

D.N.J. LBR 9013-3. Motions: Hearing

(a) Duty to confer on opposed motion. If opposition to a motion is filed, the parties must confer before the hearing to determine whether the issue can be resolved.

(b) Duty to report settlement or withdrawal of motion. If the parties settle a motion, or the movant withdraws a motion, the movant must immediately notify chambers and file Local Form *Status Change Form*.

(c) Telephonic appearance. Each judge's policy regarding appearance by telephone is available on the court's website.

(d) Oral argument.

(1) Uncontested motions. All motions will be decided without oral argument unless opposition is filed.

(2) Contested motions. The court will permit oral argument from only the movant or a party that has filed opposition to a motion. The court retains discretion to decide contested motions without oral argument.

(e) Oral testimony. A party may not, without prior court authorization, present oral testimony at a hearing on a motion, except for a motion under § 363(b), (c), (f), or § 364 of the Code.

2023 Comment

Subdivision (d) has been amended to emphasize that, for contested motions, the court may not require oral argument.

2015 Comment

This Rule is new. It is derived from former Local Bankruptcy Rule 9013-1.

An appearance is permitted, but not required, on an unopposed motion. On an opposed motion, a party may choose not to appear and rely on its papers, but the party must inform chambers.

Except as provided in subdivision (e), and consistent with Local Bankruptcy Rule 9013-1(a)(2), factual evidence in support of a motion must be presented through the certification of a person with personal knowledge.

Local Bankruptcy Rule 9021-1 addresses consent orders.

Local Bankruptcy Rule 5071-1 addresses a request for an adjournment.