

## **RULE 1000-1            DEFINITIONS**

- (1) “Administrative Procedures” means the Administrative Procedures for the Case Management/Electronic Case Filing System, adopted by the court on February 17, 2004, as amended;
- (2) the “Bankruptcy Code” means Title 11 of the United States Code, as amended;
- (3) “bankruptcy court” means the bankruptcy judges of the United States District Court for the Northern District of Illinois;
- (4) “clerk” includes the clerk of the court, any deputy clerk, and any member of a judge’s staff who has taken the oath of office to perform the duties of a deputy clerk;
- (5) “clerk of the court” means the clerk of the court duly appointed by the bankruptcy court;
- (6) “CM/ECF” means the Case Management/Electronic Case Filing System;
- (7) “courtroom deputy” means the deputy clerk assigned to perform courtroom duties for a particular judge;
- (8) the “date of presentment” ~~refers to~~means the day on which the motion is to be presented ~~in open court~~ according to the notice required by Rule 9013-1;

## ~~**RULE 1072-1            PLACES OF HOLDING COURT**~~

~~———— Motions for cases assigned to the calendars for counties other than Cook County must be heard in those locations on the days on which court is held there. Emergency motions must be noticed if possible for the days on which court is held in those locations, but if an emergency arises that must be heard on a day when court is not in session in the relevant location, the motion may be heard by the judge assigned to the case. Nothing in this rule will prevent a judge from transferring a case or proceeding to Chicago or Rockford for hearing or trial.~~

## **RULE 9013-1            MOTIONS**

### **A.        General Requirements**

Except as otherwise provided in these Rules or as ordered by the court:

- (1) Every motion must be in the format required by section B of this Rule.
- (2) Every motion must be filed with each of the items specified in section C of this Rule and must be filed no later than the date on which the motion is served. The date and time of filing a motion filed electronically are those shown on the Notice of Electronic Filing issued by the court’s CM/ECF system. The date of filing a paper motion is the date on which the clerk receives the motion.
- (3) Every motion must be served on parties in interest as required by section D of this Rule.
- (4) Every motion must be presented by the movant as required by section E of this Rule.

## **B. Title and Format of Motions**

Every motion must be titled as one of the events contained in the court's CM/ECF system, unless no event accurately describes the subject of the motion. Every motion must conform to the requirements of Rule 5005-3.

## **C. Items Required to be Filed with Motions**

Every motion must be filed with the clerk of court, and the filing must include each of the items specified below.

### (1) Notice of Motion

For all motions, a notice of motion, signed by the moving party or counsel for the moving party, ~~and stating the date, time, and location of the motion's presentment to the court. The location must include the room number and full street address.~~ using Local Form G-3 (Notice of Motion).

### (2) Exhibits

If a motion refers to exhibits, legible copies of the exhibits must be attached to the motion, unless the court orders otherwise.

### (3) Certificate of Service

Except for motions filed *ex parte*, a certificate of service stating the date on which the motion and each item filed with the motion were served. The certificate must also state

(a) for each recipient who is a registrant with the court's CM/ECF system, the date of the filing and the name of the recipient, and

(b) for each recipient who is not a registrant with the court's CM/ECF system, the date, manner of service, and name and address of the recipient.

### (4) *Ex parte* affidavit

For all motions filed *ex parte*, an affidavit showing cause for the filing of the motion *ex parte*.

### (5) Proposed Order

For all motions, a proposed order that:

(a) is a Fillable Order;

(b) grants the relief requested in the motion; and

(c) contains a title specifying the relief granted in the order (e.g., “Order Granting Motion to Modify Stay” or “Ordering Extending the Time to Object to Discharge”).

#### **D. Service of Motions**

##### ~~(1) Service by Mail~~

~~Where service of the~~ The notice of motion ~~is by mail, the notice of motion required under section (C)(1) of this Rule~~ must be ~~mailed~~served at least 7 ~~—~~days before the date of presentment.

##### ~~(2) Personal Service~~

~~A notice of motion served personally must be served no later than 4:00 p.m. on the third day before the date of presentment. Personal service includes actual delivery, delivery by facsimile transmission (“fax”), and service by CM/ECF.~~

##### ~~(3) Fax Service~~

~~Where service is by fax, the certificate of service must be accompanied by an automatically generated statement confirming transmission. The statement must contain the date and time of transmission, the telephone number to which the motion was transmitted, and an acknowledgment from the receiving fax machine that the transmission was received.~~

##### ~~(4) Service by CM/ECF~~

~~In accordance with the Administrative Procedures, electronic filing of a document constitutes service on any person who is a Registrant entitled to file documents using CM/ECF and who has filed a document in the case in electronic format via CM/ECF. The time of filing is the time of service for purposes of section D(2) of this Rule.~~

##### ~~(5) E-mail Service~~

~~Except for service by CM/ECF as provided in this rule, service by electronic mail is prohibited unless a written request is made under Fed. R. Bankr. P. 9036 or the court orders otherwise, regardless of the method of service.~~

#### **E. Presentment of Motions**

(1) Except for emergency motions under Rule 9013-2, and unless otherwise ordered by the court, every motion ~~not granted in advance without a hearing because no notice of objection has been filed under section (F) of this Rule~~ must be presented ~~in court~~ on a date and at a time when the judge ~~—~~ assigned to the case ~~—~~regularly hears motions.

(2) The presentment of a motion must be no more than 30 days after the motion is filed, unless applicable statutes or rules require a longer notice period, in which case the date of presentment must be within 7 days after the expiration of the notice period.

#### **F. Notice of Objection**

(1) A party who objects to a motion and wants it called must file a notice of objection no later than 2 business days before the date of presentment. The notice of objection need only say that the party objects to the motion. No reason for the objection need be given.

(2) If a notice of objection is timely filed, the motion will be called on the date of presentment. If no notice of objection is timely filed, the court may grant the motion without a hearing before the date of presentment.

### **G. Oral Argument**

Oral argument on motions may be allowed in the court's discretion.

### **GH. Failure to Comply**

If a motion fails to comply with the provisions of this Rule in any respect, the court may, in its discretion, deny the motion.

### **HI. Failure to Prosecute**

If a movant fails to present the motion at the time set for presentment, the court may, in its discretion, deny the motion.

### **I J. Request for Ruling**

Any party may file a motion calling to the court's attention a matter that is fully briefed and ready for decision and requesting a status hearing.

### **JK. Service of Modified Orders on *Pro Se* Parties and Certificate of Service**

If the court enters an order that changes the proposed order presented by the movant in accordance with Paragraph C(5) above and the change affects any *pro se* party, the moving party must serve on the *pro se* party a copy of the order within three days of its entry. The moving party must file a certificate of service stating the date, manner of service, and name and address of the recipient.

## **RULE 9013-2          EMERGENCY MOTIONS**

### **A.      Motions That May Be Treated as Emergencies**

A motion may be treated as an emergency only if it arises from an occurrence that could not reasonably have been foreseen and requires immediate action to avoid serious and irreparable harm.

### **B.      Application to Set Hearing**

A party seeking to present an emergency motion:

- (1) must file an Application to Set Hearing on Emergency Motion (“the Application”) that states the reasons that the motion should be heard on an emergency basis and the proposed time frame for presentment of the emergency motion;
- (2) must attach the proposed emergency motion to the Application;
- (3) must not notice the Application for hearing; and
- (4) need not serve the Application or submit a draft order with the Application.

**C. Response to Application Prohibited**

No response to the Application may be filed.

**D. Procedure After Application Filed**

After filing the Application and attached proposed motion specified in section B of this Rule, the movant must telephone the chambers of the judge assigned to the case to notify the judge of the filing of the Application. If the assigned judge is available to rule on the Application, the judge must promptly determine whether to grant the Application. If the judge assigned to the case is not available to rule on the Application, the movant should telephone the chambers of the emergency judge of the filing of the Application. If the emergency judge is available, the emergency judge must determine whether to grant the Application. If the emergency judge is not available, the movant may contact the clerk, using the emergency telephone numbers available on the court’s web site if necessary, and the clerk must attempt to contact another judge to rule on the Application.

**E. Procedure if Application Granted**

If the Application to Set Hearing on Emergency Motion is granted, the movant must:

- (1) immediately notify all parties entitled to notice, including the Chapter 7 trustee or Chapter 13 trustee, the U.S. Trustee and all parties who may be affected by the motion, by phone, fax, or personal service of the date, time, and place of the hearing on the emergency motion; and
- (2) file the emergency motion with:

(a) a notice of motion ~~specifying the date, time, and place of the emergency hearing and a statement that the motion may be opposed on the basis that emergency treatment is not appropriate; and~~ using Local Form G-4(Notice of Emergency Motion); and

(b) a certificate of service reflecting the date, time, and method of service of the notice of motion and the motion.

**F. Procedure if Application Denied**

If the Application to Set Hearing on Emergency Motion is denied, the movant must notice the motion in accordance with Rule 9013-1.

## ~~RULE 9013-9~~ ~~MOTIONS GRANTED WITHOUT HEARING~~

### ~~A. Nature of Procedure~~

~~(1) Motions listed in this Rule to which no objection is expected may be listed as “Will Be Granted Without a Hearing in the Absence of Objection” on the judge’s court calendar for the hearing date. The court calendar for each judge is on the court’s web site.~~

~~(2) Listing a motion as “Will Be Granted Without a Hearing in the Absence of Objection” has the following effects:~~

~~(a) If no party objects and requests that the motion be called, it will be granted without a hearing in open court.~~

~~(b) If an objecting party asks the courtroom deputy to call the motion, it will be called.~~

~~(c) If the motion is called and the movant is present, the court will hear the motion.~~

~~(d) If the motion is called and the movant is not present, the court may only grant the motion or continue the motion to give the movant an opportunity to be heard.~~

~~(3) To be granted without a hearing in the absence of objection, the motion must be marked as such in the court calendar before the motion is to be presented. Otherwise, all motions will be heard in open court.~~

### ~~B. Motions that Will Ordinarily Be Granted Without Hearing in the Absence of Objection~~

~~Motions that will ordinarily be granted without hearing in the absence of objection include:~~

~~(1) Motion to extend time for filing complaints to determine dischargeability under § 523 of the Bankruptcy Code and complaints to object to discharge under § 727 of the Bankruptcy Code;~~

~~(2) Motion to extend by no more than 28 days the unexpired time to file a pleading or a response to a discovery request;~~

~~(3) Motion to substitute one attorney for another, except an attorney for a debtor in possession, trustee, or an official committee;~~

~~(4) Motion to avoid a lien pursuant to § 522(f) of the Bankruptcy Code;~~

~~(5) Motion for leave to conduct an examination pursuant to Fed. R. Bankr. P. 2004;~~

~~(6) Motion to dismiss a case for failure to obtain a credit counseling certificate pursuant to § 109(h)(1) of the Bankruptcy Code;~~

~~(7) Motion to be removed from the service list in a Chapter 11 case;~~

~~(8) In Chapter 7 cases:~~

~~(a) Motion for stay relief under § 362 of the Bankruptcy Code with respect to real property or personal property other than a vehicle when:~~

~~1. The movant alleges a security interest in the property, and~~

~~(i) the movant alleges the debtor has no equity in the property, or~~

~~(ii) the debtor has stated an intention to surrender the property;~~

~~2. The creditors meeting has been concluded; and~~

~~3. The Chapter 7 trustee has not issued a report of assets.~~

~~(b) Motion for stay relief under § 362 of the Bankruptcy Code with respect to a 39 vehicle when:~~

~~1. the movant alleges a security interest in the vehicle; and~~

~~2. the movant alleges either that:~~

~~(i) the debtor has no equity in the vehicle, or~~

~~(ii) the debtor has no insurance on the vehicle.~~

~~(9) In Chapter 13 cases:~~

~~(a) Motion to reopen a case under § 350(b) of the Bankruptcy Code to file a Chapter Debtor's Certifications Regarding Domestic Support Obligations and Section 522(q) (Form B 2830) or to file a Debtor's Certification About a Financial Management Course (Form B 423), but only if the reopening fee has been paid;~~

~~(b) Motion of the debtor for voluntary dismissal under § 1307(b) of the Bankruptcy Code;~~

~~(c) Motion for stay relief under § 362 of the Bankruptcy Code with respect to real property or personal property other than a vehicle when the movant alleges a security interest in the property, and the debtor's Chapter 13 plan calls for surrender of the property;~~

~~(d) Motion for stay relief under § 362 of the Bankruptcy Code with respect to a vehicle when the movant alleges a security interest in the vehicle, and movant alleges either:~~

~~1. the debtor has no insurance on the vehicle; or~~

~~2. the plan calls for surrender of the vehicle.~~

### **C. Notice of Motion Requirements**

Nothing in this Rule excuses compliance with the notice requirements for motions.