UNITED STATES BANKRUPTCY COURT
DISTRICT OF CONNECTICUT

CONTESTED MATTER PROCEDURE

*Revised April 20, 2016**

Unless otherwise provided by applicable statute or rule, or unless otherwise ordered, this Contested Matter Procedure shall govern all Contested Matters as defined by Federal Rule of Bankruptcy Procedure 9014.

A certification that service has been made upon all parties entitled thereto by applicable rule or court order shall be filed with all documents referred to in this procedure.

1. **Commencement of Contested Matter.**

   All Contested Matters shall contain a PROPOSED ORDER and a NOTICE. The NOTICE shall include:

   (1) a response deadline of fourteen (14) days or twenty-one (21) days, as applicable. See, Federal Rules of Bankruptcy Procedure 2002(a) and 9014. The Response deadline shall be set from the date the NOTICE was filed with the Court (the "Response Date"); and

   (2) a statement that in the absence of a timely filed Response, the proposed order may enter without further notice and hearing.

2. **Response.**

   Any Response to the Contested Matter shall be no more than ten (10) pages and shall state the specific legal and factual bases therefore, be filed no later than the Response Date, and be served upon the party who filed the Contested Matter and all parties originally served with the Contested Matter.

3. **Notice of Hearing.**

   Upon the timely filing of a Response, a **NOTICE OF HEARING** shall be sent by the Clerk's Office to the party who filed the Contested Matter. The party who filed the Contested Matter shall then serve the **NOTICE OF HEARING** on all parties to whom service of the Contested Matter was initially made.

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* Revisions as of April 20, 2016, are: 1. (A) List of Motions/Applications that do not follow Contested Matter Procedure and (B) List of Motions/Applications that are exceptions to the Contested Matter Procedure; and 2. Sample Certificate of Service for Contested Matter Procedure.

4. Reply.

Any Reply to the Response shall be no more than five (5) pages and shall be filed no later than three (3) days before the scheduled hearing on the Contested Matter.

5. Continuances.

A. Request for Continuance.

At least two (2) business days before the scheduled hearing, a request by a party in interest for a continuance of the scheduled hearing (the "Initial Hearing"), communicated to the Clerk's Office may be granted by the Court without a hearing only if the requesting party states that the request: (a) does not adversely affect any prior order, statute, or rule; and (b) every other party to the Contested Matter has specifically consented to the request.

If the request for a continuance of the Initial Hearing is granted, a NOTICE OF FINAL HEARING, which states the date and time thereof, shall be sent by the clerk's office to the party who filed the Contested Matter. The party who filed the Contested Matter shall then serve the NOTICE OF FINAL HEARING on all parties on whom service was originally made.

If the request for a continuance of the Initial Hearing is not granted, the Contested Matter will be heard as scheduled.

B. Motion for Continuance of FINAL HEARING.

At least three (3) business days before the date set for the FINAL HEARING, a request for continuance of the FINAL HEARING shall be made by motion and served upon all parties on whom service was originally made. The motion shall state in detail the reasons for the requested continuance and state whether any prior continuance has been granted.

If the request for a continuance of the FINAL HEARING is granted, a NOTICE OF CONTINUED FINAL HEARING, which states the date and time thereof, shall be sent by the Clerk's Office to the party who filed the Contested Matter. The party who filed the Contested Matter shall then serve the NOTICE OF CONTINUED FINAL HEARING on all parties on whom service was originally made.

Unless the motion for continuance is granted by the Court at least one (1) business day before the FINAL HEARING, the Contested Matter will be heard as scheduled.

C. Extension of Time Due to Continuance of Hearing.

Unless an order granting a continuance states otherwise, a continuance of the hearing on the Contested Matter automatically extends the time for filing and serving reply documents in accordance with the procedure governing the filing of a Reply as set forth in paragraph 4.

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A. List of Motions/Applications that do not (and never did) follow the Contested Matter Procedure and no hearing will be scheduled unless, otherwise ordered by the court:

- Motion to Expedite Hearing
- Motion to Limit Notice
- Motion for Exemption from Electronic Filing
- Motion to Appear Pro Hac Vice
- Application to Pay Filing Fee in Installments
- Motion to Waive Filing Fee
- Motion to Return Fee
- Motion to Dismiss Chapter 13 Case by Debtor
- Motion to Convert Chapter 13 to Chapter 7 by Debtor

B. List of Motions/Application that are exceptions to the Contested Matter Procedure and will be scheduled for a hearing:

- Motion to Redact
- Motion to Seal
- Motion for Contempt
- Motion under Section 363 for Cash Collateral/Sale
- Motion under Section 364 Borrowing/Financing
- Motion to Dismiss/Convert Chapter 11 by Debtor
- Motion to Dismiss/Convert any case chapter filed by party other than Debtor
- Motion to Extend Time to file a 727/523 complaint with consent
- Motion under Section 365 to Assume, Assign, or Reject Executory Contract or Unexpired Lease
- Motion to Extend Exclusivity or time to confirm a plan in Chapter 11 and 13
- Motion for Joint Administration/Substantive Consolidation
- Application for Final Decree in Chapter 11
- Applications to Employ
- Fee Applications
- Disclosure Statement
- Chapter 11/12/13 Plan Confirmation
- Motion to Modify 11/12/13 Plan after Confirmation
- Trustee's Objection to Debtor's Claim of Exemption
- Objection to Claim
- Any Motion/Application filed in an Adversary Proceeding

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IN RE:

CASE NUMBER:
CHAPTER:

DEBTOR(S)

NOTICE OF CONTESTED MATTER RESPONSE DATE

[Insert name of movant], (the "Movant") has filed a [insert name of motion/application, (the "Contested Matter")] with the U.S. Bankruptcy Court. Notice is hereby given that any response to the Contested Matter must be filed with the Court no later than [insert date here that is 14 or 21 days from the date the Contested Matter was filed with the Court, in accordance with Federal Rules of Bankruptcy Procedure 2002(a) and 9014 *. In the absence of a timely filed response, the proposed order in the Contested Matter ***may*** enter without further notice and hearing, *see*, 11 U.S.C. § 102(1).

Date:

By: [(insert name Of Movant]

*Pursuant to Federal Rule of Bankruptcy Procedure 9006(f), if service is made by mail, three days are added after the response date set in this notice.

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In Re: **Case No:**

Chapter:

(Debtors)

SAMPLE

CERTIFICATE OF SERVICE

In accordance with the applicable provisions of the Federal Rules of Bankruptcy Procedure, 2002, and 7004, the undersigned certifies that on the ____ day of _____, 2016, the following documents were served on the U.S. Trustee and all appearing parties via the court's electronic filing system and by first class mail on the parties listed below:

1. **Documents Served:**

    1. Motion/Application/Objection/Response
    2. Proposed Order
    3. Notice of Contested Matter /Notice of Hearing

2. **Parties Served Via First Class Mail: (Complete Address Must Be Listed)**

    1. Debtor(s)
    2. Business Entity
       Attention President/CEO (as applicable)
    3. Government Agency

    Note: If a lien holder is a government agency, all three addresses below must be used for service pursuant to F.R.Bankr.P. 7004(b)(4) and 7004(b)(5), as follows:

(1) Attorney General of the United States
U.S. Department of Justice
950 Pennsylvania Avenue,
Washington, D.C. 20530-0001

(2) Civil Process Clerk
United States Attorney's Office
157 Church Street, 25th Floor
New Haven, CT 06510

(3) If you are seeking to modify a lien of a federal agency in any way, or if you are challenging the order of a federal agency or federal officer, you must mail the agency or officer a copy of the pleading at the address used in any Proof of Claim, or at the address on the lien.