

## LBR 9013-1 “If Objection” Exclusion List.

The “if objection” process set forth in LBR 9013-1(a) shall not apply to the motions identified below.

(1) **Order without Hearing.** The following motions will typically be acted upon by the court without a hearing. However, a hearing may be set if the court deems a hearing necessary.

- Applications to waive filing fees
- Applications to pay filing fees in installments
- Motions for a Fed. R. Bankr. P. 2004 examination
- Motions for admission pro hac vice
- Motions to appear telephonically
- Motions requesting refund of filing fees/fees from the Clerk
- Motions for extension of time to file statements/schedules
- Motions (or agreed orders) regarding substitution of counsel
- Motions by debtor(s) to dismiss Chapter 13 case filed pursuant to LBR 1017-2(d)
- Motions to Dismiss under LBR 2003-1(a)
- Motions to set a claims bar date in a Chapter 11 case (as long as the requested deadline is at least 90 days after the motion and not sooner than it would be for a Chapter 7 case under Bankr. Rule 3002(c))
- Motions to restrict access to documents on the record (must use the miscellaneous proceeding ECF opening event)
- Motions to withdraw the reference under Fed. R. Bankr. P. 5011

- Applications for writs
- Motions for waiver of the credit counseling requirement
- Motions to seal under LBR 9018-1
- Motions to delay the entry of a discharge
- Motions for certification to court of appeals
- Motions to extend the time to appeal under FRBP 8002(c)
- Motions for extension of time regarding a transcript request under FRBP 8010(a)(2)(C)
- Motions to continue (or set for hearing): pretrial conference, hearing and/or trial

(2) **Motions Set for Hearing by Court.** The following motions will typically be set for a hearing by the court and should not be filed using the “if objection” process of LBR 9013-1(a).

- Motions filed pursuant to LBR 9075-1
- Motions to set aside (vacate) or alter a prior order except for motions under LBR 9024-1
- Motions seeking to hold a party in contempt
- Motions seeking sanctions against a party
- Motions requesting relief under 11 U.S.C. Sec. 105
- Motions seeking relief without citing any specific basis under the United States Bankruptcy Code
- Motions to convert Chapter 12 or Chapter 13 cases filed by the Trustee
- Motions and agreed orders under LBR 4001-1

- Motions in a case controlled by a separate case management order
- Motions in adversary proceedings, except motions for entry of default judgment whether issued by the Clerk or by the court under Fed. R. Civ. P. 55(b) made applicable by Fed. R. Bankr. P. 7055(b)
- Motions for withdrawal of attorneys pursuant to LBR 2091-1
- Motions to dismiss or convert a case to Chapter 7 under § 1112
- Motions to approve reaffirmation agreements
- Motions to have a particular motion heard in a different division of the court
- Motions for access to a debtor's tax information
- Motions to abstain under 28 U.S.C. § 1334(c)
- Motions to appear and show cause
- Motions to appoint consumer privacy ombudsman
- Motions to appoint patient care ombudsman
- Motions to impose automatic stay
- Motions to confirm no stay in effect under § 362(c)(4)(A)(ii)
- Motions to compel
- Motions seeking damages for creditor misconduct
- Motions to determine mortgage, fees and expenses
- Motions to dismiss case for failure to file required documents under § 521(i)
- Motions for exemption from means test

- Motion to expunge document(s)/expunge case
- Motions objecting to discharge under 11 U.S.C. § 1328(f)
- Motions for preliminary injunctions
- Motions to stay
- Motions to substantively consolidate
- Motions for protective orders
- Motions for remand
- Motions to recuse the judge
- Motions to remove a trustee
- Motions to quash
- Motions for change of venue

(3) **Motions Using Other Procedures.** The following motions are excluded from LBR 9013-1 and have specific procedures set forth by the court.

- Motions for Discharge Before Completion of the Plan (Hardship Discharges). The court will issue an Order Regarding Request for Chapter 13 Hardship Discharge and Notice of Deadline for Complaint Under 11 U.S.C. § 523(a)(6) when the Motion for Hardship Before Completion of Plan Payments Pursuant to 11 U.S.C. § 1328(b) is filed. See, Practitioners Handbook, Section 3.6.
- Motions for Payment of Unclaimed Funds. The court will issue an Order Establishing Procedures Regarding Motion to Withdraw Unclaimed Funds when the Motion to Withdraw Unclaimed Funds is filed. See, Practitioners Handbook, Section 3.7.

Important note: the exclusion list is not exhaustive. Filers should consult the ECF "Bankruptcy Events" categories under **Motions** → **LBR 9013** **Motions with Notice** ("if objection" motions) OR **Motions** → **Other Motions/Applications** (motions handled administratively or set for hearing) to ensure a motion is being filed using the correct hearing category.