

Motion to Compel—Bankruptcy and Adversary

Docketing Event

- Bankruptcy > Motions/Applications/Objections > Motion to Compel (Abandonment/Turnover/Other)
 - Adversary > Motions/Applications > Motion to Compel
-

Negative Notice: If the Motion to Compel is filed in an main case, negative notice procedures apply. If the Motion to Compel is a Motion to Compel Abandonment, negative notice procedures apply.

Accompanying Orders: N/A

Code and Rule References:

[11 U.S.C. § 554\(a\), \(b\)](#)

[Fed. R. Bankr. P. 6007\(b\)](#)

[Fed. R. Bankr. P. 7037](#)

[Local Rule 7001-1](#)

[Local Rule 7026-1](#)

[Local Rule 7037-1](#)

Fee: \$188 on Motions to Compel Abandonment

Applicable Chapters: 7, 11, 12, 13

Implemented: 10/26/17

Last Revision: 12/1/2020 8:19:30 AM

Description

Parties generally file motions to compel to request the Court enter an order directing the opposing party or a third party to take some action.

In both adversary proceedings and bankruptcy cases, parties may file this motion to address discovery disputes. This happens when a party has propounded discovery to either the opposing party or a third party and believes that the discovery responses are insufficient.

Two other types of motions to compel commonly filed are Motions to Compel Abandonment and Motion to Compel Turnover.

Motions to Compel Abandonment are included in this procedure. A party in interest may file and serve a motion requiring the trustee to abandon property of the estate.

Motions to Compel Turnover of Property are processed the same as a Motion for Turnover of Property. Descriptions and procedures for those motions are included in the Motion for Turnover Procedure.

Filing Checklist

Review the motion to determine if it:

- Is signed;

- Has the attorney's name and address complete and consistent with the filing attorney's name and address in CM/ECF;
- Is properly served and includes a proper certificate of service;
- Is a Motion to Compel Disclosure, then it must contain a certification that the movant has in good faith conferred with opposing party prior to filing the motion.
- Is a Motion to Compel Abandonment, it contains negative notice that contains the correct language located on the first page;
 - ❖ Note: Response period is 14 days for a Motion to Compel Abandonment (plus an additional three days if any party was served by U.S. Mail)
- Is a Motion to Compel Abandonment, then ensure the filing fee is paid.