

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF VIRGINIA**

PUBLIC NOTICE

**INVITATION FOR COMMENT ON AMENDMENT TO LOCAL BANKRUPTCY
RULE 9013-1(H)(3)**

Comments are invited to an amendment to Rule 9013-1(H)(3) Local Rules of the United States Bankruptcy Court for the Eastern District of Virginia. The Local Bankruptcy Rule, as amended, takes effect September 1, 2011.

The above cited amendment to the Local Bankruptcy Rules will be available at the Alexandria, Norfolk, Richmond, and Newport News divisions of the Court and may be accessed at the Court's Internet web site: <http://www.vaeb.uscourts.gov/home/localrules.html> under Local Rules > Public Notice.

Comments may be submitted, by mail, to:

Local Rules Change
c/o William C. Redden
U.S. Bankruptcy Court
701 East Broad Street
Suite 4000
Richmond, VA 23219-1888

or, by e-mail, at:

Localrules@vaeb.uscourts.gov

Comments will be received by mail or at the Court's web site until 5:00 P.M., local time, Friday, August 12, 2011.

William C. Redden
Clerk of Court

Date: July 14, 2011

Attachment

**UNITED STATES BANKRUPTCY COURT
for the
EASTERN DISTRICT OF VIRGINIA**

**AMENDMENT TO
LOCAL BANKRUPTCY RULE 9013-1(H)(3)**



Effective September 1, 2011
(Version 07/12/11)

Rule 9013-1 MOTIONS PRACTICE

(H) Responses to Motions

(3) ~~Time for filing response and memorandum~~

(a) ~~When no hearing has been set or requested~~, the opposing party may file a response, with a supporting memorandum, within 14 days, but not thereafter without leave of the Court unless the motion relates to a matter for which a 21-day notice is required under FRBP 2002(a), in which event a response may be filed within 21 days. The movant may file a rebuttal memorandum within 7 days after the filing of the opposing party memorandum. For good cause, a party may be given additional time or may be required to file a response, memorandum and supporting documents within such shorter period of time as the Court may specify.

(b) ~~When a hearing has been set on at least 21 days' notice~~, the opposing party may file a response, with a supporting memorandum, not later than 7 days before the date of the hearing.

(c) ~~When a hearing has been set on less than 21 days' notice~~, unless the Court directs otherwise, the opposing party may file a response, with a supporting memorandum, not later than 3 days before the date of the hearing.

(d) ~~When an objection to a claim is filed~~, the opposing party may file a response, with supporting memorandum, within 30 days of the filing of the objection. If no response is filed, the Court may enter an order without a hearing.

(3) Time for filing response and memorandum; hearing date

(a) Time for filing response: The opposing party may file a response, with a supporting memorandum, within the objection period provided by the Federal Rules of Bankruptcy Procedure, or if none, within the notice period provided by the Federal Rules of Bankruptcy Procedure. If the Federal Rules of Bankruptcy Procedure do not provide for either an objection period or a notice period, then the opposing party may file a response, with a supporting memorandum, within 14 days, but not thereafter without leave of the Court.

(b) Time for filing rebuttal memorandum: The movant may file a rebuttal memorandum within 7 days after the filing of the opposing party's memorandum.

(c) Enlargement and shortening of time: For good cause, a party may be given additional time or may be required to file a response, memorandum and supporting documents within such shorter period of time as the court may specify.

(d) Hearing date: If the movant sets a matter for a hearing in a Division that has a regular motions day practice, the hearing date shall not be earlier than the seventh day following the expiration of the time within which the opposing party may file a response.

Comments

9013-1(H)(3) The amendment clarifies when the response period expires and that the response period must expire at least 7 days before the hearing date selected by counsel in a Division that has a regular motions day practice. Counsel is reminded that Fed.R.Bankr.Proc. 9006(f) adds an additional 3 days to the response time in the circumstances enumerated therein and still must expire at least 7 days before the hearing date selected.
[Change effective 09/01/11.]