

**Applicable Time Periods for Matters in Bankruptcy Court
(District of Alaska)
(updated 5/23/17)**

I. Motions:

“Generic” notice and opposition period, where no other applicable rule [AK LBR 9013-1]:

21 days from service of motion to file an opposition; and
7 days from service of opposition to file a reply

14 day notice period:			
Event	Notice With Hearing Date? ¹	Authority	Applic. Form
Abandon Property	No	AK LBR 6007-1	
Cash Collateral (unless heard on shortened time)	Yes	FRBP 4001(b)(2) AK LBR 4001-2	AK LBF 35
Relief From Stay (excluding co-debtor relief from stay)	No	11 U.S.C. § 362(d) AK LBR 4001-1(b)(1)	AK LBF 1 (motion) AK LBF 1 (notice)

20 day notice period:			
Event	Notice With Hearing Date?	Authority	Applic. Form
Relief From Stay (co-debtor)	No	11 U.S.C. §§ 1201(d), 1301(d) AK LBR 4001(b)(2)	AK LBF 1 (motion) AK LBF 3 (notice)

21 day notice period:			
Event	Notice With Hearing Date?	Authority	Applic. Form
Assume/Reject Executory Contract	No	FRBP 2002(a)(2) AK LBR 6006-1(a)(1)	AK LBF 25-1, 25-2
Avoid Lien ²	No	FRBP 4003(d), 9014 AK LBR 9013-1	
Compensation	No	FRBP 2002(a)(6) AK LBR 2016-1, -2, -3	AK LBF 15 (fees) AK LBF 14 (other)
Conversion of ch. 7, 11 or 12 case	Yes	FRBP 2002(a)(4)	AK LBF 10
Conversion of ch. 7 to 13, motion by debtor	No	AK LBR 1017-1(a)³	AK LBF 39

21 day notice period (continued):			
Event	Notice With Hearing Date?	Authority	Applic. Form
Conversion of ch. 13 case (excluding motion by debtor) ⁴	No	AK LBR 9013-1(b)	AK LBF 18
Dismissal of ch. 7, 11 or 12 case	Yes	FRBP 2002(a)(4)	AK LBF 10
Dismissal of ch. 13 case (including motion by <i>debtor</i>) ⁵	No	AK LBR 9013-1(b)	AK LBF 18
Dismissal of § 727 Adversary Proceeding	No	AK LBR 7041-1(c)(1)	
Entry of Final Decree	No	AK LBR 3022-1(c)	AK LBF 31
Joint Administration or Substantive Consolidation ⁶	No	AK LBR 1015-1(b)	AK LBF 27 or 28
Modification of Ch. 13 Plan	No	FRBP 2002(a)(5)	AK LBF 6B
Sale Free & Clear	Yes	FRBP 6004(c) AK LBR 6004-1(b)	AK LBF 10
Summary Judgment	No	D. AK LBR 7.1(f)(1)	
Use, Sale or Lease of Property (not including sales free & clear)	No	FRBP 2002(a)(2) AK LBR 6004-1(a)	AK LBFs 22, 23
Value Collateral	No	AK LBR 3012-1(c)(2)	
Withdraw Reference	No	AK LBR 5011-1(c)(1)	
Withdrawal by Attorney ⁷	No	AK LBR 9010-1(d)(2)	

28 day notice period:			
Event	Notice With Hearing Date?	Authority	Applic. Form
Approval of Disclosure Statement	Yes	FRBP 2002(b)	
Confirmation of Ch. 11 Plan	Yes	FRBP 2002(b)	
Violations of § 110(1) (against a bankruptcy petition preparer)	No	AK LBR 9013-3(b)	

30 day notice period:			
Event	Notice With Hearing Date?	Authority	Applic. Form
Objection to claim	Yes	FRBP 3007(a)	AK LBF 13

II. Other Deadlines:

14 days from entry of order or judgment:

Notice of Appeal [FRBP 8002]⁸
Motion for New Trial, to Alter or Amend Judgment, or for Reconsideration [FRBP 9023]

Chapter 13 Plans:

Notice of confirmation hearing:	served no later than 28 days after petition filed or case converted to ch 13 [AK LBR 3015-3(b)(1)]
Objections to confirmation:	filed no later than 21 days after initial § 341 meeting [AK LBR 3015-3(c)(1)[B]].
Modification of <i>confirmed</i> plan:	covered by § 1329, FRBP 2002(a)(5), AK LBF 6B. Motion to modify plan must be noticed, but no is hearing required unless an objection is filed.

III. Requests to Extend or Shorten Time: Governed by FRBP 9006(b) and (c). In general, the court may grant a motion to extend or shorten a deadline, but there are explicit exceptions to that rule:

Enlargement of time is NOT permitted under FRBP 9006(b)(1) for following deadlines:

- filing the list of 20 largest unsecured claims under FRBP 1007(d),
- the setting of the § 341 meeting under FRBP 2003(a),
- report of election and resolution of disputes in ch. 7 case under FRBP 2003(d),
- requests for amended or additional findings after entry of judgment under FRBP 7052,
- requests for new trials or amendment of judgment under FRBP 9023, and
- requests for relief from judgment or order under FRBP 9024.

Enlargement of time is governed by other applicable rules (in lieu of FRBP 9006) for the following deadlines:

- extension of time to pay filing fee in installments under FRBP 1006(b)(2),
- filing a motion to dismiss for abuse under § 707(b) or (c) under FRBP 1017(e),
- extension of time to file a proof of claim under FRBP 3002(c),
- objecting to a claim of exemptions under FRBP 4003(b),
- deadline to object to discharge under FRBP 4004(a),
- deadline for filing complaint objecting to dischargeability of a debt under § 523(c) under FRBP 4007(c),
- extension of time to file a reaffirmation agreement under FRBP 4008(a),
- time for filing an appeal under FRBP 8002,
- time for filing objections to proposed finding of fact and conclusions of law in non-core proceedings under FRBP 9033,
- time for debtor to file postpetition financial management certificate in ch. 7 and 13 cases governed by FRBP 1007(c), and
- time for filing schedules and statements in small business cases under § 1116(3) governed by FRBP 1007(c).

Reduction of time is NOT permitted for the following deadlines:

- time fixed for filing proofs of claim under FRBP 2002(a)(7) and 3002(c),
- setting the § 341 creditors' meeting under FRBP 2003(a),
- filing § 1111(b) election in ch. 9 and 11 cases under FRBP 3014,
- the ch. 12 or 13 plan filing and noticing deadlines set out in FRBP 3015,
- final hearings on cash collateral motions under 4001(b)(2), or motions to obtain credit under FRBP 4001(c)(2),
- for a dependent of debtor to file list of exemptions under FRBP 4003(a),
- to object to debtor's discharge under FRBP 4004(a),
- to file a § 523(c) complaint objecting to dischargeability of a debt under FRBP 4007(c),
- deadline to file a reaffirmation agreement under FRBP 4008(a)
- to file an appeal under FRBP 8002,
- to file objections to proposed finding of fact and conclusions of law in non-core proceedings under FRBP 9033(b), and
- for debtor to file postpetition financial management certificate in ch. 7 and 13 cases under FRBP 1007(b)(7).

1. Several motions do not require an actual hearing unless an objection is filed. *Compare* 11 U.S.C. § 102(1) [which sets out rule of construction for phrase ““after notice and a hearing,’ or a similar phrase,” to permit the granting of relief without an actual hearing if appropriate notice has been given and no party in interest has timely requested a hearing] with FRBP 2002(a)(4) [which requires 21 days notice by mail “of the hearing on dismissal . . . or conversion of the case]; FRBP 6004(c)[which requires a notice of sale free and clear to “include the date of the hearing.”]. See *also* AK LBR 9075-1(b)(1).

2. If lien avoidance is sought after the bankruptcy case has been closed, the motion to avoid lien may be filed without reopening the case UNLESS the debtor did not claim an exemption in the subject property before the case was closed. If the debtor failed to schedule the exemption before the case was closed, the case must be reopened and the debtor's schedules must be amended, in addition to seeking avoidance of the lien. See *In re Vetter*, 1 ABR 2017 (Bankr. D. Alaska Feb. 7, 2017).

3. See *Marrama v. Citizen's Bank of Mass.*, 549 U.S. 365 (2007). EXCEPTION: If the debtor moves to convert a chapter 7 case to chapter 13 in response to the U.S. Trustee's motion to dismiss for abuse under § 707(b)(1) and (b)(2), and the U.S. Trustee consents to the conversion, the motion does not need to be noticed. AK LBR 1017-1(c).

4. A *debtor's* motion/notice of voluntary conversion of a chapter 13 case to chapter 7 is effective on filing; it does not need to be noticed. 11 U.S.C. § 1307(a), *Harris v. Viegelahn*, ___ U.S. ___, 135 S.Ct. 1829, 1835-36 (2015).

5. See *Rosson v. Fitzgerald (In re Rosson)*, 545 F.3d 764 (9th Cir. 2008). [Ch. 13 debtor doesn't have “absolute right” to dismiss under § 1307(b); motion to dismiss must be noticed.]. Ch. 13 debtor's right to *convert* from 13 to 7 is still absolute, however. *Nady v. DeFrantz (In re DeFrantz)*, 454 B.R. 108 (B.A.P. 9th Cir. 2011).

6. Except for Joint Administration or Substantive Consolidation of Joint Cases Commenced Under § 302. AK LBR 1015-1(c), (d).

7. If withdrawing attorney represents debtor, debtor in possession, or trustee, notice must go to matrix. AK LBR 9010-1(d)(3)[A]. Court approval of the withdrawal is only required in instances where the attorney's initial employment required court approval (e.g., employment of trustee or DIP counsel). Withdrawal of chapter 7 debtor's counsel does not require court approval, but does require notice to the matrix in accordance with AK LBR 9010-1(d).

8. A notice of appeal that is filed after the court announces its decision, but before entry of a written judgment or order, is treated as filed on the date of and after the entry of the judgment or order. Fed. R. Bankr. P. 2002(a)(2).