

# LOCAL BANKRUPTCY RULE 3007-1

## OBJECTIONS TO CLAIMS

### (a) OBJECTIONS

- (1) Objections to claims are “contested matters” under F.R.B.P. 9014. **Except to the extent otherwise provided in this Local Bankruptcy Rule, an objection to claim and must comply with the requirements of Local Bankruptcy Rule 9013-1(a)-(f); except (a)(6)(A)-(B).**
- (2) ~~A claim objection shall be served on the claimant at the address disclosed by the claimant in its proof of claim and at such other addresses and upon such parties as may be required by F.R.B.P. 7004 and other applicable rules.~~
- ~~(3)~~ (3) If a claim objection is joined with a demand for relief of a kind specified in F.R.B.P. 7001, it becomes an adversary proceeding subject to Local Bankruptcy Rule 7004-1, *et. seq.*
- ~~(4)~~ (3) A claim objection must include the number, if any, assigned to the disputed claim on the court’s claims register.
- (4) **A separate objection must be filed to each proof of claim unless**
  - (A) **the objection pertains to multiple claims filed by the same creditor;**
  - (B) **the objection is an omnibus claim objection; or**
  - (C) **the court orders otherwise.**
- (5) **An omnibus claim objection asserts the same type of objection to claims filed by different creditors, e.g., claims improperly filed as priority claims, duplicate claims, claims filed after the bar date. An omnibus claim objection must**
  - (A) **Identify the name of each claimant and the claim number in the caption of the objection; and**
  - (B) **Include as exhibits the documents supporting each claim objection organized and indexed by claim number.**
- (6) **If more than 20 objections in a case are noticed for hearing on a single calendar, the objector must comply with the supplemental procedures available in the clerk’s office and on the court’s website <[www.cacb.uscourts.gov](http://www.cacb.uscourts.gov)>.**

**(b) NOTICE AND HEARINGS**

- (1) A claim objection must be set for hearing on notice of not less than 30 days.
- (2) The claim objection must be served on the claimant at the address disclosed by the claimant in its proof of claim and at such other addresses and upon such parties as may be required by F.R.B.P. 7004 and other applicable rules.
- (3) A Notice of Objection to Claim must be served with the claim objection. The notice must advise the claimant of the date, time and place of hearing, and state:
  - (A) A response must be filed and served not later than 14 calendar days prior to the date of hearing set forth in the notice; and
  - (B) If a response is not timely filed and served, the court may grant the relief requested in the objection without further notice or hearing.
- (4) The court will conduct a hearing on a claim objection to which there is a timely response.
- ~~(2)~~(5) If the claimant timely files and serves a response, the court, in its discretion, may treat the initial hearing as a status conference if it determines that the claim objection involves disputed fact issues or will require substantial time for presentation of evidence or argument.
- (6) If the claimant does not timely file and serve a response, the court may sustain the objection and grant the relief requested without a hearing.
  - (A) The objector may then lodge a proposed order, together with a declaration attesting that no response was served upon the objector. The declaration must identify the docket number and filing date of the objection to claim, notice, and proof of service of the notice and objection to claim, and be served on the claimant.
  - (B) The objector must also lodge a notice of entry of order which provides for service on the claimant, and any other party in interest served with the objection to claim. The notice of entry must be accompanied by sufficient copies of the order and stamped, addressed envelopes for all parties entitled to notice of entry of the order.

**(c) EVIDENCE REQUIRED**

- (1) An objection to claim ~~Objections~~ must be supported by admissible evidence sufficient to overcome the presumption of validity imposed by FRBP 3001(f) ~~the~~ the evidentiary effect of a properly documented proof of claim executed and filed in

accordance with F.R.B.P. 3001. The evidence must demonstrate that the proof of claim should be disallowed, reduced, subordinated, re-classified, or otherwise modified.

(2) A copy of the complete proof of claim, including attachments or exhibits, must be attached to the objection to claim, together with the objector's declaration stating that the copy of the claim attached is a true and complete copy of the proof of claim on file with the court, or, if applicable, of the informal claim to which objection is made.

(2) (A) ~~Claims Must Be Attached.~~ An authenticated copy of the complete proof of claim, including attachments or exhibits, must be attached to the objection to claim. Authenticated copies of claims objected to shall be attached.

(B) ~~Declaration Required.~~ The objector's authenticating declaration shall state that each copy of a claim attached is a true and complete copy of the of claim on file with the court, or, if applicable, of the informal claim to which objection is made.

(C) ~~Attachments Required.~~ Each copy of a claim shall be complete, with all attachments.

(3) (D) ~~Unavailable Proofs of Claim.~~ If the complete proof of claim is not readily available from the court file, the objector may formally request a copy from the holder of the claim by serving the creditor with a Notice of Request for Copy of Claim.

(A) ~~All such requests shall~~ The request must advise the holder of the claim that failure to supply a complete copy of the proof of claim, including all attached documentation, within 30 days of the notice may constitute grounds for objection to the claim based on inadequate documentation.

(B) If an objection is filed on this basis, it shall must be accompanied by a declaration providing evidence that the proof of claim was not readily available from the court file, or otherwise.

(3)(4) ~~Late Claims.~~ If objections are asserted that claims were ~~If the basis for the objection is that the proof of claim was~~ filed after the bar date, the objection shall must include a copy of each of the following:

(A) The bar date order, if any;

(B) ~~A conformed copy of t~~ The notice of bar date; and

(C) Proof of service of the notice of bar date.

- (5) If the basis for the objection is that there are duplicate proofs of claim, the objection must include a complete copy of each proof of claim.

~~(d) **MULTIPLE OBJECTIONS ON A SINGLE CALENDAR**~~

- ~~(1) Objections shall be grouped by type. For example:~~
- ~~(A) Duplicate claims (NOTE: Complete copies of both claims must be attached);~~
  - ~~(B) Claims filed after bar date; or~~
  - ~~(C) Claims based on a writing, where no writing is attached to the claims;~~
  - ~~(D) Claims asserting a security interest, where no evidence of perfection is attached to the claims; or~~
  - ~~(E) Claims based on writing, where the documents attached to the claims are insufficient to establish prima facie evidence of the existence of the claim.~~
- ~~(2) (A) If more than 10 objections in a case are noticed for hearing on a single calendar, the objector shall prepare and furnish to the appropriate courtroom deputy (i) a non-returnable, computer-readable 3.5-inch diskette containing a calendar sheet for the hearing, and (ii) a printed version of the calendar sheet.~~
- ~~(B) The diskette shall comply with the specifications promulgated by the clerk, which shall be set forth in the then-current *Desk Reference Manual* (which can be found on the Court's web site). The printed version of the calendar sheet also shall conform to the official local form as promulgated by the clerk's office and as set forth in the then-current *Desk Reference Manual*, and shall be submitted concurrently with the diskette at the time of the filing of the objection.~~
- ~~(3) The calendar sheet shall be organized by type of objection and shall specify for each claim, in claim number sequence,~~
- ~~(A) The claims docket number;~~
  - ~~(B) The claimant's name;~~
  - ~~(C) The amount of the claim;~~
  - ~~(D) The basis for the objection; and~~

- ~~\_\_\_\_\_ (E) The objector's requested ruling, as appropriate, such as, "allow claim in the sum of \$ \_\_\_\_\_ only," or "allow claim only as a general, non-priority, unsecured claim."~~
- ~~\_\_\_\_\_ (4) Calendar numbers shall correspond to claims docket numbers. DO NOT CREATE A NEW, UNNECESSARY SET OF NUMBERS FOR CALENDAR IDENTIFICATION PURPOSES.~~
- ~~\_\_\_\_\_ (5) Tabs. Documents supporting each objection shall be tabbed by claim docket number.~~