Local Rule 9073-1 Hearings (2014)

(a) Scope of Rule. This rule applies to matters requiring a hearing in either a case or an adversary proceeding.

(b) Setting Hearings. The movant or a party objecting to a claim must obtain a hearing date and time on the court's calendar from the scheduling clerk for the judge assigned to the case. Unless modified by court order, hearings must be scheduled with sufficient time to serve notice and to give parties in interest time to file responsive memoranda as allowed in these Local Rules. The movant or objecting party must file the motion or objection within 3 business days after the hearing has been set. The court may strike the hearing if the motion or objection is not filed timely without further notice, and may sanction any party that sets a matter for hearing but fails to timely file the applicable motion or objection. After the hearing has been scheduled, the movant or objecting party may not add or substitute other motions or objections without the express permission of the scheduling clerk. The court may strike any motion or objection that was added or substituted without permission.

(c) Order of Hearings. The court will direct the order in which hearings will be held to promote efficiency and justice.

(d) Movant Responsible to Give Notice. The movant or the objecting party is responsible for properly serving the motion or objection and notice to all parties entitled to notice.

(e) Rescheduling Hearings. If an objection or response to a motion or objection has been filed, the hearing may not be rescheduled without the consent of all parties and the Court.

(f) Cancellation of Hearings. If the movant or other party wishes to cancel a noticed hearing for any reason, the movant or other party must immediately give notice of the cancellation to the scheduling clerk and parties receiving notice. The court may assess costs against the movant or parties who fail to give adequate notice of the cancellation of a hearing.

(g) Withdrawal of Motion. A movant or party who does not intend to pursue a motion or objection must immediately file a withdrawal of the motion and notify the scheduling clerk and parties in interest who received the motion. Even if the motion is withdrawn, the movant or party must attend the hearing unless excused by the court. A movant or party who fails to provide notice under this rule may be assessed costs.

(h) Withdrawal of Response to Motion. A responding party who does not intend to argue its position at the hearing, must immediately file a withdrawal of the response, notify the movant of the withdrawal, and notify the scheduling clerk. The court may assess costs against a party for failure to comply with this rule.

(i) Attendance at Hearing. Unless a hearing is stricken pursuant to Local Rule 9013-1(f) [1], or rescheduled pursuant to subsection (e) of this Local Rule, the movant and any responding or objecting party must appear at the hearing.

(j) Failure to Appear at a Hearing. Unless excused by the court, failure to appear at a hearing may be deemed either a waiver of the motion by the movant or a consent to the motion by the responding party. A movant or responding party who fails to attend a hearing when required may be assessed costs incurred by the opposing party.

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[1] https://www.utb.uscourts.gov/local-rules/2014/9013/1