

FILED
DISTRICT COURT OF GUAM

DISTRICT COURT OF GUAM
DISTRICT OF GUAM

NOV 15 2023

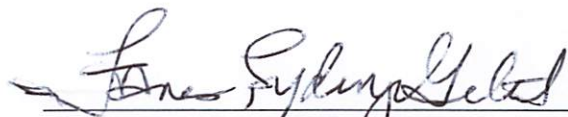
JEANNE G. QUINATA
CLERK OF COURT

In Re:
Adoption of Amended Bankruptcy Local Rule
BKLR 9013-1

GENERAL ORDER
No. 23-0026

Pursuant to 28 U.S.C. § 2071, and after appropriate public notice and an opportunity for comment, the District Court of Guam hereby adopts the attached amended Bankruptcy Local Rule BKLR 9013-1, effective November 20, 2023.

SO ORDERED this 15th day of November, 2023.



Frances Tydingco-Gatewood
Chief District Judge

BANKRUPTCY LOCAL RULE 9013-1
MOTION PRACTICE

(a) Applicability. For purposes of this rule, a motion is a written request for an order, whether denominated as a motion, application, objection, notice, or otherwise. This rule applies to any motion unless another local rule or court-issued form specifically provides for a different procedure.

(b) Memoranda and Length of Motions. All motions, unless made in open court, shall include a memorandum setting forth the points and authorities relied upon in support of the motion.

Unless otherwise permitted by the court, a motion and the supporting memorandum shall not exceed 15 pages, exclusive of attachments.

~~**(c) Response and Reply for Motions.** Unless otherwise ordered by the court, the party responding to a motion shall have 14 days after filing within which to serve and file a responsive memorandum, and the moving party shall have seven (7) days after filing of the responsive memorandum to serve and file a reply. Unless otherwise permitted by the court, oppositions and replies to motions shall not exceed 15 pages and 10 pages, respectively, exclusive of attachments.~~

(c) Motions that Must Be Set for Hearing.

- (1)** Unless the court directs otherwise by way of a local rule, order, or court-issued form, a party filing a motion must obtain a hearing date from the courtroom deputy and give notice to all parties entitled to notice not later than 28 days before the hearing. The notice must substantially conform to the local form (Notice of Hearing [GUB 9073-1]).
- (2)** All responses to the motion must be filed and served on the moving party not less than 14 days before the hearing date. The moving party is not required to file a reply but may do so not less than 7 days before the hearing date. Unless otherwise permitted by the court, oppositions and replies to motions shall not exceed 15 pages and 10 pages, respectively, exclusive of attachments. No surreply or further briefing is permitted without leave of court. The court may disregard any untimely or impermissible memorandum or impose other appropriate sanctions.
- (3)** If no one files a timely response to the motion, the moving party may file a declaration substantially conforming to the local form (Declaration and Request for Entry of Order [GUB 9021-1]) and submit a proposed order granting the motion. The court may either cancel the hearing and enter the order or direct that the hearing be held. The moving party may request that a matter remain on calendar even if no objection is filed by filing such a request not later than the deadline for filing a response to the motion.
- (4)** The court generally will not cancel the hearing on:
 - (A)** dispositive motions in adversary proceedings;
 - (B)** motions governed by Bankruptcy Rule 4001(b) or (c);

(C) motions to convert or dismiss, except for motions by a debtor and motions by the Office of the United States Trustee under § 1112(e); and

(D) motions in chapter 11 cases, including motions to appoint a trustee or examiner, approval of disclosure statements, and confirmation of plans, but not including motions seeking purely procedural relief or approval of stipulations.

(d) Motions for Continuance or Extensions of Time. Requests for continuance of hearings or extensions of time as to briefing schedules or other matters shall state whether any other party objects to the request, or why the moving party has been unable to determine the other party's position.

(e) Notice for Motion Requiring a Hearing. For any motion that requires a hearing, it shall be the responsibility of the moving party to obtain from the court the date, time and location of the hearing and to provide notice thereof to all interested parties in substantially the following format:

(1) In addition to the date, time and location of the hearing, the notice shall specify the details of the requested relief, the deadline for any response or objection, and the requirement that any response or objection be filed with the court and served on the moving party.

(1) The notice may state that the court may vacate the hearing and grant the requested relief if no timely objection is served and filed.

(2) The moving party shall serve notice to all parties entitled to notice not later than 21 days before the hearing and file a certificate or affidavit of service. The notice must substantially conform to the local form (Notice of Hearing [GUB 9073-1]).

BKLR 9013-1 Related Local Form:

- Notice of Hearing [GUB 9073-1]
- [Declaration and Request for Entry of Order \[GUB 9021-1\]](#)