

Rule 3007-1

Objections to Claims

(a) Content. A party who files an objection to the allowance of any proof of claim must state in the objection the factual and legal grounds for the objection with particularity. The party must also make a recommendation to the court as to whether the claim should be disallowed, or allowed in an amount or with a priority other than as filed.

(b) Procedures. The procedures for motion practice and contested matters set forth in Fed. R. Bankr. P. 9013 and 9014, and LBR 9013-1, govern objections to claims.

(c) Notice. An objection to claim must contain the following notice, either below the signature block of the objecting party, or in an otherwise conspicuous place within the pleading:

Within thirty (30) 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 U.S. Bankruptcy Court for the District of Puerto Rico. If no objection or other response is filed within the time allowed herein, the objection will be deemed unopposed and may 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. If you file a timely response, the court may – in its discretion – schedule a hearing.

(d) Requirement of Written Response. If a claimant contests an objection to claim, it must file with the Clerk a written response to the objection. The response must state with particularity why the proof of claim should be allowed, must contain any documentation in support of allowance of the proof of claim and must state why the objection to the proof of claim should be denied. A response to an objection to claim must be served on the objecting party and any other party entitled to receive notice of the response. A claimant who does not file a timely response to a properly served objection to claim is deemed to have agreed that the objection to claim may be granted. If a timely response is not filed, the court may grant the objection to claim without further notice or hearing.