

**Local Rule of Bankruptcy Procedure 9014. \_\_\_\_\_ CONTESTED MATTERS.**

**(a) Summons**

A summons is not required in a contested matter, but service otherwise must comply with Fed. R. Bankr. P. 7004.

**(b) Responsive Pleadings**

1. Excluding the filing of a *response* to an objection to claim under LBR 3007 or to an objection to the debtor's claim of exemption under LBR 4003, any party who opposes the relief requested in any pleading containing negative notice language must file an *objection* within the designated negative notice period.
2. An objection -- or a "response" under LBR 3007 or 4003 only -- must conform to the requirements of Fed. R. Civ. P. 8(b) and is the only responsive pleading in a contested matter which constitutes a request for hearing. Any other type must be properly denominated as a *comment* and will not trigger the scheduling of a hearing before the Court.
3. If no objection -- or no "response" under LBR 3007 or 4003 only -- is filed within the designated negative notice period, the Court will deem the pleading unopposed and proceed to consider the merits of the pleading without a hearing in light of any comments which have been filed.
4. The title of a responsive pleading must state the respondent's name and incorporate the title of the original pleading. For example, "Big Bank's Objection [or Comment] to Deborah Debtor's Motion to Avoid Lien."
5. A responsive pleading must contain a certificate of service under LBR 9013(e) which documents that appropriate service has been accomplished under LBR 9013(f).
6. A responsive pleading does not require a proposed order.

**(c) Scheduling of Hearings**

1. Hearings before the Court are generally scheduled and noticed by the Clerk through the auspices of the Bankruptcy Noticing Center.
2. The Courtroom Deputy must be contacted if the parties anticipate that a hearing scheduled to be conducted on a general docket date will exceed one (1) hour.

**(d) Trial Preparation**

1. Subsections (a) and (f) of Fed. R. Bankr. P. 7026 and all other provisions of Fed. R. Bankr. P. 7026 pertaining to or based upon those subsections, shall not apply in a contested matter unless the Court orders otherwise.
2. Not less than three (3) business days prior to a hearing on a contested matter, each party thereto shall provide to every other party:
  - (A) a witness list;
  - (B) an exhibit list presented in the format prescribed by TXEB Local Form 7016;
  - (C) a copy of all exhibits, properly identified by number or letter as required by LBR 7016(d), which that party may seek to introduce at the hearing.
3. In the face of a timely objection, and unless the Court orders otherwise, the testimony of any witness not timely identified under this rule or any exhibit not timely identified and produced to every other party under this rule at least three (3) business days prior to a hearing shall be inadmissible for any purpose at such hearing.
4. Excluding the time established for the exchange of exhibits among the parties as set forth in this subsection, the presentation of exhibits to the Court in contested matters shall be governed by LBR 7016(d).
5. Any brief must be filed at least three (3) business days prior to the hearing.
6. Witnesses may present testimony at any scheduled hearing on a contested matter except for preliminary hearings on motions for relief from the automatic stay and hearings to determine the adequacy of a Chapter 11 disclosure statement, although the Court may grant leave upon proper motion to allow witnesses to testify at any scheduled hearing.