

B-3006-1
Withdrawal of Claim

(a) A request to withdraw a claim after it has been objected to, after the creditor has been named as a defendant in an adversary proceeding, or after the creditor has participated significantly in the case, shall be served upon the trustee or debtor-in-possession, any committee, all parties who objected to the claim, and the United States trustee. In the absence of an objection or other response within twenty-one (21) days after the date the request to withdraw is filed with the court, the court may allow the claim to be withdrawn without further notice or hearing.

(b) A request to withdraw a claim does not extend or defer the deadline for filing a response to a claim objection and will not delay any proceeding concerning the claim or the court's ruling thereon.

Commentary

This rule does little more than state what one would expect an objection to contain – the reason for the objection – and the common-sense requirement that it should be served upon the claimant as well as the other parties that are most likely to be interested in establishing the correct amount due.

HISTORICAL AND REGULATORY NOTES

By Order Amending Local Bankruptcy Rules dated November 18, 2009, this rule was amended effective December 1, 2009, to conform with the time computation changes in the Federal Rules of Bankruptcy Procedure.

This new rule was adopted pursuant to Order Amending Local Bankruptcy Rules dated June 23, 2004.