

# 1005-1

## RULE 1005-1 FILING PAPERS - REQUIREMENTS [Modified]

### (d) Required Response Time Language Must Be Included on All Papers.

(1) **Usual Papers.** In order to provide adequate notice to interested parties of the time to respond, every motion (except those set forth in paragraph (2) below), application, petition (not including bankruptcy petition), objection to claim or objection to exemption filed with the clerk's office shall contain language substantially similar to the following, in single or double space and must appear in at least 11 point type:

Within fourteen (14) days after service as evidenced by the certification, and an additional three (3) days pursuant to Fed. R. Bank. P. 9006(f) if served by mail, any party against whom such paper has been served, or any other party who objects to the relief sought, shall serve and file an objection or other appropriate response to said paper with the Bankruptcy Court Clerk's Office, 380 Westminster Street, 6th Floor, Providence, RI 02903, (401) 626-3100. If no objection or other response is timely filed, the paper will be deemed unopposed and will be granted unless: (1) the requested relief is forbidden by law; (2) the requested relief is against public policy; or (3) in the opinion of the Court, the interest of justice requires otherwise.

(2) **Excepted Papers with Different Response Times.** A different objection/response time applies to the following matters and should be substituted for the above fourteen (14) day period:

- (A) Application to Compromise -- 21 days;
- (B) Motion/Notice of Intended Sale -- 21 days;
- (C) Motion to Amend or Modify a Plan -- 21 days;
- (D) Motion to Modify Secured Claim -- 21 days;
- (E) Application (or Notice) to Abandon -- 21 days;
- (F) Motion to Shorten Time (Expedited treatment) seven (7) days;
- (G) Emergency Motion for Relief -- left to discretion of Court, above language should not be used;
- (H) Motion for Rule 2004 Examination -- see R.I. LBR 2004-1(b)(2).
- (I) Motion to Extend Time [other than motion to extend or delay entry of discharge filed by the debtor, or a motion requesting an extension of time to

file an objection to discharge under §§ 523 or 727] for filing schedules, statements, reports, responses, and replies -- left to discretion of Court, above language should not be used;

(J) Motion to Continue Hearing -- See R.I. LBR 5005-4 and 5071 for the deadline for filing motions to continue hearing.

(i) One-sided motion - four calendar (4) days by 3:00 p.m. If less time is needed, the motion should be filed as an emergency motion pursuant to LBR 9013-2(e) and served as specified in subsection (d)(2)(G) above;

(ii) Consent/Joint motion -- left to discretion of Court, above language should not be used

(K) Motion to Vacate an Order and Motion to Reconsider - seven (7) days.

(L) Motion for Relief from Co-Debtor Stay - 20 days.

(M) Motion to File Out of Time - left to discretion of Court, above language should not be used.

(N) Petition for Certification for Direct Appeal – left to discretion of Court, above language should not be used.

(3) Objection to Claim. See R.I. [LBR 3007-1](#).

(4) Objection to Exemption. See [R.I. LBR 4003-1\(b\)](#).

**(e) Late Filed Documents:**

(1) Any response, objection, status report or other document filed after the applicable deadline provided under the Federal Rules of Bankruptcy Procedure, these local rules and/or as established by Order of the Court, must be accompanied by a separate Motion to File Out of Time, setting forth the reasons why the document was not timely filed and why permitting a late filing is warranted.

(2) Motions to File Out of Time shall not include subsection (d) objection language. *See* LBR 1005-1(d)(2)(M). The Court will establish a deadline for any response to the motion if, in its discretion, it is warranted by the circumstances.

(3) Any such late filed documents not accompanied by the separate Motion to File Out of Time will be stricken and treated as if never filed, and may result in the granting of the document that was not timely responded to, without further hearing unless the required Motion to File Out of time and previously stricken document is filed within 3 calendar days of the entry striking the document.

(4) For documents that are timely filed but stricken as defective, provided that the corrected document is filed within 3 calendar days of the entry striking the document, the corrected document will relate back to the original filing date and no Motion to File Out of Time is required.

## 4001-3

### **RULE 4001-3 OBTAINING CREDIT [Modified 12/1/14]**

(a) **Borrowing or Refinancing of Estate Property.** Any motion for approval of a borrowing or refinancing shall include all the material terms of the proposed credit arrangement and shall be accompanied by a proposed form of order as specified by Fed. R. Bankr. P. 4001(b)(1)(A). A copy of any borrowing agreement shall also be attached to the motion.

(b) **Chapter 13 Cases.** If, as a result of a borrowing, refinance or loan modification agreement, there is a change in the Debtor's income or expenses, the Debtor shall file Supplemental Schedules I and J within 14 days of the Court's approval of such agreement.

## 7037-1

### **RULE 7037-1 FAILURE TO MAKE DISCOVERY**

#### **Discovery Motions**

(a) **Conference.** Prior to the filing of a motion relating to discovery pursuant to [Fed. R. Bankr. P. 7026](#) through [7037](#), counsel shall confer in a good faith effort to eliminate the necessity for filing the motion or to eliminate as many discovery disputes as possible. Counsel to the moving party shall arrange for the conference. The Clerk shall not calendar for hearing any such motion until the moving party certifies that such a conference has taken place or certifies that reasonable efforts have been made to hold such a conference, and that counsel have been unable to arrange such conference or to resolve the dispute.

(b) **Cooperation Required.** Since these procedures for the resolution of discovery motions require the cooperation of counsel, the failure of any attorney to cooperate in such procedures may result in the imposition of sanctions, including, but not limited to, the sanctions provided in [Fed. R. Bankr. P. 7037](#).

(c) **Motions for Sanctions.** Any motion requesting the imposition of sanctions as provided for in Fed. R. Bankr. P. 7037 shall comply with LBR 9011-1.

## **7054-1**

### **RULE 7054-1 ATTORNEYS' FEES**

A motion for attorneys' fees shall be accompanied by an affidavit of counsel that includes:

- (a) an itemized statement of all time expended by each attorney, together with a brief description of the services performed during each period of time itemized;
- (b) a statement of the reason(s) why these services were reasonably necessary;
- (c) the hourly fee customarily charged by counsel in like cases;
- (d) a description of any fee agreement made with counsel's client regarding the case; and
- (e) any other pertinent factors set forth in Rule 1.5 of the Rules of Professional Conduct promulgated by the Rhode Island Supreme Court.

## **8010-1**

### **RULE 8010-1 - NOTIFICATION TO BANKRUPTCY COURT UPON FILING A PRELIMINARY MOTION IN APPLICABLE APPELLATE COURT**

The movant shall promptly notify the bankruptcy court upon the filing of any motion of a kind listed in Fed.R.Bankr.P. 8010(c), and shall designate any parts of the record to be transmitted to the applicable appellate court in support of the motion.

## **9011-1**

### **RULE 9011-1 - MOTIONS FOR SANCTIONS**

Any motion requesting the imposition of sanctions against an attorney, law firm or party shall (1) comply with any applicable Federal Rule of Bankruptcy Procedure and (2) identify with specificity the sanctions requested. If the sanctions requested include the payment of attorneys' fees, then the motion shall comply with LBR 7054-1.