

Rule 5011-1

WITHDRAWAL OF REFERENCE

(a) ***Contents of Motions for Withdrawal of Reference and Responses.*** Every written motion for withdrawal of the reference of a case or proceeding under 28 U.S.C. § 157(b)(5) or (d) and response thereto shall be accompanied by a legal memorandum with citation of supporting authorities. Absent prior permission of the District Court, no party shall file any legal memorandum over 20 pages in length.

(b) ***Deadline for Filing Motion for Withdrawal of Reference of Bankruptcy Case.*** A motion for withdrawal, in whole or in part, of the reference of a bankruptcy case shall be filed with the Clerk not later than 21 days after the date of the notice of the meeting of creditors mandated by 11 U.S.C. § 341 and Fed. R. Bankr. P. 2003(a). Parties in interest without notice or without actual knowledge of the pendency of the case may move for withdrawal of the reference not later than 21 days after having acquired actual knowledge of the pendency of the case.

(c) ***Deadline for Filing Motion for Withdrawal of Reference of Adversary Proceeding or Contested Matter.*** A motion for withdrawal of the reference of an adversary proceeding or contested matter arising in, under, or related to a case that is a subject of the Order of General Reference must be filed with the Clerk not later than 30 days after the filing of the initial pleading or other paper commencing the proceeding or contested matter. The United States or an officer or agency thereof shall move for withdrawal of the reference no later than 35 days after the filing of the initial pleading or other paper commencing the proceeding or contested matter.

(d) ***Service of Motion for Withdrawal of Reference.*** A motion for withdrawal of an adversary proceeding or contested matter shall be served on counsel of record for all parties to the proceeding or contested matter or, if a party has no counsel, on the party, and on counsel of record for the debtor, the debtor, and the United States Trustee.

(e) ***Deadline for Filing Response to Motion to Withdraw the Reference.*** The opposing parties shall have 14 days after the entry of the motion on the docket to file a responsive pleading and legal memorandum.

(f) ***Transmission to the District Court.*** After expiration of the time allowed for a response, the Clerk shall transmit the motion and legal memorandum, response and legal memorandum, if any, and such other pleadings as the parties request to the Clerk of the District Court.

(g) ***Bankruptcy Case Retains Jurisdiction Pending the District Court's Ruling on the Motion.*** Until and unless the Court or the District Court orders otherwise, the Court shall continue to hear the case or proceeding while the motion for withdrawal is under consideration in the District Court.

Notes of Advisory Committee

2015 Amendment

The revisions to this rule are primarily stylistic. This amendment 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 was effective on April 15, 1997.

This rule was formerly Local Rule 1.05. The Advisory Committee Notes to the superseded rules may be helpful in interpreting and applying the current rules.

1995 Amendment

The amendment to Local Rule 1.05 to delete the term "brief" when used in conjunction with "legal memorandum" as redundant is stylistic as is the addition of term "contested matter" where the term "proceeding" is used. No substantive change is intended.

Local Rule 1.05 (b)(2) has been amended to specify that a motion for withdrawal of a proceeding or contested matter must be filed with the Clerk not later than thirty (30) days, or thirty-five (35) days in the case of the federal government, after the filing of the initial pleading or other paper commencing the proceeding or contested matter. In adversary proceedings, this corresponds to the time an answer or motion is due pursuant to Fed. R. Bankr. P. 7012(a). The amendment makes clear that motions to withdraw the reference of contested matters must be filed within the same period despite the inapplicability of Fed. R. Bankr. P. 7012 to contested matter.

Local Rule 1.05 (b)(3) has been amended to specify that a motion for withdrawal of a proceeding or contested matter shall be served on all parties to the proceeding or contested matter or, if a party has no counsel, on the party, in addition to counsel of record for the debtor, the debtor, and the United States Trustee.

These amendments were effective on February 15, 1995.

1993 Amendment

This amendment added a requirement for the filing of briefs or legal memoranda in certain circumstances to harmonize the practice in the Bankruptcy Court with the practice in the District Court and to facilitate the hearing and determination in the District Court of motions for withdrawal of the reference, objections to proposed findings of fact and conclusions of law in non-core proceedings, and other motions, applications, objections, and the like that are filed in the Bankruptcy Court but heard and determined in the District Court. The amendment was effective August 15, 1993.