

Guide to Rules, Proceedings and Hearings for the Western District of Wisconsin

These guidelines are for reference purposes only and should not be relied upon instead of the Bankruptcy Code and/or Bankruptcy Rules. Parties are advised that they should consult the applicable Code sections and/or Rules. Rev. 3/08. Filing fee amounts effective 1/1/07.

Type of Proceeding	ECF Event	Rule	Code §	Pleadings to be filed	Notice	Notice sent to Whom	Filing Fee
Abandonment, Request by Party in Interest	Motions/Applications > Abandon ¹	6007(b)	554(b)	Motion Notice Proof of Service	Usually 15 days to object unless circumstances require more or less time	Parties in interest ²	\$150.00 ³
Abandonment, Request by Trustee or Debtor in Possession (Chapter 11)	1) Trustee/UST > Notice of Intent to Abandon (with no motion) ¹ 2) Notices > Notice of Intent to Abandon (Debtor in Possession Only) ¹	6007(a)	554(a)	Notice of Intent Proof of Service	Usually 15 days to object unless circumstances require more or less time	All creditors ⁴	
Abstain	Motions/Applications > Abstain 11 USC 305 ¹		305	Motion Notice Proof of Service	Usually 15 days to object unless circumstances require more or less time	Parties in interest ²	

Type of Proceeding	ECF Event	Rule	Code §	Pleadings to be filed	Notice	Notice sent to Whom	Filing Fee
Adequate Protection	Motions/Applications > Adequate Protection ¹	4001	361	Application Notice Proof of Service	Usually 15 days to object unless circumstances require more or less time	Parties in interest plus 20 largest unsecured creditors if no committee was appointed, Rule 4001(d)(1) ²	
Adjourn Hearing	Motions/Applications > Continue Hearing			Motion Affidavit in Support Proposed Order Madison: Refer to chambers	If approved, clerk's office will reschedule hearing	Parties in interest ²	
Administrative Expenses	Motions/Applications > Administrative Expenses	2002(a)(6)	503	Application Notice Proof of Service	20 days to object, Rule 2002(a)(6)	All creditors, Rule 2002(a)(6) ⁴	
Appeal	Appeal > Notice of Appeal ¹	8001 8002 8004	Title 28, § 158	Notice of Appeal (official form 17)	Clerk's office will service Notice of Appeal	Parties in interest ²	\$255.00 ³

Type of Proceeding	ECF Event	Rule	Code §	Pleadings to be filed	Notice	Notice sent to Whom	Filing Fee
Appear Pro Hac Vice	Motions/Applications > Appear Pro Hac Vice			Eau Claire: Motion Proposed Order Madison: Attorney to contact District Court to become admitted to the district.	No notice required but courtesies should be observed		
Approve Compromise or Settlement	Motions/Applications > Approve Compromise/Settlement FRBP 9019 ¹	2002(a)(3) 9019		Motion Notice Proof of Service	20 days to object, Rule 2002(a)(3)	All creditors, Rule 2002(a)(3) ⁴	
Assume/Reject Lease or Executory Contract	Motions/Applications > Assume/Reject Lease or Executory Contract ¹	6006	365	Motion Notice Proof of Service	Usually 15-20 days to object unless circumstances require more or less time	Parties in interest ²	
Automatic Stay, Confirmation Termination or Absence of Stay	Motions/Applications > Confirm Termination or Absence of Stay		362(c)(4)(A)(ii)	Ex Parte Motion Affidavit in Support (not required when motion contains justifications) Proposed Order	No notice required but courtesies should be observed		
Automatic Stay, Continue/Extend	Motions/Applications > Continue/Extend Automatic Stay		362(c)(3)(B)	Motion Notice Proof of Service	Usually 15 days to object unless circumstances require more or less time	All creditors ⁴	

Type of Proceeding	ECF Event	Rule	Code §	Pleadings to be filed	Notice	Notice sent to Whom	Filing Fee
Automatic Stay, Impose	Motions/Applications > Impose Automatic Stay		362(c)(4)(B)	Motion Notice Proof of Service	Usually 15 days to object unless circumstances require more or less time	All creditors ⁴	
Automatic Stay, Relief from	1) Motions/Applications > Relief from Stay ¹ 2) Motions/Applications > Relief from Stay and Abandonment ¹ 3) Motions/Applications > Relief from Co-Debtor Stay ¹	4001(a)	362(d)	Motion Notice Proof of Service	Usually 15 days to object unless circumstances require more or less time	Parties in interest plus 20 largest unsecured creditors if no committee was appointed, Rule 4001(a)(1) ²	\$150.00 ³ (No fee for relief from co-debtor stay)
Avoid Lien	1) Motions/Applications > Avoid Lien ¹ 2) Motions/Applications > Avoid Lien on Household Goods ¹	4003(d)	522(f)	Motion Notice Proof of Service	Usually 15-20 days to object unless circumstances require more or less time	Parties in interest ²	
Cash Collateral, Use	1) Motions/Applications > Use Cash Collateral ¹ 2) Motions/Applications > Use of Cash Collateral (Conditional/Prohibiting) ¹	4001(b)	363	Motion Notice Proof of Service	Usually 15 days to object unless circumstances require more or less time	Parties in interest plus 20 largest unsecured creditors if no committee was appointed, Rule 4001(b)(1) ²	

Type of Proceeding	ECF Event	Rule	Code §	Pleadings to be filed	Notice	Notice sent to Whom	Filing Fee
Claim (Chapter 11), Motion to Set Bar Date	Motions/Applications > Set Last Day to File Proofs of Claim	2002(a)(7) 3003(c)(3)		Motion Proposed Order	No notice required by courtesies should be observed Copy of the order must be sent to all creditors, Rule 2002(a)(7)		
Claim, Objection to	Claim Actions > Objection to Claim ¹	3007	502	Objection Affidavit in Support (not required when objection contains justifications) Notice Proof of Service	30 days to object, Rule 3007	Parties in interest ²	
Compel	Motions/Applications > Compel			Motion Notice Proof of Service	Usually 15 days to object unless circumstances require more or less time	Parties in interest ²	
Compensation	Motions/Applications > Compensation	2002(a)(6) 2016	328 330 331	Application Itemization Notice Proof of Service	20 days to object, Rule 2002(a)(6)	All creditors if the amount requested is over \$1,000.00, Rule 2002(a)(6) ⁴	

Type of Proceeding	ECF Event	Rule	Code §	Pleadings to be filed	Notice	Notice sent to Whom	Filing Fee
Consolidate	Motions/Applications > Consolidate	1015		Motion Notice Proof of Service	Usually 20 days to object unless circumstances require more or less time	All creditors ⁴	
Contempt	Motions/Applications > Contempt ¹	9020	105	Motion Notice of hrg. in blank (Judge Martin cases)	Clerk's office will schedule hearing		

Type of Proceeding	ECF Event	Rule	Code §	Pleadings to be filed	Notice	Notice sent to Whom	Filing Fee
Convert	1) Motions/Applications > Convert Chapter x Case to x ¹ 2) Notices > Notice to Convert Chapter 13 Case to 7 (NO motion filed) ¹	1017 2002(a)(4)	706 1112 1208 1307	Request by Debtor: Motion Proposed Order	No notice required but courtesies should be observed		Ch. 7 to Ch. 11 is \$755.00 ³
				Notice of Conversion (Ch. 12/13 to 7): Notice	Note: A previously converted case may require notice to all creditors.		Ch. 11 to Ch. 7 is \$15.00 ³
				Request by Party in Interest: Motion Notice Proof of Service	Ch. 7/11/12: 20 days to object, Rule 2002(a)(4)	All creditors, Rule 2002(a)(4) ⁴	Ch. 12 to Ch. 7 is \$60.00 ³
					Ch. 13: Usually 20 days to object unless circumstances require more or less time	Parties in Interest ²	Ch. 12 to Ch. 11 is \$800.00 ³ Ch. 12 to Ch. 13 is \$35.00 ³ Ch. 13 to Ch. 7 is \$25.00 ³ Ch. 13 to Ch. 11 is \$765.00 ³
Declaratory Judgment (constitutes as adversary proceeding)	Adversary > Open an AP case	7001(9)	Variable	Complaint Summons Cover Sheet ⁵			\$250.00 ³
Default Judgment	Adversary > Motions > Default Judgment	7055		Motion Notice of hrg. in blank	Clerk's office will schedule hearing	Parties in interest ²	

Type of Proceeding	ECF Event	Rule	Code §	Pleadings to be filed	Notice	Notice sent to Whom	Filing Fee
Discharge, Objections to (constitutes an adversary proceeding)	Adversary > Open an AP case	4004(a) 7001(4)	727(a)	Complaint Summons Cover Sheet ⁵			\$250.00 ³
Discharge (Chapter 12 and Chapter 13), Request for Hardship Discharge	Motions/Applications > Hardship Discharge	4007(d)	1228(b) 1328(b)	Motion Affidavit (not required when motion contains justifications) Notice Proof of Service	Ch. 12: Usually 20 days to object unless circumstances require more or less time Ch. 13: 30 days to file a complaint to determine the dischargeability of any debt under § 523(a)	All creditors ⁴	
Discharge, Request by Debtor to Delay	Motions/Applications > Delay Discharge	4004		Motion Notice Proof of Service	No notice required but courtesies should be observed		
Dischargeability, Objection to (constitutes an adversary proceeding)	Adversary > Open an AP case	4007 7001(6)	523	Complaint Summons Cover Sheet ⁵			\$250.00 ³

Type of Proceeding	ECF Event	Rule	Code §	Pleadings to be filed	Notice	Notice sent to Whom	Filing Fee
Dismiss Case	1) Motions/Applications > Dismiss Case/Other Than 11 USC 521(i) or 707(b) ¹ 2) Motions/Applications > Dismiss Case 11 USC 521(i) ¹ 3) Motions/Applications > Dismiss Case for Failure to file Tax Return - 11 USC 521(j) 4) Motions/Applications > Dismiss Ch 7 Case for Abuse - 11 USC 707(b) ¹	1017 2002(a)(4)	707 1112 1208 1307	Request by Debtor - Chapter 7/11 <u>and</u> Request by Party in Interest - Chapter 7/11/12: Motion Notice Proof of Service	20 days to object, Rule 2002(a)(4)	All creditors, Rule 2002(a)(4) ⁴	
				Request by Debtor - Chapter 7 (Madison): Motion Notice of hrg. in blank	Clerk's office will schedule hearing		
				Request by Debtor - Chapter 12/13: Motion Proposed Order	No notice required but courtesies should be observed	Parties in interest ²	
				Request by Party in Interest - Chapter 13 <u>and</u> Request by UST for Abuse: Motion Notice Proof of Service	Usually 20 days to object unless circumstances require more or less time		

Type of Proceeding	ECF Event	Rule	Code §	Pleadings to be filed	Notice	Notice sent to Whom	Filing Fee
Emergency/Expedited Hearing, Request for	Motions/Applications > Expedite Hearing			Main Motion Motion for Expedited Hearing Affidavit in Support Certification Regarding Request for Emergency Hearing (Eau Claire only) Proof of Service Proposed Order	If approved, clerk's office will schedule hearing	Parties in interest ²	
Employ	Motions/Applications > Employ ¹	2014	327	Application Affidavit of Disinterest Proposed Order	No notice required but courtesies should be observed		
Examination Under Rule 2004	Motions/Applications > Examination (2004)	2004		Motion Proposed Order	No notice required but courtesies should be observed	Parties in interest ²	
Exemption from Credit Counseling	Motions/Applications > Exemption from Credit Counseling		109(h)(4)	Motion Notice Proof of Service	Usually 10-15 days to object unless circumstances require more or less time	Parties in interest ²	
Exemption from Financial Management Course	Motions/Applications > Exemption from Financial Management Course		727(a)(11) 109(h)(4)	Motion Notice Proof of Service	Usually 10-15 days to object unless circumstances require more or less time	Parties in interest ²	
Examiner, Request to Appoint in Chapter 11	Motions/Applications > Appoint Examiner ¹		1104	Motion Notice Proof of Service	Usually 20 days to object unless circumstances require more or less time	All creditors ⁴	

Type of Proceeding	ECF Event	Rule	Code §	Pleadings to be filed	Notice	Notice sent to Whom	Filing Fee
Exemptions, Objection to	1) Trustee/US Trustee > Objection to Debtor's Claim of Exemptions ¹ 2) Miscellaneous > Objection to Debtor's Claim of Exemptions ¹	4003(b)	522	Objection	Clerk's office will schedule hearing	Parties in interest ²	
Extend Time to Appeal	Motions/Applications > Extend Time to Appeal - FRBP 8002(c) ¹	8002		Motion Proposed Order	No notice required by courtesies should be observed		
Extend Time to File Chapter 11/12 Plan	Motions/Applications > Extend/Limit Exclusivity Period - Chapter 11 ¹		1121(d) 1221	Motion Notice Proof of Service	Usually 15-20 days to object unless circumstances require more or less time	All creditors ⁴	
Extend Time to File Schedules, Statements, and Documents Required under Section 521(a)(1)	Motions/Applications > Extend Deadline to File Schedules	1007	521(i)(3)	Motion Proposed Order	No notice required but courtesies should be observed	Parties in interest ²	
Extend Time to Object to Discharge	1) Motions/Applications > Extend Time 2) Motions/Applications > Stipulation 3) Trustee/UST > Motion to Extend Time to Object to Discharge (727)	4004(b)		Motion Notice Proof of Service OR Stipulation	Usually 15 days to object unless circumstances require more or less time	Parties in interest ²	

Type of Proceeding	ECF Event	Rule	Code §	Pleadings to be filed	Notice	Notice sent to Whom	Filing Fee
Filing Fees, Request to Pay in Installments (individuals only)	Motions/Applications > Pay Filing Fee in Installments ¹	1006	Title 28, § 1930(a)(6)	Application	No notice required		
Final Decree, Request in a Chapter 11	Motions/Applications > Final Decree	3022	350	Application Final Decree	No notice required		
Injunction or Equitable Relief (constitutes an adversary proceeding)	Adversary > Open an AP case	7065 7001(7)	Variable	Complaint Summons Cover Sheet ⁵			\$250.00 ³
Intervene	Adversary > Motions > Intervene	2018 7024		Motion Notice of hrg. In blank	Clerk's office will schedule hearing	Parties in interest ²	
Joint Administration	Motions/Applications > Joint Administration	1015	302	Motion Notice Proof of Service	Usually 20 days to object unless circumstances require more or less time	All creditors ⁴	
Leave to Appeal	Motions/Applications > Leave to Appeal ¹	8003		Motion	Party has 10 days to file an answer in opposition	Parties in interest ²	
Lien, Determine the Validity, Priority, or Extent of (constitutes an adversary proceeding)	Adversary > Open an AP case	7001(2)		Complaint Summons Cover Sheet ⁵			\$250.00 ³
Limine	Motions/Applications > In Limine			Motion Notice of hrg. In blank	Clerk's office will schedule hearing	Parties in interest ²	
Limit Notice	Motions/Applications > Limit Notice	2002(h) and (i)		Motion Affidavit Proposed Order	No notice required but courtesies should be observed		

Type of Proceeding	ECF Event	Rule	Code §	Pleadings to be filed	Notice	Notice sent to Whom	Filing Fee
Modify Assurance Payment (Utility Service)	Motions/Applications > Modify Assurance Payment (Utility Service) ¹		366	Motion Notice Proof of Service	Usually 15 days to object unless circumstances require more or less time	Parties in interest ²	
Obtain Credit	1) Motions/Applications > Obtain Credit/Borrow 2) Motions/Applications > Obtain Credit 11 USC 364(b) ¹	4001	364	Motion Notice Proof of Service	Usually 15 days to object unless circumstances require more or less time	Parties in interest plus 20 largest unsecured creditors if no committee was appointed, Rule 4001(c)(2) ²	
Plan, Motion to Modify after confirmation	Motions/Applications > Modify Plan ¹	2002(a)(5) 3015 3019	1127 1229 1329	Modified Plan Motion (Eau Claire only) Notice Proof of Service	20 days to object, Rule 2002(a)(5)	All creditors, Rule 2002(a)(5) ⁴	
Quash	Motions/Applications > Quash			Motion Notice of hrg. In blank	Clerk's office will schedule hearing	Parties in interest ²	
Reconsider	1) Motions/Applications > Reconsider 2) Motions/Applications > Reconsider Dismissal of Case ¹	9014		Motion Notice of hrg. In blank	Clerk's office will schedule hearing	Parties in interest ²	

Type of Proceeding	ECF Event	Rule	Code §	Pleadings to be filed	Notice	Notice sent to Whom	Filing Fee
Recover Money or Property except under § 554 and § 725 of the Code (constitutes an adversary proceeding)	Adversary > Open an AP case	7001(1)		Complaint Summons Cover Sheet ⁵			\$250.00 ³
Redeem Property of Estate	Motions/Applications > Redeem ¹	6008	722	Motion Notice Proof of Service	Usually 15 days to object unless circumstances require more or less time	Parties in interest ²	
Reinstate Case	Motions/Applications > Reinstate Case	9014		Eau Claire: Motion Notice Proof of Service Madison: Motion Notice of hrg. In blank	Eau Claire: Usually 15 days to object unless circumstances require more or less time Madison: Clerk's office will schedule hearing	Parties in interest ²	
Relief from Stay	1) Motions/Applications > Relief from Stay ¹ 2) Motions/Applications > Relief from Stay and Abandonment ¹ 3) Motions/Applications > Relief from Co-Debtor Stay ¹	4001(a)	362(d)	Motion Notice Proof of Service	Usually 15 days to object unless circumstances require more or less time	Parties in interest plus 20 largest unsecured creditors if no committee was appointed, Rule 4001(a)(1) ²	\$150.00 ³ (No fee for relief from co-debtor stay)

Type of Proceeding	ECF Event	Rule	Code §	Pleadings to be filed	Notice	Notice sent to Whom	Filing Fee
Removal, Notice of (constitutes an adversary proceeding)	Adversary > Open an AP case	7001(10) 9027		Notice of Removal Cover Sheet ⁵			\$250.00 ³
Reopen Case	Motions/Applications > Reopen Chapter x Case ¹	5010 4007(b)	350(b)	Motion Notice Proof of Service	Eau Claire: Usually 15 days to object unless circumstances require more or less time Madison: Clerk's office will schedule hearing	Parties in interest ²	Ch. 7 - \$260.00 ³ Ch. 11 - \$1000.00 ³ Ch. 12 - \$200.00 ³ Ch. 13 - \$235.00 ³
Sanctions	Motions/Applications > Sanctions ¹	9011	362(k), 524 Title 28, § 1927	Motion Notice Proof of Service	Usually 15 days to object unless circumstances require more or less time	Parties in interest ²	
Sale	1) Motions/Applications > Sell Property Free & Clear of Liens ¹ 2) Motions/Applications > Sell Property 11 USC 363(b) ¹ 3) Motions/Applications > Use, Sell or Lease Property ¹ 4) Notice > Notice of Intent to Use, Sell or Lease Property - FRBP 6004(a) ¹ 5) Notice > Notice of Intent to Sell - FRBP 6004(d) ¹	6004 2002(a)(2)	363	Motion Notice Proof of Service OR Notice of Intent (under \$2,500) Proof of Service	20 days to object if sale is out of the ordinary course of business, Rule 2002(a)(2)	All creditors, Rule 2002(a)(2) ⁴	

Type of Proceeding	ECF Event	Rule	Code §	Pleadings to be filed	Notice	Notice sent to Whom	Filing Fee
Shorten Time	Motions/Applications > Shorten Time	9006		Motion Affidavit Proposed Order	No notice required but courtesies should be observed		
Stay Pending Appeal	Motions/Applications > Stay Pending Appeal	8005		Motion Notice of hrg. In blank	Clerk's office will schedule hearing	Parties in interest ²	
Strike	Motions/Applications > Strike ¹		FRCP 12(f)	Motion Notice of hrg. In blank	Clerk's office will schedule hearing	Parties in interest ²	
Substitution of Attorneys	1) Motions/Applications > Substitute Attorney (Motion) 2) Motions/Applications > Substitute Attorney (Stipulation)			Motion Proposed Order OR Stipulation Proposed Order	No notice required but courtesies should be observed		
Summary Judgment	Motions/Applications > Summary Judgment	7056		Motion Notice of hrg. In blank	Clerk's office will schedule hearing	Parties in interest ²	
Turnover	1) Motion/Applications > Turnover ¹ 2) Trustee/UST > Turnover of Property - 11 USC 521(a)(4) ¹		521(a)(4) 542 543	Eau Claire: Motion Notice Proof of Service Madison: Motion Notice of hrg. In blank	Eau Claire: Usually 15 days to object unless circumstances require more or less time Madison: Clerk's office will schedule hearing	Parties in interest ²	
Trustee, Request to Appoint in a Chapter 11	Motions/Applications > Appoint Trustee ¹	2007	1104	Motion Notice Proof of Service	Usually 10-15 days to object unless circumstances require more or less time	All creditors ⁴	

Type of Proceeding	ECF Event	Rule	Code §	Pleadings to be filed	Notice	Notice sent to Whom	Filing Fee
Vacate	1) Motions/Applications > Vacate 2) Motions/Applications > Vacate Discharge 3) Motions/Applications > Vacate Dismissal		105	Motion Notice of hrg. In blank	Clerk's office will schedule hearing	Parties in interest ²	
Valuation	Motions/Applications > Valuation ¹	3012	506(a)	Motion Notice Proof of Service	Usually 10-15 days to object unless circumstances require more or less time	Parties in interest ²	
Venue, Change	Motions/Applications > Change Venue ¹	1014	Title 28, § 1412	Motion Notice Proof of Service	Usually 10-15 days to object unless circumstances require more or less time	All creditors ⁴	
Waive Filing Fee (in forma pauperis)	Motions/Applications > Waive Filing Fee (Bankruptcy Case) ¹	1006(c)	Title 28, § 1930	Application (Official Form 3B)			
Withdraw as Attorney for Debtor	Motions/Applications > Withdraw As Attorney			Motion Notice Proof of Service	Usually 10-15 days to object unless circumstances require more or less time	Parties in interest ²	

Type of Proceeding	ECF Event	Rule	Code §	Pleadings to be filed	Notice	Notice sent to Whom	Filing Fee
Withdrawal of Reference	Motions/Applications > Withdrawal of Reference		Title 28, § 157(d)	Motion	Upon the filing of the Motion, it will be transmitted to District Court for a determination		\$150.00 ³

1. To accurately report statistics to Congress, it is crucial that the correct ECF event is selected.
2. "Parties in interest" in a main case bankruptcy means: The debtor and debtor's attorney, trustee, U.S. Trustee, creditors' committee, and any objecting party or attorney who may be directly involved with the proceeding and should receive notice. "Parties in interest" in an adversary proceeding means: The plaintiff and/or their attorney, the defendant and/or their attorney, U.S. Trustee, and any objecting party or attorney who may be directly involved with the proceeding should receive notice.
3. Fees not all inclusive. Refer to Bankruptcy Court Miscellaneous Fee Schedule for filing fees and exceptions to filing fees. Title 28, § 1930.
4. "All Creditors" means: Everyone on the mailing matrix, parties in interest, plus any other attorney or objecting party who is not listed but might be a party in interest.
5. Cover Sheet is required when the proceeding is not filed electronically.