

UNITED STATES BANKRUPTCY COURT
DISTRICT OF VERMONT

In re:

**MODIFICATION OF THE LOCAL RULES
OF PRACTICE AND PROCEDURE
IN THE U.S. BANKRUPTCY COURT
FOR THE DISTRICT OF VERMONT**

REVISING LOCAL RULE 9013-4(B) AND APPENDIX VIII

STANDING ORDER # 22-02

**TO CLARIFY THE RELIEF AVAILABLE THROUGH USE OF THE
DEFAULT PROCEDURE AND CORRECT TYPOGRAPHICAL ERRORS**

It has come to the Court's attention that Local Rule 9013-4(b) and Appendix VIII to the Local Rules do not clearly indicate the default procedure may be used for motions to determine value, and the renumbering of Local Rule 9013-4(b) in the 2021 local rules update introduced some cross-referencing errors in the Local Rules. Accordingly, IT IS HEREBY ORDERED that Local Rule 9013-4(b) is revised to read as follows, with the changes redlined (and with clean copy attached):

VT. LBR 9013-4. HEARINGS –NOTICES UNDER DEFAULT PROCEDURE.

(b) Relief Available Through Use of the Default Procedure.

The default procedure may only be used for applications or motions seeking the following relief:

- (1) abandon property (11 U.S.C § 554(b));
- (2) allow administrative expenses (other than professional fees) (11 U.S.C. § 503(b));
- (3) automatic stay, relief from (11 U.S.C. § 362(d));
- (4) automatic stay, relief from co-debtor (11 U.S.C. § 1301);
- (5) automatic stay, declaration not in effect (11 U.S.C. § 362(c)(4));
- (6) claim, objection to (11 U.S.C. § 502(b));
- (7) compensation (11 U.S.C. §§ 326, 330, 331);
- ~~(8) conduit mortgage payment case, post-petition payment of mortgage creditor charges (Vt. LBR 3015-6(a)(1));~~
- ~~(9) conduit mortgage payment case, waive requirement (Vt. LBR 3015-6(a)(9) and (b)(2));~~

- ~~(10)~~(8) confirmation of proposed chapter 13 plan (after debtor has testified and with Court approval) (11 U.S.C. § 1323);
- ~~(11)~~(9) convert a case (11 U.S.C. §§ 706, 1112(b), 1208(a), 1307);
- ~~(12)~~(10) credit counseling requirement, permanent waiver of (11 U.S.C. § 109(h)(4));
- ~~(11)~~ declare mediation closed, motion to (Vt. LBR 4001-7(f));
- ~~(12)~~ discharge in a chapter 12 ~~or case~~ (11 U.S.C. § 1228(f));
- (13) ~~discharge in a chapter~~ 13 case (11 U.S.C. §§ ~~1228(f), §~~ 1328(h));
- (14) dismiss case for cause (11 U.S.C. §§ 707, 1112(b), 1208(c), 1307(c));
- (15) enlarge time to assume or reject a nonresidential lease (11 U.S.C. § 365(d)(4));
- (16) enlarge time to file chapter 11 plan or disclosure statement (11 U.S.C. §§ 1121(d), 1189);
- (17) enlarge time to file chapter 12 plan (11 U.S.C. § 1221);
- (18) enlarge time to file complaint objecting to discharge or dischargeability of a debt (11 U.S.C. §§ 523, 727; Fed. R. Bankr. P. 4004(b), 4007(c));
- (19) enlarge time to file motion to dismiss under § 707 (11 U.S.C. § 707);
- (20) enlarge time to pay filing fee (Fed. R. Bankr. P. 1006(b));
- (21) examine any person or entity (Fed. R. Bankr. P. 2004);
- (22) exemption, objection to (Fed. R. Bankr. P. 4003(b));
- (23) final decree in chapter 11 case (Fed. R. Bankr. P. 3022);
- (24) forward mail of a corporate debtor to the trustee (11 U.S.C. § 542(e));
- (25) hardship discharge (11 U.S.C. §§ 1228(b), 1328(b));
- (26) lease property (11 U.S.C. § 363(b)(1));
- (27) lease or executory contract, assume or reject (11 U.S.C. § 365);
- ~~(28)~~ lien, avoid as impairing exemption (11 U.S.C. § 522(f));
- ~~(29)~~(28) lien or mortgage, strip as wholly unsecured or avoid as impairing exemption (11 U.S.C. §§ 506(a), 522(f));
- ~~(30)~~(29) limit scope of employment and reduce scope of legal services (Vt. LBR 2016-1(h)(4));
- ~~(31)~~ mortgage mediation, declare closed (Vt. LBR 4001-7(f));
- ~~(32)~~(30) mortgage mediation, direct parties to attend (Vt. LBR 4001-7);
- ~~(33)~~ mortgage modification (Vt. LBR 6004-1(f));
- ~~(34)~~(31) modify chapter 11 subchapter V, 12 or 13 plan post-confirmation (11 U.S.C. §§ 1193, 1229, 1329);
- ~~(32)~~ modify mortgage (Vt. LBR 6004-1(f)),

- ~~(35)~~(33) obtain credit (11 U.S.C. § 364(b), (c), and (d));
- ~~(34)~~ post-petition payment of mortgage creditor charges in conduit mortgage payment case (Vt. LBR 3015-6(a)(1));
- ~~(36)~~(35) redeem property (11 U.S.C. § 722);
- ~~(37)~~(36) reopen a case (Fed. R. Bankr. P. 5010);
- ~~(38)~~(37) sell property (11 U.S.C. §§ 363(b)(1) and (f), 1206);
- ~~(39)~~(38) settlement of an adversary proceeding or contested matter, approve (Fed. R. Bankr. P. 9019);
- ~~(40)~~(39) substitute counsel (Vt. LBR 2091-1(b) and (c));
- ~~(41)~~(40) tax returns, waive requirement to present or file (11 U.S.C. § 521(e)(2)(A)(i));
- ~~(42)~~(41) transfer adversary proceeding (28 U.S.C. § 1412);
- ~~(43)~~(42) trustee final report and account, approve report and compensation (11 U.S.C. §§ 704(a)(9), § 1183(b)(1), 1202(b)(1), 1302(b)(1));
- ~~(44)~~(43) turnover of property to the trustee (11 U.S.C. § 542);
- ~~(45)~~(44) vacate discharge to allow debtor to seek approval of a reaffirmation agreement (Vt. LBR 4008-1);
- ~~(46)~~(45) valuation of collateral and allowance of secured claim (11 U.S.C. § 506~~(ab)~~); Fed. R. Bankr. P. 3012); and
- ~~(47)~~(46) venue, change (28 U.S.C. §1412~~);~~); and
- ~~(47)~~ waive requirement to make conduit mortgage payments (Vt. LBR 3015-6(a)(9), (b)(2)).

IT IS FURTHER ORDERED that Appendix VIII to the Local Rules is revised to provide for noticing of a motion to determine value of collateral under the default procedure, as attached.

IT IS FURTHER ORDERED that these revisions to the Local Rules are effective upon entry of this Order.

IT IS FURTHER ORDERED that since these revisions are effectively errata corrections, the Local Rules will be updated on the Court's website to include these minor changes.

March 1, 2022
Burlington, Vermont



Colleen A. Brown
United States Bankruptcy Judge

Attachments:
Revised Vt. LBR 9013-4
Revised Vt. LB Appendix VIII

VT. LBR 9013-4. HEARINGS –NOTICES UNDER DEFAULT PROCEDURE.

(a) Meaning of Default Procedure.

Certain requests for relief under the Bankruptcy Code or the Bankruptcy Rules may be determined without a hearing (at the option of the movant), provided parties entitled to notice of the motion are afforded an opportunity for a hearing. Under the default procedure, if a party files a timely response to the motion, the Court will hold a hearing on the date designated on the notice, unless the Court decides in its discretion, that no hearing is necessary and enters an order prior to the hearing date. If no response is timely filed, the Court may enter an order without a hearing. However, if an order has not been entered before the hearing date, the scheduled hearing will proceed, and the movant must appear. If the Court determines a hearing is necessary, it will hold a hearing even in the absence of a response to the motion. The default procedure is optional.

(b) Relief Available Through Use of the Default Procedure.

The default procedure may only be used for applications or motions seeking the following relief:

- (1) abandon property (11 U.S.C § 554(b));
- (2) allow administrative expenses (other than professional fees) (11 U.S.C. § 503(b));
- (3) automatic stay, relief from (11 U.S.C. § 362(d));
- (4) automatic stay, relief from co-debtor (11 U.S.C. § 1301);
- (5) automatic stay, declaration not in effect (11 U.S.C. § 362(c)(4));
- (6) claim, objection to (11 U.S.C. § 502(b));
- (7) compensation (11 U.S.C. §§ 326, 330, 331);
- (8) confirmation of proposed chapter 13 plan (after debtor has testified and with Court approval) (11 U.S.C. § 1323);
- (9) convert a case (11 U.S.C. §§ 706, 1112(b), 1208(a), 1307);
- (10) credit counseling requirement, permanent waiver of (11 U.S.C. § 109(h)(4));
- (11) declare mediation closed, motion to (Vt. LBR 4001-7(f));
- (12) discharge in a chapter 12 case (11 U.S.C. § 1228(f));
- (13) discharge in a chapter 13 case (11 U.S.C. § 1328(h));
- (14) dismiss case for cause (11 U.S.C. §§ 707, 1112(b), 1208(c), 1307(c));
- (15) enlarge time to assume or reject a nonresidential lease (11 U.S.C. § 365(d)(4));
- (16) enlarge time to file chapter 11 plan or disclosure statement (11 U.S.C. §§ 1121(d), 1189);
- (17) enlarge time to file chapter 12 plan (11 U.S.C. § 1221);
- (18) enlarge time to file complaint objecting to discharge or dischargeability of a debt (11 U.S.C. §§ 523, 727; Fed. R. Bankr. P. 4004(b), 4007(c));
- (19) enlarge time to file motion to dismiss under §707 (11 U.S.C. § 707);
- (20) enlarge time to pay filing fee (Fed. R. Bankr. P. 1006(b));
- (21) examine any person or entity (Fed. R. Bankr. P. 2004);
- (22) exemption, objection to (Fed. R. Bankr. P. 4003(b));
- (23) final decree in chapter 11 case (Fed. R. Bankr. P. 3022);
- (24) forward mail of a corporate debtor to the trustee (11 U.S.C. § 542(e));
- (25) hardship discharge (11 U.S.C. §§ 1228(b), 1328(b));
- (26) lease property (11 U.S.C. § 363(b)(1));

- (27) lease or executory contract, assume or reject (11 U.S.C. § 365);
- (28) lien or mortgage, strip as wholly unsecured or avoid as impairing exemption (11 U.S.C. §§ 506(a), 522(f));
- (29) limit scope of employment and reduce scope of legal services (Vt. LBR 2016-1(h)(4));
- (30) mortgage mediation, direct parties to attend (Vt. LBR 4001-7);
- (31) modify chapter 11 subchapter V, 12, or 13 plan post-confirmation (11 U.S.C. §§ 1193, 1229, 1329);
- (32) modify mortgage (Vt. LBR 6004-1(f));
- (33) obtain credit (11 U.S.C. § 364(b), (c), and (d));
- (34) post-petition payment of mortgage creditor charges in conduit mortgage payment case (Vt. LBR 3015-6(a)(1));
- (35) redeem property (11 U.S.C. § 722);
- (36) reopen a case (Fed. R. Bankr. P. 5010);
- (37) sell property (11 U.S.C. §§ 363(b)(1) and (f), 1206);
- (38) settlement of an adversary proceeding or contested matter, approve (Fed. R. Bankr. P. 9019);
- (39) substitute counsel (Vt. LBR 2091-1(b) and (c));
- (40) tax returns, waive requirement to present or file (11 U.S.C. § 521(e)(2)(A)(i));
- (41) transfer adversary proceeding (28 U.S.C. § 1412);
- (42) trustee final report and account, approve report and compensation (11 U.S.C. §§ 704(a)(9), § 1183(b)(1), 1202(b)(1), 1302(b)(1));
- (43) turnover of property to the trustee (11 U.S.C. § 542);
- (44) vacate discharge to allow debtor to seek approval of a reaffirmation agreement (Vt. LBR 4008-1);
- (45) valuation of collateral and allowance of secured claim (11 U.S.C. § 506(b); Fed. R. Bankr. P. 3012);
- (46) venue, change (28 U.S.C. § 1412); and
- (47) waive requirement to make conduit mortgage payments (Vt. LBR 3015-6(a)(9), (b)(2)).

(c) Form of Hearing Notice.

In addition to the requirements set forth in Vt. LBR 9013-2(c), the following items must be included in each notice of motion filed under the default procedure:

- (1) Title of Notice. The title of the notice must be “Notice of Motion under Default Procedure.”
- (2) Response Deadline. The deadline for filing responses to a motion scheduled for a hearing using the default procedure may be no later than seven days before the hearing date; this 7-day period is in addition to the requisite notice period
- (3) Mandatory Language. A notice of motion using the default procedure must substantially comply with Vt. LB Form U-2.

**REFERENCE GUIDE FOR NOTICING APPLICATIONS AND MOTIONS
IN BANKRUPTCY CASES**

Motion or Application	Under Default Procedure			Under Conventional Procedure			Code or Rule Cited
	days to response deadline	days between response deadline and hearing	total days to hearing	days to response deadline	days between response deadline and hearing	total days to hearing	
Abandon, motion by trustee to	14	7	21	11	3	14	11 U.S.C. § 554(a); Fed. R. Bankr. P. 6007(a); Vt. LBR 9013-4(b)(1)
Abandon, motion to compel trustee to	14	7	21	11	3	14	11 U.S.C. § 554(b); Fed. R. Bankr. P. 6007(b); Vt. LBR 9013-4(b)(1)
Abstention, motion for	Non-Routine: opposing parties have 14 days to respond. Any reply memoranda must be filed within 7 days of the response. Court will set hearing if necessary.						Fed. R. Bankr. P. 5011(b), 9014(a)
Accelerate Chapter 11 Confirmation, motion to	Discretionary, only US trustee must be served; Court will set hearing if necessary.						Fed. R. Bankr. P. 9006(b)
Adequate Protection, motion for				11	3	14	11 U.S.C. § 361
Administrative Expenses other than professional fees, application to pay	14	7	21	11	3	14	11 U.S.C. § 503(b); Vt. LBR 9013-4(b)(2)
Amend Pleading, motion to				11	3	14	Vt. LBR 9013-2
Appear Pro Hac Vice, motion to	Only US trustee and case attorney (if any) must be served the motion; Court will set hearing if necessary.						Vt LBR 2090-1(b)(1)(A); USDC-VT LR 83.1(b)
Appoint or Change Composition of Creditors' Committee, motion to				11	3	14	11 U.S.C. § 1102(a)(2) - (4); Fed. R. Bankr. P. 2007(a); Vt. LBR 9013-2
Appoint Chapter 11 Examiner, motion to	Non-Routine: opposing parties have 14 days to respond. Any reply memoranda must be filed within 7 days of the response. Court will set hearing if necessary.						11 U.S.C. §§ 1104(d), 1106(b); Fed. R. Bankr. P. 2007.1, 5002; Vt. LBR 9013-2
Appoint Chapter 11 Trustee, motion to	Non-Routine: opposing parties have 14 days to respond. Any reply memoranda must be filed within 7 days of the response. Court will set hearing if necessary.						11 U.S.C. §§ 1104; Fed. R. Bankr. P. 2007.1, 5002, 9014; Vt. LBR 9013-2
Approve Compromise and Settlement, motion to	21	7	28	18	3	21	Fed. R. Bankr. P. 2002(a)(3), 9019(a)
Assume or Reject Executory Contract. or Unexpired Lease, motion to	14	7	21	11	3	14	11 U.S.C. § 365; Fed. R. Bankr. P. 6006; Vt. LBR 9013-4(b)(27)
Automatic Stay not in effect, motion for Order (to be filed within 30 days of Debtor's most recent petition)	14	7	21	11	3	14	11 U.S.C. §362(c)(4); Vt. LBR 9013-4(b)(5)

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Motion or Application	Under Default Procedure			Under Conventional Procedure			Code or Rule Cited
	days to response deadline	days between response deadline and hearing	total days to hearing	days to response deadline	days between response deadline and hearing	total days to hearing	
Avoid Lien, motion to	14	7	21	11	3	14	11 U.S.C. § 522(f); Fed. R. Bankr. P. 4003(d); Vt. LBR 4003-2
Borrow Funds or Obtain Credit, motion to	14	7	21	11	3	14	11 U.S.C. § 364(b), (c), (d); Fed. R. Bankr. P 4001(c); Vt. LBR 4001-5, 9013-4(b)(33),
Certification of Direct Appeal to Court of Appeals, motion for	Motion must be filed in this Court; Court of Appeals will address all notice and hearing issues.						28 U.S.C. § 158(d)(2); Fed. R. Bankr. P. 8006(b),(f)
Claims, trustee's motion to allow				11	3	14	11 U.S.C. §§ 502, 1305; Fed. R. Bankr. P. 3008
Compel Compliance with Mediation Order, motion to	Non-Routine: opposing parties have 14 days to respond. Any reply memoranda must be filed within 7 days of the response. Court will set hearing if necessary.						Vt. LBR 4001-7(c)(d)(B); 9013-2
Compensation for a sum in excess of \$1,000, application for	21	7	28	18	3	21	11 U.S.C. § 330, 331; Fed. R. Bankr. P. 2002(a)(6); Vt. LBR 2016-1(c); 9013-4(b)(7)
Compensation for \$1,000 or less, application for	On 14 days' notice to US trustee; no other party need be noticed. Court will set hearing if necessary.						11 U.S.C. § 330, 331; Vt. LBR 2016-1(b)
Conditional Use of Cash Collateral, motion for				11	3	14	11 U.S.C. § 363(c)(2); Vt. LBR 4001-4,
Confirmation of a proposed Chapter 13 Plan after a Debtor has testified and with Court approval	21	7	28	11	3	21	11 U.S.C. § 1323; Fed. R. Bankr. P. 2002(a)(9); Vt. LBR 9013-4(b)(8)
Consolidate Substantively, motion to				11	3	14	Vt. LBR 1015-1, 9013-2; Fed. R. Bankr. P. 1015
Contempt, motion for a finding of	Non-Routine: opposing parties have 14 days to respond. Any reply memoranda must be filed within 7 days of the response. Court will set hearing if necessary.						Fed. R. Bankr. P. 9020
Continue Hearing, motion to	For good cause only; may be obtained without notice or hearing, if all parties consent within 2 days of the motion being filed and by 10 am on the last business day before the hearing.						Vt. LBR 5071-1; 9011-4(f); 9013-1(f)
Convert Ch 7 Case to Ch 11 (fee), motion to	See: Vt. LF Appendix II, "Synopsis of U.S. Bankruptcy Code and Rules Regarding Conversion and Dismissal of Chapter 7 and 13 Cases"						11 U.S.C. §§ 706(b); Fed. R. Bankr. P. 1017(f)(1); 2002(a)(4); Vt. LBR 1017-2, 9013-4(b) (9);
Convert Ch 7 or 13 Case to Ch 12, motion to	See: Vt. LF Appendix II, "Synopsis of U.S. Bankruptcy Code and Rules Regarding Conversion and Dismissal of Chapter 7 and 13 Cases"						11 U.S.C. §§ 706(a), (c), 1307(d); Fed. R. Bankr. P. 1017(f)(1), (2) and (3), 2002(a)(4); Vt. LBR 1017-2, 9013-4(b) (9)

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Motion or Application	Under Default Procedure			Under Conventional Procedure			Code or Rule Cited
	days to response deadline	days between response deadline and hearing	total days to hearing	days to response deadline	days between response deadline and hearing	total days to hearing	
Convert Ch 7 Case to Ch 13, motion to	See: Vt. LF Appendix II, "Synopsis of U.S. Bankruptcy Code and Rules Regarding Conversion and Dismissal of Chapter 7 and 13 Cases"						11 U.S.C. § 706 (a), (c); Fed. R. Bankr. P. 1017(f)(2); Vt. LBR 1017-2(a), 9013-4(b)(9)
Convert Ch 11 or 12 Case to Ch 7 (fee), motion to	See: Vt. LF Appendix II, "Synopsis of U.S. Bankruptcy Code and Rules Regarding Conversion and Dismissal of Chapter 7 and 13 Cases"						11 U.S.C. §§ 1112(b), 1208(a) and (d); Fed. R. Bankr. P. 1017(f)(1), (2); Vt. LBR 1017-2(b); 9013-4(b)(9)
Credit, Authority to Obtain/Borrow Funds, motion for Authority to Obtain Credit Borrow Funds , motion for	14	7	21	11	3	14	11 U.S.C. § 364(b), (c), (d); Fed. R. Bankr. P 4001(c); Vt. LBR 4001-5, 9013-4(b)(33),
Damages for Creditor Misconduct, individual debtor's motion to recover	Non-Routine: opposing parties have 14 days to respond. Any reply memoranda must be filed within 7 days of the response. Court will set hearing if necessary.						11 USC § 362(k)
Defer Fee, motion to	Non-Routine: opposing parties have 14 days to respond. Any reply memoranda must be filed within 7 days of the response. Court will set hearing if necessary.						Bankruptcy Court Miscellaneous Fee Schedule Item 11
Deposit Funds into Court Registry, application to	On application, no notice or hearing required.						28 USC § 2041; Vt. LBR 5003-5
Deposit Unclaimed Funds, application to	On application, no notice or hearing required.						28 USC §§ 2041, 2042
Determine Final Cure and Payment re Rule 3002.1, motion to				11	3	14	Fed. R. Bankr. P. 3002.1(h)
Determine Mortgage Fees and Expenses, motion to				11	3	14	Fed. R. Bankr. P. 3002.1(e)
Determine Tax Liability, motion to				11	3	14	11 U.S.C. § 505
Determine Value of Collateral, motion to	14	7	21	11	3	14	11 U.S.C. § 506(b); Fed. R. Bankr. P. 3012; 7004; Vt. LBR 2002-1(g)
Disallow, Modify or Object to a Claim	30	7	37	23	7	30	11 U.S.C. § 502(a); Fed. R. Bankr. P. 3007; Vt. LBR 9013-4(b)(6)
Dismiss Case for Cause, creditor's motion to	See: Vt. LF Appendix II, "Synopsis of U.S. Bankruptcy Code and Rules Regarding Conversion and Dismissal of Chapter 7 and 13 Cases"						11 U.S.C. §§707, 1112(b), 1208(c), 1307(c); Fed. R. Bankr. P. 1017, 2002(a)(4)
Dismiss Involuntary Petition, motion to	Non-Routine: opposing parties have 14 days to respond. Any reply memoranda must be filed within 7 days of the response. Court will set hearing if necessary						Fed. R. Bankr. P. 1013

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	days to response deadline	days between response deadline and hearing	total days to hearing	days to response deadline	days between response deadline and hearing	total days to hearing	
Disqualify Judge, motion to	Court will set hearing, if necessary.						28 U.S.C. § 455; Fed. R. Bankr. P. 5004
Employ, Application to	On application; no hearing required; on 14 days' notice to Office of U.S. Trustee.						Vt. LBR 2014-1
Enlarge time to Assume/Reject a Non-residential Lease	14	7	21	11	3	14	11 U.S.C. 365(d)(4); Vt. LBR 9013-4(b)(15)
Enlarge time to file Chapter 11 Plan and Disclosure Statement	14	7	21	11	3	14	11 U.S.C. § 1121(d); Vt. LBR 9013-4(b)(16)
Enlarge time to file Chapter 12 Plan	14	7	21	11	3	14	11 U.S.C. § 1221; Vt. LBR 9013-4(b)(17)
Enlarge time to file Complaint Objecting to Discharge/Dischargeability	14	7	21	11	3	14	11 U.S.C. §§ 523, 727; Fed. R. Bankr. P. 4004(b), 4007(c); ; Vt. LBR 9013-4(b)(18)
Enlarge time to file Motion to Dismiss under 11 U.S.C. § 707	14	7	21	11	3	14	11 U.S.C. § 707; Vt. LBR 9013-4(b)(19)
Entry of Discharge, motion for	14	7	21	11	3	14	11 U.S.C. § 1228(a), (f); 1328(a), (h); Vt. LBR 4004-2(b), (c), 9013-4(b)(11), (12)
Examine, motion to	14	7	21	11	3	14	11 U.S.C. § 341, 343; Fed. R. Bankr. P. 2004; Vt. LBR 9013-4(b)(21)
Expedite Hearing, application to	See: Vt. LBR 9075-1. Emergency Matters						Vt. LBR 9013-1(h), 9075-1
Extend Exclusivity Period, motion to				11	3	14	11 U.S.C. § 1121(d); Fed. R. Bankr. P. 3016; Vt. LBR 9013-2
Extend Time motion to	14	7	21	11	3	14	Vt. LBR 9013-4
Extend Time to File Lists/Schedules, motion to	No hearing required; may require consents						11 U.S.C. § 521(i)(3); Vt LBR 1007-1(c) Fed. R. Bankr. P. 1007(c); 1007(a)(5)
File Claim after Bar Date, motion to				11	3	14	Fed. R. Bankr. P. 3002(c)
File under Seal, motion to	Non-Routine: opposing parties have 14 days to respond. Any reply memoranda must be filed within 7 days of the response. Court will set hearing if necessary. Documents to be filed under seal must not be filed electronically. Contact the Clerk's Office to arrange delivery of documents wished to be sealed. See Vt. LBR 5003-4.						11 U.S.C. § 107(b),(c); Fed. R. Bankr. P. 1007(j); 9018; Vt. LBR 5003-4, 9013-1(g)
Final Decree, motion for	14	7	21	11	3	14	11 U.S.C. § 350(a); Fed. R. Bankr. P. 3022; Vt. LBR 9013-4(b)(23)
Forward mail of a corporate debtor to trustee, motion to	14	7	21	11	3	14	Vt. LBR 9013-4(b)(24)

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Motion or Application	Under Default Procedure			Under Conventional Procedure			Code or Rule Cited
	days to response deadline	days between response deadline and hearing	total days to hearing	days to response deadline	days between response deadline and hearing	total days to hearing	
Hardship Discharge, motion for	30	7	37	23	7	30	11 U.S.C. §§ 1228(b), 1328(b); Vt. LBR 9013-2, 9013-4(b)(25)
Impose or Extend Automatic Stay, motion to	Movant is to contact Courtroom Deputy to schedule evidentiary hearing with 7 days' notice. To continue the stay under 4001-3(a), the motion must be filed within 14 days of the petition. To impose the stay under 4001-3(b), the motion must be filed within 30 days of the petition.						11 U.S.C. § 362(c)(3),(4); Vt. LBR 4001-3(a), (b)
Joint Administration, motion for	Non-Routine: opposing parties have 14 days to respond. Any reply memoranda must be filed within 7 days of the response. Court will set hearing if necessary.						Fed. R. Bankr. P. 1015; Vt. LBR 1015-1, 9013-2
Lease Property, motion to	21	7	28	18	3	21	11 U.S.C. § 363(b)(1); Fed. R. Bankr. P. 2002(a)(2); 6004
Leave to Appeal, motion for	Non-Routine: opposing parties have 14 days to respond. Any reply memoranda must be filed within 7 days of the response. Court will forward to District Court.						Fed. R. Bankr. P. 8003; Vt. LBR 9013-2
Limit Notice, motion to	Non-Routine: opposing parties have 14 days to respond. Any reply memoranda must be filed within 7 days of the response. Court will set hearing if necessary.						11 U.S.C. § 342; Fed. R. Bankr. P. 9007; 2002(i)
Limit Admissions, motion to	Non-Routine: opposing parties have 14 days to respond. Any reply memoranda must be filed within 7 days of the response. Court will set hearing if necessary.						Fed. R. Bankr. P. 7026
Limit Scope of Employment and Reduce Scope of Legal Services	14	7	21	11	3	14	Vt. LBR 2016-1(h)(4); 9013-4(b)(29)
Miscellaneous Relief, motion for [must specify the particular relief sought both in the docket text and caption of motion]				11	3	14	Vt. LBR 9013-2
Modify Ch 12 or 13 Plan, motion to	21	7	28	18	3	21	11 U.S.C. §§ 1229, 1329; Fed. R. Bankr. P. 3015(h), 3019; Vt. LBR 3015-4, 9013-4(b)(31)
Mortgage Mediation, motion for	14	7	21	11	3	14	Vt. LBR 4001-7; 9013-4(b)(30)
Mortgage Modification, motion for	21	7	28	18	3	21	Fed. R. Bankr. P. 2002(a)(2); Vt. LBR 6004-1(f); 9013-4(b)(32)
Objection to Claim, motion	30	7	37	23	7	30	11 U.S.C. § 502(b); Fed. R. Bankr. P. 3007
Objection to Debtor's Claim of Exemptions, motion	14	7	21	11	3	14	Fed. R. Bankr. P. 4003(b); Vt. LBR 9013-4(b)(22)
Order Declaring Mortgage Mediation Closed, motion for	14	7	21	11	3	14	Vt. LBR 4001-7(f); 9013-4(b)(11)

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	days to response deadline	days between response deadline and hearing	total days to hearing	days to response deadline	days between response deadline and hearing	total days to hearing	
Pay Filing Fee in Installments, application to	No notice or hearing required.						Fed. R. Bankr. P. 1006(b); Vt. LBR 1006-1(b); Official Form 103A
Post-Petition Mortgage Fees, Expenses and Charges, application to pay				11	3	14	Fed. R. Bankr. P. 3002.1(e); Vt. LBR 3015-6(b)
Post-petition Payment of Mortgage Creditor Charges in Conduit Mortgage Case	14	7	21	11	3	14	Fed. R. Bankr. P. 3002.1(e); 9014; Vt. LBR 3015-6(1); 9013-4(b)(34)
Prohibit Use of Cash Collateral, motion to				11	3	14	11 USC § 363(e)
Quash, motion to	Refer to Vt. LBR 9075-1 if matter is an emergency, otherwise total of 14 days for notice of hearing. Responses are due no later than 3 days before the hearing.						Fed. R. Bankr. P. 7026; Vt. LBR 7026-1(d)-(g)
Reaffirmation, motion to approve	Non-Routine: opposing parties have 14 days to respond. Any reply memoranda must be filed within 7 days of the response. Court will set hearing if necessary.						11 USC § 524(d); Fed. R. Bankr. P. 4008; Vt. LBR 4008-1; 9013-2
Reconsider, motion to	Non-Routine: Court will set hearing if necessary. Response is not required. However, any response filed must be done within 7 days of service of the motion.						Fed. R. Bankr. P. 9023(e); 9024; Vt. LBR 9023-1/9024-1
Redeem, motion to	14	7	21	11	3	14	11 U.S.C §722; Fed. R. Bankr. P. 6008; Vt. LBR 6008-1; 9013-4(b)(35)
Relief from Co-Debtor Stay, motion for	14	7	21	11	3	14	11 USC §§ 1201, 1301; Vt. LBR 9013-4(b)(4)
Relief from Stay (fee), motion for	14	7	21	11	3	14	11 U.S.C. § 362(d); Fed. R. Bankr. P. 4001; Vt. LBR 4001-1, 9013-2, 9013-4(b)(3)
Remand, motion to				11	3	14	Fed. R. Bankr. P. 9027(d), 9014; Vt. LBR 9027-1(c)
Remove Trustee, Examiner, or Other Professional, motion to	Non-Routine: opposing parties have 14 days to respond. Any reply memoranda must be filed within 7 days of the response. Court will set hearing if necessary.						11 U.S.C. §§ 324, 327; Fed. R. Bankr. P. 2012
Reopen a Chapter 7, 11, 12, or 13 Case, motion to	14	7	21	11	3	14	11 U.S.C. § 350(b); Fed. R. Bankr. P. 5010; Vt. LBR 5010-1, 9013-2, 9013-4(b)(36);

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Sanctions, motion for	Non-Routine: opposing parties have 14 days to respond. Any reply memoranda must be filed within 7 days of the response. Court will set hearing if necessary.						28 U.S.C. § 1927; Fed. R. Bankr. P. 9011(c); Vt. LBR 4071-1, 5001-3(b)(2)(C) 9011-3, 9013-2
Sell Property under § 363(b) or (f), motion to	21	7	28	18	3	21	11 U.S.C. § 363(b)(1), (f); Fed. R. Bankr. P. 2002(a)(2), 4001(d), 6004; Vt. LBR 6004-1, 9013-2, 9013-4(b)(37)
Set Hearing, application to	Non-Routine: Court will set hearing if necessary.						Vt. LBR 9013-2
Set Last Day to File Proofs of Claim, motion to				18	3	21	Fed. R. Bankr. P. 2002(a)(7), 3003(c)
Settlement of a Contested Matter/ Adversary Proceeding	21	7	28	18	3	21	Fed. R. Bankr. P. 9019; 2002(a)(3); Vt. LBR 9013-4(b)(38)
Sever Case, motion to	Non-Routine: opposing parties have 14 days to respond. Any reply memoranda must be filed within 7 days of the response. Court will set hearing if necessary.						Vt. LBR 9013-2
Shorten Time, application to	No notice or hearing required; may require consents.						Fed. R. Bankr. P. 9006(c); Vt. LBR 9013-1(f), (h);
Stay Pending Appeal, motion for	Refer to Vt. LBR 9075-1 if matter is an emergency, otherwise total of 14 days for notice of hearing. Responses are due no later than 3 days before the hearing.						Fed. R. Bankr. P. 8007
Strike, motion to	Non-Routine: opposing parties have 14 days to respond. Any reply memoranda must be filed within 7 days of the response. Court will set hearing if necessary.						Fed. R. Bankr. P. 7012(f)
Strip Wholly Unsecured Lien, motion to	14	7	21	11	3	14	11 U.S.C. § 506(a); Fed. R. Bankr. P. 3012, 7004; Vt. LBR 3013-1; 9013-4(b)(28)
Substitute Attorney, motion to	14	7	21	11	3	14	Vt. LBR 2091-1; 9013-4(b)(39)
Summary Judgment, motion for	Opposing parties have 21 days to respond. Moving parties have 7 days to reply to response.						Fed. R. Bankr. P. 7056; Vt. LBR 7056-1
Tax Returns, Waive Requirement to Present/File	14	7	21	11	3	14	11 U.S.C. § 521(e)(2)(A)(i); Vt. LBR 9013-4(b)(40)
Transfer Case, motion to	14	7	21	11	3	14	28 U.S.C. § 1412; Fed. R. Bankr. P. 7087; Vt. LBR 9013-2; 9013-4(b)(41)

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	days to response deadline	days between response deadline and hearing	total days to hearing	days to response deadline	days between response deadline and hearing	total days to hearing	
Trustee Final Report and Account, Motion to Approve Report and any Applications for Compensation	14	7	21	11	3	14	11 U.S.C. §§704(a)(9), 1202(b)(1), 1302(b)(1); Vt. LBR 9013-4(b)(42)
Turnover, trustee's motion for	14	7	21	11	3	14	11 U.S.C. § 542; Fed. R. Bankr. P. 7001; 9013-4(b)(43)
Use Cash Collateral, debtor's motion to				11	3	14	11 U.S.C. § 363(c)(2); Vt. LBR 4001-4, 9013-2; Fed. R. Bankr. P 4001(b)
Utility Service, motion to continue	Must comply with procedure for Emergency Matter.						11 USC § 366; Vt. LBR 9075-1(b)
Venue, motion to change	14	7	21	11	3	14	28 U.S.C. § 1412; Fed. R. Bankr. P. 1014; Vt. LBR 9013-4(b)(46)
Vacate Order, motion to	Non-Routine: Court will set hearing if necessary. Where appropriate, Court may process without waiting for response time (e.g., error or omission in an order).						Vt. LBR 9013-2, 9023-1/9024-1; Fed. R. Bankr. P. 9024
Wage Withholding, debtor's motion to waive	Notice to Chapter 13 Trustee. No hearing required.						Vt. LBR 1007-1(l), 3070-1(a)
Waive Appearance at First Meeting of Creditors, application to	No notice or hearing required; good cause and consent of trustee required.						Vt. LBR 2003-1(a), 9011-4(f)
Waive Conduit Mortgage Payment Requirement, motion to	14	7	21	11	3	14	Vt. LBR 3015-6(a)(9), (b); 9013-4(b)(47)
Waive Financial Management Course, debtor's motion to	Non-Routine: opposing parties have 14 days to respond. Any reply memoranda must be filed within 7 days of the response. Court will set hearing if necessary.						11 USC §§ 727(a)(11), 1328(g); 109(h)(4); Fed. R. Bankr. P. 1007(b)(7), 4004(c)(1)(H); Vt. LBR 4004-2(a)
Waiver of Chapter 7 Filing Fee, debtor's application for	No notice required; Court will set hearing if necessary.						28 USC § 1930(f); Vt. LBR 5081-1(f)
Waiver (Temporary) of Consumer Credit Counseling, debtor's motion for	Non-Routine: opposing parties have 14 days to respond. Any reply memoranda must be filed within 7 days of the response. Court will set hearing if necessary.						11 U.S.C. § 109(h); Vt. LBR 4002-1(a)(2);
Waiver (Permanent) of Consumer Credit Counseling, debtor's motion for	14	7	21	11	3	14	11 U.S.C. § 109(h), Vt. LBR 4002-1(a)(3), 9013-4(b)(10)
Withdrawal or Substitution of Counsel, motion for	14	7	21	11	3	14	Vt. LBR 2091-1; 9013-4(b)(39)
Withdrawal of Reference (fee), motion for	Non-Routine: opposing parties have 14 days to respond. Any reply memoranda must be filed within 7 days of the response. Court will forward to U.S. District Court when response time has expired.						28 U.S.C. § 157

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Special Service Requirements For Banks And Corporations:

Fed. R. Bankr. P. 7004 governs service in bankruptcy cases and adversary proceedings; it delineates the type of service required on various types of parties. Pursuant to this rule, service on banks and corporations requires special attention.

Fed. R. Bankr. P. 7004(b)(3) Service by first class mail upon a domestic or foreign corporation or upon a partnership or other unincorporated association. Service may be made within the United States by mailing the document (first class mail postage prepaid) to the attention of an officer, a managing or general agent, or to any other agent authorized by appointment or by law to receive service of process and, if the agent is one authorized by statute to receive service and the statute so requires, by also mailing a copy to the defendant.

Fed. R. Bankr. P. 7004(h) Service on an Insured Depository Institution. Service on an insured depository institution (as defined in section 3 of the Federal Deposit Insurance Act) must be made by certified mail addressed to an officer of the institution unless 1) the institution appeared by its attorney, in which case the attorney shall be served by first class mail; 2) the Court orders otherwise after service upon the institution by certified mail of notice of an application to permit service on the institution by first-class mail sent to an officer designated by the institution; or 3) the institution waived in writing its entitlement to service by certified mail by designating an officer to receive service.

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	days to response deadline	days between response deadline and hearing	total days to hearing	days to response deadline	days between response deadline and hearing	total days to hearing	
Abstention, motion for	Non-Routine: opposing parties have 14 days to respond. Any reply memoranda must be filed within 7 days of the response. Court will set hearing if necessary.						28 U.S.C. § 1334(c), (d); Fed. R. Bankr. P. 5011
Amend, motion to				11	3	14	Vt. LBR 7007-1; 9013-2
Appear <i>Pro Hac Vice</i> , application for	No notice or hearing required. US trustee and case attorney (if any) must be served the motion (Vt. LBR 2090-1(b)(1)(A))						Vt. LBR 2090-1(b); USDC-VT LR 83.1(b)
Application (Generic)—must specify relief sought in caption and docket text	No notice or hearing required. However, if application is to UST, then UST has 14 days to respond.						Vt. LBR 9013-2
Certification to Court of Appeals (motion)	Notice and hearing issues will be determined by Court of Appeals.						28 U.S.C. § 158(d)(2); Fed. R. Bankr. P. 8006
Compel, motion to				11	3	14	Vt. LBR 9013-2(b)(2)
Compromise and Settlement, motion to approve	21	7	28	18	3	21	Fed. R. Bankr. P. 2002(a)(3), 9019, 9013-4(38)
Consolidate Issues for Trial, motion to	Non-Routine: opposing parties have 14 days to respond. Any reply memoranda must be filed within 7 days of the response. Court will set hearing if necessary.						Vt. LBR 9013-2(b)(2)
Contempt, motion to hold party in	Non-Routine: opposing parties have 14 days to respond. Any reply memoranda must be filed within 7 days of the response. Court will set hearing if necessary.						Fed. R. Bankr. P. 9020
Continue Hearing, motion to	For good cause only; may be obtained without notice or hearing, if all parties consent within 2 days of the motion being filed and by 10 am on the last business day before the hearing.						Vt. LBR 5071-1, 9011-4 (f), 9013-2(b)(2); 9013-1(f)
Default, Entry of, application for	No notice or hearing required.						Fed. R. Bankr. P. 7055; Vt. LBR 7055-1
Default Judgment by Clerk, application for	No notice or hearing required.						Fed. R. Bankr. P. 7055(b)(1); Vt. LBR 7055-1(d)
Default Judgment by Court, motion for	If the party against whom entry of judgment by default is sought has appeared in the action or the Court determines that evidence is necessary in order to fix the amount due, compute damages or establish the truth of any averment, the Court shall set a hearing.						Fed. R. Bankr. P. 7055(b)(2); Vt. LBR 7055-1(f)
Defer Fee, application to	On application; no notice or hearing required.						Bankruptcy Court Miscellaneous Fee Schedule

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Dismiss Adversary Proceeding, motion to	If not stipulated, then will be treated as non-routine. Opposing parties have 14 days to respond. Any reply memoranda must be filed within 7 days of the response. Court will set hearing if necessary. (NOTE: A complaint under § 727 can be dismissed only by motion and after a hearing.)						Fed. R. Bankr. P. 7041
Dismiss Party, motion to	Non-Routine: opposing parties have 14 days to respond. Any reply memoranda must be filed within 7 days of the response. Court will set hearing if necessary.						Fed. R. Bankr. P. 7019
Disqualify Judge, motion to	Court will set hearing if necessary.						28 USC § 455; Fed. R. Bankr. P. 5004
Emergency Hearing, motion for	Notice governed by Vt. LBR 9075-1						Vt. LBR 9013-2, 9075-1
Expedite Hearing, motion to	Notice governed by Vt. LBR 9075-1						Vt. LBR 9013-1(h), 9075-1
Extend Time to File Pleadings or Memorandum of Law, motion to	14	7	21	11	3	14	Vt. LBR 9013-2(b)(2), 9013-4
Intervene, motion to	Non-Routine: opposing parties have 14 days to respond. Any reply memoranda must be filed within 7 days of the response. Court will set hearing if necessary.						Fed. R. Bankr. P. 7024
Join Additional Party, motion to	Non-Routine: opposing parties have 14 days to respond. Any reply memoranda must be filed within 7 days of the response. Court will set hearing if necessary.						Fed. R. Bankr. P. 7018, 7019, 7020, 7021
Miscellaneous Relief, motion for [must specify the particular relief sought both in the docket text and caption of motion]	Non-Routine: opposing parties have 14 days to respond. Any reply memoranda must be filed within 7 days of the response. Court will set hearing if necessary.						Vt. LBR 9013-2
More Definite Statement, motion for	Non-Routine: opposing parties have 14 days to respond. Any reply memoranda must be filed within 7 days of the response. Court will set hearing if necessary.						Fed. R. Bankr. P. 7012(e)
Notice of Dismissal in AP (Stipulated or Prior to Answer)	No notice or hearing required.						Fed. R. Bankr. P. 7041
Preliminary Injunction, motion for	Refer to Vt. LBR 9075-1 if matter is an emergency, otherwise opposing parties have 14 days to respond. Court will set a hearing if necessary.						Fed. R. Bankr. P. 7065
Protective Order, motion for	Refer to Vt. LBR 9075-1 if matter is an emergency, otherwise opposing counsel has 14 days to respond. Court will set a hearing if necessary.						Fed. R. Bankr. P. 7026(c); Vt. LBR 7026-1(h)
Quash, motion to	Refer to Vt. LBR 9075-1 if matter is an emergency, otherwise opposing counsel has 14 days to respond. Court will set a hearing if necessary.						Fed. R. Bankr. P. 7026; Vt. LBR 7026-1

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Reconsider, motion to	Non-Routine: Opposing party has 14 days to respond. Court will set a hearing if necessary.						Fed. R. Bankr. P. 9023, 9024; Vt. LBR 9023-1/9024-1
Remand, motion to	Non-Routine: opposing parties have 14 days to respond. Any reply memoranda must be filed within 7 days of the response. Court will set a hearing if necessary.						Fed. R. Bankr. P. 9027(d); Vt. LBR 9027-1
Sanctions, motion for	Non-Routine: opposing parties have 14 days to respond. Any reply memoranda must be filed within 7 days of the response. Court will set a hearing if necessary.						28 U.S.C. § 1927; Vt. LBR 9011-3 Fed. R. Bankr. P. 7016(f); 9011(c);
Settlement of an Adversary Proceeding/ Contested Matter	21	7	28	18	3	21	Fed. R. Bankr. P. 9019; Vt. LBR 9013-4(b)(38)
Sever Party or Cause of Action, motion to	Non-Routine: opposing parties have 14 days to respond. Any reply memoranda must be filed within 7 days of the response. Court will set a hearing if necessary.						Fed. R. Bankr. P. 7014
Shorten Time, motion to	Refer to Vt. LBR 9075-1 if matter is an emergency, otherwise opposing counsel has 14 days to respond. Court will set a hearing if necessary.						Fed. R. Bankr. P. 9006(c)
Stay Pending Appeal, motion for	Refer to Vt. LBR 9075-1 if matter is an emergency, otherwise opposing counsel has 14 days to respond. Court will set a hearing if necessary.						Fed. R. Bankr. P. 8007
Strike, motion to	Non-Routine: if filed within [21] days of service of pleading, opposing parties have 14 days to respond. Any reply memoranda must be filed within 7 days of the response. Court will set a hearing if necessary.						Fed. R. Bankr. P. 7012(f)
Withdrawal/Substitution of Counsel, motion for	14	7	21	11	3	14	Vt. LBR 2091-1; 9013-4(b)(39)
Substitute Party, motion to				11	3	14	Fed. R. Bankr. P. 7025
Summary Judgment, motion for	Opposing parties have 21 days to respond. Moving parties have 7 days to reply to response.						Fed. R. Bankr. P. 7056; Vt. LBR 7056-1
Transfer Adversary Proceeding, motion to	14	7	21	11	3	14	28 U.S.C. § 1412; Fed. R. Bankr. P. 7087; Vt. LBR 9013-4(b)(41)
Withdrawal/Substitution of Counsel, motion for	14	7	21	11	3	14	Vt. LBR 2091-1; 9013-4(b)(39)
Withdrawal of Reference (fee), motion for	Non-Routine: opposing parties have 14 days to respond. Any reply memoranda must be filed within 7 days of the response. Clerk will forward to U.S. District Court when response time has expired.						28 U.S.C. § 157

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Fed. R. Bankr. P. 7004(b)(3) Service by first class mail upon a domestic or foreign corporation or upon a partnership or other unincorporated association. Service may be made within the United States by mailing the document (first class mail postage prepaid) to the attention of an officer, a managing or general agent, or to any other agent authorized by appointment or by law to receive service of process and, if the agent is one authorized by statute to receive service and the statute so requires, by also mailing a copy to the defendant.

Fed. R. Bankr. P. 7004(h) Service on an Insured Depository Institution. Service on an insured depository institution (as defined in section 3 of the Federal Deposit Insurance Act) must be made by certified mail addressed to an officer of the institution unless 1) the institution appeared by its attorney, in which case the attorney shall be served by first class mail; 2) the Court orders otherwise after service upon the institution by certified mail of notice of an application to permit service on the institution by first-class mail sent to an officer designated by the institution; or 3) the institution waived in writing its entitlement to service by certified mail by designating an officer to receive service.