

## **D.N.J. LBR 9013-5. Motions: First Day Matters in a Chapter 11 Case**

**(a) Required forms.** A chapter 11 debtor requesting expedited hearing of a motion or application filed at the beginning of a case must file with the motion or application the following documents:

- (1) Local Form *Application for Expedited Consideration of First Day Matters*; and
- (2) Local Form *Order Regarding Application for Expedited Consideration of First Day Matters*.

**(b) Notice to court.** The debtor must, immediately after filing the documents in subdivision (a), notify the court through the chambers's email address that the debtor has filed an *Application for Expedited Consideration*.

**(c) Notice to parties.** The debtor must, immediately after filing the documents in subdivision (a), and in no event less than 24 hours before the hearing date, send by email, fax, hand delivery, or overnight mail copies of the documents in subdivision (a) and copies of the motions or applications to the following parties:

- (1) any secured creditors;
- (2) the creditors that hold the 20 largest unsecured claims;
- (3) the United States trustee; and
- (4) any other necessary parties.

**(d) Opposition.** Any opposition to relief sought under this Rule may be made at the hearing.

**(e) Proposed order.** A proposed order under this Rule, other than an order under § 363 of the Code approving the use of cash collateral or an order under § 364 of the Code approving post-petition financing, must provide that any party may move for modification of the order.

**(f) Service of order.** If the court grants relief under this Rule, the debtor must, not later than 48 hours after entry of the order and in the manner directed by the court, serve the order on the parties in subdivision (c) and any other party identified by the court.

### 2015 Comment

This Rule is new. It is derived from Appendix A to former Local Bankruptcy Rule 6003-1. These "first day" procedures should be used only at the beginning of a chapter 11 case for a motion or application for which expedited consideration is necessary to preserve an estate asset or maintain an ongoing business operation.

Subdivision (c) does not relieve a debtor of the service requirements in Bankruptcy Rule 9014 as stated in Local Bankruptcy Rule [5005-1\(c\)](#).