

Rule 9013-1
Motions Practice

(a) Urgent Motions. A movant requesting an order on an expedited basis must file a motion entitled “Urgent Motion” and must call to the attention of the clerk of the urgent filing on the day that it is filed.

(1) Contents of Urgent Motion. The urgent motion shall be accompanied by a certification verifying that the proponent:

(A) has carefully examined the matter and has concluded that there is a true need for an urgent hearing;

(B) has not created the urgency through any lack of due diligence; and

(C) has made a bona fide effort to resolve the matter without a hearing.

(2) Limited Notice. Notice of an urgent motion shall be given by the party filing the urgent motion. The movant must make a good faith effort to advise all affected parties of the motion filed and of the time and the date of a hearing, if any. Good faith efforts may include providing notice of the substance of the motion and of the date and time of hearings by email, telephone or facsimile transmission. These efforts may, and in appropriate circumstances should, include attempts to provide notice of the motion and a request for an order limiting notice in advance of filing the motions.

(3) Responses to Urgent Motions. Written responses to urgent motions are required within the time established by the court. If no response time is established by the court, responses may be filed up to the time that the hearing is convened.

(4) Hearings on Urgent Motions. The court will set the conditions for the urgent hearing and will schedule and conduct the hearing, telephonically or otherwise, as appropriate under the circumstances.

(5) Duty of Movant and Counsel to be Available. Upon the filing of an urgent motion, movant and its counsel have a duty to be and remain available for immediate hearing or contact by the court with respect to the urgent request.

(b) Ex Parte Motions. A motion seeking *ex parte* relief may be filed only in circumstances in which immediate action is required to maintain the *status quo* until an appropriate hearing on notice can be conducted. A motion for *ex parte* relief must be verified or supported by affidavit and must set forth the specific facts and circumstances that necessitate *ex parte* relief. The motion shall include a statement as to why the procedures in subsection (a) of this LBR for urgent hearings are not practical. All orders or proposed orders providing *ex parte* relief must include the finding that the relief requested could not be delayed, and must indicate that the affected parties may request a hearing on the subject matter addressed in the *ex parte* motion by filing a motion for review of the *ex parte* relief

within fourteen (14) days of service of the order of *ex parte* relief. If appropriate, the court will schedule a hearing on such *ex parte* motion as soon as practicable.

(c) Required Response Time Language Must Be Included on Initial Motions.

(1) Initial Motions. Adequate notice of the time to respond to any request for an order must be given to interested parties unless, the motion is included in paragraph three (3) below, matters that do not require objection language nor time to respond. This notice may be in single or double space, must be in at least 11 point type, and must contain language substantially similar to the following:

NOTICE

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 you were served by mail, any party against whom this paper has been served, or any other party to the action who objects to the relief sought herein, shall serve and file an objection or other appropriate response to this paper with the clerk's office of the United States Bankruptcy Court for the District of Puerto Rico. If no objection or other response is filed within the time allowed herein, the paper will be deemed unopposed and may be granted unless: (i) the requested relief is forbidden by law; (ii) the requested relief is against public policy; or (iii) in the opinion of the court, the interest of justice requires otherwise.

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

- (A) Motion to Compromise, twenty-one (21) days
- (B) Motion/Notice of Intended Sale, twenty-one (21) days
- (C) Motion to Modify a Plan after confirmation, twenty-one (21) days
- (D) Motion to Dismiss in chapter 7, 12, and/or 13 cases, thirty (30) days

(3) Matters that do not require objection language nor time to respond:

- (A) Motion for entry of order when initial motion has not been timely opposed
- (B) Motion for enlargement of time
- (C) Opposition, Reply or Sur-reply to a motion
- (D) Informative Motion
- (E) Motion to Reduce Time (expedited treatment)
- (F) Urgent Motion for Relief-left to discretion of court

(4) Applicability of the Servicemembers' Civil Relief Act:

(A) The protections and remedies comprised in 50 U.S.C.A §3901 et. seq. (SCRA), are applicable in any bankruptcy proceedings in which the defendant is entitled to protection under SCRA.

(B) Affidavit of Military Service. At the time of filing any complaint or motion requesting a remedy against an individual which may be granted by the court by default, for a party's failure to respond after notice and a hearing, the plaintiff or movant must file an affidavit in compliance with §3931 of SCRA. Failure to comply with SCRA affidavit requirements may cause the denial of the motion or the complaint.