

NOTICING GUIDELINES FOR THE UNITED STATES BANKRUPTCY COURT FOR THE DISTRICT OF UTAH

Updated May 31, 2018

The following table has been prepared to assist members of the bankruptcy bar in determining the appropriate noticing requirements for motions, objections and other matters arising in bankruptcy cases. The table is intended to be only a guide and sets forth the suggested noticing requirements. These guidelines do not address noticing requirements for adversary proceedings.

General Comments

Time for Filing Replies:

Please note that the hearing date guidelines set forth herein do not include additional time for the movant to file a reply. Local Rule 9006-1(c) requires replies to be filed no later than 7 days after the response is served and in no case less than 4 days before the date set for hearing. If the movant does not set a hearing sufficiently in advance to assure that replies are filed and served, the movant is considered to have waived the opportunity to file a reply.

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<u>Applicable Rule</u>	<u>Proposed Action</u>	<u>Notice Required</u>	<u>Objection Deadline</u>	<u>Hearing Date</u>	<u>Comments</u>
Rule 2002(a)(2) Rule 6004(a) & (b)	Notice of proposed use, sale, or lease of property. Rule 6004(a). (Motion to Sell Free and Clear of Liens and Motions for Order Approving Sale are governed by Rule 6004(c) and L.R. 9006-1(b)(3) as set forth below.)	21 days' notice by mail.	17 days from mailing. (14 days + 3 by mail).	No hearing unless objection is filed.	Objection must be filed "not less than 7 days before date set for proposed action."
Rule 2002(a)(3)	Notice of hearing on approval of compromise or settlement.	21 days' notice of hearing by mail.	17 days from mailing. (14 days + 3 by mail.)	Hearing will be set at least 21 days from mailing.	Order will not be entered prior to 21 st day.
Rule 2002(a)(4)	Notice of hearing on motion to convert or dismiss chapter 7, 11, or 12.	21 days' notice of hearing by mail.	17 days from mailing. (14 days + 3 by mail.)	Hearing will be set at least 21 days from mailing.	Order will not be entered prior to 21 st day.
Rule 2002(a)(5) & Rule 3015(h) & Rule 3019(b)	Notice of time fixed to accept or reject proposed plan modification.	21 days' notice by mail.	24 days from mailing. (21 days + 3 by mail.)	Hearing will be set at least 28 days from mailing.	

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Rule 2002(a)(6)	Notice of hearing on request for compensation.	21 days' notice of hearing by mail.	17 days from mailing. (14 days + 3 by mail.)	Hearing will be set at least 21 days from mailing.	Order will not be entered prior to 21 st day.
Rule 2002(a)(7) & Rule 3003(c)	Notice of time fixed to file proof of claim in Chapter 9 & 11.	21 days' notice by mail.	24 days from mailing. (21 days + 3 by mail.)	N/A	
Rule 2002(b)(1) & Rule 3017(a)	Notice of time fixed for objecting to and notice of hearing on Chpt. 11 disclosure statement.	28 days' notice by mail.	31 days from mailing. (28 days + 3 by mail.)	Hearing will be set at least 35 days from mailing.	L.R. 9006-1(b) requires hearing to be set at least 4 days after objections.
Rule 2002(b)(2) & Rule 3020(b)	Notice of time fixed for objecting to and hearing on confirmation of Chpt. 9 & 11 plan.	28 days' notice by mail.	31 days from mailing. (28 days + 3 by mail.)	Hearing will be set at least 35 days from mailing.	L.R. 9006-1(b) requires hearing to be set at least 4 days after objections.
Rule 2002(b)(3) & Rule 3015	Notice of time fixed for hearing on confirmation of Chpt. 13 plan.	28 days' notice by mail.	Dates are set by court in 341 notice.	Dates are set by court in 341 notice.	
Rule 2002(a)(9) & Rule 3015(f)	Notice of time fixed for filing objections to confirmation of a Chpt. 13 plan.	21 days' notice by mail.	Dates are set by court in 341 notice.	Dates are set by court in 341 notice.	Rule 3015(f) requires an objection to confirmation of a plan be filed and served at least seven days before the confirmation hearing.

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Local Rule 2003-1(a)(3)	Objection to dismissal after service of the Section 341 Meeting Report in a case other than one under Chpt. 13.	21 days' notice by mail.	24 days from mailing. (21 days + 3 by mail.)	Hearing will be set at least 28 days from mailing, but must be held within 40 days after objection is filed.	
Local Rule 2082-1(b)	Objection to Chapter 12 trustee's notice of debtor's failure to file a plan.	21 days' notice by mail.	24 days from mailing. (21 days + 3 by mail.)	Hearing will be set at least 28 days from mailing, but must be held within 40 days after objection is filed.	
Local Rule 2083-1(f) & (g)	Objection to Chapter 13 trustee's motion or notice of debtor's failure to attend meeting of creditors, make first plan payment, or provide documents.	No notice required. Objection to dismissal will be heard at confirmation.	24 days from mailing. (21 days + 3 by mail.)	Confirmation hearing date set in 341 notice.	
Rule 3007(a) Local Rule 3007-1	Objection to claim and notice of hearing.	Notice of hearing mailed at least 37 days prior to hearing.	33 days from mailing. (30 days + 3 by mail.)	Hearing will be set at least 37 days from mailing date.	

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Rule 4001(a) Local Rule 4001-1	Motion for relief from stay.	14 days' notice.	17 days from mailing. (14 days + 3 by mail.)	Hearing will be set at least 21 days from the date of mailing, but no more than 30 days after motion is filed.	
Rule 4001(b)	Motion to approve use of cash collateral.	Final hearing may commence no earlier than 14 days after service of motion.	17 days from mailing. (14 days + 3 by mail.)	Final hearing will be set no earlier than 17 days after service of motion.	
Rule 4001(c)	Motion to obtain credit.	Final hearing may commence no earlier than 14 days after service of motion.	17 days from mailing. (14 days + 3 by mail.)	Final hearing will be set no earlier than 17 days after service of motion.	
Rule 4001(d)	Agreements re: Relief from stay, use of cash collateral, adequate protection.	14 days from mailing of notice.	14 days from mailing of notice.	If objection is filed or court determines a hearing is required, no less than 7 days' notice to objector and movant. See Rule 4001(d)(3).	
Rule 6004(c) Local Rule 9006-1(b)(3)	Motion for authority to sell property free and clear of liens.	21 days' notice of hearing by mail.	17 days from mailing. (14 days + 3 by mail.)	Hearing will be set at least 21 days from mailing.	6004(c) does not specify time periods for motions for sales free and clear of liens. L.R. 9006(b) applies.

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Rule 6007	Notice of proposed abandonment.	14 days from mailing of notice.	14 days from mailing of notice.	No hearing unless objection is filed.	
-----	Part VII Rules Omitted	-----	-----	-----	-----
Rule 8003	Motion for leave to appeal.	14 days after service.	17 days from mailing. (14 days + 3 by mail.)	21 days from mailing. (17 day objection period + 4 days prior to hearing, L.R. 9006-1(b).)	Answer in Opposition may be filed. Rule is silent on hearing.
Rule 9013 & Rule 9014 Local Rule 9006-1(b)(3)	All other motions.	14 days' notice of hearing by mail.	17 days from mailing. (14 days + 3 by mail.)	Hearing will be set at least 21 days from mailing.	