

### **Local Rule 3007. Objections to Claims.**

- (a) A proof of claim filed under the court's electronic procedures has the same evidentiary effect as one filed under FED. R. BANKR. P. Rule 3001.
- (b) An objection to claim must identify the claim by claimant, date filed, amount secured or unsecured, and priority. The legal and factual basis must be clear from the face of the objection.
- (c) The objection must include a scheduling conference hearing date from the judge's web page or from the case manager and must state immediately below the title:

This is an objection to your claim. The objecting party is asking the court to disallow the claim that you filed in this bankruptcy case. You should immediately contact the objecting party to resolve the dispute. If you do not reach an agreement, you must file a response to this objection and send a copy of your response to the objecting party within 20 days after the objection was served on you. Your response must state why the objection is not valid. If you do not file a response within 20 days after the objection was served on you, your claim may be disallowed.

A hearing has been set on this matter on [date] at [time] in courtroom \_\_\_\_\_, [address].

- (d) The objecting party must serve the objection on the claimant, the claimant's counsel, the debtor, the debtor's counsel, and the trustee at least 30 days before the hearing date.
- (e) Failure of either party to appear at the initial hearing may result in summary disposition of the objection. If no defense to the objection is raised, the court may adjudicate the claim at the initial hearing on affidavits filed by the objection party. Agreed orders must be submitted in court when the case is called or earlier. If a defense is raised, an evidentiary hearing will be scheduled at the initial hearing, unless the parties consent to an immediate hearing.
- (f) Limitation on joinder of claims objection. Unless otherwise ordered by the court or permitted by subdivision (g), objections to more than one claim shall not be joined in a single objection.
- (g) Omnibus objection. Subject to subdivision (h), objections to more than one claim may be joined in an omnibus objection if all the claims were filed by the same entity, or the objections are based solely on the grounds that the claims should be disallowed, in whole or in part, because:
  - (1) they duplicate other claims;

- (2) they have been filed in the wrong case;
  - (3) they have been amended by subsequently filed proofs of claim;
  - (4) they were not timely filed;
  - (5) they have been satisfied or released during the case in accordance with the Code, applicable rules, or a court order;
  - (6) they were presented in a form that does not comply with applicable rules, and the objection states that the objector is unable to determine the validity of the claim because of the noncompliance;
  - (7) they are interests, rather than claims; or
  - (8) they assert priority in an amount that exceeds the maximum amount under § 507 of the Code.
- (h) Requirements for omnibus objection. An omnibus objection shall:
- (1) state in a conspicuous place that claimants receiving the objection should locate their names and claims in the objection;
  - (2) list claimants alphabetically, provide a cross-reference to claim numbers, and, if appropriate, list claimants by category of claims;
  - (3) state the grounds of the objection to each claim and provide a cross-reference to the pages in the omnibus objection pertinent to the stated grounds;
  - (4) state in the title the identity of the objector and the grounds for the objections;
  - (5) be numbered consecutively with other omnibus objections filed by the same objector; and
  - (6) contain objections to no more than 100 claims.
- (i) Exhibits.
- (1) Each exhibit attached to an Objection shall include, at a minimum, the information identified in the following table, with such information entered in the respective boxes as appropriate:

(1) Name of Claimant	(2) Claim Number	(3) Claim Amount	(4) Reason for Disallowance

- (2) Each exhibit shall contain only those claims to which there is one common basis for objection (e.g., exhibit A duplicate claims; exhibit B amended or superseded claims).

- (3) A claim for which there are two or more bases for objection (e.g., a claim that is both duplicative and late filed) shall be referenced on each applicable exhibit.
- (4) Each exhibit shall have the claims listed alphabetically by the last name of the claimant (in the case of an individual) or the name of the entity (in the case of a corporation, partnership, limited liability company, etc.).
- (5) If an Objection seeks to reduce the amount of a claim, a column shall be added between columns (3) and (4) titled "Modified Claim Amount" and column (4) shall be changed from "Reason for Disallowance" to "Reason for Modification."

(1) Name of Claimant	(2) Claim Number	(3) Claim Amount	Modified Claim Amount	(4) Reason for Modification

- (6) If an Objection seeks to change the classification of a claim, two columns shall be added between columns (3) and (4) titled "Claim Classification Status" and "Modified Classification Status" and column (4) shall be changed from "Reason for Disallowance" to "Reason for Reclassification."

(1) Name of Claimant	(2) Claim Number	(3) Claim Amount	Claim Classification Status	Modified Classification Status	(4) Reason for Reclassification

- (7) If an Objection seeks to change the priority of a claim, two columns shall be added between columns (3) and (4) titled "Claim Priority Status" and "Modified Priority Status" and column (4) shall be changed from "Reason for Disallowance" to "Reason for Modification."

(1) Name of Claimant	(2) Claim Number	(3) Claim Amount	Claim Priority Status	Modified Priority Status	(4) Reason for Modification

- (8) If an Objection seeks to expunge amended or duplicate claims, the title of column (2) shall be changed from "Claim Number" to "Remaining Claim Number" and a column shall be added between columns (2) and (3) titled "Duplicate or Amended Claim to be Expunged."

(1) Name of Claimant	(2) Remaining Claim Number	Duplicate or Amended Claim to be Expunged	(3) Claim Amount	(4) Reason for Disallowance

- (9) If an Objection seeks to expunge late filed claims, a column shall be added between columns (1) and (2) titled "Date Claim Filed."

(1) Name of Claimant	<b>Date Claim Filed</b>	(2) Claim Number	(3) Claim Amount	(4) Reason for Disallowance

- (10) Where the Objection is based on substantive grounds, the exhibit must include a claim-specific declaration in the column titled "Reason for Disallowance" giving sufficient detail as to why the claim should be disallowed. The following are examples of "sufficient detail" necessary to sustain an Objection on a substantive basis:
- (a) If the claim is against a non-debtor entity, then the non-debtor entity must be identified;
  - (b) If the claim has been paid or satisfied prepetition (not postpetition), then the check number and the date the check was issued must be identified. (An objection to a claim on the basis that the claim has been paid or satisfied postpetition is not a valid objection);
  - (c) If the claim includes a postpetition claim, then the date the postpetition claim arose must be identified; and
  - (d) If the Objection is based on the debtor's lack of any books and records relating to the claim, then the objector must state, by affidavit or declaration, that the objector has made reasonable efforts to research the claim on the debtor's books and records.
- (j) Pro Se Claimants and Out of Town Attorneys. Any claimant may participate pro se (and telephonically) at the initial hearing on an Objection to his or her claim by following the telephonic appearance procedures located on the Court's website. Out of town attorneys may also appear at the initial hearing by telephone without the need of local counsel.
- (k) Hearings on Objections in Complex Chapter 11 Cases. Hearings on Objections may ordinarily be held on the regularly scheduled omnibus hearing dates in Complex Chapter 11 Cases, consistent with subdivision (e) above and the complex chapter 11 rules of this district. The parties may also request that a separate hearing on an Objections(s) based on substantive grounds be separately scheduled for a date and time convenient to the Court and the parties.