Concerning Proof of Claim and (2) Disclosure and Adjudication of Post-petition Mortgage Charges Pending Amendment of the Federal Rules of Bankruptcy Procedure. On November 14, 2011, the Court entered a General Order abrogating its May 21, 2009 General Order in its entirety to be effective in all cases filed on or after December 1, 2011 to conform to the effective date of Fed. R. Bankr. P. 3002.1-1. The Board of Judges seeks to implement three of the abrogated Supplemental Chapter 13 Plan Provisions, with minor revisions, through the adoption of this Local Rule.

**D.N.J. LBR 3002.1-2      TERMINATION, REINSTATEMENT OR IMPOSITION OF NOTICE  
REQUIREMENTS UPON CREDITORS HOLDING CLAIMS SECURED BY  
SECURITY INTEREST IN THE DEBTOR'S PRINCIPAL RESIDENCE**

**(a) Termination of Requirements.** The entry of an order granting relief from the automatic stay as to a secured creditor shall terminate the notice requirements of Fed. R. Bank. P. 3002.1(b) and (c).

**(b) Reinstatement of Requirements.** If an order reinstating the automatic stay as to a secured creditor in a chapter 13 case, reopening or reinstating a closed or dismissed chapter 13 case, or converting a case to chapter 13 is entered, the secured creditor shall:

- (1) Not later than 30 days after entry of the order, file a notice of payment change pursuant to Fed. R. Bankr.P. 3002.1(b) if the amount of the monthly payment changed during the period in which the automatic stay was vacated or the case was closed, dismissed or pending under any chapter other than 13, or is scheduled to change within 21 days after the entry of the order.
- (2) Not later than 180 days after entry of the order, file a notice of fees, expenses, and charges pursuant to Fed. R. Bank. P. 3002.1(c) for any fees, expenses and charges incurred during the period in which the automatic stay was vacated or the case was closed, dismissed or pending under any chapter other than 13.

2012 Comment:      This local rule is new. Fed. R. Bankr. P. 3002.1 does not address whether the Rule 3002.1 (b) and (c) notice requirements terminate upon certain events, such as the entry of an order granting a secured creditor relief from the automatic stay, or address whether the creditor has renewed notice obligations upon certain events, such as the entry of an order reinstating the automatic stay. Accordingly, this Local Rule is adopted in order to clarify that the Rule 3002.1(b) and (c) notice requirements are terminated upon the entry of an order granting a secured creditor relief from the automatic stay and that the creditor has certain notice obligations upon the entry of an order reinstating the automatic stay, reopening or reinstating a closed or dismissed case, or converting the case to chapter 13.

**D.N.J. LBR 3003-2 FILING REQUEST FOR PAYMENT OF ADMINISTRATIVE EXPENSE CLAIM IN CHAPTER 11 REORGANIZATION OR CHAPTER 7 LIQUIDATION CASES**

- (a) In a Chapter 11 case, absent an administrative expense claims bar date, or a provision in a confirmed plan or confirmation order directing the filing of administrative expense claims by a date certain, a request for payment of an administrative expense, permitted under §503(a) of the Code, may be filed at any time prior to entry of the confirmation order of a plan. In a Chapter 7 case, a request for payment of an administrative expense may be filed at any time prior to any administrative expense claims bar date set by the Court.
- (b) A request for payment of an administrative expense shall be filed using Local Form, *Request For Payment of Administrative Expense*.
- (c) The filing of a Request For Payment of Administrative Expense shall not result in the scheduling of a hearing on the request, but shall result in the registry of the claim on the claims docket. In order to have a hearing scheduled to consider payment of any administrative expense claim, a claimant must file a motion to compel payment in accordance with **D.N.J. LBR 9013-1**.
- (d) This Rule shall not apply to any application or request by a professional retained pursuant to a Court order in a Chapter 11 case or a Chapter 7 case for payment of fees and expenses incurred post-petition. Any such application or request by a professional for payment of administrative fees and expenses must comply with **D.N.J. LBR 2016-1**.

**NEW JERSEY BOARD OF BANKRUPTCY JUDGES NOTES**

2006 Comment: This rule is new. It sets forth the time and form within which requests for payment of administrative expense claims must be filed in a Chapter 11 case or a Chapter 7 case. This Rule does not apply to requests by a professional for compensation which are governed by D.N.J. LBR 2016-1.

2010 Comment: This rule is amended to eliminate the reference to "D.N.J. Local Form 24," by substituting the caption of the Local Form.

2012 Comment: LBR 3003-2 is amended to clarify that a request for payment of an administrative expense must be filed, unless otherwise provided, prior to the entry of the confirmation order, and not merely "confirmation of a plan."

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**D.N.J. LBR 3007-1 CLAIMS – OBJECTIONS**

- (a) All motions with respect to chapter 11 claims shall be filed within 60 days after entry of the confirmation order.
- (b) All motions with respect to chapter 13 claims shall be filed within 60 days after the later of confirmation of the plan or the filing of the claim or amended claim.

**NEW JERSEY BOARD OF BANKRUPTCY JUDGES NOTES**

1997 Comment: Subpart (a) was formerly Local Rule 24(c); subpart (b) was formerly Local Rule 32.

2012 Comment: LBR 3007-1 is amended to clarify that motions with respect to chapter 11 claims must be filed within 60 days after the entry of the confirmation order, and not merely “confirmation.”

Reference: 11 U.S.C. § 502(b) Allowance of claims or interests; Fed. R. Bankr. P. 3008 Reconsideration of Claims.

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**D.N.J. LBR 4001-5 LOSS MITIGATION PROGRAM AND PROCEDURES**

The Loss Mitigation Program and Procedures, as set forth on the Court's website, [www.njb.uscourts.gov](http://www.njb.uscourts.gov), apply in Chapter 7, 13 and individual Chapter 11 cases.

**2012 Comment:** In September 2009, the Judicial Conference approved a set of Guidelines for Distinguishing Between Matters Appropriate for Standing Orders and Matters Appropriate for Local Rules. In response to these Guidelines, the Board of Bankruptcy Judges concluded that the Court's Loss Mitigation Program and Procedures should be referenced in a local rule. Because the provisions of the Loss Mitigation Program and Procedures are continuing to evolve however, the Court opted for the annual rule making cycle 2012, to maintain the provisions of the General Order Adopting Loss Mitigation Program and Procedures dated July 29, 2011 as posted on the Court's website, as opposed to incorporating these provisions into an appendix to this local rule.

**D.N.J. LBR 7001-1 ADVERSARY PROCEEDINGS – GENERAL**

A party or attorney filing a complaint or third party complaint shall prepare a summons and notice of pretrial conference conforming to **Form B250B** of the Director of the Administrative Office as authorized by Fed. R. Bankr. P. 9009 and shall file the complaint and summons with the clerk ~~deliver the complaint and summons to~~ the clerk for the issuance of the summons and notice of pretrial conference.

**NEW JERSEY BOARD OF BANKRUPTCY JUDGES NOTES**

1997 Comment: Formerly Local Rule 2(e)(1).

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2012 Comment: In light of the emergence of ECF as the primary means for filing papers, the expression “deliver the complaint and summons to the clerk” is changed to “file the complaint and summons with the clerk.”

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Reference: Fed. R. Civ. P. 4 Summons; Fed. R. Civ. P. 16 Pretrial Conferences, Scheduling, Management; Fed. R. Bankr. P. 7004 Process, Service of Summons, Complaint; Fed. R. Bankr. P. 7016 Pretrial Procedure; Formulating Issues.

**D.N.J. LBR 7003-1 COVER SHEET**

Unless it is filed through CM/ECF, ~~Each~~ complaint shall have attached an official bankruptcy cover sheet, **Form B-104**, which shall be provided by the clerk on request.

**NEW JERSEY BOARD OF BANKRUPTCY JUDGES NOTES**

1997 Comment: Formerly Local Rule 2(e)(2).

2012 Comment: The Rule required all plaintiffs to attach a cover sheet to the complaint. In light of the emergence of ECF as the primary means for filing complaints, D.N.J. LBR 7003-1 is amended to reflect that the plaintiff's attorney (or plaintiff *pro se*) need not file a cover sheet if the complaint is filed through CM/ECF.

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**D.N.J. LBR 9004-2 CAPTION - PAPERS, GENERAL**

- (a) All papers, including motions, complaints, orders, judgments, letters, and briefs shall set forth a caption, and the title shall include a specific reference to the subject of the paper and shall state the hearing date as follows: "Hearing Date: \_\_\_\_\_, 20\_\_."
- (b) All papers shall set forth the case number, chapter, initials of judge assigned and, when applicable, the adversary proceeding number. In the case of motions, the notice of motion and any answering papers shall state below the hearing date either "oral argument requested" or "oral argument waived."
- (c) All pleadings commencing with the original petition shall contain in the top left margin the typewritten or printed name, address, and telephone number; ~~the initials of the first and last names and the last 4 digits of the social security number~~ of the attorney of record for the filing party, and the identity of the party represented, or, if a party is appearing pro se, the typewritten or printed name, address and telephone number of such party.

**NEW JERSEY BOARD OF BANKRUPTCY JUDGES NOTES**

- 1997 Comment: Formerly Local Rule 2(a)(2), (3), and (4).
- 2001 Comment: This Rule amendment substitutes reference to the year "20\_\_" for the year "19\_\_."
- 2012 Comment: D.N.J. LBR 9004-2 previously required attorneys to list in all pleadings the last four digits of his or her social security number. In 2012, the Court deleted this requirement because, among other reasons, (i) the District Court deleted such requirement in its own applicable Local Civil Rule in 2007; (ii) in registering for CM/ECF, an attorney must provide his or her State Bar Association identification number, and not his or her social security number; and (iii) there is a risk, however remote, of disclosure or detection of the attorney's social security number from the last four digits.

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## D.N.J. LBR 9013-1 MOTION PRACTICE

- (a) *General Provisions.* An application to the Court for an order requiring notice and opportunity for hearing shall be by motion. Every motion shall state the time and place returnable, the grounds upon which it is made, and the nature of the relief sought. A motion shall be deemed uncontested unless responsive papers are timely filed in accordance with subdivision (d). A proposed form of order shall accompany the moving papers, except as provided in [D.N.J. LBR 9072-1\(b\)](#).
- (b) *Scheduling.* An application by motion except in a chapter 13 case shall be made returnable on a regular motion day before the judge to whom the case has been assigned. ~~The regular motion day shall be Monday for all three vicinages.~~ [Motions shall be heard on the regular motion days as assigned by each judge and as set forth on the Court's website www.njb.uscourts.gov.](#) A motion in a chapter 13 case shall be made returnable on a date assigned by the Court. A motion not timely filed pursuant to subdivision (c) will be scheduled for the next motion day.
- (c) *Time and Place of Filing.* All moving papers shall be filed in the vicinage of the case. Such papers shall be filed and served at least 21 days before the return date, except as provided in Fed. R. Bankr. P. 3007.
- (d) *Responsive Papers; Cross Motions.*
- (1) All answering papers and cross-motions shall be filed and served at least 7 days before the return date. All cross motions shall be deemed contested. No motion shall be designated as a cross motion unless it is related to the original motion.
  - (2) All reply papers, as well as answering papers to a cross- motion, shall be filed and served at least 4 days before the return date. Upon the request of a party, the Court may enlarge the time for the filing of answering and reply papers.
- (e) *Orders Shortening Time.* An application under Fed. R. Bankr. P. 9006(c) for an order shortening time for hearing on a motion shall be submitted with the moving papers in a form substantially the same as Local Forms, [Application for Order Shortening Time](#) and [Order Shortening Time Period For Notice and Setting Hearing](#). Use of orders to show cause shall be limited to adversary proceedings in accordance with [D.N.J. LBR 9075-1](#).
- (f) *Oral Argument.* Unless a party requests oral argument or the Court otherwise directs, all motions shall be decided on the papers. All parties must state their intentions regarding oral argument in the moving or answering papers.
- (g) *Telephone Conference.* The Court, on its own motion or on a party's request, may direct argument of any motion by telephone conference without Court appearance. A verbatim record shall be made of all such telephone arguments.

- (h) *Motion for Reconsideration.* A motion for reconsideration shall be filed within 14 days of the entry of the Court's order or judgment on the original motion. The motion shall be filed with a memorandum setting forth concisely the matters or controlling decisions which the movant believes constitute cause for reconsideration. A timely motion for reconsideration shall be deemed to be a motion under Fed. R. Bankr. P. 8002(b).
- (i) *Testimony.* Unless the Court authorizes or directs otherwise prior to the return date, no testimony shall be taken on a motion except by certification or affidavit under Fed. R. Civ. P. 43(e) and Fed. R. Bankr. P. 9017. Notwithstanding the foregoing, live testimony may be taken on a motion under Code § 363(c) or § 364 without prior authorization from the Court.
- (j) *Consent Order in Lieu of Motion.*
  - (1) Requests to the Court for an order on which all parties who are entitled to notice have affixed their written consent may be presented by application without motion or hearing. The application shall explain the grounds for entry of the order.
  - (2) Notwithstanding subsection (j) (1) of this rule, a consent order in lieu of a motion under Code § 363(e) in a chapter 11 case can be filed without the written consent of the 20 largest unsecured creditors if no committee of unsecured creditors has been appointed. In such event, the 20 largest unsecured creditors shall be served with the application and consent order and shall have 7 days to serve an objection. The proponent of the consent order must simultaneously submit a separate certification of service to the Court indicating service on the 20 largest unsecured creditors. If a committee of unsecured creditors has been appointed, its written consent must be affixed to a consent order in lieu of a motion under Code § 363(e).
- (k) *Duty to Confer.* If a motion is contested, the movant shall confer with the respondent prior to the hearing to determine whether a consent order may be entered disposing of the motion, or, in the alternative, to stipulate the resolution of as many issues as possible.
- (l) *Duty to Report Settlement or Withdrawal.* If a motion is settled or withdrawn, the movant shall inform the Court immediately by telephone, and send written confirmation promptly thereafter.
- (m) Any motion seeking relief from the automatic stay, the use, sale or lease of property or the assumption, rejection or assignment of executory contracts and unexpired leases shall specifically state in the caption of the motion whether the movant seeks a waiver of the 14 day stay of the effectiveness of any proposed order for the relief sought under Federal Rules of Bankruptcy Procedure 4001(a)(3), 6004(h) or 6006(d). The movant shall bear the burden of establishing cause for the waiver of the 14 day stay provisions and shall detail the cause in its moving papers.

**NEW JERSEY BOARD OF BANKRUPTCY JUDGES NOTES**

- 1997 Comment: Formerly Local Rule 3(a) through (h), and (j) through (m).
- 1999 Comment: Subsection (h) of this rule was amended. The amendment substituted the word "entry" for the word "filing" in the first sentence to be consistent with the federal rules of civil and bankruptcy procedure.
- 2004 Comment: Subsection (j)(2) is amended to require that the proponent of the consent order in lieu of motion under Code § 363(e) in a Chapter 11 case, simultaneously submit a separate certification of service to the Court indicating service on the 20 largest unsecured creditors, where the consent order in lieu of motion is filed, without the written consent of the 20 largest unsecured creditors if no committee of unsecured creditors has been appointed, and the 20 largest unsecured creditors have been served with the application and consent order providing 5 days to file and serve an objection.

- 2008 Comment: Subsection (d) of this rule is amended to require that the proponent of a reply or answer to a cross-motion file and serve such papers at least 4 days before the return date of the original motion.
- 2009 Comment: Subsection (d) of this rule is amended to clarify the time required for filing and service of a reply or answer to a cross-motion. Subsection(m) is amended to conform with Fed. R. Bankr.P. 6004(h) stating an order authorizing the use, sale or lease of property other than cash collateral for ten days unless the court orders otherwise.
- Dec., 2009 Comment This Rule is amended to conform with the March 26, 2009, Supreme Court approval of changes to Bankruptcy Rule 9006 which addresses the method by which time is calculated. On May 7, 2009, the Statutory Time Period Technical Amendments Act of 2009 was enacted (Pub. L. No. 111-06). The law adjusts the time period in 28 statutes, including nine sections of the Bankruptcy Code, which are impacted by the federal rule changes. Both the statutory and rules changes take effect on the same day, December 1, 2009. Deadlines of less than 30 days have been changed to multiples of seven days so that the expiration of the deadline ordinarily would occur on a weekday. Under the revised rules: 5 day deadlines become 7 days; 10 and 15 day deadlines become 14 days; 20 day deadlines become 21 days; and 25 day deadlines become 28 days. Effective, December 1, 2009 conforming amendments to the Court's Local Rules, including the one set forth herein, have been approved by the Board of Bankruptcy Judges. Additional information concerning time computation amendments to the national rules, local rules, general orders and forms may be accessed at [www.uscourts.gov/rules](http://www.uscourts.gov/rules) and [www.njb.uscourts.gov](http://www.njb.uscourts.gov).
- 2010 Comment: This rule is amended to eliminate the reference to "D.N.J. Local Forms 1 and 2," by substituting the captions of the Local Forms.
- 2012 Comment:** [This rule is amended at subsection \(b\) to eliminate the reference to Monday as the regular motion day for all three vicinages and to provide that the regular motion day\(s\) for each Judge will be as designated by each Judge and set forth on the Court's website. Before making a request for an adjournment of a hearing, an attorney or party should review D.N.J. LBR 5071-1, which addresses continuance of a hearing.](#)
- Reference: Fed. R. Bankr. P. 5005 Filing and Transmittal of Papers; Fed. R. Bankr. P. 9006 Time; Fed. R. Bankr. P. 9014 Contested Matters; Fed. R. Bankr. P. 9001(7) and 9021.

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