

## **B-5071-1 Continuances**

(a) A request to continue, reschedule, postpone or cancel any matter scheduled before the court shall be made by motion, demonstrating good cause, or by stipulation of all parties involved. Whether the request or stipulation is granted, and upon what terms and conditions, if any, is in the discretion of the court.

(b) A request to continue, reschedule, postpone or cancel based upon a prior conflict shall specifically describe the conflict and must be filed no later than ten (10) days after the issuance of the notice or order scheduling the matter sought to be continued.

(c) Requests to continue, reschedule, or relocate a § 341 meeting shall be directed to the United States trustee or, if a trustee has been designated, to the trustee. Whether the request is granted is in the discretion of the United States trustee or the trustee.

(d) A motion to postpone an evidentiary hearing on account of the absence of evidence shall be made only upon affidavit, showing the materiality of the evidence expected to be obtained; that due diligence has been used to obtain it; where the evidence may be. If the motion is for an absent witness, the affidavit must show the name and residence of the witness, if known; the probability of procuring the testimony within a reasonable time and that the absence has not been procured by the act or connivance of the party, or by others at the party's request, or with his or her knowledge or consent, the facts that the party believes to be true, and that the party is unable to prove such facts by any other witness whose testimony can be as readily procured. If the adverse party will stipulate to the content of the evidence that would have been elicited at trial from the absent document or witness, the trial shall not be postponed. In the event of such a stipulation, the parties shall have the right to contest the stipulated evidence to the same extent as if the absent document or witness were available at trial.

### **HISTORICAL AND REGULATORY NOTES**

*By Order Amending Local Bankruptcy Rules dated June 18, 2010, this rule was amended to change the time computation in paragraph (b).*

*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.*