

Rule 3007-1 Omnibus Objection to Claims.

- (a) Scope of Rule. This Local Rule applies to an omnibus objection to claims. An omnibus objection is an objection that objects to claims filed by different claimants. This Local Rule governs omnibus objections to the extent inconsistent with Fed. R. Bankr. P. 3007.
- (b) Filed vs. Scheduled Claim. The debtor may not object to a claim if (i) the claim has been scheduled on the debtor's schedules of liabilities and is not listed as disputed, contingent, or unliquidated and (ii) no proof of claim has been filed under Fed. R. Bankr. P. 3003, 3004 or 3005. Instead, the debtor must amend its schedules under Fed. R. Bankr. P. 1009 and provide notice as required by Local Rule 1009-2.
- (c) Substantive vs. Nonsubstantive Objections. An omnibus objection is deemed to be made on a substantive basis unless it is based on the following:
 - (i) Duplicate claim, but a claim filed against two or more different debtors is not a duplicate claim unless the debtors' estates have been substantively consolidated;
 - (ii) Claim filed in the wrong case;
 - (iii) Amended or superseded claim;
 - (iv) Late filed claim;
 - (v) Stockholder claim based on stock ownership, but not a stockholder claim for damages;
 - (vi) Claim that does not have a basis in the debtor's books and records and does not include or attach information or documents sufficient to constitute prima facie evidence of the validity and amount of the claim under Fed. R. Bankr. P. 3001(f). An objection under this subsection must be supported by an affidavit stating that affiant (i) has reviewed the claim and all supporting information and documents provided with the claim, (ii) believes that the documentation does not provide prima facie evidence of the validity and amount of the claim and (iii) cannot ascertain a basis for the claim after a reasonable review of the debtor's books and records;
 - (vii) Claim that is objectionable under 11 U.S.C. § 502(e)(1);
 - (viii) Claim for priority in an amount that exceeds the maximum amount under 11 U.S.C. § 507;
 - (ix) Reclassifying a claim to a higher priority; and
 - (x) Modifying a claim amount to a higher amount.
- (d) General Requirements for Objections.
 - (i) Objection. An objection must conform to the following requirements:

- (A) The objection must be filed as either substantive or nonsubstantive, but not both. A claim may be subject to both a substantive and a nonsubstantive objection if filed separately;
 - (B) The objection's title must state clearly whether the objection is on substantive or nonsubstantive grounds;
 - (C) Objections must be numbered consecutively regardless of basis, e.g., First Omnibus (duplicate), Second Omnibus (amended and superseded); not First Omnibus (duplicate), First Omnibus (amended and superseded);
 - (D) The objection must attach exhibits identifying the claims to which the objection relates; and
 - (E) The objection must contain a statement that the objection complies with this Local Rule.
- (ii) Affidavit Required. Each objection must be supported by an affidavit stating that the information contained in the objection's exhibits is true and correct to the best of the affiant's knowledge and belief.
- (iii) Exhibits. An exhibit attached to an objection must substantially conform to Local Form 113 and meet the following requirements:
- (A) Contain only those claims to which there is one common basis for objection (e.g., exhibit A duplicate claims; exhibit B amended or superseded claims);
 - (B) Include only one basis for objection;
 - (C) List claims alphabetically by the last name of individual claimant and the name of entity claimant; and
 - (D) Provide sufficient detail as to why the claim should be disallowed.
- (iv) Notice of Objection to Claim Holder. The party filing the objection must serve each affected creditor with either (i) a Notice of Objection to Claim substantially conforming to Official Form B420B or (ii) a copy of the objection.
- (v) Counsel Certification Regarding Late Claims. If (A) the basis for a claim objection is that the claim was filed late, and (B) the claim was one that amended or superseded an earlier filed claim, then the claim objection must include a certification from the objector's counsel that either (y) the earlier filed claim was also late, or (z) the earlier filed claim was timely but the amending or superseding claim asserts new claims not asserted in the previously filed claims that do not relate back to the claims asserted in the earlier filed claim.

- (vi) When Copies of Proofs of Claim Are to Be Provided to the Court.
- (A) Except as set forth in this Local Rule, copies of proofs of claim need not be provided to the Court.
 - (B) When the objection is substantive or based on Local Rule 3007-1(c)(iii), (iv), (vi), (ix), or (x), then copies of the proof of claim and all supporting documentation must be provided to the Court as follows, unless the presiding Judge's procedure provides otherwise:
 - (1) At least 14 days before the hearing on the objection, the objector must file and deliver to the presiding Judge's chambers a Notice of Submission of Proofs of Claim, along with the objection and copies of the proofs of claim. The notice must also state that copies of the proofs of claim can be requested from the objector's counsel. The notice must be served on all parties who have requested notice under Fed. R. Bankr. P. 2002;
 - (2) The proofs of claim must be in a binder and separated by tabs; and
 - (3) The proofs of claim must be in the order as listed in the exhibit, and, where there is more than one exhibit, each exhibit's proofs of claims must be separated by additional tabs indicating to which exhibit the claims relate.
- (e) Requirements Relating to Substantive Objections. The following apply to substantive objections:
- (i) The objection may contain no more than 100 claims.
 - (ii) No more than 3 substantive objections may be filed in a calendar month.
 - (iii) The Court may grant leave from the requirements of subsections (e)(i) and (e)(ii) of this Local Rule upon a motion filed and heard before the objection is filed.
 - (iv) Unless the basis for the objection is incorrect classification of a claim, the objection must include all substantive objections to the claim:
 - (v) An objection based on incorrect classification of a claim must provide in the title—or otherwise conspicuously state—that substantive rights may be affected by the objection and by any further objection that may be filed.
 - (vi) Once a creditor responds to an objection, the objector may only amend the objection with respect to the creditor's claim with the creditor's written consent or the court's leave.
- (f) Remote Appearance by Pro se Claimant Permitted. A *pro se* claimant may attend the hearing on an objection remotely using the Court's eCourtAppearances procedures.

- (g) Responses to Objection. The deadline to respond to an objection must be at least 21 days after the objection is filed and at least 7 days before the hearing.
- (h) Hearings on Objections and Responses. Hearings on objections, and any response thereto, may ordinarily be held on the regularly scheduled omnibus hearing dates in chapter 11 cases, consistent with these Local Rules. If the Court determines that the hearing on a particular objection will require substantial time for argument or evidence, then the Court, in its discretion, may reschedule the hearing on that claim for a different hearing date and time. The parties may also request that a separate hearing on an objection based on substantive grounds be scheduled for a date and time convenient to the Court and the parties.