



U.S. Bankruptcy Court, District of Minnesota

Rule 5011-1. Withdrawal of Reference

A request for withdrawal of reference shall be made by motion filed with the clerk of the bankruptcy court. The motion shall show that relief by way of abstention, remand or transfer was first sought and not obtained or could not be sought from the bankruptcy court. Any other party in interest may serve and file a response within 14 days after service of the motion. The clerk shall transmit each document to the clerk of the district court who shall file and treat the documents as a civil action and deliver the documents to a district judge for disposition. A motion for a stay under Federal Rule of Bankruptcy Procedure 5011(c) shall first be made to the bankruptcy court. If such relief is later sought in the district court, the request shall be made by additional motion filed with the clerk of district court, which shall show that the relief requested was first sought and not obtained from the bankruptcy court. If withdrawal is ordered, the clerk shall transmit all documents in the relevant file and the docket to the clerk of district court who shall file and treat the documents as a civil action filed in the district court and assign the action to a district judge. These local rules shall continue to apply unless the district court orders otherwise.

NOTE: This rule is promulgated by the district court.

[Effective April 15, 1997. Amended effective January 1, 2002; January 9, 2006; December 1, 2009.]