

UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF MICHIGAN

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In re:	)
	) Administrative Order No. 2009-4
CONFORMING AMENDMENTS TO TIME	)
PERIODS IN LOCAL BANKRUPTCY RULES	)
	)

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Pursuant to 28 U.S.C. § 2075, the Supreme Court has approved amendments to the Bankruptcy Rules which will take effect December 1, 2009. The primary change affecting bankruptcy practice is reflected in Bankruptcy Rule 9006(a).

The purpose of the amendments is to make the method of computing time simpler, clearer, and consistent with other federal rules by counting every day, instead of the current method of excluding weekends and holidays. The amendments continue the existing practice of including the last day of the period unless the last day is a Saturday, Sunday, or legal holiday, in which case the period continues to run until the end of the next day that is not a Saturday, Sunday, or legal holiday.

The general effective date of the Supreme Court's amendments has not provided sufficient time to seek advice from the Local Bankruptcy Rules Committee of the Western District of Michigan Bankruptcy Court, or promulgate rules after appropriate public notice and an opportunity for comment. Accordingly, the court, with the concurrence of its three bankruptcy judges, is entering this Administrative Order in advance of issuing more formal, conforming amendments to the Local Bankruptcy Rules.

The court has authority to issue this Administrative Order pursuant to 28 U.S.C. § 2071, Rule 83 of the Federal Rules of Civil Procedure, W.D. Mich. LCivR 83.2(d), and Rule 9029 of the Federal Rules of Bankruptcy Procedure.

**NOW, THEREFORE, IT IS HEREBY ORDERED** that **EFFECTIVE DECEMBER 1, 2009**, the time periods prescribed in the Local Bankruptcy Rules of the United States Bankruptcy Court for the Western District of Michigan are hereby amended by replacing the period of days set forth in the second column of the following with the period of days set forth in the third column, where the relevant time period appears in the specified Rule:

<b>Local Rule</b>	<b>Existing Period in Days<sup>1</sup></b>	<b>Amended Period in Days</b>	<b>Rule/Description</b>
1006(b)	7b 7b	7 7	Unpaid Prior Filing fees—court may dismiss if not fully paid within 7 days
1007-2(d)(3)	5	7	Asset Protection Report—if the conversion is involuntary, debtor shall file report with the motion to convert.
1007-2(f)(2)(A)	10	14	Creditor makes a timely request...if made in a separate paper...
1007-2(g)(2)(A)	15	14	Creditor makes a timely request for tax information if...made in a separate paper...
2014(a)(2)	25	28	Scope-Objections to applications for employment of professional persons
2014(a)(3)	25	28	Statement of No Objection
2016(b)(1)	20	21	Objections to fee applications...
2016(b)(5)	25	28	Submission of Order Without a Hearing
2016(e)	20	21	Filing of Fee Applications in Cases Pursuant to Chapter 12 and 13
2016(e)(5)	25	28	Filing of Fee Applications in Cases Pursuant to Chapter 12 and 13—amendments to the plan...
3015(b)(1)	15	14	Dismissal When Debtor Fails to File Schedules, Statement or a Plan...unless debtor files the required documents...

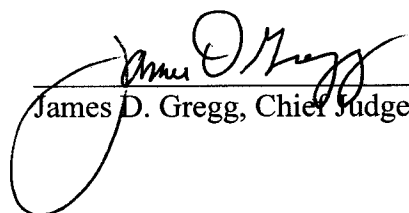
<sup>1</sup> The use of a lower case “b” next to the number of days in this column, as in “7b” for example, denotes “business days.” All other references in this Administrative Order to numbers of days shall mean calendar days.

3015(b)(2)	15	14	Dismissal When Debtor Fails to File Schedules, Statement or a Plan...unless debtor brings a proper motion...
4001-1(e)	5	7	Procedures for Motions for Relief from the Automatic Stay—Extension of Stay
4001-2(b)(5)(A)	15 15	14 14	Motions for Use of Cash Collateral or to Obtain Credit—if a debtor files a motion for the entry of an order approving...the Court may enter the order without a hearing if...the order provides that...
4001-3(c)	15	14	Service of a Motion Pursuant to Fed. R. Bank. P. 4001(d) for Approval of Agreed Relief—notice shall indicate...
4001-4(a)(3)	1b	1	Rent Deposits—delivery to the clerk
4004-1(c)	20	21	Delayed Discharge—any party in interest...
5005-2(d)(4)	15	14	Defective Pleadings and Papers—...A stricken pleading or paper...filed within...
5005-2(e)	15	14	Defective Pleadings and Papers—any entity affected by the notice of rejection...
5005-2(g)	15	14	Defective Pleadings and Papers—if the deficient papers are not filed within...
5011(b)	15 15	14 14	Withdrawal of Reference—Time for Filing
5011(d)	10	14	Withdrawal of Reference—Designation of Record
5011(e)	10 10	14 14	Withdrawal of Reference—Responses to Motions to Withdraw the Reference; Reply
7090	10 10	14 14	Settlements of Adversary Proceedings
9010-3(4)	10	14	<i>Pro Hac Vice</i> Admission
9011(e)	15	14	Signatures on E-Filed Papers...
9013(c)(1)(A)	15 20	14 21	Motion Practice—Notice with opportunity to object
9013(c)(2)	20 25	21 28	Motion Practice—Notice with opportunity to object
9013(f)	5	7	Motion Practice—Responses and Briefs
9013(i)(2)	5b	7	Motion Practice—Request for Emergency Hearing—An “emergency” is...

IT IS FURTHER ORDERED that the Clerk shall have authority to revise the court’s local forms consistent with the changes reflected in this Administrative Order.

IT IS FURTHER ORDERED that the Clerk shall take appropriate measures to distribute and publicize this Administrative Order to members of the bar and the public.

FOR THE COURT.



James D. Gregg, Chief Judge