

1/11/2021

**UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF MONTANA**Clerk, U.S. Bankruptcy Court
District of Montana
Butte DivisionIn re: **ORDER ABOLISHING MONT.
LBR 6004-1****GENERAL ORDER NO.
2021-1-BPH****ORDER**

This Court's Local Rules effective July 1, 2019, contain Mont. LBR 6004-1. LBR 6004-1 provides as follows:

A notice of a proposed sale filed by a trustee or debtor in possession shall include the fourteen (14) day notice provided in Mont. LBR 9013-1, which shall constitute a permissible reduction of time authorized under Fed. R. Bankr. P. 9006(c)(1).

Fed. R. Bankr. P. 6004 states:

Notice of a proposed use, sale, or lease of property, other than cash collateral, not in the ordinary course of business shall be given pursuant to Rule 2002(a)(2), (c)(1), (i), and (k) and, if applicable, in accordance with § 363(b)(2) of the Code.

Fed. R. Bankr. P. 2002(a)(2) requires:

Except as provided in subdivisions (h), (i), (l), (p), and (q) of this rule, the clerk, or some other person as the court may direct, shall give the debtor, the trustee, all creditors and indenture trustees at least 21 days' notice by mail of a proposed use, sale, or lease of property of the estate other than in the ordinary course of business, unless the court for cause shown shortens the time or directs another method of giving notice.

While the 21-day notice period may be shortened, cause must be shown. The wholesale reduction of time by our local rule from 21 to 14 days in all cases and for all purposes glosses over the need to show cause in connection with shortening the prescribed time period.

IT IS ORDERED that Mont. LBR 6004-1 is abolished. However, if cause exists, nothing in this Order shall be construed as preventing a party from moving to reduce the notice period consistent with Fed. R. Bankr. P. 9006(c).

Dated: January 11, 2021.

BY THE COURT:

A handwritten signature in blue ink, appearing to read "B. Hursh", written over a horizontal line.

Hon. Benjamin P. Hursh
United States Bankruptcy Court
District of Montana