

B-9027-1
Remand of Removed Actions

(a) A motion to remand a claim or cause of action removed to the bankruptcy court, other than one based upon the lack of subject matter jurisdiction, shall be filed within the same time as a motion to remand actions which have been removed to the district court (*see e.g.* 28 U.S.C. § 1447(c)) and shall be served upon all other parties to the removed action.

(b) The provisions of N.D. Ind. L.B.R. B-7007-1(motion practice) and N.D. Ind. L.B.R. B-7007-2 (oral argument on motions) shall apply to motions to remand removed actions.

Commentary (1994)

This rule established a procedure for the timing and handling of motions seeking to remand removed actions. Unlike removal to the district court, neither the statutes nor the rules of procedure specifically establish a time limit within which motions to remand actions removed to the bankruptcy court must be filed. The Seventh Circuit has indicated, however, that §1447(c) applies. *See Hernandez v. Bredegate*, 943 F.2d 1223 (7th Cir. 1991).

Paragraph (b) merely incorporates the general local rules concerning briefs, response times, and hearing requests and makes them applicable to motions to remand.