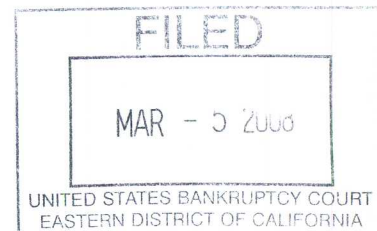


UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF CALIFORNIA



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

A handwritten signature in blue ink, appearing to read "Michael S. McManus".

Michael S. McManus, Chief Judge

A handwritten signature in blue ink, appearing to read "Christopher M. Klein".

Christopher M. Klein, Judge

A handwritten signature in blue ink, appearing to read "Whitney Rimel".

Whitney Rimel, Judge

A handwritten signature in blue ink, appearing to read "Thomas C. Holman".

Thomas C. Holman, Judge

A handwritten signature in blue ink, appearing to read "W. Richard Lee".

W. Richard Lee, Judge

A handwritten signature in blue ink, appearing to read "Robert S. Bardwil".

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.



The opposition shall specify whether the responding party consents to the Court's resolution of disputed material factual issues pursuant to FRCivP 43(e) as made applicable by FRBP 9017. If the responding party does not so consent, the opposition shall include a separate statement identifying each disputed material factual issue. The separate statement shall enumerate discretely each of the disputed material factual issues and cite the particular portions of the record demonstrating that a factual issue is both material and in dispute.

(ii) Reply. The objecting party may, at least seven (7) calendar days prior to the date of the hearing, serve and file with the Clerk a reply to any written opposition filed by a responding party.

If the objecting party does not consent to the Court's resolution of disputed material factual issues pursuant to FRCivP 43(e), the objecting party shall file and serve, within the time required for a reply, a separate statement identifying each disputed material factual issue. The separate statement shall enumerate discretely each of the disputed material factual issues and cite the particular portions of the record demonstrating that a factual issue is both material and in dispute.

Unless the Court determines that an evidentiary hearing is necessary, the evidentiary record closes upon expiration of the time for the filing of the reply.

(iii) Prior to the noticed hearing date, counsel may bring to the Court's attention relevant judicial opinions published after the date the opposition or reply was filed by filing and serving a Statement of Recent Development, containing a citation to and providing a copy of the new opinion without argument. No memoranda, declarations or documents other than those specified in this Local Rule shall be filed without prior Court approval.

(2) Objection set on 30 days' notice. Alternatively, the objecting party may file and serve the objection at least thirty (30) calendar days prior to the hearing date. When fewer than forty-four (44) calendar days' notice of a hearing is given, no party in interest shall be required to file written opposition to the objection. Opposition, if any, shall be presented at the hearing on the objection. If opposition is presented, or if there is other good cause, the Court may continue the hearing to permit the filing of evidence and briefs.

~~(e)~~ (d) An objection to a proof of claim shall be served on the claimant at the address on the proof of claim, not the address listed in the schedules, if different from the claimant's address noted on the proof of claim.

*Comment: revised to conform to the new omnibus claims provisions contained in Federal Rule of Bankruptcy Procedure 3007(d), as amended December 1, 2007; the revision also clarifies that objections to claims must contain the number of the claim as it appears on the claims register maintained by the court.*