UNITED STATES BANKRUPTCY COURT SOUTHERN DISTRICT OF NEW YORK

118

In re: **Time For Motions For Assumption/Rejection/Assignment Under Federal Rule of Bankruptcy Procedure 6006** **Debtor**	**General Order Number**

WHEREAS, effective August 1, 1993, Federal Rule of Bankruptcy Procedure 6006, dealing with motions for the assumption, rejection and assignment of executory contracts and unexpired leases, was amended to delete the requirement for a hearing; and

WHEREAS, the judges of this court desire to advise the bar of their adoption of a uniform interpretation of the Local Bankruptcy Rules, as they apply to motions requesting an order for the assumption, rejection or assignment of an executory contract or unexpired lease; and

WHEREAS, Federal Rule of Bankruptcy Procedure 6006 requires that such relief be requested by motion and motions are governed by Federal Rule of Bankruptcy Procedure 9013; and

WHEREAS, Local Bankruptcy Rule 13 deals with motions and Local Bankruptcy Rule 13(c)(2) requires that motions are to be served at least ten (10) days before the return date; and

WHEREAS, the return date of a motion under Federal Rule of Bankruptcy Procedure 6006, requesting relief without a hearing should be determined to be the day it is requested that an order be signed granting the relief; and

WHEREAS, the judges of this court are in agreement that the time limits governing the presentation of a motion under Federal Rule of Bankruptcy Procedure 6006 are those set forth in Local Bankruptcy Rule 13, rather than those set forth in Local Bankruptcy Rule 46(c); and good and sufficient cause appearing therefor,

IT IS NOW ORDERED that any motion requesting an order under Federal Rule of Procedure 6006 for the assumption, rejection or assignment of an executory contract or unexpired lease should be noticed on not less that the time limits set forth in Local Bankruptcy Rule 13(c)(2); and

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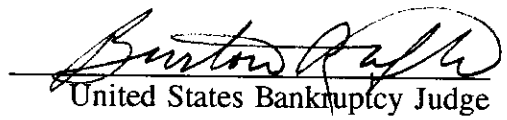
IT IS FURTHER ORDERED the application of the time limits may be waived in an appropriate case in the event that an order is sought upon the written consent of all parties entitled to notice of the motion; and

IT IS FURTHER ORDERED that in the event that a non-consensual order is sought on shortened time, Local Bankruptcy Rule 13(d) shall govern and an actual hearing shall be required.

Dated: ~~October~~ November 10, 1993
New York, New York



United States Bankruptcy Judge