

## RULE 9013-1 - MOTIONS PRACTICE

(a) **NO CHANGES**

(b) **NO CHANGES**

(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, with the exception of consent motions for relief from stay seeking immediate relief pursuant to Fed. R. Bankr. P. 4001(a)(3), that the proposed order states: “This Order shall become final in fourteen (14) 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 have the consent of the U.S. Trustee or any trustee appointed in the case and any committee appointed in the case;

motions for relief from stay that have the consent of the debtor and any trustee and committee appointed in the case, as well as any codebtor with respect to which relief from a codebtor stay is sought;

motions for enlargement of time pursuant to either Fed. R. Bankr. P. 4008(a) and D. Me. LBR 4008-1(a), or Fed. R. Bankr. P. 9006(b)(1);

motions to dismiss filed pursuant to 11 U.S.C. § 1208(b) or § 1307(b);

applications to defer filing fees;

motions to require tax filings;

motions to establish a commission in Chapter 12 cases;

motions to deduct and pay over to employers;

motions to be excepted from electronic filing requirements;

~~motions to reopen a case;~~motions to reopen a case filed within a year of the date that the case was closed;

motions to conduct an examination pursuant to Fed. R. Bankr. P. 2004;

motions to limit notice; and

motion for redaction of personal identifiers (Maine Bankruptcy Form 3).

[Amended Effective ~~January 27,~~April 2020]

- (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) *Movant's Responsibilities Regarding Scheduling - Sanctions.* It is the responsibility of the moving party to obtain a hearing date that provides adequate time for filing, notice and response under the pertinent provisions of these rules.

Should selection of the hearing date or a delay in filing the motion result in inadequate notice or time for response under these rules, the Court may refuse to hear the motion, continue the hearing or impose other, appropriate sanctions.

(4) *Notification of Need for Extended Hearing Time Required.* If it is anticipated that the matter will take fifteen (15) minutes or more hearing time, the party arranging the hearing must inform the Clerk as to how much hearing time will be needed.

(5) *Notice and Timing.* The movant shall be responsible for providing notice of the time and date set for the hearing to all necessary parties-in-interest. Absent a request for expedited hearing, the hearing date for a motion shall be no less than twenty-one (21) days, and the response date no less than fourteen (14) days, from the date the motion is filed. In cases where the Fed. R. Bankr. P. provide for an event, fixed time or hearing-notice period of twenty-one (21) days or more, then the hearing date shall be no less than twenty-eight (28) days, and the response date no less than twenty-one (21) days, from the date the motion is filed. These notice and timing provisions shall govern all motions or objections unless otherwise specifically provided for in these rules. Notwithstanding the foregoing, and absent a request for a shortened response date, in no instance under these rules shall a response date be set later than seven (7) calendar days prior to a hearing date.

(e) **NO CHANGES**

(f) **NO CHANGES**

(g) **NO CHANGES**

(h) **NO CHANGES**

- (i) **NO CHANGES**
- (j) **NO CHANGES.**
- (k) **NO CHANGES**