

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF LOUISIANA
SHREVEPORT and MONROE DIVISIONS

IN RE:

MOTIONS AND
APPLICATIONS

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CASES ASSIGNED TO JUDGE
JEFFREY P. NORMAN, ONLY

**STANDING ORDER REGARDING EX PARTE MOTIONS OR
APPLICATIONS; RESPONSE DEADLINES, IF AND ONLY IF
MOTIONS OR OBJECTIONS AND CERTIFICATES OF SERVICE**

1 This standing order supersedes the Standing Order Regarding Ex Parte Motions or Applications dated January 4, 2016.

2. Every application or motion shall contain a certificate of service, as set forth below, except where the motion or application seeks *ex parte* relief or is to be noticed by the Clerk. Every application or motion shall also include a twenty-one (21) day notice of hearing, except where one of the following applies:

A. Bankruptcy Rule 2002 or other Federal Rule of Bankruptcy Procedure provides otherwise;

B. this order exempts a particular motion or application from the twenty-one (21) day notice requirement;

C. the Local Rules of Court Applicable to Bankruptcy Proceedings in the United States District Court for the Western District of Louisiana provide otherwise;

D. when a motion or application is joined by a Motion for Expedited Hearing; or

E. upon order of the court for cause shown.

3. The date to answer, object or oppose any motion or application shall be clearly and succinctly stated on the notice of hearing and shall be referred to as the Response Deadline. The Response Deadline shall be seven (7) calendar days prior to the hearing date. The Court may extend or reduce the Response Deadline for cause and by order. Requested relief that is unopposed by written response prior to the response deadline may be ruled on without the necessity of a hearing. The Court may grant or deny any relief sought in any motion/application/objection without hearing based on responsive pleadings.

4. The form attached to this order as Exhibit A may be used to give notice of the Response Deadline on any motion/application set for a definitive hearing. The Notice of Hearing and Response Deadline shall be listed on the first page of any application or motion and shall be in **bold, ALL CAPS, 12-point type**. The Notice of Hearing and Response deadline must contain the following language, **in bold, ALL CAPS, 12-point type**”

“IF YOU OR YOUR ATTORNEY DO NOT TAKE THESE STEPS, THE COURT MAY DECIDE THAT YOU DO NOT OPPOSE THE RELIEF SOUGHT IN THE MOTION/OBJECTION AND MAY ENTER AN ORDER GRANTING THAT RELIEF WITHOUT FURTHER HEARING OR NOTICE.”

5. The notice of hearing must be filed with the motion or application in the same filing. Instructions for filing can be found on the Court’s website:

http://www.lawb.uscourts.gov/sites/lawb/files/Combined%20Motion_Ntc_Crt_%20June_1_2016.pdf

6. Effective immediately, the following motions or applications do not require the certificate of service and notice referenced herein and may be filed with the Clerk on an *ex parte* basis. No other *ex parte* motions are permitted.

Administrative Motions and Orders filed by the Clerk of Court
Application to Pay Filing Fee in Installments;
Application to Waive Chapter 7 Filing Fee;
Debtor’s Motion for Exemption from Credit Counseling or Financial Management Course;
Debtor’s Motion to Extend Time to File Schedules and Statement of Financial Affairs;
Debtor’s Motion to Convert Case to a Chapter 7;
Debtor’s Motion to Convert Case to a Chapter 13, unless he/she has previously converted;
Debtor’s Motion to Dismiss Chapter 13 Case, unless he/she has previously converted from another chapter;
Debtor or Unopposed Creditor Motion to Delay Entry of Discharge Order, for purpose of filing a reaffirmation agreement;
Fee Applications of not more than \$1,000.00;¹
Motion for *Pro Hac Vice* Admission;
Motion for Entry of an Agreed Order or Unopposed Motions;
Motion for Expedited Hearings;
Motion for Temporary Restraining Order;
Motions or Orders authorized by prior Court Order;
Motion Requesting Pre-Confirmation Disbursement by Chapter 13 Trustee of Administrative Expenses;

¹ Fee Applications of not more than a \$1,000.00 must contain a certificate of service showing service on both the debtor(s) and Trustee, if the Trustee is not the applicant. This includes fee applications for accountants and appraisers and includes Motions for Compensation from Property of the Estate for Conversion to Chapter 7.

Motion to Proceed *In Forma Pauperis*;
Motion to Allow Late Filed Objection/Response;
Motion to Continue Hearing;²
Motion to Defer Fee;
Motion to Enroll Attorney;
Motion to Extend or Shorten Response Time;
Motion to Limit Notice to Parties;
Motion to Reopen Case under 11 U.S.C. §350;
Motion to Appear at Hearing by Telephone;
Motion to Restrict Public Access or Motion to Redact Identifiers;
Motion to Seal;
Motion to Vacate Dismissal for Non-payment of Filing Fee;
Motion to Waive Local Rules;
Notice of Withdrawal;³
Trustee's Application to Appoint Trustee's Law Firm as Attorney for the Trustee;
Trustee's Motions for Ex Parte Order on Secured Claims
Trustee's or United States Trustee's Motion for a 2004 Examination of the Debtor;
United States Trustee's Motion to Dismiss for failure to attend 341 meeting
Wage Orders.

7. Any *ex parte* application or motion not provided for by this order may be struck or denied by the Court without hearing or notice.

8. Effective January 1, 2017, the following applications or motions may be filed with the Clerk as "if and only if" hearings. No other "if and only if" motions or applications are permitted unless otherwise allowed by the local rules. Hearings on "if and only if" motions or applications will ***only*** be docketed and held if a timely response in opposition is filed or if a motion to allow a late response is granted by the Court.

Chapter 7 Trustee Final Report and Account for cases \$1500 or less
Chapter 7 Trustee's Joint Motion of Intent to Sell
Chapter 13 Trustee's Motion to Close Case without Abandoning Asset
Chapter 13 Trustee's Motion to Dismiss
Chapter 13 Trustee's Motion to Modify
Objections to Proofs of Claim

9. The form attached to this order as Exhibit B may be used to give notice of the Response Deadline on any motion/application set for a "if and only if" hearing.

10. Any "if and only if" motion or application not permitted by this order may be struck or denied by the Court without hearing or notice.

² Must include an affidavit of conference.

³ Parties need only file a notice of withdrawal to withdraw a pleading or other document; a motion and order are no longer required. The notice must be served on all parties affected by such withdrawal.

10. **Certificate of Service.** Except as set forth herein for allowed *ex parte* motions or for applications and motions joined by a Motion for Expedited Hearing, a certificate of service shall be part of the motion or application (i.e. not separately filed). The certificate of service shall be signed and shall:

A. identify, with specificity, the filing or other paper served;

B. state the date and method of service; and

C. identify, by name and address, each entity served; if service is made through the court's ECF System, the address shall be denoted as "served electronically through the court's ECF System at the email address registered with the court."

D. **Differing Addresses.** If the address used for service of any filing, application, motion or other paper or document differs either from the address shown in the debtor's petition or schedules, the notice address on the addressee's proof of claim, or an address on the addressee's prior filing, if any, the difference must be explained.

E. The form attached to this order as Exhibit C may be used for any certificate of service.

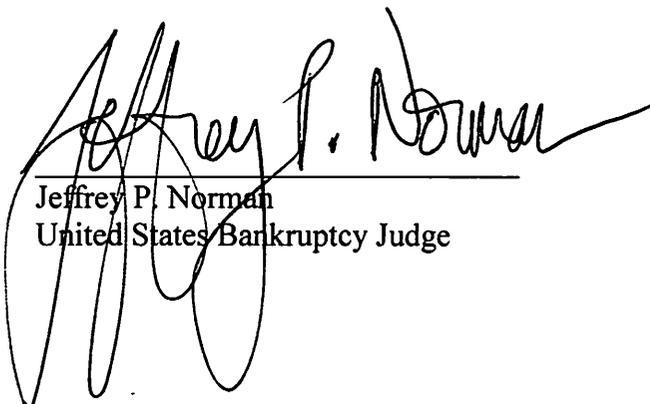
11. Any application or motion that does not contain a notice of hearing, response deadline, or certificate of service not permitted by this Standing Order may be struck or denied by the Court, without hearing or notice.

12. Sample motions, both for definitive hearing motions/applications and "if and only if" motions/objections are available on this Court's website.

13. This Standing Order shall only be applicable to those cases assigned to Judge Jeffrey P. Norman.

IT IS SO ORDERED.

Dated: 12/5/2016.



Jeffrey P. Norman
United States Bankruptcy Judge

EXHIBIT A

**MOTION TO [RELIEF REQUESTED]
NOTICE OF HEARING AND RESPONSE DEADLINE**

A hearing has been set on [Date] at [Time] at the [United States Courthouse, Courtroom Four, 300 Fannin St. Shreveport, LA 71101] or [United States Courthouse, Bankruptcy Courtroom 201, Jackson Street, Monroe, Louisiana 71201].

[Name] has filed papers with the court to obtain [relief sought in motion/application]. Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. If you do not have an attorney, you may wish to consult one. If you do not want the court to grant the relief sought in the motion/application/objection, then **ON OR BEFORE SEVEN DAYS FROM THE HEARING DATE SET FORTH FOR THE [MOTION/APPLICATION]**, you must file with the court a written response explaining your position by mailing your response by regular U.S. Mail to [address of bankruptcy court clerk's office] OR your attorney must file a response using the court's ECF System.

The court must receive your response on or before the date set above.

You must also send a copy of your response either by 1) the court's ECF System or by 2) regular U.S. Mail to:

[movant/objector's name and address] and

[names and addresses of others to be served].

IF YOU OR YOUR ATTORNEY DO NOT TAKE THESE STEPS, THE COURT MAY DECIDE THAT YOU DO NOT OPPOSE THE RELIEF SOUGHT IN THE MOTION/OBJECTION AND MAY ENTER AN ORDER GRANTING THAT RELIEF WITHOUT FURTHER HEARING OR NOTICE.

EXHIBIT B

MOTION/OBJECTION [RELIEF REQUESTED] AND NOTICE OF RESPONSE DEADLINE

An “if and only if” hearing has been set on [Date] at [Time] at the [United States Courthouse, Courtroom Four, 300 Fannin St. Shreveport, LA 71101] or [United States Courthouse, Bankruptcy Courtroom 201, Jackson Street, Monroe, Louisiana 71201]. A hearing will be scheduled only if a written response is filed.

Debtor 1 and Debtor 2 have filed papers with the court to [relief sought in motion/objection]. Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. If you do not have an attorney, you may wish to consult one. If you do not want the court to grant the relief sought in the motion/application/objection, then **on or before seven days from the hearing date set forth for the motion**, you must file with the court a written response explaining your position by mailing your response by regular U.S. Mail to Clerk United States Bankruptcy Court, 300 Fannin St. Shreveport, Louisiana 71101 OR your attorney must file a response using the court’s ECF System.

The court must receive your response on or before the date set above.

You must also send a copy of your response either by 1) the court’s ECF System or by 2) regular U.S. Mail to:

[movant/objector’s name and address] and

[names and addresses of others to be served].

IF YOU OR YOUR ATTORNEY DO NOT TAKE THESE STEPS, A HEARING WILL NOT BE SET AND THE COURT MAY DECIDE THAT YOU DO NOT OPPOSE THE RELIEF SOUGHT IN THE MOTION/OBJECTION AND MAY ENTER AN ORDER GRANTING THAT RELIEF WITHOUT FURTHER HEARING OR NOTICE.

EXHIBIT C

CERTIFICATE OF SERVICE

I hereby certify that on [month], [day], [year], a copy of the foregoing [specific name of filing] was served on the following registered ECF participants, electronically through the court's ECF System at the email address registered with the court:

[Name]

[Name]

U.S. Trustee

and on the following by ordinary U.S. Mail addressed to:

[Name]

[Mailing address]

[Name]

[Mailing address]

/s/ Attorney Name, Esq.
Attorney Name, Esq.