B-9014-1
Objections and Responses to Motions Initiating Contested Matters

(a) As to any matter in which the court may grant relief without a hearing in the absence of a timely objection, objections to the motion, application, or request shall contain a short, plain statement concerning the factual or legal basis for the objection. The failure to state a sufficient factual or legal basis for the objection may result in the objection being overruled without a hearing.

(b) Except as otherwise ordered by the court, as to any matter in which the court may grant relief only after a hearing, a party desiring to oppose the motion, application, or request shall, except for good cause shown, file and serve any objection no later than seven (7) days prior to the hearing. If such a hearing is scheduled upon less than fourteen (14) days notice, the objection or response shall be filed and served any time prior to or at the hearing. The objection or response shall be concise and direct, stating in short and plain terms the factual or legal basis for the objection and shall fairly meet the substance of the allegations contained in the motion, application, or request.

(c) The objections or responses required by paragraphs (a) and (b) above shall also be served upon the moving party or parties and the entities specified in N.D. Ind. L.B.R. B-9013-2(c).

Commentary (1994)

Paragraph (a) is designed to require any party objecting to a request for relief not only to object but also to explain why. This will allow the court, if it should choose to do so, to dispense with hearings on obviously insufficient objections. More often than not, these objections are filed by pro se parties. Often the "objection" is nothing more than a handwritten note on the clerk's notice stating, "I object." When these "objections" ultimately come before the court for a hearing, the objector generally fails to appear. The only result of the process is to delay proceedings, increase the congestion on the court's calendar and increase the costs of the proceeding, through the additional attorney fees incurred through attending a useless hearing. Since the rule uses the term "may" in connection with overruling an insufficient objection, the court retains the discretion to schedule the matter for a hearing, should that be its preference.

Paragraph (b) is designed to promote both judicial and fiscal economy. It is based upon Rule 9014 which authorizes the court to require an answer to a motion. Doing so will, hopefully expedite proceedings on the motion, by requiring the parties to make their respective positions known before the hearing takes place. The early availability of this information should result in a more focused argument and, if the matter requires further proceedings, may permit the court to dispense with the usual pre-trial conference, thereby accelerating the decisional process, reducing both calendar congestion and the parties' attorney fees.

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.