

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF ALABAMA  
WESTERN DIVISION**

In re: )  
)  
Western Division Administrative Order ) Administrative Order No. 20-01  
Regarding Negative Notice ) (Western Division Only)  
)

**WESTERN DIVISION ADMINISTRATIVE ORDER REGARDING  
NEGATIVE NOTICE**

**(A) Purpose of Order; Applicability.** The purpose of this administrative order (the "Order") is to supplement the Local Rules of the United States Bankruptcy Court for the Northern District of Alabama (the "Local Rules") and the administrative order(s) applicable in the Western Division of the United States Bankruptcy Court for the Northern District of Alabama (the "Western Division") by establishing negative notice procedures for certain requests for relief not addressed by the Local Rules or other administrative order(s). The Order applies in bankruptcy cases filed or pending in the Western Division on or after the date of the Order.

**(B) Matters Authorized to Be Considered on Negative Notice in the Western Division.** The presiding judge in the Western Division has approved (and may hereafter approve) certain form motions that may be considered by the court on negative notice, provided the court-approved forms are utilized in the manners prescribed therein (the "Western Division Negative Notice Forms"). The Western Division Negative Notice Forms shall be posted on the court's website, [www.alnb.uscourts.gov](http://www.alnb.uscourts.gov), and may be supplemented or otherwise amended by the presiding judge(s) from time to time. The presiding judge in the Western Division also has established a list (the "Western Division Negative Notice List") of other motions, objections, applications, and filings requesting relief (each, a "Request") that may be considered by the court under the below-described negative notice procedure (the "Negative Notice Procedure"). The Western Division Negative Notice list shall be posted on the court's website, [www.alnb.uscourts.gov](http://www.alnb.uscourts.gov), and may be supplemented or otherwise amended by the presiding judge(s) from time to time. If permitted by a presiding judge, other matters not specified on the Western Division Negative Notice List may be considered by the court using the Negative Notice Procedure. The presiding judge also may enter any order on negative notice, in the judge's sole discretion.

**(C) Negative Notice Procedure.**

**(1) Manner of Service.** Each Request filed pursuant to the Negative Notice Procedure shall:

(a) be served in the manner and on the parties specified by the applicable provision(s) of the Federal Rules of Bankruptcy Procedure (the "Rules"), the Local Rules, and any applicable court orders;

(b) attach a certificate of service that complies with the provisions of Local Rule 9013-3;

(c) attach a proposed order that complies with the below set forth requirements (see subpart four of this part C) (each, a "Proposed Order"); and

(d) contain a negative notice legend prominently displayed on the face of the first page of the Request that is substantially in the following form and inserts the correct time for filing responses (see subpart two of this part C):

**NOTICE OF OPPORTUNITY TO OBJECT AND REQUEST HEARING**

Pursuant to Western Division Administrative Order No. 20-01, the court will consider the relief requested in this paper without further notice or hearing unless a party in interest files a response within [number] days from the date set forth on the attached certificate of service, plus an additional three days for service if any party was served by U.S. Mail.

If you oppose the relief requested in this paper, then, within the time allowed, you must file a response with the clerk of court electronically (or by hand delivery or mail to the clerk's office at 2005 University Boulevard, Room 2300, Tuscaloosa, Alabama 35401), and you must serve a copy of your response on all appropriate persons. If you file and serve a response within the time permitted, the court will schedule and notify you of a hearing.

If you do not file a response within the time permitted, the court will consider that you do not oppose the relief requested in the paper; the court may deem admitted the allegations set forth in the paper; the court will proceed to consider the paper without further notice or hearing; and the court may grant the relief requested.

**(2) Time for Filing Responses.** For the purpose of completing the negative notice legend, the number of days during which parties may respond (that is to be placed in the "[number]" field of the negative notice legend) shall be at least 21 days, except as otherwise set forth on the Western Division Negative Notice List, plus an additional three days for service if any party was served by U.S. Mail.

**(3) Hearings.** In the event a party in interest files a response to a Request (each, a "Response") within the time permitted in the negative notice legend for the Request, as computed under Rules 9006(a) and (f), the court will schedule a hearing on the Request and the Response on notice to the attorney(s) for the filer(s) of the Request and the Response, any unrepresented filer, and others as may be appropriate.

**(4) Consideration Without a Hearing.** If no Response is filed within the time permitted in the negative notice legend for a Request, as computed under Rules 9006(a) and (f), the court will consider the matter in chambers without further notice or hearing upon the submission by the filer of a Proposed Order (this submission requirement is an addition to the

requirement that a Proposed Order be attached to and filed with the Request). Proposed Orders shall be submitted in Microsoft Word format to the presiding judge's e-orders e-mail address (or otherwise in accordance with procedures hereafter implemented by the Western Division, or the United States Bankruptcy Court for the Northern District of Alabama, for the submission of Proposed Orders). The filer of a Request may submit a Proposed Order immediately after the Request is filed. The filer of a Request shall submit a Proposed Order within three days after expiration of the response period. If the filer of a Request fails to submit a Proposed Order within this time, the court may enter an order denying, disapproving, or overruling the Request, without prejudice, for lack of prosecution, or notice the Request for hearing. In addition to any other requirements, each Proposed Order shall recite that:

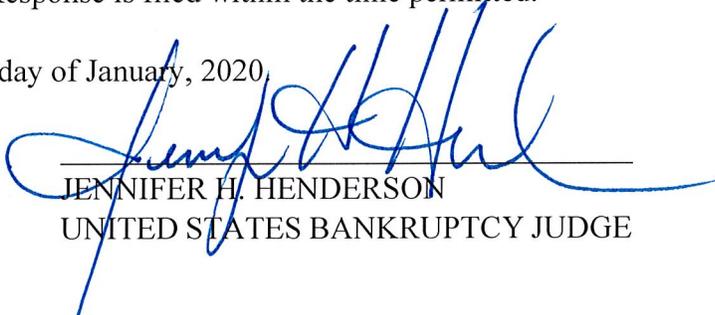
(a) the motion, objection, application, or other request for relief was served upon all interested parties with the Western Division Administrative Order No. 20-01 negative notice legend informing the parties of their opportunity to respond;

(b) no party filed a response within the time permitted; and

(c) the court therefore considers the matter to be unopposed.

**(5) *Court May Schedule a Hearing Even if No Response is Filed.*** Nothing in the Order or the Negative Notice Procedure established hereby precludes the court from conducting a hearing on a Request, even if no Response is filed within the time permitted.

**DONE AND ORDERED** this the 17th day of January, 2020,



JENNIFER H. HENDERSON  
UNITED STATES BANKRUPTCY JUDGE