

Negative Notice—Adversary Proceedings

Docketing Event: N/A

Negative Notice: N/A

Fee: N/A

Code and Rule References

[Local Rule 2002-4](#)

[Admin. Order FLMB-2014-10](#)

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. Administrative Order FLMB-2014-10 extends the negative notice procedures to all motions filed in adversary proceedings with the exception of motions for withdrawal of reference.

The negative notice procedure eliminates the need for a hearing in most unopposed matters, saving time and money for the parties, attorneys, and the Court. Even in the absence of an objection, the Court however may set a hearing to consider the requested relief. The Court has established a Permissive Use of 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 in adversary proceedings 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 7005-1;
 - Contain a negative notice legend using the language below and **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 the divisional office to which the case or proceeding is assigned.
2. For the purpose of completing the negative notice legend, the number of days during which parties may object that is placed in the negative notice legend shall be 14 days, except summary judgment motions for which the response time shall be 21 days.

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 this motion, objection, or other matter without further notice or hearing unless a party in interest files a response within [number] days from the date set forth on the proof of service attached to this paper plus an additional three days for service. If you object to the relief requested in this paper, you must file your 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 may schedule and notify you of a hearing, or the Court may consider the response and may 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.