

UNITED STATES DISTRICT COURT
DISTRICT OF MAINE

ORDER

The following new provisions and revisions to Local Bankruptcy Rule 9013 -1 are hereby adopted, effective immediately:

RULE 9013 -1 - MOTIONS PRACTICE

(a) through (c) - No changes.

(d) Scheduling Hearings.

(1) Requirement that Hearing Date be Obtained. Except as set forth below or otherwise ordered by the Court, a movant shall obtain a hearing date prior to filing a motion. A hearing date does not need to be set prior to filing the motions listed below, provided that the movant is not aware of any objection to the motion, that the motion states prominently in the upper right corner of the first page "Relief Requested Without a Hearing," and that the proposed order states: "This Order shall become final in ten (10) days unless a party in interest sooner objects, in which case the matter shall be set for hearing and considered by the Court as if this Order had not been entered."

- applications to employ professional persons that do not seek post facto or nunc pro tunc approval;
- motions to extend time to file schedules, statements, tax returns, earnings statements and other documents required by 11 U.S.C. §521 or Fed. R. Bankr. P. 1007 that are consented to by the U.S. Trustee or by any Trustee appointed in the case and by any committee appointed in the case;
- motions for relief from stay that are consented to by the Debtor and by any trustee and committee appointed in the case;

- motions for enlargement of time that the court may grant without a motion under Fed. R. Bankr. P. 9006(b)(1).

(2) Procedure for Obtaining a Hearing Date. Except as set forth below, the movant may either self-calendar a hearing date using the hearing dates found on the Court's web site or may schedule a hearing by calling the Clerk's office. The movant shall obtain an appropriate hearing date from the Clerk for emergency or expedited motions that require a hearing on a date other than a regularly scheduled hearing date. The Clerk may designate a deputy in Bangor and a deputy in Portland who shall be principally in charge of scheduling and whom shall be contacted by the moving party to arrange a hearing date and time.

(3) Change of number from (2)

(4) Change of number from (3)

(5) Change of number from (4)

(e) Response Required. Any party opposing entry of the order requested by motion shall file a response to the motion no later than the response date set in the hearing notice.

Special rules regarding the necessity and time for filing responses to expedited and emergency motions are set forth below in subsections (i), (j) & (k) of this rule.

(f) *No changes.*

(g) *No changes.*

(h) Removal from the Hearing List. The Court may, in its discretion, remove from the hearing list routine matters as to which no timely written response or objection has been filed. See D. Me. LBR 9014-1(a)(6) (describing “routine” matters). If the party initiating the matter expressly requests that it be heard, for example, to make a statement on the record, it will not be removed from the list under the provisions of this rule. The Court may consider and act upon such matters as have been removed from the list under this rule without hearing and may enter the proposed order submitted with the motion, request from the movant a modified order indicating the lack of timely opposition and that no hearing was held, or may enter an appropriate order of its own.

(i) *No changes.*

(j) *No changes.*

(k) *No changes.*

So ORDERED.

/s/ John A. Woodcock, Jr.
JOHN A. WOODCOCK, JR.
Chief Judge, U.S. District Court

August 21, 2009