

**UNITED STATES BANKRUPTCY COURT, NORTHERN DISTRICT OF GEORGIA**

**TEXT OF AMENDED PROVISIONS OF LOCAL BANKRUPTCY RULES (REDLINED)**

**BLR 2004-1. Examinations pursuant to Bankruptcy Rule 2004.**

(b) **Examination by notice.** Examinations and production of documents pursuant to Bankruptcy Rule 2004 may be initiated by notice if the entity to be examined consents. The notice shall specify the scope of the examination and the date, time and place of the examination; describe any documents to be produced; and shall be served upon the debtor, the debtor's attorney, the Chapter 7, 11, 12, or 13 trustee, as appropriate, the United States Trustee, and the entity to be examined. The notice must be filed and served no less than ~~ten~~ **14** days before the date set for the examination.

**BLR 5011-2. Withdrawal of the Reference: Time for Filing of Motion.**

(b) **Adversary Proceedings.** A motion to withdraw the reference of all or any part of an adversary proceeding shall be served and filed not later than ~~11~~ **14** days after service of any timely filed pleading or paper in which the ground for the motion to withdraw the reference first arises.

(c) **Contested Matters.** A motion to withdraw the reference of a contested matter within a case shall be served and filed no later than ~~11~~ **14** days after service of the motion, application or objection which initiates the contested matter.

**BLR 5011-4. Withdrawal of the Reference: Responses to Motions to Withdraw the Reference; Reply.**

Opposing parties shall file with the Bankruptcy Clerk and serve on all parties to the matter as to which the withdrawal of the reference has been requested, their written responses to the motion to withdraw the reference within ~~11~~ **14** days after being served with a copy of the motion. The moving party may serve and file a reply within ~~11~~ **14** days after service of a response.

**BLR 6007-1. Abandonment.**

(b) **By Trustee.** In accordance with Bankruptcy Rule 6007, if the § 341 Meeting of Creditors Notice provides therefor, a trustee in the Chapter 7 case of an

individual may give oral notice of a proposed abandonment at a Meeting of Creditors held pursuant to 11 U.S.C. § 341(a) and no further notice or service shall be required; provided, however, that said oral notice shall be reduced to a writing, stating the grounds therefor, and filed with the Bankruptcy Clerk within **15 14** days after the Meeting of Creditors. If no objection to the proposed abandonment is filed within **15 14** days following the filing of the trustee's notice, the property shall be deemed abandoned.

(c) **By a Party in Interest.** A party in interest filing a motion to abandon property in accordance with Bankruptcy Rule 6007(b) shall perfect service thereof as provided by Bankruptcy Rule 6007(a) and shall also serve the trustee, debtor, and debtor's counsel. Any objection to a proposed abandonment shall state the grounds therefor, shall be filed with the Bankruptcy Clerk and shall be served on the trustee, the debtor in possession and the party serving notice of the proposed abandonment within **15 14** days from the date of service of the notice.

#### **BLR 6008-2. Redemption and Avoidance of Liens: Filing of Response Required.**

The respondent shall file a response to a motion under BLR 6008-1 within **20 21** days of the date of service and serve a copy of same on movant. If no response is timely filed and served, the motion will be deemed unopposed and the Bankruptcy Court may enter an order granting the relief sought. If the motion is timely controverted, the Bankruptcy Court may schedule a hearing on notice to the movant and respondent or order such other proceedings as may be appropriate.

#### **BLR 7007-1. Filing of Motions and Responses in Adversary Proceedings; Hearings.**

(c) **Response to Motion.** Any party opposing a motion shall file and serve the party's response, responsive memorandum, affidavits, and any other responsive material not later than **ten 14** days after service of the motion, except that the time to respond to a motion for summary judgment shall be **20 21** days. Failure to file a response shall indicate no opposition to the motion.

(d) **Reply.** A reply by the movant shall be permitted, but it is not necessary for the movant to file a reply as a routine practice. When the movant deems it necessary to file a reply, the reply must be filed and served not later than **ten 14** days after service of the responsive pleading.

## **BLR 7016-1 Rule 26(f) Conference and Rule 16(b) Scheduling Order.**

### **(a) Rule 26(f) Conference and Report.**

(1) Within ~~20~~ **21** days after the later of the appearance of the first defendant by answer or motion or the removal of a proceeding to the Bankruptcy Court, all unrepresented parties and counsel for all represented parties shall confer as required by, and for the purposes of, Rule 26(f) of the Federal Rules of Civil Procedure and to discuss scheduling matters as set forth in Rule 16(b) of the Federal Rules of Civil Procedure.

## **BLR 7016-2. Form and Content of Consolidated Pretrial Order (Non-Jury).**

**(b) Content.** Each proposed consolidated pretrial order shall contain the information outlined below. No modifications or deletions shall be made without the prior permission of the Bankruptcy Judge. The proposed order shall contain:

(13) A separate listing for each party of the witnesses (and their addresses) whom that party will or may have present at trial, including impeachment and rebuttal witnesses whose use can or should have been reasonably anticipated. A representation that a witness will be called may be relied upon by other parties unless notice is given ~~ten~~ **14** days prior to trial to permit other parties to subpoena the witness or obtain his testimony by other means. Witnesses not included on the witness list will not be permitted to testify.

## **BLR 7016-3. Form and Content of Consolidated Pretrial Order (Jury Trial).**

(18)(B) A representation that a witness will be called may be relied upon by other parties unless notice is given ~~ten~~ **14** days prior to trial to permit other parties to subpoena the witness or obtain the witness' testimony by other means.

## **BLR 7037-1. Motions to Compel Discovery.**

(c) **Procedures.** Motions to compel and responses thereto are subject to the general motion requirements set forth in BLR 7007-1. A response to a motion to compel shall be served within ~~ten~~ **14** days after service of the motion.

(d) **Time Limitation for Filing.** A motion to compel discovery must be filed within the later of (i) the close of discovery or (ii) ~~ten~~ **14** days after the date for

responding to the discovery request(s) upon which the motion is based, unless the Bankruptcy Court orders otherwise. The close of discovery is established by the expiration of the original or extended discovery period or by written notice of all counsel, filed with the Bankruptcy Court, indicating that discovery was completed earlier.

**BLR 7056-1. Motions for Summary Judgment.**

(b) Time. Motions for summary judgment shall be filed as soon as possible, but, unless otherwise ordered by the Bankruptcy Court, not later than **20 21** days after the close of discovery, as established by the expiration of the original or extended discovery period or by written notice of all counsel, filed with the Bankruptcy Court, indicating that discovery was completed earlier.

**BLR 9010-5. Withdrawal; Responsibilities of Party No Longer Represented; Leave of Absence.**

(b) **Withdrawal Procedure.** An attorney desiring to withdraw as counsel shall comply with the following procedure:

(1) The attorney shall give **ten 14** days' notice to the client of the attorney's intention to request permission to withdraw. Such notice shall be served on the client personally or by U.S. Mail at the client's last known address and shall contain at least the following:

(F) - Unless the withdrawal is with the client's consent, that the client has **10 14** days from the date of service of the notice to contact the attorney and state any objections to the attorney's withdrawal.

(2) The attorney shall file a motion with the Bankruptcy Clerk requesting permission to withdraw. The motion shall include the attorney's certification that the attorney has given the client **ten 14** days' prior written notice of the attorney's intention to request permission to withdraw in accordance with the provisions of BLR 9010-5b(1) by the method described in the motion and shall state, to the best of the attorney's knowledge, the last known address and telephone number for the client. A copy of the notice shall be attached to the motion. The motion shall be accompanied by a notice to the client that any objection to the motion must be filed within **ten 14** days after its service and the address of the Bankruptcy Clerk's

office where the objection may be filed.

(3) ~~Ten~~ **Fourteen** days after service of the motion, the Bankruptcy Clerk shall submit the motion and any responses to the Bankruptcy Judge for action thereon.

**BLR 9014-2. When Response or Objection to Motion or Notice Is Required.**

(3) the time within which the Bankruptcy Rules and this Rule require a response or objection to be filed and served and that the response or objection must be actually received by the Bankruptcy Clerk within the required time. If the Bankruptcy Rules do not specify the number of days' notice that must be given, the time for the filing of the required response or objection shall be ~~20~~ **21** days from the date of service of the motion or notice. The notice may provide for a longer period of time for a response or objection to be filed and served than specified by the Bankruptcy Rules. In all matters, three days shall be added to the prescribed notice period to account for service of the notice by mail. The date by which a required response or objection must be filed shall be computed in accordance with the Bankruptcy Rules;

**BLR 9015-1. Jury Demands in Adversary Proceedings.**

(a) **Demand.** Any party may demand a trial by jury of any issue triable of right by jury by: (1) serving upon the other parties a demand therefor in writing at any time after the commencement of the action and not later than ~~ten~~ **14** days after the service of the last pleading directed to such issue, and (2) filing the demand as required by Bankruptcy Rule 7005, incorporating Fed. R. Civ. P. 5(d). Such demand must be made by separate pleading captioned "Jury Demand."

(b) **Specification of Issues.** In the demand a party may specify the issues which the party wishes so tried; otherwise the party shall be deemed to have demanded trial by jury for all the issues so triable. If the party has demanded trial by jury for only some of the issues, any other party may, within ~~ten~~ **14** days after service of the demand or such lesser time as the Bankruptcy Court may order, serve a demand for trial by jury of any other or all of the issues of fact in the action.

**BLR 9023-1. Motions for Reconsideration.**

Motions for reconsideration shall not be filed as a matter of routine practice. Whenever a party or attorney for a party believes it is absolutely necessary to file a

motion to reconsider an order or judgment, the motion shall be filed with the Bankruptcy Clerk within **ten 14** days after entry of the order or judgment. Responses shall be filed not later than **ten 14** days after service of the motion. Parties and attorneys for the parties shall not file motions to reconsider the Bankruptcy Court's denial of a prior motion for reconsideration.

**BLR 9027-1. Motions Pending on Removal.**

When an action or proceeding is removed to this Bankruptcy Court with pending motions on which briefs have not been submitted, the moving party shall serve a memorandum in support of the motion within **ten 14** days after removal. Each party opposing the motion shall respond in compliance with BLR 7007-1( c).