

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF TEXAS
OFFICE OF THE CLERK



October 29, 2019

CLERK'S NOTICE 19-06

**REQUEST FOR PUBLIC COMMENT ON PROPOSED AMENDMENTS
TO LOCAL BANKRUPTCY RULES 3007-3, 9007-1, AND 9036-1**

The United States Bankruptcy Court for the Northern District of Texas has drafted proposed amendments to Local Bankruptcy Rules 3007-3, 9007-1, and 9036-1. A redlined draft of the proposed amendments is attached.

Please submit comments by email to comments@txnb.uscourts.gov by November 25, 2019, or you may hand-deliver or mail your comments to the Clerk of Court at 1100 Commerce Street, Room 1254, Dallas, TX 75242. Please include your name, address, telephone number, and email address so that you may be contacted if there are questions about your comments.

Unless modified after receipt of public comment, these changes will take effect on December 1, 2019.

FOR THE COURT
Robert P. Colwell
Clerk of Court

~~**L.B.R. 3007-3 Response to Claim Objections.**~~

~~As indicated in L.B.R. 9007-1(c) and (g)(5), except in chapter 7, 12 and 13 cases, where a claim objection may be served subject to negative notice language, no response is required to a claim objection. Nevertheless, the Presiding Judge may order otherwise, in other cases, on request of a party.~~

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L.B.R. 9007-1 General Authority to Regulate Notices.

(c) Notice of Hearing Requirement.

The pleading or notice served shall contain a statement in substantially the following form:

NO HEARING WILL BE CONDUCTED HEREON UNLESS A WRITTEN RESPONSE IS FILED WITH THE CLERK OF THE UNITED STATES BANKRUPTCY COURT AT (ADDRESS OF CLERK'S OFFICE) BEFORE CLOSE OF BUSINESS ON (MONTH) (DAY), (YEAR), WHICH IS AT LEAST 21* DAYS FROM THE DATE OF SERVICE HEREOF.

ANY RESPONSE SHALL BE IN WRITING AND FILED WITH THE CLERK, AND A COPY SHALL BE SERVED UPON COUNSEL FOR THE MOVING PARTY PRIOR TO THE DATE AND TIME SET FORTH HEREIN. IF A RESPONSE IS FILED A HEARING MAY BE HELD WITH NOTICE ONLY TO THE OBJECTING PARTY.

IF NO HEARING ON SUCH NOTICE OR MOTION IS TIMELY REQUESTED, THE RELIEF REQUESTED SHALL BE DEEMED TO BE UNOPPOSED, AND THE COURT MAY ENTER AN ORDER GRANTING THE RELIEF SOUGHT OR THE NOTICED ACTION MAY BE TAKEN.

Where objections to claims ~~in chapter 7, 12 and 13 cases~~ are involved, the first paragraph of the notice shall be modified to provide:

NO HEARING WILL BE CONDUCTED ON THIS OBJECTION TO CLAIM UNLESS A WRITTEN RESPONSE IS FILED WITH THE CLERK OF THE UNITED STATES BANKRUPTCY COURT AT (ADDRESS OF CLERK'S OFFICE) BEFORE CLOSE OF BUSINESS ON (MONTH, DAY, YEAR), WHICH IS AT LEAST 30 DAYS FROM THE DATE OF SERVICE HEREOF.

* 14 days for motions to obtain credit, and for motions to waive the requirement of a disclosure statement in a small business case.

(h) Exceptions.

This procedure may not be used for the following requests for relief, which shall be set for hearing:

- (1) motions to dismiss or convert filed by a party in interest other than the debtor;
- (2) motions for relief from the automatic stay, which are governed by Local Bankruptcy Rule 4001-1;
- (3) motions to extend or impose the automatic stay;
- (4) motions for use of cash collateral or ~~for financing authority to obtain credit in chapter 11 cases;~~
- ~~(5) — objections to claims, other than in chapter 7, 12 and 13 cases;~~
- (5) ~~(6)~~ motions to assume, or to assume and assign, executory contracts or unexpired leases;
- (6) ~~(7)~~ motions to extend exclusivity or the time to confirm a plan of reorganization;
- (7) ~~(8)~~ motions for substantive consolidation;
- (8) ~~(9)~~ confirmation of a plan in a chapter 9, 11 or 12 case, or approval of a disclosure statement, other than pursuant to Local Bankruptcy Rule 3017-2(a); and
- (9) ~~(10)~~ any motion for which the Bankruptcy Rules specifically require a hearing.

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L.B.R. 9036-1 Notice ~~by Electronic Transmission and Service.~~

Subject to the administrative procedures approved by the Bankruptcy Court ~~and consistent with technical standards, if any, that the Judicial Conference of the United States establishes,~~ parties are authorized to ~~serve papers and send~~ notices under Bankruptcy Rule 9036 through the Bankruptcy Court's ~~transmission facilities~~ electronic filing system.