

## **SUMMARY OF 2008 REVISIONS TO LOCAL RULES OF BANKRUPTCY PROCEDURE**

This summary presents a brief explanation of the changes to the Local Rules of Bankruptcy Procedure. This summary is not in any way binding authority. It is only provided to aid in reviewing the proposed Rules revisions. Most of the Rules' explanations have been broken down by Rule and major subsections, e.g. A., B. C., etc., where necessary. Many Rules have been revised to state that any Chapter 11 case trustee and, in some instances, any examiner shall receive certain notices. Also, many Rules' subsections were renumbered (or lettered) to accommodate new sections being added. These changes will, for the most part, be noted as stylistic changes. References to the Implementation Order are to the Bankruptcy Court's Implementation Order issued (as revised) in 2005 following the enactment of the Bankruptcy Abuse Prevention and Consumer Protection Act ("BAPCPA"). References to the Procedures Manual are to the Bankruptcy Court's Procedures Manual.

### **LR 1001 - Scope of Rules and Forms; Short Title**

- A. The section was revised to include a definition of District Court. Other changes are stylistic.
- B. The final sentence of this section resolves any conflict between the Procedures Manual and the Rules in favor of the Rules. Other changes are stylistic.
- C. This section now makes clear that the new Rules supercede the Implementation Order
- D. No changes
- E. This section now clarifies that parties are subject to possible sanctions for failure to follow the Procedures Manual. Other changes are stylistic.
- F. This section now defines "debtor" and "Trustee." Other changes are stylistic.
- G. This new section gives the Bankruptcy Court and Bankruptcy Clerk the flexibility to change CM/ECF event codes referenced in the Rules without formally revising the Rules.

### **LR 1002 - Case Commencement**

- A. This section is revised to establish the necessary documents for filing a petition. Failure to file these documents will result in a declination by the Bankruptcy Clerk's office of the petition for filing.
- B. This is a new section and sets forth the necessary documents, suggested order of the documents, and the applicable deadlines for filing a Chapter 7 case.
- C. This is a new section and sets forth the necessary documents, suggested order of the documents, and the applicable deadlines for filing a Chapter 11 case.

- D. This is a new section and sets forth the necessary documents, suggested order of the documents, and the applicable deadlines for filing a Chapter 12 case.
- E. This is a new section and sets forth the necessary documents, suggested order of the documents, and the applicable deadlines for filing a Chapter 13 case.
- F. This section is new and refers the reader to the Bankruptcy Court's web site for the requisite filing fees.
- G. This section is new and sets forth the Bankruptcy Court's procedure for missing documents that must be filed to commence a case. It makes clear that the case will not be dismissed if a motion to extend time is pending and that the Bankruptcy Court will not tolerate serial filings of motions to extend time simply to stave off dismissal.

**LR 1006 - Payment of Filing Fees in Installments or Waiver of Filing Fee**

The Rule is revised to include provisions for payment of filing fees in installments and the waiver of filing fees because both are treated in Federal Rule 1006.

- A. This now makes clear that proposed orders shall not be submitted with the application to pay filing fees installments.
- B. This section provides that Ch 13 filing fees must be paid through the plan.
- C. This section is new and sets forth the Bankruptcy Court's provisions regarding the waiver of filing fees. This section was taken from the Implementation Order.

**LR 1007-1 - Means Testing and Current Income Calculations**

This Rule is new and is taken from the Implementation Order. The Rule sets forth the local provisions regarding means testing and current income calculations.

- A. This section sets forth the source of the number to be used for the median family income.
- B. This section sets forth the source of the numbers to be used for calculating monthly expenses.
- C. This section mandates that the debtor bring documentation supporting the expenses claimed in the debtor's means test to the 341 meeting.

**LR 1007-2 - Bankruptcy Code § 521(a)(1) Filing Requirements**

This Rule is new and is taken from the Implementation Order. The Rule sets forth the local provisions regarding Bankruptcy Code § 521(a)(1)'s filing requirements

- A. This section provides that the debtor must provide payment advices or other evidence of income to the Trustee at least 7 days before the 341 meeting, but in no event more than 45

days after the petition date. This is in lieu of the debtor filing this documentation with the Bankruptcy Court. The Rule also gives the debtor ten days to move to set aside a dismissal entered in error, but provides that dismissal for failure to provide documentation shall not be considered a dismissal in error.

- B. This section provides that the requirement of an itemized statement of monthly net income is satisfied by providing such information in Schedule I.
- C. This section provides that the requirement of a statement of any reasonably anticipated increase in income or expenditures is satisfied by providing such information in Schedule I.

**LR 1007-3 - Statistical Summary Form**

This Rule is new and is taken from the Implementation Order. The Rule sets forth the procedure for filing the Official Statistical Summary Form and sets out the penalty of dismissal for failure to timely file the form.

**LR 1007-4 - Bankruptcy Code § 521(c) Education Accounts**

This Rule is new and is taken from the Implementation Order. The Rule sets forth the procedure for filing records of any interest in an education account under Bankruptcy Code § 521(c) (satisfied by providing such information in Schedule B and attaching or separately filing an exhibit summary).

**LR 1007-5 - Bankruptcy Code § 521 Tax Returns and Requests**

This Rule is new and is taken from the Implementation Order. The Rule sets forth the local procedures for filing tax returns and requesting copies of filed tax returns.

- A. This section provides that Bankruptcy Code § 521(e)(2)(A)(i)'s requirements are satisfied by providing tax returns filed with the taxing authorities pre-petition to the Trustee 7 days prior to the 341 meeting. It also mandates that the debtor provide copies to creditors upon request.
- B. This section provides the procedure for filing with the Bankruptcy Court tax returns that were filed with the taxing authorities post-petition.

**LR 1007-6 - Credit Counseling**

This Rule is new and is taken from the Implementation Order. This Rule sets forth the local procedures regarding Credit Counseling.

- A. This section provides that the Trustee shall file a motion to dismiss the case if the debtor has not met the Bankruptcy Code's credit counseling requirements.
- B. This section provides the procedure for filing the certificate of credit counseling.

- C. This section provides the procedure for filing a certificate of exigent circumstances.
- D. This section provides the procedure for filing a motion for exemption from the credit counseling requirement.

**LR 1007-7 - Extension of Time to file Schedules and Statement of Financial Affairs**

- A. Stylistic changes only
- B. This section is new and provides for prompt dismissal for failure to timely file the schedules and statement of financial affairs.

**LR 1007-8 - Matrix**

- A. This section provides the general procedures for filing the matrix. Any changes are stylistic.
- B. This section is new and taken from the Implementation Order. It requires the debtor to include any child support enforcement agency in the matrix where there is a Domestic Support Obligation (DSO).
- C. This section is new and taken from the Procedures Manual. It requires the debtor to include the Missouri Department of Revenue in the matrix. It also, in keeping with the Federal Bankruptcy Rules, requires the IRS to be listed in all Ch 11 cases.

**LR 1009 - Amended Schedules and/or Matrix**

- A. This section sets forth the requirements for the content of an amended schedule or matrix. The section has been revised to only require a memorandum for an amended schedule that adds a party, deletes a party, changes the amount owed to a creditor, or changes the classification of a debt. The memorandum now only needs to identify changes rather than explain them. This will minimize the burden on debtors while still making it possible for the Bankruptcy Clerk's office to easily identify changes that require payment of a fee. Other changes are stylistic.
- B. This section now gives the debtor the option of serving a notice of the amended schedule or matrix rather than the whole schedule or matrix. It also clarifies that the debtor need only serve the notice, proof of claim form, and notice of claims bar date, and any plan on newly added creditors. Other changes are stylistic.
- C. This section is new and taken from the Procedures Manual. This sets forth the procedure for amending the matrix in a large Ch 11 case, or in a large Ch 7 case that has been converted from Ch 11.

- D. This section is new and taken from the Procedures Manual. It requires a form notice be sent with any amendment to the schedules in an individual Ch 7 case.
- E. This section is new. It provides a 60 day extension of the deadline to object to discharge for newly added creditors.

**L.R. 1015 - Joint Administration and Affiliated Debtor Cases**

- A. Stylistic changes only
- B. This section is new and taken from the Procedures Manual. It provides the procedure to be used to jointly administer affiliated debtor cases where there has not been a substantive consolidation of the estates. It has been revised to require that all pleadings be filed in the lead case. Other changes are stylistic.

**1017-1 - Motions to Dismiss**

- A. This section was revised to delete the general requirements for dismissing a Ch 13 case. These requirements have been moved to another section. Other changes are stylistic.
- B. This section has been revised to clarify that the dismissal motions covered by the section include those for failure to provide documentation to the trustee. Other changes are stylistic.
- C. This section has been amended to provide a 180 day bar to refile if the dismissal has been for failure to attend the 341 meeting. Other changes are stylistic.
- D. This section consolidates the general provisions regarding Ch 13 dismissals. It now provides for prompt dismissal on the debtor's voluntary motion to dismiss a Ch 13 case. It also clarifies that the negative notice procedures only apply to motions to dismiss made by parties other than the debtor. It clarifies that upon no timely response, a certification and dismissal request can be filed, and the Bankruptcy Court can grant the motion to dismiss without a hearing. Other changes are stylistic.
- E. & F. Stylistic changes only

**LR 1017-2 - Motions to Reinstate for Failure to File or Provide Required Documents or Attend § 341 Meeting**

This used to be in Part 9 of the Rules. It was moved here so that the content of the Local Rules would better match the Federal Rules, and to avoid confusion.

- A. This section was amended to require a list of all bankruptcy cases filed by the debtor within the past 8 years instead of the past 6 years to comply with changes in the Code. Other changes are stylistic.

B. & C. Stylistic changes only.

**LR 1017-3 - Motions to Reinstate Following Dismissal on Trustee's Motion to Dismiss for Failure to Make Plan Payments**

This used to be in Part 9 of the Rules. It was moved here so that the content of the Local Rules would better match the Federal Rules, and to avoid confusion. Changes are stylistic only.

**LR 1019 - Conversions**

- A. This section was revised to separate the provisions regarding schedules, statements and matrices in individual cases and in non-individual case conversions. The requirements were not changed for individual cases, but non-individual debtors now only need to file the Federal Rule 1019(5) schedule of unpaid debts and final report and account upon conversion. The report must include a statement of unpaid estate debts, executory contracts, and acquired property remaining in the estate.
- B. This section is new and is taken from the Implementation Order. It sets forth the procedures for filing the means test/statement of current monthly income forms upon conversion. It has been revised to require the debtor to file a new means test form upon conversion to Ch 7, even if the debtor is converting back to Ch 7. This will avoid the back door problem of debtors converting their way from and to a Ch 7 for which they are not eligible.
- C. Stylistic changes only
- D. This section is new and is taken from the Procedures Manual. It requires the debtor to contact the UST and schedule an initial debtor interview if converting to a Ch 11 case.

**LR 1030 - Requests for Documents**

This Rule is new and is taken from the Implementation Order. It provides general provisions for requesting documents from another party.

**LR 1040 - Access to Filed Tax Documents**

This Rule is new and is taken from the Implementation Order. It provides the procedures for a party to gain access to filed tax documents.

- A. This section requires a motion for access to filed tax documents and describes the content and filing requirements for the motion.
- B. This section requires the party receiving access to the tax documents to either return or destroy the documents on conclusion of reviewing the documents.

### **LR 2002-1 - Address for Service**

- A. This section was revised to require the debtor to use the last address for correspondence the debtor has from the creditor unless the debtor knows that a specific other address has been designated for use. The section is further revised to deem a request for notice, entry of appearance, or proof of claim as a designation of address. The section is revised to create an exception for use of these addresses where service on a registered agent is required. Other changes are stylistic.
- B. This section is new and is taken from the Procedures Manual. It directs practitioners to the Procedures Manual for the current address for the IRS and the Missouri Department of Revenue.
- C. This section is new and is taken from the Procedures Manual. It directs practitioners to the Procedures Manual for the web address for the MO Secretary of State and requires them to use this address for finding the registered agent of a company when service on the registered agent is necessary.

### **LR 2002-2 - Notice of Commencement of Case and § 341 Meeting**

- A. Stylistic changes only
- B. This section is new and is taken from the Implementation Order. It sets forth the procedure for sending notice to child support claimants pursuant to Bankruptcy Code §§ 704(c)(1)(A), (B), and (C), 1202(b)(6), and 1302(b)(6).
- C. This section is revised to provide that all returned notices from the Bankruptcy Noticing Center (BNC) shall be returned to the debtor or plaintiff, not just notices of commencement. The Bankruptcy Court no longer requires the UST to file a notice of the 341 meeting within 5 days of the petition, so this provision was removed. Other changes are stylistic.

### **LR 2003 - § 341 Meetings**

- A. & E. Stylistic changes only
- B. This section reflects the current practice of the trustee simply making a docket entry on the CM/ECF system rather than filing a minute report. Other changes are stylistic.
- C. This section reflects the current practice of the trustee simply making a docket entry on the CM/ECF system rather than filing a minute report. The section is also revised to reflect the practice of the trustee sending out notice of the continued 341 meeting. Other changes are stylistic.

- D. This section is corrected to include Chapter 13 cases. Other changes are stylistic.
- F. This section is new and taken from the Procedures Manual. It sets forth the procedure for waiver of attendance at the 341 meeting.

**LR 2004 - Motion for Examination under Fed. R. Bankr. P. 2004**

This Rule was revised to reflect the current method of submitting proposed orders. Other changes are stylistic.

**LR 2014 - Employment of Professionals**

Stylistic changes only

**LR 2015-1 - Duty of Debtor in Chapter 12 Case**

- A. This section was revised to provide that the failure to tender \$500.00 to the Ch 12 trustee within 5 business days of the petition date is cause for dismissing the case. Other changes are stylistic.
- B. This section is revised to replace conversion as a remedy for failure to disclose disposable income with “other appropriate action.” Other changes are stylistic.

**LR 2015-2 - Duty of Debtor in Chapter 13 Case**

- A. This section was updated to reflect the current technology being used for wage orders. It also was revised to make filing of the wage order motion simultaneously with the petition permissive.
- B. This section clarifies that the duty to disclose a material change in financial condition is a continuing duty. Other changes are stylistic.
- C. Stylistic changes only

**LR 2015-3 - Duty of Debtor in Chapter 11 Case**

- A. Stylistic changes only
- B. This section is new and is taken from the Procedures Manual. It sets forth a debtor in possession’s insurance requirements.

**LR 2016-1 - Compensation of Professionals**

- A. This section was amended to clarify that the attorney has the option of disclosing the fee either within 15 days of payment or within 15 days of the agreement so that confidentiality



can be preserved where an attorney is to receive extra money to file an adversary proceeding, for example. Other changes are stylistic.

B. This section has been revised to remove reference to the limited service option for fee applications in Ch 13 cases (which has been deleted). Other changes are stylistic.

C. & D. Stylistic changes only

#### **LR 2016-2 - Payment of Professional Fees in Chapter 11 Cases**

A. Stylistic changes only

B. This section was revised to require professionals to file fee applications no later than every 180 days (covering all billing for that period) if they want to continue receiving monthly payments. Other changes are stylistic.

C. This section was revised to conform to the changes to section B requiring professionals to file interim fee applications no later than every 180 days (covering all billing for that period) if they want to continue receiving monthly payments. Other changes are stylistic.

#### **LR 2016-3 - Employment and Compensation of Debtor's Counsel in Chapter 13 Cases**

A. This section was revised to reflect current CM/ECF practices. Other changes are stylistic.

B. The limited service for fee applications option was deleted. Other changes are stylistic.

C. This section is new and was drafted to clarify the procedure for payment of professional fees and disbursement by the Trustee where the case is dismissed prior to confirmation.

#### **LR 2016-4 - Payment of Chapter 12 Trustee Fees**

This Rule was revised to allow the Trustee to be paid through the plan rather than wait to file a fee application. Other changes are stylistic.

#### **LR 2090 - Attorney Admission**

A. This section was revised to require attorneys to read and be familiar with the Procedures Manual.

B. This section was revised to require that a check be presented with any paper filing of a pro hac vice motion. It was also revised to require local counsel filing a pro hac vice motion on another's behalf to file it electronically. Other changes are stylistic.

**LR 2091 - Withdrawal of Counsel**

This section is revised to delete the requirement of serving the motion to withdraw on all counsel of record. Other changes are stylistic.

**LR 2092 - Attorney Change of Address**

This Rule was revised to simply require attorneys to keep their CM/ECF information current on pain of losing login privileges.

**LR 2093 - Professional Conduct and Obligations of Attorneys**

- A. No changes
- B. This section was revised to require attorneys to attempt in good faith to confer. It was also clarified so that a conference is only required prior to a trial or contested hearing.
- C. This section was revised to state that the attorney must provide “appropriate” representation at a 341 meeting. This was a compromise to reflect the practice of “hot seating” so that the attorney would not have to personally attend a 341 meeting if it was not necessary. All Chapter 13 attorney’s obligations were consolidated in subsection 4. The section was revised to allow a Ch 13 attorney to be compensated on an hourly basis for representing the debtor in an adversary proceeding. Other changes are stylistic.

**LR 2094 - Attorney Discipline**

This Rule is new. It provides that if an attorney is suspended or disbarred from another court, the attorney will have to show cause why he or she should not also be suspended or disbarred in this Bankruptcy Court. It contains a non-exclusivity provision that does not limit the Bankruptcy Court’s options in disciplining an attorney. It also allows the attorney to request that he/she not be penalized in this Bankruptcy Court.

**LR 3001 - Proofs of Claim**

- A. Stylistic changes only
- B. This section’s revisions were taken from the Implementation Order. It was revised only to apply to Ch 7, 12, and 13 cases. It was also revised to require that a complete set of exhibits be served with the proof of claim on the Trustee, but no certificate of service needs to be filed for this. Other changes are stylistic.
- C. Stylistic changes only

**LR 3002 - General Proof of Claim Filing Provisions**

- A. Stylistic changes only

- B. & C. These sections were moved from LR 3003 because it does not pertain only to Ch 11 cases. There are no other changes to these sections.

**LR 3003 - Additional Proof of Claim Filing Provisions for Chapter 11 Cases**

This Rule is new and is separated out to address Ch 11 claims specifically and match the sequencing and the content of the Federal Rules. Changes are stylistic only.

**LR 3004 - Filing of Claims by Debtor**

This Rule only addresses claims filed by the debtor, so the Trustee was removed from the title. Other changes are stylistic.

**LR 3007 - Objections to Claims**

- A. Stylistic changes only
- B. This section was amended to give either party the right to set a hearing on a claim objection so that the objection would not remain unresolved and prevent distributions to the creditor indefinitely. It was also amended to allow the parties to move the hearing by consent. Other changes are stylistic.
- C. This section was revised to allow any party to file an omnibus objection. It was also revised to simply require the parties to follow the new Federal Rule 3007 omnibus objection provisions and the Procedures Manual. Other changes are stylistic.
- D. This section is new and is included to address the problem of the courtroom deputy receiving a lien avoidance motion while a separate claims objection based on the lien avoidance motion goes to case administration and the objection is granted before the lien avoidance motion is granted.

**LR 3011 - Unclaimed Funds**

This Rule is new and is taken from the Procedures Manual. It provides the procedure for dealing with unclaimed funds.

**LR 3015-1 - Chapter 12 Plans - Plan Contents**

This Rule was revised extensively to incorporate provisions from Ch 13 plan requirements that also apply to Ch 12 plans.

- A. This section was revised to require the Ch 12 plan to provide for payment to the Trustee of 5% of all payments under the plan, and that such funds will be in addition to the amount paid to secured creditors. This will also allow the Ch 12 Trustee to receive payment during the plan if the confirmed plan so provides. Other changes are stylistic.

B. This section is taken from the Ch 13 plan requirements and defines the reasonable time to cure defaults, which is a maximum of 4 years in a Ch 12 case. Other changes are stylistic.

C., F. & G. These sections are adapted from the Ch 13 plan requirements. Changes are stylistic.

D. & E. These sections are adapted from the Ch 13 plan requirements.

#### **LR 3015-2 - Chapter 13 Plans - Plan Contents**

There were provisions that were removed (Income Tax Refunds and Child Support Arrearage) due to the use of the form plan in Ch 13 cases.

A. This section was revised to set the reasonable time for curing defaults as a maximum of 48 months. The provisions regarding debtors that were debtors in a Ch 13 bankruptcy case within the last 36 months were removed. Other changes are stylistic.

B., D., E., F., & H. Stylistic changes only

C. This section was revised to provide that minimum distributions to unsecured creditors shall either be 100% or a fixed dollar amount. The specific minimum was removed to give greater flexibility.

G. The depreciation rate was revised to 1.5% from 2% for vehicles. Other changes are stylistic.

I. & J. These sections are new and are taken from the Implementation Order.

#### **LR 3015-3 - Chapter 12 and 13 Plans - Form and Filing**

This Rule combines the form and filing requirements for Ch 12 and 13 cases.

A. This section is revised to require the use of a local form Ch 12 plan that is currently being drafted. The form plan has not yet been finalized.

B. Revised to apply to Ch 12 as well as Ch 13

C. & D. Stylistic changes only

#### **LR 3015-4 - Chapter 12 and 13 Plans - Confirmation Procedures**

This Rule was adapted to cover both Ch12 and 13 plans,

A. No changes

B., E., F., H., & I. Stylistic changes only

- C. This section is new and taken from the Implementation Order.
- D. This section was adapted to cover Ch 12 cases and Ch 13 cases. Other changes are stylistic.
- G. This section was revised so that a plan objection would continue after an amended plan is filed. Failure to prosecute the objection is now considered an abandonment of the objection. Other changes are stylistic.
- J. This section was moved over from Rule 3015-1, which used to contain all Ch 12 plan provisions.

**LR 3015-5 - Chapter 12 and 13 Plans - Post-Confirmation Amendments and Modifications**

This Rule also has been adapted to cover Ch 12 and 13 cases.

- A. & B. Stylistic changes only
- C. This section was revised to set forth specifically the parties that need to be served. Other changes are stylistic.
- D. This section is adapted to Ch12 and 13 cases. Other changes are stylistic.

**LR 3017 - Plan Disclosure Statement in Chapter 11 Cases**

Stylistic changes only

**LR 3018 - Acceptance or Rejection of Chapter 11 Plan**

This Rule is new and has been added to conform to the sequencing and content of the Federal Rules. The provisions in this Rule were moved over from Rule 3020 (Confirmation of Chapter 11 Plan).

- A. This section was revised to make sure that parties whose ballots were cast but not counted received notice of the balloting summary and the fact that their ballots were not counted. The section also now requires the plan proponent to include a statement regarding the impact of counting the uncounted ballots on the acceptance or rejection of the plan. Other changes are stylistic.
- B. This section is new and sets forth the criteria for counting and excluding ballots. The section also gives the claim holder whose ballot was not counted the ability to contest this at the confirmation hearing.
- C. This section was revised to require the plan proponent to preserve the ballots and any relevant papers (such as envelopes that may give the identity of the claim-holder, etc.). Other changes are stylistic.

### **LR 3020 - Confirmation of Chapter 11 Plan**

Much of this Rule was moved to Rule 3018 to match the sequencing and content of the Federal Rules.

- A. Stylistic changes only
- B. This section was revised to require the plan proponent to serve any proposed confirmation order that does not conform substantially to the local form on the parties and the Bankruptcy Court so that nobody is sandbagged at the confirmation hearing. Other changes are stylistic.
- C. This section is new and is added to comply with the BAPCPA requirement for Ch 11 confirmation.

### **LR 3021 - Distribution on Claims in Chapter 13 Cases**

- A. & B. Stylistic changes only
- C. This section is revised to allow the plan to provide for payment on an adjustable claim without the need for an amended plan. The section allows the creditor to communicate with the Trustee to provide the Trustee with updated plan information without violating the stay. Other changes are stylistic.
- D. This section is new and is added to allow the trustee to make additional disbursements to secured creditors once the unsecureds have received their minimum distribution under the plan.
- E. This section is new and provides the procedures for payment of attorneys' fees in a Ch 13 case where the attorney has been suspended or disbarred during the case.
- F. This section is new and was taken from the Implementation Order. It allows creditors on an adjustable rate mortgage to communicate directly with the debtor regarding the amounts due without it being a violation of the stay.
- G. This section is new and taken from the Implementation Order. It sets forth the manner in which payments on mortgages should be applied in a Ch 13 case.

### **LR 3022 - Final Decree in Chapter 11 Cases**

- A. The first three sentences of this section were moved to the end of the section.
- B. Stylistic changes only

**LR 4001-1 - Relief from the Automatic Stay**

This Rule was revised extensively by the Implementation Order.

A., D., E., G., & I. Stylistic changes only

- B. This section was revised so that the movant setting the hearing on the motion for relief outside of the 30 day time period will be deemed a waiver of the movant's right to have the motion decided in that 30 days. Other changes are stylistic.
- C. This section was revised to delete the requirement of listing any entity known to have an interest in the collateral. This section was revised to eliminate the prohibition on exhibit summaries and provide that select pages from documents evidencing lien perfection may be attached to the motion. The revised section also sets forth the requirements for seeking relief against real property for failure to make plan payments. Other changes are stylistic.
- F. This section now requires consent motions for relief from the stay to be styled as such. It also provides that the trustee's report of no distribution in a Ch 7 case is consent to relief from the stay. The section now sets forth other requirements for signing and filing consent motions.
- H. This section is new and taken from the Implementation Order. It adopts the form for consent orders in settlement of a motion for relief.
- J. This section is new and taken from the Implementation Order. It sets forth the procedure for having the automatic stay extended past 60 days and provides that the movant's request for a setting past the 60 day period is a waiver of the movant's right to have the motion heard within that time.

**LR 4001-2 - Requests for Continuation of the Stay**

This Rule is new and taken from the Implementation Order.

**LR 4001-3 - Verified Motion for Imposition of the Stay**

This Rule is new and taken from the Implementation Order.

**LR 4001-4 - Motion for Order Confirming the Stay is Inapplicable**

This Rule is new and taken from the Implementation Order.

**LR 4001-5 - Automatic Stay with Respect to Lessors of Real Property under Bankruptcy Code § 362(l)**

This Rule is new and taken from the Implementation Order.

**LR 4003-1 - Scheduling Exemptions**

This Rule has been moved to Part 4 of the Rules to match the sequencing and content of the

Federal Rules.

**LR 4003-2 - Motion to Avoid Liens under Bankruptcy Code § 522(f)(1)**

- A. This section was revised to provide the instructions for filing the motion in the CM/ECF system. The section also now clarifies that the motion must be served on any non-individuals' registered agent. Other changes are stylistic.
- B. Stylistic changes only
- C. This section is new and, along with Rule 3007(D), is included to address the problem of the courtroom deputy receiving a lien avoidance motion while a separate claims objection based on the lien avoidance motion goes to case administration and the objection is granted before the lien avoidance motion is granted.

**LR 4004-1 - Discharge**

- A. & B. The DSO requirement has been added from the Implementation Order for Ch 12 and 13 cases filed on or after 10/17/05. Other changes are stylistic.
- C. This section is new and is added to establish the procedure for compliance with § 1141(d)(5)(A).

**LR 4004-2 - Post-Petition Personal Financial Management**

This Rule is new and is taken from the Implementation Order. Section B has been added to clarify that there will be no end-runs around the reopening fee by filing a motion to reconsider the proper closing of a case without discharge.

**LR 4004-3 - Closing of Case without Discharge**

This Rule is new and is taken from the Implementation Order. It has also been revised to clarify that there will be no end-runs around the reopening fee by filing a motion to reconsider the proper closing of a case without discharge.

**LR 4004-4 - Prior Discharge and Delay of Discharge**

This Rule is new and is taken from the Implementation Order.

**LR 4008 - Reaffirmation Agreements**

This Rule is new and is taken from the Implementation Order. It is revised to reflect the Bankruptcy Court's practice of not considering motions to approve reaffirmation agreements signed by counsel.

**LR 5005 - Filing and Transmittal of Papers**

This Rule was revised to bring it in line with current Bankruptcy Court CM/ECF practice and



to add a provision explaining the procedure for filing when CM/ECF is down and a deadline or an emergency is at hand. It also incorporates the CM/ECF Administrative Procedure section regarding consent to receiving notice via electronic means.

**LR 5009 - Closing Procedures**

Stylistic changes only

**LR 5011 - Withdrawal of Reference**

- A. The deadline for filing the motion to withdraw the reference was reduced to 5 business days.
- B. The deadline for filing a response to the motion to withdraw was reduced to 5 business days.
- C. This section is new and sets forth the filing requirements and controlling rules for a motion to withdraw the reference.

**LR 6007 - Abandonment of Assets at the § 341 Meeting**

This Rule was revised to provide that the trustee may file, either separately or as part of the 341 meeting minute report, a list of property to be abandoned. The revised Rule also provides that if there is no timely objection to the notice of abandonment of assets, the assets will be deemed abandoned immediately after the response deadline. Other changes are stylistic.

**LR 7003 - Commencement of Adversary Proceeding**

Stylistic changes only

**LR 7004 - Summons**

- A. This section was revised to reflect the Bankruptcy Court's practice of generating the summons electronically. Other changes are stylistic.
- B. This section was revised to clarify that a motion to reissue the summons must be made if the summons is not served within 10 days of issuance. Other changes are stylistic.

**LR 7016 - Pre-trial Procedures**

This Rule was revised to clarify that the actual exhibits (not just the exhibit lists) must be exchanged three business days prior to trial. Other changes are stylistic.

**LR 7026 - Discovery**

Section A was added to require that the parties begin discovery at the earliest possible time. Other changes are stylistic.

### **LR 7055 - Default Judgment**

- A. This section was revised to contain all procedures (many taken from the Procedures Manual) for entry of default only. The citation to the Soldier's and Sailor's Civil Relief Act has been updated.
- B. This section was revised to contain procedures for the motion for default judgment. The citation to the Soldier's and Sailor's Civil Relief Act has been updated.
- C. Stylistic changes only
- D. This section was added to require that the movant appear at the hearing on the motion for default judgment and make a record supporting the judgment.

### **LR 7056 - Motions for Summary Judgment**

This Rule was revised to eliminate the requirement that parties disclose adverse cases or other adverse authority in their supporting memoranda. Other changes are stylistic.

### **LR 8001 - Appeals**

This Rule was revised to incorporate the provisions for appeals from the Procedures Manual and the Bankruptcy Clerk's Public Notices. There are four sections now. One is for general requirements, and the other three are for appeals to the BAP, the District Court, and direct appeals to the Court of Appeals.

### **LR 9004 - Format and Title of Filings**

- A., B. & C. Stylistic changes only
- D. This section was revised to require that the filing party physically serve the document only on those that did not receive it via the CM/ECF e-mail system. It requires that the filing party file a certificate of service listing the parties that were physically served and stating that these parties were served in addition to the parties served via CM/ECF. The section also allows the certificate of service to be filed separately from the underlying document so that the filers may review the Notice of Electronic Filing to verify who was served.

### **LR 9006 - Time**

Stylistic changes only

### **LR 9010 - Appearance without Attorney - Corporations or Other Business Entities**

This Rule was revised to only cover instances where a corporate or other business entity may appear without counsel. These provisions received only stylistic changes. The remainder of the Rule was obsolete due to the receipt of filings by attorneys via the CM/ECF system.

### **LR 9011 - Signatures**

- A. This section was revised to reflect current CM/ECF practices regarding signatures on documents. Other changes are stylistic.
- B. This section is new and was added from the CM/ECF Administrative Procedures. It requires a two year retention of originals of documents signed and filed with the Bankruptcy Court.

### **LR 9013-1 - Motion Practice**

- A., D., E., & F. Stylistic changes only
- B. Some matters that are heard on negative notice have different response deadlines than 20 days (e.g. the 30 days to object to a trustee's final report). This section was revised to reflect that. Other changes are stylistic.
- C. This section is new and contains an explicit prohibition on general denials.

### **LR 9013-2 - Expedited or Emergency Matters**

Stylistic changes only

### **LR 9013-3 - Chapter 11 Case Administration**

- A. The first day matters provisions in the Procedures Manual and the current Local Rules were moved to this section to better match the sequencing and content of the Federal Rules. Subsection 2 was added as a compromise on suggested language making it mandatory that the practitioners notify the UST and send copies of first day motions to the UST's office prior to their filing, even if it was pre-petition. This section only requires this where practical.
- B. This section was moved here to better match the sequencing and content of the Federal Rules. This was taken from the Procedures Manual.
- C. This was previously divided into two sections - Regular Hearing Dates, and Agenda. These have been merged in an effort to simplify the procedure for setting the agendas for regular Ch 11 hearing dates. The practitioner will simply contact the Courtroom Deputy. Other changes are stylistic.
- D. & E. Stylistic changes only
- F. This section was revised so that the filer would not have to physically serve each party on the master service or notice lists with a document when the CM/ECF system has served that party electronically. Other changes are stylistic.

### **LR 9015 - Jury Trials**

This Rule is almost completely new. It is modeled after the rule for jury trials in the Bankruptcy Court for the Central District of California following a 9<sup>th</sup> Circuit decision striking down a local rule for the Bankruptcy Court for the ND Cal. In essence, the 9th Cir. struck down the rule because it allowed the bankruptcy court and not the district court to withdraw the reference (in derogation of 28 USC Sec. 157(d)) and did not provide for a proper motion for withdrawal to the district court (in derogation of Fed. R. Bankr. P. 5011(a)). It was decided that the EDMO needed a more comprehensive rule on the subject.

### **LR 9016 - Subpoenas**

Stylistic changes only

### **LR 9019 - Mediation**

This Rule was pared down substantially to simplify the process and reflect the realities of practice. The Rule essentially now allows the parties to agree to any mediator that is not the judge in the case. It clarifies that mediation expenses are subject to review by the Bankruptcy Court. It also leaves other matters to the parties, such as the process for mediation statements, while retaining necessary provisions for things such as attendance to make sure the parties are properly conducting any Bankruptcy Court-ordered mediation. The parties must still file a mediation report so that the Bankruptcy Court and other parties in interest will know what the status of the case is.

**LRs 9024-1 and 9024-2**      These Rules were moved to part one of the Rules and are explained *supra*.

### **LR 9037 - Privacy and Redaction of Documents**

Certain provisions of the Implementation Order and the revised CM/ECF Administrative Procedures regarding redaction of documents and personal identifiers were moved into the Local Rules to create this new Rule. The Implementation Order only covered redaction of tax documents, but the nearly identical provision in the revised CM/ECF Administrative Procedures covered all documents. This Rule is a supplement to the new Federal Rule 9037 regarding privacy procedures.

### **LR 9040 - Exhibits**

A. & B.      Stylistic changes only

C.      This section was revised to allow the parties to exchange exhibits electronically. It is also revised to clarify that the actual exhibits (not just an exhibit list) must be exchanged. Other changes are stylistic.

### **LR 9050 - Proposed Orders**

A.      This section was revised so that the filing of Ch 13 orders are not considered a representation

that the orders have been circulated, etc. Other changes are stylistic.

B. & D. Stylistic changes only

C. This section was revised to reflect the current CM/ECF practice of the Bankruptcy Court. Other changes are stylistic.

E. The Endorsed/So Ordered Provision was deleted from the rule to reflect current practice. This section was replaced by a provision from the Implementation Order requiring a statement in motions regarding the value of property to state whether the property valuation is below the stated value of the related claim. This is for information gathering purposes.

### **LR 9060 - Notices and Hearings**

A., B., C., & E. Stylistic changes only

D. This section was revised so that notices do not have to continue to be sent to a bad address. It also now provides that Local Form 25 (which will be revised so that the Bankruptcy Court can remove bad addresses from its mailing list) is not to be used to update creditor information that was good at the beginning of the case, or updated during the case, as an end run around the procedures and fee for routine updating of the matrix. Other changes are stylistic.

### **LR 9061 - Negative Notice Procedures**

A., B., C., & E. Stylistic changes only

D. This section was revised to move motions to approve the trustee's final report to the 30-day negative notice section in accordance with Federal Rule 5009. Other changes are stylistic.

### **LR 9062 - Matters without Hearing**

Several matters were added to the list of matters that will be considered without hearing. Motions for Rule 2004 examinations were removed from the list. The section was also revised so that any party may request a hearing on these matters but may no longer set a hearing. Other changes are stylistic.

### **LR 9070 - Telephone and Video Conferences and/or Hearings**

There were seemingly conflicting provisions regarding who is to initiate the call. The section was revised to remove these and simply state that the party may not participate via telephone or video without Bankruptcy Court authorization and that the party must be available from the time of the hearing until excused by the Bankruptcy Court.

### **LR 9075 - Use of Photographic and Recording Equipment**

This rule is new and largely tracks the language of District Court Local Rule 13.02 regarding photographic and recording equipment in the courtroom.