

## **D.N.J. LBR 9013-1. Motions: Form**

**(a) Required documents.** A motion or cross-motion must consist of the following separate documents:

- (1) a notice of motion stating the date, time, and place of the hearing;
- (2) one or more certifications containing any facts not already in the record that form the basis of the relief requested. The certification must be based on personal knowledge and otherwise comply with Local Bankruptcy Rule [7007-1](#);
- (3) a memorandum of law stating the legal basis for the relief requested, as necessary;
- (4) a proposed order; and
- (5) Local Form *Certification of Service*.

**(b) Waiver of 14 day stay.** A request for a waiver of the stay imposed by Bankruptcy Rules 4001(a)(4), 6004(h), or 6006(d) must appear in the title of the notice of motion. The basis for the requested waiver must be stated in the motion.

### 2025 Comment

Subdivision (a)(2) is amended to emphasize that a supporting certification must be based on personal knowledge and be made under penalty of perjury as set forth in 28 U.S.C. § 1746 and Local Bankruptcy Rule [7007-1](#).

Subdivision (a)(3) is amended to eliminate the use of a Statement Why No Brief is Necessary.

Subdivision (b) is amended to require a statement setting forth the basis for waiver and comport with the renumbering of the Bankruptcy Rules.

### 2017 Comment

This Rule is amended to cross reference Local Bankruptcy Rule [7007-1](#).

### 2015 Comment

Subdivision (a) is amended to specify the documents required for a motion. Each item specified in subdivisions (a)(1) – (5) must be a separate document. A motion or cross-motion must be served by non-electronic means under Local Bankruptcy Rule 5005-1(c)(1)(B).

Former Local Bankruptcy Rules 9013-2 and 9013-3 have been incorporated into this Rule.

The proposed order must comply with Local Bankruptcy Rules [9009-1](#) and [9013-4](#).

Certain former subdivisions of this Rule have been incorporated in Local Bankruptcy Rules [9013-2](#) through [9013-4](#).