

Rule 9006-1

**TIME FOR SERVICE AND FILING OF MOTIONS AND ANSWERING PAPERS –
Amended [December 1, 2009]**

(a) *Discovery-Related Motions.* Unless the Court orders otherwise, all motion papers under Bankruptcy Rules 7026 through 7037 shall be served at least seven days before the return date. Where such service is made, any answering papers shall be served so as to ensure actual receipt not later than three days before the return date.

(b) *All Other Motions.* Unless the Court orders otherwise, all other motion papers shall be served at least 14 days before the return date. Where such service is made, any answering papers shall be served so as to ensure actual receipt not later than seven days before the return date.

(c) *Time for Filing with Court.* Unless the Court orders otherwise, all motions and answering papers shall be filed with the Clerk not later than one day following the date of service.

Comment

This rule is derived from Former Local Bankruptcy Rule 13(c) and is an adaptation of Civil Rule 6.1 of the Local District Rules. Subdivision (b) of this rule is an exercise of the Court's authority contained in Bankruptcy Rule 9006(d) to enlarge the time for service of motion papers.

In 2009, subdivision (a) of this rule was amended to change the time period from five to seven days, and subdivision (b) of this rule was amended to change the time period from 10 to 14 days. The purpose of these amendments was to conform the time periods in this rule to the 2009 time-related amendments to the Federal Rules of Bankruptcy Procedure. Throughout the Bankruptcy Rules, as well as the Local Bankruptcy Rules, most time periods that are shorter than 30 days were changed so that the number of days are in multiples of seven, thereby reducing the likelihood that time periods will end on a Saturday or Sunday.

The one-day deadline in subdivision (a) was changed to three days, and the three-day deadline in subdivision (b) was changed to seven days, to give the Court and the parties more time to consider the answering papers before the hearing.

The one business day deadline in subdivision (c) of this rule was also amended in 2009 to delete the reference to "business" so that the time period will be consistent with the 2009 amendments to Bankruptcy Rule 9006(a).