

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF VERMONT**

In re:

**MODIFICATION OF
LOCAL RULES OF PRACTICE AND
PROCEDURE IN BANKRUPTCY COURT,
DISTRICT OF VERMONT**

**Standing Order
03-5**

*To ADD Vt. LBR 9014-1(e)
IN ACCORDANCE WITH
FED. R. BANKR. P. RULE 9014-1(e).*

IN ACCORDANCE WITH the most recent amendments to the Federal Rules of Bankruptcy Procedure, effective on December 1, 2002,

IT IS ORDERED that the Vermont Local Bankruptcy Rules (“Vt. LBR”) are hereby modified to add the following local rule:

Vt. LBR 9014-1. CONTESTED MATTERS

(a) – (d)

Reserved

(e) Attendance of Witnesses.

(1) The Court may schedule a hearing in any matter and designate it as an evidentiary hearing. In such instance, at least five days prior to the hearing, or any shorter period as the Court may approve, each party to the evidentiary hearing shall file with the Court, and serve upon the other interested parties, a list of witnesses each party intends to call to testify.¹ (Note: Unless so designated on the Court’s calendar, hearings are NOT evidentiary hearings.²)

(2) When a party seeks to schedule a hearing at which witnesses will be called to testify (“an evidentiary hearing”), that party (hereinafter, “the requesting party”) shall contact the Courtroom Deputy to schedule the hearing. Thereafter, the requesting party shall file with the Court, and serve upon all parties in interest, a Rule 9014(e) Notice of Evidentiary Hearing. The Rule 9014(e) Notice shall be filed and served at least ten days prior to the hearing and shall include:

¹ The list to be filed should be in substantial conformity with Vt. LBF No. 10, “Rule 9014(e) Notice of Evidentiary Hearing,” attached hereto and available on the Court’s website.

² The exception is final hearings on motions for relief from stay, which are evidentiary hearings per Vt. LBR 4001-1(d). Also, while confirmation hearings in which objections are filed are treated as contested matters under the Bankruptcy Rules, the Court shall continue following its practice of treating the initial hearing on confirmation wherein an objection is filed as a legal argument (or status conference), with any evidentiary hearing necessitated by the objection being set for a later date. In such an instance, the Court shall direct whether a “Rule 9014(e) Notice of Evidentiary Hearing” is required.

- (A) the time and date of the scheduled hearing (set by the Courtroom Deputy);
- (B) the matter or motion that is the subject of the hearing;
- (C) the amount of time that has been allocated for the hearing;
- (D) whether the requesting party has coordinated the request for an evidentiary hearing with opposing counsel and/or parties in interest;
- (E) the witness(es) the requesting party will call to testify;
- (F) any other information the requesting party believes is relevant to the request for the evidentiary hearing; and
- (G) whether the evidentiary hearing is being held in lieu of a previously scheduled hearing.

See Vt. LBF No. 10, "Rule 9014(e) Notice of Evidentiary Hearing".

(3) If a party in interest seeks additional time, beyond that which has been provided for the evidentiary hearing, and/or intends to call additional witnesses to testify at the evidentiary hearing, that party must contact the Courtroom Deputy at least five days prior to the hearing to determine if and/or when additional time is available for the hearing. Additionally, such party must file and serve a supplemental Rule 9014(e) Notice of Evidentiary Hearing at least three days prior to the evidentiary hearing.


(4) Parties may, and are encouraged to, file a stipulated Rule 9014(e) Notice of Evidentiary Hearing. (Note: Parties are still required to coordinate scheduling of an evidentiary hearing with the Courtroom Deputy, regardless whether the hearing was requested by one party or on stipulation of multiple parties.)

(5) The scheduling, noticing and approval of a Rule 9014(e) evidentiary hearing is within the sole discretion of the Court.

This modification of the Local Rules is **effective December 1, 2003**.

SO ORDERED.

Rutland, Vermont
November 3, 2003



Colleen A. Brown
United States Bankruptcy Judge

[Vt. LBF No. 10]
UNITED STATES BANKRUPTCY COURT
DISTRICT OF VERMONT

In re:

[Debtor's Name],
Debtor.

Case # [#]
Chapter [#]

RULE 9014(e) NOTICE OF EVIDENTIARY HEARING

1. A hearing is scheduled for _____ [time] _____ on _____ [date] _____ at _____ [location] _____ regarding _____ [name of movant]'s [type of relief sought] _____.
2. _____ [Requesting Party] _____ has confirmed with the Courtroom Deputy that said hearing will be an evidentiary hearing.
3. _____ [Amount of time] _____ has been set aside for this evidentiary hearing.
4. _____ [Requesting Party] _____ [has]/[has not] contacted the opposing party(ies)/interested party(ies) regarding the time necessary for this evidentiary hearing.
5. _____ [Requesting Party] _____ intends to call the following witnesses:

(Note: If the opposing party(ies)/interested party(ies) requires additional time and/or intends to call additional witnesses, that party must contact the Courtroom Deputy to arrange for additional time, and file and serve a supplemental Rule 9014(e) Notice. See Vt. LBR 9014-1(e), as added by Standing Order #03-5.)

- [6. Any additional information requesting party deems relevant/necessary for the Court's consideration (e.g., whether, due to the request for an evidentiary hearing, the requesting party agrees to a waiver of 11 U.S.C. § 362(e)).]

- [7. This evidentiary hearing will be held in lieu of the hearing previously scheduled for _____ [time] _____ on _____ [date] _____ at _____ [location] _____ regarding _____ [requesting party]'s [type of relief sought] _____.]

Dated this _____ [date] _____ day of _____ [month] _____ [year].

[Signature of Requesting Party]
Name, address, telephone number