



**UNITED STATES BANKRUPTCY COURT
DISTRICT OF MARYLAND
OFFICE OF THE CLERK**

MARK A. NEAL
Clerk of Court

www.mdb.uscourts.gov

April 26, 2016

**SUMMARY OF PROPOSED AMENDMENTS TO THE
LOCAL RULES FOR THE U.S. BANKRUPTCY COURT
FOR THE DISTRICT OF MARYLAND**

The Court is considering proposed amendments to its Local Rules. A brief explanation of the amendments follows. This summary was prepared by the Clerk's Office as an overview of the changes and should not serve as a substitute for reading the full text of the proposed amendments. Additionally, this summary is neither intended to serve as legal advice nor as a commentary on the changes to the Local Rules, and nothing herein should be cited as legal authority. This summary does not include any minor stylistic changes that may be incorporated into the Local Rules as part of this amendment process.

- Local Rule 1001-1 is new and sets forth the applicability and citation convention for the Local Rules.
- Local Rule 1002-1 is amended to clarify the type of taxpayer identification documentation required to be filed with each voluntary petition.
- Local Rule 1004-1 is deleted as no longer necessary because of amendments to Local Rule 1007-2 which make that rule applicable to all non-individual debtors.
- Local Rule 1007-2 is amended to make the rule applicable to all non-individual debtors.
- Local Rule 1007-6 is new and provides that Federal Bankruptcy Rule 1007 shall apply to any debtor who is not an individual.
- Local Rule 1009-1 is amended to provide that whenever a debtor or trustee in a Chapter 9 or Chapter 11 case amends the debtor's schedules to change the amount, nature, classification or characterization of a debt, the debtor or trustee must serve on the creditor notice of both the amendment and the right to file a proof of claim.
- Local Rule 1010-1 is new and provides that Federal Bankruptcy Rule 1010(b) shall apply to any petitioner in an involuntary case who is not an individual.
- Local Rule 1011-1 is new and provides that Federal Bankruptcy Rule 1011(f) shall apply to any respondent in an involuntary case who is not an individual.

- Local Rule 1015-1 is amended to eliminate the deadline to object to the consolidation of the estates of spouses in joint filings and to provide a streamlined procedure for requesting the joint administration of related cases.
- Local Rule 2002-1 is amended to clarify, in instances where a notice and a hearing is required under the Bankruptcy Code but a motion is not mandatory, that notice to all parties entitled to notice under Federal Bankruptcy Rule 2002 and this rule is nevertheless required.
- Local Rule 2016-2 is new and requires certain disclosures by bankruptcy petition preparers to their customers. The new rule further establishes \$125 as a rebuttable, presumptive reasonable fee for bankruptcy petition preparer services.
- Local Rule 2072-1 is amended to provide that the debtor or other party filing a bankruptcy case must, in addition to the parties already set forth in the rule, promptly send notice conforming to Local Bankruptcy Form A to parties handling a non-judicial foreclosure.
- Local Rule 3007-2 is deleted as no longer necessary because the notice requirements contained therein for a holder or servicer of a secured claim in a Chapter 13 case are now contained in the Federal Bankruptcy Rules.
- Local Rule 3012-1 is amended to clarify that a motion to avoid a lien on a Chapter 13 debtor's principal residence may name both a secured creditor and servicer as respondents in a motion to avoid a single secured claim. The amended rule further clarifies that the requirement of service on the claimant at the name and addresses listed on the claimant's proof of claim is not applicable if the motion is filed prior to the filing of the proof of claim. The rule is further amended to change the deadline by which the court may rule on an unopposed motion to twenty-eight (28) days.
- Local Rule 3012-2 is amended to clarify that a motion to value collateral or avoid a security interest in personal or real property that is not the debtor's principal residence may name both a secured creditor and servicer as respondents in a motion to value the collateral for or avoid a single secured claim. The amended rule further clarifies that the requirement of service on the claimant at the name and addresses listed on the claimant's proof of claim is not applicable if the motion is filed prior to the filing of the proof of claim. The rule is further amended to change the deadline by which the court may rule on an unopposed motion to twenty-eight (28) days.
- Local Rule 3015-3 is amended to clarify the information which must be contained in a Chapter 13 plan regarding direct payments of post-petition personal property lease payments and any post-petition installment or adequate protection payments of secured claims. The rule is further amended to require the debtor to serve a notice on any secured creditors to whom the debtor proposes to modify adequate protection payments in a plan or amended plan.

- Local Rule 3019-1 was deleted as no longer necessary because it duplicates Federal Bankruptcy Rule 3019(b).
- Local Rule 4001-1 is amended to provide that, in lift stay actions where the debtor is an individual and an appraisal is intended to be relied upon, the appraisal must, upon written request, be provided to the respondent. The rule is further amended to require the parties to a contested lift stay motion to confer at least three (3) business days prior to the hearing to determine whether the parties can agree to a consent order or stipulated facts.
- Local Rule 4001-3 is amended to provide a deadline of ninety (90) days after the entry of an order ratifying the auditor's report for a creditor to assert a deficiency claim.
- Local Rule 4001-5 is new and requires certain disclosure and other content in motions for the use of cash collateral and/or financing.
- Local Rule 4003-2 is amended to clarify that a motion to avoid a lien under 11 U.S.C. § 522(f) may name both a secured creditor and servicer as respondents in a motion to avoid a single secured lien. The amended rule further clarifies that the requirement of service on the claimant at the name and addresses listed on the claimant's proof of claim is not applicable if the motion is filed prior to the filing of the proof of claim.
- Local Rule 5005-1 is amended to provide that the electronic signature of a person on a document filed with the court shall constitute the original signature of that person for purposes of Federal Bankruptcy Rule 9011. Parties must still comply with the Electronic Case Filing Procedures established by the Court as published on the Court's website.
- Local Rule 5011-2 is amended to clarify that in withdrawal of reference actions all briefing shall be governed by the rules of the District Court, including those rules governing timing, unless otherwise ordered by the District Court.
- Local Rule 5071-1 is amended to formalize the practice regarding requests for continuances of meetings of creditors under 11 U.S.C. § 341.
- Local Rule 5073-1 is amended to incorporate the terms of Administrative Order 13-3 governing the possession and use of electronic devices by the public in the Court.
- Local Rule 6004-1 is amended to provide that notices of sale must include, among other mandatory disclosures, any charges and costs to be paid by the estate and all concessions to be made by the estate as part of the sale process. The rule is further amended to require a number of disclosures in Chapter 11 sale and sale procedures motions.
- Local Rule 6007-1 is new and regulates the abandonment or disposition of estate property.
- Local Rule 7003-2 is amended to provide that a corporate affiliates disclosure statement shall include an address for each disclosed affiliate.

- Local Rule 7012-2 is new and provides that deadlines to plead or move in response to a pleading in adversary proceedings may be extended for up to thirty (30) days by stipulation of the parties docketed with the court or a longer period if ordered by the Court.
- Local Rule 7026-1 is amended to provide that parties serving discovery shall promptly provide the requests in an electronic format that may be edited when requested by the opposing party.
- Local Rule 7026-2 is amended to clarify that in both adversary proceedings and contested matters, discovery materials should not be filed with the court, unless otherwise ordered.
- Local Rule 7056-1 is amended to provide that, where summary judgment is requested against a party without counsel, the notice to be provided to the non-moving party will provide a seventeen (17) day response deadline from the date the motion is mailed or hand delivered.
- Local Rule 9001-1 is amended to provide that, unless otherwise ordered by the court, the definitions of words and phrases in Federal Bankruptcy Rule 9001 and the definitions adopted by reference therein apply to the Local Rules and orders entered by the court. In addition, a definition of the term “CM/ECF” was added and the other defined terms were placed in alphabetical order.
- Local Rule 9004-1 is amended to provide that the font size on all pleadings, motions, and papers, including footnotes, shall be no smaller than 12 point.
- Local Rule 9010-3 is amended to clarify that when a party is represented by an attorney admitted *pro hac vice*, local counsel must be present in the courtroom for proceedings before the court, unless excused by the court.
- Local Rule 9010-5 is amended to authorize an attorney, in Chapter 7 and Chapter 13 cases where a debtor is already represented by counsel generally, to enter a limited appearance for specific matters in the case, such as a motion for relief, a contested matter, an adversary proceeding, or an appeal.
- Local Rule 9011-3 is amended to provide guidance on what constitutes an original signature of an attorney and a client.
- Local Rule 9013-3 is amended to provide that only the names of counsel are required on orders if such counsel is receiving notices through CM/ECF in the case.
- Local Rule 9013-4 is amended to provide additional guidance on the requirements for certificates of service when parties are served through CM/ECF.

- Local Rule 9013-6 is new and requires a parties in a contested matter to file a statement in compliance with Local Rule 7012-1(b) indicating whether the party consents to entry of final orders by the Bankruptcy Judge.
- Local Rule 9019-1 is amended to provide that in adversary proceedings, motions for approval of settlements must be filed in the adversary case and served on all parties in the adversary case. Notice of the motion for approval of a settlement must be filed in the main case and served on all parties entitled to receive notice.
- Local Rule 9019-2 is amended to move the alternative dispute resolution provisions to an appendix to be created.
- Local Rule 9027-1 is new and provides that Local Rule 7012-1 shall apply in the case of removal.
- Local Rule 9036-1 is amended to provide that service of notice may also be given by a nationally recognized delivery service and the rule is further amended to add requirements for service of notices by facsimile transmission.

Copies of the draft amended and new rules are available on the Court's website at: www.mdb.uscourts.gov.

Comments on the proposed amended and new rules must be submitted on or before July 1, 2016, to Mark A. Neal, Clerk of Court, 101 West Lombard Street, Suite 8525, Baltimore, MD 21201 or emailed to LocalRules@mdb.uscourts.gov. If adopted, the amended and new rules will take effect on August 1, 2016.

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