

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

Rule 9013-1. Motion Practice

A. Writing. Motions shall be in writing unless made in open court and shall state with particularity grounds for the relief requested.

B. Supporting Documents. When allegations of fact not appearing of record are relied on in support of a motion, affidavits and other pertinent documents may be filed as exhibits to the motion. Opposing counsel and trustee will receive service by electronic means. If the debtor is pro se, paper copies of affidavits and other pertinent documents shall be served by the filing party conventionally.

C. Response. Unless otherwise provided by these Rules, the Federal Rules of Bankruptcy Procedure, or by order of this Court, respondent shall file a response, any memorandum of authority, opposing affidavits for summary judgment motions, and supporting documents within 21 days after service of the motion.

D. Content of Response. Responses shall address the merits of the motion and, if applicable, set out actions to remedy the particular problem. Failure to comply with this requirement may result in a ruling on the motion without a hearing.

E. Failure to File. Failure of movant to file any supporting memorandum, or of respondent to file a timely response or memorandum, constitutes a waiver of the right to file same.

F. Submission. Motions are deemed submitted on the date the response is filed. When no response is filed, motions shall be deemed submitted 21 days after the filing date.

G. Hearings; Notice. At least a 7-day notice of a hearing date will be given if practicable. For cause, the Court may shorten the notice period. A party may request oral argument or a hearing on a motion. Whether to grant the request is within the Court's discretion.

H. Summary Judgment Motions. Motions for summary judgment shall be filed within the time deadlines set out in the pretrial order, if any, and shall otherwise comply with Rule 56, Fed. R. Civ. P.

1. The suggestions in support of a motion for summary judgment shall begin with a concise statement of uncontroverted material facts. Each fact shall be set forth in a separately numbered paragraph. Each fact shall be supported by reference to the place in the record where the fact is established.
2. Suggestions in opposition to a motion for summary judgment shall begin with a section that contains a concise listing of material facts as to which the party contends a genuine issue exists. Each fact in dispute shall be set forth in a separate paragraph, shall refer specifically to those portions of the record upon which the opposing party relies, and, if applicable, shall state the paragraph number in movant's listing of facts that is disputed. All facts set forth in the statement of the movant shall be deemed admitted

for the purpose of summary judgment unless specifically controverted by the opposing party.

3. All facts on which a motion or opposition is based shall be presented in accordance with Rule 56 of the Federal Rules of Civil Procedure. Affidavits or declarations shall be made on personal knowledge and by a person competent to testify to the facts stated. Where facts referred to are contained in another document, such as a deposition, interrogatory answer or admission, a copy of the relevant excerpt from the document shall be attached.

4. Suggestions in opposition to a motion for summary judgment shall be filed within 21 days of the filing of the motion for summary judgment. A reply, if any, to the suggestions in opposition to a motion for summary judgment shall be filed within 14 days of the filing of the suggestions in opposition.

5. Unless oral argument is ordered by the Court, motions for summary judgment will be ruled on the written motion, supporting suggestions, suggestions in opposition, and reply suggestions