

**Applicable Time Periods for Matters in Bankruptcy Court
(District of Alaska)
(updated 4/21/16)**

I. Motions:

“Generic” notice and opposition period, where no other applicable rule [AK LBR 9013-1]:

21 days from service of motion to file an opposition; and
7 days from service of opposition to file a reply

14 day notice period:

| Event | Notice With Hearing Date? ¹ | Authority | Applic. Form |
|------------------------------------------------------------|----------------------------------------|-------------------------------------------|----------------------------------------|
| Abandon Property | No | AK LBR 6007-1 | |
| Cash Collateral (unless heard on shortened time) | Yes | FRBP 4001(b)(2) AK LBR 4001-2 | AK LBF 35 |
| Relief From Stay (excluding co-debtor relief from stay) | No | 11 U.S.C. § 362(d) AK LBR 4001-1(b)(1) | AK LBF 1 (motion) AK LBF 1 (notice) |

20 day notice period:

| Event | Notice With Hearing Date? | Authority | Applic. Form |
|------------------------------|---------------------------|----------------------------------------------------|----------------------------------------|
| Relief From Stay (co-debtor) | No | 11 U.S.C. §§ 1201(d), 1301(d) AK LBR 4001(b)(2) | AK LBF 1 (motion) AK LBF 3 (notice) |

21 day notice period:

| Event | Notice With Hearing Date? | Authority | Applic. Form |
|---------------------------------------------------------------------|---------------------------|------------------------------------------|---------------------------------------|
| Assume/Reject Executory Contract | No | FRBP 2002(a)(2) AK LBR 6006-1(a)(1) | AK LBF 25-1, 25-2 |
| Compensation | No | FRBP 2002(a)(6) AK LBR 2016-1, -2, -3 | AK LBF 15 (fees) AK LBF 14 (other) |
| Conversion of ch. 7, 11 or 12 case | Yes | FRBP 2002(a)(4) | AK LBF 10 |
| Conversion of ch. 7 to 13, motion by debtor | No | AK LBR 1017-1(a)² | AK LBF 39 |
| Conversion of ch. 13 case (excluding motion by debtor) ³ | No | AK LBR 9013-1(b) | AK LBF 18 |
| Dismissal of ch. 7, 11 or 12 case | Yes | FRBP 2002(a)(4) | AK LBF 10 |
| Dismissal of ch. 13 case (including motion by debtor) ⁴ | No | AK LBR 9013-1(b) | AK LBF 18 |
| Dismissal of § 727 Adversary Proceeding | No | AK LBR 7041-1(c)(1) | |
| Entry of Final Decree | No | AK LBR 3022-1(c) | AK LBF 31 |
| Joint Administration or Substantive Consolidation ⁵ | No | AK LBR 1015-1(b) | AK LBF 27 or 28 |
| Modification of Ch. 13 Plan | No | FRBP 2002(a)(5) | AK LBF 6B |
| Sale Free & Clear | Yes | FRBP 6004(c) AK LBR 6004-1(b) | AK LBF 10 |
| Summary Judgment | No | D. AK LBR 7.1(f)(1) | |
| Use, Sale or Lease of Property (not including sales free & clear) | No | FRBP 2002(a)(2) AK LBR 6004-1(a) | AK LBFs 22, 23 |
| Value Collateral | No | AK LBR 3012-1(c)(2) | |
| Withdraw Reference | No | AK LBR 5011-1(c)(1) | |
| Withdrawal by Attorney ⁶ | No | AK LBR 9010-1(d)(2) | |

28 day notice period:

| Event | Notice With Hearing Date? | Authority | Applic. Form |
|-----------------------------------------------------------------|---------------------------|------------------|--------------|
| Approval of Disclosure Statement | Yes | FRBP 2002(b) | |
| Confirmation of Ch. 11 Plan | Yes | FRBP 2002(b) | |
| Violations of § 110(1) (against a bankruptcy petition preparer) | No | AK LBR 9013-3(b) | |

30 day notice period:

| Event | Notice With Hearing Date? | Authority | Applic. Form |
|--------------------|---------------------------|--------------|--------------|
| Objection to claim | Yes | FRBP 3007(a) | AK LBF 13 |

II. Other Deadlines:**14 days from entry of order or judgment:**

Notice of Appeal [FRBP 8002]

Motion for New Trial, to Alter or Amend Judgment, or for Reconsideration [FRBP 9023]

Confirmation of chapter 13 plan:

Notice of confirmation hearing: served no later than 28 days after petition filed or case converted to ch 13 [AK LBR 3015-3(b)(1)]

Objections to confirmation: filed no later than 21 days after initial § 341 meeting [AK LBR 3015-3(c)(1)[B]].

Modification of a *confirmed* chapter 13 plan: covered by § 1329, FRBP 2002(a)(5), AK LBF 6B. No hearing required unless an objection is filed.

III. Requests to Extend or Shorten Time: Governed by FRBP 9006(b) and (c). In general, the court may grant a motion to extend or shorten a deadline, but there are explicit exceptions to that rule:

Enlargement of time is NOT permitted under FRBP 9006(b)(1) for following deadlines:

- filing the list of 20 largest unsecured claims under FRBP 1007(d),
- the setting of the § 341 meeting under FRBP 2003(a),
- report of election and resolution of disputes in ch. 7 case under FRBP 2003(d),
- requests for amended or additional findings after entry of judgment under FRBP 7052,
- requests for new trials or amendment of judgment under FRBP 9023, and
- requests for relief from judgment or order under FRBP 9024.

Enlargement of time is governed by other applicable rules (in lieu of FRBP 9006) for the following deadlines:

- extension of time to pay filing fee in installments under FRBP 1006(b)(2),
- filing a motion to dismiss for abuse under § 707(b) or (c) under FRBP 1017(e),
- extension of time to file a proof of claim under FRBP 3002(c),
- objecting to a claim of exemptions under FRBP 4003(b),
- deadline to object to discharge under FRBP 4004(a),
- deadline for filing complaint objecting to dischargeability of a debt under § 523(c) under FRBP 4007(c),
- extension of time to file a reaffirmation agreement under FRBP 4008(a),
- time for filing an appeal under FRBP 8002,
- time for filing objections to proposed finding of fact and conclusions of law in non-core proceedings under FRBP 9033,
- time for debtor to file postpetition financial management certificate in ch. 7 and 13 cases governed by FRBP 1007(c), and
- time for filing schedules and statements in small business cases under § 1116(3) governed by FRBP 1007(c).

Reduction of time is NOT permitted for the following deadlines:

- time fixed for filing proofs of claim under FRBP 2002(a)(7) and 3002(c),
- setting the § 341 creditors' meeting under FRBP 2003(a),
- filing § 1111(b) election in ch. 9 and 11 cases under FRBP 3014,
- the ch. 12 or 13 plan filing and noticing deadlines set out in FRBP 3015,
- final hearings on cash collateral motions under 4001(b)(2), or motions to obtain credit under FRBP 4001(c)(2),
- for a dependent of debtor to file list of exemptions under FRBP 4003(a),
- to object to debtor's discharge under FRBP 4004(a),
- to file a § 523(c) complaint objecting to dischargeability of a debt under FRBP 4007(c),
- deadline to file a reaffirmation agreement under FRBP 4008(a)
- to file an appeal under FRBP 8002,
- to file objections to proposed finding of fact and conclusions of law in non-core proceedings under FRBP 9033(b), and
- for debtor to file postpetition financial management certificate in ch. 7 and 13 cases under FRBP 1007(b)(7).

1. Several motions do not require an actual hearing unless an objection is filed. *Compare* 11 U.S.C. § 102(1) [which states that “‘after notice and a hearing,’ or a similar phrase” permits an act to be taken without a hearing if appropriate notice has been given and no party in interest has timely requested a hearing] with FRBP 2002(a)(4) [which requires 21 days notice by mail “of the hearing on dismissal . . . or conversion of the case]. See *also* AK LBR 9075-1(b)(1).
2. See *Marrama v. Citizen’s Bank of Mass.*, 549 U.S. 365 (2007). EXCEPTION: If the debtor moves to convert a chapter 7 case to chapter 13 in response to the U.S. Trustee’s motion to dismiss for abuse under § 707(b)(1) and (b)(2), and the U.S. Trustee consents to the conversion, the motion does not need to be noticed. AK LBR 1017-1(c).
3. A debtor’s motion/notice of voluntary conversion of a chapter 13 case to chapter 7 is effective on filing; it does not need to be noticed. 11 U.S.C. § 1307(a), *Harris v. Viegelahn*, ___ U.S. ___, 135 S.Ct. 1829, 1835-36 (2015).
4. See *Rosson v. Fitzgerald (In re Rosson)*, 545 F.3d 764 (9th Cir. 2008). [Ch. 13 debtor doesn’t have “absolute right” to dismiss under § 1307(b); motion to dismiss must be noticed.]. Ch. 13 debtor’s right to *convert* from 13 to 7 is still absolute, however. *Nady v. DeFrantz (In re DeFrantz)*, 454 B.R. 108 (B.A.P. 9th Cir. 2011).
5. Except for Joint Administration or Substantive Consolidation of Joint Cases Commenced Under § 302. AK LBR 1015-1(c), (d).
6. If withdrawing attorney represents debtor, debtor in possession, or trustee, notice must go to matrix. AK LBR 9010-1(d)(3)[A]. Court approval of the withdrawal is only required in instances where the attorney’s initial employment required court approval (e.g., employment of trustee or DIP counsel). Withdrawal of chapter 7 debtor’s counsel does not require court approval, but does require notice to the matrix in accordance with AK LBR 9010-1(d).