

Rule 9004-1

PAPERS – CAPTION, DEMAND FOR JURY TRIAL, INJUNCTIVE RELIEF

(a) ***Caption.*** The first page of all petitions, pleadings, motions, and other papers filed with the Court shall contain a caption as in the Official Forms and in addition shall state in the title the name and designation of the party (*e.g.*, Debtor, Creditor [name], Plaintiff, Defendant, or the like) on whose behalf the paper is submitted, and a title descriptive of the paper’s contents.

(b) ***Demand for Jury Trial.*** If demand for jury trial is contained within a pleading, the title of the pleading shall include the words “Demand for Jury Trial” or the equivalent.

(c) ***Injunctive Relief.*** If a pleading contains a prayer for injunctive relief pursuant to Fed. R. Bankr. P. 7065, the title of the pleading shall include the words “Injunctive Relief Sought” or the equivalent.

Notes of Advisory Committee

2019 Amendment

This amendment revises the rule to move former sections (b) (“Motions”) and (e) (“Emergency Hearings”) to new Local Rule 9013-1. This amendment to the rule is effective July 1, 2019.

2017 Amendment

This amendment renumbers the rule from 9004-2 and revises the title to better reflect the contents of the rule. Other revisions are stylistic. This amendment to the rule is effective July 1, 2017.

2015 Amendment

This amendment is primarily stylistic. Section (b) clarifies that motions filed with the Court shall request only one form of relief unless the request seeks alternative forms of relief under the same provision of the Bankruptcy Code or Federal Rules of Bankruptcy Procedure. This amendment to the rule is effective July 1, 2015.

2004 Amendment

This amendment corrects the Bankruptcy Rules citation to that of the currently used citation.

1997 Amendment

This amendment conforms the existing Local Rules to the uniform numbering system prescribed by the Judicial Conference of the United States and to the model system suggested and approved by the Advisory Committee on Bankruptcy Rules of the Judicial Conference's Committee on Rules of Practice and Procedure. In renumbering the Local Rules to conform to the uniform numbering system, no change in substance is intended. This amendment to the rule was effective on April 15, 1997.

Paragraph (a) of this rule formerly was Local Rule 2.02(b). Paragraphs (b) through (f) of this rule formerly were paragraphs (a) through (e) of Local Rule 2.03. The Advisory Committee Notes to the superseded rules may be helpful in interpreting and applying the current rules.

1995 Amendment

Local Rule 2.03(c) has been amended to make clear that the Certificate of Necessity of Request for Emergency Hearing which must be filed in connection with an emergency motion must set forth sufficient facts to justify the need for an emergency hearing.

These amendments to the rule were effective on February 15, 1995.