

Negative Notice—Adversary Proceedings

Docketing Event: N/A

Negative Notice: N/A

Accompanying Orders: N/A

Code and Rule References:

[Local Rule 2002-4](#)

[Local Rule 7001-1](#)

[Local Rule 9013-3](#)

Fee: N/A

Applicable Chapters: 7, 11, 12, 13

Implemented: 2/9/2016

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Description

Local Rule 2002-4 provides that certain 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 no party in interest objects to the relief requested. Local Rule 7001-1(k)(4) provides the following motions in an adversary proceeding be filed by negative notice: (A) motions to dismiss and other motions under Fed. R. Bankr. P. 7012; (B) motions to amend pleadings; (C) motions regarding joinder or substitution of parties; (D) motions for leave to intervene; (E) motions to abstain; (F) motions for summary judgment; (G) motions related to discovery; (H) motions for attorney's fees or costs under Fed. R. Bankr. P. 7054; and (I) motions under Fed. R. Bankr. P. 9023 and 9024.

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 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 unless all parties are represented by counsel or have consented to service via CM/ECF;
 - Contain a negative notice legend using the language below and language must be **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 14 days, except summary judgment motions for which the response time shall be 21 days, unless otherwise ordered by the Court.
3. The negative notice legend shall be in the following form:

**NOTICE OF OPPORTUNITY TO
OBJECT AND REQUEST FOR HEARING**

If you object to the relief requested in this paper you must file a response with the Clerk of Court at (address) [and, if the moving party is not represented by an attorney, mail a copy to the moving party at (address)] within (number) days from the date of the attached proof of service, plus an additional three days if this paper was served on any party by U.S. Mail.

If you file and serve a response within the time permitted, the Court will either notify you of a hearing date or the Court will consider the response and grant or deny the relief requested in this paper 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, and the Court may grant or deny the relief requested without further notice or hearing.

You should read these papers carefully and discuss them with your attorney if you have one. If the paper is an objection to your claim in this bankruptcy case, your claim may be reduced, modified, or eliminated if you do not timely file and serve a response.