

Negative Notice—Bankruptcy Case

Docketing Event: N/A

Negative Notice: N/A

Accompanying Orders: N/A

Code and Rule References:

[Local Rule 2002-4](#)

[Local Rule 9013-1](#)

Fee: N/A

Applicable Chapters: 7, 11, 12, 13

Implemented: 2/9/2016

Last Revision: 10/15/2018 9:31:53 AM

Description

Local Rule 2002-4 provides that specified types of motions, objections, and other papers may be considered by the Court without an actual hearing if the negative notice procedure described in the rule is followed and if no party in interest objects to the relief requested.

The negative notice procedure eliminates the need for a hearing in most unopposed matters. This saves time and money for the parties, attorneys, and the Court. Even in the absence of an objection, the Court still may set a hearing to consider the requested relief. The Court has established a Negative Notice list (“[Negative Notice List](#)”), which is posted on the Court’s website. Other motions, objections, and matters not listed on the Negative Notice List may be considered by the Court using the negative notice procedure if permitted by the presiding judge.

Filing Checklist

1. Motions filed pursuant to the negative notice procedure shall:
 - Be served in the manner and on the parties as required by the applicable provisions of the Federal Rules of Bankruptcy Procedure, Local Rules, or court order;
 - Be filed with proof of such service in accordance with the provisions of Local Rule 9013-1;
 - Contain a negative notice legend **prominently displayed on the face of the first page of the paper** (see form below); and
 - Contain the correct negative notice language, including a valid address for one of the Court’s staffed divisional offices (**the address must include the suite number**).
2. For the purpose of completing the negative notice legend, the number of days during which parties may object shall be 21 days, unless otherwise stated in the Negative Notice List. For example, a Motion for Turnover requires a 30-day notice.

3. The negative notice legend shall be in the following form:

NOTICE OF OPPORTUNITY TO
OBJECT AND REQUEST FOR HEARING

Pursuant to Local Rule 2002-4, the Court will consider the relief requested in this paper without further notice or hearing unless a party in interest files a response within [number] days from the date set forth on the attached proof of service, plus an additional three days for service if any party was served by U.S. Mail.

If you object to the relief requested in this paper, you must file a response with the Clerk of the Court at [address] and serve a copy on the movant's attorney, [name and address], and any other appropriate persons within the time allowed. If you file and serve a response within the time permitted, the Court will either schedule and notify you of a hearing, or consider the response and grant or deny the relief requested without a hearing.

If you do not file a response within the time permitted, the Court will consider that you do not oppose the relief requested in the paper, will proceed to consider the paper without further notice or hearing, and may grant the relief requested.