

# Motion Practice Guidelines

As of January 1, 2022

**(a) In General.** Regardless of the nature of the motion being filed, parties must file the motion and accompanying documents with the panel clerk. Attorneys must file electronically, and pro se parties may file in person or by mail. The specifics of form and content are contained in Fed. R. Bankr. P. 8013(a). A certificate of service should be included with the motion.

**(b) Response and Reply.** Rule 8013(a)(3) allows any party to file a response to a motion within seven days after service of the motion. The rule allows the moving party to file a reply within seven days of a response but may only address matters raised in the response. The panel may lengthen or shorten the time for a response or reply, and may rule on procedural motions at any time without awaiting a response. See Fed. R. Bankr. P. 8013(b).

**(c) Emergency Motions.** In limited situations, emergencies arise that require the panel to consider a motion and rule quickly. It is expected that as soon as it becomes likely that an emergency motion will be filed, the filing party shall contact the panel clerk immediately for direction. In no event should counsel go directly to a panel judge without first having made every practicable effort to contact the panel clerk. See Fed. R. Bankr. P. 8013(d) for form and content of emergency motions and requirements for notifying opposing parties.

**(d) Motions for Rehearing.** A motion for rehearing must be filed within the time set by Fed. R. Bankr. P. 8022(a)(1), which is currently no later than 14 days after the entry of the order or judgment sought to be reconsidered unless altered by order or local rule. The motion must state with particularity each point of law or fact that the movant believes the BAP has overlooked or misapprehended and must argue in support of the motion. Fed. R. Bankr. P. 8022(a)(2). Responses are only permitted upon request

by the panel. Fed. R. Bankr. P. 8022(a)(3). Oral argument is not permitted. Fed. R. Bankr. P. 8022(a)(2).