

B-9013-2
Service of Motions and Objections

(a) The party filing a motion, application or an objection is responsible for serving the motion, application or objection upon all entities entitled to receive it.

(b) Service of a motion or application upon the entities entitled to receive it is required in addition to service of any notice concerning the motion or application upon such entities.

(c) Except as provided in these rules or otherwise ordered by the court, all motions, applications, objections and other requests for relief shall be served upon the United States trustee, any trustee and counsel for the trustee, debtor and debtor's counsel, any committee and/or the entities included on any list required by Fed. R. Bankr. P. 1007(d), in addition to any other entity and its counsel upon whom the motion is required to be served by the Bankruptcy Code and the Federal Rules of Bankruptcy Procedure.

(d) With respect to service pursuant to Fed. R. Bankr. P. 7004(b)(4) and (5) -- either in an adversary proceeding under Fed. R. Bankr. P. 7001 or a contested matter under Fed. R. Bankr. P. 9014 -- the addresses of the departments, agencies and instrumentalities of the United States of America shall be designated as those stated in the list filed by the Office of the United States Attorney pursuant to N.D. Ind. L.B.R. B-1007-5(b).

Commentary (1994)

Paragraphs (a) and (b) are designed to eliminate the apparently increasingly prevalent and questionable practice of failing to serve certain motions upon the parties entitled to receive them and, instead, relying upon the subsequent "notice" to suffice. The Bankruptcy Rules are clear that certain entities are entitled to receive both the notice issued as a result of the motion and the underlying motion as well. The most logical entity upon whom the burden of serving the motion should be placed is the party seeking the relief. (Service of notice of the motion will be done either by the clerk or the moving party and this responsibility can be allocated by a separate order.)

The purpose of paragraph (c) is to try and identify a single place the various entities that are to be served. This listing is basically a summation of the Bankruptcy Rules' requirements for service.