

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF NEBRASKA

In re:)
)
Amendment to Local Rule 4001-1 and)
Local Rule 9013-1)

General Order 22-08

Effective immediately, the last sentence of Local Rule 4001-1(D) is deleted and replaced with:

“This procedure differs from the procedure under Local Rule 9013-1(B)”.

Effective immediately, Local Rule 9013-1 is deleted and replaced with:

Rule 9013-1. Motion Practice

A. **General.** A motion and any resistance must state the law and facts that support it and conclude with an unambiguous request for relief. This Local Rule applies to all motions filed in bankruptcy cases and adversary proceedings, except as specifically provided. A “motion” for purposes of this Local Rule, and Local Rules 9017-1, and 9072-1 includes any motion, application, objection to claim, disclosure statement, plan, and amended plan. This Local Rule does not apply to motions under Local Rule 1007-1(B) or to non-substantive motions, which the court may consider without resistance or hearing. Examples of motions to which this Local Rule does not apply are in [Appendix O](#).

B. **Resistance Deadline.** A motion must be served with a notice identifying the resistance deadline – *the specific calendar date* by which a resistance or request for hearing must be filed. A notice is defective if it states a resistance or request must be filed within a specified number of days instead of a specific calendar date. Unless otherwise ordered by the court or provided in a Federal Rule of Bankruptcy Procedure (*see, e.g.*, Fed. R. Bankr. P. 4001(c) and (d) and 2002(b)), on 21 days’ notice to parties in interest entitled to notice, the court may consider ruling on a motion and may enter an order, without further notice or hearing, unless a resistance is filed and served on or before the resistance deadline stated in the notice of the motion.

C. **Service / Notice.** Subject to the exceptions below, when a motion is filed, the movant must serve the motion and notice under Local Rule 9013-1(B) on all parties on the court’s current and complete mailing matrix. The movant must ensure the mailing matrix includes all parties in interest and those requesting notice under Fed. R. Bankr. P. 2002. The movant must file a certificate of service and must attach to it a copy of the complete mailing matrix generated by the CM/ECF System, dated

as of the date of service. The certificate of service must state the manner of service for each recipient.

D. **Service on the United States.** The movant must serve any motion concerning an agency of the United States on the United States Attorney General, the United States Attorney for the District of Nebraska, and the agency representative.

E. **Limited Notice in Chapter 13 Cases.** In a Chapter 13 case, after the bar date for non-governmental units to file a proof of claim passes, the movant may serve a post-confirmation motion and the notice under Local Rule 9013-1(B) only on the following recipients: all parties whose interest is directly affected by the motion, those requesting notice under Fed. R. Bankr. P. 2002, all creditors who filed a proof of claim, and any governmental agency or unit that is a creditor. The movant must file a certificate of service and must attach to it a copy of the complete current mailing matrix generated by the CM/ECF System, dated as of the date of service, with the parties who were *not* served clearly crossed out. The certificate of service must state the manner of service for each recipient. The certificate of service must state it was served with limited notice under this Local Rule 9013-1(E).

F. **Motion to Limit Notice.** For good cause, a party may file a motion to limit notice. The motion must be captioned “Motion to Limit Notice”, must be filed separately from the underlying motion, and cannot seek other relief. The motion must state the request and the reasons why service on the entire matrix is not warranted. The movant does not have to serve the motion for order to limit notice, which the court may determine ex parte.

G. **Withdrawal of Motions.** Any withdrawal of a motion must be filed and served on all previously noticed parties. When the movant decides to withdraw a motion, the movant must immediately notify the courtroom department.

H. **Hearings on Motions.** If a resistance is timely filed, the clerk will schedule a hearing, unless a hearing was already scheduled. Unless otherwise ordered by the court, a party must appear in person in the courtroom or participate by telephone. The party participating telephonically must call in at least five minutes before the scheduled hearing time. The hearing notice will contain the information to participate by telephone. If a party does not call in, the hearing will proceed as scheduled.

Local Rule 4001-1 and Local Rule 9013-1 will be formally updated during the next Local Rule revision process.

Effective immediately, Appendix B is deleted and replaced with the following:

Appendix B

Certificate of Service

Motion Mailed to the Full Matrix

I certify that on [DATE], the foregoing [NAME OF DOCUMENT] was filed with the Clerk of the Bankruptcy Court using the CM/ECF system. I further certify that on the same date, a copy of the foregoing was mailed by first-class U.S. Mail, postage prepaid, to the parties on the current court matrix, a copy of which is attached.

[AND IF APPLICABLE]

I further certify that on the same date, a copy of the foregoing was mailed by first-class U.S. Mail, postage prepaid, to the following parties not listed on the matrix:

Name of Receiving Party
Postal Address
City, State, ZIP Code

/s/ Signature
Typewritten Name of Filer

Motion to be Mailed to the Limited Matrix in Chapter 13 Cases

I certify that on [DATE], the foregoing [NAME OF DOCUMENT] was filed with the Clerk of the Bankruptcy Court using the CM/ECF system. I further certify that on the same date, a copy of the foregoing was mailed by first-class U.S. Mail, postage prepaid, to the parties on the current court matrix for limited notice under Neb. R. Bankr. P. 9013-1(E), a copy of which is attached. Any parties on the attached matrix not served have been crossed out.

[AND IF APPLICABLE]

I further certify that on the same date, a copy of the foregoing was mailed by first-class U.S. Mail, postage prepaid, to the following parties not listed on the matrix:

Name of Receiving Party
Postal Address
City, State, ZIP Code

/s/ Signature
Typewritten Name of Filer

Motion not Required to be Mailed to the Full or Limited Matrix

I certify that on [DATE], the foregoing [NAME OF DOCUMENT] was filed with the Clerk of the Bankruptcy Court using the CM/ECF system. I further certify that on the same date, a copy of the foregoing was mailed by first-class U.S. Mail, postage prepaid, to:

Name of Receiving Party
Postal Address
City, State, ZIP Code

/s/ Signature
Typewritten Name of Filer

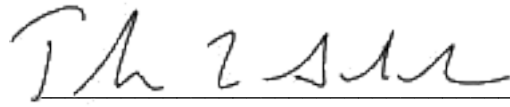
Motion Mailed to an Insured Depository Institution Under Rule 7004(h)

I certify that on [DATE], the foregoing [NAME OF DOCUMENT] was filed with the Clerk of the Bankruptcy Court using the CM/ECF system. I further certify that on the same date, a copy of the foregoing was mailed by certified U.S. Mail, first class, postage prepaid, to:

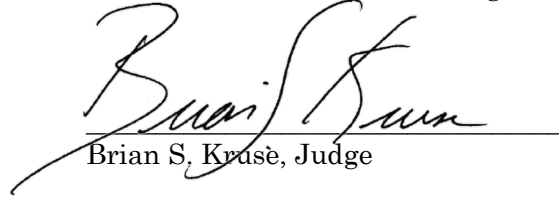
Institution Name
Name or Title of Officer
Postal Address
City, State, ZIP Code

/s/ Signature
Typewritten Name of Filer

Dated: August 4, 2022

Handwritten signature of Thomas L. Saladino in cursive script, written above a horizontal line.

Thomas L. Saladino, Chief Judge

Handwritten signature of Brian S. Krusè in cursive script, written above a horizontal line.

Brian S. Krusè, Judge