Bankruptcy Local Rule 9024-1

CHANGES TO JUDGMENTS OR ORDERS

When a party seeks to correct a judgment or order of the court due to clerical mistakes and/or errors arising from oversight or omission, the request shall be made by filing a motion with the court. The motion must set forth the proposed changes, either in the motion or by attaching a red-lined copy of the judgment or order as an exhibit to the motion. A separate order containing the proposed changes shall be submitted in accord with LBR 9004-1.

Related Authority:
Fed. R. Bankr. P. 9013, 9024;
Fed. R. Civ. P. 60(a)

Advisory Committee Notes:

Parties sometimes submit a proposed order that would amend a prior order without filing a motion or otherwise alerting the court as to the errors or inaccuracies in the prior order or identifying the need or reason for entering an amended order. The motion required by this rule should clearly identify the prior order (preferably by date and docket number) and specify the proposed changes. This allows the court to examine the proposed modification(s) and evaluate the propriety of entering an amended order. Generally, no hearing would be required if the motion identifies only clerical errors and parties in interest have received notice, or if affected parties have submitted a stipulation agreeing to the proposed changes or have endorsed the proposed order. However, when an objection is anticipated or filed, the hearing procedures of LBR 2002-2 should be followed.

Note that this rule is directed to motions made under Fed. R. Civ. P. 60(a), made applicable by Fed. R. Bankr. P. 9024. Requests for relief under the provisions of Fed. R. Civ. P. 60(b) are addressed under general motion practice.