

## Local Rules of the United States Bankruptcy Court for the Western District of Missouri

### Rule 9060-1. Notices and Hearings

**A. Scheduling Hearings.** Unless otherwise ordered, the Court schedules all hearings and enters a hearing notice on the court docket.

**B. Service of Hearing Notice.** Unless otherwise ordered or provided by these Rules, the movant shall serve the hearing notice on all parties who have not received electronic notice. Parties include pro se debtors and debtors acting pro se in the specific matter before the court.

**C. Continuance of Hearings.** If a hearing continuance is desired, a motion must be filed no later than two business days prior to the scheduled hearing, except for cause arising within that two day period. If the motion is filed late the movant must also contact the assigned courtroom deputy by e-mail or telephone. Any motion for continuance shall state, in addition to the reasons for such continuance, whether opposing counsel consents to such motion. A movant who is not aware of opposing counsel's position on the continuance should also state the efforts made to contact such counsel, including the date on which movant first attempted such contact.

**D. Withdrawal of Document Set for Hearing.** If a document set for hearing is withdrawn on the day before or the day of the scheduled hearing, the movant must contact the assigned courtroom deputy by e-mail or telephone.

**E. Appearance at Court Hearing.** When hearings are scheduled in the courtroom, attorneys and parties shall appear in person unless there are extenuating circumstances and prior approval has been obtained from the Court. Contact the assigned courtroom deputy by e-mail to discuss extenuating circumstances.

**F. Telephone Hearings.** When hearings are scheduled to occur by telephone, parties shall provide contact information to the court as directed in the hearing notice. Selected hearings and all pretrial conferences are conducted by telephone. The Court will initiate the telephone call for the hearing. Parties appearing by telephone must remain available for the Court's call from the scheduled hearing time until the end of the day's hearing calendar. The Court may not postpone the hearing because of a party's unavailability or because of problems with telephonic transmission.

**G. Notice with an Opportunity for Hearing—Court Prepares Notice.** Certain motions will be scheduled for a hearing but the hearing will be held only if a response is filed within the 14-day deadline set by the Court. If no response is filed, the Court will enter an order. These motions include:

1. Motion for adequate protection
2. Motion to avoid lien
3. Motion to compel abandonment
4. Motion to redeem
5. Motion for relief from stay/co-debtor stay

## H. Set for Hearing.

1. Unless otherwise ordered by the court, certain motions will be set for hearing and the hearing will be held even if no response has been filed. The Court will schedule the hearing and the movant is responsible for promptly serving the hearing notice on all parties not receiving electronic notice. These motions include:

- a. Creditor's motion to convert - all chapters
- b. Creditor's motion to dismiss - all chapters
- c. Motion for hardship discharge
- d. Objection to confirmation
- e. Trustee's motion to dismiss - chapter 7
- f. Trustee's motion to dismiss for "bad faith" or "with prejudice" - chapter 13

2. Unless otherwise ordered, certain motions will be set for hearing and, the hearing will be held unless an order disposing of the motion is entered prior to the hearing date. The Court will schedule the hearing and the movant is responsible for promptly serving the hearing notice on all parties not receiving electronic notice. These motions include:

- a. Motion to extend the stay
- b. Motion to impose the stay

3. **Creditor's Objection to Chapter 13 Plan/Amended Plan.** Unless otherwise ordered by the Court, a creditor's objection to chapter 13 plan/amended plan will be set for hearing. The Court will schedule the hearing and the objector is responsible for promptly serving the hearing notice on all parties not receiving electronic notice. The following factors will determine whether and when the hearing is held:

- a. If an amended plan is filed no later than the seventh (7<sup>th</sup>) day before the scheduled hearing on the creditor's objection to a previous chapter 13 plan or amended plan, the hearing on the creditor's objection will be cancelled and the creditor's objection deemed moot unless the creditor files a request to hold the hearing on the scheduled date or on a continued date. The creditor's request to hold the hearing on the scheduled date or on a continued date must be filed by the fourth (4<sup>th</sup>) day before the scheduled hearing on the creditor's objection.
- b. If an amended plan is filed after the seventh (7<sup>th</sup>) day before the scheduled hearing on the creditor's objection to a previous chapter 13 plan/amended plan, the hearing on the creditor's objection will be held unless the creditor files a request to continue the hearing or withdraws the objection in accordance with Local Rules 9060-1 C. or D.

c. When an order denying confirmation pursuant to a trustee's motion is entered and a creditor's objection to a chapter 13 plan or amended plan is pending and scheduled for hearing, the court will reschedule the hearing to a date no sooner than seven (7) days after the deadline for filing an amended plan as specified in the order denying confirmation. The procedures set forth in paragraphs a. and b. above shall apply to the rescheduled hearing.

**I. Held for Response—Any Required Notice Prepared by Movant.** Motions will be held 21 days (except those held 30 days as identified below) for a response to be filed. Movant is responsible for serving the motion on all parties and, if applicable, all creditors not receiving electronic notice and preparing the notice of motion if required. If a response is filed, the Court will schedule a hearing and post the hearing notice to the court docket. Movant is responsible for serving the hearing notice on all parties not receiving electronic notice. If a filed response proposes corrective action(s), the court may order the respondent to take those actions by a specific deadline. Failure to take those actions may result in an order of dismissal. If no response is filed, the Court will enter an order. These motions include:

1. Debtor's motion to convert 7 to 11, 12 and 13
2. Debtor's motion to convert 11 to any chapter
3. Debtor's motion to convert 12 to any chapter
4. Debtor's motion to convert 13 to 11 or 12
5. Debtor's motion to dismiss - chapters 7, 11 and 12
6. Trustee's motion to dismiss - chapter 13
7. Defendant's motion to dismiss an adversary
8. Motion to Assume/Reject
9. Motion to borrow
10. Motion to compel turnover
11. Motion/Application for compensation
12. Motion to deconsolidate case
13. Motion to deposit funds in court registry
14. Motion to employ (unless special counsel or chapter 11)
15. Motion to extend time to object to the discharge/dischargeability
16. Motion to extend time to object to exemptions.
17. Motion to file claim out of time
18. Motion to incur debt
19. Motion for joint administration
20. Motion to pay off 13 plan
21. Motion for post confirmation fees
22. Motion to reconsider
23. Motion to retain tax refund
24. Motion to reopen case to add creditors - **30-day notice to affected creditor(s)**
25. Motion to reopen case to vacate an order of dismissal or to file the personal financial management instructional course certificate and for entry of discharge
26. Motion to sell

27. Motion to suspend plan payments
28. Motion to transfer case out of district
29. Motion to vacate order
30. Objection to claim - **30-day notice to affected creditor(s)**
31. Trustee's motion to deny confirmation

**J. Ruled sua sponte.** Certain motions may be ruled by the Court upon filing. At the Court's discretion, these motions may instead be set for hearing. These motions include:

1. Application for installment payments
2. Application to waive chapter 7 filing fee
3. Debtor's motion to delay discharge
4. Debtor's motion to dismiss - chapter 13 (if pro se debtor, set for hearing)
5. Plaintiff's motion to dismiss adversary proceeding
6. Debtor's first motion to extend time to file schedules, statements, plan - chapter 7 and chapter 13
7. Motion for 2004 exam
8. Motion for change of venue (intra-district)
9. Motion to appear pro hac vice
10. Motion to expedite hearing.
11. Motion to file response out of time
12. Motion to limit notice
13. Motion to reinstate case
14. Motion to withdraw as attorney (if debtor's counsel and no entry by new counsel, will be set for hearing)
15. Request (from creditor) for court determination regarding stay
16. Trustee's motion to defer adversary filing fee/ reopening fee