

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF CALIFORNIA



In re

AMENDMENT TO LOCAL RULE 3007-1

GENERAL ORDER 08-01

Notice and opportunity for public comment concerning the proposed revision to Local Rule 3007-1, *Objections to Proofs of Claim* having been given in accordance with Federal Rule of Bankruptcy Procedure 9029, and those comments received having been duly reviewed and considered by the Court,

**IT IS ORDERED** that Local Rule 3007-1, *Objections to Proofs of Claim* is amended as set forth in the attachment hereto, effective immediately.

DATED: March 5, 2008

Michael S. McManus, Chief Judge

Christopher M. Klein, Judge

Whitney Rimel, Judge

Thomas C. Holman, Judge

W. Richard Lee, Judge

Robert S. Bardwil, Judge

**PROPOSED REVISION  
OF**

**LOCAL RULE 3007-1  
Objections to Proofs of Claim**

(a) Where necessary to the proper and timely administration of the bankruptcy estate, the debtor, debtor-in-possession, or trustee, as appropriate, shall, and other parties in interest may, examine proofs of claim filed in the case and file objections to those proofs of claim.

(b) Each objection shall include the name of the claimant, the date the proof of claim was filed with the court, ~~and the amount of the claim, and the number of the claim as it appears on the claims register maintained by the court.~~ Unless the basis for the objection appears on the face of the proof of claim, the objection shall be accompanied by evidence establishing its factual allegations and demonstrating that the proof of claim should be disallowed. A mere assertion that the proof of claim is not valid or that the debt is not owed is not sufficient to overcome the presumptive validity of the proof of claim. ~~A complete copy of the proof of claim as filed with the court shall be included as an exhibit or appendix to the objection.~~

~~(c) In the event objections are filed to more than one proof of claim, a separate objection shall be filed to each proof of claim.~~

~~(d) Amount of Notice.~~

(1) Objections set on 44 days' notice. Unless the objecting party elects to give the notice permitted by LBR 3007-1~~(d)~~(c)(2), the objecting party shall file and serve the objection at least forty-four (44) calendar days prior to the hearing date.

(i) Opposition. Opposition, if any, to the sustaining of the objection shall be in writing and shall be served and filed with the Clerk by the responding party at least fourteen (14) calendar days preceding the date or continued date of the hearing. Without good cause, no party shall be heard in opposition to an objection at oral argument if written opposition to the objection has not been timely filed. Failure of the responding party to timely file written opposition may be deemed a waiver of any opposition to the sustaining of the objection or may result in the imposition of sanctions.

