



# UNITED STATES BANKRUPTCY COURT DISTRICT OF MARYLAND

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November 17, 2023

## NOTICE AND SUMMARY OF AMENDMENTS TO THE LOCAL RULES FOR THE UNITED STATES BANKRUPTCY COURT FOR THE DISTRICT OF MARYLAND

### **EFFECTIVE DECEMBER 1, 2023**

The United States Bankruptcy Court for the District of Maryland (the “Court”) has approved amendments to its Local Bankruptcy Rules (the “Rules”) effective December 1, 2023. The Rules were published for public comment on August 25, 2023, and several amendments were made in response to the comments received. The Court thanks the bar members who submitted comments as well as the members of the Bankruptcy Bar Association and the MSBA Consumer Bankruptcy Section who provided input on the Rules.

The Order Amending Local Bankruptcy Rules, with redline and clean copies of the amendments, are attached and also available on the Court’s website at: [www.mdb.uscourts.gov](http://www.mdb.uscourts.gov).

There are also amendments to the Federal Bankruptcy Rules that are effective December 1, 2023. You may view those amendments at: <https://www.uscourts.gov/rules-policies/pending-rules-and-forms-amendments>.

### ***Summary***

The amendments to the Rules are designed to modernize and streamline procedural aspects of all bankruptcy cases. This summary, which includes an explanation and highlights of key changes, was prepared as an overview and is not intended to serve as legal advice or commentary on the changes to the Rules. Nothing herein should be cited as legal authority. This summary does not cover every change and does not include minor stylistic changes that may be incorporated into the Rules as part of this amendment process.

***The extensive amendments to the Rules are governed by the following important principles:***

- The Federal Rules of Bankruptcy Procedure (the “Federal Bankruptcy Rules”) govern in all instances and should be consulted and followed in all cases, matters, and proceedings before the Court. The amended Rules supplement the Federal Bankruptcy Rules. While some amendments eliminate as redundant requirements that already exist in the Federal

Bankruptcy Rules, those changes do not eliminate any requirements of the Federal Bankruptcy Rules.

- Many deletions reflect outdated practices or more substantive elements of a party's case, matter, or proceeding that are governed by the Bankruptcy Code or other law and are not necessary in the Rules. For example, the prohibition on smoking during depositions still applies but is now largely regulated by other substantive law. Likewise, the deletion of the specific elements to be included in any given motion does not relieve the moving party from the burden or standard imposed by the Bankruptcy Code or other applicable law.
- Certain terms are used throughout the Rules and are intended to have the same meaning in each instance. Accordingly, Local Bankruptcy Rule 9001-1 is amended to define more of these terms and provide an easy reference point for common terminology.
- Stylistic changes are made throughout the Rules to add consistency and clarity. These stylistic changes are not separately highlighted in this summary, and they do not change the meaning or interpretation of the Rules.

***The following explain and highlight certain key changes:***

- Rule 1007-1 (Mailing List or Matrix): This Rule is changed to more precisely identify the parties who need to be placed on the mailing list or matrix and receive certain notices in the bankruptcy case. The amended Rule requires a debtor to identify and list all known parties in interest, and new Rule 9001-1 defines the term "party in interest." The objective of the Rule is to notify parties with a debt, contract, or ownership interest in the debtor, the debtor's property, or property of the estate of the pendency of the case and thereby streamline matters and proceedings necessary to administer the case.
- Rule 1007-3 (Power of Attorney and Declaration Required): This new Rule adds clarity to the procedural requirements for the filing and service of a petition by the holder of a power of attorney.
- Rule 1007-5 (Compliance With Filing Requirements): This Rule is deleted to eliminate an outdated practice and rule which the Court is no longer enforcing.
- Rule 1007-6 (Ownership Statement to be Filed by Debtor That is Not an Individual): This Rule is deleted to eliminate as redundant a requirement that already exists in the Federal Bankruptcy Rules.
- Rule 1010-1 (Ownership Statement to be Filed in an Involuntary Case by Each Petitioner That is Not an Individual): This Rule is deleted to eliminate as redundant a requirement that already exists in the Federal Bankruptcy Rules.
- Rule 1011-1 (Ownership Statement to be Filed by a Non-Individual That is a Respondent to an Involuntary Petition or Petition for Recognition): This Rule is deleted to eliminate as redundant a requirement that already exists in the Federal Bankruptcy Rules.

- Rule 2002-1 (Notice to Creditors and Other Interested Parties) and former Rule 2002-2 (Notice to Equity Security Holders): This Rule is revised to eliminate the restatement of requirements set forth in other Rules and the Federal Bankruptcy Rules and to combine the Rule with former Rule 2002-2 (Notice to Equity Security Holders).
- Rule 2004-1 (Examinations Under Federal Bankruptcy Rule 2004): This Rule is streamlined to incorporate applicable requirements of Rule 7026-1(a) for examinations conducted pursuant to Federal Bankruptcy Rule 2004.
- Rule 2015-1 (Compensation by Debtor in Chapter 11): This Rule is modified to eliminate the prohibition regarding the rate of postpetition compensation paid to a debtor's officers, directors, members, and partners and to allow the Court and parties in interest to review such compensation on a case-by-case basis.
- Rule 2016-1 (Compensation of Professionals): This Rule is revised to require Court approval of a bifurcated fee agreement and to set forth specific procedural requirements for a motion to approve such agreement.
- Rule 2072-1 (Access to Information in Chapter 11 Cases): This new Rule provides clarity regarding the protection of a Chapter 11 debtor's non-public, proprietary, privileged, or confidential information.
- Rule 3002-1 (Time for Filing Certain Proofs of Claim): This new Rule sets forth deadlines for the filing of proofs of claim arising from the rejection of an executory contract or unexpired lease and arising from the foreclosure, repossession, or surrender of collateral.
- Rule 3003-2 (Wage Claimants): This Rule is deleted to allow a trustee to manage the information he or she requires and to eliminate the already-existing requirement that a claimant file a proof of claim.
- Rule 3011-1 (Unclaimed Funds Held in Court Registry) and Rule 3011-2 (Unclaimed and Undistributed Funds in Liquidating Chapter 11 Cases): The former version of Rule 3011-1 is separated into two Rules.
- Rule 3012-1 (Valuation of Collateral and/or Avoidance of Liens on Property Under 11 U.S.C. § 506 by Motion – Chapter 13 Only) and former Rule 3012-2 (Valuation of Collateral and Avoidance of Nonresidential Liens by Motion – Chapter 13 Only): The amendments streamline and clarify the requirements of this Rule and combine the former version of the Rule, which applied to liens against principal residences only, with former Rule 3012-2, which applied to liens against personal property and liens against real property that was not the debtor's principal residence.
- Rule 3015-2 (Chapter 13 – Confirmation): The Rule clarifies the treatment of a confirmation objection filed with respect to a plan that is later amended.

- Rule 3015-3 (Pre-Confirmation Adequate Protection and Personal Property Lease Payments): The Rule is revised to delete Chapter 13 plan requirements that are already set forth in the Court's form plan and to eliminate an adequate protection notice practice that appears to be outdated. The Rule also provides that absent timely objection to the debtor's affidavit of pre-confirmation payments, the Court may presume that the affidavit's information is accurate.
- Rule 3015-4 (Chapter 13 – Wage Orders): This new Rule is intended to describe the existing practice of the Court with respect to wage orders.
- Rule 3016-1 (Service of Chapter 11 Plan and/or Disclosure Statement): This new Rule is intended to ensure a creditor's designated notice party receives a Chapter 11 debtor's plan and disclosure statement.
- Rule 3016-2 (Amended Chapter 11 Plan and/or Disclosure Statement): This new Rule is intended to describe the existing practice of the Court with respect to amended Chapter 11 plans and disclosure statements.
- Rule 3016-3 (Chapter 11, Subchapter V Confirmation Order): This new Rule is intended to provide clarity on when a plan is confirmed consensually or non-consensually so as to eliminate any misunderstandings about the effect of confirmation.
- Rule 3022-1 (Administration of Confirmed Chapter 11 Plans): This Rule is revised to clarify the post-confirmation reporting requirements, entry of a discharge order, and entry of a final decree in Chapter 11 cases.
- Rule 4001-1 (Automatic Stay – Relief From): This Rule is modified to set forth the procedures for continuing a hearing on a motion for relief from stay and to update it to comport with the current process for the self-scheduling of hearings in CM/ECF.
- Rule 4001-2 (Automatic Stay – Post-Filing Arrears): This Rule is modified to clarify that if the movant fails to provide a sufficient history of post-petition payments or a lack thereof, the Court may exclude from evidence any documents or testimony in support of the movant's position that it is not adequately protected.
- Rule 4001-4 (Obtaining Credit, Refinancing, and Loan Modifications): This Rule is modified to confirm that a lift stay movant must serve the motion on any non-debtor co-obligor.
- Rule 4001-7 (Postpetition Applications to Modify Loan): This new Rule confirms that an application for a postpetition loan modification does not require a lender to first obtain relief from the automatic stay.
- Rule 4002-1 (Current Address and Telephone Number): This Rule is deleted to eliminate as redundant a requirement that already exists in Rule 9010-2.

- Rule 5001-2 (Clerk – Office Location/Hours): This Rule is revised to streamline the Rule and eliminate references to meetings of creditors, which are governed by the Office of the U.S. Trustee.
- Former Rule 5011-1 (Abstention): This Rule is deleted to eliminate the deadline for filing a motion for abstention and leaves the timeliness of a motion for abstention as a factor for the Court to consider.
- Former Rule 5071-1 (Motions for Postponement/Continuances): This Rule was moved to Rule 9013-7.
- Rule 5071-1 (Procedures for Electronic Filings by Parties Not Represented by an Attorney): This Rule authorizes the Clerk to offer a platform for electronic filing by unrepresented parties.
- Rule 6004-1 (Sale of Unencumbered Estate Property): The separation of the previous version of this Rule into this modified Rule and Rules 6004-2, 6004-3, and 6004-4 is intended to provide for the different exigencies provided by the sale of unencumbered versus encumbered estate property and by Chapter 11 cases. The separation into new, distinct Rules is intended further to clarify what is required under each specific circumstance. The prior version of Rule 6004-1 was long and unwieldy, and the separation into four different Rules is intended to promote clarity and ease of use of the Rules.
- Rule 6004-2 (Sale of Encumbered Estate Property – Chapters 7, 12, and 13 Only): This new Rule contains the portions of former Rule 6004-1 that pertain to the sale of encumbered estate property in Chapter 7, 12, and 13.
- Rule 6004-3 (Sale of Encumbered Estate Property – Chapter 11 Only): This new Rule provides requirements for motions to sell encumbered estate property in Chapter 11 cases. Much of this new Rule comes from the former Rule 6004-1 and includes many of the same provisions of those subsections that specifically applied to sales in Chapter 11 cases.
- Rule 6004-4 (Approval of Sale Procedures – Chapter 11 Only): This Rule, which contains the portions of former Rule 6004-1 that pertain to sale procedures in the Chapter 11 context, includes changes that are not substantive and are solely to promote consistency in language.
- Rule 6004-5 (Report of Sale): This new Rule requires the filing of a report of sale whenever estate assets or property are sold. This Rule is intended to ensure that all parties in interest are aware of the closing date for any such sale and, where applicable, have an ability to timely file a proof of claim or an amended proof of claim.
- Rule 6006-1 (Executory Contracts and Unexpired Leases): The change to this Rule is intended to strengthen the notice required under the Rule by providing that “the Court may rule upon the motion without a hearing if there is no timely written request for a hearing or opposition to the relief requested.”

- Rule 6070-1 (Tax Refunds): This Rule is deleted to eliminate an outdated practice and rule which the Court is no longer enforcing.
- Rule 7004-1 (Service of Complaint and Summons): This new Rule both reiterates the time for service of a summons after issuance and imposes a three (3) day deadline to file proof of service.
- Rule 7005-2 (Certificate of Service): This Rule is deleted to eliminate as redundant a requirement that already exists in Rule 9013-4.
- Rule 7007-1 (Motions for Expedited Turnover of Motor Vehicles): This Rule is amended to clarify that, at present, Federal Bankruptcy Rule 7001 requires the filing of a complaint to commence an adversary proceeding. The plaintiff may file a motion for expedited turnover of the motor vehicle in the adversary proceeding after the proper commencement of that proceeding.
- Rule 7012-1 (Final Orders and Judgments): Subsection (a) of this Rule is deleted in its entirety, and former subsection (b) is amended to clarify the consequences of a party's failure to file a statement as to whether the party consents to entry of final orders. Under the amended Rule, failure to do so will result in that party being deemed to have consented.
- Rule 7016-1 (Pretrial Procedures): In addition to clerical edits for consistency in language and clarity, the amended Rule extends the requirement to pre-file exhibits from adversary proceedings and the lift stay context only to all contested matters. It also removes some more specific provisions and refers litigants to the Court's website for additional procedures governing the pre-filing of exhibits. Thus, the amended Rule requires that parties comply with the presiding judge's procedures on the Court's website, which may be amended as courtroom technology evolves without necessitating further amendment to this Rule.
- Rule 9001-1 (Definitions and Rules): This Rule is supplemented with new definitions for "Court," "Court Hearing Scheduler Program," "Days," "District Court," "Including," "Must," and "Party in Interest." Non-substantive changes are made to the definitions of "CM/ECF" and "File."
- Rule 9006-1 (Time for Service and Filing of Motions and Responsive Papers): This new Rule clarifies service and response requirements consistent with existing practice.
- Rule 9006-2 (Bridge Orders Not Required in Certain Circumstances): This new Rule clarifies that, if a motion to extend the time to take an action is filed before the expiration of the period prescribed in the Bankruptcy Code, the time is automatically extended until the Court acts on the motion.
- Rule 9010-4 (Withdrawal of Appearance of an Attorney): This Rule is edited for consistency in language and clarity with no substantive changes.

- Rule 9013-1 (Motions Practice): This Rule is amended to provide more general requirements for all motions versus the more motion-type specific provisions of the prior version. It adds a reference to Appendix H, which provides the procedures for electronic case filing. It also adds three subsections related to resolution of motions on the papers; (1) generally, (2) prior to the response deadline, and (3) when unopposed.
- Rule 9013-3 (Orders – Proposed): In addition to separating and clarifying requirements for proposed orders for different types of motions, this Rule is amended to add a requirement that if a form order is maintained by the Court, it must be used by the party submitting the order. In general, if the Court finds it necessary to create a form order, specific relief and/or requirements are contained therein that the Court finds essential.
- Rule 9013-4 (Certificate of Service): This Rule is modified to expand the applicability of the previous version of Local Bankruptcy Rule 9013-4 to types of papers filed with the Court not previously covered (i.e., the Rule used to apply to “motions and contested matters” and now applies to “every motion, objection, notice, or other pleading or paper filed with the Court.”). The Rule is further modified to bring clarity to how persons served and the method of service should be identified on the certificate of service.
- Former Rule 9013-6 (Statement in Motions, Objections and Responses Regarding Consent to Entry of Order or Judgment in Core Proceeding): This Rule is deleted to eliminate the requirement that parties state in a contested matter whether they consent to entry of a final order by the bankruptcy judge.
- Rule 9013-7 (Motions for Postponement/Continuance): Former Rule 5071-1 is moved to this Rule.
- Rule 9014-1 (Contested Matters): This Rule is added to bring clarity to what the Court recognizes as contested matters for purposes of the applicability of Federal Bankruptcy Rule 9014. It makes existence of “an actual dispute” the predicate for application of Federal Bankruptcy Rule 9014.
- Former Rule 9014-2 (Default and Dismissal for Non-Prosecution): This Rule is deleted to eliminate as redundant the application of Federal Bankruptcy Rule 7055 as set forth in Federal Bankruptcy Rule 9014(c).
- Rule 9016-1 (Issuance of Subpoenas to Self-Represented Litigants): This Rule is added to prevent any possibility of abuse of process by self-represented litigants. It provides that no subpoena will be issued to self-represented litigants without Court order. It further provides that the Court may deny issuance if it imposes an undue burden or expense on the person subject to the subpoena or the U.S. marshal or Court officer who would be required to serve it, or if the issuance would be inconsistent with the requirements of the Federal Bankruptcy Rules.
- Appendix D (Compensation Guidelines for Professionals): This Appendix is edited for consistency in language and clarity with no substantive changes.

- Appendix F (Chapter 13 Debtor's Attorney Responsibilities and Fees): This Appendix is revised to eliminate the flat fee option for confirmation-related services only. The Appendix is edited for consistency in language and clarity with no other substantive changes.
- Appendix G (Bankruptcy Dispute Resolution Program): This Appendix is modified to streamline the BDRP Rules and to allow the Resolution Advocate to control the process.
- Appendix H (Electronic Case Filing Procedures for Electronic User Access): This Appendix is modified to streamline CM/ECF procedures and to provide the Court flexibility as CM/ECF and technology evolve.
- Appendix J (Complex Chapter 11 Case Procedures): This Appendix is edited for consistency in language and clarity with no substantive changes.

###



**SO ORDERED**



**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF MARYLAND**

In Re:

**AMENDMENTS TO LOCAL  
BANKRUPTCY RULES**

**ADMINISTRATIVE  
ORDER NO. 23-05**

\* \* \* \* \*

**ORDER AMENDING LOCAL BANKRUPTCY  
RULES AND APPENDICES D, F, G, H AND J**

**WHEREAS**, after undertaking a comprehensive review of its Local Bankruptcy Rules, the Court has determined that it is necessary to amend the Local Bankruptcy Rules and Appendices D, F, G, H and J effective December 1, 2023; and

**WHEREAS**, the proposed amended Local Bankruptcy Rules, along with Appendices D, F, G, H and J, were published by the Clerk of Court for public comment on August 25, 2023, and the comments received in response to that publication were considered by the Court in its adoption of these amendments.

NOW, THEREFORE, **IT IS ORDERED** that:

Pursuant to 28 U.S.C. § 2071, Rule 83 of the Federal Rules of Civil Procedure and Rule 9029 of the Federal Rules of Bankruptcy Procedure, the attached amendments are adopted by the Judges of this Court to be effective December 1, 2023. The amendments shall be effective as to all proceedings pending in this Court on that date insofar as is just and practicable, and shall govern all proceedings in bankruptcy cases thereafter commenced in this Court. A summary of the amendments to the Local Bankruptcy Rules and Appendices D, F, G, H and J

as well as a redlined version of the amended Local Bankruptcy Rules and Appendices D, F, G, H and J are appended hereto.

END OF ORDER

**LOCAL BANKRUPTCY RULES**  
**OF THE**  
**UNITED STATES BANKRUPTCY COURT**  
**FOR THE**  
**DISTRICT OF MARYLAND**



As Revised December 1, ~~2022~~2023

Available online at:  
[www.mdb.uscourts.gov](http://www.mdb.uscourts.gov)

# UNITED STATES BANKRUPTCY COURT FOR THE DISTRICT OF MARYLAND

## **FOREWORD**

(December ~~2022~~2023)

These Rules are intended to supplement the Bankruptcy Code and the Federal Bankruptcy Rules to bring transparency and predictability to bankruptcy practice in our Court. The Bankruptcy Code, the Federal Bankruptcy Rules, other applicable federal rules, and the Maryland Attorneys' Rules of Professional Conduct and Attorney Trust Accounts continue to apply and govern all cases, matters, and proceedings in our Court. In addition, attorneys and parties must present adequate facts, evidence, and legal argument in support of their respective positions; nothing in these Rules alters the applicable legal standards. To the extent members of the bar or public believe future changes or revisions are warranted, they are encouraged to communicate their proposals to the Clerk of Court for consideration by the bench.

The December 1, ~~2022~~2023, amendments have version number ~~"22.02"~~23.05 at the bottom of each page. - This version of the Rules supersedes all prior versions (the amendments in redline are available through the Court's CM/ECF system under Miscellaneous Proceeding 16-90000). -These Rules are effective as of December 1, ~~2022~~2023, and govern all matters and proceedings in bankruptcy cases thereafter commenced and, ~~insofar as just and practicable,~~ all matters and proceedings in bankruptcy cases then pending on a going forward basis.

## PART I

### **RULE 1001-1      SHORT TITLE;~~-CAPTION~~ APPLICABILITY**

(a) Citation. These ~~rules shall be~~Rules are known as the “Local Bankruptcy Rules,” and any citation referencing these ~~rules shall~~Rules should be made as “Md. L. Bankr. R. ~~B.R.~~\_\_\_\_\_.” \_\_\_\_\_.”

(b) Applicability. The Local Bankruptcy Rules, ~~along~~together with all active administrative orders of the ~~court~~Court, apply to all cases pending in the ~~court~~Court except as otherwise provided in these ~~rules.~~Rules. The Local Bankruptcy Rules supplement, but do not replace, the Federal Bankruptcy Rules and ~~shall~~must be construed consistently with ~~those rules~~the Federal Bankruptcy Rules to secure the just, expeditious, and economical administration and determination of every case, matter, and proceeding governed by these ~~rules~~Rules. All parties in interest, attorneys, and other professionals filing any case or filing any pleadings or papers or otherwise appearing in a matter or proceeding in a case in the Court are bound by the Federal Bankruptcy Rules and the Local Bankruptcy Rules. The Court may take any action consistent with these Rules without notice and a hearing except as otherwise provided in the Federal Bankruptcy Rules or the Local Bankruptcy Rules.

(c) Definitions. Certain words and terms used in these Local Bankruptcy Rules have the meanings given to them in Rule 9001-1.

(d) Sanctions. The Court, on its own initiative or on the motion of any party in interest, may impose sanctions for failure to comply with the Local Bankruptcy Rules, including the striking of papers filed with the Court, dismissal of matters or proceedings, dismissal or conversion of cases, or as may otherwise be appropriate under the circumstances.

**RULE 1002-1          PETITION ~~—~~ GENERAL**

- (a) ~~The Dismissal. The Court may dismiss the~~ petition ~~will be dismissed~~ without a hearing, issue a show cause order for why the case should not be dismissed, or take other action if:
- (1) the petition is not signed by the debtor;
  - (2) the party filing the petition neither pays the prescribed filing fee with the petition nor files with the petition an application to pay the required fee in installments, nor files an application requesting waiver of the filing fee if eligible to do so;
  - (3) the debtor does not file the master mailing matrix with the petition;
  - (4) a Chapter 11 debtor does not file the list of twenty (20) largest unsecured creditors with the petition;
  - (5) the petition is submitted by a debtor who is not an individual and is not represented by an attorney who is a member of the bar of the District Court;
  - (6) the petition is submitted by a person who, under either 11 U.S.C. § 109(g) or an order of ~~court~~ Court, may not be a debtor at the time of the submission of the petition;
  - (7) a voluntary petition is filed without the debtor's Social Security Number or Individual Taxpayer Identification Number (ITIN) being provided, unless the debtor files Official Form B121 stating that the debtor does not have a Social Security Number or ITIN; or
  - (8) in cases for individuals, the Credit Counseling ~~Statement~~ Certificate or request for waiver pursuant to 11 U.S.C. § 109(h)(3) or (4) is not filed and the debtor has not checked the block on the voluntary petition stating that the debtor received approved

budget and credit counseling during the one hundred eighty (180-) day period ending on the filing of the petition.

(b) Other Deficient Petitions and Papers - Notice of Deficient Filing. ~~The Clerk can~~may issue a notice:

(1) specifying deficiencies ~~—except those described in subsection (a)—~~in the petition, schedules, and associated papers; and

(2) stating that the Court may strike the petition, schedule, or associated papers ~~may be stricken~~ or dismiss the case ~~dismissed~~ if the deficiencies are not corrected within fourteen (14) days after the date of issuance of the deficiency notice.

## **RULE 1002-2            ELECTION TO PROCEED UNDER SUBCHAPTER V OF CHAPTER 11**

(a) Election on Petition. A debtor who qualifies under 11 U.S.C. § 1182 may elect to proceed under Subchapter V of Chapter 11 of the Bankruptcy Code by ~~indicating~~selecting that ~~election~~option on the debtor's bankruptcy petition.

(b) Election After Petition. If a debtor who qualifies under 11 U.S.C. § 1182 elects to proceed under Subchapter V of Chapter 11 of the Bankruptcy Code *after* the debtor files a bankruptcy petition under Chapter 11 ~~or after~~, the ~~court~~Court grants a motion filed by the debtor to convert a pending case to one under Chapter 11, or the Court grants (or the debtor consents to) an involuntary petition against the debtor, the debtor must file an amended bankruptcy petition ~~indicating~~selecting the ~~election~~option to proceed under Subchapter V of Chapter 11 of the Bankruptcy Code.

## **RULE 1002-3**

## **COMPLEX CHAPTER 11 CASE PROCEDURES**

~~—The United States Bankruptcy Court for the District of Maryland's~~ The Court's Complex Chapter 11 Case Procedures, as amended, are attached to these Local Bankruptcy Rules as Appendix J and are incorporated herein in their entirety.

## **RULE 1006-1**

## **FILING FEES - INSTALLMENT PAYMENTS**

(a) Tender of Payment. ~~-The~~ debtor may pay the filing fee ~~may be paid~~ in cash or by cashier's check, certified check, or negotiable money order made payable to "Clerk, United States Bankruptcy Court," or by debit card, ~~PayPal or ACH (electronic payment from a bank account)~~ via Pay.~~Gov.~~ gov. Only ~~counsel~~ an attorney may pay filing fees by credit card. ~~-Payment by~~ ~~counsel's~~ an attorney's check will be accepted only if the check is drawn on the account of the attorney for the debtor or on the account of a law firm of which the attorney for the debtor is a member, partner, associate, or of counsel. ~~-The Clerk shall~~ may maintain a list of attorneys and law firms whose checks have been dishonored and may refuse to accept the checks of such attorneys or firms.

(b) Payment of Fees in Installments. ~~-Unless cause is shown or appears of record~~ Upon a proper showing, the ~~court will~~ Court may approve an application by an individual to pay the filing and administrative fees in installments that proposes a payment plan with minimum payments in accordance with the following schedule:



	-At Filing	Within 30 Days After Filing	Within 60 Days After Filing	Within 90 Days After Filing
Chapter 7	25%	25%	25%	25%
Chapter 11	50%	50%	--	--
Chapter 12	25%	25%	25%	25%
Chapter 13	25%	25%	25%	25%

(c) Overpayment of Fees. -Any overpayment of fees of \$25.00 or less will not be refunded.

## **RULE 1007-1 MAILING LIST OR MATRIX**

(a) Matrix Contents. -A debtor must file with the voluntary petition a master mailing matrix containing the names and addresses of the debtor and all ~~creditors.~~ In known parties in interest. In addition, in a case under Chapter 11, the debtor must include in the matrix the Internal Revenue Service, the income taxing authority for each state in which the debtor has resided or filed (or was required to file) an income tax return during the three (3) years prior to commencement of the case, and the taxing authority for each county in which the debtor holds an ownership interest in real ~~estate~~property.

(b) Matrix Form. The master mailing matrix must be submitted in the form required by the ~~Clerk~~Court and available on the Court's website.

~~—~~(c) Supplemental Matrix. - The debtor must file a supplemental mailing matrix with any schedule or amended schedule that contains a change in address ~~or~~of an entity entitled to notice or adds the ~~names~~name of an entity not listed on the original matrix. -If a scheduled ~~creditor~~party in interest was omitted from, or incorrectly listed on, the mailing matrix, the debtor must file a supplemental mailing matrix that corrects the error promptly after it is discovered.~~-The~~

~~supplemental matrix must conform to the form required by the Clerk.~~ and is accompanied by the applicable filing fee.

(d) Verification. ~~–~~The master mailing matrix and any supplemental matrix must be dated and verified. ~~–~~The verification must state that to the best of the affiant’s knowledge, information, and belief, the matrices are accurate and complete.

## **RULE 1007-2 VOLUNTARY PETITION – NON-INDIVIDUAL DEBTOR**

A person filing a voluntary bankruptcy petition for any non-individual debtor must file with the petition, a certificate, resolution, or other applicable documentation demonstrating that the filing is authorized by the debtor.

## **RULE 1007-3 POWER OF ATTORNEY AND DECLARATION REQUIRED**

A petition filed by the holder of a power of attorney (the “Filing Party”) must be accompanied by a copy of the power of attorney and the Filing Party’s declaration under penalty of perjury (“Declaration”). The Declaration must include (a) the Filing Party’s name, address, and relationship to the debtor; (b) whether a guardian or other representative was appointed for the debtor under nonbankruptcy law before the petition was filed; (c) whether the debtor has been adjudicated an incompetent person; (d) whether the power of attorney expressly authorizes the filing of a bankruptcy petition; (e) whether the debtor consents to the bankruptcy filing; (f) the reason for filing the bankruptcy case; (g) whether any of the debtor’s debts were incurred for the benefit of the Filing Party and whether the Filing Party is a party in interest in the bankruptcy case; (h) why the debtor is unable to file the petition himself or herself or is otherwise unable to manage his or her financial affairs; and (i) the names and addresses of all immediate family members. The

signature on the petition, Declaration, and any other documents signed by the Filing Party must reflect that the Filing Party signed as attorney in fact for the debtor (i.e., “/s/ John Smith, Attorney in fact on behalf of Debtor”). The Filing Party must serve a copy of the petition, the power of attorney, and the Declaration on the debtor, the debtor’s immediate family members (if known), any other party required to be served by the instrument which authorized the Filing Party to file the petition, and all parties in interest.

**RULE 1007-4      EVIDENCE OF PAYMENT ~~ADVICES~~ FROM EMPLOYMENT**

Copies of all payment advices, pay stubs, or other evidence of payment from employment received by the debtor within sixty (60) days before the petition date ~~of the filing of the petition by the debtor from any employer of the debtor, (1) shall:~~ (a) are not to be filed with the ~~court~~ Court unless otherwise ordered; ~~;~~ and ~~(2) shall~~ (b) must be provided to the trustee, and any creditor who timely requests copies of the payment advices or other evidence of payment, at least seven (7) days before the date of the meeting of creditors conducted pursuant to 11 U.S.C. § 341. ~~-To be~~ considered timely, a creditor’s request must be received by the debtor at least fourteen (14) days before the first date set for the meeting of creditors.

If the debtor cannot provide copies of the required payment advices, pay stubs, or other evidence of payment from employment, the debtor ~~is required to~~ must file a Statement Under Penalty of Perjury in the form set forth in Local Bankruptcy Form Q. ~~-Upon the filing of a notice that the debtor has not provided a copy of all pay advices,~~ pay stubs, or other evidence of payment from employment, or a Statement Under Penalty of Perjury, as required herein ~~-above,~~ the Court may enter an order of dismissal ~~may be entered~~ after fourteen (14) ~~days~~ days’ notice to the debtor, ~~counsel~~ any attorney to the debtor, and the United States Trustee ~~and an opportunity for a hearing.~~

**~~RULE 1007-5~~ ~~COMPLIANCE WITH FILING REQUIREMENTS~~**

~~The Clerk will docket a Certificate of Compliance for each case meeting all filing requirements under 11 U.S.C. § 521(a)(1), except payment advices under § 521(a)(1)(B)(iv), or a Certificate of Non-Compliance, as appropriate.~~

**~~RULE 1007-6~~ ~~OWNERSHIP STATEMENT TO BE FILED BY DEBTOR THAT IS NOT AN INDIVIDUAL~~**

~~Federal Bankruptcy Rule 1007 shall apply to any debtor who is not an individual.~~

**RULE 1009-1      NOTICES TO CREDITORS (I) OMITTED FROM OR INCORRECTLY LISTED ON MASTER MAILING MATRIX OR (II) AFFECTED BY AMENDMENT TO SCHEDULE**

Upon the debtor's filing of ~~(i)~~ amended schedules; or ~~(ii)~~ a supplemental/ or amended mailing matrix to add a creditor or correct a creditor's information, the debtor ~~shall~~ must comply with the following notice requirements:

(a) Notice to Creditors. - The debtor must send to each creditor who is added, whose address is corrected, or whose status or scheduled claim is changed by an amendment:

- (1) a copy of the original Notice for Meeting of Creditors; ~~and~~
- (2) a copy of each order that establishes or extends a bar date for filing proofs of claims or complaints to determine the dischargeability of certain debts or to object to the discharge of the debtor; and
- (3) a copy of the amended schedule, if applicable.

(b) Notice to United States Trustee. - Upon the filing of an amended schedule that adds a previously unscheduled creditor or alters a creditor's scheduled status or claim, in addition to

complying with subsection (a) of this Rule, the debtor ~~shall~~must send a copy of the amended schedule to the United States Trustee and to any trustee appointed in the case.

(c) Certificate of Compliance. ~~-~~Contemporaneously with the filing of either (~~1~~1) an amended schedule~~;~~ or (~~2~~2) a supplemental~~/~~ or amended mailing matrix, the debtor must file a certificate of compliance with this Rule, together with, if applicable, a dated and ~~clearly~~conspicuously titled supplemental mailing matrix that lists only the names and correct mailing addresses of each newly scheduled and/or amended creditor.

(d) Notice of Amendment of Schedules in Chapter 9 and Chapter 11 Cases. ~~-~~Whenever the debtor or the trustee in a Chapter 9 or a Chapter 11 case amends the ~~debtor's~~debtor's schedules to change the amount, nature, classification~~,~~ or characterization of a debt owing to a creditor, the debtor or the trustee must, within fourteen (14) days of filing, transmit notice of the amendment to the creditor, which notice ~~shall~~must conspicuously identify the claims being amended, and provide notice of the ~~creditor's~~creditor's right to file a proof of claim by the later of: (~~1~~1) the bar date (if any); or (~~2~~2) either (~~a~~A) thirty (30) days from the date of notice in a case proceeding under Subchapter V~~;~~ or (~~b~~B) sixty (60) days from the date of the notice in all other cases in Chapter 9 and Chapter 11. ~~-~~The debtor or the trustee must file a certificate of service of the notice ~~with the Clerk~~ within seven (7) days after service.

**~~RULE 1010-1 — OWNERSHIP STATEMENT TO BE FILED IN AN INVOLUNTARY CASE BY EACH PETITIONER THAT IS NOT AN INDIVIDUAL~~**

~~— Federal Bankruptcy Rule 1010(b) shall apply to any petitioner who is not an individual.~~

**~~RULE 1011-1 OWNERSHIP STATEMENT TO BE FILED BY A NON-INDIVIDUAL THAT IS A RESPONDENT TO AN INVOLUNTARY PETITION OR PETITION FOR RECOGNITION~~**

~~Federal Bankruptcy Rule 1011(f) shall apply to any respondent who is not an individual.~~

**RULE 1015-1 JOINT ADMINISTRATION/CONSOLIDATION**

(a) Cases Involving Spouses. The estates of spouses filing a joint petition will be deemed consolidated under 11 U.S.C. § 302(b) unless otherwise ordered on the motion of a party in interest.

(b) ~~An~~ All Other Cases. The Court may enter an order of joint administration ~~may be entered, without notice and an opportunity for hearing, after consideration of appropriate factors,~~ upon the filing by the debtors of a motion for joint administration pursuant to Federal Bankruptcy Rule 1015, supported by an affidavit, declaration, or verification, which establishes that the joint administration of two or more cases pending in the ~~court~~ Court under Title 11 is warranted and will ease the administrative burden for the ~~court~~ Court and the parties. ~~An~~ The Court may reconsider an order of joint administration entered in accordance with this ~~rule may be reconsidered~~ Rule upon motion of any party in interest at any time, and such order is for procedural purposes only and ~~shall~~ does not cause a substantive consolidation of the respective ~~debtors'~~ debtors' estates.

**RULE 1017-1 DISMISSAL OF CASE**

Upon the filing of a notice that states the debtor has not provided a copy of the ~~Federal~~ federal income tax return to the trustee pursuant to 11 U.S.C. § 521(e)(2)(A); and further states that the case may be dismissed unless the debtor requests a hearing or provides a copy of the tax return to the trustee, the Court may enter an order of dismissal ~~may be entered~~ after fourteen

(14) ~~days~~days' notice to the debtor, ~~counsel~~any attorney to the debtor, and the United States Trustee ~~and an opportunity for hearing.~~

## PART II

### **RULE 2002-1 NOTICE TO CREDITORS AND OTHER INTERESTED PARTIES**

~~———— (a) ——— Noticing Period. A debtor, creditor, official committee, and any other party in interest sending a notice of proposed action to other parties in interest must give recipients no less than twenty one (21) days from the date of completion of service to file an objection to the action described in the notice, unless the Federal Bankruptcy Rules specifically require a different time or unless otherwise ordered by the court or these Rules.~~

~~———— (b) ——— Content. In addition to the information required by specific notices, notices~~

(a) Content. All notices served in a bankruptcy case must contain sufficient information to enable a party in interest to make a reasonably well-informed decision whether to object to the action proposed in the notice. -The notice must state: (1) the date by when objections must be filed; (2) the person upon whom objections must be served; (3) that the proposed action may be authorized without further order or notice if no timely objection is filed; (4) that the ~~court~~Court, in its discretion, may conduct a hearing or determine the matter without a hearing regardless of whether an objection is filed; (5) that an objection must state the facts and legal grounds on which the objection is based; and (6) the name of the party giving notice or its attorney, together with the address, telephone number, and email address of the party to be contacted if parties in interest have questions regarding the subject of the notice. -A notice may not state that an objecting party ~~must~~is required to attend a ~~court~~Court hearing in support of any objection made.

~~(eb) Certificate of Service. -A party must file a certificate of service of a notice given under these Rules or the Federal Bankruptcy Rules within seven (7) days after completion of service.~~



~~—— (d) Content of Objections. An objecting party must state the authority for the objection either in its filed objection or in an accompanying memorandum of fact and law. An objecting party must certify that copies of the objection and of any supporting memorandum have been sent to the opposing party or parties and their counsel.~~

~~—— (e) Sales Notices. See complies with Local Bankruptcy Rule ~~6004-1~~, 9013-4.~~

~~—— (f) Technical Requirements for Notices. A party sending a notice must show the date of completion of service conspicuously on the face of the notice.~~

~~—— (g) (c) Limitation of ~~Notice~~Certain Notices - Chapter 7, Chapter 12, and Chapter 13. A party required to give notice pursuant to Federal Bankruptcy Rule 2002(a) may limit notice as provided ~~under Federal Bankruptcy Rule 2002(h) to (1) the debtor; (2) the trustee; (3) creditors that hold claims for which proofs of claim have been filed; and (4) such other creditors who may file timely claims.~~ in that Rule.~~

~~(h) Limitation of ~~Notice~~Certain Notices - Chapter 11. In Chapter 11 cases, where official committees are appointed and the number of unsecured creditors exceeds thirty (30), notices of the actions described below ~~can~~may be limited to the debtor, the United States Trustee, the members of all official committees or ~~committee counsel,~~ committee's attorneys (if appointed), and to those creditors and equity security holders who file and serve on ~~counsel~~the attorney for the debtor a written request for notices of:~~

(1) the proposed use, sale, or lease of property of the estate other than in the ordinary course of business;

(2) the hearing on the approval of a compromise or settlement of a controversy other than the approval of an agreement pursuant to Federal Bankruptcy Rule 4001(d);

(3) a hearing on an application for compensation or reimbursement of expenses;  
and

(4) such other notices as the ~~court~~Court orders.

(~~e~~) Voluntary Dismissal - Chapter 7 and 11. Notices of a motion by a debtor to dismiss a voluntary case under Chapter 7 or 11 must be sent to all parties in interest.

~~(j) Continued Meetings and Hearings. If a hearing or meeting of creditors is continued or rescheduled at the request of a party, or for reason of the failure of a party to appear or comply with applicable law or rules, that party must send notice of the continued or rescheduled hearing or meeting by the fastest means to avoid inconvenience to other parties entitled to notice. The party must file a certificate of service of that notice.~~

~~(k) Notice When Motion Not Required. Whenever notice and a hearing are required under the Bankruptcy Code, Federal Bankruptcy Rules or these Local Bankruptcy Rules but a motion is not mandatory, the entity proposing to act shall provide notice to all parties entitled to notice under Federal Bankruptcy Rule 2002 and Local Bankruptcy Rule 2002-1.~~

## ~~**RULE 2002-2**~~ ~~**NOTICE TO EQUITY SECURITY HOLDERS**~~

~~to Equity Security Holders.~~ Unless otherwise ordered by the ~~court~~Court, the debtor ~~in~~ possession (or the trustee if applicable) is responsible for giving notices required by Federal Bankruptcy Rule 2002(d).

**RULE 2004-1            EXAMINATIONS UNDER FEDERAL BANKRUPTCY RULE 2004**

~~—— (a) Production Request Limits. A party in interest may not request or compel an entity being examined Examinations under Federal Bankruptcy Rule 2004 to respond to more than thirty (30) requests for production.~~

~~—— (b) Smoking During Examinations Prohibited. No one can smoke in a room where an examination is being conducted, unless all persons agree.~~

~~—— (c) Examination and Production to Proceed Despite Existence of Disputes. An examination or production dispute as to one matter does not justify delay in taking an examination or responding to other examination or production requests, unless otherwise ordered~~are governed ~~by the court.~~

~~—— (d) Examination Guidelines. The court's Discovery Guidelines set forth in Appendix C govern scheduling and the conduct of examinations and requests for production, unless they are not applicable in context.~~

~~—— (e) Conference of Counsel Required. Counsel must confer concerning an examination or production dispute and make good faith attempts to resolve an examination or production dispute. The court will not consider a motion to compel or for sanctions unless the moving party has filed a certificate stating:~~

~~(1) the date, time, and place of a dispute resolution conference; the names of all persons participating; and any unresolved issues remaining; or~~

~~(f) Copying Expenses. A party in interest requesting copies of documents that were produced for inspection under Federal~~Local ~~Bankruptcy Rule 2004 must pay the actual, reasonable costs of copying~~7026-1 to the extent applicable.

**RULE 2015-1            COMPENSATION BY DEBTOR IN NON-INDIVIDUAL CHAPTER 11**

~~— (a) — The rate of compensation paid by the debtor in possession to its officers, directors, members or partners shall not exceed the rate of compensation paid to those persons ninety (90) days prior to the filing of the petition, unless otherwise ordered by the court.~~

~~— (b) — The debtor shall~~The debtor in possession must file a statement containing the following information within twenty-one (21) days after filing a petition in a non-individual Chapter 11 case:

(1a) a statement specifying the duties and positions of the following (to the extent compensated):

~~(A) — the debtor, if an individual;~~

~~(B) —~~ (1) the partners of the partnership;

~~(C) —~~ (2) the officers and directors of the corporation;

(3) the members of the limited liability company; and

(4) any other insiders (as defined by 11 U.S.C. § 101~~); and~~) of any of the above;

~~(D) — the members of the limited liability company.~~

~~(2b)~~ (b) the rate of compensation paid to each person identified in Local Bankruptcy Rule 2015-1~~(b)~~(1a) ninety (90) days prior to and at the time of the filing of the petition; and

~~(3c)~~ (c) the rate of compensation of each person identified in Local Bankruptcy Rule 2015-1(a) as of the time the statement is filed.

**RULE 2016-1            COMPENSATION OF PROFESSIONALS**

(a) Applications for Compensation by Professionals. ~~Unless the court~~Court orders otherwise, all professionals seeking compensation pursuant to 11 U.S.C. §§ 327, 328, 330, and

331, including attorneys, accountants, examiners, investment bankers, financial advisors~~and~~, real estate advisors, and Subchapter V trustees, must prepare and submit their applications for compensation in accordance with the Guidelines attached as Appendix D to these Rules.

(b) Disclosure of Compensation. -An attorney representing a debtor in a case or in connection with a case must file a Federal Bankruptcy Rule 2016(b) disclosure statement with the petition. -If an attorney commences representation of the debtor in a case or in connection with a case after the filing of the petition, such attorney must file the Federal Bankruptcy Rule 2016(b) disclosure statement at the time representation is commenced.

(c) Fee Arrangements in Individual Chapter 7 Cases. An attorney representing an individual debtor in a case under Chapter 7 of the Bankruptcy Code who agrees with the debtor prepetition to accept the payment of attorney's fees for services rendered in connection with the bankruptcy case in whole or in part after the petition date must file a motion with the Court seeking approval of such fee arrangement at the same time that the attorney files the Disclosure of Compensation of Attorney for the Debtor under Federal Bankruptcy Rule 2016(b). Any such fee arrangement is enforceable only if, and to the extent, approved by the Court. In the motion, the attorney must:

(1) explain, among other things, the circumstances preventing the debtor from being able to pay the entirety of the fee prior to the petition date, the precise terms and conditions of the fee arrangement with the debtor, the nature of the services to be rendered postpetition that support the fee arrangement, and how the fee arrangement complies with applicable nonbankruptcy law; and

(2) certify that the debtor understands the terms and conditions of the fee arrangement and has provided informed written consent to the same.

## **RULE 2016-2                      DISCLOSURE OF COMPENSATION OF PETITION PREPARERS**

~~\_\_\_\_\_~~ (a) Required Forms. A person who provided petition preparation services as defined in 11 U.S.C. § 110 must provide to the debtor a copy of the Federal Bankruptcy Rule 2016(c) disclosure statement (Official Form B2800) and the Bankruptcy Petition Preparer's Notice, Declaration, and Signature (Official Form B119) signed by the bankruptcy petition preparer for filing with the petition. The duty to sign and file Official Forms B2800 and B119 remains at all times with the bankruptcy petition preparer and, if the debtor does not file such forms, the bankruptcy petition preparer must sign and file Official Forms B2800 and B119 within fourteen (14) days after the petition date.

~~(a)~~ (b) Disclosures Concerning Fees. If the fees charged by the bankruptcy petition preparer exceed the fee amount ~~described~~ set forth in ~~sub-paragraph (b)~~ subparagraph (c) below, the bankruptcy petition preparer must attach to Official Form B2800 a signed declaration providing notice to the debtor of this Rule and ~~describing~~ stating the rate for services, the tasks performed, the time spent on each task, and providing a short, plain statement justifying the excess fees.

~~(b)~~ (c) Presumption for Fees. For purposes of this Rule, a fee not exceeding \$125.00 ~~shall be~~ is presumed reasonable for bankruptcy petition preparation services.

## **RULE 2070-1                      ADMINISTRATIVE EXPENSES**

~~Motions~~ Requests for the allowance or payment of administrative expenses (including applications for compensation and motions for direct payment) must be served ~~upon the debtor, any trustee, members of any committee elected under 11 U.S.C. § 705 or appointed under 11 U.S.C. § 1102 or its counsel, or in a Chapter 11 case, if no committee of unsecured creditors has been appointed, to those creditors on the list filed pursuant to~~ accordance with Federal Bankruptcy

Rule ~~1007(d)~~, the United States Trustee, and to those parties in interest who have filed written requests 2002(a). Additional requirements for notice, the certificate of service, and the proposed order are governed by Local Bankruptcy Rules 2002-1(a), 9013-4, and 9013-3, respectively.

#### **RULE ~~2072~~2071-1 NOTICE TO OTHER COURTS WITH PENDING ACTIONS**

The debtor or other party filing a bankruptcy case must promptly ~~send notice conforming to Local Bankruptcy Form A of the bankruptcy filing to the following persons:~~

(a) file Local Bankruptcy Form A with the clerk of any court where the debtor is a party to ~~a pending civil~~ any judicial, administrative, or other action or proceeding and serve that Local Bankruptcy Form A on all parties of record;

~~— (b) — any judge specially assigned to a pending civil~~ in that action ~~in which the debtor is a party~~ or proceeding; and ~~—~~

~~— (e) —~~ (b) serve Local Bankruptcy Form A on all parties ~~handling~~ involved in a non-judicial foreclosure.

#### **RULE 2072-1 ACCESS TO INFORMATION IN CHAPTER 11 CASES**

Unless otherwise ordered by the Court, a committee appointed under 11 U.S.C. § 1102 or a trustee appointed in a Subchapter V case is not required to provide access to information to the extent that such information has been reasonably designated by the party providing such information as non-public, proprietary, privileged, work product, or otherwise confidential.

### **PART III**

#### **RULE 3002-1 TIME FOR FILING CERTAIN PROOFS OF CLAIM**

(a) Rejected Executory Contracts and Leases. Unless otherwise ordered by the Court, any proof of claim arising pursuant to 11 U.S.C. § 502(g) from the rejection of an executory contract or unexpired lease must be filed on or before the latest of:

(1) the time for filing a proof of claim pursuant to Federal Bankruptcy Rule 3002(c);

(2) thirty (30) days after the entry of the order compelling or approving the rejection of the contract or lease; and

(3) thirty (30) days after the effective date of the rejection of the contract or lease.

(b) Claims Following Foreclosure, Repossession, or Surrender of Collateral. Unless otherwise ordered by the Court or provided in a confirmed plan, an amended proof of claim asserting an unsecured deficiency claim for real property must be filed within one hundred eighty (180) days after entry of the order granting relief from the automatic stay or surrender of the property by the debtor or the trustee, whichever occurs earlier; and an amended proof of claim asserting an unsecured deficiency claim for personal property must be filed within sixty (60) days after entry of the order granting relief from the automatic stay or surrender of the property by the debtor or the trustee, whichever occurs earlier. Absent compliance with this Rule, any unsecured deficiency arising under this paragraph will be deemed disallowed unless the Court orders otherwise.



## **RULE 3003-1            TIME FOR FILING PROOFS OF CLAIM IN CHAPTER 11 CASES**

Except as provided in 11 U.S.C. § 502(b)(9), in a Chapter 11 case, other than a case under Subchapter V, a proof of claim is timely filed if it is filed not later than ninety (90) days after the first date set for the meeting of creditors under 11 U.S.C. § 341(a), unless a different date is fixed by the ~~court.~~ Court. Except as provided in 11 U.S.C. § 502(b)(9), in a case under Subchapter V, a proof of claim is timely filed if it is filed not later than seventy (70) days after entry of the order for relief, unless a different date is fixed by the ~~court~~ Court.

## **~~RULE 3003-2            WAGE CLAIMANTS~~**

~~———— A wage claimant must provide claimant’s full social security number directly to the trustee, in addition to filing a proof of claim for past wages with the court.~~

## **RULE 3007-1            CLAIMS -- OBJECTIONS**

~~———— Any party objecting to a proof of claim must serve a copy of the An objection and any supporting memorandum and affidavit on the claimant in accordance with Federal Bankruptcy Rule 3007. The objection to a proof of claim must conspicuously state that:~~

(a)     within thirty (30) days after the date on the certificate of service of the objection, the claimant may file and serve a ~~memorandum in opposition~~ response, together with any documents and other evidence the claimant wishes to attach in support of its claim, unless the claimant wishes to rely solely upon the proof of claim; ~~and~~

(b)     ~~an interested-a~~ party in interest may request a hearing that will be held at the ~~court’s~~ Court’s discretion; ~~and~~

(c) the Court may overrule the objection or set a hearing on the objection if the objection fails to include adequate support for the requested relief, even if a response is not filed.

**RULE 3011-1 UNCLAIMED FUNDS HELD IN COURT REGISTRY**

~~(a) Application for Payment.~~ An application for payment of unclaimed funds pursuant to 28 U.S.C. § 2042 ~~shall~~must be submitted in accordance with the Instructions for Filing Application for Payment of Unclaimed Funds available on the ~~court's~~Court's website (the "Instructions"). The application ~~shall~~must be served on the United States Attorney for the District of Maryland~~(, any trustee serving currently in, or serving at dismissal or closure of, the "U.S. Attorney").~~case, and the debtor. Failure to submit an application with all supporting documentation that complies with the Instructions and has been properly served ~~on the U.S. Attorney~~as set forth in this Rule may result in denial of the application~~without a hearing.~~

**RULE 3011-~~(b) Disposition of 2~~ UNCLAIMED AND UNDISTRIBUTED FUNDS IN LIQUIDATING CHAPTER 11 CASES**

(a) Unclaimed ~~or Undistributable~~ Funds ~~Under A Chapter 11 Liquidating Plan.~~

~~(1)~~. A Chapter 11 liquidating plan may provide that unclaimed funds may be redistributed to other creditors or administrative claimants or donated to a not-for-profit, non-religious organization identified in the plan or disclosure statement accompanying the plan.

~~(2)~~(b) Undistributable Funds. A Chapter 11 liquidating plan may provide that any undistributable funds, if applicable or practicable, may be redistributed to other creditors or administrative claimants or donated to a not for profit, non-religious organization identified in the plan or disclosure statement accompanying the plan.

~~——(A)(1)~~ Undistributable funds are any funds other than unclaimed funds, including, ~~but not limited to,~~ funds that cannot be disbursed because: ~~(i)(A)~~ a creditor has affirmatively rejected a distribution; ~~(ii)(B)~~ the administrative costs of distribution effectively interfere with distribution; ~~or (iii)(C)~~ all creditors, including administrative claimants, have been paid in full and there is no one that has a right to the funds.

(2) If a Chapter 11 liquidating plan does not provide for the disposition of undistributable funds and there are any such funds at the time of final distribution under the plan, the disbursing agent must file a motion, upon notice and hearing, proposing disposition of such funds, including as proposed in this Rule or otherwise.

**RULE 3012-1** ~~——~~ **VALUATION OF COLLATERAL AND/OR AVOIDANCE OF LIENS ON PRINCIPAL RESIDENCE PROPERTY UNDER 11 U.S.C. § 506 BY MOTION - CHAPTER 13 ONLY**

~~——(a)——~~ This Rule shall apply if a Chapter 13 debtor seeks to avoid ~~(a lien on real property which is the debtor's principal residence by filing)~~ Form. The caption and notice of a motion to value collateral and avoid a security interest under 11 U.S.C. § 506 must be in the form of Local Bankruptcy Form K, and the proposed order for such motion must be in the form of Local Bankruptcy Form L. The caption and notice of a motion to avoid a security interest under 11 U.S.C. § 506 must be in the form of Local Bankruptcy Form G, and the proposed order for such motion must be in the form of Local Bankruptcy Form H. The motion must also include the name, address, nature of ownership (e.g., tenancy in common, tenancy by the entirety, etc.) of any non-debtor owner of property, and adequate factual and legal support for the requested relief. If a debtor proceeds under this Rule, the debtor shall must so indicate state in the Plan-plan. If a debtor elects

instead to seek to value collateral or avoid a lien on such ~~real~~ property by a provision in the debtor's plan, Local Bankruptcy Rule 3015-1 ~~shall apply.~~

~~(b) Form. A motion to avoid a lien on a Chapter 13 debtor's principal residence under 11 U.S.C. § 506 may seek only to avoid a single lien. The name, address and nature of ownership (e.g., tenancy in common, tenancy by the entirety) of any non-debtor owner of property must also be included.~~

~~(c) Required Material. The debtor must submit with the motion:~~

~~(1) Evidence of the value of the residence, and~~

~~(2) If no proof of claim has been filed by the holders of claims secured by senior interests in the principal residence, evidence of the amount of the claims so secured.~~

~~(d) applies.~~ (b) Service of Motion and Notice of Hearing.

~~(1) The Clerk will maintain a list of dates available for hearings on motions to avoid lien for each judge of the court.~~ (1) The list will be posted on the court's website.

~~(2) Movant~~ movant must select a hearing date for this type of motion from the list for the judge to whom the case is assigned that is Court Hearing Scheduler Program, and such date must be more than forty-nine (49) days after the date of service. The notice of the motion must state the hearing date and time.

~~(3) Movant~~ (2) The movant must serve a copy of the motion ~~to avoid lien~~ under this Rule on the respondent and any non-debtor co-owner in the manner required by Federal Bankruptcy Rules 9014, 7004, and ~~7004(b)~~ 3007. Additional requirements for the notice, the certificate of service, and the proposed order are governed by Local Bankruptcy

~~Rule 3007~~Rules 2002-1 ~~(that requires service upon the claimant at the name~~(a), 9013-4,  
and ~~address where notices should~~9013-3, respectively.

(c) Response to Motion. The Court Hearing Scheduler Program will compute the date that an objection is due, and such objection deadline must be ~~sent as shown~~included in the hearing notice. If no timely response is filed, the Court may rule on the ~~proof of claim), together with~~motion without further notice or a hearing ~~notice conforming to Local Bankruptcy Form G.~~ The requirement of service on the claimant at the name and address where notices should be sent as ~~shown on the proof of claim shall not be applicable if the motion to avoid lien is filed prior to the filing of the proof of claim, provided that otherwise valid service is made on the respondent.~~set forth in Local Bankruptcy Rule 9013-1(d).

~~—— (e) ——~~ Filing of Proof of Service. ~~Movant must file with the motion a certificate of service of the motion to avoid lien and the notice of hearing. The certificate must comply with Local Bankruptcy Rule 9013-4.~~

~~—— (f) ——~~ Response to Motion to Avoid Lien. ~~If no response to the motion to avoid lien is filed within twenty-eight (28) days after the date of the service (plus any additional time required by Federal Bankruptcy Rules 9006(a) and (f)), the court may rule on the motion as unopposed. The Court Hearing Scheduler (CHS) Program on the court's website and CM/ECF filing screen for this type of motion will compute the date that an objection is due.~~

~~—— (g) ——~~ Proposed Order. ~~Movant shall file with the motion a proposed order conforming to Local Bankruptcy Form H. If granted, avoidance of the lien shall occur at such time as the debtor completes performance of the debtor's confirmed Chapter 13 Plan.~~

**~~RULE 3012-2 VALUATION OF COLLATERAL AND AVOIDANCE OF  
NONRESIDENTIAL LIENS BY MOTION CHAPTER 13 ONLY~~**

~~(a) This Rule shall apply if a Chapter 13 debtor seeks to value collateral or to avoid a lien on personal property or on real property that is not a debtor's principal residence by filing a motion. If a debtor proceeds under this Rule, the debtor shall so indicate in the Plan. If a debtor elects instead to seek to avoid such a lien or value collateral by a provision in the debtor's plan, Local Rule 3015-1 shall apply.~~

~~(b) Form. A motion under 11 U.S.C. § 506 in a Chapter 13 case to value collateral or to avoid a lien on personal property or on real property that is not a debtor's principal residence may seek only to value the collateral for or avoid a single lien. The name, address and nature of ownership (e.g., tenancy in common, tenancy by the entirety) of any non-debtor owner of property must also be included.~~

~~(c) Required Material. The debtor must submit with the motion;~~

~~(1) Evidence of the value of the property, and~~

~~(2) If no proof of claim has been filed by the holders of claims secured by senior interests in the property, evidence of the amount of the claims so secured.~~

~~(d) Service of Motion and Notice of Hearing.~~

~~(1) The Clerk will maintain a list of dates available for hearings on motions under subsection (b) for each judge of the court. The list will be posted on the court's website.~~

~~(2) Movant must select a hearing date from the list for the judge to whom the case is assigned that is more than forty-nine (49) days after the date of service.~~

~~(3) Movant must serve a copy of the motion to avoid lien on the respondent and any non-debtor owner in the manner required by Federal Bankruptcy Rules 9014 and~~

~~7004(b) and Local Bankruptcy Rule 3007-1(a) (that requires service upon the claimant at the name and address where notices should be sent as shown on the proof of claim), together with a hearing notice conforming to Local Bankruptcy Form K. The requirement of service on the claimant at the name and address where notices should be sent as shown on the proof of claim shall not be applicable if the motion to value collateral or avoid a security interest is filed prior to the filing of the proof of claim, provided that otherwise valid service is made on the respondent.~~

~~——(e) Filing of Proof of Service. Movant must file with the motion a certificate of service of the motion to avoid lien and the notice of hearing. The certificate must comply with Local Bankruptcy Rule 9013-4.~~

~~——(f) Responses to Motion to Avoid Lien. If no response to the motion to avoid lien is filed within twenty-eight (28) days after the date of the service (plus any additional time required by Federal Bankruptcy Rules 9006(a) and (f)), the court may rule on the motion as unopposed. The Court Hearing Scheduler (CHS) Program on the court's website and CM/ECF filing screen for this type of motion will compute the date that an objection is due.~~

~~——(g) Proposed Order. Movant shall file with the motion a proposed order conforming to Local Bankruptcy Form L. If granted, avoidance of the security interest shall occur at such time as the debtor completes performance of the debtor's confirmed Chapter 13 Plan.~~

## **RULE 3015-1            CHAPTER 13 PLANS - FORM AND SERVICE**

(a) Form. A Chapter 13 plan must conform to Local Bankruptcy Form M. — All Chapter 13 plans must be signed by the debtor and are subject to Local Bankruptcy Rule 9011-2(b).

(b) Service. – Along with the original plan and any amended or modified plan, the debtor ~~shall~~must file a Certificate of Service using Local Bankruptcy Form M-1.

(1) The Clerk ~~shall~~will mail the original plan to all creditors and parties in interest as listed on the debtor’s mailing matrix if the plan is filed with the original petition.

(2) If, after filing the original petition, the debtor files an original plan, or an amended plan that does anything other than increase the amount payable under the plan, the debtor must mail a copy of the plan to each creditor and the Chapter 13 ~~Trustee~~trustee (unless such creditor or trustee is served by CM/ECF).

(3) In addition to the mailing required under sections (1) and (2), if the debtor seeks through a provision in the plan (and not by separate motion) to avoid any lien or value any collateral, the debtor ~~shall~~must serve the plan on the holder of the lien or secured claim sought to be valued or avoided, and on any non-debtor owner of the collateral, in the manner required by Federal Bankruptcy ~~Rule 7004 and Local Bankruptcy Rule 3007-1 (that require additional service upon the claimant at the name and address where notices should be sent as shown on the proof of claim).~~ The requirement of service on the claimant at the name and address where notices should be sent as shown on the proof of claim shall not be applicable if the plan is filed prior to the filing of the proof of claim, provided that otherwise valid service is made on the subject creditor. Rules 9014, 7004, and 3007.

~~—(c)— All Chapter 13 Plans must be signed by the debtor and are subject to Local Bankruptcy Rule 9011-2(b).~~

~~—(d)—~~ (c) Valuation or Lien Avoidance Under Plan. In the event the debtor seeks to value collateral or avoid liens pursuant to a provision in the plan, the debtor must file with



the plan evidence of the collateral's value; evidence of the existence of any superior lien; a statement setting forth any exemption claimed; and the name, address, and nature of ownership of any non-debtor owner of the property. -If the lienholder has not filed a proof of claim, the debtor must also separately file evidence of the amount of the debt secured by the collateral. -If no proof of claim has been filed by the holders of claims secured by senior interests in the property, the debtor must file evidence of the amount of the claims so secured. -Such evidence ~~shall~~must be filed as a supplement to the plan as a separate docket entry; but need not be mailed to all creditors pursuant to ~~sections~~section (b)(1) or (2) of this ~~Local~~ Rule. -However, it ~~shall~~must be served pursuant to section (b)(3) of this ~~Local~~ Rule.

## **RULE 3015-2            CHAPTER 13 - CONFIRMATION**

(a)     ~~Debtors~~Hearing Attendance. The debtor and ~~their counsel~~the debtor's attorney must attend all scheduled confirmation hearings, unless excused by the Chapter 13 ~~Trustee~~trustee or the ~~court~~Court.

(b)     Hearing Date. Confirmation hearings ~~shall~~must be set not less than thirty-five (35) days after filing of a plan. -Objections to the plan must be filed and copies served on the Chapter 13 ~~Trustee~~trustee, the debtor, and the debtor's attorney no later than seven (7) days before the date set for hearing on confirmation of the plan.

(c)     Pre-Confirmation Certificate. Within seven (7) days prior to the date of the initial confirmation hearing, the debtor must file a Pre-Confirmation Certificate-~~substantially in the form of Local Bankruptcy Form O~~. If a confirmation hearing is continued, an updated Pre-Confirmation Certificate must be filed within seven (7) days prior to such hearing.

(d) Certain Objections. In the event a creditor objects to a provision in the ~~Plan~~plan seeking to avoid any lien or value any collateral through the plan and not by separate motion, ~~counsel~~the attorneys for the debtor and affected creditor ~~shall~~must meet and confer in person ~~or,~~ telephonically, or by videoconference in an attempt to resolve the dispute and identify and narrow any factual or legal issues, ~~and counsel for the debtor shall file at least twenty-four (24) hours prior to the confirmation hearing a certificate of compliance with this provision.~~ If the objection involves a disputed issue of valuation of collateral for which testimony is required, the initially scheduled confirmation hearing ~~shall~~may be treated as a preliminary hearing at which testimony will not be taken, and at which the Court ~~shall~~will set a date and time for the valuation hearing, ~~either specially or on.~~

(e) Consideration of Objections to Prior Versions of a Plan. If a ~~regularly-scheduled valuation hearing date set pursuant~~creditor files an objection to ~~Local Rule 3012-1(d)(1).~~ ~~Alternatively,~~ a plan, unless previously withdrawn by the creditor, that objection will remain on the parties may agree to set docket and the valuation dispute for hearing on a valuation hearing date not less than fourteen (14) nor more than ninety (90) days after they meet and confer, in which event Court will consider it at the debtor (or counsel for the Creditor if the debtor is not represented by counsel) shall file a notice of such hearing and serve the parties involved and the Chapter 13 Trusteefinal confirmation hearing.

**RULE 3015-3**

**PRE-CONFIRMATION ADEQUATE PROTECTION AND  
PERSONAL PROPERTY LEASE PAYMENTS**

(a) ~~A Chapter 13 Plan must:~~

~~(1) — provide for direct payments to the creditor of post-petition personal property lease payments and post-petition installment or adequate protection payments of secured claims; and~~

~~(2) — identify each creditor to whom payments are to be made showing: (A) to whom the payment is to be made; (B) the amount of the periodic payment; and (C) the last four digits of the account number.~~

~~(b) —~~ Affidavit. No later than fourteen (14) days prior to the date of a confirmation hearing, the debtor must serve on the trustee and file with the ~~court~~Court an affidavit ~~stating~~setting forth all §11 U.S.C. § 1326(a)(1) pre-confirmation payments made by the debtor. ~~The affidavit must state the details~~ set forth the deadline to object to the information contained in paragraph (a) above. the affidavit. A copy of the affidavit must be served on the creditors ~~so~~identified as being paid in the manner provided for service of a summons and complaint by Federal Bankruptcy Rule 7004 and if a proof of claim has been filed, in care of the claimant at the name and address where notices should be sent as shown on the proof of claim.

(~~e~~b) Objections. Objections to the accuracy of the affidavit must be filed no later than ~~fourteen (14) days after the filing and service of the affidavit.~~

~~(d) — If the amount of the proposed pre-confirmation adequate protection payment governed by 11 U.S.C. § 1326(a)(1)(c) is less than the regular contractual payment due to the secured creditor, the debtor, within seven (7) days after the filing of the original plan or the filing of any amended plan which would make any change in adequate protection payments affecting a secured creditor, must serve upon such secured creditor, in a manner complying with Federal~~

~~Bankruptcy Rule 7004(b), (c), or (h), as may be applicable, a notice stating the proposed amount, method and timing of payment of such pre-confirmation adequate protection payments and the basis for the proposed amount, which notice shall provide an opportunity for a hearing upon objection being made thereto within fourteen (14) days of the date of service of such notice. In the event no timely~~ and service of the affidavit. Unless a timely objection to the affidavit is filed, the Court may presume the information in the affidavit is made, ~~the parties will be deemed to have agreed to the adequate protection payments provided in such notice.~~ accurate.

**RULE 3015-4      CHAPTER 13 – WAGE ORDERS**

(a)      Proposed Post-Confirmation Wage Orders by Trustee. The Chapter 13 trustee may submit a proposed order directing the debtor’s employer to make payments directly to the Chapter 13 trustee on account of the debtor’s payment obligations under the Chapter 13 plan (a “Wage Order”). The Chapter 13 trustee may submit a proposed Wage Order at the time of, or subsequent to, confirmation of the debtor’s Chapter 13 plan, and the Court may enter the Wage Order without notice or a hearing.

(b)      Pre-Confirmation Wage Orders. A debtor or trustee may file a motion requesting that the Court enter a pre-confirmation Wage Order at any time prior to confirmation of the debtor’s Chapter 13 plan.

(c)      Motion to Waive or Vacate. A debtor may file a motion requesting that the Court waive or vacate a Wage Order requested by the Chapter 13 trustee at any time in the case.

**RULE 3015-5** **CHAPTER 13** - MODIFICATION OF PLAN AFTER  
CONFIRMATION

(a) Form. -A motion to modify a confirmed plan under 11 U.S.C. § 1329 ~~in a Chapter~~  
~~13 case to modify a plan after confirmation may be made at any time after confirmation but before~~  
~~the completion of payments under the plan.~~

~~(b) Required Material. The motion must comply with Federal Bankruptcy Rule~~  
~~3015(h), explain with specificity the proposed modification, and (a) must~~ be accompanied by ~~the~~  
proposed modified plan ~~modification.~~

~~(e)~~ b Service of Motion and Notice of Hearing.

~~(1) The Clerk will maintain a list of dates available for hearings on motions~~  
~~under subsection (a) for each judge of the court. (1) The list will be posted on the court's~~  
~~website.~~

~~(2) Movant~~ movant must select a hearing date ~~from the list for the judge to~~  
~~whom the case is assigned that is~~ for this type of motion from the Court Hearing Scheduler  
Program, and such date must be more than thirty-three (33) but less than sixty (60) days  
after the date of service. The notice of the motion must state the hearing date and time.

~~(3) Movant~~ (2) The movant must serve a copy of the motion to modify  
~~chapter~~ Chapter 13 plan after confirmation and proposed modified ~~chapter~~ Chapter 13 plan  
on the debtor, ~~Trustee~~ the trustee, and all creditors who have filed claims in the manner  
required by Federal Bankruptcy Rules 2002(a)(5) and 3015(h) and Local Bankruptcy Rule  
2002-1 ~~(a)~~, together with a hearing notice conforming to Local Bankruptcy Form M-2.

~~(d) Filing of Proof of Service. Movant must file with the motion a certificate of service~~  
~~of the motion to modify plan after confirmation and the notice of hearing. The certificate~~ Any  
such motion must also comply with Local ~~Bankruptcy~~ Rule ~~9013-4.~~

~~\_\_\_\_\_ (e) \_\_\_\_\_ Responses to Motion 3012-1, to Modify Chapter 13 Plan After Confirmation. If no response to the motion to modify plan after confirmation is filed within twenty-eight (28) days after extent applicable. Additional requirements for the date notice, the certificate of the service (plus any additional time required, and the proposed order are governed by Federal Local Bankruptcy Rules 90062002-1(a), 9013-4, and (f)), the court may rule on the motion as unopposed. The Court Hearing Scheduler (CHS) Program on the court's website and CM/ECF filing screen for this type of motion will compute the date that an objection is due. 9013-3, respectively.~~

\_\_\_\_\_ (c) Response to Motion. The Court Hearing Scheduler Program will compute the date that an objection is due, and such objection deadline must be included in the hearing notice. If no timely response is filed, the Court may rule on the motion without further notice or a hearing as set forth in Local Bankruptcy Rule 9013-1(d).

**RULE 3016-1 SERVICE OF CHAPTER 11 PLAN AND/OR DISCLOSURE STATEMENT**

\_\_\_\_\_ Unless otherwise ordered by the Court, a plan proponent must serve the Chapter 11 plan and/or disclosure statement on a party in interest who filed a proof of claim in the manner required by Federal Bankruptcy Rule 3007(a)(2).

**RULE 3016-2 AMENDED CHAPTER 11 PLAN AND/OR DISCLOSURE STATEMENT**

\_\_\_\_\_ Unless otherwise ordered by the Court, a party filing an amended Chapter 11 plan and/or disclosure statement must file and serve: (a) a clean copy of the amended plan and/or disclosure statement; and (b) a copy of the amended plan and/or disclosure statement in which stricken

material has been lined through or enclosed in brackets and new material has been underlined or set forth in bold face type.

**RULE** ~~———— (f) ——— Proposed Order. Movant shall file with the motion a proposed order.~~

### **3016-3 CHAPTER 11 - SUBCHAPTER V CONFIRMATION ORDER**

Any proposed order confirming a Chapter 11, Subchapter V plan must state in the title and in the body of the order whether the plan was confirmed consensually under 11 U.S.C. § 1191(a) or non-consensually under 11 U.S.C. § 1191(b). The confirmation order may also include a post-confirmation reporting requirement.

### **RULE 3018-1 TALLY OF BALLOTS - CHAPTER 11**

The tally of ballots must be filed with the Clerk no later than seven (7) days prior to the confirmation hearing. ~~-The tally must substantially conform to the form prescribed by the court and available from the Clerk~~Court.

### **RULE 3022-1 ~~COMPLETION OF THE~~ ADMINISTRATION OF CONFIRMED CHAPTER 11 PLANS**

(a) Subchapter V Cases. In a Chapter 11 case proceeding under Subsection V, the debtor or other party administering the confirmed plan must comply with the following requirements:

(1) Notice of Substantial Consummation. Within fourteen (14) days after a confirmed Chapter 11, Subchapter V plan is substantially consummated (as defined in 11 U.S.C. § 1101(2)), the debtor or plan administrator must file with the Court and serve on the trustee, the United States Trustee, and all parties in interest notice of such substantial

consummation pursuant to 11 U.S.C. § 1183(c)(2). The notice must include a certification that includes a summary report of the disbursements, distributions, and transfers that have been made pursuant to the plan; a description of other acts taken to consummate the plan; and a description of any matters involving consummation of the confirmed plan that have not been fully resolved.

(2) Post-Confirmation Progress Reports. The debtor or plan administrator must file with the Court and serve on the United States Trustee reports of progress towards full administration of the plan until the Court enters a final decree. The first report must be filed no later than six (6) months after entry of the order of confirmation. ~~Subsequent reports must be filed every six (6) months thereafter.~~

~~Fully Administered~~(3) Discharge Order. In a case involving a consensual plan confirmed under 11 U.S.C. § 1191(a), the Court will issue a discharge order as appropriate under 11 U.S.C. § 1141(d) upon confirmation of the plan. In a case involving a non-consensual plan confirmed under 11 U.S.C. § 1191(b), the Court will issue a discharge order as appropriate under 11 U.S.C. § 1192 after completion of all plan payments.

(4) Motion for Final Decree. Upon full administration of the plan as defined in paragraph (c) of this Rule, the debtor or plan administrator must file with the Court and serve on the trustee, United States Trustee, and all parties in interest a motion for a final decree and to close the case. The motion must be substantially in the form of Local Bankruptcy Form N-1 (for non-individuals) or Local Bankruptcy Form N-2 which includes a request for entry of a discharge (for individuals) and must be accompanied by a certification of full administration. The certification must include a final summary report of the disbursements, distributions, and transfers that have been made pursuant to the plan.



(5) Final Decree. The Court may enter a final decree and close the case at any time after the plan has been fully administered.

(b) Non-Subchapter V Cases. In a Chapter 11 case not proceeding under Subsection V, the debtor or other party administering the confirmed plan must comply with the following requirements:

(1) Notice of Effective Date. Within fourteen (14) days after a confirmed Chapter 11 plan becomes effective, the debtor or plan administrator must file with the Court and serve on the United States Trustee and all parties in interest (including any trustee appointed in the case) notice of the occurrence of the plan's effective date.

(2) Post-Confirmation Progress Reports. The plan debtor or plan administrator must file with the Court and serve on the United States Trustee reports of progress towards full administration of the plan until the Court enters a final decree. The first report must be filed no later than six (6) months after entry of the order of confirmation. Subsequent reports must be filed every six (6) months thereafter.

(3) Discharge Order. In a case involving an individual, the Court will issue a discharge order, if requested by the debtor or plan administrator, as appropriate under 11 U.S.C. § 1141(d).

(4) Motion for Final Decree. Upon full administration of the plan as defined in paragraph (c) of this Rule, the debtor or plan administrator must file with the Court and serve on the United States Trustee and all parties in interest (including any trustee appointed in the case) a motion for a final decree and to close the case. The motion must be substantially in the form of Local Bankruptcy Form N-1 (for non-individuals) or Local Bankruptcy Form N-2 which includes a request for entry of a discharge (for individuals)

and must be accompanied by a certification of full administration. The certification must include a final summary report of the disbursements, distributions, and transfers that have been made pursuant to the plan; and a description of other acts taken to consummate the plan.

(5) Final Decree. The Court may enter a final decree and close the case at any time after the plan has been fully administered.

(c) Full Administration of Plan.- A Chapter 11 plan will be deemed fully administered under Federal Bankruptcy Rule 3022:

~~\_\_\_\_\_ (1)~~ (1) in a Chapter 11 case other than a case involving a non-consensual plan confirmed under 11 U.S.C. § 1191(b), after the completion of the following:

- (A) six (6) months have elapsed after the entry of a final order of confirmation that has become nonappealable;
- (B) the deposits required by the plan have been distributed;
- (C) the property proposed by the plan to be transferred has been transferred;
- (D) the debtor or the successor of the debtor under the plan has assumed the business or the management of the property dealt with by the plan;
- (E) payments under the plan have commenced; and
- (F) all motions, contested matters, and adversary proceedings have been finally resolved;~~-or~~

\_\_\_\_\_ (2) ~~for individual in a~~ Chapter 11 ~~debtors~~ case involving a non-  
consensual plan confirmed under 11 U.S.C. § 1191(b), upon completion of all plan payments;

or

\_\_\_\_\_ (3) \_\_\_\_\_ at another time specifically defined by the plan.

~~\_\_\_\_\_ (b) Certification. A plan administrator of a confirmed plan that is fully administered must file forthwith a certification of full administration. The certification must include a final summary report of the disbursements, distributions, and transfers that have been made pursuant to the plan, together with a description of other acts taken to consummate the plan. The certification must also describe any matters involving consummation of the confirmed plan that have not been fully resolved.~~

~~\_\_\_\_\_ (c) Final Decree. The plan administrator must file with the court and serve on the United States Trustee, the creditor's committee or its counsel or if there is no such committee, upon the 20 largest unsecured creditors the court's form motion for a final decree (Local Bankruptcy Form N-1 for non-individuals and Local Bankruptcy Form N-2 which includes the motion for discharge for individuals) closing the case with the certification of full administration.~~

~~\_\_\_\_\_ (d) Progress Reports. The plan proponent shall file and serve on the United States Trustee reports of progress towards full administration of the plan until the proponent files a final certification and report. The first report must be filed six (6) months after the entry of the order of confirmation.~~

~~Subsequent reports must be filed every six (6) months thereafter.~~

~~\_\_\_\_\_ (e) Notice of Substantial Consummation in cases under Subchapter V. Within 14 days after a Plan under Subchapter V is substantially consummated (as defined in 11 U.S.C. § 1101(2)), the debtor shall file with the court and serve on the trustee, the United States Trustee, and all parties in interest notice of such substantial consummation pursuant to 11 U.S.C. § 1183(e)(2). The notice~~

~~shall include a certification by the debtor that includes a summary report of the disbursements, distributions, and transfers that have been made pursuant to the plan, together with a description of other acts taken to consummate the plan. The certification shall also describe any matters involving consummation of the confirmed plan that have not been fully resolved.~~

#### **RULE 3070-1            CHAPTER 13 - SPECIAL PROCEDURES**

(a)     A debtor in a case under Chapter 13 will be presumed to have provided adequate protection of collateral by continuing to make payments as and when due and maintaining required insurance for the collateral.

(b)     Upon dismissal or conversion of a Chapter 13 case, any funds that the trustee holds in a case will be charged for the trustee's allowed expenses and any outstanding Clerk's fees.

## PART IV

### **RULE 4001-1          AUTOMATIC STAY - RELIEF FROM**

(a)    Form of Motion.

(1)    ~~Generally a~~In General. A motion for relief from the automatic stay of 11 U.S.C. § 362(a) must be titled “Motion for Relief from Stay” or a similar phrase~~-. must specify the subsection of 11 U.S.C. § 362(d) under which relief is sought, and must set forth the admissible evidence supporting such relief.~~ The motion’s caption must be in the ~~format used in Official form of Local Bankruptcy Form B416D for an adversary proceeding.~~B, and in a Chapter 7 case, the trustee must be listed as a respondent. The motion may not be combined with a request for any other relief, except for adequate protection~~-or,~~ for relief from the co-debtor stay under 11 U.S.C. -§ 1201(a) or § 1301(a), ~~or~~ to extend the bar date after foreclosure as permitted by Local Bankruptcy Rule 4001-3(b)~~:-), or for prospective relief under (a)(2) below.~~

(2)    Prospective Relief.

~~(A)——~~Any motion for relief from stay that includes a request for the imposition of an equitable servitude, or any other prospective relief that would limit a stay arising under 11 U.S.C. § 362(a), must be titled and identified on CM/ECF in a manner that ~~clearly and~~ conspicuously so states.

~~(B)——~~(3) Proposed Order. Any proposed order submitted by ~~counsel~~an attorney, including any order consented to by adverse parties, must be titled in a manner that ~~clearly and~~ conspicuously ~~so~~ states:

~~——(b)—— Contents of Motion for Relief from Stay. The following material, when applicable, must be included in a motion for relief from stay:~~

- ~~(1) A detailed statement of the debt owed to Movant;~~
- ~~(2) If periodic payments are in arrears, the amount of arrears accrued prepetition and postpetition;~~
- ~~(3) A description of the property encumbered;~~
- ~~(4) A description of the security interest involved, with attached documents that evidence the security interest and its perfection;~~
- ~~(5) A statement of the basis for the relief claimed, such as, a lack of adequate protection or the absence of equity and that the property is not necessary for an effective reorganization. The specific facts constituting cause shall be set forth if a motion is brought for cause;~~
- ~~(6) If Movant asserts a valuation of the subject property, the motion should state the amount of the valuation, the date, and the basis therefor (appraisal, blue book, etc.);~~
- ~~(7) The specific nature of the relief from stay that is requested~~granted consistent with (a)(1) and (2) above and otherwise complies with Local Bankruptcy Rule 9013-3.
- ~~(b)~~ Service of Motion and Notice of Hearing.
- ~~(1) The Clerk will maintain a list of dates available for hearings on motions for relief from stay for each judge of the court. The list will be posted on the court's website.~~
- ~~(2) Movant~~Hearing Date. The movant must select a hearing date ~~from the list for the judge to whom the case is assigned that is~~ for this type of motion from the Court Hearing Scheduler Program, and such date must be more than twenty-one (21) days after the date of service. The notice of the motion must state the hearing date and time.
- ~~(3) Movant~~(2) Notice of Hearing Date. The movant must serve the motion for relief from stay with a hearing notice conforming to Local Bankruptcy Form B.

~~—(d)(3)~~ Procedures for Continuing Hearing. The movant may continue the hearing on a motion for relief from stay without Court order by filing and serving an amended notice of hearing with a new hearing date and time at least two (2) business days before the hearing, with service on the debtor that provides actual notice.

(c) Response to Motion for Relief from Stay.

(1) Time. ~~-An opposition to a motion for relief from stay must be filed within fourteen (14) days after service of the motion (plus any additional time required by Federal Bankruptcy Rules 9006(a) and (f)).~~ The Court Hearing Scheduler (CHS) Program ~~on the court's website and CM/ECF filing screen for this type of motion~~ will compute the date that an objection is due, and such objection deadline must be included in the hearing notice. If no timely response is filed, the Court may rule on the motion without further notice or a hearing as set forth in Local Bankruptcy Rule 9013-1(d).

(2) Form. - The caption of the response must be the same as the form for the caption of the motion as set out in paragraph (a) above.

(3) Pleading. -A response must include detailed answers to each numbered paragraph of the motion, in conformity with the requirements of Federal Rule of Civil Procedure 8(b) and (d). -All defenses to the motion must be stated in the response.

(4) Response by Standing Chapter 12 and 13 Trustees. -Standing Chapter 12 and Chapter 13 ~~Trustees~~trustees are served for informational purposes and are not required to respond to motions for relief from stay.

~~(e) Unopposed Motion. -If timely opposition is not filed, the court may grant or otherwise dispose of the motion prior to the scheduled hearing date.~~

~~—(f)~~ d) Requirements Under 11 U.S.C. § 362(e).

(1) Waiver. -If ~~Movant~~the movant notices a hearing date more than thirty (30) days after the date of the filing of the motion, or consents to a continuance, ~~Movant~~the movant is deemed to have consented to the inapplicability of 11 U.S.C. § 362(e) through the day of the hearing on the motion for relief from stay.

(2) Commencement of Measuring Period. -A request for relief under 11 U.S.C. § 362(d) is complete to commence the thirty (30) day measuring period under ~~§ 11 U.S.C.~~ § 362(e) only when filed and noticed in compliance with this Rule.

(~~ge~~) Deadline for Pre-Filing Exhibits. -In cases under Chapter 11, exhibits must be ~~pre-~~ filed ~~as required by~~in accordance with Local Bankruptcy Rule 7016-1(c) ~~no later than seven (7) days prior to the noticed hearing date.~~

(~~hf~~) Certain Appraisals. -If the debtor is an individual, ~~any appraisals intended to be relied upon shall be subject to the following: if~~ in a case under Chapter 7, 12, or 13, and the parties contest the value of the collateral subject to a motion for relief from stay ~~is put at issue in a response thereto~~, then the ~~Respondent~~respondent may make a written request to ~~Movant's counsel (or if no counsel, to the Movant)~~movant's attorney (or if no attorney, to the movant) requesting a copy of ~~Movant's~~the movant's appraisal of the collateral. -If ~~Movant~~the movant has obtained an appraisal and intends to place it into evidence, ~~Movant~~the movant must supply a copy of same to the ~~debtor~~respondent within two (2) business days of said written request. ~~If, a Movant~~ the movant did not have an appraisal at the time of the request which was intended to be placed into evidence, but subsequently obtains such an appraisal, ~~Movant~~the movant must provide a copy of said appraisal to the ~~Respondent~~respondent which made the request upon the earlier of (a) two (2) business days after obtaining same or (b) two (2) business days prior to the hearing.



(ig) Conference Required. -If the motion for relief from stay is opposed, the attorneys for the parties, or the parties if ~~unrepresented, shall~~not represented by an attorney, must confer in person, telephonically, or by videoconference with respect to the issues raised by the motion at least three (3) business days prior to the scheduled hearing for the purpose of determining whether a consensual order may be entered and/or stipulating to relevant facts, such as the value of the property and the extent and validity of any security instrument. The parties' failure to comply with this Rule may result in the Court denying any request for a continuance of the hearing on the motion for relief from stay submitted less than two (2) business days before the hearing date.

#### **RULE 4001-2            AUTOMATIC STAY - POST-FILING ARREARS**

Where an issue presented by a motion for relief from stay is the debtor's failure to make payments that became due after the filing of the bankruptcy case, the moving party ~~shall file and serve a history of payments received post petition upon the debtor at least seven (7) days before the date set for hearing~~must attach to the motion a history of payments received postpetition or state in the motion that no such payments have been received. If the movant fails to comply with this Rule, the Court may exclude from evidence any documents or testimony in support of the movant's argument that it is not adequately protected.

#### **RULE 4001-3            ACTION FOLLOWING FORECLOSURE ~~OR~~, REPOSSESSION, OR SURRENDER OF COLLATERAL**

(a) Required Action. A party obtaining relief from the automatic stay and thereafter consummating a foreclosure sale on real property in Maryland must:

- (1) ~~Provide~~provide a copy of the ~~Report~~report of ~~Sales~~sale and all ~~Auditor's Reports~~auditor's reports to ~~the~~any bankruptcy trustee appointed in the case; and

(2) ~~When filing the Report of Sale in a case under Chapter 7, Chapter 12, or Chapter 13,~~ notify the ~~Auditor~~auditor of the name and address of the bankruptcy trustee.

If the real property is located in another jurisdiction, similar notices ~~shall~~must be provided consistent with the foreclosure procedures of that jurisdiction.

(b) ~~Unless otherwise ordered or provided in a confirmed plan,~~

~~(1) — an amended~~Proof of Claim. Any proof of claim ~~asserting an unsecured deficiency relating to a claim for arising after the foreclosure, repossession, or surrender of real property shall be filed within one hundred eighty (180) days after entry of the order granting relief from the automatic stay; and~~

~~(2) — an amended proof of claim asserting an unsecured deficiency claim for or~~  
personal property ~~shall be filed within sixty (60) days after entry of the order granting relief from the automatic stay.~~

~~In either event, a proof of claim shall also be timely if filed by the original claims bar date. Absent compliance must be filed in accordance with this Rule, such amended claim shall be deemed disallowed.~~Local Bankruptcy Rule 3002-1.

#### **RULE 4001-4** ~~—~~OBTAINING CREDIT, REFINANCING, AND LOAN MODIFICATIONS

(a) ~~Movant~~ Service of Motion and Notice of Hearing.

(1) The movant must ~~provide notice~~select a hearing date for ~~a~~this type of  
motion ~~to obtain credit (i) as set forth in this rule~~from the Court Hearing Scheduler Program, and  
(ii) ~~to the extent applicable, as set forth in Federal Bankruptcy Rule 4001(c).~~

~~(b) — The notice must include a statement of the deadline for the filing of any opposition.~~

~~The deadline~~ such date ~~shall~~must be ~~no less~~more than fourteen (14) days after ~~service of~~

~~the motion (plus any additional time required by Federal Bankruptcy Rules 9006(a) and (f)). The Court Hearing Scheduler (CHS) Program on the court's website and CM/ECF filing screen for this type of motion will compute the date that an objection is due. the date of service.~~

~~(e) (2)~~ The notice of the motion must ~~include~~ astate the hearing date ~~that the movant selects from a list of hearing dates that is maintained by the Clerk for the assigned judge on the court's website.~~

~~(d)~~ and time. The notice must also include a description of the essential terms of the proposed credit, including the amount, the interest rate, the lender's identity, the collateral pledged therefor, the repayment terms, the costs therefor, and the proposed use of the proceeds.

~~(e)~~ ~~The notice may include a statement that the court may grant relief without a hearing if no timely objection is filed.~~

~~(f)~~ (3) The movant must serve a copy of the motion under this Rule on the respondent and any non-debtor co-obligor in the manner required by Federal Bankruptcy Rules 9014, 7004, and 3007. Additional requirements for the notice, the certificate of service, and the proposed order are governed by Local Bankruptcy Rules 2002-1(a), 9013-4, and 9013-3, respectively.

(b) Notice in Chapter 13 Cases. In a Chapter 13 case, the notice must be served on the creditors included on the list filed under Federal Bankruptcy Rule 1007(a), and on any other entity that the ~~court directs.~~ Court directs, notwithstanding any limitations set forth in Federal Bankruptcy Rule 2002 and/or Local Bankruptcy Rule 2002-1.

~~(g)~~ ~~A request to shorten time and/or expedited hearing is governed by LBR 9013-7.~~

(c) Response to Motion. The Court Hearing Scheduler Program will compute the date that an objection is due, and such objection deadline must be included in the hearing notice. If no timely response is filed, the Court may rule on the motion without further notice or a hearing as set forth in Local Bankruptcy Rule 9013-1(d).

**RULE 4001-5                    REQUIREMENTS FOR CASH COLLATERAL AND FINANCING MOTIONS AND ORDERS**

(a) Motions.- Except as provided herein and elsewhere in these Local Bankruptcy Rules, all cash collateral and financing requests under 11 U.S.C. §§ 363 and 364 ~~shall~~must be ~~heard~~brought by motion filed under Federal Bankruptcy Rules 2002, 4001 and 9014.

(1) ~~Required Content. In addition to the requirements of Federal Bankruptcy Rule 4001, unless the court orders otherwise, a motion for authorization to use cash collateral shall set forth, if applicable:~~

~~(A)—— If there is an insider relationship between the debtor and the creditor whose cash collateral is to be used, the nature of the relationship;~~

~~(B)—— The nature or source of the cash collateral;~~

~~(C)—— A cash flow projection for the period for which authorization is sought that includes both projected revenue and a line item proposed budget for the use of the funds;~~

~~(D)—— An estimated amount the debtor owes to creditors claiming an interest in cash collateral as of the date the petition was filed, including, if known,~~

~~any accrued unpaid interest, costs or fees as provided in any pre-petition agreements; and~~

~~(E) — A description of the collateral pledged to secure the claims of creditors claiming an interest in cash collateral.~~

(2) — Special Provisions to be Highlighted. -All cash collateral and financing motions must ~~(a)~~ recite whether the proposed form of order and/or underlying cash collateral stipulation or loan agreement contains any provision of the type ~~indicated~~described below, ~~(b)~~; identify the location of any such provision in the proposed form of order, cash collateral stipulation, and/or loan agreement; and ~~(e)~~ state the justification for the inclusion of such provision:

(A) Provisions that grant cross-collateralization protection (other than replacement liens or other adequate protection) to the prepetition secured creditors (i.e., clauses that secure prepetition debt by postpetition assets in which the secured creditor would not otherwise have a security interest by virtue of its prepetition security agreement or applicable law);

(B) Provisions ~~or findings of fact~~ that bind the estate or other parties in interest with respect to the validity, perfection, or amount of the secured ~~creditor's~~creditor's prepetition lien or the waiver of claims against the secured creditor without first giving parties in interest at least seventy-five (75) days from the entry of the order and the ~~creditors'~~creditors' committee, if formed, at least sixty (60) days from the date of its formation to investigate such matters;

(C) Provisions that seek to waive, without notice, whatever rights the estate may have under 11 U.S.C. § 506(c);

(D) Provisions that immediately grant to the prepetition secured creditor liens on the ~~debtor's~~debtor's claims and causes of action arising under 11 U.S.C. §§ 544, 545, 547, 548 and 549;

(E) “Roll up” provisions that deem prepetition secured debt to be postpetition debt or that use postpetition loans from a prepetition secured creditor to pay part or all of that secured ~~creditor's~~creditor's prepetition debt, other than as provided in 11 U.S.C. § 552(b);

(F) Provisions that provide treatment for the professionals retained by a ~~Committee~~committee appointed by the ~~United~~United States Trustee different from those professionals retained by the debtor with respect to a professional fee carve-out, and provisions that limit the ~~Committee counsel's~~committee's attorney's use of the carve-out;

(G) Provisions that prime any secured lien without the consent of that lienor; and

~~-(H)~~ Provisions that grant a secured creditor any relief from the automatic stay, whether ~~it be~~by terminating, modifying, or conditioning the stay, without further order of the Court;

~~(32)~~ All cash collateral and financing motions ~~shall~~must also:

(A) provide a summary of the essential terms of the proposed use of cash collateral and/or financing (e.g., the maximum borrowing available on a final basis, the interim borrowing limit, borrowing conditions, interest rate, maturity, events of default, use of funds limitations, and protections afforded under 11 U.S.C. §§ 363 and 364).~~\_\_\_\_\_);~~

(4B) state whether there is an insider relationship between the debtor and the creditor whose cash collateral is to be used or who proposes to provide postpetition financing and, if so, describe the nature of the relationship;

(C) include a cash flow projection for any interim period in which cash collateral and/or postpetition financing is sought that includes both projected revenue and a line-item proposed budget for the use of the funds;

(D) describe and state the value of the collateral to be pledged in connection with the use of cash collateral and/or postpetition financing; and

(E) identify each party claiming to have an interest in the collateral to be pledged in connection with the use of cash collateral and/or postpetition financing and estimate the amount each such party is owed as of the date the petition was filed (including, if known, any accrued unpaid interest, costs, or fees as provided in any prepetition agreements).

(3) A proposed order approving cross-collateralization or a rollup ~~shall~~must include language that reserves the right of the ~~court~~Court to unwind, after notice and hearing, the ~~post-petition~~postpetition protection provided to the ~~pre-petition~~prepetition lender or the pay down of the ~~pre-petition~~prepetition debt, whichever is applicable, in the event that there is a timely and successful challenge to the validity, enforceability, extent, perfection, or priority of the ~~pre-petition lender's~~prepetition lender's claims or liens, or a determination that the ~~pre-petition~~prepetition debt was undersecured as of the petition date, and the cross-collateralization or rollup unduly advantaged the lender.

(b) Interim Relief. -When financing motions are filed with the ~~court~~Court on or shortly after the petition date, the ~~court~~Court may grant interim relief pending review by ~~interested~~ parties

in interest of such debtor ~~- in -~~ possession financing arrangement. Such interim relief ~~shall~~must be only what is necessary to avoid immediate and irreparable harm to the estate pending a final hearing. ~~In the absence of extraordinary circumstances, the movant shall not include in any proposed interim financing orders any of the provisions previously identified in Local Bankruptcy Rule 4001-5(a)(2)(A)-(H).~~

**RULE 4001-6                      ~~POST~~ POSTPETITION                      PAYMENT  
NOTICES AND ACCOUNT ACCESS**

Creditors and lessors may continue to provide customary notices, and correspondence (including, ~~but not limited to,~~ monthly statements, payment coupons, ~~and~~ escrow adjustment analyses, and tax statements) to debtors regarding ~~post-petition~~postpetition account activity, both electronically and by mail. Further, to the extent available and particularly where consistent with the parties' prepetition practices, creditors and lessors may allow debtors to access, ~~obtain~~ information, and make ~~post-petition~~postpetition payments through electronic, telephonic, and/or on-line means.

~~\_\_\_\_\_~~ The ~~creditor's or lessor's~~good faith actions ~~outlined in the immediately preceding paragraph shall not be considered~~of creditors or lessors pursuant to this Rule do not constitute a violation of the automatic stay.

**~~RULE 4002-1~~ ~~CURRENT ADDRESS AND TELEPHONE NUMBER OF DEBTOR~~**

~~\_\_\_\_\_ (a) Address of Debtor. Every debtor must maintain a statement of the debtor's current address with the Clerk. This obligation continues until the case is closed.~~

~~\_\_\_\_\_ (b) Debtor's Telephone Number. A debtor proceeding without counsel must maintain a statement of the debtor's current telephone number with the Clerk. This obligation~~



~~continues until the case is closed.~~ **RULE 4001-7 POSTPETITION APPLICATIONS TO MODIFY LOAN**

A debtor may submit an application for a loan modification to a creditor postpetition, and a creditor may consider such application postpetition, without first obtaining relief from the automatic stay. The documents, correspondence, and other communication between the debtor and the creditor regarding a postpetition application for a loan modification are subject to Local Bankruptcy Rule 4001-6.

**RULE 4003-1 NOTICE OF OBJECTION TO CLAIM OF EXEMPTIONS**

~~Required Notice.~~

An objection to the list of property claimed as exempt under 11 U.S.C. § 522~~of the Bankruptcy Code~~ must contain ~~conspicuous~~clear notice that: ~~(1a)~~ any opposition to the objection must be filed and served within twenty-eight (28) days after the objection was served; and ~~(2b)~~ the ~~court~~Court may rule upon the objection and any response thereto without a hearing.

**RULE 4003-2 LIEN AVOIDANCE UNDER 11 U.S.C. § 522(f)**

(a) ~~Applicability.~~

~~(1) This Rule shall apply if~~Form. The caption and notice of a debtor seeks motion to avoid a lien security interest under 11 U.S.C. § 522 must be in a form substantially similar to Local Bankruptcy Form G, and the proposed order for such motion must be in whole or in part pursuant to 11 U.S.C. § 522(f) by filing a motion.

~~(2)~~a form substantially similar to Local Bankruptcy Form H. The motion must also include the name, address, and nature of ownership (e.g., tenancy in common, tenancy by the entirety, etc.) of any non-debtor owner of property. If a Chapter 13 debtor proceeds under this

Rule ~~to avoid~~in a ~~lien-by-motion~~Chapter 13 case, the debtor ~~shall~~must so state in the ~~Plan~~plan.

If a ~~Chapter 13~~ debtor elects instead to seek to avoid ~~such~~ a lien on such real property by a provision in the debtor's plan, Local Bankruptcy Rule 3015-1 ~~shall apply~~.

~~—— (b) —~~ Form(c) applies. A motion to avoid a lien under 11 U.S.C. § 522(f) may seek only to avoid a single lien. ~~The name, address and nature of ownership (e.g. tenancy in common, tenancy by the entirety) of any non-debtor owner of property must also be included~~ or multiple liens held by the same creditor.

~~(e) —~~ (b) Service of Motion and Notice of Hearing.

~~(1) — The Clerk will maintain a list of dates available for hearings on motions to avoid lien for each judge of the court. The list will be posted in the public area of each division and on the court's website.~~

~~(2) — Movant~~ (1) The movant must select a hearing date ~~from the list for the judge to whom the case is assigned that is~~ for this type of motion from the Court Hearing Scheduler Program, and such date must be more than forty-nine (49) days after the date of service. The notice of the motion must state the hearing date and time.

~~—— (3) — Movant~~ (2) The movant must serve a copy of the motion ~~to avoid lien~~ under this Rule on the respondent, any trustee, and any non-debtor owner in the manner required by Federal Bankruptcy Rules 9014 ~~and~~ 7004(b), and ~~Local Bankruptcy Rule 3007-1 (that requires service upon the claimant at the name and address where notices should be sent as shown on the proof of claim) together with a hearing notice conforming to Local Bankruptcy Form C. The requirement of service on the respondent at the name and address where notices should be sent as shown on the proof of claim shall not be applicable if the motion to avoid lien is filed prior to the filing of the proof of claim,~~

~~provided that otherwise valid service is made on the respondent.~~

~~\_\_\_\_\_ (d) Filing of Proof of Service. Movant must file with the motion a. Additional requirements for the notice, the certificate of service ~~of the motion to avoid lien and the notice of hearing.~~ The certificate must comply with Local Bankruptcy Rule 9013-4.~~

~~\_\_\_\_\_ (e) Responses to Motions to Avoid Lien. The notice must include a statement of deadline for the filing of any opposition. The deadline date shall be no less than twenty-eight (28) days after service of the motion (plus any additional time required, and the proposed order are governed by ~~Federal~~Local Bankruptcy Rules ~~9006(a) and (f)~~). The Court Hearing Scheduler (CHS) Program on the court's website and CM/ECF filing screen for this type of motion will compute the date that an objection is due. If no response to the motion to avoid lien is filed within twenty-eight (28) days after the date of the service (plus any additional time provided by Federal Bankruptcy Rules 9006(a) and (f)), the court may rule on the motion as unopposed~~2002-1(a), 9013-4, and 9013-3, respectively.

(c) Response to Motion. The Court Hearing Scheduler Program will compute the date that an objection is due, and such objection deadline must be included in the hearing notice. If no timely response is filed, the Court may rule on the motion without further notice or a hearing as set forth in Local Bankruptcy Rule 9013-1(d).

## **RULE 4004-1 DISCHARGE IN CHAPTER 13 CASES**

The ~~Debtor's~~debtor's Affidavit Requesting Discharge, Local Bankruptcy Form P, must be filed and served on the Chapter 13 ~~Trustee~~trustee and all creditors no later than ninety (90) days after the Chapter 13 ~~Trustee~~trustee files the notice of completion of plan payments.- The failure to timely file this affidavit may result in the case being closed without a discharge.

## PART V

### **RULE 5001-1      COURT ADMINISTRATION - LAPSE IN APPROPRIATIONS AND/OR DISRUPTION IN SERVICE**

This Rule will become effective only when Congress fails to enact legislation to fund operations of the United States Courts. -The Anti-Deficiency Act, 31 U.S.C. § 1515, limits permissible government activities in the event of such a failure to those otherwise “authorized by law” or those needed to meet “cases of emergency involving the safety of human life or the protections of property.”

This ~~court~~Court is directly involved in the judicial process and under the Constitution and laws of the United States, it is always open to exercise the judicial power of the United States as a unit of the District Court. -Thus, the ~~court~~Court must continue, even in the absence of funding by Congress, to receive new cases; and to hear and dispose of pending cases. - Activities will, however, be limited as nearly as practical to those functions necessary and essential to continue the ~~resolution~~administration of pending cases. -The ~~court~~Court will advise the United States ~~Marshal~~Marshals Service and the General Services Administration of the level of building and security services necessary to maintain such ~~court~~Court operations.

The ~~court~~Court finds that judges’ staffs and the Clerk and the Clerk’s staff are persons essential to the continuation of ~~court operations. Work of all personnel shall be limited to those essential functions set forth above.~~Court operations.

## **RULE 5001-2                      CLERK - OFFICE LOCATION/HOURS**

(a) Office Hours. The office hours of the Clerk in the Greenbelt and Baltimore Divisions ~~shall be~~are from 8:45 a.m. to 4:00 p.m. on all days, except Saturdays, Sundays, and holidays observed by the District Court.

(b) After-~~Hours~~ Night Box. - A night box is located in the lobby of each of the United States Courthouses in Baltimore and in Greenbelt. ~~-Bankruptcy~~ petitions, pleadings, and other papers may be placed in the night box for filing after regular office hours, Monday through Friday (except holidays) and until the courthouse is closed to the public or midnight, whichever is earlier. The hours during which each night box is accessible are ~~posted~~available on the ~~court's~~Court's website. **- The night box is intended as an after-hours convenience, and it is not intended as an alternative for filing papers during regular office hours.** -All documents must be “date and time stamped” prior to being deposited in the secure night box.

(c) After-~~Hours~~ Filing. - During periods outside the regular office hours of the Clerk’s Office and when the night box is not available, arrangements may be made in advance for time sensitive filings by contacting a designated ~~court~~Court representative. -The contact information of the designated ~~court~~Court representatives is ~~posted~~available on the ~~court's~~Court's website, on each night box, and on notice boards in the divisional offices.

(d) **Deadlines Are Not Extended.** **-The availability of the night box and after-~~hours~~ filing do NOT extend the “Last Day” as defined by Federal Bankruptcy Rule 9006(a)(4), which Last Day ends for filing, other than electronic filing, at 4:00 p.m. when the Clerk’s Offices close.**

(e) Division of Business. -The division of business for the ~~United States Bankruptcy Court for the District of Maryland~~ is as follows:

(1) Cases originating in Allegany, Calvert, Charles, Frederick, Garrett, Montgomery, Prince George's, St. Mary's, and Washington Counties are assigned to the Greenbelt Divisional Office, 300 ~~U.S.~~United States Courthouse, 6500 Cherrywood Lane, Suite 300, Greenbelt, Maryland, 20770, (301) 344-8018.

(2) Cases originating in Baltimore City, Anne Arundel, Baltimore, Caroline, Carroll, Cecil, Dorchester, Harford, Howard, Kent, Queen Anne's, Somerset, Talbot, Wicomico, and Worcester Counties are assigned to the Baltimore Divisional Office, ~~8530~~ ~~U.S.~~United States Courthouse, 101 West Lombard Street, Suite 8530, Baltimore, Maryland, 21201, (410) 962-2688.

(f) Places for Holding ~~Court~~Hearings.

~~(1) — All court hearings in cases originating in Baltimore City, Anne Arundel, Baltimore, Carroll, Cecil, Harford, and Howard Counties will be scheduled in the Garmatz Federal Courthouse, 101 West Lombard Street, Baltimore, Maryland, 21201.~~

~~(2) — All court~~(1) All Court hearings in cases originating in Allegany, Calvert, Charles, Frederick, Garrett, Montgomery, Prince George's, St. Mary's, and Washington Counties will be scheduled in the ~~Federal~~United States Courthouse, 6500 Cherrywood Lane, Greenbelt, Maryland, 20770.

(2) All Court hearings in cases originating in Baltimore City, Anne Arundel, Baltimore, Carroll, Cecil, Harford, and Howard Counties will be scheduled in the United States Courthouse, 101 West Lombard Street, Baltimore, Maryland 21201.

(3) All ~~court~~Court hearings in cases under Chapters 7, 12 and 13 originating in Caroline, Dorchester, Kent, Queen ~~Anne's~~Anne's, Somerset, Talbot, Wicomico, and Worcester Counties, including related adversary proceedings, ~~and all Section 341 meetings~~

~~of creditors therein~~, will be scheduled in the United States Courtroom, U.S. Post Office Building, Room 104, 129 East Main Street, Salisbury, Maryland 21801. ~~-A debtor in a case originating from Queen Anne's County~~any of these counties may request by motion that all future ~~court~~Court hearings, excluding ~~Section 341~~ meetings of creditors under 11 U.S.C. § 341, be conducted at the United States Courthouse in Baltimore. ~~In Chapter 11 cases, the Section 341 meeting of creditors will be conducted by the United States Trustee in Baltimore; and court hearings will be scheduled in Salisbury, if possible, or in Baltimore at the request of a party, if necessary.~~

(4) ~~In~~All Court hearings in cases under Chapter 11 originating in ~~Anne Arundel County, Baltimore City, Baltimore County,~~ Caroline, ~~Carroll, Cecil,~~ Dorchester, ~~Harford, Howard,~~ Kent, Queen Anne's, Somerset, Talbot, Wicomico, and Worcester ~~County, the meeting of creditors held under Section 341 will be conducted by Counties, including related adversary proceedings, will be scheduled in the United States Courthouse, 101 West Lombard Street, Baltimore, Maryland 21201 or in the United States Trustee in Baltimore. Court hearings may be scheduled in~~Courtroom, U.S. Post Office Building, Room 104, 129 East Main Street, Salisbury ~~or Baltimore, Maryland 21801~~, at the ~~direction~~discretion of the ~~court.~~Court. The ~~court~~Court will consider the convenience of the parties in selecting the venue. A debtor in a case originating from any of these counties may request by motion that some or all Court hearings be conducted at one of these two locations.

## **RULE 5005-1 FILING BY ELECTRONIC MEANS**

The ~~court~~Court will accept for filing documents submitted, signed, or verified by electronic means that comply with the Court's Electronic Case Filing Procedures (~~attached as~~ Appendix H) ~~established by the court as published on the court's website.~~

## **RULE 5011-1 ABSTENTION**

~~— (a) Adversary Proceeding. In an adversary proceeding, a motion for abstention pursuant to 28 U.S.C. § 1334(c), must be filed within the time prescribed for filing a response under Federal Bankruptcy Rule 7012(a).~~

~~— (b) Contested Matter. In a contested matter, a motion for abstention pursuant to 28 U.S.C. § 1334(c) must be filed within thirty (30) days from the date indicated on the certificate of service on the pleading initiating the contested matter.~~

## **~~RULE 5011-2~~ WITHDRAWAL OF REFERENCE**

A motion for withdrawal of reference is governed by Local Bankruptcy Rule 405.2 of the District Court. ~~See Appendix B.~~ All briefing ~~shall~~will be governed by the rules of the District Court, including those rules governing timing, unless otherwise ordered by the District Court.

## **~~RULE 5071-1~~ MOTIONS FOR POSTPONEMENT/CONTINUANCES**

~~— (a) Court Order Required. A court order is required for any postponement of a hearing, pretrial conference, or trial.~~

~~— (b) Notice to Client and Other Parties. A motion to postpone any matter before the court must certify that the client has prior notice of the filing of that motion. Notice of such motion,~~



together with the reasons therefor, must be given by the fastest means to avoid inconvenience to other parties entitled to notice or their counsel before filing unless such notice is waived.

~~===== (c) Conflicting Engagement. A motion for a postponement of a hearing or trial on the grounds of a prior conflicting engagement must be filed within fourteen (14) days after the date such conflict became apparent. Written evidence of the conflicting engagement must be attached to the motion.~~

~~===== (d) Meeting of Creditors. A request for postponement of a meeting of creditors held under 11 U.S.C. § 341 shall be handled as follows:~~

~~(1) — Requests for postponement shall be made:~~

~~(A) — in Chapter 12 and 13 cases, to the standing trustee assigned to the case;~~

~~(B) — in Chapter 7 cases, to the interim trustee; and~~

~~(C) — in Chapter 11 cases, to the Assistant United States Trustee assigned to the division of court where the case is pending.~~

~~(2) — Upon a written request of debtor's counsel or the debtor, and at the discretion of the respective trustee, a meeting of creditors pursuant to 11 U.S.C. § 341(a) may be rescheduled to the trustee's next available panel date, or as otherwise agreed. The request shall state the basis for the request and shall state whether any prior continuance request has been made.~~

~~(3) — Unless otherwise agreed to by the trustee and debtor's counsel or the debtor:~~

~~(A) — In order to request a continuance in a Chapter 7 or 13 case, the documents required by 11 U.S.C. § 521 (pay advices or Local Form Q and tax returns) must be delivered prior to or with the request to the trustee.~~

~~(B) — In Chapter 7 cases of individual debtors, debtor’s counsel (or the debtor, if not represented by counsel) must provide a certification to the trustee that a consent motion has been or will be filed with the court to extend the deadlines to file both an objection to discharge under 11 U.S.C. § 727 and a motion to dismiss under 11 U.S.C. § 707(b)(3) until a date sixty (60) days after the rescheduled meeting of creditors, and to extend the deadline for the United States Trustee to file a Statement of Presumed Abuse under 11 U.S.C. § 704(b)(1)(A) until ten (10) days after the rescheduled meeting of creditors.~~

~~(C) — Debtor’s counsel (or the debtor, if not represented by counsel) must file and serve on all parties on the matrix by first class mail or CM/ECF a notice of the new meeting date and time, along with the consent motion, at least seven (7) days in advance of the rescheduled meeting, and must certify to the court (with a copy to the trustee and the United States Trustee) that said notice has been given.~~

## **RULE ~~5073-1~~5070-1 PHOTOGRAPHING AND RECORDING COURT PROCEEDINGS AND COURTHOUSE SPACES**

(a) Photographing, Recording, and Transmitting Court Proceedings. -Unless otherwise ordered by the ~~court~~Court, no ~~court~~Court proceeding may be photographed, video recorded, audio recorded, broadcast, televised, or otherwise transmitted except as follows:

(1) Judges presiding over ceremonial proceedings may authorize the use of cameras and video recorders during the proceedings.

(2) Official ~~court~~Court reporters and official electronic recorders employed by the Clerk’s Office ~~shall~~will record ~~court~~Court proceedings, provided, however, that no ~~court~~Court reporter or electronic recorder ~~shall~~may use or permit to be used any official

recording of a ~~eourt~~Court proceeding in connection with any radio or television broadcast.

(b) Photographing, Video Recording, and Televising Courthouse Spaces.

(1) Courtrooms and Other Public Spaces. -Unless otherwise ordered by the ~~eourt~~Court, no courtroom or other public space in the courthouse may be photographed, video recorded, or televised except as follows:

(A) On the day of receptions or other social events, persons attending the event may use cameras in the space where the event is being held; and

(B) Employees of the General Services Administration (GSA) and GSA architects and contractors may use cameras in the courtrooms and other public spaces when ~~eourt~~Court is not in session.

(2) Office Spaces. - Cameras may not be used in any office within the courthouse except with the approval of the person in charge of the office.

(c) Penalties. -Any camera, recording device, or other equipment used in violation of this Rule may be impounded. Any violation of this Rule may be treated as a contempt of ~~eourt~~Court and any violator who is a member of the District Court Bar may be subjected to the disciplinary action of the District Court and/or this ~~eourt~~Court.

## PART VI

### **RULE 6004-1 SALE OF UNENCUMBERED ESTATE PROPERTY**

~~—(a)—~~ ~~Sale Notices. Notices~~ A notice of ~~private~~the sale of unencumbered estate property must state that the property to be sold is not encumbered by any lien, claim, or interest and include the following:

- (~~1~~a) if an appraisal has been performed,
  - (~~A~~1) the appraised value of the asset being sold;
  - (~~B~~2) the date of the appraisal; and
  - (~~C~~3) the name and address of the appraiser;
- (~~2~~b) if no appraisal has been performed, the scheduled value of the asset being sold;
- (~~3~~c) the purchaser's identity;
- (~~4~~d) a full description of any relationship between the purchaser and any party in interest;

(~~5~~e) a statement of all consideration paid and to be paid by the purchaser and the payment terms;

(~~6~~—f) a statement of the deadline for the filing of any opposition. ~~The deadline date shall, which must~~ be no less than twenty-one (21) days after service of the motion, plus any additional time required by Federal Bankruptcy Rules 9006(a) and (f). ~~The~~, and computed using the Court Hearing Scheduler (~~CHS~~) Program ~~on the court's website and CM/ECF filing screen for this type of motion will compute the date that an objection is due;~~

(~~7~~g) a date selected from the ~~court's website~~ Court Hearing Scheduler Program for a hearing ~~if a timely objection is filed~~ for this type of motion;

(8h) a statement that the motion may be granted and the property may be sold without further notice if a timely objection is not filed; and

(9i) a statement of all charges and costs to be paid by the estate and all concessions to be made by the estate.

**RULE 6004-2 SALE OF ENCUMBERED ESTATE PROPERTY – CHAPTER 7, 12, AND 13 ONLY**

(a) ~~Sale Motions in Chapter 11 Cases. Except as otherwise provided in these Local Rules, the Bankruptcy Code, the Federal Bankruptcy Rules or an order of the court, all “Sale Motions”~~ A motion to sell property of the estate ~~under Bankruptcy Code § 363(b)~~ that is encumbered by a lien, claim, or interest in a Chapter ~~11 case shall attach~~ 7, 12, or 13 proceeding must include the following: (all of the information required in Local Bankruptcy Rule 6004-1)  
~~—— A copy of the proposed purchase agreement, or a form of such agreement substantially similar to the one the trustee reasonably believes it will execute in connection with the proposed sale;~~

~~(2) —— A copy of a proposed form of sale order;~~

~~(3) —— A request, if necessary, for the appointment of (a consumer privacy ombudsman under 11 U.S.C. § 332;)(i) and~~

~~(4) —— Provisions to be Highlighted. If the Sale Motion is longer than ten (10) pages, in the first five (5) pages of the motion, the Sale Motion must highlight material terms, a description of all liens, claims, or other interests in or against the property (including but not limited to (a) whether the proposed form of sale order the nature of the lien, claim, or interest and/or the underlying purchase agreement constitutes a sale or contains any provision of the type set forth~~

~~below, (b) the location of any such provision in the proposed form of order or purchase agreement, and (c) the justification for the inclusion of such provision:~~ the balance owed to the holder thereof).

(b) Chapter 13 Case. In a Chapter 13 case, the debtor must file and serve a notice with the motion that includes the following in the title: “AND SETTING DEADLINE TO FILE, AMEND, OR WITHDRAW PROOFS OF CLAIM.” The notice must set forth the deadline for a lienholder to file, amend, or withdraw any proof of claim, which deadline must be at least twenty-one (21) days after the sale’s closing date.

**RULE 6004-3 SALE OF ENCUMBERED ESTATE PROPERTY – CHAPTER 11 ONLY**

A motion to sell property of the estate that is encumbered by a lien, claim, or interest in a Chapter 11 proceeding must include all of the information required in Local Bankruptcy Rule 6004-1(a)-(i) and a description of all liens, claims, or other interests in or against the property (including the nature of the lien, claim, or interest and the balance owed to the holder thereof). In addition, if the motion is longer than ten (10) pages the motion must highlight the following material terms in a separate section titled “Provisions to be Highlighted”:

(a) Sale to Insider. -If the proposed sale is to an insider, as defined in 11 U.S.C. § 101(31), the ~~Sale Motion~~motion must (a1) identify the insider, (b2) describe the ~~insider's~~insider’s relationship to the debtor, and (e3) set forth any measures taken to ensure the fairness of the sale process and the proposed transaction.

(Bb) Agreements with Management. - If a proposed buyer has discussed or entered into any agreements with management or key employees regarding compensation or future employment, the ~~Sale Motion~~motion must disclose (a1) the material terms of any such agreements,

and (b2) what measures have been taken to ensure the fairness of the sale and the proposed transaction in ~~the~~ light of any such agreements.

(Cc) Releases. -The ~~Sale-Motion~~motion must highlight any provisions pursuant to which an entity is being released or claims against any entity are being waived or otherwise satisfied.

(Dd) Private Sale/No Competitive Bidding. -The ~~Sale-Motion~~motion must disclose whether an auction is contemplated; and highlight any provision in which the trustee has agreed not to solicit competing offers for the property subject to the ~~Sale-Motion~~motion or to otherwise limit shopping of the property.

(Ee) Closing and Other Deadlines. -The ~~Sale-Motion~~motion must highlight any deadlines for the closing of the proposed sale or deadlines that are conditions to closing the proposed transaction.

(Ff) Good Faith Deposit. -The ~~Sale-Motion~~motion must highlight whether the proposed purchaser has submitted or will be required to submit a good faith deposit and, if so, the conditions under which such deposit may be forfeited.

(Gg) Interim Arrangements with Proposed Buyer. -The ~~Sale-Motion~~motion must highlight any provision pursuant to which a trustee is entering into any interim agreements or arrangements with the proposed purchaser, such as interim management arrangements (which, if out of the ordinary course, also must be subject to notice and hearing under 11 U.S.C. § 363(b)) and the terms of such agreements.

(Hh) Use of Proceeds. -The ~~Sale-Motion~~motion must highlight any provision pursuant to which a trustee proposes to release sale proceeds on or after the closing without further Court order; or to provide for a definitive allocation of sale proceeds between or among various sellers or collateral.

~~(H)~~(i) Record Retention. -If the trustee proposes to sell substantially all of the debtor's assets, the ~~Sale Motion~~motion must highlight whether the trustee will retain, or have reasonable access to, ~~its~~the debtor's books and records to enable ~~it~~the trustee to administer ~~its~~the bankruptcy case.

(J) Sale of Avoidance Actions. -The ~~Sale Motion~~motion must highlight any provision pursuant to which the trustee seeks to sell or otherwise limit the rights to pursue avoidance claims under Chapter 5 of the Bankruptcy Code.

(K) Requested Findings as to Successor Liability. -The ~~Sale Motion should~~motion must highlight any provision limiting the proposed ~~purchaser's~~purchaser's successor liability.

(L) Sale Free and Clear of Unexpired Leases. -The ~~Sale Motion~~motion must highlight any provision by which the trustee seeks to sell property free and clear of a possessory leasehold interest, license, or other right.

~~(M)~~(m) Credit Bid. -The ~~Sale Motion~~motion must highlight any provision by which the trustee seeks to allow, disallow, or affect in any manner, credit bidding pursuant to 11 U.S.C. § 363(k).

~~(N)~~(n) Relief from Bankruptcy Rule 6004(h). -The ~~Sale Motion~~motion must highlight any provision whereby the trustee seeks relief from the fourteen- ~~(14)~~ day stay imposed by Bankruptcy Rule 6004(h).

#### **RULE 6004-4 APPROVAL OF SALE PROCEDURES – CHAPTER 11 ONLY**

(a) Sale Procedures Motions ~~in Chapter 11 cases~~. In a Chapter 11 case, a debtor in possession or a trustee may file a ~~“Sales Procedures Motion”~~motion seeking approval of sale, bid, and/or auction procedures in anticipation of or in conjunction with a ~~Sale Motion seeking~~sale



motion. A request for approval of an order (a "Sale Procedures Order") approving bidding and auction sale procedures either as part of the Sale Motion or by a must be brought in a motion separate motion filed in anticipation of an auction and a proposed sale from the sale motion.

(4b) Provisions to Highlight. —The ~~Sale Procedures Motion should~~ sale procedures motion must highlight the following ~~provisions in any Sale Procedures Order:~~

~~(A) — a separate section titled “Provisions to be Highlighted”:~~

(1) Provisions Governing Qualification of Bidders. —Any provision governing an entity becoming a qualified bidder, including ~~but not limited to, an entity's~~ an entity's obligation to:

(iA) Deliver financial information by a stated deadline to the trustee and other key parties (ordinarily excluding other bidders);

(iiB) Demonstrate its financial wherewithal to consummate a sale;

(iiiC) Maintain the confidentiality of information obtained from the trustee or other parties or execute a non-disclosure agreement; and

(ivD) Make a non-binding expression of interest or execute a binding agreement;

(B2) Provisions Governing Qualified Bids. —Any provision governing a bid being a qualified bid, including, ~~but not limited to:~~

(i) ~~— A~~ A Any deadlines for submitting a bid and the ability of a bidder to modify a bid not deemed a qualified bid;

(ii) ~~B~~ B Any requirements regarding the form of a bid, including whether a qualified bid must be (a) marked against the form of a ~~“stalking horse”~~ “stalking horse” agreement or a template of the ~~debtor's~~ debtor's preferred sale terms, showing amendments and

other modifications (including price and other terms), (b) for all of the same assets or may be for less than all of the assets proposed to be acquired by an initial or "stalking horse" bidder, or (c) ~~remain~~ open for a specified period of time.;

(~~iii~~C) Any requirement that a bid include a good faith deposit, the amount of that deposit and under what conditions the good faith deposit is not refundable; and

(~~iv~~D) Any other conditions the debtor in possession or the trustee requires for a bid to be considered a qualified bid or to permit a qualified bidder to bid at an auction.;

(~~E~~3) Provisions Providing Bid Protections to "Stalking Horse" or Initial Bidder. -Any provisions providing an initial or "stalking horse" bidder a form of bid protection, including, ~~but not limited to the following~~:

(~~i~~) ~~No Shop or No Solicitation Provisions.~~ (A) Any limitations on a trustee's ability or right to solicit higher or otherwise better bids. (i.e., any "no shop" or "no solicitation" provisions);

(~~ii~~) ~~Break-Up/Topping Fees and Expense Reimbursement.~~ (B) Any agreement to provide or seek an order authorizing break-up or topping fees and/or expense reimbursement, and the terms and conditions under which any such fees or expense reimbursement would be paid.;

(~~iii~~) ~~Bidding Increments.~~ (C) Any requirement regarding the amount of the initial overbid and any successive bidding increments.;

(~~iv~~) ~~Treatment of Breakup; and Topping Fees and Expense Reimbursement at Auction.~~

(D) Any requirement that the “stalking horse” bidder receive a “credit” equal to the breakup or topping fee and/or expense reimbursement when bidding at the auction and in such case whether the “stalking horse” is deemed to have waived any such fee and expense upon submitting a higher or otherwise better bid than its initial bid at the auction;

(D4) Modification of Bidding and Auction Procedures. –Any provision that would authorize a debtor in possession or a trustee, without further order of the Court, to modify any procedures regarding bidding or conducting an auction; and

(E5) Closing with Alternative Backup Bidders. –Any provision that would authorize the debtor in possession or the trustee to accept and close on alternative qualified bids received at an auction in the event that the bidder selected as the “successful bidder” at the conclusion of the auction fails to close the transaction within a specified period.

~~(2) — Provisions Governing the Auction.~~ (c) Proposed Order. Unless otherwise ordered by the ~~court,~~ Court, the sale procedures order must:

(1) Describe the ~~Sale Procedures Order shall:~~ sale procedures in detail or attach a description of the sale procedures;

(A2) Specify the date, time, and place at which the auction will be conducted and the method for providing notice to parties of any changes thereto;

(B3) Provide that each bidder participating at the auction will be required to confirm that it has not engaged in any collusion with respect to the bidding or the sale;

(C4) State that the auction will be conducted openly and all creditors will be permitted to attend; and

~~(D) Provide that~~(5) State whether the bidding at the auction will be transcribed or videotaped.

**RULE** ~~(d) Request to Shorten Time and/or for Expedited Hearing. A request to shorten time and/or for expedited hearing is governed by LBR 9013-7.~~

~~(e) Sale Without Objection. If no timely written objection is filed, the sale shall be deemed authorized upon expiration of~~6004-5 **REPORT OF**

**SALE**

~~Unless the notice period. This paragraph does not apply to sales free and clear of liens or of interests of persons other than~~Court orders otherwise, the ~~debtor~~.

~~(f) Clerk's Certificate. Upon payment~~seller of property of the ~~appropriate fee~~, the Clerk will furnish a certificate that no objection has been filed to a notice of sale.

~~(g) In any Chapter 13 case in which the deadline to file claims has expired, the title of the notice~~estate must include the following words:

**AND SETTING DEADLINE TO AMEND FILED PROOFS OF CLAIMS**

~~(h) In a Chapter 13 case in which the deadline to file proofs of claims has expired, the notice must include the following words:~~

~~In accordance with Local~~file a report of sale under Federal Bankruptcy Rule 6004-1~~(f)~~, any amendment to a previously filed claim must be filed no later than twenty-one ~~(21)~~(f) within seven (7) days after the date of filing of this notice. Such amendments include amending a claim previously filed as a secured claim, to reflect an unsecured claim resulting from the effect of 11 U.S.C. § 506(a) and/or liquidation of the collateralconsummation of the sale.

## **RULE 6006-1            EXECUTORY CONTRACTS ~~-AND~~ UNEXPIRED LEASES**

(a)    Notice Required.- Parties seeking the assumption, rejection, or assignment of an executory contract or unexpired lease must give notice of the proposed action to: (1) the other party to the executory contract or unexpired lease; (2) any official committee; ~~or,~~ in the absence of a committee, to the holders of the ~~ten~~ (10) twenty (20) largest unsecured claims taken from the debtor's list filed pursuant to Federal Bankruptcy Rule 1007(d) or Schedule F; (3) any trustee appointed in the case; (4) the United States Trustee; and (5) all parties requesting notice. The notice must state that the Court may rule upon the motion without a hearing if there is no timely written request for a hearing or opposition to the relief requested.

~~filed pursuant to Federal Bankruptcy Rule 1007(d) or Schedule F; (3) the trustee; (4) the United States Trustee; and (5) all parties requesting notice. The notice must state that the court may rule upon the request without a hearing if there is no timely request for a hearing.~~

(b)    Motion to Reject a Collective Bargaining Agreement.- A party moving to reject a collective bargaining agreement must file the following with the motion:

- (1)    an affidavit demonstrating compliance with 11 U.S.C. § 1113(b); and
- (2)    a certificate of service that the moving party has served the motion and affidavit on the authorized representative of the employees covered by the collective bargaining agreement.

## **RULE 6007-1            ABANDONMENT OR DISPOSITION OF PROPERTY**

(a)    Notice Generally. Unless the ~~court~~ Court orders otherwise, the notice of a proposed abandonment or disposition of property pursuant to Federal Bankruptcy Rule 6007(a) ~~shall~~ must

describe the property to be abandoned or disposed of; and state concisely the reason for the proposed abandonment or disposition.

~~(b)~~ (b) Notice for Certain Residential Real Property Leases. If the trustee files a notice of abandonment of a residential real property lease, other than a proprietary lease for a cooperative residence, the notice need only be served on the debtor and the landlord.

#### **~~RULE 6070-1~~ TAX REFUNDS**

~~——— Notice to Trustee and Court. It is the duty of the debtor, within seven (7) days of receipt of a tax refund or notice of tax assessment or deficiency, to file with the court, and in Chapter 7 cases to send to the trustee, a copy of the refund check and transmittal letter and a copy of any tax assessment, deficiency notice, or other relevant documents.~~

## **PART VII**

### **RULE 7001-1 TRUSTEE'S FILING FEES**

Payment of the filing fee for an adversary proceeding filed by a trustee may be deferred pending acquisition of sufficient funds by the trustee to pay such fees in full or pro rata with other expenses of administration.

### **RULE 7003-1 ADVERSARY COVER SHEET**

A party who is not represented by an ~~authorized filing user of the electronic case filing system~~attorney must file a completed adversary proceeding cover sheet when filing an adversary proceeding.

### **RULE 7003-2 DISCLOSURE OF CORPORATE AFFILIATES**

Each non-governmental corporate party to an adversary proceeding or contested matter ~~shall~~must file a statement identifying all its parent corporations and listing every publicly held company that owns 10% or more of the party's stock. -The statement ~~shall~~must provide an address for each entity listed. -A party ~~shall~~must file the statement with its initial pleading filed in the ~~court~~Court and ~~shall~~must supplement the statement within a reasonable time of any change in the information.

### **RULE 7004-1 SERVICE OF COMPLAINT AND SUMMONS**

Unless service is waived, proof of service on all defendants must be filed promptly and in any event within the time during which the person served must respond to the process.

## **RULE 7005-1            ELECTRONIC SERVICE**

Pursuant to Federal Bankruptcy Rules 5005(a)(2) and 7005, service pursuant to the [Court's](#) Electronic Case Filing Procedures (~~Administrative Order 03-02~~) ~~also~~ [Appendix H](#)) constitutes valid service.

## ~~**RULE 7005-2            CERTIFICATE OF SERVICE**~~

~~—— (a) —— Any required certificate of service for a pleading, motion, notice, objection or other paper must be in compliance with Federal Rule of Civil Procedure 5 and applicable provisions of the Federal Bankruptcy Rules.~~

~~—— (b) —— The certificate shall be placed at the end of the item served and endorsed by an attorney of record, the attorney's authorized agent, or by a party if not represented by an attorney.~~

~~—— (c) —— The certificate must state the date of service and, for each recipient who is not being served through CM/ECF, the names and addresses of the persons served and the method of service must be included.~~

~~—— (d) —— Noticing agents authorized by the court shall make service in accordance with this rule, except as otherwise provided in the order authorizing the employment of the noticing agent.~~

~~—— (e) —— Local Rule 9013-4 governs certificates of service in motions under Federal Bankruptcy Rule 9013 and contested matters under Federal Bankruptcy Rule 9014.~~

## **RULE 7007-1            MOTIONS ~~TO EXPEDITE~~ FOR EXPEDITED TURNOVER OF MOTOR VEHICLES**

(a) Request for Expedited Relief. After the filing of a complaint to commence an adversary proceeding to recover a motor vehicle under 11 U.S.C. § 542, the plaintiff may file a



motion for expedited turnover of the motor vehicle, provided that the following conditions are satisfied:

- (1) The motion specifically identifies the motor vehicle, the legal authority supporting the requested turnover, and the justification for the requested expedited relief (including any adequate protection offered to the defendant by the plaintiff);
- (2) The plaintiff files an affidavit (or an unsworn declaration in accordance with 28 U.S.C. § 1746) supporting the requested turnover of the motor vehicle; and
- (3) The plaintiff files a certificate with the motion stating that the plaintiff conferred with the defendant and made a good faith effort to resolve the requested relief consensually prior to the filing of the motion.

(b) Service of Motion and Notice of Hearing.

(1) The ~~Clerk will maintain a list of dates available for hearings on motions for expedited turnover of motor vehicles for each judge of the court. The list will be posted on the court's website. The plaintiff~~movant must select a hearing date for this type of motion from the ~~list for the judge to whom the case is assigned that is~~ Court Hearing Scheduler Program, and such date must be more than seven (7) days after the date of service. The notice of the motion must state the hearing date and time.

(e) (2) The ~~plaintiff~~movant must ~~file and~~ serve a ~~Notice~~copy of ~~Motion for Expedited Turnover~~the motion under this Rule on the ~~defendant that provides notice of the relief requested,~~respondent and any non-debtor co-owner in the manner required by Federal Bankruptcy Rules 9014, 7004, and 3007. Additional requirements for the notice, the certificate of service, and the proposed order are governed by Local Bankruptcy Rules 2002-1(a), 9013-4, and 9013-3, respectively.

(c) Response to Motion. The Court Hearing Scheduler Program will compute the date that an objection is due, and such objection deadline, and must be included in the hearing date notice. If no timely response is filed, the Court may rule on the motion without further notice or a hearing as set forth in Local Bankruptcy Rule 9013-1(d).

**RULE 7012-1. FINAL ORDERS AND JUDGMENTS**

~~—(a) Prior to trial, any party may move for a ruling as to whether the bankruptcy court may enter final orders or judgments in an adversary proceeding. The court will ordinarily allow adverse parties fourteen (14) days from service of the motion to file responses. Such a motion does not postpone any time periods unless ordered by the court.~~

~~—(b) In addition to the provisions of~~  
As required by Federal Bankruptcy Rules 7008 and 7012(b), all parties in ~~an~~ adversary ~~proceeding shall~~proceedings must include in their initial filing a statement as to whether the party consents to entry of final orders ~~or judgments by the Bankruptcy Judge.~~and/or judgments by the bankruptcy judge. If a party fails to include the required statement in their initial filing or by some other deadline as set by the Court, such party is deemed to have consented to entry of final orders or judgments by the bankruptcy judge.

**RULE 7012-2****EXTENSION OF TIME TO PLEAD OR FILE MOTION**

The deadline to plead or ~~move-in-response~~respond to a pleading (as the term pleading is defined by Federal Bankruptcy Rule 7007) in an adversary proceeding may be extended for a period of up to thirty (30) days by stipulation of the parties docketed with the ~~court~~Court or, for a longer period of time, by order of the ~~court~~Court. Any deadline extended pursuant to this ~~section~~shallRule does not affect any other deadlines set forth in any scheduling order entered by the ~~court~~Court.

**RULE 7012-3****MOTION TO DISMISS AN ADVERSARY PROCEEDING AGAINST A PARTY ~~WITHOUT COUNSEL~~NOT REPRESENTED BY AN ATTORNEY**

Any motion seeking dismissal of an adversary proceeding in which the non-moving party is ~~without counsel shall contain a~~not represented by an attorney must attach as a cover sheet to such motion a separate notice in substantially the following form:

**NOTICE**

**Your rights may be affected.- You should read these papers carefully and may wish to discuss them with an attorney.**

A motion to dismiss is a request that one or more claims in a case be decided without holding a trial. ~~Motions~~A motion to dismiss ~~are~~is governed by Rule 12 of the Federal Rules of Civil Procedure. Your complaint, or the portions of your complaint that the motion seeks to dismiss, may be dismissed if the ~~court~~Court finds that the complaint does not contain sufficient factual allegations to grant the relief you have requested.

If you want to oppose the motion to dismiss, you must file with the ~~court~~Court and serve on the other party a written response opposing the motion to dismiss and stating the reasons for your opposition. -Your opposition must be filed and served within fourteen (14) days after the service date of the motion, plus three (3) additional days if the motion was served on you by mail, unless otherwise ordered by the ~~presiding judge~~Court. If you file a written response, the Court may hold a

hearing ~~may be held~~ at a location and time set forth in a notice from the Clerk of Court.

If you fail to file a timely written response to the motion, the ~~court may assume you do not oppose the motion and~~ Court may grant the motion, in whole or in part, without holding a hearing. This will result in the termination of the proceeding, or some part of the proceeding, in favor of the moving party.

#### **RULE 7015-1      AMENDED ~~AND SUPPLEMENTAL PLEADINGS~~ COMPLAINT**

Unless otherwise ordered by the ~~court~~ Court, the party filing an amended ~~pleading~~ shall complaint must file and serve ~~(1: (a)~~ a clean copy of the amended ~~pleading~~ complaint; and ~~(2b)~~ a copy of the amended ~~pleading~~ complaint in which stricken material has been lined through or enclosed in brackets and new material has been underlined or set forth in bold face type.

#### **RULE 7016-1      PRETRIAL PROCEDURES**

(a)    General. -The ~~court~~ Court may, in any adversary proceeding ~~or contested matter~~, direct the attorney for a party or a party ~~appearing without counsel~~ not represented by an attorney to appear before it for a preliminary scheduling or pretrial conference pursuant to Federal Bankruptcy Rule 7016.

(b)    Pretrial Statement. Where required by ~~court~~ Court order, each party ~~will~~ must file a pretrial memorandum, with copies sent to all other attorneys of record or parties ~~proceeding without counsel.~~ not represented by an attorney. Each party must state the following in its pretrial memorandum:

- (1)    a brief statement of facts that the party proposes to prove in support of a claim or defense, together with a statement of legal theories and citations of authorities;
- (2)    any required pleading amendments;

(3) any pleaded, but abandoned, issue;

(4) stipulations of fact;

(5) the details of the damage claimed or any other relief sought;

(6) a list of the documents and records to be offered in evidence by the party at the trial other than those expected to be used solely for impeachment, ~~indicating~~identifying which documents the party expects to introduce in evidence by stipulation and/or without the ~~usual~~-authentication required by the Federal Rules of Evidence;

(7) a list of the names and specialties of experts that the party proposes to call as witnesses; and

(8) a statement of any matter that must be resolved before trial.

(c) Required Pre-Filing of Exhibits. Unless otherwise ordered by the Court, each party must pre-file all exhibits which that party intends to introduce into evidence during any adversary proceeding, except for exhibits to be offered solely for rebuttal or impeachment.

~~(1) — Adversary Proceedings and Chapter 11 Lift Stays. In all adversary proceedings and in motions seeking relief from stay in Chapter 11 cases, each party must pre-file all exhibits which that party intends to introduce into evidence, except for exhibits to be offered solely for rebuttal. Each party must include in the pre-filed exhibits any report by an expert whom the party may call as a witness or, if no report has been prepared, an affidavit by such expert as to the expert's direct testimony. The exhibits must be filed and received by the opposing parties within the time limits set in the scheduling order. In adversary proceedings, if opposing parties do not file written objections to pre-filed exhibits by the time specified in the scheduling order, the exhibits will be admitted into evidence.~~

~~(2) — Method of Pre-Filing of Exhibits. All pre-filed exhibits must be filed within the time limits set in the scheduling order by submission of an original and two (2) copies. Each set of exhibits must be bound or affixed together and must have at the beginning an exhibit list identifying each exhibit by number. Each exhibit must be tabbed by exhibit number. An additional copy must be furnished to each other party in the matter.~~

~~(3) — Size. To the extent possible, all exhibits must be reduced to 8½ by 11 inches.~~

~~(4) — Failure to Pre-file Exhibits. Exhibits that are not pre-filed as required by this Rule may be excluded from evidence.~~

~~(d) — Proof of Amount of Claim or Debt.~~

~~(1) — Required Verified Statement. In all adversary proceedings and all contested matters, a party seeking to prove the amount of a liquidated debt must offer as an exhibit an affidavit setting forth the amount of the alleged claim or debt, itemized by component, unless the information is contained in a previously filed pleading in the matter and verified pursuant to 28 U.S.C. § 1746. The declarant must be present in the courtroom for cross-examination, or an objection made pursuant to Federal Rule of Evidence 802 may be sustained.~~

~~(2) — Pre filing Requirement. In adversary proceedings and Chapter 11 motions for relief from stay, the required affidavit or verified pleading must be pre-filed as an exhibit, in accordance with subsection (d)(1) of this Rule.~~

## **RULE 7026-1                      DISCOVERY - GENERAL**

(a)     Discovery Request Limits. -A party may not serve on any other party in ~~a-contested matter or~~ an adversary proceeding more than thirty (30) interrogatories ~~and,~~ thirty (30) requests for production, and thirty (30) requests for admission, including all parts and sub-parts.

(b)     Timely Written Discovery Requests Required. - All discovery requests must be made at a sufficiently early date to assure that the time for response expires and discovery disputes are resolved before any discovery deadlines set by the ~~court.~~ Court. The party serving discovery requests ~~shall~~must promptly provide the requests in electronic form that may be edited when requested by the opposing party.

(c)     Discovery to Proceed Despite Existence of Disputes. -Unless otherwise ordered by the ~~court~~Court, a discovery dispute as to one matter does not justify delay in taking or responding to any other discovery.

(d)     Discovery Stayed Pending Resolution of Federal Bankruptcy Rule 7012(b) Motion. The filing of a motion pursuant to Federal Bankruptcy Rule 7012(b) stays discovery unless ~~the movant presents~~discovery relates to matters outside the ~~pleadings~~scope of the motion.

(e)     Format of Responses. - Responses to discovery must restate each request followed by the response or a brief statement of the grounds for objection.

(f)     Conference of ~~Counsel~~Attorneys Required. -~~Counsel~~Attorneys must confer in person, telephonically, or by videoconference concerning a discovery dispute and make good faith attempts to resolve their differences. -The ~~court~~Court will not resolve a discovery dispute unless the moving party has filed a certificate stating:

- (1)     the date, time, and place of the discovery conference, the names of all persons participating, and any unresolved issues remaining; or

(2) the moving party's attempts to hold such a conference without success.

(g) ~~Smoking During Depositions Prohibited. Unless all persons present agree, no one may smoke in a room where a deposition is being taken.~~

~~(h)~~ Deposition of an Expert. -The party taking the deposition of an expert ~~shall~~must pay a reasonable fee for the time spent by the expert in deposition and traveling to and from the deposition. -The party designating the expert will pay any fee charged by the expert for time spent in preparing for the deposition.

~~(i)~~ ~~Copying~~ Production Expenses.— A party in interest requesting copies of documents that were produced for inspection must pay the actual, reasonable costs of copying, scanning, and/or delivering the documents.

~~(j)~~ Discovery Guidelines. The Discovery Guidelines adopted by the ~~court~~Court and set forth in Appendix C govern the conduct of discovery.

## **RULE 7026-2 FILING OF DISCOVERY MATERIAL**

-In adversary proceedings ~~and contested matters~~, a party may not file with the ~~court~~Court either written discovery requests, responses to discovery, or ~~depositions~~deposition transcripts (other than as exhibits to motions) unless otherwise ordered by the ~~court~~Court. A party propounding written discovery or taking a deposition or providing a discovery response must file a notice stating: (a) the type of discovery or response served; (b) the date and type of service; and (c) each person served. -Parties must retain the original copies of the discovery materials and make them available for inspection by any other party.



#### **RULE 7054-1 ALLOWANCE OF COSTS**

No costs ~~will~~may be allowed in adversary proceedings in excess of filing fees unless the entitled party files a ~~Bill~~bill of ~~Costs~~costs within twenty-one (21) days after the entry of the judgment or order.

#### **RULE 7054-2 ATTORNEYS' FEES**

Unless a longer period is fixed by statute or by the ~~court~~Court, motions by a prevailing party for an award of attorney's fees must be filed within twenty-one (21) days after the entry of judgment or order.

#### **RULE 7055-1 DEFAULT - FAILURE TO PROSECUTE**

~~—— (a) — Clerk's Notice. —~~ If, upon the expiration of ~~six (6) months~~ninety days (90) after the filing of the last pleading, it appears to the Clerk that no significant activity has since occurred on the docket in an adversary proceeding ~~or contested matter~~ in which there is no scheduled hearing or trial and there are no pending deadlines for discovery or dispositive motions, the Clerk ~~will~~may send written notice to all parties to the adversary proceeding ~~or contested matter~~ that the proceeding or matter will be denied or dismissed without prejudice unless, within thirty (30) days after the date of the notice, the plaintiff or movant presents good and sufficient cause in writing why the dismissal or denial should not be ordered. If there is no adequate response to the Clerk's notice by the deadline set forth therein, the Court may enter an order of dismissal or denial.

~~—— (b) — Court Action. If there is no response to the Clerk's notice, an order of dismissal or denial may be entered.~~

**RULE 7055-2**

**REQUEST OR MOTION FOR DEFAULT JUDGMENT AGAINST A PARTY ~~WITHOUT COUNSEL~~ NOT REPRESENTED BY AN ATTORNEY**

Any request or motion seeking a default judgment in an adversary proceeding pursuant to Federal Bankruptcy Rule 7055(b) in which the non-moving party is ~~without counsel shall contain~~ not represented by an attorney must include as a notice ~~cover sheet~~ a separate notice to the non-moving party in substantially the following form:

**NOTICE**

**Your rights may be affected. - You should read these papers carefully and may wish to discuss them with an attorney.**

A motion for default judgment is a request for judgment on one or more of the claims contained in the complaint filed in this case. ~~Motions~~ A motion for default judgment ~~are~~ is governed by Rule 55 of the Federal Rules of Civil Procedure. Because you have failed to file an answer or other pleading in this case, the Court may enter judgment against you without trial.

If you want to oppose the motion for default judgment, you must file with the ~~court~~ Court and serve on the other party a written response opposing the motion and stating the reasons for your opposition. ~~Your~~ Your opposition must be filed and served within fourteen (14) days after the service date of the motion, plus three (3) additional days if the motion was served on you by mail, unless otherwise ordered by the ~~presiding judge.~~ Court. If you file a written response, the Court may hold a hearing ~~may be held~~ at a location and time set forth in a notice from the Clerk of Court.

**If you fail to file a timely written response to the motion, the ~~court may assume you do not oppose the motion and~~ Court may grant the motion, in whole or in part, with or without holding a hearing.** This will result in the termination of the proceeding, or some part of the proceeding, in favor of the moving party, and the entry of a judgment against you.

**RULE 7056-1**

**MOTION FOR SUMMARY JUDGMENT AGAINST A PARTY  
~~WITHOUT COUNSEL~~ NOT REPRESENTED BY AN ATTORNEY**

A motion seeking summary judgment in which the non-moving party is ~~without counsel~~  
~~shall include a~~ not represented by an attorney must attach to such motion as a cover sheet a separate  
notice in substantially the following form:

**NOTICE**

**Your rights may be affected. - You should read these papers carefully and  
may wish to discuss them with an attorney.**

A motion for summary judgment is a request that one or more issues in a case be  
decided without holding a trial. ~~Motions~~ A motion for summary judgment ~~are~~ is  
governed by Rule 56 of the Federal Rules of Civil Procedure. ~~Summary judgment~~  
may be granted if the ~~court~~ Court determines that (a) the material facts are not  
genuinely disputed and (b) based on those facts, the party asking for summary  
judgment is entitled to judgment as a matter of law.

If you want to oppose the motion for summary judgment, you must file with the  
~~court~~ Court and serve on the other party a written response opposing the motion and  
stating the reasons for your opposition. Your opposition must be filed and served  
within fourteen (14) days after the service date of the motion, plus three (3)  
additional days if the motion was served on you by mail, unless otherwise ordered  
by the ~~presiding judge.~~ Court. If you file a written response, the Court may hold a  
hearing at a location and time set forth in a notice from the Clerk of Court.

If you disagree with any of the facts stated by the other party, you must include  
with your response sworn statements from yourself or other knowledgeable  
witnesses supporting your version of the facts. ~~A sworn statement may take the~~  
~~form either of an affidavit or a declaration signed under penalty of perjury. -Any~~  
~~documents you want the~~ court Court to consider should be identified in, and attached  
to, the sworn statements. ~~- If you are unable to obtain sworn statements supporting~~  
~~your position, you must file a sworn statement stating why you are unable to obtain~~  
~~such statements at this time.~~

**If you fail to file a timely written response to the motion, the ~~court may assume~~  
~~you do not oppose the motion and~~ Court may grant the motion, in whole or in  
part, with or without holding a hearing. ~~-This~~ will may result in the termination  
of the matter, or ~~a portion~~ some part of the ~~matter~~ proceeding, in favor of the moving  
party ~~-, and the entry of a judgment against you.~~**

## **PART VIII**

### **RULE 8001-1      APPEALS**

See Appendix B.

## PART IX

### **RULE 9001-1            DEFINITIONS AND RULES**

~~Definitions in Federal Bankruptcy Rules.~~ Unless otherwise ordered by the ~~court~~Court, the definitions of words and phrases in Federal Bankruptcy Rule 9001 and the definitions adopted by reference therein apply in these Local Bankruptcy Rules and orders entered by the ~~court~~Court. In addition, the following words and phrases used in these ~~rules~~Rules have the meanings ~~indicated~~stated:

(a) ~~(a)~~ “Bankruptcy Code” means Title 11 of the United States Code.

~~(b) “District Court” means the United States District Court for the District of Maryland.~~

(b) ~~(e)~~ “CM/ECF” ~~and “ECF” mean~~means the Case Management/Electronic Case Filing system for the Court.

(c) “Court” means the United States Bankruptcy Court for the District of Maryland.

(d) ~~(d)~~ “Court Hearing Scheduler Program” means the program maintained by the Clerk that identifies dates for hearings and calculates related objection deadlines and that is available on the Court’s website and CM/ECF filing screen.

(e) “Days” means calendar days unless otherwise stated herein or otherwise provided in the Federal Bankruptcy Rules.

(f) “District Court” means the United States District Court for the District of Maryland.

(g) “Federal Bankruptcy Rules” means the Federal Rules of Bankruptcy Procedure.

(h) ~~— (e) “File” — where the word “file” appears in these Local Bankruptcy Rules, such filing is~~ means to submit a pleading or other document electronically via

CM/ECF or with the appropriate divisional office of the Clerk of the ~~United States Bankruptcy Court for the District of Maryland~~Court.

(i) ~~(f)~~ “Including” means including without limitation.

(j) “Must” means “a duty to” and is mandatory in nature.

(k) “Party in Interest” means a party having an interest in the bankruptcy case, including the debtor, the trustee, a creditors’ committee, an equity security holders’ committee, a creditor, an equity security holder, an indenture trustee, a party to a contract or lease with the debtor, a co-debtor, and a co-owner of property of the estate.

(l) “Subchapter V” means subchapter V ~~to~~of Chapter 11 of the Bankruptcy Code, 11 U.S.C. §§ 1181, *et seq.*

**RULE 9004-1 PAPERS - REQUIREMENTS OF FORM; ~~ORDERS~~ FOR PARTIES REPRESENTED BY AN ATTORNEY**

~~(a) General.~~

All petitions, pleadings, schedules, and other documents ~~filed in paper form shall be 8½ by 11 inches in size, legibly typewritten, printed or reproduced. The papers shall be of standard weight and, (except for proposed orders, shall have an upper~~original copies of pre-existing exhibits and attachments) filed with the Court by an attorney must be legible, have at least a one (1) inch margin on each side, use 12 point or larger font for text and 10 point or larger font for footnotes, and comply with the Court’s Electronic Case Filing Procedures (Appendix H).

**RULE ~~of not less than one half inch. No such document may be two-hole punched, stapled or similarly fastened so as to cause punctures in the paper.~~ Original pleadings must be retained pursuant to 9006-1** TIME FOR SERVICE AND FILING OF MOTIONS AND RESPONSIVE PAPERS

(a) In General. Except as otherwise ordered by the Court or required by the Federal Bankruptcy Rules or Local Bankruptcy Rule 9011-3. Only copies should be submitted for filing with the court. Rules, all motions must be served at least twenty-one (21) days before the hearing date. The movant may establish any response deadline that is no earlier than fourteen (14) days after the date of service and no later than seven (7) days before the hearing date. Any response deadline may be extended by agreement of the parties.

~~—~~(b) ~~Proposed Orders. The first page~~ Chapter 13 Motions to Dismiss. A motion to dismiss a Chapter 13 case must be accompanied by a notice stating that any responsive pleading and memorandum in opposition must be filed within twenty-one (21) days after the date of all orders shall have an upper margin service of not less than the motion.

(c) Service via CM/ECF and Mail. When a party is served via CM/ECF, Federal Bankruptcy Rule 9006(f) (providing an additional three (3) inches. The last line in the order must be, “End of Order”, centered days to respond) does not apply to that party.

**RULE 9006-2 BRIDGE ORDERS NOT REQUIRED IN CERTAIN CIRCUMSTANCES**

Unless otherwise provided in the middle of the line. The signature line Bankruptcy Code or in the Federal Bankruptcy Rules, if a motion to extend the time to take any action is filed before the expiration of the period prescribed by the Bankruptcy Code, the Federal Bankruptcy Rules, the Local Bankruptcy Rules, or Court order, the time is automatically extended until the Court acts on the motion, without the necessity for the judge shall be omitted entry of a bridge order.

~~——(c)——~~ ~~Font Size.~~ With the exception of Official Forms and other forms downloaded from software or on-line sources, font size on all pleadings, motions, and papers shall be no smaller than 12 point.

## **RULE 9009-1            LOCAL BANKRUPTCY FORMS**

The Local Bankruptcy Forms prescribed in these Rules are ~~set out~~attached in Appendix A. They ~~shall~~must be observed and used with alterations as may be appropriate.

## **RULE 9010-1            SELF-REPRESENTED PARTIES (PARTIES NOT REPRESENTED BY AN ATTORNEY)**

(a)    Who May Appear Self-~~represented.~~ Represented. Only individuals may represent themselves except for parties filing motions seeking to obtain funds deposited in the ~~Registry~~registry of the Court.

(b)    Responsibilities of Parties ~~Appearing Self-represented.~~ Not Represented by an Attorney. Individuals ~~representing themselves~~not represented by an attorney are responsible for performing all duties imposed on ~~counsel~~attorneys by the Bankruptcy Code, the Federal Bankruptcy Rules, these Rules, and applicable federal or state law.

## **RULE 9010-2            CURRENT INFORMATION**

(a)    Duty to Keep Current Information on File. ~~Counsel~~Unless otherwise ordered by the Court, debtors, attorneys, and parties ~~appearing without counsel~~not represented by an attorney must ~~file and maintain a statement of~~ensure that their current mailing address~~and,~~ telephone number~~-, and email address (if any), are on file~~ in every case in which such person appears. ~~-This~~ obligation continues until the case is closed.



(b) Excusable Neglect.- Should any person fail to maintain a current address with the Clerk and as a result, either for lack of response or lack of an appearance, the ~~court~~Court enters an order dismissing any affirmative claim for relief or enters a judgment by default or otherwise against such person or such person's client, the failure to maintain a current address ~~shall~~will not be considered excusable neglect.

**RULE 9010-3          ATTORNEYS - WHO MAY APPEAR AS ~~COUNSEL~~AN  
ATTORNEY FOR A PARTY**

(a) ~~Generally.~~ In General. Except as otherwise provided in this Rule and 28 U.S.C. § 515 or when an attorney is employed as a federal government attorney and is appearing for purposes related to his or her employment, only members of the Bar of the District Court may appear as ~~counsel~~an attorney in a bankruptcy case or adversary proceeding.

(b) Admission Pro Hac Vice.

(1) In accordance with, and subject to the limitations of, the Local Rules of the District Court, the ~~court~~Court may permit an attorney who is an active member in good standing of the Bar of any other United States Court or of the highest court of any state to appear and participate as ~~counsel~~an attorney in a particular bankruptcy case. -Such permission will not constitute formal admission to the Bar of the District Court.- An attorney admitted *pro hac vice* is subject to the disciplinary jurisdiction of the District Court and of this ~~court~~Court.

(2) A party represented by an attorney who has been admitted *pro hac vice* must also be represented by an attorney who is a member of the Bar of the District Court. -Such member of the Bar of the District Court ~~shall~~must be present in the courtroom for all proceedings before the ~~court~~Court, unless excused by the ~~court~~Court.

(3) The application for admission *pro hac vice* ~~shall~~must comply with Local District Court Rule 101.1.b and conform to Local Bankruptcy Form F.

(c) Certain Actions Not Requiring Admission to the Bar of the District Court. ~~-An~~ attorney not admitted to the Bar of the District Court may file (1) a proof of claim for a client; (2) a fee application as principal of a professional group; (3) a motion to retrieve funds from the ~~Registry~~registry of the Court; or (4) a request for all notices.

(d) Appearance for Obtaining Deposition Subpoenas. ~~-It is not necessary for~~ ~~counsel~~an attorney to be admitted to the Bar of the District Court ~~-in order~~ to obtain a subpoena for depositions to be taken in this district for cases pending in other districts. ~~-However, an attorney seeking such~~ a subpoena is subject to the disciplinary jurisdiction of the District Court and of this ~~court~~Court.

#### **RULE 9010-4 WITHDRAWAL OF APPEARANCE OF AN ATTORNEY**

(a) When Clients are Individuals.

(1) An attorney may withdraw an appearance entered on behalf of an individual if another attorney has entered an appearance for and appears as attorney of record for that individual.

(2) Except as provided in subparagraph (1), the appearance of an attorney may be withdrawn only with leave of the ~~court.~~ ~~A motion for leave~~Court. An attorney moving to withdraw must ~~be accompanied by a certificate stating~~certify:

(A) the name and last known address of the client; and

(B) that a written notice has been mailed to or otherwise served upon the client at least seven (7) days previously advising the client of ~~counsel's~~the attorney's proposed withdrawal and notifying the client either to have a new

~~counsel~~attorney enter an appearance or to advise the Clerk that the client will be proceeding without ~~counsel~~an attorney.

(b) When Clients Are Other Than Individuals. -If the client is other than an individual, including ~~corporations, —partnerships~~a corporation, partnership, unincorporated ~~associations~~association, and government ~~entities, —appearances~~entity, appearance of ~~counsel~~an attorney may be withdrawn only with leave of ~~court~~Court and if:

- (1) the appearance of ~~other counsel~~another attorney has been entered; or
- (2) the withdrawing ~~counsel files a certificate stating~~attorney certifies:

(A) the name and last known address of the client; and

(B) that a written notice has been mailed to or otherwise served upon the

client at least seven (7) days previously advising the client of ~~counsel's~~the attorney's proposed withdrawal and notifying the client that it must have a new ~~counsel~~attorney enter an appearance or be subject to dismissal of its case, dismissal of its claims and/or judgment by default on claims against it. -If a new ~~counsel~~attorney has not entered an appearance within twenty-one (21) days after the filing of the motion to withdraw, the ~~court~~Court may dismiss an affirmative claim for relief by, or enter a default against, the ~~unrepresented~~party not represented by an attorney.

## **RULE 9010-5 ATTORNEY FOR DEBTORS - DUTIES**

(a) In General. An attorney who files a petition in bankruptcy on behalf of a debtor, or who subsequently enters an appearance on behalf of a debtor other than as special counsel approved under 11 U.S.C. § 327(e), will be ~~counsel~~the attorney of record in all matters arising during the administration of the case, such as adversary proceedings and motions for relief from stay, except as set forth below.

(b) Individual Cases. In an individual case, representation will continue through discharge and continue as to any matter pending at the time of the discharge. -However, an attorney representing an individual debtor may exclude adversary proceedings and United States Trustee audits provided ~~that—debtor's~~such exclusions are (1) contained in a written ~~acknowledgment~~engagement agreement signed by the debtor, and (2) described in the attorney's disclosure of this limitation is compensation filed ~~with-counsel's~~under Federal Bankruptcy Rule 2016(b)~~-statement.~~).

(c) Limited Appearance. If a debtor is represented by ~~counsel~~an attorney generally in a Chapter 7 or Chapter 13 case, another attorney may enter an appearance limited to specific matters in the case, such as a motion for relief, another contested matter, an adversary proceeding, or an appeal, without entering a general appearance on behalf of the debtor. -Such attorney must file a Federal Bankruptcy Rule 2016(b) statement disclosing the scope of the representation and the fees charged and paid (or to be paid) for such representation and such representation ~~shall~~must be limited solely to the matters described in the Federal Bankruptcy Rule 2016(b) statement.

**RULE 9010-6            CHAPTER 13 DEBTOR'S ~~COUNSEL~~ATTORNEY**

~~Counsel~~The attorney for the debtor in a Chapter 13 case ~~shall~~must abide by all requirements set forth in the Chapter 13 Debtor's ~~Counsel~~Attorney's Responsibilities and Fees in Appendix F.

**RULE 9011-1            SIGNATURES, FEDERAL BAR NUMBER**

~~This Rule augments Federal Bankruptcy Rule 9011.~~—An individual signing pleadings must include the signer's printed name, ~~post office~~mailing and business address, telephone number, and, if available, ~~facsimile and e-mail addresses.~~email address. If the signer is an attorney admitted to practice before the District Court, the attorney ~~shall~~must include his or her federal bar number as listed on the Attorney Admission List.

**RULE 9011-2            SIGNING OF ELECTRONICALLY TRANSMITTED PLEADINGS;  
REPRESENTATIONS TO THE COURT**

(a)    Responsibility for Use of Login and Password. ~~—An attorney or other person~~  
~~who~~whose individual PACER account is ~~assigned a court-issued login and password~~linked to ~~file~~  
~~documents electronically~~the Court's CM/ECF system, as described in the Court's Electronic Filing  
Procedures (Appendix H), is responsible for all documents filed using that PACER login and password.

(b)    Signature and Certification. ~~—The transmission of a petition, pleading, motion,~~ or  
other paper by electronic means ~~shall constitute~~constitutes both a signature by the attorney or other  
person responsible for transmitting it that is required by Federal Bankruptcy Rule 9011(a) and a  
certification within the meaning of Federal Bankruptcy Rule 9011(b). ~~—Such transmission shall~~  
also ~~constitute~~constitutes a representation by the attorney or other person responsible for an

electronic transmission to the ~~court~~Court that he or she is in possession of the original petition, pleading, motion, or other paper, with all original signatures thereon other than those papers signed solely by the filing user and co-counsel.

### **RULE 9011-3            MAINTENANCE AND PRODUCTION OF ORIGINAL DOCUMENTS**

(a)    Maintenance. ~~—~~The attorney or other person responsible for an electronic transmission to the ~~court~~shall Court must maintain the ~~original~~ petition, pleading, motion, or other paper bearing original signatures, other than that of the electronic filer, for three (3) years after the bankruptcy case is closed.

(b)    Production. ~~—~~Upon reasonable request by the ~~court~~Court or ~~an interested~~a party in interest made no later than three (3) years after the bankruptcy case is closed, the attorney or other person responsible for an electronic filing ~~shall~~must produce for inspection and copying the ~~original~~ petition, pleading, motion, or other paper filed by electronic means, with all original signatures thereon.

(c)    Original Signatures. ~~Except for signatures~~An original wet ink signature is required on any petition, schedule ~~or~~, statement, Chapter 13 plan, ~~and or~~ any other document filed under oath or ~~subject to the~~ penalty of perjury. If a document does not require an original wet ink signature, an original signature:

(1)    ~~Of~~of an attorney includes a signature obtained or sent by facsimile, ~~scan~~scanned document, ~~electronic mail~~email authorization, or other electronic means, authorizing the placement of the electronic signature of the authorizing person on the document to be filed; or

(2) ~~Of~~fof a client includes a signature transmitted by facsimile or scanned document authorizing the placement of the electronic signature of the authorized person on the document to be filed.

## **RULE 9013-1            MOTIONS PRACTICE**

~~—— (a) —— Requirement of Written Motion. All motions must be in writing and filed with the court, unless made during a hearing or trial.~~

~~—— (b) —— Procedure for Motions Other Than Motions for Relief from Stay and Motions to Avoid Lien.~~

~~(1) —— All motions must state with particularity the grounds therefor and the relief or order sought. Supplementing Local Bankruptcy Rule 9013-3 as to moving parties, responding parties must file with the court, at the time of filing a response, a proposed order stating the requested disposition.~~

~~(2) —— Parties may file with or append to their motion and memorandum, or to their responsive pleading and opposing memorandum, supporting affidavits or documents establishing the elements of entitlement to the relief sought or any defense.~~

~~(3) —— Except as provided in subparagraph (4), any responsive pleading and memorandum in opposition to a motion must be filed within fourteen (14) days from the date of service of said motion.~~

~~(4) —— A motion to dismiss a Chapter 13 case shall be accompanied by a notice stating that any responsive pleading and memorandum in opposition must be filed within twenty one (21) days after the date of service of said motion.~~

~~(5)~~ (a) In General. All motions (or memoranda in support of motions) and responsive pleadings must (1) include a caption with the Court's name, the case name, the case number, the chapter of the case, and a descriptive title; (2) include the relevant facts, legal argument, and reference to adequate evidence to support the party's position under applicable substantive law; and (iii) comply with the Court's Electronic Case Filing Procedures (Appendix H).

(b) Resolution of Motions on the Papers. Except as otherwise provided in the Bankruptcy Code, the Federal Bankruptcy Rules, these Rules or by the ~~court~~, Court, the Court may decide a motion ~~can be decided~~ on the ~~pleadings and memoranda~~ papers filed.

~~(c) Contested Matters. In addition to the application of the Part VII Rules listed in Federal Bankruptcy Rule 9014(c), Federal Bankruptcy Rule 7010(a) shall apply to contested matters.~~

(c) Consideration of Motion Prior to Response Deadline. Notwithstanding the establishment of a response deadline in the Bankruptcy Code, the Federal Bankruptcy Rules, or the Local Bankruptcy Rules, in its discretion, the Court may grant or deny a motion prior to the response deadline if the Court determines responses would not aid in the decisional process and the circumstances of the case warrant expedient consideration of the motion.

(d) Consideration of Unopposed Motion. If no party in interest files a timely response to a motion, the Court may rule on the motion without further notice or a hearing.



## **RULE 9013-2                      BRIEFS AND MEMORANDA OF LAW**

A party must file with each motion a brief memorandum of fact and law entitling the movant to the relief claimed or a statement that no memorandum will be filed and that the movant will rely solely upon the motion.

## **RULE 9013-3                      ORDERS - PROPOSED**

(a) ~~—(a)—~~ In General. All requests for relief, ~~except motions for relief from the automatic stay, motions to dismiss or convert, and pleadings initiating adversary proceedings under Federal Bankruptcy Rule 7001,~~ other than those described in paragraph (b) below must be accompanied by a proposed order. -The proposed order must contain a specific title describing the nature and effect of the order-, and the body of the order must specify the relief granted. The names and addresses of all ~~counsel or~~ attorneys, creditors, and other parties in interest who ~~should receive copies of the order shall~~ have a potential interest in, or whose rights might be affected by, the matter must be set forth in the lower left-hand corner of the final page of the proposed order or carried over to another page, provided, however, that only the name and “via CM/ECF” are required for any ~~counsel~~ attorney who is receiving notices through CM/ECF in that case. -The ~~chapter~~ caption of the ~~case~~ order must be ~~stated~~ in the same form as the caption of the motion.

(b) Exceptions. Paragraph (a) does not apply to motions for relief from the automatic stay, motions to dismiss or convert, Chapter 13 plans, motions to modify Chapter 13 plans, and pleadings initiating adversary proceedings under Federal Bankruptcy Rule 7001.

(c)      Motions for Relief from Stay. Proposed orders for motions for relief from the automatic stay ~~and responses thereto should~~ must be submitted to the ~~court~~ Court upon the earlier of:

- (1) A consent being reached by all parties; or
- (2) After the conclusion of the hearing on the motion.

~~(c) When a proposed order is submitted to the court, copies shall be simultaneously transmitted to all other parties to the matter.~~

(d) Form Orders. If the Court maintains a form order for the particular type of relief requested by a party, that party must use the Court's form order. All forms are available on the Court's website.

#### **RULE 9013-4 CERTIFICATE OF SERVICE**

~~(a) In General. A certificate of service is required for motions under Federal Bankruptcy Rule 9013 and contested matters under Federal Bankruptcy Rule 9014.~~

(a) every motion, objection, notice, or other pleading or paper filed with the Court. The certificate shall must be filed and served contemporaneously with the filing and service of the referenced pleading or paper.

(b) Placement. The certificate must be placed at the end of the item served and endorsed by an attorney of record, the ~~attorney's~~attorney's authorized agent, or by a party if not represented by an attorney.

(c) Content. The certificate must state the date of service ~~and:~~

(1) ~~for~~For each recipient who is ~~being~~ served through CM/ECF, the ~~specified persons served must be listed~~certificate must also identify the name of the person served with the statement that service is via CM/ECF. ~~The attorney or unrepresented person~~ not represented by an attorney filing the pleading or document is responsible to ensure that all

persons listed as being served via CM/ECF are registered to receive CM/ECF notice in that case or must effectuate service by other appropriate means; ~~and~~.

(2) ~~for~~For all other recipients, the ~~names~~certificate must separately identify the name, title (if applicable), and addresses ~~address~~ of ~~the persons~~each person served and state the method of service ~~must be included~~.

(d) Noticing Agents. Noticing agents authorized by the ~~court shall~~Court must make service in accordance with this ~~rule~~Rule, except as otherwise provided in the order authorizing the employment of the noticing agent.     

~~——(e)—— Local Rule 7005-2 governs certificates of service in adversary proceedings.~~

#### **RULE 9013-5            RESPONSIBILITY FOR PROPER SERVICE**

(a) In General. It is the obligation of an attorney or party that files a pleading to determine every party with a cognizable interest in the pleading that ~~should~~must receive a copy and the current address of each ~~— such party.~~ A certificate of service signed by an attorney, by an attorney's authorized agent, or by a party constitutes a representation to the ~~court~~Court that all parties entitled to service have been included and have been served properly. ~~—~~Violation of this paragraph ~~shall~~may be subject to an appropriate sanction.

(b) Deficiencies. It is the obligation of an attorney or a party filing a motion to review any notice of a hearing on that motion prepared by the Clerk and to communicate forthwith to the Clerk any deficiency in the notice and any omission in the list of parties receiving notice.

**RULE 9013-6**

**~~STATEMENT IN MOTIONS, OBJECTIONS AND RESPONSES  
REGARDING CONSENT TO ENTRY OF ORDER OR JUDGMENT  
IN CORE PROCEEDING~~**

~~—All parties in a contested matter must file a statement in compliance with Local Bankruptcy Rule 7012-1(b).~~

**~~RULE 9013-7~~ — MOTION TO SHORTEN TIME AND/OR FOR EXPEDITED HEARING**

(a) Motion. If ~~Movant~~the movant requests that the time to object to any motion ~~should~~ be shortened, or that a more expedited hearing is needed, ~~Movant~~the movant must file contemporaneously a separate motion requesting that the ~~court~~Court shorten the time within which responses may be filed and/or requesting that the ~~court~~Court set an expedited hearing.

(b) Notice. If a motion is filed to shorten the time to object to any motion or to expedite the hearing thereon, ~~Movant~~the movant must include the following language in the notice:

THE MOVANT HAS ALSO FILED A MOTION TO SHORTEN THE TIME FOR RESPONSE AND/OR FOR AN EXPEDITED HEARING.— IF THAT MOTION TO SHORTEN OR EXPEDITE IS GRANTED, THE TIME TO OBJECT AND/OR DATE FOR HEARING WILL BE CHANGED AS PROVIDED IN SUCH ORDER.

(c) Order Shortening Time and/or Scheduling Expedited Hearing. If the Court enters an order shortening the time for responses to a motion and/or scheduling an expedited hearing on a motion, then the movant must serve a copy of the order on all parties in interest served with the motion and file a certificate of service as soon as practicable.

**RULE 9013-7      POSTPONEMENT/CONTINUANCE OF MATTERS OR PROCEEDINGS**

(a) Court Order or Consent Required. Subject to the requirements of Local Bankruptcy Rule 4001-1(b)(3), (1) a Court order or (2) consent of the parties filed on the docket or communicated in writing to the assigned judge's courtroom deputy is required for any postponement of a hearing, pretrial conference, or trial.

(b) Notice to Client and Other Parties. A motion to postpone must be served by the fastest means to avoid inconvenience to other parties.

(c) Conflicting Engagement. A motion for a postponement of a hearing or trial on the grounds of a prior conflicting engagement must be filed at least seven (7) days before the hearing date. Written evidence of the conflicting engagement must be attached to the motion.

(d) Meeting of Creditors. A request for postponement of a meeting of creditors held under 11 U.S.C. § 341 must be handled as follows:

(1) Requests for postponement must be made:

(A) in Chapter 12 and 13 cases, to the standing trustee assigned to the case;

(B) in Chapter 7 cases, to the interim trustee; and

(C) in Chapter 11 cases, to the Assistant United States Trustee assigned to the division of Court where the case is pending.

(2) Upon a written request of the debtor's attorney or the debtor, and at the discretion of the respective trustee, a meeting of creditors pursuant to 11 U.S.C. § 341(a) may be rescheduled to the trustee's next available panel date, or as otherwise agreed. The request must state the basis for the request and must state whether any prior continuance request has been made.

(3) Unless otherwise agreed to by the trustee and the debtor's attorney or the debtor:

(A) To request a continuance in a Chapter 7 or 13 case, the documents required by 11 U.S.C. § 521 (pay advices or Local Bankruptcy Form Q and tax returns) must be delivered prior to or with the request to the trustee.

(B) In Chapter 7 cases of individual debtors, the debtor's attorney (or the debtor, if not represented by an attorney) must provide a certification to the trustee that a consent motion has been or will be filed with the Court to extend the deadlines to file both an objection to discharge under 11 U.S.C. § 727 and a motion to dismiss under 11 U.S.C. § 707(b)(3) until a date sixty (60) days after the rescheduled meeting of creditors, and to extend the deadline for the United States Trustee to file a Statement of Presumed Abuse under 11 U.S.C. § 704(b)(1)(A) until ten (10) days after the rescheduled meeting of creditors.

(C) The debtor's attorney (or the debtor, if not represented by an attorney) must file and serve on all parties on the matrix by first-class mail or CM/ECF a notice of the new meeting date and time, along with the consent motion, at least seven (7) days in advance of the rescheduled meeting, and must certify to the Court (with a copy to the trustee and the United States Trustee) that said notice has been given.

#### **RULE 9014-1 CONTESTED MATTERS**

Whenever there is an actual dispute before the Court, other than an adversary proceeding, the litigation to resolve that dispute is a contested matter.

**RULE ~~9014-2~~ APPLICATION OF PRETRIAL, DISCOVERY,  
AND DEFAULT RULES TO CONTESTED MATTERS**

~~The~~  
Local Bankruptcy Rules 7016-1, 7026-1, 7026-2, and 7055-1 apply to contested matters.  
However, the initial disclosures required by Federal Bankruptcy Rule 7026(a) ~~are~~do not  
~~applicable~~apply to contested matters, unless the ~~court~~Court directs otherwise.

**~~RULE 9014-2~~ ~~DEFAULT AND DISMISSAL FOR NON-PROSECUTION~~**

~~Local Bankruptcy Rule 7055-1 applies in contested matters.~~

**RULE 9015-1      TIME FOR FILING CONSENT TO HAVE JURY TRIAL  
CONDUCTED BY BANKRUPTCY JUDGE**

A statement of consent to have a jury trial conducted by a bankruptcy judge under 28  
U.S.C. –§ 157(e) must be filed before the conclusion of the initial pretrial conference.

**RULE 9016-1      ISSUANCE OF SUBPOENAS TO SELF-REPRESENTED  
LITIGANTS**

The Clerk must not issue any subpoena under Federal Bankruptcy Rule 9016 at the request  
of a self-represented litigant unless the litigant first obtains an order from the Court authorizing  
the issuance of the subpoena. Before entering any such order, the Court may require the self-  
represented litigant to state the reasons why the subpoena should be issued. The Court may deny  
issuance of the subpoena if it imposes an undue burden or expense on the person subject to the  
subpoena or upon the United States Marshal Service or other Court officer who would be required

to serve it under 28 U.S.C. § 1915 or if issuance of the requested subpoena is otherwise inconsistent with the requirements of the Federal Bankruptcy Rules.

## **RULE 9019-1 SETTLEMENTS AND AGREED ORDERS**

(a) Order. ~~Subject to the requirements of Federal Bankruptcy Rules 2002(a)(3), 4001(d), and 9019, when the court~~Court is advised by the moving party that an adversary proceeding or contested matter has been settled, the ~~court can~~Court may enter an order dismissing the adversary proceeding or contested matter and providing for the payment of costs. ~~Such an order of dismissal will be without prejudice to the right of a party to move for good cause to reopen the proceeding or matter within a reasonable time after settlement should have occurred if the settlement is not consummated. Alternatively, the court~~Court, upon notification by ~~counsel the~~attorneys that a proceeding or matter has been settled, ~~can~~may require ~~counsel the attorneys~~ to submit, within fourteen (14) days, a proposed order providing for the settlement, in default of which the ~~court can~~Court may enter judgment or other appropriate order.

~~———— (b) Complete Disposition. ————~~ (b) Motion Required. Notwithstanding Federal Bankruptcy Rule 7041, if parties to an adversary proceeding resolve the issues presented therein, one or more of the parties must file a motion for Court approval under Federal Bankruptcy Rule 9019 if the settlement involves a transfer of cash or other property to or from the bankruptcy estate.

~~————~~ (c) Complete Disposition. An order entered pursuant to this Rule has the effect of noting the settlement of the entire adversary proceeding or contested matter, including all claims, counterclaims, third-party claims, and ~~cross-claims~~crossclaims, unless otherwise stated.

(~~e~~d) Filing Procedures. 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.

## **RULE 9019-2            ALTERNATIVE DISPUTE RESOLUTION**

A Bankruptcy Dispute Resolution Program (“BDRP”) is maintained and available to facilitate the resolution of disputes in Appendix G to these Rules.

## **RULE 9027-1            CONSENT TO JUDGMENT IN REMOVAL ACTIONS**

~~\_\_\_\_\_~~ Federal Bankruptcy Rule 7012(b) and Local Bankruptcy Rule 7012-1 ~~shall~~ apply in the case of removal.

## **RULE 9027-2            REMOVAL**

(a) Filing. -A party seeking to remove a claim or cause of action from a state or federal court to the ~~bankruptcy court~~Court must file a notice of removal.

(b) Service. -A notice of removal must be served ~~under~~pursuant to Federal Bankruptcy Rule 7004. ~~Not later than seven (7) days after service, the party filing the notice must file a Certification of Service~~ and Local Bankruptcy Rule 7004-1.

(c) Procedure After Removal. - Not later than fourteen (14) days after the filing of the notice of removal, the party filing the notice must file a copy of the docket sheet from the original court; and provide a list of those filings that the party proposes should be included in the docket from the removed proceeding. -The ~~bankruptcy court~~Court will ~~direct~~instruct the removing party ~~filing the notice of removal of additional~~regarding which pleadings ~~or other~~

~~docket items, if any, to~~on the removing party's list must be filed ~~from~~in the ~~original~~  
~~court~~removed proceeding and included in the Court's docket.

**RULE 9029-1                      LOCAL BANKRUPTCY RULES - GENERAL**

~~Any judge of this court~~ The Court may suspend or modify a requirement or provision of any of these Rules in a particular case, adversary proceeding, or contested matter on the ~~court's~~Court's own ~~motion~~initiative or on motion of a party.

**RULE 9029-2**      **INTERIM SUBCHAPTER V BANKRUPTCY RULES**

To implement the provisions of the Small Business Reorganization Act of 2019, a national interim Federal Bankruptcy ~~Rules have~~Rule 1020 has been promulgated, and ~~are~~is adopted and incorporated as Appendix I of the Local Bankruptcy Rules.- The interim Federal Bankruptcy ~~Rules~~ ~~shall be~~Rule 1020 is effective in this district until such time as the regular rule making process is concluded and the interim Federal Bankruptcy ~~Rules are~~Rule is implemented as a final ~~rules~~rule.

**RULE 9033-1                      PROPOSED FINDINGS OF FACT AND CONCLUSIONS OF LAW**

~~Designation of the Record.~~ When a party has objected to proposed findings or conclusions pursuant to Federal Bankruptcy Rule 9033(b), for the purpose of preparing the record and identifying the issues for the District Court, the parties will follow the procedures set forth in Federal Bankruptcy Rule 8009 by treating any objection as an appeal. -The ~~bankruptcy judge~~ Court may order the designated extract supplemented.

## **RULE 9036-1 NOTICE BY ELECTRONIC TRANSMISSION**

In addition to service of notice by electronic transmission or by first-class mail, notice may be given by hand-delivery, facsimile transmission, [email](#), or ~~by a~~ nationally recognized delivery service; provided, however, that in the case of facsimile transmission [and email](#), service ~~shall~~[is](#) not ~~be~~ effective unless the receiving party has consented in writing [to that manner of service](#), in which case service is complete upon transmission, but it is not effective if the serving party learns that it did not reach the person to be served. -The Clerk ~~shall~~[may](#) not accept for filing any email or facsimile transmission. ~~All notices given by facsimile transmission shall be followed by hard copy notice mailed the next business day.~~

## **RULE 9037-1 PRIVACY POLICY AND TRANSCRIPT REDACTION PROCEDURES**

(a) Privacy Policy. - The Judicial Conference of the United States has adopted a privacy policy to restrict the publication of certain personal data in documents filed with the ~~court~~. [Court](#). The policy requires limiting ~~social security~~[Social Security](#) and financial account numbers to the last four digits, using only initials for the names of minor children; and limiting dates of birth to the year. - If such information is elicited during testimony in court proceedings, it will become available to the public when the official transcript is filed with the ~~court~~[Court](#) unless, and until, it is redacted. ~~The better practice is to avoid introducing this information into the record in the first place either through testimony or in exhibits. Counsel and self-represented litigants are advised to take this into account when questioning witnesses or making other statements in court or introducing exhibits into evidence.~~ - If a restricted item is mentioned or introduced in ~~court~~[a hearing](#), parties may ask to have it stricken from the record or partially redacted to conform to the privacy policy or the ~~court~~[Court](#) may do so on its own ~~motion~~[initiative](#).

(b) Transcript Redaction Procedures. Upon the receipt of a transcript, the Clerk will serve a Notice of Requirement to Review Transcript on all parties to the hearing. -A ~~filed~~ transcript will be available at the Clerk's office for inspection ~~only~~ for a period of ninety (90) days after it is ~~filed.~~ prepared and received by the Court. During the ninety (90) day period, a copy of the transcript may be obtained from the transcriber at the rate established by the Judicial Conference, the transcript will be available within the ~~court~~Court for internal use; and an attorney who obtains the transcript from the transcriber may obtain remote electronic access to the transcript via the ~~court's~~Court's CM/ECF system for purposes of creating hyperlinks to the transcript in court filings and for other purposes. ~~Counsel~~The attorney, or ~~self~~the litigant not represented ~~litigants~~by an attorney, will have ~~seven (7)~~fourteen (14) days from the date of ~~filing of the transcript~~the Notice of Requirement to Review Transcript to file a Notice of Intent to Request Redaction with the ~~court~~Court, stating an intention to review the transcript to determine whether to request redaction of sensitive private information before the transcript is made electronically available to the public. A copy of the ~~notice~~Notice of Intent to Request Redaction must be served ~~upon~~on the transcriber. A party will have twenty-one (21) days from the date of the ~~filing of the transcript~~Notice of Requirement to Review Transcript to file a Request for Redaction of Transcript with the ~~court~~Court (which will be a private, restricted event) and send a copy to the transcriber, listing the entries by page and line where personal data appears that ~~should~~must be redacted. -The deadline for filing the redacted version of the transcript is thirty-one (31) days from the ~~filing~~-date of the ~~transcript.~~Notice of Requirement to Review Transcript. At the end of the ninety (90) day restriction period, the redacted version will be made available via remote electronic access and at the public terminals in the Clerk's office for viewing and printing. -The unredacted version of the transcript will not be available via remote electronic access or at the Clerk's office upon the

~~filing~~docketing of the redacted transcript; it ~~shall~~must be maintained as a private, restricted event.

An attorney who purchases the transcript during the ninety (90) day restricted period will be given remote electronic access to the transcript and any redacted version filed.

## **RULE 9070-1            EXHIBITS**

(a)    Pending Appeal. - From the conclusion of a hearing or trial to the expiration of the time within which to file a notice of appeal or, in the event that an appeal is taken, until the transmission of the record to the District Court, the Clerk will retain all documentary exhibits except ones of unusual bulk or weight. -Documents of unusual bulk or weight and all non-documentary exhibits will remain in the custody of the attorney presenting them, who (1) will permit inspection of them by ~~counsel~~the attorney for another party for the purpose of preparing the record on appeal; (2) will be responsible for their safekeeping; and (3) if requested, will send them to the appellate court.

(b)    Upon ~~Termination~~Conclusion of Action. -~~Upon~~On the ~~closing~~conclusion of a contested matter or the closing of an adversary proceeding, the Clerk will send notice to all ~~counsel~~attorneys advising ~~counsel~~the attorneys to remove, within thirty (30) days, all trial and hearing exhibits and all sealed materials that ~~counsel~~the attorneys presented at any time during the pendency of the contested matter or adversary proceeding. - If a party fails to retrieve exhibits within thirty (30) days, the exhibits will be discarded by the Clerk.

## APPENDIX D

### COMPENSATION GUIDELINES FOR PROFESSIONALS IN THE UNITED STATES BANKRUPTCY COURT FOR THE DISTRICT OF MARYLAND

The following guidelines apply to professional fee applications in all bankruptcy ~~cases~~ ~~in pending before~~ the ~~United States Bankruptcy Court for the District of Maryland.~~ These guidelines ~~shall~~ apply to all professionals seeking compensation pursuant to 11 U.S.C. §§ 327, 328, 330, and 331, including attorneys, accountants, examiners, investment bankers, and real estate advisors, unless the ~~court~~ Court, in the order employing such professional or other order, provides otherwise. These guidelines set forth information to be contained in both interim and final applications for the approval of fees and expenses.

Although conformity to these guidelines will ensure that certain necessary information is included to assist the ~~court~~ Court in its review of professional fee applications, it must be remembered that the following are guidelines only. Applications for compensation may vary from case to case, and each application must be reviewed on its own merits depending upon the facts and circumstances of the case. Familiarity with the adherence to the following guidelines will, it is hoped, promote the submission of more uniform professional fee applications containing adequate information, and facilitate a meaningful review process and more expeditious action by the ~~court~~ Court.

#### A. Format of Fee Applications

Federal Bankruptcy Rule 2016(a) sets forth certain requirements with respect to professional fee applications. The application should set forth a detailed statement of (1) the services rendered, (2) the time expended, (3) the expenses incurred, (4) the amounts requested, (5) the rates charged for such services, (6) how the services rendered were necessary to the administration of, or beneficial at the time at which the services were rendered toward the competition of, the case, (7) ~~information relevant to a determination that the services performed within a reasonable amount of time commensurate with the complexity, importance and nature of the problem, issue or task addressed, and (8) an affirmation that the compensation requested is~~

reasonable based upon the customary compensation and reimbursement of expenses charged by the applicant and comparably skilled professionals in non-bankruptcy matters. In addition, applications should include a statement as to what payments have been made or promised to the applicant, the source of the compensation paid or promised, whether there is any sharing arrangement and the particulars as to any such sharing arrangement. Applications should also set forth the date the order approving the employment was entered and the dates of entry of any previous orders approving interim compensation to the applicant and the amounts of compensation previously approved. Finally, fee applications should include “lodestar” analysis and discussion of the factors identified in *Johnson v. Georgia Highway Express, Inc.*, 448 F.2d 714 (5th Cir. 1974), and adopted by the Fourth Circuit in *Barber v. Kimbrell’s Inc.*, 577 F.2d 216 (4th Cir. 1978), *Anderson v. Morris*, 658 F.2d 246 (4th Cir. 1978)<sup>1</sup>, and *Harman v. Levin*, 772 F.2d 1150 (4th Cir. 1985).

B. Description of Services Rendered and Time Expended.

Daily time sheets or a listing of daily time entries, in legible form, should be included in or attached to the application.<sup>1</sup> The time sheets or time entries should provide an itemized listing of all services performed by each professional and paraprofessional and the time spent on each matter ~~indicated~~. The applicable billing rate for each professional and paraprofessional should be ~~indicated~~ stated.

Each professional and paraprofessional should record time in increments of tenths of an hour and keep contemporaneous time records. Time records should set forth in reasonable detail an appropriate narrative description of the services rendered. As a general rule, the description should ~~include indications of~~ identify the participants in and the length and nature of the activities undertaken. Examples of insufficient descriptions include “telephone call to X,” “conference with client,” “research,” “review of documents,” “review of pleadings,” and “correspondence.” Examples of satisfactory descriptions are set forth in footnote 3.

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<sup>1</sup> Fee applications for matters handled on a contingent fee basis and applications required to the submitted pursuant to § 506(b) should also conform to the applicable format guidelines set forth herein.

The broad “lumping” of services, or the grouping of different tasks within one block of time, should generally be avoided in favor of more specific descriptions.<sup>2/</sup> In recording time for each day, each professional and paraprofessional may describe in one entry the nature of the services rendered on a given task during that day and the aggregate time expended that day on such task, provided, however, that if the professional or paraprofessional works more than one hour on a task on any given day, the time record for that day should include internally, within the description of services for that day, the amount of time spent on each particular activity. A hypothetical time record complying with the foregoing is included below.<sup>3/</sup>

The description of services required to be set forth is not intended to require the disclosure of privileged or confidential information, provided that if additional detail is required, the ~~court~~Court may direct that such additional information be furnished subject to appropriate protective conditions. Information set forth in a fee application ~~shall~~does not operate as a waiver of any applicable privilege, including the attorney/client privilege or work product doctrine.

Charges for conferences between individuals in the same firm on the same case are not objectionable, if reasonable, necessary, and limited. Similarly, more than one professional may charge for attending a meeting or hearing on behalf of the same client if such attendance is reasonable, necessary, and limited. An explanation as to why more than one professional attended such a meeting or hearing may in certain circumstances be required, particularly if such multiple professional attendance does not appear to be reasonable in a particular situation.<sup>4/</sup>

Ordinarily, time entries should be organized by tasks and presented chronologically. An applicant should either organize the time sheets or present a time entry listing by discrete tasks

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<sup>2/</sup> Notwithstanding the general prohibition of “lumping,” time entries for periods of one hour or less on a given day may be grouped together provided that a reasonable description of the services rendered within such time entry is provided.

<sup>3/</sup> A complying time entry would be:  
“internal conference with X re cash collateral (.3); revise draft motion re cash collateral (.8); conf. Call with Y and Z re cash collateral hearing (.5); review documents re cash collateral motion (1.1); legal research re cash collateral hearing (.5)...Total Time 3.2”

<sup>4/</sup> In appropriate cases where there are multiple ~~counsel~~attorneys from different firms representing the same party, ~~such counsel~~the attorneys may be required to submit their applications simultaneously.



where an application covers multiple tasks undertaken by the applicant during the time period covered by the application. Within each task identified, the time entries of all timekeepers working on such tasks should appear chronologically. In addition, the application should include a summary by timekeeper of the time spent on each task, the billing value for each timekeeper, and a total billing amount for each task. Finally, the application should also include a brief narrative description as to why each task was undertaken, the current status thereof, and the results or benefits achieved to date.

It is not the intent of these guidelines to set forth a definitive listing of what tasks should be separately identified in each case or each professional fee application. However, where a discrete activity can reasonably be expected to continue over a period of at least three months and can reasonably be expected to constitute 10-20% or more of the fees to be sought for an interim period, the professional should present a separate chronological listing of time entries for such matter to the extent reasonably practicable. Examples of categories which might comprise separate tasks in a particular case are set forth below.<sup>5/</sup>

Subject to ~~court~~Court approval, a trustee may employ himself or herself, or a firm with which the trustee is affiliated, as a professional. In such cases, applications for compensation should distinguish services rendered as trustee from those rendered by the professional seeking compensation.

Compensation sought for time spent traveling should ~~indicate~~describe the mode and time of travel, the necessity for travel and whether any substantive work was performed while traveling (e.g. preparing for hearing). If excessive or unreasonable, compensation for travel time

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<sup>5/</sup> Sample Task Listing for Attorneys

- Asset analysis and recovery.
- Asset disposition/sales/leases/executory contracts.
- Business operations.
- Case administration.
- Claims administration and objections.
- Fee/employment applications and objections.
- Financing/cash collateral.
- Litigation [separately identify larger litigation matters as discrete tasks].
- Meetings of creditors.
- Plan and disclosure statement.

(continued...)

may be reduced. If time is spent during travel working on other matters, such travel time should not also be billed to the bankruptcy case.

Compensation for time spent preparing ~~and defending~~ fee applications is appropriate if reasonable. Compensation for the preparation of fee applications will be based on the level and skill reasonably required to prepare the application.

C. Reimbursement for Disbursements and Expenses.

Disbursements and expenses for which reimbursement is sought should be summarized in the fee application by category and any unusual items explained. Excessive charges will not be <sup>6</sup>reimbursed. The following are guidelines with respect to some (but not necessarily all) of the categories of reimbursable disbursements and expenses:

Photocopying. The applicable charge for photocopying should be the actual cost of such copying not to exceed 20¢ per page or, if an outside service is used, the actual cost of such copying.

Facsimile Transmission. Charges for out-going facsimile transmission to long-distance telephone numbers are reimbursable at the lower of (i) toll charges or (ii) if such amount is not readily determinable, \$1.25 per page for domestic and \$2.50 per page for international transmissions. Charges for incoming facsimile transmissions are not reimbursable.

Mileage. The applicable charge for automobile mileage should not exceed the government approved rate, plus actual parking charges incurred.

Travel. The actual expenses incurred for out-of-town travel are reimbursable. However, first-class airfare, luxury accommodations and deluxe meals are not reimbursable, nor are personal or incidental charges unless necessary as a result of unforeseen circumstances.

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~~(...continued)~~

~~Sample Task Listing for Accountants~~

~~—Accounting/auditing.~~

~~—Business analysis.~~

~~—Corporate finance.~~

~~—Data analysis.~~

~~Litigation consulting.~~

~~Tax issues.~~

~~Valuation/projections.~~

Computerized Legal Research. Reasonable expenses may be charged for computerized legal research, including Lexis and Westlaw, provided that there is a description of the legal research undertaken and the charges do not exceed the actual cost to the attorney.

Postage, Telephone, Courier, and Freight. The cost of postage, freight, overnight delivery, courier services, and telephone toll charges may be reimbursable, if reasonably incurred. ~~Only the long-distance component of cellular telephone charges is reimbursable.~~ Charges for services such as messengers and overnight mail should not be incurred indiscriminately. Charges for local and cellular telephone services are not reimbursable. If normal, routine first-class postage is not customarily charged to other clients, then such postage would not be reimbursable; however, special postage charges or bulk mailing would ordinarily be reimbursable.

Court Costs. Court costs and disbursements are reimbursable.

Meals. Charges for meals are generally not reimbursable unless justified under appropriate circumstances or unless incurred as part of otherwise reimbursable out-of-town travel.

Overtime Charges. Overtime for non-professional and paraprofessional staff is reimbursable only if specifically justified in the application as necessary under the circumstances. Overtime charges for professional staff is not reimbursable.

Word Processing, Proofreading, Secretarial, and Other Staff Services. Daytime, ordinary business hour charges for word processing, proofreading, secretarial, library, and other staff services (exclusive of paraprofessional services) are generally considered office overhead items and, therefore, not reimbursable unless specifically justified in exceptional circumstances.

With respect to all disbursements and expenses for which reimbursement is sought, it must be understood that they must be of a kind and at a rate customarily charged to and collected from other clients and subject to the test of reasonableness under the circumstances of each case.

Each professional fee application in which the applicant is seeking reimbursement for expenses should include a statement that, with respect to expenses for which reimbursement is sought, the applicant is familiar with and has submitted the application in conformity with ~~the “Compensation Guidelines for Professionals in the United States Bankruptcy Court for the District of Maryland.”~~these guidelines.

D. Lodestar Analysis, Johnson Factors and Billing Judgment.

Each professional fee application should contain a “lodestar” analysis and discussion of the *Johnson v. Georgia Highway Express, Inc.*~~(1, supra)~~<sub>2</sub> factors, as adopted by the Fourth Circuit in *Barber v. Kimbrell’s Inc.*~~(1, supra)~~<sub>2</sub> including a statement as to the professional’s application of billing judgment to the compensation sought by such professional.

The “lodestar” analysis should include a summary listing the name of each professional and paraprofessional for whom compensation is sought, the number of hours worked by each identified individual, that individual’s hourly rate (which should not exceed such individual’s standard hourly rate in other bankruptcy and non-bankruptcy related matters), the total compensation sought for each such individual, and a total of all compensation sought for the period in question, before and after applying billing judgment to the compensation requested. A similar detailed summary of disbursements and expenses by category should also be presented.

The fee application should discuss the application of the twelve *Johnson v. Georgia Highway Express, Inc.* factors, to the extent that they apply in each particular case. Those factors may be summarized as follows:

1. the time and labor expended;
2. the novelty and difficulty of the questions raised;
3. the skill required to properly perform the professional services rendered;
4. the professionals’ opportunity costs in pursuing the matter;
5. the customary fee for like work;
6. the professional’s expectations as to the compensation at the outset of the matter;
7. the time limitations imposed by the client or circumstances;
8. the amount in controversy and the results obtained;
9. the experience, reputation, and ability of the professional;
10. the desirability or undesirability of the case within the professional community in which the case arose;
11. the nature and length of the professional relationship between the professional and client; and
12. professional fee awards in similar cases.

Not all of the foregoing twelve factors will be applicable to every fee application.

However, they should be considered in the professional's exercise of billing judgment and discussed in the fee application. If a particular factor is not considered to be applicable, the application should so state. In addition, if the professional believes that other factors are relevant to the compensation requested, the foregoing list is not intended to be exhaustive. Professionals are encouraged to state all facts and circumstances that such professional believes to be relevant to the compensation requested.

In the final analysis, in making its determination with respect to a fee application and the amount of compensation to be awarded, the ~~court~~Court will consider the nature, the extent, and the value of the services rendered.

**CHAPTER 13 ~~DEBTOR'S COUNSEL~~ DEBTOR'S ATTORNEY  
RESPONSIBILITIES AND FEES**

1. ~~A copy of paragraphs 2 and 3 of this document, Chapter 13 Debtor's Counsel Responsibilities and Fees, The following written notices~~ must be ~~delivered~~ provided to the debtor ~~by counsel~~ at the time ~~counsel is employed, in addition to the retainer agreement by and between the debtor and debtor's counsel. of retention or included in the retainer agreement by and between the debtor and the debtor's attorney:~~

~~2.~~ With the exception of adversary proceedings, appeals, and United States Trustee audits, for which separate arrangements may be made, ~~counsel~~ the attorney must represent ~~their~~ his or her client in all matters in the bankruptcy case as long as ~~counsel~~ the attorney is ~~counsel~~ attorney of record. This includes defending motions, including motions for relief from stay, and bringing objections to claims and prosecuting motions on behalf of the debtor. After the initial engagement, ~~counsel~~ the attorney may not demand payments from the debtor as a precondition to doing the work. Notwithstanding the foregoing, the ~~court~~ Court may, upon prior application, allow ~~counsel~~ the attorney to enter a limited appearance, including, ~~but not limited to,~~ representation on a pro bono or reduced fee basis.

~~3. Counsel~~ The attorney must remain ~~as attorney~~ of record until one of the following conditions has been satisfied: a substitute ~~counsel~~ attorney has entered an appearance and appears as attorney of record for the debtor; the entry of a ~~court~~ Court order allowing the withdrawal of appearance; or the case is dismissed or closed. If the Court has approved a limited appearance, a motion to withdraw must be filed upon completion of the agreed upon scope of representation or the attorney must continue to represent the client. The failure to receive payment for services rendered or to be rendered may serve as the basis for ~~counsel~~ the attorney filing a motion to withdraw. Any application to limit the scope of representation must include the client's acknowledgement.

~~4.~~ The following fee arrangements are presumed reasonable under 11 U.S.C. § 329 and allowable under 11 U.S.C. § 330 and require no application or approval, except as stated below. This presumption is rebuttable and the fee ~~can~~ may be the subject of an order to justify the fee.

If no objection or order to justify fee is filed or entered, the presumptively reasonable fee is deemed allowed under 11 U.S.C. § 330 without the entry of an ~~Order~~ order. However, if an objection or order to justify fee is filed or entered, the burden ~~shall be upon~~ is on debtor's ~~counsel~~ attorney to prove that the fee should be allowed under 11 U.S.C. § 330 under the facts and circumstances of the case for which the fee is sought. The foregoing notwithstanding, any objection filed by a trustee or other party in interest ~~shall~~ must describe the asserted factual basis for rebutting the presumption.

A. A flat fee, not to exceed \$4,675.00 for representation of the debtor for all matters in the main case. However, ~~counsel~~ the attorney may by application (using Local Bankruptcy Form E-1) request approval of additional fees for work done upon matters that were ~~both~~ not reasonably expected and that are extraordinary; or for work done after ninety (90) days following the entry of the order confirming plan until representation ends. ~~Such application may be made on Local Form E with notice (Local Form E-1).~~

B. A flat fee, not to exceed \$6,000.00 for representation of the debtor for all matters in the main case. ~~Except as stated in the following sentence, counsel waives all opportunity to apply for additional fees in the main case. Counsel~~ The attorney may by application (using Local Bankruptcy Form E-1) request approval of additional fees for work done upon matters that were not reasonably expected and that are extraordinary. ~~Such application may be made on Local Form E with notice (Local Form E-1). An attorney otherwise waives all opportunity to apply for additional fees in the main case.~~

~~C. A flat fee, not to exceed \$2,650.00 for representation of the debtor on all matters relating to plan confirmation. Counsel may by application request approval of additional fees for prosecuting or defending motions not relating to the plan confirmation, including, without limitation, motions for relief from stay, or for claims objections. Such application may be made on Local Form E with notice (Local Form E-1). The requirement for representation in all matters in the bankruptcy case, stated in paragraph 2 above, applies without regard to the more limited coverage of the fee arrangements set forth in this subparagraph.~~

~~DC.~~ On April 1, 2025, and at each 3-year interval ending on April 1 thereafter, each dollar amount in effect in paragraphs ~~4A~~2A, ~~and B~~and C of this Appendix immediately before such April 1 ~~shall~~will be adjusted –

(1) to reflect the change in the Consumer Price Index for All Urban Consumers, published by the Department of Labor, for the most recent 3-year period ending immediately before January 1 preceding such April 1, and

(2) to round to the nearest \$25 the dollar number that represents such change.

Adjustments made in accordance with this paragraph ~~shall~~do not apply to cases commenced before such adjustments.

~~53.~~ All fees are subject to subsequent disgorgement upon an order of the ~~court~~Court. No plan or confirmation order ~~shall bar~~bars by res judicata or otherwise the subsequent review and potential disgorgement of the fee, upon objection or order to justify fee and notice thereof.

~~64.~~ Full compliance with Federal Bankruptcy Rule 2016(b) is required, including the filing of a Supplemental Disclosure on Local Form E-2 of additional funds received from any person, other than distributions from the trustee under a confirmed plan. ~~Counsel shall~~The attorney must state in the Disclosure of Compensation filed pursuant to Federal Bankruptcy Rule 2016(b) whether the fee arrangement is one of the flat fees described in subparagraphs A, ~~or B~~or C of paragraph 42 above, and, if so, which such fee arrangement applies.

~~75.~~ Nothing in this Appendix F ~~shall preclude, restrict~~precludes, restricts, or ~~prohibit counsel~~prohibits the attorney from entering into fee arrangements different from those arrangements described in paragraph 42 above. ~~Counsel~~The attorney must file an application for compensation in accordance with the Bankruptcy Code, Federal Bankruptcy Rules, and the Local Bankruptcy Rules ~~of this Court~~ for any fee arrangement that is different from the fee arrangements described in paragraph 42 above.

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**APPENDIX G**

**BANKRUPTCY DISPUTE RESOLUTION PROGRAM**

The Court's Bankruptcy Dispute Resolution Program ("BDRP") includes mediation, negotiation, early neutral evaluation, and settlement facilitation. The specific method employed must be determined by the mediator (hereinafter the "Mediator") and parties.

- (a) Assignment of Matters to Mediation. The Court may refer a matter to mediation *sua sponte*, upon written stipulation, or upon motion by a party or the United States Trustee. See Local Bankruptcy Form J-1. Unless otherwise ordered by the Court, participation in mediation is voluntary.
- (b) Matters Subject to Mediation. The Court may assign to mediation any dispute arising in an adversary proceeding or contested matter in a bankruptcy case, except those relating to employment of professionals, objections to discharge under 11 U.S.C. § 727, and matters involving contempt or sanctions.
- (c) Mediator Qualifications. Absent Court order directing otherwise, the Mediator must have sufficient qualifications based on training or experience. For training, the Mediator must have successfully completed at least forty (40) hours of mediation training sponsored by a nationally recognized bankruptcy organization or at least forty (40) hours of basic mediation training in a program meeting the requirements of Maryland Rule 17-104 or former Maryland Rule 17-106. For experience, the Mediator must have ten (10) or more years of professional experience in the insolvency field and participated in five (5) or more mediations as mediator or attorney for a party.
- (d) Selection of Mediator. The parties may select a mutually acceptable Mediator. If the parties cannot agree, the presiding judge must select a Mediator.



- (e) Disqualification of Mediator. A Mediator must promptly determine and disclose all conflicts or potential conflicts. Any person selected as a Mediator must be disqualified where 28 U.S.C. § 455 would require disqualification if that person were a judge.
- (f) Compensation. Unless otherwise agreed by the Court, the parties, and the Mediator, a Mediator must be compensated at the Mediator's normal and customary hourly rates or upon such rates as agreed to by the Mediator and the parties. The Mediator must also be reimbursed for any out of pocket expenses associated with the mediation. Unless otherwise agreed by the parties, all fees and expenses must be split equally among the parties to the mediation. If the Court determines that a party assigned to mediation cannot afford to pay the fees and costs of the Mediator, the Court may appoint the Mediator to serve pro bono as to that party. Court approval of the reasonableness of fees and reimbursement of expenses is required only if the estate is to be charged for some or all of the Mediator's compensation and the estate's portion exceeds \$25,000, or if less than \$25,000 but the estate representative objects to the fees sought from the estate.
- (g) Deadlines. Unless otherwise ordered by the Court, the referral of a matter to mediation does not operate to stay, postpone, or extend any deadlines.
- (h) Dispute Resolution Procedures. The Mediator must schedule a time and place for the mediation conference (or other dispute resolution method) that is acceptable to the parties and the Mediator. The Mediator must determine if a pre-mediation written submission (hereinafter the "Submission") by the parties is necessary or appropriate and must direct the parties as to the form and nature of any such Submission. All individual parties, and representatives with authority to negotiate and to settle the dispute on behalf of parties other than individuals, must attend the mediation conference unless excused by the

Mediator. If the parties resolve their dispute before or during the mediation conference, they must prepare an appropriate written stipulation, and where required by the Bankruptcy Code or other applicable law, they must promptly submit the fully executed stipulation to the Court for approval.

- (i) Administration of BDRP. The Clerk of Court or his designee (the “BDRP Administrator”) must administer the BDRP, track and compile BDRP results, and handle such other administrative duties as necessary.
- (j) Confidentiality. All written and oral communications made in connection with or during any mediation conference, including any written Submissions, are subject to Federal Rule of Evidence 408. No such communication may be used in any proceeding for any purpose and may only be disclosed upon written agreement of all parties to the mediation and the Mediator.
- (k) Report of Mediation. As soon as practicable, but no later than thirty (30) days after the conclusion of the mediation conference (or other alternative dispute resolution method), the Mediator must file with the Court a Report of Mediator, advising of the date(s) that the parties conducted the mediation, the parties in attendance at the mediation, and whether the parties resolved the matter (Local Bankruptcy Form J-2, “Report of Mediator”). In addition, the Mediator must submit to the BDRP Administrator only a report regarding the mediation conference (Local Bankruptcy Form J-3, “Report to BDRP Administrator”). The Report of BDRP Conference is confidential and must not be disclosed to the mediation participants or filed in the main bankruptcy case or adversary proceeding.

- (1) Immunity. Aside from proof of actual fraud or other willful misconduct, the Mediator must be immune from claims arising out of acts or omissions incident or related to service as a Mediator appointed by the Court. Appointed Mediators are judicial officers, provided the same immunities as judges in Title 28 of the United States Code.

**Clean Copy – Redline not helpful due to the number of changes.**

**ELECTRONIC CASE FILING PROCEDURES  
FOR ELECTRONIC USER ACCESS**

**INDEX**

	<b>PAGE</b>
<b>I. DEFINITIONS .....</b>	<b>2</b>
<b>II. LOGINS AND PASSWORDS .....</b>	<b>2</b>
<b>III. FILING .....</b>	<b>3</b>
<b>IV. ORDERS.....</b>	<b>4</b>
<b>V. ATTACHMENTS AND EXHIBITS TO PLEADINGS AND PROOFS OF CLAIM</b>	<b>6</b>
<b>VI. TRIAL EXHIBITS – EXCEPTIONS TO ELECTRONIC CASE FILING .....</b>	<b>6</b>
<b>VII. SENSITIVE DOCUMENTS .....</b>	<b>6</b>
<b>VIII. REQUIRED RETENTION OF ORIGINAL DOCUMENTS.....</b>	<b>6</b>
<b>IX. SIGNATURES.....</b>	<b>6</b>
<b>X. SERVICE OF DOCUMENTS .....</b>	<b>7</b>
<b>XI. NOTICE OF COURT ORDERS AND JUDGMENTS .....</b>	<b>7</b>
<b>XII. PUBLIC ACCESS.....</b>	<b>8</b>
<b>XIII. PROCEDURES FOR ELECTRONIC FILING OF DOCUMENTS BY CREDITOR’S DESIGNEE.....</b>	<b>8</b>
<b>XIV. PROCEDURES FOR ELECTRONICALLY FILING PROOFS OF CLAIM (ePOC) .....</b>	<b>9</b>

## I. DEFINITIONS

There are two categories of electronic users<sup>1</sup> – filing user and web filing user.

*Unrepresented parties may not electronically file documents using CM/ECF. They must file documents in paper at the Clerk's Office or, for initial filings in Chapter 7 cases only, utilize the Electronic Self Representation (eSR) module available on the Court's website.*

- A. *Filing User* – A person with a PACER account that is linked to the Court's CM/ECF filing system to file documents electronically. There are three types of Filing Users: Full Participants, Filing Agents, and Creditor Designees.
  - 1. *Full Participants* – Attorneys in good standing admitted to the Bar of this Court (including those admitted *pro hac vice*), attorneys representing the United States Government, United States Trustees and their assistants, and bankruptcy trustees may register as Filing Users of the Court's CM/ECF system. Full Participants may also choose to designate staff to act as *Filing Agents* with the authority to file electronically on behalf of the Full Participant.
  - 2. *Filing Agents* – A Filing User who can file only on behalf of attorneys or trustees who are Full Participants.
  - 3. *Creditor Designee* – A Filing User who is eligible to file only proofs of claim, transfers of claim, withdrawals of claim, requests for notice, requests for preferred address, reaffirmation agreements, Notices of Mortgage Payment Change, and Notices of Postpetition Mortgage Fee, Expenses, and Charges. (See Section XIII).
- B. *Web Filing User* – One who is filing a proof of claim electronically via the Court's web page. No login or password is required to file a proof of claim. (See Section XIV).

## II. LOGINS AND PASSWORDS

- A. *In General.* A Filing User's PACER login and password must be used to access CM/ECF. Users are prohibited from sharing their passwords, must protect the security of their logins and passwords, and if the login or password is compromised must immediately notify the Court's Help Desk by phone or email to prevent unauthorized access. A Full Participant's support staff may obtain individual logins as Filing Agents via PACER.

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<sup>1</sup> Previously, the Court offered Non-Filing User accounts solely for the purpose of receiving email notifications of case activity. Non-Filing Users have not waived the right to personal service or the right to receive notice by first-class mail. While some legacy Non-Filing User accounts may exist, new Non-Filing User accounts cannot be created.

- B. *Prior to Registering* – All Filing Users must have an individual PACER account, which may be obtained at [www.pacer.gov](http://www.pacer.gov).
- C. *Requesting Access via PACER* – To register and apply for a Filing User account in CM/ECF, an applicant must submit an E-File Registration request via PACER under Manage My Account Login. For instructions to request e-filing privileges through PACER, visit the PACER website at [www.pacer.gov](http://www.pacer.gov).
- D. *Local Forms and Training Requirements* – Full Participants and Creditor Designees must complete and submit the Court’s local registration forms, available on the Court’s website at <https://www.mdb.uscourts.gov/for-attorneys/training-and-registration-for-electronic-filing>. Full Participants who have not filed electronically in another bankruptcy court must complete an online training course before submitting the Court’s local registration form. The training materials are available on the Court’s website at <https://www.mdb.uscourts.gov/for-attorneys/attorney-registration-training-course-required>. Full Participants who have filed electronically in another bankruptcy court must complete the local registration form that includes a Training Waiver certifying that the Filing User is a registered user in another bankruptcy court and is familiar with this Court’s Local Bankruptcy Rules, appendices, and administrative orders.
- E. *Notice – Waiver and Consent* – Creditor Designees and Full Participants must maintain a current email address. Registration as a Full Participant constitutes: (1) waiver of the right to receive notice by first-class mail and consent to receive notice electronically, and (2) waiver of the right to service by personal service or first-class mail and consent to electronic service. Waiver of service and/or notice by first-class mail applies to notice of entry of an order or judgment under Federal Bankruptcy Rule 9022 and to the additional three (3) days for responding to pleadings under Federal Bankruptcy Rule 9006(f).
- F. *Withdrawal* – Once registered, a Filing User may withdraw from participation in CM/ECF by submitting a deactivation request via PACER. Upon receipt, the Filing User’s login must be disabled and the Filing User’s name must be deleted from the electronic service list.

### III. FILING

#### A. *Effect of Filing Electronically*

- 1. *Transmission Constitutes Filing* – Electronic transmission of a document to the CM/ECF system consistent with these procedures, together with the transmission of a Notice of Electronic Filing from the Court, constitutes filing of the document for all purposes of the Federal Bankruptcy Rules and the Local Bankruptcy Rules and constitutes entry of the document on the docket kept by the Clerk under Federal Bankruptcy Rule 5003.
- 2. *Binding Effect on Filing Party* – When a document has been filed electronically, the official record is the electronic recording of the document

as stored by the Clerk. A document filed electronically is deemed filed at the date and time stated on the Notice of Electronic Filing from the Court.

3. *Deadlines* – Electronic filing of a document does not alter the deadline for filing that document. Except where the presiding judge specifically requires an earlier filing time, filing must be completed before midnight local time where the Court is located to be considered timely filed that day. All references to time contained in these Electronic Case Filing Procedures are to Eastern Standard Time or Eastern Daylight Time, whichever is applicable at the time of filing.

*B. Filing Requirements in CM/ECF*

1. *In General* – Except as expressly provided in Section VI of these procedures, and in exceptional circumstances which prevent a Filing User from transmitting a pleading or other document using CM/ECF, all pleadings or other documents required to be filed with the Clerk in connection with a case assigned to CM/ECF must be filed as follows:
  - a. Filing Users must transmit all pleadings or other documents electronically using CM/ECF. If a Filing User transmits a document other than electronically using CM/ECF, the document must be accompanied by an affidavit stating why the document is not prepared or filed electronically. The Court may strike a document if the affidavit does not set forth sufficient cause for the non-compliance.
  - b. Only parties without legal representation may file pleadings and other documents by paper.
2. *Technical Problems* – If the CM/ECF system is inaccessible due to Court technical problems, the Court must accept alternate means of filing, notice of which must be posted on the Court’s website. If the Filing User is having technical problems, it is the Filing User’s responsibility to arrange for timely filing by other means.
3. *PDF Requirements* – The system cannot accommodate documents that do not meet the Court’s formatting requirements. The current formatting requirements can be found on the Court’s website at <https://www.mdb.uscourts.gov/for-attorneys/cmecf-login-info>, labeled “NextGen PDF Requirements.”
4. *Fees* – Fees payable to the Clerk for filings that require a fee must be made in one of the forms authorized by Local Bankruptcy Rule 1006-1.

IV. ORDERS

- A. *Validity and Effect* – All orders, decrees, judgments, and proceedings of the Court must be entered in accordance with these procedures and must satisfy the requirements of Federal Bankruptcy Rules 5003 and 9021.

- B. *Required Submission and Form* – All requests for relief, except motions for relief from the automatic stay, motions to dismiss or convert, Chapter 13 plans, motions to modify Chapter 13 plans, and pleadings initiating adversary proceedings under Federal Bankruptcy Rule 7001, must be accompanied by a proposed order that conforms to the requirements of Local Bankruptcy Rule 9013-3. Such orders must be filed as an attachment to the pleading and must be uploaded directly to the Court through CM/ECF. Orders that are submitted other than with the pleading, such as consent orders and orders embodying a ruling, also must be uploaded directly to the Court through CM/ECF.

1. *Proposed Orders* –

All orders submitted electronically must conform to the following specifications:

- a. The top margin on the first page must be no less than three (3) inches.
- b. The title must be descriptive of the relief to be ordered.
- c. The order must include a service list with the names and addresses of each party served with the motion. If a recipient will be served through CM/ECF, that person must be listed with the statement that service is via CM/ECF.
- d. The last line in the proposed order must state “End of Order,” and it must be centered in the middle of the line and in bold lettering to signify the end of the order.
- e. There must not be a signature line for the judge. The judge will electronically sign the document in the blank space provided by the top margin on the first page.
- f. Multi-page orders must contain page numbers at the bottom center of each page.

2. *Stipulations and Consent Orders* –

- a. Consent orders must be circulated and contain an original signature as set forth in Local Bankruptcy Rule 9011-3(c)(1). The original consent order bearing original signatures of the consenting parties must be maintained by the Filing User until three (3) years after the bankruptcy case is closed.
- b. The name (in the form appearing on the original) of each party executing the stipulation or proposed consent order must be printed at the end of the text, preceded by /s/ to evidence an original signature. See Section IX below.
- c. Attorneys submitting proposed consent orders must include the following certification of consent:



I HEREBY CERTIFY that the terms of the copy of the consent order submitted to the Court are identical to those set forth in the original consent order; and the signatures represented by the /s/\_\_\_\_\_ on this copy reference the signatures of consenting parties on the original consent order.

V. ATTACHMENTS AND EXHIBITS TO PLEADINGS AND PROOFS OF CLAIM

Filing Users must submit in electronic form all documents referenced as exhibits or attachments unless the Court authorizes alternative filing. A Filing User must submit as exhibits or attachments only those excerpts of the referenced documents that are directly germane to the matter under consideration by the Court. Excerpted material must be clearly and prominently identified as such. Filing Users who file excerpts of documents as exhibits or attachments under this section do so without prejudice to their right to timely file additional excerpts or the complete document. Responding parties may timely file additional excerpts or the complete document that they believe are directly germane to the matter under consideration by the Court.

VI. TRIAL EXHIBITS – EXCEPTIONS TO ELECTRONIC CASE FILING

Trial exhibits must be filed in accordance with Local Bankruptcy Rule 7016-1 unless otherwise authorized by chambers. For additional guidance, refer to chambers' webpages: <https://www.mdb.uscourts.gov/judges-info>.

VII. SENSITIVE DOCUMENTS

- A. *Sealed Documents* – Any party who seeks to file documents under seal must file a motion to that effect. The proposed sealed documents must be filed separately from the motion, as restricted documents, in accordance with the CM/ECF User Manual. The CM/ECF User Manual is located on the Court's website here: <https://www.mdb.uscourts.gov/files/ECF%20Manual%202021-03-09.pdf>.
- B. *Highly Sensitive Documents* – Highly sensitive documents contain information so sensitive and confidential that additional precautions beyond sealing the document from public view on the Court's CM/ECF system is required. To safeguard those documents appropriately, they must be filed in paper and not through CM/ECF. Factors used to determine whether a document constitutes a Highly Sensitive Document include whether a case involves: national security; foreign sovereign interests; criminal activity related to cybersecurity; intellectual property, trade secrets, or sensitive commercial information likely to be of interest to foreign powers; terrorism; investigation of public officials; or the reputational interests of the United States. The following types of documents are generally not considered highly sensitive: Social Security records, administrative immigration records, information about minors, documents related to domestic abuse, and most other sealed filings in bankruptcy cases. For additional information and instructions, visit the Court's webpage on Highly Sensitive Documents here: <https://www.mdb.uscourts.gov/for-attorneys/highly-sensitive>.

[sensitive-documents-special-procedures.](#)

- C. *Writs* – Requests for the issuance of a writ in aid of collection or recovery of property must be filed electronically. The request is a private entry which prevents it from being viewed by parties. This status must be changed to a public docket entry when one of the following events occur: (1) thirty (30) days have passed since the issuance of the writ; (2) a certificate of service of the writ has been filed; or (3) an answer to the writ is filed.

#### VIII. REQUIRED RETENTION OF ORIGINAL DOCUMENTS

Original documents must be retained in accordance with Local Bankruptcy Rule 9011-3.

#### IX. SIGNATURES

- A. *In General* – All pleadings, other papers, and documents filed electronically must evidence the signature by placing “/s/ [Filing User’s Name]” where the original signature occurs.
- B. *CM/ECF System* – Use of the Filing User’s login and password on the CM/ECF system constitutes the Filing User’s signature for all purposes for documents which must contain original signatures.
- C. *Consistency* – Other than party affidavits, client signatures, and consent documents, the electronic signature on the pleading must match the name of the Filing User. The signature on a pleading filed by a Filing Agent must match the name of the Filing User on whose behalf it was filed.
- D. *Attorneys* – Attorneys must comply with Federal Bankruptcy Rule 9011 and Local Bankruptcy Rule 9011-1.

#### X. SERVICE OF DOCUMENTS

- A. *Automatic Service by the CM/ECF System on Registered Participants*<sup>2</sup> – Upon filing of any pleading, the CM/ECF system must send a “Notice of Electronic Filing” to all Filing Users who have entered an appearance or requested notice in that case, and the confirmation received by the filing parties must contain a list of all parties receiving such notice.
- B. *Confirmed Transmission Constitutes Service*<sup>3</sup> – Electronic transmission of the

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<sup>2</sup> Debtors who register for electronic noticing via DeBN are not “Registered Participants” and do not receive a Notice of Electronic Filing. Debtors must be served with paper copies of documents unless otherwise authorized by the Court.

<sup>3</sup> Previously, the Court offered Non-Filing User accounts solely for the purpose of receiving email notifications of case activity. Legacy Non-Filing Users will receive the Notice of Electronic Filing but have not waived the right to

Notice of Electronic Filing constitutes service or notice of the filed document on a Filing User. A party filing electronically is not otherwise required to serve the pleading or other document on any party who is a registered CM/ECF participant and has consented to electronic notice.

- C. *Service on Parties Not Consenting to Electronic Notice* – Unless otherwise ordered by the Court and except as set forth in Local Bankruptcy Rule 9036-1, the party filing a pleading or other document must serve by first-class mail, postage pre-paid, all parties in interest who have not consented to electronic notice or service in accordance with section II.E.
- D. *Service of a Summons or Subpoena* – A party in interest serving a summons under Federal Bankruptcy Rule 7004 or a subpoena under Federal Bankruptcy Rule 9016 must also serve such summons or subpoena in paper form. Return of service may be filed electronically.

## XI. NOTICE OF COURT ORDERS AND JUDGMENTS

- A. *Entry of Court Orders and Judgments* – Upon entry of an order or judgment, the Clerk must transmit a Notice of Electronic Filing to Filing Users who have entered an appearance or requested notice in the case.
- B. *Transmission Constitutes Notice* – Electronic transmission of the Notice of Electronic Filing constitutes the notice required by Federal Bankruptcy Rule 9022.

## XII. PUBLIC ACCESS

- A. *Public Access at the Court* – Access to the electronic docket and documents filed in the CM/ECF system is available to the public at no charge at each Divisional Office of the Clerk during regular business hours.
- B. *Internet Access* – There are two forms of Internet Access: CM/ECF access for filing and PACER access for viewing documents. Full Participants and Creditor Designees use their PACER logins to access CM/ECF to file documents electronically. Any party may obtain a PACER login to view documents electronically. A PACER login may be obtained at <http://pacer.gov>. PACER logins apply to all federal courts.
- C. *Limited Access; Privacy* – Any person may apply by motion for an order limiting electronic access to, excusing, or prohibiting the electronic filing of certain specifically identified materials on the grounds that such material is subject to privacy interests and that electronic access or electronic filing is likely to prejudice those privacy interests.
- D. *Paper Copies and Certified Copies* – Paper copies and certified copies of electronically filed documents may be purchased at the Office of the Clerk. The fee for copying and certification must be in accordance with 28 U.S.C. § 1930.

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personal service or the right to receive notice by first-class mail.

### XIII. PROCEDURES FOR ELECTRONIC FILING OF DOCUMENTS BY CREDITOR'S DESIGNEE

- A. *Application* – Creditors and their designees who electronically file proofs of claim, transfers of claim, reaffirmation agreements, Notices of Mortgage Payment Change, or Notices of Postpetition Mortgage Fees, Expenses, and Charges pursuant to Federal Bankruptcy Rule 3002.1, must comply with the procedures in this section.
- B. *Form of Proof of Claim* – Each proof of claim must conform to Official Form 410 with respect to the information requested by that form, subject to the instructions concerning attachments below. Proofs of claim that are filed electronically must be text documents in PDF format (not scanned or imaged documents). By electronically filing the proof of claim or transfer of claim with a “/s/” representation of signature, the Creditor Designee or creditor certifies the accuracy of the claim and that it is filed in good faith. The proof of claim form must include the following statement from Official Form 410: “***A person who files a fraudulent claim could be fined up to \$500,000, imprisoned up to five (5) years, or both.*** 18 U.S.C. §§ 152, 157 and 3571.”
- C. *Form of Transfer of Claim* – A transfer of claim must state the claim number of the proof of claim for each transferred claim.
- D. *Attachments* – Any document filed as an exhibit to a proof of claim must be excerpted to include only the portion minimally necessary to support the claim. Only those portions of documents may be attached that evidence the amount of the claim and demonstrate the claimant's interest, i.e., a note and critical portions of deeds, mortgages, and security agreements. Examples include pages containing recording information, parties to the instrument, signatures, grants of liens or security interests, collateral descriptions, and summaries of accounts rather than copies of invoices. Exhibits must be prominently identified as an excerpt and the creditor must make the original exhibit available in its entirety upon request by a party or the Court. Creditors filing excerpts of exhibits pursuant to this procedure do so without prejudice to their right to file additional exhibits or unedited exhibits.
- E. *Signatures; Authorization; Representations* – No person or entity may cause a proof of claim, transfer of claim, or reaffirmation agreement to be filed electronically without the express authorization of the individual whose signature appears on the document for the entity on whose behalf the document is being filed. The name of the signatory on the pleading must be typed beneath the signature line.
- F. *Creditor Designee* – The Creditor Designee is the individual who authorizes the filing of a proof of claim, transfer of claim, or reaffirmation agreement. The “/s/” representation of the Creditor Designee constitutes that person's signature for purposes of Federal Bankruptcy Rule 9011 and 18 U.S.C. §§ 152 and 3751. The signature of the Creditor Designee must appear on every document filed electronically on behalf of the Creditor, by placing “/s/ [Name of Creditor Designee]” on the signature line.
- G. *Electronic Filing of Pleadings – Representations to the Court* – In filing a document,

the Creditor Designee certifies that:

1. The creditor designee is authorized to file the document by the entity on whose behalf the document is being filed;
2. The creditor is the same entity stated on that individual's application to use the CM/ECF system; and
3. The information in the filed document is true and correct within the meaning of Federal Bankruptcy Rule 9011.

XIV. PROCEDURES FOR ELECTRONICALLY FILING PROOFS OF CLAIM (ePOC)

- A. *In General* – Proofs of claim forms for all chapters may be filed electronically via the ePOC system on the Court's website. No login or password is required. Further information about ePOC and instructions for using it are located on the Court's web site at <https://www.mdb.uscourts.gov/for-attorneys/e-poc>.
- B. *Rule 3002.1 Notices* – Notices of Mortgage Payment Change (Supplement 1) and Notices of Postpetition Mortgage Fees, Expenses, and Charges (Supplement 2) filed pursuant to Federal Bankruptcy Rule 3002.1 must be filed through CM/ECF and not through ePOC.

**~~AMENDED~~ COMPLEX CHAPTER 11**  
**~~-CASE PROCEDURES~~**  
**~~(See Local Bankruptcy Rule 1002-3)~~**

To facilitate administrative and procedural efficiencies in complex Chapter 11 cases in this ~~District Court~~, these ~~Amended~~ Complex Chapter 11 Case Procedures (the “Procedures”) are effective September 1, 2021, and supersede in all respects Administrative Order No. 02-03. The Procedures are mandatory in all Complex Chapter 11 Cases (as defined herein) and optional in all other Chapter 11 cases, including cases under ~~subchapter~~ Subchapter V of Chapter 11. A debtor in a non-Complex Chapter 11 Case may elect to proceed under these Procedures by filing a notice of such election contemporaneously with its Chapter 11 petition (“Notice of Application of Complex Chapter 11 Case Procedures”).

1. Definition of a Complex Chapter 11 Case. A “Complex Chapter 11 Case” is a case filed by a debtor or group of affiliated debtors in which: (a) the total liabilities of the debtor or all affiliated debtors ~~is~~are more than \$10 million; (b) there are a total of more than 50 creditors listed in the schedules of the debtor or all affiliated debtors; or (c) a portion of the debt or equity securities of the debtor or any one of the affiliated debtors is publicly traded.
2. Notice of Designation of Complex Chapter 11 Case. A debtor filing a Complex Chapter 11 Case or a debtor filing a Chapter 11 case with an election to proceed under the Procedures must file the attached Notice of Application of Complex Chapter 11 Procedures contemporaneously with the petition in a voluntary Chapter 11 case. If the petition is filed under 11 U.S.C. § 303, the Notice of Application of Complex Chapter 11 Procedures must be filed by the petitioning creditors or the alleged debtor within fourteen (14) days of the service of the petition.

## APPENDIX J

3. Advance Notice Regarding Filing of Complex Chapter 11 Case. To the extent practicable, when a prospective debtor filing a Complex Chapter 11 Case or a Chapter 11 case (including a ~~subchapter~~Subchapter V case) with an election to proceed under the Procedures anticipates a need for immediate relief, ~~counsel for the debtor~~debtor's attorney must contact the United States Trustee and the Clerk prior to filing any voluntary petition for relief under Chapter 11 for the purpose of advising the United States Trustee and the Clerk of the anticipated filing (without disclosing the identity of the debtor) and the matters on which the debtor intends to seek immediate relief.
4. Master Service List. The debtor must maintain a consolidated master service list identifying the parties that must be served with motions and other papers filed in the case. Unless otherwise required by the Bankruptcy Code, Federal Bankruptcy Rules, the Local Bankruptcy Rules, or Court order, notices of motions and all other papers ~~will~~may be limited to those on the master service list. That list must include: (a) the debtor; (b) the debtor's secured creditors; (c) the debtor's 20 largest unsecured creditors, unless and until an ~~Unsecured Creditors' Committee~~unsecured creditors' committee is appointed (in which event, service ~~should~~must be directed to ~~counsel~~the attorney for the ~~Unsecured Creditors' Committee~~unsecured creditors' committee); (d) those persons filing a notice of appearance and request for service in the case; (e) the Office of the United States Trustee and, to the extent required by the Bankruptcy Code ~~or~~, Federal Bankruptcy Rules, or Local Bankruptcy Rules, all ~~government~~governmental agencies; and (f) any known ~~counsel~~attorney for those identified in subsections (a)-(e). Parties on the master service list represented by an attorney who ~~appear through counsel~~entered his or ~~who submit a request for service by~~

## APPENDIX J

~~CM/ECF~~her appearance will be served ~~only~~ through the CM/ECF notification system.

All other parties on the master service list must be served, at the server's option, by ~~electronic mail~~email or regular mail. The debtor must file the initial master service list within three (3) days of filing the Chapter 11 petition and must file an updated master service list as necessary to reflect changes to any party's information.

5. First Day Motions and First Day Hearing. The debtor may file a request for an emergency hearing on motions commonly referred to as "first day motions" in Chapter 11 cases. These motions may include requests for approval of debtor in possession financing, use of cash collateral, payment of prepetition employee wages and benefits, payment of critical vendors and suppliers, payment of trust fund taxes, and other similar requests. The debtor may request a hearing date from the courtroom deputy for the presiding judge upon the filing of the Chapter 11 petition, and such hearing may be set upon at least twenty-four (24) hours' notice (unless emergent circumstances require a shorter period) to the parties identified on the master service list, to the extent practicable and with a preference for service by ~~electronic mail~~email. The presiding judge will determine whether to grant any such requested relief and whether to do so on an interim, conditional, or permanent basis.
6. General Motions Practice and Hearing Dates. The debtor may request from the courtroom deputy for the presiding judge a list of omnibus hearing dates for the case. Motions and other matters that do not require an emergency hearing ~~should~~must be noticed for a hearing date at least twenty-one (21) days after notice is served. The debtor may request an emergency hearing on any motion by filing an expedited hearing request, ~~which may be done~~ using the ~~Form~~Court's form Motion to Shorten Time or



## APPENDIX J

- Request [for](#) Expedited Hearing. The Court will endeavor to review and set emergency hearing dates as promptly as practicable.
7. Hearing Participation and Procedures. Any party may request to appear at a hearing by telephone or video conference. Any such request must be made to the courtroom deputy for the presiding judge at least [forty-eight \(48\)](#) hours prior to the hearing date, absent exigent circumstances. All parties ~~should~~[must](#) review the presiding judge's hearing and evidentiary protocols [on the Court's website](#) prior to participating in any hearing before the judge. The presiding judge may, in the judge's discretion, deny a request to participate by telephone or video conference if the judge determines that the party's appearance in person is required or would be beneficial to the proceeding.
8. Continuances and Automatic Bridge Order. Any continuance or adjournment of a scheduled hearing may be done by consent of the movant and any party filing a responsive paper, provided that the continuance or adjournment is coordinated with the courtroom deputy for the presiding judge by email with a copy to all anticipated hearing participants. A party may otherwise file a motion for a continuance or adjournment in accordance with Local Bankruptcy Rule ~~5071-1~~[9013-7](#). In addition, unless otherwise provided by the Bankruptcy Code, Federal Bankruptcy Rules, [Local Bankruptcy Rules](#), or a Court order, if a motion is filed that complies with [Federal](#) Bankruptcy Rule 9006 to enlarge the time to take any action before the expiration of the period prescribed by the Bankruptcy Code, Federal Bankruptcy Rules, ~~or~~ Local Bankruptcy Rules, [or a Court order](#), the time for taking the action is automatically extended until the Court rules on the motion.

## APPENDIX J

9. Proofs of Claim and Omnibus Claim Objection Procedures. Unless otherwise set by Court order, the bar date for the filing of proofs of claim is (a) one hundred eighty (180) days after the petition date for governmental units; and (b) as set forth in Local Bankruptcy Rule 3003-1 for all other entities. Parties may file a motion to approve procedures for handling omnibus claims objections. Such procedures may not shift the burden of proof, discovery rights or burdens, or pleadings requirements.
10. Cash Collateral and Financing Orders. Unless otherwise ordered by the Court, the debtor ~~should~~must comply with Local Bankruptcy Rule 4001-5 as applicable, and the motion ~~should~~must include ~~a chart that summarizes~~ the provisions required to be highlighted by Local Bankruptcy Rule 4001-5, as well as any provisions setting milestones relating to a sale or a plan.
11. Motions to Sell Assets or Set Sale Procedures. Unless otherwise ordered by the Court, any motion to sell assets or set sale procedures ~~should~~must comply with Local Bankruptcy ~~Rule~~Rules 6004-~~13~~ and 6004-4, as applicable, and the motion ~~should~~must include ~~a chart that summarizes~~ the provisions required to be highlighted by ~~Local Bankruptcy Rules 6004-1(b) and/or 6004-1(e)~~ those Rules. The debtor may request to have any motion to sell assets set for hearing on an expedited basis, provided that adequate notice of the request to expedite and the motion to sell assets is provided to all ~~potentially interested~~potential parties in interest. Any sale procedures motion ~~should~~must provide for input from or consultation with any statutory committee of creditors and secured creditors with liens ~~in~~against the property being sold. Notwithstanding the foregoing, secured creditors or committee members who are potential bidders may not participate in the adoption or implementation of sale

## APPENDIX J

procedures and may not receive information that is not generally available to all potential bidders.

12. Disclosure Statement and Plan Confirmation. A plan proponent may propose to combine the disclosure statement and plan into a single document. The plan proponent also may file a motion requesting: (a) conditional approval of the disclosure statement; (b) approval of solicitation procedures; (c) the scheduling of a hearing on shortened notice to consider conditional approval of the proposed disclosure statement; and (d) the scheduling of a joint hearing to consider final approval of the adequacy of the disclosure statement and confirmation of the proposed plan.
13. Mediation. The Court may order mediation of any dispute arising in an adversary proceeding, contested matter, or otherwise. Parties may agree to mediate any dispute without Court approval. No matter may be mediated by a sitting judge without first obtaining an order from the Court. Unless otherwise ordered by the Court, the mediation of a matter does not delay or stay discovery, pretrial hearing dates, or trial dates. Unless otherwise ordered by the Court or agreed by the parties, any fees and costs of the mediator ~~will~~must be shared equally by the parties.
14. Revision and Application of Federal Bankruptcy and Local Bankruptcy Rules. These Procedures may be revised periodically. Unless otherwise provided herein, the Federal Bankruptcy Rules and Local Bankruptcy Rules continue to apply in all Complex Chapter 11 Cases (and those ~~Nonnon~~-Complex Chapter 11 Cases ~~proceeding under the~~utilizing these Procedures by election).

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF MARYLAND

In re:

\*

\*

Case No.

Debtor.

\*

(Chapter 11)

\* \* \* \* \*

**NOTICE OF APPLICATION OF  
COMPLEX CHAPTER 11 CASE PROCEDURES**

The Complex Chapter 11 Case Procedures established by Local Bankruptcy Rule 1002-3 ~~shall~~ apply to the above-captioned case(s) for the following reasons:

I. Mandatory application of the Complex Chapter 11 Case Procedures (Check all that apply):

- ☐ The debtor, including affiliates, if any, has liabilities of at least \$10 million (US).
- ☐ More than fifty (50) creditors, including creditors of the debtor's affiliates, are listed in the debtor's schedules.
- ☐ A portion of the debt or equity securities of the debtor or any one of the affiliated debtors is publicly traded.

II. Voluntary election to proceed under the Complex Chapter 11 Case Procedures:

- ☐ The debtor does not satisfy any of the three (3) criteria set forth in Section I herein, but nevertheless elects to proceed under the Complex Chapter 11 Case Procedures.

Respectfully submitted,

/s/ Attorney's Name  
Attorney's Name, Esquire  
Firm Name  
Address  
Address  
Address  
Telephone

**CERTIFICATE OF SERVICE**

I hereby certify that on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_, I reviewed the Court's CM/ECF system and it reports that an electronic copy of the Notice of Application ~~Of~~<sup>of</sup> Complex Chapter 11 Case Procedures will be served electronically by the Court's CM/ECF system on the following:

Julian Mayfair, Chapter 13 Trustee

Johnny Dougherty, Esquire

Mary Frances Brown, Esquire

I hereby further certify that on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_, a copy of the Notice of Application ~~Of~~<sup>of</sup> Complex Chapter 11 Case Procedures was also mailed first class mail, postage prepaid to:

Harry Brown, Esq., Counsel for creditor John Doe  
101 Somewhere Ave.  
Hometown, MD 20850

John Doe 101 Main Street  
Hometown, MD 20815

Janice Doefield  
101 Off Main Street Hometown, MD 20815

/s/ Signature  
[Type or print your name]

**LOCAL BANKRUPTCY RULES**  
**OF THE**  
**UNITED STATES BANKRUPTCY COURT**  
**FOR THE**  
**DISTRICT OF MARYLAND**



**As Revised December 1, 2023**

**Available online at:**  
**[www.mdb.uscourts.gov](http://www.mdb.uscourts.gov)**

## TABLE OF CONTENTS

Foreword .....	i
General Information .....	ii
Table of Contents of Rules and Appendices .....	iv
Administrative Orders Maintained on the Court’s Website .....	x
Local Bankruptcy Rules .....	1
Appendices-Table of Contents.....	87
Appendix A Local Bankruptcy Forms .....	89
Appendix B Local District Court Rules for Bankruptcy Proceedings .....	155
Appendix C Discovery Guidelines of the U.S. District Court, District of Maryland .....	160
Appendix D Compensation Guidelines for Professionals .....	171
Appendix E Maryland State Bar Association Code of Civility .....	179
Appendix F Chapter 13 Debtor’s Counsel Responsibilities and Fees .....	181
Appendix G Alternative Dispute Resolution .....	183
Appendix H Administrative Order Adopting CM/ECF Procedures .....	194
Appendix I Interim Amendments to the Federal Rules of Bankruptcy Procedure .....	207
Appendix J Complex Chapter 11 Case Procedures .....	210

**UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF MARYLAND**

**FOREWORD**

(December 2023)

These Rules are intended to supplement the Bankruptcy Code and the Federal Bankruptcy Rules to bring transparency and predictability to bankruptcy practice in our Court. The Bankruptcy Code, the Federal Bankruptcy Rules, other applicable federal rules, and the Maryland Attorneys' Rules of Professional Conduct and Attorney Trust Accounts continue to apply and govern all cases, matters, and proceedings in our Court. In addition, attorneys and parties must present adequate facts, evidence, and legal argument in support of their respective positions; nothing in these Rules alters the applicable legal standards. To the extent members of the bar or public believe future changes or revisions are warranted, they are encouraged to communicate their proposals to the Clerk of Court for consideration by the bench.

The December 1, 2023, amendments have "23.05" at the bottom of each page. This version of the Rules supersedes all prior versions (the amendments in redline are available through the Court's CM/ECF system under Miscellaneous Proceeding 16-90000). These Rules are effective as of December 1, 2023, and govern all matters and proceedings in bankruptcy cases thereafter commenced and all matters and proceedings in bankruptcy cases then pending on a going forward basis.



**UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF MARYLAND  
GENERAL INFORMATION**

[www.mdb.uscourts.gov](http://www.mdb.uscourts.gov)  
(Updated December 2023)

**COURT ADDRESSES:**

Baltimore Division  
U.S. Bankruptcy Court  
101 West Lombard Street, Suite 8530  
Baltimore, Maryland 21201

Greenbelt Division  
U.S. Bankruptcy Court  
6500 Cherrywood Lane, Suite 300  
Greenbelt, Maryland 20770

**JUDGES OF THE COURT:**

Baltimore Division  
**Hon. David E. Rice** (Chief Judge)  
**Hon. Nancy V. Alquist**  
**Hon. Michelle M. Harner**

Greenbelt Division  
**Hon. Maria Ellena Chavez-Ruark**  
**Hon. Lori S. Simpson**  
**Hon. Thomas J. Catliota** (Recalled)

**Clerk of the Court:**  
Mark A. Neal

Thomas C. Kearns, Chief Deputy  
Kelly Grant, Director of Operations

**SCHEDULE OF FEES**

Schedule of Fees may be found on the Court's website: [www.mdb.uscourts.gov](http://www.mdb.uscourts.gov)  
**Fees - See also 28 U.S.C. §§ 1914 and 1930**

Cashier's Checks must be payable to: Clerk, U.S. Bankruptcy Court  
(Personal Checks Not Accepted)

**OFFICE HOURS**

The Office of the Clerk is open daily, 8:45 a.m. to 4:00 p.m., except Saturday, Sunday and legal holidays.

**AFTER-HOURS NIGHT DROP BOX**

An After-Hours Night Drop Box is available during the following hours:

Greenbelt: Monday through Friday 4:00 p.m. until 6:00 p.m.  
(Excluding holidays)

Baltimore: Monday through Friday 4:00 p.m. until midnight  
(Excluding holidays)

## TELEPHONE NUMBERS

### General Information Numbers

Baltimore Division.....	410-962-2688
Greenbelt Division.....	301-344-8018
VCIS (Baltimore and Greenbelt).....	1-866-222-8029
PACER (On-Line Access Read Only).....	1-800-676-6856

## U.S. TRUSTEES

Gerard R. Vetter  
410-962-4300  
Assistant U.S. Trustee  
Office of the U.S. Trustee  
101 West Lombard Street, Suite 2625  
Baltimore, Maryland 21201

Jeanette Rice  
301-344-6216  
Assistant U.S. Trustee  
Office of the U.S. Trustee  
6305 Ivy Lane, Suite 600  
Greenbelt, Maryland 20770

## CHAPTER 13 STANDING TRUSTEES

### Baltimore Division

Brian A. Tucci  
410-825-5923  
P.O. Box 1110  
Millersville, Maryland 21108

Rebecca A. Herr  
301-805-4700  
185 Admiral Cochrane Dr., Suite 240  
Annapolis, Maryland 21401

### Greenbelt Division

Timothy P. Branigan  
410-290-9120  
9891 Broken Land Parkway, Suite 301  
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Rebecca A. Herr  
301-805-4700  
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Annapolis, Maryland 21401

THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF MARYLAND

LOCAL BANKRUPTCY RULES  
TABLE OF CONTENTS

**PART I**

RULE 1001-1 SHORT TITLE; APPLICABILITY .....	1
RULE 1002-1 PETITION – GENERAL .....	2
RULE 1002-2 ELECTION TO PROCEED UNDER SUBCHAPTER V OF CHAPTER 11 .....	3
RULE 1002-3 COMPLEX CHAPTER 11 CASE PROCEDURES .....	3
RULE 1006-1 FILING FEES - INSTALLMENT PAYMENTS .....	4
RULE 1007-1 MAILING LIST OR MATRIX .....	4
RULE 1007-2 VOLUNTARY PETITION – NON-INDIVIDUAL DEBTOR.....	5
RULE 1007-3 POWER OF ATTORNEY AND DECLARATION REQUIRED.....	6
RULE 1007-4 EVIDENCE OF PAYMENT FROM EMPLOYMENT .....	6
RULE 1009-1 NOTICES TO CREDITORS (I) OMITTED FROM OR INCORRECTLY LISTED ON MASTER MAILING MATRIX OR (II) AFFECTED BY AMENDMENT TO SCHEDULE .....	7
RULE 1015-1 JOINT ADMINISTRATION/CONSOLIDATION .....	9
RULE 1017-1 DISMISSAL OF CASE .....	9

**PART II**

RULE 2002-1 NOTICE TO CREDITORS AND OTHER INTERESTED PARTIES.....	10
RULE 2004-1 EXAMINATIONS UNDER FEDERAL BANKRUPTCY RULE 2004.....	11
RULE 2015-1 COMPENSATION BY DEBTOR IN NON-INDIVIDUAL CHAPTER 11 .....	11
RULE 2016-1 COMPENSATION OF PROFESSIONALS .....	12
RULE 2016-2 DISCLOSURE OF COMPENSATION OF PETITION PREPARERS.....	13
RULE 2070-1 ADMINISTRATIVE EXPENSES.....	14
RULE 2071-1 NOTICE TO OTHER COURTS WITH PENDING ACTIONS .....	14
RULE 2072-1 ACCESS TO INFORMATION IN CHAPTER 11 CASES .....	15

**PART III**

RULE 3002-1 TIME FOR FILING CERTAIN PROOFS OF CLAIM .....	16
RULE 3003-1 TIME FOR FILING PROOFS OF CLAIM IN CHAPTER 11 CASES.....	17
RULE 3007-1 CLAIMS – OBJECTIONS .....	17
RULE 3011-1 UNCLAIMED FUNDS HELD IN COURT REGISTRY.....	17

RULE 3011-2 UNCLAIMED AND UNDISTRIBUTED FUNDS IN LIQUIDATING CHAPTER 11 CASES.....	18
RULE 3012-1 VALUATION OF COLLATERAL AND/OR AVOIDANCE OF LIEN ON PROPERTY UNDER 11 U.S.C. § 506 BY MOTION - CHAPTER 13 ONLY .....	19
RULE 3015-1 CHAPTER 13 PLANS - FORM AND SERVICE.....	20
RULE 3015-2 CHAPTER 13 - CONFIRMATION .....	21
RULE 3015-3 PRE-CONFIRMATION ADEQUATE PROTECTION AND PERSONAL PROPERTY LEASE PAYMENTS .....	22
RULE 3015-4 CHAPTER 13 – WAGE ORDERS.....	22
RULE 3015-5 CHAPTER 13 – MODIFICATION OF PLAN AFTER CONFIRMATION.....	23
RULE 3016-1 SERVICE OF CHAPTER 11 PLAN AND/OR DISCLOSURE STATEMENT .....	24
RULE 3016-2 AMENDED CHAPTER 11 PLAN AND/OR DISCLOSURE STATEMENT.....	24
RULE 3016-3 CHAPTER 11 – SUBCHAPTER V CONFIRMATION ORDER .....	24
RULE 3018-1 TALLY OF BALLOTS - CHAPTER 11.....	25
RULE 3022-1 ADMINISTRATION OF CONFIRMED CHAPTER 11 PLANS.....	25
RULE 3070-1 CHAPTER 13 SPECIAL PROCEDURES .....	28

#### **PART IV**

RULE 4001-1 AUTOMATIC STAY - RELIEF FROM.....	30
RULE 4001-2 AUTOMATIC STAY - POST-FILING ARREARS .....	33
RULE 4001-3 ACTION FOLLOWING FORECLOSURE, REPOSSESSION, OR SURRENDER OF COLLATERAL.....	33
RULE 4001-4 OBTAINING CREDIT, REFINANCING, AND LOAN MODIFICATIONS.....	34
RULE 4001-5 REQUIREMENTS FOR CASH COLLATERAL AND FINANCING MOTIONS AND ORDERS.....	35
RULE 4001-6 POSTPETITION PAYMENT NOTICES AND ACCOUNT ACCESS .....	38
RULE 4001-7 POSTPETITION APPLICATIONS TO MODIFY LOAN .....	38
RULE 4003-1 NOTICE OF OBJECTION TO CLAIM OF EXEMPTIONS .....	39
RULE 4003-2 LIEN AVOIDANCE UNDER 11 U.S.C. § 522(f).....	39
RULE 4004-1 DISCHARGE IN CHAPTER 13 CASES.....	40

## **PART V**

RULE 5001-1 COURT ADMINISTRATION - LAPSE IN APPROPRIATIONS AND/OR DISRUPTION IN SERVICE.....	41
RULE 5001-2 CLERK - OFFICE LOCATION/HOURS .....	41
RULE 5005-1 FILING BY ELECTRONIC MEANS .....	44
RULE 5011-1 WITHDRAWAL OF REFERENCE.....	44
RULE 5070-1 PHOTOGRAPHING AND RECORDING COURT PROCEEDINGS AND COURTHOUSE SPACES .....	44

## **PART VI**

RULE 6004-1 SALE OF UNEMCUMBERED ESTATE PROPERTY .....	46
RULE 6004-2 SALE OF ENCUMBERED ESTATE PROPERTY – CHAPTER 7, 12, AND 13 ONLY .....	47
RULE 6004-3 SALE OF ENCUMBERED ESTATE PROPERTY – CHAPTER 11 ONLY .....	47
RULE 6004-4 APPROVAL OF SALE PROCEDURES – CHAPTER 11 ONLY .....	49
RULE 6004-5 REPORT OF SALE .....	52
RULE 6006-1 EXECUTORY CONTRACTS AND UNEXPIRED LEASES.....	53
RULE 6007-1 ABANDONMENT OR DISPOSITION OF PROPERTY .....	53

## **PART VII**

RULE 7001-1 TRUSTEE’S FILING FEES .....	55
RULE 7003-1 ADVERSARY COVER SHEET .....	55
RULE 7003-2 DISCLOSURE OF CORPORATE AFFILIATES.....	55
RULE 7004-1 SERVICE OF COMPLAINT AND SUMMONS.....	55
RULE 7005-1 ELECTRONIC SERVICE .....	56
RULE 7007-1 MOTIONS FOR EXPEDITED TURNOVER OF MOTOR VEHICLES .....	56
RULE 7012-1 FINAL ORDERS AND JUDGMENTS.....	57
RULE 7012-2 EXTENSION OF TIME TO PLEAD OR FILE MOTION .....	57
RULE 7012-3 MOTION TO DISMISS AN ADVERSARY PROCEEDING AGAINST A PARTY NOT REPRESENTED BY AN ATTORNEY.....	58
RULE 7015-1 AMENDED COMPLAINT .....	58
RULE 7016-1 PRETRIAL PROCEDURES .....	59
RULE 7026-1 DISCOVERY - GENERAL.....	60
RULE 7026-2 FILING OF DISCOVERY MATERIAL.....	61
RULE 7054-1 ALLOWANCE OF COSTS.....	62

RULE 7054-2 ATTORNEYS' FEES .....	62
RULE 7055-1 DEFAULT - FAILURE TO PROSECUTE .....	62
RULE 7055-2 REQUEST OR MOTION FOR DEFAULT JUDGMENT AGAINST A PARTY NOT REPRESENTED BY AN ATTORNEY .....	62
RULE 7056-1 MOTION FOR SUMMARY JUDGMENT AGAINST A PARTY NOT REPRESENTED BY AN ATTORNEY .....	64

## **PART VIII**

RULE 8001-1 APPEALS .....	65
---------------------------	----

## **PART IX**

RULE 9001-1 DEFINITIONS AND RULES .....	66
RULE 9004-1 PAPERS - REQUIREMENTS OF FORM FOR PARTIES REPRESENTED BY AN ATTORNEY .....	67
RULE 9006-1 TIME FOR SERVICE AND FILING OF MOTIONS AND RESPONSIVE PAPERS .....	67
RULE 9006-2 BRIDGE ORDERS NOT REQUIRED IN CERTAIN CIRCUMSTANCES .....	68
RULE 9009-1 LOCAL BANKRUPTCY FORMS .....	68
RULE 9010-1 SELF-REPRESENTED PARTIES (PARTIES NOT REPRESENTED BY AN ATTORNEY) .....	68
RULE 9010-2 CURRENT INFORMATION .....	68
RULE 9010-3 ATTORNEYS - WHO MAY APPEAR AS AN ATTORNEY FOR A PARTY .....	69
RULE 9010-4 WITHDRAWAL OF APPEARANCE OF AN ATTORNEY .....	70
RULE 9010-5 ATTORNEY FOR DEBTORS - DUTIES .....	71
RULE 9010-6 CHAPTER 13 DEBTOR'S ATTORNEY .....	72
RULE 9011-1 SIGNATURE, FEDERAL BAR NUMBER .....	72
RULE 9011-2 SIGNING OF ELECTRONICALLY TRANSMITTED PLEADINGS; REPRESENTATIONS TO THE COURT .....	73
RULE 9011-3 MAINTENANCE AND PRODUCTION OF ORIGINAL DOCUMENTS .....	73
RULE 9013-1 MOTIONS PRACTICE .....	74
RULE 9013-2 BRIEFS AND MEMORANDA OF LAW .....	75
RULE 9013-3 ORDERS - PROPOSED .....	75
RULE 9013-4 CERTIFICATE OF SERVICE .....	76
RULE 9013-5 RESPONSIBILITY FOR PROPER SERVICE .....	77

RULE 9013-6 MOTION TO SHORTEN TIME AND/OR FOR EXPEDITED HEARING.....	77
RULE 9013-7 POSTPONEMENT/CONTINUANCE OF MATTERS OR PROCEEDINGS .....	78
RULE 9014-1 CONTESTED MATTERS.....	80
RULE 9014-2 APPLICATION OF PRETRIAL, DISCOVERY, AND DEFAULT RULES TO CONTESTED MATTERS.....	80
RULE 9015-1 TIME FOR FILING CONSENT TO HAVE JURY TRIAL CONDUCTED BY BANKRUPTCY JUDGE.....	81
RULE 9016-1 ISSUANCE OF SUBPOENAS TO SELF-REPRESENTED LITIGANTS ....	81
RULE 9019-1 SETTLEMENTS AND AGREED ORDERS .....	81
RULE 9019-2 ALTERNATIVE DISPUTE RESOLUTION .....	82
RULE 9027-1 CONSENT TO JUDGMENT IN REMOVAL ACTIONS.....	82
RULE 9027-2 REMOVAL.....	83
RULE 9029-1 LOCAL BANKRUPTCY RULES - GENERAL .....	83
RULE 9029-2 INTERIM SUBCHAPTER V BANKRUPTCY RULE.....	83
RULE 9033-1 PROPOSED FINDINGS OF FACT AND CONCLUSIONS OF LAW .....	84
RULE 9036-1 NOTICE BY ELECTRONIC TRANSMISSION .....	84
RULE 9037-1 PRIVACY POLICY AND TRANSCRIPT REDACTION PROCEDURES .....	84
RULE 9070-1 EXHIBITS .....	86

## **APPENDICES TABLE OF CONTENTS**

APPENDIX A LOCAL BANKRUPTCY FORMS .....	87
APPENDIX B LOCAL DISTRICT COURT RULES FOR BANKRUPTCY PROCEEDINGS .....	155
APPENDIX C DISCOVERY GUIDELINES .....	160
APPENDIX D COMPENSATION GUIDELINES .....	171
APPENDIX E MARYLAND STATE BAR ASSOCIATION CIVILITY CODE.....	179
APPENDIX F CHAPTER 13 DEBTOR’S COUNSEL RESPONSIBILITIES AND FEES.....	181
APPENDIX G ALTERNATIVE DISPUTE RESOLUTION.....	183
APPENDIX H ADMINISTRATIVE ORDER ADOPTING CM/ECF PROCEDURES .....	194
APPENDIX I INTERIM AMENDMENTS TO THE FEDERAL RULES OF BANKRUPTCY PROCEDURE .....	207
APPENDIX J COMPLEX CHAPTER 11 CASE PROCEDURES.....	239



## Administrative Orders Maintained on the Court's Website

[www.mdb.uscourts.gov/for-attorneys/administrative-orders](http://www.mdb.uscourts.gov/for-attorneys/administrative-orders)

Order	Summary	Entered Date
<a href="#">XX-XX</a>	Orders promulgating historical amendments and updates to Local Bankruptcy Rules (MP 16-90000) can be found <a href="#">here</a> <ul style="list-style-type: none"> <li>Promulgating, amending and rescinding Local Bankruptcy Rules</li> </ul>	Various
<a href="#">XX-XX</a>	Orders relating to COVID-19 Pandemic (MP 20-90006) can be found <a href="#">here</a> <ul style="list-style-type: none"> <li>Implementing procedural changes necessitated by the COVID-19 pandemic</li> </ul>	Various
<a href="#">17-01</a>	Order Governing the Possession and Use of Electronic Devices in the Bankruptcy Court <ul style="list-style-type: none"> <li>Authorizing possession and use of cellular phones and electronic devices in public areas of the courthouse, prohibiting photographs, prohibiting use of devices in courtrooms without permission of the presiding judge but generally authorizing counsel to use devices in the courtroom for approved purposes while their matter is heard</li> </ul>	Mar 01, 2017
<a href="#">16-03</a>	Order regarding Deposit and Investment Registry Funds <ul style="list-style-type: none"> <li>Adopting and outlining local procedures for the administration of funds deposited into the court's registry pursuant to B.R. 7076, including receipt and investment of funds, fees and taxes, and withdrawal of funds</li> </ul>	Dec 01, 2016
<a href="#">12-05</a>	Title 11 Proceedings <ul style="list-style-type: none"> <li>U.S. District Court Standing Order referring all bankruptcy cases and proceedings to the Bankruptcy Judges in the District of Maryland</li> </ul>	Jul 24, 2012
<a href="#">11-03</a>	Amended Order Directing the Electronic Filing of Pleadings by Attorneys <ul style="list-style-type: none"> <li>Requiring attorneys to file pleadings and other documents electronically via CM/ECF, in PDF format</li> </ul>	Oct 05, 2011
<a href="#">05-05</a>	Order Implementing Notice of Preferred Addresses Under 11 U.S.C.342(e) and (f) and National Creditor Register Service <ul style="list-style-type: none"> <li>Providing procedures for preferred address for notice and registration with the National Creditor Registration Service</li> </ul>	Oct 17, 2005
<a href="#">02-02</a>	Order Exempting Chapter 7 and Chapter 13 Trustees from Electronic Public Access Fees <ul style="list-style-type: none"> <li>Exempting Chapter 7 and Chapter 13 trustees in the District of Maryland from the electronic public access fees prescribed by 28 U.S.C. § 1930(b)</li> </ul>	May 13, 2002
<a href="#">02-01</a>	Order Establishing Registry of Administrative Orders <ul style="list-style-type: none"> <li>Establishing registry of Administrative Orders to be numbered and maintained by the Clerk of Court</li> </ul>	May 10, 2002

## **PART I**

### **RULE 1001-1            SHORT TITLE; APPLICABILITY**

(a)     Citation. These Rules are known as the “Local Bankruptcy Rules,” and any citation referencing these Rules should be made as “Md. L. Bankr. R. \_\_\_\_\_.”

(b)     Applicability. The Local Bankruptcy Rules, together with all active administrative orders of the Court, apply to all cases pending in the Court except as otherwise provided in these Rules. The Local Bankruptcy Rules supplement, but do not replace, the Federal Bankruptcy Rules and must be construed consistently with the Federal Bankruptcy Rules to secure the just, expeditious, and economical administration and determination of every case, matter, and proceeding governed by these Rules. **All parties in interest, attorneys, and other professionals filing any case or filing any pleadings or papers or otherwise appearing in a matter or proceeding in a case in the Court are bound by the Federal Bankruptcy Rules and the Local Bankruptcy Rules.** The Court may take any action consistent with these Rules without notice and a hearing except as otherwise provided in the Federal Bankruptcy Rules or the Local Bankruptcy Rules.

(c)     Definitions. Certain words and terms used in these Local Bankruptcy Rules have the meanings given to them in Rule 9001-1.

(d)     Sanctions. The Court, on its own initiative or on the motion of any party in interest, may impose sanctions for failure to comply with the Local Bankruptcy Rules, including the striking of papers filed with the Court, dismissal of matters or proceedings, dismissal or conversion of cases, or as may otherwise be appropriate under the circumstances.

**RULE 1002-1            PETITION – GENERAL**

- (a)    Dismissal. The Court may dismiss the petition without a hearing, issue a show cause order for why the case should not be dismissed, or take other action if:
- (1)    the petition is not signed by the debtor;
  - (2)    the party filing the petition neither pays the prescribed filing fee with the petition nor files with the petition an application to pay the required fee in installments, nor files an application requesting waiver of the filing fee if eligible to do so;
  - (3)    the debtor does not file the master mailing matrix with the petition;
  - (4)    a Chapter 11 debtor does not file the list of twenty (20) largest unsecured creditors with the petition;
  - (5)    the petition is submitted by a debtor who is not an individual and is not represented by an attorney who is a member of the bar of the District Court;
  - (6)    the petition is submitted by a person who, under either 11 U.S.C. § 109(g) or an order of Court, may not be a debtor at the time of the submission of the petition;
  - (7)    a voluntary petition is filed without the debtor's Social Security Number or Individual Taxpayer Identification Number (ITIN) being provided, unless the debtor files Official Form B121 stating that the debtor does not have a Social Security Number or ITIN;  
or
  - (8)    in cases for individuals, the Credit Counseling Certificate or request for waiver pursuant to 11 U.S.C. § 109(h)(3) or (4) is not filed and the debtor has not checked the block on the voluntary petition stating that the debtor received approved budget and credit counseling during the one hundred eighty (180) day period ending on the filing of the petition.

(b) Other Deficient Petitions and Papers - Notice of Deficient Filing. The Clerk may issue a notice:

- (1) specifying deficiencies in the petition, schedules, and associated papers; and
- (2) stating that the Court may strike the petition, schedule, or associated papers or dismiss the case if the deficiencies are not corrected within fourteen (14) days after the date of issuance of the deficiency notice.

#### **RULE 1002-2            ELECTION TO PROCEED UNDER SUBCHAPTER V OF CHAPTER 11**

(a) Election on Petition. A debtor who qualifies under 11 U.S.C. § 1182 may elect to proceed under Subchapter V of Chapter 11 of the Bankruptcy Code by selecting that option on the debtor's bankruptcy petition.

(b) Election After Petition. If a debtor who qualifies under 11 U.S.C. § 1182 elects to proceed under Subchapter V of Chapter 11 of the Bankruptcy Code *after* the debtor files a bankruptcy petition under Chapter 11, the Court grants a motion filed by the debtor to convert a pending case to one under Chapter 11, or the Court grants (or the debtor consents to) an involuntary petition against the debtor, the debtor must file an amended bankruptcy petition selecting the option to proceed under Subchapter V of Chapter 11 of the Bankruptcy Code.

#### **RULE 1002-3            COMPLEX CHAPTER 11 CASE PROCEDURES**

The Court's Complex Chapter 11 Case Procedures, as amended, are attached to these Local Bankruptcy Rules as Appendix J and are incorporated herein in their entirety.

## **RULE 1006-1            FILING FEES - INSTALLMENT PAYMENTS**

(a)    Tender of Payment. The debtor may pay the filing fee in cash or by cashier's check, certified check, or negotiable money order made payable to "Clerk, United States Bankruptcy Court" or by debit card via Pay.gov. Only an attorney may pay filing fees by credit card. Payment by an attorney's check will be accepted only if the check is drawn on the account of the attorney for the debtor or on the account of a law firm of which the attorney for the debtor is a member, partner, associate, or of counsel. The Clerk may maintain a list of attorneys and law firms whose checks have been dishonored and may refuse to accept the checks of such attorneys or firms.

(b)    Payment of Fees in Installments. Upon a proper showing, the Court may approve an application by an individual to pay the filing and administrative fees in installments that proposes a payment plan with minimum payments in accordance with the following schedule:

	At Filing	Within 30 Days After Filing	Within 60 Days After Filing	Within 90 Days After Filing
Chapter 7	25%	25%	25%	25%
Chapter 11	50%	50%	--	--
Chapter 12	25%	25%	25%	25%
Chapter 13	25%	25%	25%	25%

(c)    Overpayment of Fees. Any overpayment of fees of \$25.00 or less will not be refunded.

## **RULE 1007-1            MAILING LIST OR MATRIX**

(a)    Matrix Contents. A debtor must file with the voluntary petition a master mailing matrix containing the names and addresses of the debtor and all known parties in interest. In

addition, in a case under Chapter 11, the debtor must include in the matrix the Internal Revenue Service, the income taxing authority for each state in which the debtor has resided or filed (or was required to file) an income tax return during the three (3) years prior to commencement of the case, and the taxing authority for each county in which the debtor holds an ownership interest in real property.

(b) Matrix Form. The master mailing matrix must be submitted in the form required by the Court and available on the Court's website.

(c) Supplemental Matrix. The debtor must file a supplemental mailing matrix with any schedule or amended schedule that contains a change in address of an entity entitled to notice or adds the name of an entity not listed on the original matrix. If a scheduled party in interest was omitted from, or incorrectly listed on, the mailing matrix, the debtor must file a supplemental mailing matrix that corrects the error promptly after it is discovered and is accompanied by the applicable filing fee.

(d) Verification. The master mailing matrix and any supplemental matrix must be dated and verified. The verification must state that to the best of the affiant's knowledge, information, and belief, the matrices are accurate and complete.

## **RULE 1007-2            VOLUNTARY PETITION – NON-INDIVIDUAL DEBTOR**

A person filing a voluntary bankruptcy petition for any non-individual debtor must file with the petition, a certificate, resolution, or other applicable documentation demonstrating that the filing is authorized by the debtor.

### **RULE 1007-3            POWER OF ATTORNEY AND DECLARATION REQUIRED**

A petition filed by the holder of a power of attorney (the “Filing Party”) must be accompanied by a copy of the power of attorney and the Filing Party’s declaration under penalty of perjury (“Declaration”). The Declaration must include (a) the Filing Party’s name, address, and relationship to the debtor; (b) whether a guardian or other representative was appointed for the debtor under nonbankruptcy law before the petition was filed; (c) whether the debtor has been adjudicated an incompetent person; (d) whether the power of attorney expressly authorizes the filing of a bankruptcy petition; (e) whether the debtor consents to the bankruptcy filing; (f) the reason for filing the bankruptcy case; (g) whether any of the debtor’s debts were incurred for the benefit of the Filing Party and whether the Filing Party is a party in interest in the bankruptcy case; (h) why the debtor is unable to file the petition himself or herself or is otherwise unable to manage his or her financial affairs; and (i) the names and addresses of all immediate family members. The signature on the petition, Declaration, and any other documents signed by the Filing Party must reflect that the Filing Party signed as attorney in fact for the debtor (i.e., “/s/ John Smith, Attorney in fact on behalf of Debtor”). The Filing Party must serve a copy of the petition, the power of attorney, and the Declaration on the debtor, the debtor’s immediate family members (if known), any other party required to be served by the instrument which authorized the Filing Party to file the petition, and all parties in interest.

### **RULE 1007-4            EVIDENCE OF PAYMENT FROM EMPLOYMENT**

Copies of all payment advices, pay stubs, or other evidence of payment from employment received by the debtor within sixty (60) days before the petition date: (a) are not to be filed with the Court unless otherwise ordered; and (b) must be provided to the trustee, and any creditor who

timely requests copies of the payment advices or other evidence of payment, at least seven (7) days before the date of the meeting of creditors conducted pursuant to 11 U.S.C. § 341. To be considered timely, a creditor's request must be received by the debtor at least fourteen (14) days before the first date set for the meeting of creditors.

If the debtor cannot provide copies of the required payment advices, pay stubs, or other evidence of payment from employment, the debtor must file a Statement Under Penalty of Perjury in the form set forth in Local Bankruptcy Form Q. Upon the filing of a notice that the debtor has not provided a copy of all pay advices, pay stubs, or other evidence of payment from employment, or a Statement Under Penalty of Perjury, as required herein, the Court may enter an order of dismissal after fourteen (14) days' notice to the debtor, any attorney to the debtor, and the United States Trustee.

**RULE 1009-1        NOTICES TO CREDITORS (I) OMITTED FROM OR  
INCORRECTLY LISTED ON MASTER MAILING MATRIX OR (II)  
AFFECTED BY AMENDMENT TO SCHEDULE**

Upon the debtor's filing of amended schedules or a supplemental or amended mailing matrix to add a creditor or correct a creditor's information, the debtor must comply with the following notice requirements:

(a)    Notice to Creditors. The debtor must send to each creditor who is added, whose address is corrected, or whose status or scheduled claim is changed by an amendment:

- (1)    a copy of the original Notice for Meeting of Creditors;
- (2)    a copy of each order that establishes or extends a bar date for filing proofs of claims or complaints to determine the dischargeability of certain debts or to object to the discharge of the debtor; and



(3) a copy of the amended schedule, if applicable.

(b) Notice to United States Trustee. Upon the filing of an amended schedule that adds a previously unscheduled creditor or alters a creditor's scheduled status or claim, in addition to complying with subsection (a) of this Rule, the debtor must send a copy of the amended schedule to the United States Trustee and to any trustee appointed in the case.

(c) Certificate of Compliance. Contemporaneously with the filing of either (1) an amended schedule or (2) a supplemental or amended mailing matrix, the debtor must file a certificate of compliance with this Rule, together with, if applicable, a dated and conspicuously titled supplemental mailing matrix that lists only the names and correct mailing addresses of each newly scheduled and/or amended creditor.

(d) Notice of Amendment of Schedules in Chapter 9 and Chapter 11 Cases. Whenever the debtor or the trustee in a Chapter 9 or a Chapter 11 case amends the debtor's schedules to change the amount, nature, classification, or characterization of a debt owing to a creditor, the debtor or the trustee must, within fourteen (14) days of filing, transmit notice of the amendment to the creditor, which notice must conspicuously identify the claims being amended, and provide notice of the creditor's right to file a proof of claim by the later of: (1) the bar date (if any); or (2) either (A) thirty (30) days from the date of notice in a case proceeding under Subchapter V or (B) sixty (60) days from the date of the notice in all other cases in Chapter 9 and Chapter 11. The debtor or the trustee must file a certificate of service of the notice within seven (7) days after service.

## **RULE 1015-1           JOINT ADMINISTRATION/CONSOLIDATION**

(a)     Cases Involving Spouses. The estates of spouses filing a joint petition will be deemed consolidated under 11 U.S.C. § 302(b) unless otherwise ordered on the motion of a party in interest.

(b)     All Other Cases. The Court may enter an order of joint administration, after consideration of appropriate factors, upon the filing by the debtors of a motion for joint administration pursuant to Federal Bankruptcy Rule 1015, supported by an affidavit, declaration, or verification, which establishes that the joint administration of two or more cases pending in the Court under Title 11 is warranted and will ease the administrative burden for the Court and the parties. The Court may reconsider an order of joint administration entered in accordance with this Rule upon motion of any party in interest at any time, and such order is for procedural purposes only and does not cause a substantive consolidation of the respective debtors' estates.

## **RULE 1017-1           DISMISSAL OF CASE**

Upon the filing of a notice that states the debtor has not provided a copy of the federal income tax return to the trustee pursuant to 11 U.S.C. § 521(e)(2)(A) and further states that the case may be dismissed unless the debtor requests a hearing or provides a copy of the tax return to the trustee, the Court may enter an order of dismissal after fourteen (14) days' notice to the debtor, any attorney to the debtor, and the United States Trustee.

## **PART II**

### **RULE 2002-1 NOTICE TO CREDITORS AND OTHER INTERESTED PARTIES**

(a) Content. All notices served in a bankruptcy case must contain sufficient information to enable a party in interest to make a reasonably well-informed decision whether to object to the action proposed in the notice. The notice must state: (1) the date by when objections must be filed; (2) the person upon whom objections must be served; (3) that the proposed action may be authorized without further order or notice if no timely objection is filed; (4) that the Court, in its discretion, may conduct a hearing or determine the matter without a hearing regardless of whether an objection is filed; (5) that an objection must state the facts and legal grounds on which the objection is based; and (6) the name of the party giving notice or its attorney, together with the address, telephone number, and email address of the party to be contacted if parties in interest have questions regarding the subject of the notice. A notice may not state that an objecting party is required to attend a Court hearing in support of any objection made.

(b) Certificate of Service. A party must file a certificate of service that complies with Local Bankruptcy Rule 9013-4.

(c) Limitation of Certain Notices - Chapter 7, Chapter 12, and Chapter 13. A party required to give notice pursuant to Federal Bankruptcy Rule 2002(a) may limit notice as provided in that Rule.

(d) Limitation of Certain Notices - Chapter 11. In Chapter 11 cases, where official committees are appointed and the number of unsecured creditors exceeds thirty (30), notices of the actions described below may be limited to the debtor, the United States Trustee, the members of all official committees or committee's attorneys (if appointed), and to those creditors and equity security holders who file and serve on the attorney for the debtor a written request for notices of:

(1) the proposed use, sale, or lease of property of the estate other than in the ordinary course of business;

(2) the hearing on the approval of a compromise or settlement of a controversy other than the approval of an agreement pursuant to Federal Bankruptcy Rule 4001(d);

(3) a hearing on an application for compensation or reimbursement of expenses; and

(4) such other notices as the Court orders.

(e) Voluntary Dismissal - Chapter 7 and 11. Notices of a motion by a debtor to dismiss a voluntary case under Chapter 7 or 11 must be sent to all parties in interest.

(f) Notice to Equity Security Holders. Unless otherwise ordered by the Court, the debtor in possession (or the trustee if applicable) is responsible for giving notices required by Federal Bankruptcy Rule 2002(d).

#### **RULE 2004-1            EXAMINATIONS UNDER FEDERAL BANKRUPTCY RULE 2004**

Examinations under Federal Bankruptcy Rule 2004 are governed by Local Bankruptcy Rule 7026-1 to the extent applicable.

#### **RULE 2015-1            COMPENSATION BY DEBTOR IN NON-INDIVIDUAL CHAPTER 11**

The debtor in possession must file a statement containing the following information within twenty-one (21) days after filing a petition in a non-individual Chapter 11 case:

(a) a statement specifying the duties and positions of the following (to the extent compensated):

(1) the partners of the partnership;

- (2) the officers and directors of the corporation;
  - (3) the members of the limited liability company; and
  - (4) any other insiders (as defined by 11 U.S.C. § 101) of any of the above;
- (b) the rate of compensation paid to each person identified in Local Bankruptcy Rule 2015-1(a) ninety (90) days prior to and at the time of the filing of the petition; and
- (c) the rate of compensation of each person identified in Local Bankruptcy Rule 2015-1(a) as of the time the statement is filed.

#### **RULE 2016-1            COMPENSATION OF PROFESSIONALS**

(a) Applications for Compensation by Professionals. Unless the Court orders otherwise, all professionals seeking compensation pursuant to 11 U.S.C. §§ 327, 328, 330, and 331, including attorneys, accountants, examiners, investment bankers, financial advisors, real estate advisors, and Subchapter V trustees, must prepare and submit their applications for compensation in accordance with the Guidelines attached as Appendix D to these Rules.

(b) Disclosure of Compensation. An attorney representing a debtor in a case or in connection with a case must file a Federal Bankruptcy Rule 2016(b) disclosure statement with the petition. If an attorney commences representation of the debtor in a case or in connection with a case after the filing of the petition, such attorney must file the Federal Bankruptcy Rule 2016(b) disclosure statement at the time representation is commenced.

(c) Fee Arrangements in Individual Chapter 7 Cases. An attorney representing an individual debtor in a case under Chapter 7 of the Bankruptcy Code who agrees with the debtor prepetition to accept the payment of attorney's fees for services rendered in connection with the bankruptcy case in whole or in part after the petition date must file a motion with the Court seeking

approval of such fee arrangement at the same time that the attorney files the Disclosure of Compensation of Attorney for the Debtor under Federal Bankruptcy Rule 2016(b). Any such fee arrangement is enforceable only if, and to the extent, approved by the Court. In the motion, the attorney must:

- (1) explain, among other things, the circumstances preventing the debtor from being able to pay the entirety of the fee prior to the petition date, the precise terms and conditions of the fee arrangement with the debtor, the nature of the services to be rendered postpetition that support the fee arrangement, and how the fee arrangement complies with applicable nonbankruptcy law; and
- (2) certify that the debtor understands the terms and conditions of the fee arrangement and has provided informed written consent to the same.

## **RULE 2016-2          DISCLOSURE OF COMPENSATION OF PETITION PREPARERS**

(a) Required Forms. A person who provided petition preparation services as defined in 11 U.S.C. § 110 must provide to the debtor a copy of the Federal Bankruptcy Rule 2016(c) disclosure statement (Official Form B2800) and the Bankruptcy Petition Preparer's Notice, Declaration, and Signature (Official Form B119) signed by the bankruptcy petition preparer for filing with the petition. The duty to sign and file Official Forms B2800 and B119 remains at all times with the bankruptcy petition preparer and, if the debtor does not file such forms, the bankruptcy petition preparer must sign and file Official Forms B2800 and B119 within fourteen (14) days after the petition date.

(b) Disclosures Concerning Fees. If the fees charged by the bankruptcy petition preparer exceed the fee amount set forth in subparagraph (c) below, the bankruptcy petition

preparer must attach to Official Form B2800 a signed declaration providing notice to the debtor of this Rule and stating the rate for services, the tasks performed, the time spent on each task, and providing a short, plain statement justifying the excess fees.

(c) Presumption for Fees. For purposes of this Rule, a fee not exceeding \$125.00 is presumed reasonable for bankruptcy petition preparation services.

#### **RULE 2070-1 ADMINISTRATIVE EXPENSES**

Requests for the allowance or payment of administrative expenses (including applications for compensation and motions for direct payment) must be served in accordance with Federal Bankruptcy Rule 2002(a). Additional requirements for notice, the certificate of service, and the proposed order are governed by Local Bankruptcy Rules 2002-1(a), 9013-4, and 9013-3, respectively.

#### **RULE 2071-1 NOTICE TO OTHER COURTS WITH PENDING ACTIONS**

The debtor or other party filing a bankruptcy case must promptly:

(a) file Local Bankruptcy Form A with the clerk of any court where the debtor is a party to any judicial, administrative, or other action or proceeding and serve that Local Bankruptcy Form A on all parties of record in that action or proceeding; and

(b) serve Local Bankruptcy Form A on all parties involved in a non-judicial foreclosure.

**RULE 2072-1            ACCESS TO INFORMATION IN CHAPTER 11 CASES**

Unless otherwise ordered by the Court, a committee appointed under 11 U.S.C. § 1102 or a trustee appointed in a Subchapter V case is not required to provide access to information to the extent that such information has been reasonably designated by the party providing such information as non-public, proprietary, privileged, work product, or otherwise confidential.



### **PART III**

#### **RULE 3002-1            TIME FOR FILING CERTAIN PROOFS OF CLAIM**

(a)    Rejected Executory Contracts and Leases. Unless otherwise ordered by the Court, any proof of claim arising pursuant to 11 U.S.C. § 502(g) from the rejection of an executory contract or unexpired lease must be filed on or before the latest of:

(1)    the time for filing a proof of claim pursuant to Federal Bankruptcy Rule 3002(c);

(2)    thirty (30) days after the entry of the order compelling or approving the rejection of the contract or lease; and

(3)    thirty (30) days after the effective date of the rejection of the contract or lease.

(b)    Claims Following Foreclosure, Repossession, or Surrender of Collateral. Unless otherwise ordered by the Court or provided in a confirmed plan, an amended proof of claim asserting an unsecured deficiency claim for real property must be filed within one hundred eighty (180) days after entry of the order granting relief from the automatic stay or surrender of the property by the debtor or the trustee, whichever occurs earlier; and an amended proof of claim asserting an unsecured deficiency claim for personal property must be filed within sixty (60) days after entry of the order granting relief from the automatic stay or surrender of the property by the debtor or the trustee, whichever occurs earlier. Absent compliance with this Rule, any unsecured deficiency arising under this paragraph will be deemed disallowed unless the Court orders otherwise.

### **RULE 3003-1            TIME FOR FILING PROOFS OF CLAIM IN CHAPTER 11 CASES**

Except as provided in 11 U.S.C. § 502(b)(9), in a Chapter 11 case, other than a case under Subchapter V, a proof of claim is timely filed if it is filed not later than ninety (90) days after the first date set for the meeting of creditors under 11 U.S.C. § 341(a), unless a different date is fixed by the Court. Except as provided in 11 U.S.C. § 502(b)(9), in a case under Subchapter V, a proof of claim is timely filed if it is filed not later than seventy (70) days after entry of the order for relief, unless a different date is fixed by the Court.

### **RULE 3007-1            CLAIMS -- OBJECTIONS**

An objection to a proof of claim must conspicuously state that:

(a)     within thirty (30) days after the date on the certificate of service of the objection, the claimant may file and serve a response, together with any documents and other evidence the claimant wishes to attach in support of its claim, unless the claimant wishes to rely solely upon the proof of claim;

(b)     a party in interest may request a hearing that will be held at the Court's discretion; and

(c)     the Court may overrule the objection or set a hearing on the objection if the objection fails to include adequate support for the requested relief, even if a response is not filed.

### **RULE 3011-1            UNCLAIMED FUNDS HELD IN COURT REGISTRY**

An application for payment of unclaimed funds pursuant to 28 U.S.C. § 2042 must be submitted in accordance with the Instructions for Filing Application for Payment of Unclaimed Funds available on the Court's website (the "Instructions"). The application must be served on the

United States Attorney for the District of Maryland, any trustee serving currently in, or serving at dismissal or closure of, the case, and the debtor. Failure to submit an application with all supporting documentation that complies with the Instructions and has been properly served as set forth in this Rule may result in denial of the application.

**RULE 3011-2                    UNCLAIMED AND UNDISTRIBUTED FUNDS IN LIQUIDATING  
CHAPTER 11 CASES**

(a)     Unclaimed Funds. A Chapter 11 liquidating plan may provide that unclaimed funds may be redistributed to other creditors or administrative claimants or donated to a not-for-profit, non-religious organization identified in the plan or disclosure statement accompanying the plan.

(b)     Undistributable Funds. A Chapter 11 liquidating plan may provide that any undistributable funds, if applicable or practicable, may be redistributed to other creditors or administrative claimants or donated to a not for profit, non-religious organization identified in the plan or disclosure statement accompanying the plan.

(1)     Undistributable funds are any funds other than unclaimed funds, including funds that cannot be disbursed because: (A) a creditor has affirmatively rejected a distribution; (B) the administrative costs of distribution effectively interfere with distribution; or (C) all creditors, including administrative claimants, have been paid in full and there is no one that has a right to the funds.

(2)     If a Chapter 11 liquidating plan does not provide for the disposition of undistributable funds and there are any such funds at the time of final distribution under the plan, the disbursing agent must file a motion, upon notice and hearing, proposing disposition of such funds, including as proposed in this Rule or otherwise.

**RULE 3012-1 VALUATION OF COLLATERAL AND/OR AVOIDANCE OF LIENS ON PROPERTY UNDER 11 U.S.C. § 506 BY MOTION - CHAPTER 13 ONLY**

(a) Form. The caption and notice of a motion to value collateral and avoid a security interest under 11 U.S.C. § 506 must be in the form of Local Bankruptcy Form K, and the proposed order for such motion must be in the form of Local Bankruptcy Form L. The caption and notice of a motion to avoid a security interest under 11 U.S.C. § 506 must be in the form of Local Bankruptcy Form G, and the proposed order for such motion must be in the form of Local Bankruptcy Form H. The motion must also include the name, address, nature of ownership (e.g., tenancy in common, tenancy by the entirety, etc.) of any non-debtor owner of property, and adequate factual and legal support for the requested relief. If a debtor proceeds under this Rule, the debtor must so state in the plan. If a debtor elects instead to seek to value collateral or avoid a lien on such property by a provision in the debtor's plan, Local Bankruptcy Rule 3015-1(c) applies.

(b) Service of Motion and Notice of Hearing.

(1) The movant must select a hearing date for this type of motion from the Court Hearing Scheduler Program, and such date must be more than forty-nine (49) days after the date of service. The notice of the motion must state the hearing date and time.

(2) The movant must serve a copy of the motion under this Rule on the respondent and any non-debtor co-owner in the manner required by Federal Bankruptcy Rules 9014, 7004, and 3007. Additional requirements for the notice, the certificate of service, and the proposed order are governed by Local Bankruptcy Rules 2002-1(a), 9013-4, and 9013-3, respectively.

(c) Response to Motion. The Court Hearing Scheduler Program will compute the date that an objection is due, and such objection deadline must be included in the hearing notice. If no

timely response is filed, the Court may rule on the motion without further notice or a hearing as set forth in Local Bankruptcy Rule 9013-1(d).

## **RULE 3015-1            CHAPTER 13 PLANS - FORM AND SERVICE**

(a)    Form. A Chapter 13 plan must conform to Local Bankruptcy Form M. All Chapter 13 plans must be signed by the debtor and are subject to Local Bankruptcy Rule 9011-2(b).

(b)    Service. Along with the original plan and any amended or modified plan, the debtor must file a Certificate of Service using Local Bankruptcy Form M-1.

(1)    The Clerk will mail the original plan to all creditors and parties in interest as listed on the debtor's mailing matrix if the plan is filed with the original petition.

(2)    If, after filing the original petition, the debtor files an original plan, or an amended plan that does anything other than increase the amount payable under the plan, the debtor must mail a copy of the plan to each creditor and the Chapter 13 trustee (unless such creditor or trustee is served by CM/ECF).

(3)    In addition to the mailing required under sections (1) and (2), if the debtor seeks through a provision in the plan (and not by separate motion) to avoid any lien or value any collateral, the debtor must serve the plan on the holder of the lien or secured claim sought to be valued or avoided, and on any non-debtor owner of the collateral, in the manner required by Federal Bankruptcy Rules 9014, 7004, and 3007.

(c)    Valuation or Lien Avoidance Under Plan. In the event the debtor seeks to value collateral or avoid liens pursuant to a provision in the plan, the debtor must file with the plan evidence of the collateral's value; evidence of the existence of any superior lien; a statement setting forth any exemption claimed; and the name, address, and nature of ownership of any non-debtor

owner of the property. If the lienholder has not filed a proof of claim, the debtor must also separately file evidence of the amount of the debt secured by the collateral. If no proof of claim has been filed by the holders of claims secured by senior interests in the property, the debtor must file evidence of the amount of the claims so secured. Such evidence must be filed as a supplement to the plan as a separate docket entry but need not be mailed to all creditors pursuant to section (b)(1) or (2) of this Rule. However, it must be served pursuant to section (b)(3) of this Rule.

## **RULE 3015-2            CHAPTER 13 - CONFIRMATION**

(a)    Hearing Attendance. The debtor and the debtor's attorney must attend all scheduled confirmation hearings, unless excused by the Chapter 13 trustee or the Court.

(b)    Hearing Date. Confirmation hearings must be set not less than thirty-five (35) days after filing of a plan. Objections to the plan must be filed and copies served on the Chapter 13 trustee, the debtor, and the debtor's attorney no later than seven (7) days before the date set for hearing on confirmation of the plan.

(c)    Pre-Confirmation Certificate. Within seven (7) days prior to the date of the initial confirmation hearing, the debtor must file a Pre-Confirmation Certificate substantially in the form of Local Bankruptcy Form O. If a confirmation hearing is continued, an updated Pre-Confirmation Certificate must be filed within seven (7) days prior to such hearing.

(d)    Certain Objections. In the event a creditor objects to a provision in the plan seeking to avoid any lien or value any collateral through the plan and not by separate motion, the attorneys for the debtor and affected creditor must meet and confer in person, telephonically, or by videoconference in an attempt to resolve the dispute and identify and narrow any factual or legal issues. If the objection involves a disputed issue of valuation of collateral for which testimony is

required, the initially scheduled confirmation hearing may be treated as a preliminary hearing at which testimony will not be taken, and at which the Court will set a date and time for the valuation hearing.

(e) Consideration of Objections to Prior Versions of a Plan. If a creditor files an objection to a plan, unless previously withdrawn by the creditor, that objection will remain on the docket and the Court will consider it at the final confirmation hearing.

### **RULE 3015-3            PRE-CONFIRMATION ADEQUATE PROTECTION AND PERSONAL PROPERTY LEASE PAYMENTS**

(a) Affidavit. No later than fourteen (14) days prior to the date of a confirmation hearing, the debtor must serve on the trustee and file with the Court an affidavit setting forth all 11 U.S.C. § 1326(a)(1) pre-confirmation payments made by the debtor. The affidavit must set forth the deadline to object to the information contained in the affidavit. A copy of the affidavit must be served on the creditors identified as being paid in the manner provided for service of a summons and complaint by Federal Bankruptcy Rule 7004 and if a proof of claim has been filed, in care of the claimant at the name and address where notices should be sent as shown on the proof of claim.

(b) Objections. Objections to the accuracy of the affidavit must be filed no later than seven (7) days after the filing and service of the affidavit. Unless a timely objection to the affidavit is filed, the Court may presume the information in the affidavit is accurate.

### **RULE 3015-4            CHAPTER 13 – WAGE ORDERS**

(a) Proposed Post-Confirmation Wage Orders by Trustee. The Chapter 13 trustee may submit a proposed order directing the debtor’s employer to make payments directly to the Chapter 13 trustee on account of the debtor’s payment obligations under the Chapter 13 plan (a “Wage

Order”). The Chapter 13 trustee may submit a proposed Wage Order at the time of, or subsequent to, confirmation of the debtor’s Chapter 13 plan, and the Court may enter the Wage Order without notice or a hearing.

(b) Pre-Confirmation Wage Orders. A debtor or trustee may file a motion requesting that the Court enter a pre-confirmation Wage Order at any time prior to confirmation of the debtor’s Chapter 13 plan.

(c) Motion to Waive or Vacate. A debtor may file a motion requesting that the Court waive or vacate a Wage Order requested by the Chapter 13 trustee at any time in the case.

#### **RULE 3015-5            CHAPTER 13 - MODIFICATION OF PLAN AFTER CONFIRMATION**

(a) Form. A motion to modify a confirmed plan under 11 U.S.C. § 1329(a) must be accompanied by a proposed modified plan.

(b) Service of Motion and Notice of Hearing.

(1) The movant must select a hearing date for this type of motion from the Court Hearing Scheduler Program, and such date must be more than thirty-three (33) but less than sixty (60) days after the date of service. The notice of the motion must state the hearing date and time.

(2) The movant must serve a copy of the motion to modify Chapter 13 plan after confirmation and proposed modified Chapter 13 plan on the debtor, the trustee, and all creditors who have filed claims in the manner required by Federal Bankruptcy Rules 2002(a)(5) and 3015(h) and Local Bankruptcy Rule 2002-1, together with a hearing notice conforming to Local Bankruptcy Form M-2. Any such motion must also comply with Local Rule 3012-1, to the extent applicable. Additional requirements for the notice, the



certificate of service, and the proposed order are governed by Local Bankruptcy Rules 2002-1(a), 9013-4, and 9013-3, respectively.

(c) Response to Motion. The Court Hearing Scheduler Program will compute the date that an objection is due, and such objection deadline must be included in the hearing notice. If no timely response is filed, the Court may rule on the motion without further notice or a hearing as set forth in Local Bankruptcy Rule 9013-1(d).

**RULE 3016-1            SERVICE OF CHAPTER 11 PLAN AND/OR DISCLOSURE STATEMENT**

Unless otherwise ordered by the Court, a plan proponent must serve the Chapter 11 plan and/or disclosure statement on a party in interest who filed a proof of claim in the manner required by Federal Bankruptcy Rule 3007(a)(2).

**RULE 3016-2            AMENDED CHAPTER 11 PLAN AND/OR DISCLOSURE STATEMENT**

Unless otherwise ordered by the Court, a party filing an amended Chapter 11 plan and/or disclosure statement must file and serve: (a) a clean copy of the amended plan and/or disclosure statement; and (b) a copy of the amended plan and/or disclosure statement in which stricken material has been lined through or enclosed in brackets and new material has been underlined or set forth in bold face type.

**RULE 3016-3            CHAPTER 11 - SUBCHAPTER V CONFIRMATION ORDER**

Any proposed order confirming a Chapter 11, Subchapter V plan must state in the title and in the body of the order whether the plan was confirmed consensually under 11 U.S.C. § 1191(a)

or non-consensually under 11 U.S.C. § 1191(b). The confirmation order may also include a post-confirmation reporting requirement.

#### **RULE 3018-1            TALLY OF BALLOTS - CHAPTER 11**

The tally of ballots must be filed with the Clerk no later than seven (7) days prior to the confirmation hearing. The tally must substantially conform to the form prescribed by the Court.

#### **RULE 3022-1            ADMINISTRATION OF CONFIRMED CHAPTER 11 PLANS**

(a)    Subchapter V Cases. In a Chapter 11 case proceeding under Subsection V, the debtor or other party administering the confirmed plan must comply with the following requirements:

(1)    Notice of Substantial Consummation. Within fourteen (14) days after a confirmed Chapter 11, Subchapter V plan is substantially consummated (as defined in 11 U.S.C. § 1101(2)), the debtor or plan administrator must file with the Court and serve on the trustee, the United States Trustee, and all parties in interest notice of such substantial consummation pursuant to 11 U.S.C. § 1183(c)(2). The notice must include a certification that includes a summary report of the disbursements, distributions, and transfers that have been made pursuant to the plan; a description of other acts taken to consummate the plan; and a description of any matters involving consummation of the confirmed plan that have not been fully resolved.

(2)    Post-Confirmation Progress Reports. The debtor or plan administrator must file with the Court and serve on the United States Trustee reports of progress towards full administration of the plan until the Court enters a final decree. The first report must be filed

no later than six (6) months after entry of the order of confirmation. Subsequent reports must be filed every six (6) months thereafter.

(3) Discharge Order. In a case involving a consensual plan confirmed under 11 U.S.C. § 1191(a), the Court will issue a discharge order as appropriate under 11 U.S.C. § 1141(d) upon confirmation of the plan. In a case involving a non-consensual plan confirmed under 11 U.S.C. § 1191(b), the Court will issue a discharge order as appropriate under 11 U.S.C. § 1192 after completion of all plan payments.

(4) Motion for Final Decree. Upon full administration of the plan as defined in paragraph (c) of this Rule, the debtor or plan administrator must file with the Court and serve on the trustee, United States Trustee, and all parties in interest a motion for a final decree and to close the case. The motion must be substantially in the form of Local Bankruptcy Form N-1 (for non-individuals) or Local Bankruptcy Form N-2 which includes a request for entry of a discharge (for individuals) and must be accompanied by a certification of full administration. The certification must include a final summary report of the disbursements, distributions, and transfers that have been made pursuant to the plan.

(5) Final Decree. The Court may enter a final decree and close the case at any time after the plan has been fully administered.

(b) Non-Subchapter V Cases. In a Chapter 11 case not proceeding under Subsection V, the debtor or other party administering the confirmed plan must comply with the following requirements:

(1) Notice of Effective Date. Within fourteen (14) days after a confirmed Chapter 11 plan becomes effective, the debtor or plan administrator must file with the Court

and serve on the United States Trustee and all parties in interest (including any trustee appointed in the case) notice of the occurrence of the plan's effective date.

(2) Post-Confirmation Progress Reports. The plan debtor or plan administrator must file with the Court and serve on the United States Trustee reports of progress towards full administration of the plan until the Court enters a final decree. The first report must be filed no later than six (6) months after entry of the order of confirmation. Subsequent reports must be filed every six (6) months thereafter.

(3) Discharge Order. In a case involving an individual, the Court will issue a discharge order, if requested by the debtor or plan administrator, as appropriate under 11 U.S.C. § 1141(d).

(4) Motion for Final Decree. Upon full administration of the plan as defined in paragraph (c) of this Rule, the debtor or plan administrator must file with the Court and serve on the United States Trustee and all parties in interest (including any trustee appointed in the case) a motion for a final decree and to close the case. The motion must be substantially in the form of Local Bankruptcy Form N-1 (for non-individuals) or Local Bankruptcy Form N-2 which includes a request for entry of a discharge (for individuals) and must be accompanied by a certification of full administration. The certification must include a final summary report of the disbursements, distributions, and transfers that have been made pursuant to the plan; and a description of other acts taken to consummate the plan.

(5) Final Decree. The Court may enter a final decree and close the case at any time after the plan has been fully administered.

(c) Full Administration of Plan. A Chapter 11 plan will be deemed fully administered under Federal Bankruptcy Rule 3022:

(1) in a Chapter 11 case other than a case involving a non-consensual plan confirmed under 11 U.S.C. § 1191(b), after the completion of the following:

(A) six (6) months have elapsed after the entry of a final order of confirmation that has become nonappealable;

(B) the deposits required by the plan have been distributed;

(C) the property proposed by the plan to be transferred has been transferred;

(D) the debtor or the successor of the debtor under the plan has assumed the business or the management of the property dealt with by the plan;

(E) payments under the plan have commenced; and

(F) all motions, contested matters, and adversary proceedings have been finally resolved;

(2) in a Chapter 11 case involving a non-consensual plan confirmed under 11 U.S.C. § 1191(b), upon completion of all plan payments; or

(3) at another time specifically defined by the plan.

#### **RULE 3070-1          CHAPTER 13 - SPECIAL PROCEDURES**

(a) A debtor in a case under Chapter 13 will be presumed to have provided adequate protection of collateral by continuing to make payments as and when due and maintaining required insurance for the collateral.

(b) Upon dismissal or conversion of a Chapter 13 case, any funds that the trustee holds in a case will be charged for the trustee's allowed expenses and any outstanding Clerk's fees.

## **PART IV**

### **RULE 4001-1          AUTOMATIC STAY - RELIEF FROM**

(a)     Form of Motion.

(1)     In General. A motion for relief from the automatic stay of 11 U.S.C. § 362(a) must be titled “Motion for Relief from Stay” or a similar phrase, must specify the subsection of 11 U.S.C. § 362(d) under which relief is sought, and must set forth the admissible evidence supporting such relief. The motion’s caption must be in the form of Local Bankruptcy Form B, and in a Chapter 7 case, the trustee must be listed as a respondent. The motion may not be combined with a request for any other relief, except for adequate protection, for relief from the co-debtor stay under 11 U.S.C. § 1201(a) or § 1301(a), to extend the bar date after foreclosure as permitted by Local Bankruptcy Rule 4001-3(b), or for prospective relief under (a)(2) below.

(2)     Prospective Relief. Any motion for relief from stay that includes a request for the imposition of an equitable servitude, or any other prospective relief that would limit a stay arising under 11 U.S.C. § 362(a), must be titled and identified on CM/ECF in a manner that conspicuously so states.

(3)     Proposed Order. Any proposed order submitted by an attorney, including any order consented to by adverse parties, must be titled in a manner that conspicuously states the nature of the relief granted consistent with (a)(1) and (2) above and otherwise complies with Local Bankruptcy Rule 9013-3.

(b)     Service of Motion and Notice of Hearing.

(1)     Hearing Date. The movant must select a hearing date for this type of motion from the Court Hearing Scheduler Program, and such date must be more than twenty-one

(21) days after the date of service. The notice of the motion must state the hearing date and time.

(2) Notice of Hearing Date. The movant must serve the motion for relief from stay with a hearing notice conforming to Local Bankruptcy Form B.

(3) Procedures for Continuing Hearing. The movant may continue the hearing on a motion for relief from stay without Court order by filing and serving an amended notice of hearing with a new hearing date and time at least two (2) business days before the hearing, with service on the debtor that provides actual notice.

(c) Response to Motion for Relief from Stay.

(1) Time. The Court Hearing Scheduler Program will compute the date that an objection is due, and such objection deadline must be included in the hearing notice. If no timely response is filed, the Court may rule on the motion without further notice or a hearing as set forth in Local Bankruptcy Rule 9013-1(d).

(2) Form. The caption of the response must be the same as the form for the caption of the motion as set out in paragraph (a) above.

(3) Pleading. A response must include detailed answers to each numbered paragraph of the motion, in conformity with the requirements of Federal Rule of Civil Procedure 8(b) and (d). All defenses to the motion must be stated in the response.

(4) Response by Standing Chapter 12 and 13 Trustees. Standing Chapter 12 and Chapter 13 trustees are served for informational purposes and are not required to respond to motions for relief from stay.



(d) Requirements Under 11 U.S.C. § 362(e).

(1) Waiver. If the movant notices a hearing date more than thirty (30) days after the date of the filing of the motion, or consents to a continuance, the movant is deemed to have consented to the inapplicability of 11 U.S.C. § 362(e) through the day of the hearing on the motion for relief from stay.

(2) Commencement of Measuring Period. A request for relief under 11 U.S.C. § 362(d) is complete to commence the thirty (30) day measuring period under 11 U.S.C. § 362(e) only when filed and noticed in compliance with this Rule.

(e) Deadline for Exhibits. In cases under Chapter 11, exhibits must be filed in accordance with Local Bankruptcy Rule 7016-1(c).

(f) Certain Appraisals. If the debtor is an individual in a case under Chapter 7, 12, or 13, and the parties contest the value of the collateral subject to a motion for relief from stay, then the respondent may make a written request to the movant's attorney (or if no attorney, to the movant) requesting a copy of the movant's appraisal of the collateral. If the movant has obtained an appraisal and intends to place it into evidence, the movant must supply a copy of same to the respondent within two (2) business days of said written request. If the movant did not have an appraisal at the time of the request which was intended to be placed into evidence, but subsequently obtains such an appraisal, the movant must provide a copy of said appraisal to the respondent which made the request upon the earlier of (a) two (2) business days after obtaining same or (b) two (2) business days prior to the hearing.

(g) Conference Required. If the motion for relief from stay is opposed, the attorneys for the parties, or the parties if not represented by an attorney, must confer in person, telephonically, or by videoconference with respect to the issues raised by the motion at least three

(3) business days prior to the scheduled hearing for the purpose of determining whether a consensual order may be entered and/or stipulating to relevant facts, such as the value of the property and the extent and validity of any security instrument. The parties' failure to comply with this Rule may result in the Court denying any request for a continuance of the hearing on the motion for relief from stay submitted less than two (2) business days before the hearing date.

#### **RULE 4001-2            AUTOMATIC STAY - POST-FILING ARREARS**

Where an issue presented by a motion for relief from stay is the debtor's failure to make payments that became due after the filing of the bankruptcy case, the moving party must attach to the motion a history of payments received postpetition or state in the motion that no such payments have been received. If the movant fails to comply with this Rule, the Court may exclude from evidence any documents or testimony in support of the movant's argument that it is not adequately protected.

#### **RULE 4001-3            ACTION FOLLOWING FORECLOSURE, REPOSSESSION, OR SURRENDER OF COLLATERAL**

(a)    Required Action. A party obtaining relief from the automatic stay and thereafter consummating a foreclosure sale on real property in Maryland must:

- (1)    provide a copy of the report of sale and all auditor's reports to any bankruptcy trustee appointed in the case; and
- (2)    notify the auditor of the name and address of the bankruptcy trustee.

If the real property is located in another jurisdiction, similar notices must be provided consistent with the foreclosure procedures of that jurisdiction.

(b) Proof of Claim. Any proof of claim relating to a claim arising after the foreclosure, repossession, or surrender of real or personal property must be filed in accordance with Local Bankruptcy Rule 3002-1.

#### **RULE 4001-4            OBTAINING CREDIT, REFINANCING, AND LOAN MODIFICATIONS**

(a) Service of Motion and Notice of Hearing.

(1) The movant must select a hearing date for this type of motion from the Court Hearing Scheduler Program, and such date must be more than fourteen (14) days after the date of service.

(2) The notice of the motion must state the hearing date and time. The notice must also include a description of the essential terms of the proposed credit, including the amount, the interest rate, the lender's identity, the collateral pledged therefor, the repayment terms, the costs therefor, and the proposed use of the proceeds.

(3) The movant must serve a copy of the motion under this Rule on the respondent and any non-debtor co-obligor in the manner required by Federal Bankruptcy Rules 9014, 7004, and 3007. Additional requirements for the notice, the certificate of service, and the proposed order are governed by Local Bankruptcy Rules 2002-1(a), 9013-4, and 9013-3, respectively.

(b) Notice in Chapter 13 Cases. In a Chapter 13 case, the notice must be served on the creditors included on the list filed under Federal Bankruptcy Rule 1007(a), and on any other entity that the Court directs, notwithstanding any limitations set forth in Federal Bankruptcy Rule 2002 and/or Local Bankruptcy Rule 2002-1.

(c) Response to Motion. The Court Hearing Scheduler Program will compute the date that an objection is due, and such objection deadline must be included in the hearing notice. If no timely response is filed, the Court may rule on the motion without further notice or a hearing as set forth in Local Bankruptcy Rule 9013-1(d).

**RULE 4001-5            REQUIREMENTS FOR CASH COLLATERAL AND FINANCING MOTIONS AND ORDERS**

(a) Motions. Except as provided herein and elsewhere in these Local Bankruptcy Rules, all cash collateral and financing requests under 11 U.S.C. §§ 363 and 364 must be brought by motion filed under Federal Bankruptcy Rules 2002, 4001 and 9014.

(1) Special Provisions to be Highlighted. All cash collateral and financing motions must recite whether the proposed form of order and/or underlying cash collateral stipulation or loan agreement contains any provision of the type described below; identify the location of any such provision in the proposed form of order, cash collateral stipulation, and/or loan agreement; and state the justification for the inclusion of such provision:

(A) Provisions that grant cross-collateralization protection (other than replacement liens or other adequate protection) to the prepetition secured creditors (i.e., clauses that secure prepetition debt by postpetition assets in which the secured creditor would not otherwise have a security interest by virtue of its prepetition security agreement or applicable law);

(B) Provisions that bind the estate or other parties in interest with respect to the validity, perfection, or amount of the secured creditor's prepetition lien or the waiver of claims against the secured creditor without first giving parties in interest

at least seventy-five (75) days from the entry of the order and the creditors' committee, if formed, at least sixty (60) days from the date of its formation to investigate such matters;

(C) Provisions that seek to waive, without notice, whatever rights the estate may have under 11 U.S.C. § 506(c);

(D) Provisions that immediately grant to the prepetition secured creditor liens on the debtor's claims and causes of action arising under 11 U.S.C. §§ 544, 545, 547, 548 and 549;

(E) "Roll up" provisions that deem prepetition secured debt to be postpetition debt or that use postpetition loans from a prepetition secured creditor to pay part or all of that secured creditor's prepetition debt, other than as provided in 11 U.S.C. § 552(b);

(F) Provisions that provide treatment for the professionals retained by a committee appointed by the United States Trustee different from those professionals retained by the debtor with respect to a professional fee carve-out, and provisions that limit the committee's attorney's use of the carve-out;

(G) Provisions that prime any secured lien without the consent of that lienor; and

(H) Provisions that grant a secured creditor any relief from the automatic stay, whether by terminating, modifying, or conditioning the stay, without further order of the Court;

(2) All cash collateral and financing motions must also:

(A) provide a summary of the essential terms of the proposed use of cash collateral and/or financing (e.g., the maximum borrowing available on a final basis, the interim borrowing limit, borrowing conditions, interest rate, maturity, events of default, use of funds limitations, and protections afforded under 11 U.S.C. §§ 363 and 364);

(B) state whether there is an insider relationship between the debtor and the creditor whose cash collateral is to be used or who proposes to provide postpetition financing and, if so, describe the nature of the relationship;

(C) include a cash flow projection for any interim period in which cash collateral and/or postpetition financing is sought that includes both projected revenue and a line-item proposed budget for the use of the funds;

(D) describe and state the value of the collateral to be pledged in connection with the use of cash collateral and/or postpetition financing; and

(E) identify each party claiming to have an interest in the collateral to be pledged in connection with the use of cash collateral and/or postpetition financing and estimate the amount each such party is owed as of the date the petition was filed (including, if known, any accrued unpaid interest, costs, or fees as provided in any prepetition agreements).

(3) A proposed order approving cross-collateralization or a rollup must include language that reserves the right of the Court to unwind, after notice and hearing, the postpetition protection provided to the prepetition lender or the pay down of the prepetition debt, whichever is applicable, in the event that there is a timely and successful challenge

to the validity, enforceability, extent, perfection, or priority of the prepetition lender's claims or liens, or a determination that the prepetition debt was undersecured as of the petition date, and the cross-collateralization or rollup unduly advantaged the lender.

(b) Interim Relief. When financing motions are filed with the Court on or shortly after the petition date, the Court may grant interim relief pending review by parties in interest of such debtor in possession financing arrangement. Such interim relief must be only what is necessary to avoid immediate and irreparable harm to the estate pending a final hearing.

#### **RULE 4001-6 POSTPETITION PAYMENT NOTICES AND ACCOUNT ACCESS**

Creditors and lessors may continue to provide customary notices and correspondence (including monthly statements, payment coupons, escrow adjustment analyses, and tax statements) to debtors regarding postpetition account activity both electronically and by mail. Further, to the extent available and particularly where consistent with the parties' prepetition practices, creditors and lessors may allow debtors to access information and make postpetition payments through electronic, telephonic, and/or on-line means. The good faith actions of creditors or lessors pursuant to this Rule do not constitute a violation of the automatic stay.

#### **RULE 4001-7 POSTPETITION APPLICATIONS TO MODIFY LOAN**

A debtor may submit an application for a loan modification to a creditor postpetition, and a creditor may consider such application postpetition, without first obtaining relief from the automatic stay. The documents, correspondence, and other communication between the debtor and the creditor regarding a postpetition application for a loan modification are subject to Local Bankruptcy Rule 4001-6.

## **RULE 4003-1 NOTICE OF OBJECTION TO CLAIM OF EXEMPTIONS**

An objection to the list of property claimed as exempt under 11 U.S.C. § 522 must contain clear notice that: (a) any opposition to the objection must be filed and served within twenty-eight (28) days after the objection was served; and (b) the Court may rule upon the objection and any response thereto without a hearing.

## **RULE 4003-2 LIEN AVOIDANCE UNDER 11 U.S.C. § 522(f)**

(a) Form. The caption and notice of a motion to avoid a security interest under 11 U.S.C. § 522 must be in a form substantially similar to Local Bankruptcy Form G, and the proposed order for such motion must be in a form substantially similar to Local Bankruptcy Form H. The motion must also include the name, address, and nature of ownership (e.g., tenancy in common, tenancy by the entirety, etc.) of any non-debtor owner of property. If a debtor proceeds under this Rule in a Chapter 13 case, the debtor must so state in the plan. If a debtor elects instead to seek to avoid a lien on such real property by a provision in the debtor's plan, Local Bankruptcy Rule 3015-1(c) applies. A motion to avoid a lien under 11 U.S.C. § 522(f) may seek only to avoid a single lien or multiple liens held by the same creditor.

(b) Service of Motion and Notice of Hearing.

(1) The movant must select a hearing date for this type of motion from the Court Hearing Scheduler Program, and such date must be more than forty-nine (49) days after the date of service. The notice of the motion must state the hearing date and time.

(2) The movant must serve a copy of the motion under this Rule on the respondent, any trustee, and any non-debtor owner in the manner required by Federal Bankruptcy Rules 9014, 7004, and 3007. Additional requirements for the notice, the



certificate of service, and the proposed order are governed by Local Bankruptcy Rules 2002-1(a), 9013-4, and 9013-3, respectively.

(c) Response to Motion. The Court Hearing Scheduler Program will compute the date that an objection is due, and such objection deadline must be included in the hearing notice. If no timely response is filed, the Court may rule on the motion without further notice or a hearing as set forth in Local Bankruptcy Rule 9013-1(d).

#### **RULE 4004-1            DISCHARGE IN CHAPTER 13 CASES**

The debtor's Affidavit Requesting Discharge, Local Bankruptcy Form P, must be filed and served on the Chapter 13 trustee and all creditors no later than ninety (90) days after the Chapter 13 trustee files the notice of completion of plan payments. The failure to timely file this affidavit may result in the case being closed without a discharge.

## **PART V**

### **RULE 5001-1      COURT ADMINISTRATION - LAPSE IN APPROPRIATIONS AND/OR DISRUPTION IN SERVICE**

This Rule will become effective only when Congress fails to enact legislation to fund operations of the United States Courts. The Anti-Deficiency Act, 31 U.S.C. § 1515, limits permissible government activities in the event of such a failure to those otherwise “authorized by law” or those needed to meet “cases of emergency involving the safety of human life or the protections of property.”

This Court is directly involved in the judicial process and under the Constitution and laws of the United States, it is always open to exercise the judicial power of the United States as a unit of the District Court. Thus, the Court must continue, even in the absence of funding by Congress, to receive new cases and to hear and dispose of pending cases. Activities will, however, be limited as nearly as practical to those functions necessary and essential to continue the administration of pending cases. The Court will advise the United States Marshals Service and the General Services Administration of the level of building and security services necessary to maintain such Court operations.

The Court finds that judges’ staffs and the Clerk and the Clerk’s staff are persons essential to the continuation of Court operations.

### **RULE 5001-2      CLERK - OFFICE LOCATION/HOURS**

(a) Office Hours. The office hours of the Clerk in the Greenbelt and Baltimore Divisions are from 8:45 a.m. to 4:00 p.m. on all days, except Saturdays, Sundays, and holidays observed by the District Court.

(b) After-Hours Night Box. A night box is located in the lobby of each of the United States Courthouses in Baltimore and in Greenbelt. Bankruptcy petitions, pleadings, and other papers may be placed in the night box for filing after regular office hours, Monday through Friday (except holidays) and until the courthouse is closed to the public or midnight, whichever is earlier. The hours during which each night box is accessible are available on the Court’s website. **The night box is intended as an after-hours convenience, and it is not intended as an alternative for filing papers during regular office hours.** All documents must be “date and time stamped” prior to being deposited in the secure night box.

(c) After-Hours Filing. During periods outside the regular office hours of the Clerk’s Office and when the night box is not available, arrangements may be made in advance for time sensitive filings by contacting a designated Court representative. The contact information of the designated Court representatives is available on the Court’s website, on each night box, and on notice boards in the divisional offices.

(d) **Deadlines Are Not Extended.** **The availability of the night box and after-hours filing do NOT extend the “Last Day” as defined by Federal Bankruptcy Rule 9006(a)(4), which Last Day ends for filing, other than electronic filing, at 4:00 p.m. when the Clerk’s Offices close.**

(e) Division of Business. The division of business for the Court is as follows:

(1) Cases originating in Allegany, Calvert, Charles, Frederick, Garrett, Montgomery, Prince George’s, St. Mary’s, and Washington Counties are assigned to the Greenbelt Divisional Office, 300 United States Courthouse, 6500 Cherrywood Lane, Suite 300, Greenbelt, Maryland 20770, (301) 344-8018.

(2) Cases originating in Baltimore City, Anne Arundel, Baltimore, Caroline, Carroll, Cecil, Dorchester, Harford, Howard, Kent, Queen Anne's, Somerset, Talbot, Wicomico, and Worcester Counties are assigned to the Baltimore Divisional Office, United States Courthouse, 101 West Lombard Street, Suite 8530, Baltimore, Maryland 21201, (410) 962-2688.

(f) Places for Holding Hearings.

(1) All Court hearings in cases originating in Allegany, Calvert, Charles, Frederick, Garrett, Montgomery, Prince George's, St. Mary's, and Washington Counties will be scheduled in the United States Courthouse, 6500 Cherrywood Lane, Greenbelt, Maryland 20770.

(2) All Court hearings in cases originating in Baltimore City, Anne Arundel, Baltimore, Carroll, Cecil, Harford, and Howard Counties will be scheduled in the United States Courthouse, 101 West Lombard Street, Baltimore, Maryland 21201.

(3) All Court hearings in cases under Chapters 7, 12 and 13 originating in Caroline, Dorchester, Kent, Queen Anne's, Somerset, Talbot, Wicomico, and Worcester Counties, including related adversary proceedings, will be scheduled in the United States Courtroom, U.S. Post Office Building, Room 104, 129 East Main Street, Salisbury, Maryland 21801. A debtor in a case originating from any of these counties may request by motion that all future Court hearings, excluding meetings of creditors under 11 U.S.C. § 341, be conducted at the United States Courthouse in Baltimore.

(4) All Court hearings in cases under Chapter 11 originating in Caroline, Dorchester, Kent, Queen Anne's, Somerset, Talbot, Wicomico, and Worcester Counties, including related adversary proceedings, will be scheduled in the United States Courthouse,

101 West Lombard Street, Baltimore, Maryland 21201 or in the United States Courtroom, U.S. Post Office Building, Room 104, 129 East Main Street, Salisbury, Maryland 21801, at the discretion of the Court. The Court will consider the convenience of the parties in selecting the venue. A debtor in a case originating from any of these counties may request by motion that some or all Court hearings be conducted at one of these two locations.

#### **RULE 5005-1            FILING BY ELECTRONIC MEANS**

The Court will accept for filing documents submitted, signed, or verified by electronic means that comply with the Court's Electronic Case Filing Procedures (Appendix H).

#### **RULE 5011-1            WITHDRAWAL OF REFERENCE**

A motion for withdrawal of reference is governed by Local Bankruptcy Rule 405.2 of the District Court. See Appendix B. All briefing will be governed by the rules of the District Court, including those rules governing timing, unless otherwise ordered by the District Court.

#### **RULE 5070-1    PHOTOGRAPHING AND RECORDING COURT PROCEEDINGS AND COURTHOUSE SPACES**

(a)    Photographing, Recording, and Transmitting Court Proceedings. Unless otherwise ordered by the Court, no Court proceeding may be photographed, video recorded, audio recorded, broadcast, televised, or otherwise transmitted except as follows:

- (1)    Judges presiding over ceremonial proceedings may authorize the use of cameras and video recorders during the proceedings.
- (2)    Official Court reporters and official electronic recorders employed by the Clerk's Office will record Court proceedings, provided, however, that no Court reporter

or electronic recorder may use or permit to be used any official recording of a Court proceeding in connection with any radio or television broadcast.

(b) Photographing, Video Recording, and Televising Courthouse Spaces.

(1) Courtrooms and Other Public Spaces. Unless otherwise ordered by the Court, no courtroom or other public space in the courthouse may be photographed, video recorded, or televised except as follows:

(A) On the day of receptions or other social events, persons attending the event may use cameras in the space where the event is being held; and

(B) Employees of the General Services Administration (GSA) and GSA architects and contractors may use cameras in the courtrooms and other public spaces when Court is not in session.

(2) Office Spaces. Cameras may not be used in any office within the courthouse except with the approval of the person in charge of the office.

(c) Penalties. Any camera, recording device, or other equipment used in violation of this Rule may be impounded. Any violation of this Rule may be treated as a contempt of Court and any violator who is a member of the District Court Bar may be subjected to the disciplinary action of the District Court and/or this Court.

## **PART VI**

### **RULE 6004-1          SALE OF UNENCUMBERED ESTATE PROPERTY**

A notice of the sale of unencumbered estate property must state that the property to be sold is not encumbered by any lien, claim, or interest and include the following:

- (a) if an appraisal has been performed,
  - (1) the appraised value of the asset being sold;
  - (2) the date of the appraisal; and
  - (3) the name and address of the appraiser;
- (b) if no appraisal has been performed, the scheduled value of the asset being sold;
- (c) the purchaser's identity;
- (d) a full description of any relationship between the purchaser and any party in interest;
- (e) a statement of all consideration paid and to be paid by the purchaser and the payment terms;
- (f) a statement of the deadline for the filing of any opposition, which must be no less than twenty-one (21) days after service of the motion, plus any additional time required by Federal Bankruptcy Rules 9006(a) and (f), and computed using the Court Hearing Scheduler Program;
- (g) a date selected from the Court Hearing Scheduler Program for a hearing for this type of motion;
- (h) a statement that the motion may be granted and the property may be sold without further notice if a timely objection is not filed; and
- (i) a statement of all charges and costs to be paid by the estate and all concessions to be made by the estate.

**RULE 6004-2            SALE OF ENCUMBERED ESTATE PROPERTY – CHAPTER 7, 12,  
AND 13 ONLY**

(a)     Sale Motions. A motion to sell property of the estate that is encumbered by a lien, claim, or interest in a Chapter 7, 12, or 13 proceeding must include all of the information required in Local Bankruptcy Rule 6004-1(a)–(i) and a description of all liens, claims, or other interests in or against the property (including the nature of the lien, claim, or interest and the balance owed to the holder thereof).

(b)     Chapter 13 Case. In a Chapter 13 case, the debtor must file and serve a notice with the motion that includes the following in the title: “AND SETTING DEADLINE TO FILE, AMEND, OR WITHDRAW PROOFS OF CLAIM.” The notice must set forth the deadline for a lienholder to file, amend, or withdraw any proof of claim, which deadline must be at least twenty-one (21) days after the sale’s closing date.

**RULE 6004-3            SALE OF ENCUMBERED ESTATE PROPERTY – CHAPTER 11  
ONLY**

A motion to sell property of the estate that is encumbered by a lien, claim, or interest in a Chapter 11 proceeding must include all of the information required in Local Bankruptcy Rule 6004-1(a)-(i) and a description of all liens, claims, or other interests in or against the property (including the nature of the lien, claim, or interest and the balance owed to the holder thereof). In addition, if the motion is longer than ten (10) pages the motion must highlight the following material terms in a separate section titled “Provisions to be Highlighted”:

(a)     Sale to Insider. If the proposed sale is to an insider, as defined in 11 U.S.C. § 101(31), the motion must (1) identify the insider, (2) describe the insider’s relationship to the



debtor, and (3) set forth any measures taken to ensure the fairness of the sale process and the proposed transaction.

(b) Agreements with Management. If a proposed buyer has discussed or entered into any agreements with management or key employees regarding compensation or future employment, the motion must disclose (1) the material terms of any such agreements, and (2) what measures have been taken to ensure the fairness of the sale and the proposed transaction in light of any such agreements.

(c) Releases. The motion must highlight any provisions pursuant to which an entity is being released or claims against any entity are being waived or otherwise satisfied.

(d) Private Sale/No Competitive Bidding. The motion must disclose whether an auction is contemplated and highlight any provision in which the trustee has agreed not to solicit competing offers for the property subject to the motion or to otherwise limit shopping of the property.

(e) Closing and Other Deadlines. The motion must highlight any deadlines for the closing of the proposed sale or deadlines that are conditions to closing the proposed transaction.

(f) Good Faith Deposit. The motion must highlight whether the proposed purchaser has submitted or will be required to submit a good faith deposit and, if so, the conditions under which such deposit may be forfeited.

(g) Interim Arrangements with Proposed Buyer. The motion must highlight any provision pursuant to which a trustee is entering into any interim agreements or arrangements with the proposed purchaser, such as interim management arrangements (which, if out of the ordinary course, also must be subject to notice and hearing under 11 U.S.C. § 363(b)) and the terms of such agreements.

(h) Use of Proceeds. The motion must highlight any provision pursuant to which a trustee proposes to release sale proceeds on or after the closing without further Court order or to provide for a definitive allocation of sale proceeds between or among various sellers or collateral.

(i) Record Retention. If the trustee proposes to sell substantially all of the debtor's assets, the motion must highlight whether the trustee will retain, or have reasonable access to, the debtor's books and records to enable the trustee to administer the bankruptcy case.

(j) Sale of Avoidance Actions. The motion must highlight any provision pursuant to which the trustee seeks to sell or otherwise limit the rights to pursue avoidance claims under Chapter 5 of the Bankruptcy Code.

(k) Requested Findings as to Successor Liability. The motion must highlight any provision limiting the proposed purchaser's successor liability.

(l) Sale Free and Clear of Unexpired Leases. The motion must highlight any provision by which the trustee seeks to sell property free and clear of a possessory leasehold interest, license, or other right.

(m) Credit Bid. The motion must highlight any provision by which the trustee seeks to allow, disallow, or affect in any manner credit bidding pursuant to 11 U.S.C. § 363(k).

(n) Relief from Bankruptcy Rule 6004(h). The motion must highlight any provision whereby the trustee seeks relief from the fourteen (14) day stay imposed by Bankruptcy Rule 6004(h).

#### **RULE 6004-4                      APPROVAL OF SALE PROCEDURES – CHAPTER 11 ONLY**

(a) Sale Procedures Motions. In a Chapter 11 case, a debtor in possession or a trustee may file a motion seeking approval of sale, bid, and/or auction procedures in anticipation of or in

conjunction with a sale motion. A request for approval of sale procedures must be brought in a motion separate from the sale motion.

(b) Provisions to Highlight. The sale procedures motion must highlight the following in a separate section titled “Provisions to be Highlighted”:

(1) Provisions Governing Qualification of Bidders. Any provision governing an entity becoming a qualified bidder, including an entity’s obligation to:

(A) Deliver financial information by a stated deadline to the trustee and other key parties (ordinarily excluding other bidders);

(B) Demonstrate its financial wherewithal to consummate a sale;

(C) Maintain the confidentiality of information obtained from the trustee or other parties or execute a non-disclosure agreement; and

(D) Make a non-binding expression of interest or execute a binding agreement;

(2) Provisions Governing Qualified Bids. Any provision governing a bid being a qualified bid, including:

(A) Any deadlines for submitting a bid and the ability of a bidder to modify a bid not deemed a qualified bid;

(B) Any requirements regarding the form of a bid, including whether a qualified bid must be (a) marked against the form of a “stalking horse” agreement or a template of the debtor’s preferred sale terms, showing amendments and other modifications (including price and other terms), (b) for all of the same assets or may be for less than all of the assets proposed to be acquired by an initial or “stalking horse” bidder, or (c) open for a specified period of time;

(C) Any requirement that a bid include a good faith deposit, the amount of that deposit and under what conditions the good faith deposit is not refundable; and

(D) Any other conditions the debtor in possession or the trustee requires for a bid to be considered a qualified bid or to permit a qualified bidder to bid at an auction;

(3) Provisions Providing Bid Protections to “Stalking Horse” or Initial Bidder.

Any provisions providing an initial or “stalking horse” bidder a form of bid protection, including:

(A) Any limitations on a trustee’s ability or right to solicit higher or otherwise better bids (i.e., any “no shop” or “no solicitation” provisions);

(B) Any agreement to provide or seek an order authorizing break-up or topping fees and/or expense reimbursement, and the terms and conditions under which any such fees or expense reimbursement would be paid;

(C) Any requirement regarding the amount of the initial overbid and any successive bidding increments; and

(D) Any requirement that the “stalking horse” bidder receive a “credit” equal to the breakup or topping fee and/or expense reimbursement when bidding at the auction and in such case whether the “stalking horse” is deemed to have waived any such fee and expense upon submitting a higher or otherwise better bid than its initial bid at the auction;

(4) Modification of Bidding and Auction Procedures. Any provision that would authorize a debtor in possession or a trustee, without further order of the Court, to modify any procedures regarding bidding or conducting an auction; and

(5) Closing with Alternative Backup Bidders. Any provision that would authorize the debtor in possession or the trustee to accept and close on alternative qualified bids received at an auction in the event that the bidder selected as the “successful bidder” at the conclusion of the auction fails to close the transaction within a specified period.

(c) Proposed Order. Unless otherwise ordered by the Court, the sale procedures order must:

(1) Describe the sale procedures in detail or attach a description of the sale procedures;

(2) Specify the date, time, and place at which the auction will be conducted and the method for providing notice to parties of any changes thereto;

(3) Provide that each bidder participating at the auction will be required to confirm that it has not engaged in any collusion with respect to the bidding or the sale;

(4) State that the auction will be conducted openly and all creditors will be permitted to attend; and

(5) State whether the bidding at the auction will be transcribed or videotaped.

## **RULE 6004-5      REPORT OF SALE**

Unless the Court orders otherwise, the seller of property of the estate must file a report of sale under Federal Bankruptcy Rule 6004(f) within seven (7) days after consummation of the sale.

## **RULE 6006-1            EXECUTORY CONTRACTS AND UNEXPIRED LEASES**

(a)    Notice Required. Parties seeking the assumption, rejection, or assignment of an executory contract or unexpired lease must give notice of the proposed action to: (1) the other party to the executory contract or unexpired lease; (2) any official committee or, in the absence of a committee, to the holders of the twenty (20) largest unsecured claims taken from the debtor's list filed pursuant to Federal Bankruptcy Rule 1007(d) or Schedule F; (3) any trustee appointed in the case; (4) the United States Trustee; and (5) all parties requesting notice. The notice must state that the Court may rule upon the motion without a hearing if there is no timely written request for a hearing or opposition to the relief requested.

(b)    Motion to Reject a Collective Bargaining Agreement. A party moving to reject a collective bargaining agreement must file the following with the motion:

- (1)    an affidavit demonstrating compliance with 11 U.S.C. § 1113(b); and
- (2)    a certificate of service that the moving party has served the motion and affidavit on the authorized representative of the employees covered by the collective bargaining agreement.

## **RULE 6007-1            ABANDONMENT OR DISPOSITION OF PROPERTY**

(a)    Notice Generally. Unless the Court orders otherwise, the notice of a proposed abandonment or disposition of property pursuant to Federal Bankruptcy Rule 6007(a) must describe the property to be abandoned or disposed of and state concisely the reason for the proposed abandonment or disposition.

(b) Notice for Certain Residential Real Property Leases. If the trustee files a notice of abandonment of a residential real property lease, other than a proprietary lease for a cooperative residence, the notice need only be served on the debtor and the landlord.

## **PART VII**

### **RULE 7001-1 TRUSTEE'S FILING FEES**

Payment of the filing fee for an adversary proceeding filed by a trustee may be deferred pending acquisition of sufficient funds by the trustee to pay such fees in full or pro rata with other expenses of administration.

### **RULE 7003-1 ADVERSARY COVER SHEET**

A party who is not represented by an attorney must file a completed adversary proceeding cover sheet when filing an adversary proceeding.

### **RULE 7003-2 DISCLOSURE OF CORPORATE AFFILIATES**

Each non-governmental corporate party to an adversary proceeding or contested matter must file a statement identifying all its parent corporations and listing every publicly held company that owns 10% or more of the party's stock. The statement must provide an address for each entity listed. A party must file the statement with its initial pleading filed in the Court and must supplement the statement within a reasonable time of any change in the information.

### **RULE 7004-1 SERVICE OF COMPLAINT AND SUMMONS**

Unless service is waived, proof of service on all defendants must be filed promptly and in any event within the time during which the person served must respond to the process.



## **RULE 7005-1            ELECTRONIC SERVICE**

Pursuant to Federal Bankruptcy Rules 5005(a)(2) and 7005, service pursuant to the Court's Electronic Case Filing Procedures (Appendix H) constitutes valid service.

## **RULE 7007-1            MOTIONS FOR EXPEDITED TURNOVER OF MOTOR VEHICLES**

(a)    Request for Expedited Relief. After the filing of a complaint to commence an adversary proceeding to recover a motor vehicle under 11 U.S.C. § 542, the plaintiff may file a motion for expedited turnover of the motor vehicle, provided that the following conditions are satisfied:

(1)    The motion specifically identifies the motor vehicle, the legal authority supporting the requested turnover, and the justification for the requested expedited relief (including any adequate protection offered to the defendant by the plaintiff);

(2)    The plaintiff files an affidavit (or an unsworn declaration in accordance with 28 U.S.C. § 1746) supporting the requested turnover of the motor vehicle; and

(3)    The plaintiff files a certificate with the motion stating that the plaintiff conferred with the defendant and made a good faith effort to resolve the requested relief consensually prior to the filing of the motion.

(b)    Service of Motion and Notice of Hearing.

(1)    The movant must select a hearing date for this type of motion from the Court Hearing Scheduler Program, and such date must be more than seven (7) days after the date of service. The notice of the motion must state the hearing date and time.

(2)    The movant must serve a copy of the motion under this Rule on the respondent and any non-debtor co-owner in the manner required by Federal Bankruptcy

Rules 9014, 7004, and 3007. Additional requirements for the notice, the certificate of service, and the proposed order are governed by Local Bankruptcy Rules 2002-1(a), 9013-4, and 9013-3, respectively.

(c) Response to Motion. The Court Hearing Scheduler Program will compute the date that an objection is due, and such objection deadline must be included in the hearing notice. If no timely response is filed, the Court may rule on the motion without further notice or a hearing as set forth in Local Bankruptcy Rule 9013-1(d).

## **RULE 7012-1            FINAL ORDERS AND JUDGMENTS**

As required by Federal Bankruptcy Rules 7008 and 7012(b), all parties in adversary proceedings must include in their initial filing a statement as to whether the party consents to entry of final orders and/or judgments by the bankruptcy judge. If a party fails to include the required statement in their initial filing or by some other deadline as set by the Court, such party is deemed to have consented to entry of final orders or judgments by the bankruptcy judge.

## **RULE 7012-2            EXTENSION OF TIME TO PLEAD OR FILE MOTION**

The deadline to plead or respond to a pleading (as the term pleading is defined by Federal Bankruptcy Rule 7007) in an adversary proceeding may be extended for a period of up to thirty (30) days by stipulation of the parties docketed with the Court or, for a longer period of time, by order of the Court. Any deadline extended pursuant to this Rule does not affect any other deadlines set forth in any scheduling order entered by the Court.

**RULE 7012-3            MOTION TO DISMISS AN ADVERSARY PROCEEDING  
AGAINST A PARTY NOT REPRESENTED BY AN ATTORNEY**

Any motion seeking dismissal of an adversary proceeding in which the non-moving party is not represented by an attorney must attach as a cover sheet to such motion a separate notice in substantially the following form:

**NOTICE**

**Your rights may be affected. You should read these papers carefully and may wish to discuss them with an attorney.**

A motion to dismiss is a request that one or more claims in a case be decided without holding a trial. A motion to dismiss is governed by Rule 12 of the Federal Rules of Civil Procedure. Your complaint, or the portions of your complaint that the motion seeks to dismiss, may be dismissed if the Court finds that the complaint does not contain sufficient factual allegations to grant the relief you have requested.

If you want to oppose the motion to dismiss, you must file with the Court and serve on the other party a written response opposing the motion to dismiss and stating the reasons for your opposition. Your opposition must be filed and served within fourteen (14) days after the service date of the motion, plus three (3) additional days if the motion was served on you by mail, unless otherwise ordered by the Court. If you file a written response, the Court may hold a hearing at a location and time set forth in a notice from the Clerk of Court.

**If you fail to file a timely written response to the motion, the Court may grant the motion, in whole or in part, without holding a hearing.** This will result in the termination of the proceeding, or some part of the proceeding, in favor of the moving party.

**RULE 7015-1            AMENDED COMPLAINT**

Unless otherwise ordered by the Court, the party filing an amended complaint must file and serve: (a) a clean copy of the amended complaint; and (b) a copy of the amended complaint in which stricken material has been lined through or enclosed in brackets and new material has been underlined or set forth in bold face type.

## **RULE 7016-1            PRETRIAL PROCEDURES**

(a)    General. The Court may, in any adversary proceeding, direct the attorney for a party or a party not represented by an attorney to appear before it for a preliminary scheduling or pretrial conference pursuant to Federal Bankruptcy Rule 7016.

(b)    Pretrial Statement. Where required by Court order, each party must file a pretrial memorandum, with copies sent to all other attorneys of record or parties not represented by an attorney. Each party must state the following in its pretrial memorandum:

(1)    a brief statement of facts that the party proposes to prove in support of a claim or defense, together with a statement of legal theories and citations of authorities;

(2)    any required pleading amendments;

(3)    any pleaded, but abandoned, issue;

(4)    stipulations of fact;

(5)    the details of the damage claimed or any other relief sought;

(6)    a list of the documents and records to be offered in evidence by the party at the trial other than those expected to be used solely for impeachment, identifying which documents the party expects to introduce in evidence by stipulation and/or without the authentication required by the Federal Rules of Evidence;

(7)    a list of the names and specialties of experts that the party proposes to call as witnesses; and

(8)    a statement of any matter that must be resolved before trial.

(c)    Required Pre-Filing of Exhibits. Unless otherwise ordered by the Court, each party must pre-file all exhibits which that party intends to introduce into evidence during any adversary proceeding, except for exhibits to be offered solely for rebuttal or impeachment.

## **RULE 7026-1            DISCOVERY - GENERAL**

(a)    Discovery Request Limits. A party may not serve on any other party in an adversary proceeding more than thirty (30) interrogatories, thirty (30) requests for production, and thirty (30) requests for admission, including all parts and sub-parts.

(b)    Timely Written Discovery Requests Required. All discovery requests must be made at a sufficiently early date to assure that the time for response expires and discovery disputes are resolved before any discovery deadlines set by the Court. The party serving discovery requests must promptly provide the requests in electronic form that may be edited when requested by the opposing party.

(c)    Discovery to Proceed Despite Existence of Disputes. Unless otherwise ordered by the Court, a discovery dispute as to one matter does not justify delay in taking or responding to any other discovery.

(d)    Discovery Stayed Pending Resolution of Federal Bankruptcy Rule 7012(b) Motion. The filing of a motion pursuant to Federal Bankruptcy Rule 7012(b) stays discovery unless discovery relates to matters outside the scope of the motion.

(e)    Format of Responses. Responses to discovery must restate each request followed by the response or a brief statement of the grounds for objection.

(f)    Conference of Attorneys Required. Attorneys must confer in person, telephonically, or by videoconference concerning a discovery dispute and make good faith attempts to resolve their differences. The Court will not resolve a discovery dispute unless the moving party has filed a certificate stating:

- (1)    the date, time, and place of the discovery conference, the names of all persons participating, and any unresolved issues remaining; or

(2) the moving party's attempts to hold such a conference without success.

(g) Deposition of an Expert. The party taking the deposition of an expert must pay a reasonable fee for the time spent by the expert in deposition and traveling to and from the deposition. The party designating the expert will pay any fee charged by the expert for time spent in preparing for the deposition.

(h) Production Expenses. A party in interest requesting copies of documents that were produced for inspection must pay the actual, reasonable costs of copying, scanning, and/or delivering the documents.

(i) Discovery Guidelines. The Discovery Guidelines adopted by the Court and set forth in Appendix C govern the conduct of discovery.

## **RULE 7026-2            FILING OF DISCOVERY MATERIAL**

In adversary proceedings, a party may not file with the Court either written discovery requests, responses to discovery, or deposition transcripts (other than as exhibits to motions) unless otherwise ordered by the Court. A party propounding written discovery or taking a deposition or providing a discovery response must file a notice stating: (a) the type of discovery or response served; (b) the date and type of service; and (c) each person served. Parties must retain the original copies of the discovery materials and make them available for inspection by any other party.

**RULE 7054-1 ALLOWANCE OF COSTS**

No costs may be allowed in adversary proceedings in excess of filing fees unless the entitled party files a bill of costs within twenty-one (21) days after the entry of the judgment or order.

**RULE 7054-2 ATTORNEYS' FEES**

Unless a longer period is fixed by statute or by the Court, motions by a prevailing party for an award of attorney's fees must be filed within twenty-one (21) days after the entry of judgment or order.

**RULE 7055-1 DEFAULT - FAILURE TO PROSECUTE**

If, upon the expiration of ninety days (90) after the filing of the last pleading, it appears to the Clerk that no significant activity has since occurred on the docket in an adversary proceeding in which there is no scheduled hearing or trial and there are no pending deadlines for discovery or dispositive motions, the Clerk may send written notice to all parties to the adversary proceeding that the proceeding or matter will be denied or dismissed without prejudice unless, within thirty (30) days after the date of the notice, the plaintiff or movant presents good and sufficient cause in writing why the dismissal or denial should not be ordered. If there is no adequate response to the Clerk's notice by the deadline set forth therein, the Court may enter an order of dismissal or denial.

**RULE 7055-2 REQUEST OR MOTION FOR DEFAULT JUDGMENT AGAINST A PARTY NOT REPRESENTED BY AN ATTORNEY**

Any request or motion seeking a default judgment in an adversary proceeding pursuant to Federal Bankruptcy Rule 7055(b) in which the non-moving party is not represented by an attorney

must include as a cover sheet a separate notice to the non-moving party in substantially the following form:

### NOTICE

**Your rights may be affected. You should read these papers carefully and may wish to discuss them with an attorney.**

A motion for default judgment is a request for judgment on one or more of the claims contained in the complaint filed in this case. A motion for default judgment is governed by Rule 55 of the Federal Rules of Civil Procedure. Because you have failed to file an answer or other pleading in this case, the Court may enter judgment against you without trial.

If you want to oppose the motion for default judgment, you must file with the Court and serve on the other party a written response opposing the motion and stating the reasons for your opposition. Your opposition must be filed and served within fourteen (14) days after the service date of the motion, plus three (3) additional days if the motion was served on you by mail, unless otherwise ordered by the Court. If you file a written response, the Court may hold a hearing at a location and time set forth in a notice from the Clerk of Court.

**If you fail to file a timely written response to the motion, the Court may grant the motion, in whole or in part, with or without holding a hearing.** This will result in the termination of the proceeding, or some part of the proceeding, in favor of the moving party, and the entry of a judgment against you.

[Rule 7056-1 is on next page]



**RULE 7056-1****MOTION FOR SUMMARY JUDGMENT AGAINST A PARTY NOT REPRESENTED BY AN ATTORNEY**

A motion seeking summary judgment in which the non-moving party is not represented by an attorney must attach to such motion as a cover sheet a separate notice in substantially the following form:

**NOTICE**

**Your rights may be affected. You should read these papers carefully and may wish to discuss them with an attorney.**

A motion for summary judgment is a request that one or more issues in a case be decided without holding a trial. A motion for summary judgment is governed by Rule 56 of the Federal Rules of Civil Procedure. Summary judgment may be granted if the Court determines that (a) the material facts are not genuinely disputed and (b) based on those facts, the party asking for summary judgment is entitled to judgment as a matter of law.

If you want to oppose the motion for summary judgment, you must file with the Court and serve on the other party a written response opposing the motion and stating the reasons for your opposition. Your opposition must be filed and served within fourteen (14) days after the service date of the motion, plus three (3) additional days if the motion was served on you by mail, unless otherwise ordered by the Court. If you file a written response, the Court may hold a hearing at a location and time set forth in a notice from the Clerk of Court.

If you disagree with any of the facts stated by the other party, you must include with your response sworn statements from yourself or other knowledgeable witnesses supporting your version of the facts. A sworn statement may take the form either of an affidavit or a declaration signed under penalty of perjury. Any documents you want the Court to consider should be identified in, and attached to, the sworn statements. If you are unable to obtain sworn statements supporting your position, you must file a sworn statement stating why you are unable to obtain such statements at this time.

**If you fail to file a timely written response to the motion, the Court may grant the motion, in whole or in part, with or without holding a hearing.** This may result in the termination of the matter, or some part of the proceeding, in favor of the moving party, and the entry of a judgment against you.

## **PART VIII**

### **RULE 8001-1      APPEALS**

See Appendix B.

## **PART IX**

### **RULE 9001-1            DEFINITIONS AND RULES**

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 in these Local Bankruptcy Rules and orders entered by the Court. In addition, the following words and phrases used in these Rules have the meanings stated:

- (a) “Bankruptcy Code” means Title 11 of the United States Code.
- (b) “CM/ECF” means the Case Management/Electronic Case Filing system for the Court.
- (c) “Court” means the United States Bankruptcy Court for the District of Maryland.
- (d) “Court Hearing Scheduler Program” means the program maintained by the Clerk that identifies dates for hearings and calculates related objection deadlines and that is available on the Court’s website and CM/ECF filing screen.
- (e) “Days” means calendar days unless otherwise stated herein or otherwise provided in the Federal Bankruptcy Rules.
- (f) “District Court” means the United States District Court for the District of Maryland.
- (g) “Federal Bankruptcy Rules” means the Federal Rules of Bankruptcy Procedure.
- (h) “File” means to submit a pleading or other document electronically via CM/ECF or with the appropriate divisional office of the Clerk of the Court.
- (i) “Including” means including without limitation.
- (j) “Must” means “a duty to” and is mandatory in nature.
- (k) “Party in Interest” means a party having an interest in the bankruptcy case, including the debtor, the trustee, a creditors’ committee, an equity security holders’ committee, a

creditor, an equity security holder, an indenture trustee, a party to a contract or lease with the debtor, a co-debtor, and a co-owner of property of the estate.

(l) “Subchapter V” means subchapter V of Chapter 11 of the Bankruptcy Code, 11 U.S.C. §§ 1181, *et seq.*

#### **RULE 9004-1 PAPERS - REQUIREMENTS OF FORM FOR PARTIES REPRESENTED BY AN ATTORNEY**

All petitions, pleadings, schedules, and other documents (except original copies of pre-existing exhibits and attachments) filed with the Court by an attorney must be legible, have at least a one (1) inch margin on each side, use 12 point or larger font for text and 10 point or larger font for footnotes, and comply with the Court’s Electronic Case Filing Procedures (Appendix H).

#### **RULE 9006-1 TIME FOR SERVICE AND FILING OF MOTIONS AND RESPONSIVE PAPERS**

(a) In General. Except as otherwise ordered by the Court or required by the Federal Bankruptcy Rules or Local Bankruptcy Rules, all motions must be served at least twenty-one (21) days before the hearing date. The movant may establish any response deadline that is no earlier than fourteen (14) days after the date of service and no later than seven (7) days before the hearing date. Any response deadline may be extended by agreement of the parties.

(b) Chapter 13 Motions to Dismiss. A motion to dismiss a Chapter 13 case must be accompanied by a notice stating that any responsive pleading and memorandum in opposition must be filed within twenty-one (21) days after the date of service of the motion.

(c) Service via CM/ECF and Mail. When a party is served via CM/ECF, Federal Bankruptcy Rule 9006(f) (providing an additional three (3) days to respond) does not apply to that party.

**RULE 9006-2            BRIDGE ORDERS NOT REQUIRED IN CERTAIN CIRCUMSTANCES**

Unless otherwise provided in the Bankruptcy Code or in the Federal Bankruptcy Rules, if a motion to extend the time to take any action is filed before the expiration of the period prescribed by the Bankruptcy Code, the Federal Bankruptcy Rules, the Local Bankruptcy Rules, or Court order, the time is automatically extended until the Court acts on the motion, without the necessity for the entry of a bridge order.

**RULE 9009-1            LOCAL BANKRUPTCY FORMS**

The Local Bankruptcy Forms prescribed in these Rules are attached in Appendix A. They must be observed and used with alterations as may be appropriate.

**RULE 9010-1            SELF-REPRESENTED PARTIES (PARTIES NOT REPRESENTED BY AN ATTORNEY)**

(a)    Who May Appear Self-Represented. Only individuals may represent themselves except for parties filing motions seeking to obtain funds deposited in the registry of the Court.

(b)    Responsibilities of Parties Not Represented by an Attorney. Individuals not represented by an attorney are responsible for performing all duties imposed on attorneys by the Bankruptcy Code, the Federal Bankruptcy Rules, these Rules, and applicable federal or state law.

**RULE 9010-2            CURRENT INFORMATION**

(a)    Duty to Keep Current Information on File. Unless otherwise ordered by the Court, debtors, attorneys, and parties not represented by an attorney must ensure that their current mailing

address, telephone number, and email address (if any), are on file in every case in which such person appears. This obligation continues until the case is closed.

(b) Excusable Neglect. Should any person fail to maintain a current address with the Clerk and as a result, either for lack of response or lack of an appearance, the Court enters an order dismissing any affirmative claim for relief or enters a judgment by default or otherwise against such person or such person's client, the failure to maintain a current address will not be considered excusable neglect.

### **RULE 9010-3            ATTORNEYS - WHO MAY APPEAR AS AN ATTORNEY FOR A PARTY**

(a) In General. Except as otherwise provided in this Rule and 28 U.S.C. § 515 or when an attorney is employed as a federal government attorney and is appearing for purposes related to his or her employment, only members of the Bar of the District Court may appear as an attorney in a bankruptcy case or adversary proceeding.

(b) Admission *Pro Hac Vice*.

(1) In accordance with, and subject to the limitations of, the Local Rules of the District Court, the Court may permit an attorney who is an active member in good standing of the Bar of any other United States Court or of the highest court of any state to appear and participate as an attorney in a particular bankruptcy case. Such permission will not constitute formal admission to the Bar of the District Court. An attorney admitted *pro hac vice* is subject to the disciplinary jurisdiction of the District Court and of this Court.

(2) A party represented by an attorney who has been admitted *pro hac vice* must also be represented by an attorney who is a member of the Bar of the District Court. Such

member of the Bar of the District Court must be present in the courtroom for all proceedings before the Court, unless excused by the Court.

(3) The application for admission *pro hac vice* must comply with Local District Court Rule 101.1.b and conform to Local Bankruptcy Form F.

(c) Certain Actions Not Requiring Admission to the Bar of the District Court. An attorney not admitted to the Bar of the District Court may file (1) a proof of claim for a client; (2) a fee application as principal of a professional group; (3) a motion to retrieve funds from the registry of the Court; or (4) a request for all notices.

(d) Appearance for Obtaining Deposition Subpoenas. It is not necessary for an attorney to be admitted to the Bar of the District Court to obtain a subpoena for depositions to be taken in this district for cases pending in other districts. However, an attorney seeking such a subpoena is subject to the disciplinary jurisdiction of the District Court and of this Court.

#### **RULE 9010-4            WITHDRAWAL OF APPEARANCE OF AN ATTORNEY**

(a) When Clients are Individuals.

(1) An attorney may withdraw an appearance entered on behalf of an individual if another attorney has entered an appearance for and appears as attorney of record for that individual.

(2) Except as provided in subparagraph (1), the appearance of an attorney may be withdrawn only with leave of the Court. An attorney moving to withdraw must certify:

(A) the name and last known address of the client; and

(B) that a written notice has been mailed to or otherwise served upon the client at least seven (7) days previously advising the client of the attorney's

proposed withdrawal and notifying the client either to have a new attorney enter an appearance or to advise the Clerk that the client will be proceeding without an attorney.

(b) When Clients Are Other Than Individuals. If the client is other than an individual, including a corporation, partnership, unincorporated association, and government entity, appearance of an attorney may be withdrawn only with leave of Court and if:

(1) the appearance of another attorney has been entered; or

(2) the withdrawing attorney certifies:

(A) the name and last known address of the client; and

(B) that a written notice has been mailed to or otherwise served upon the client at least seven (7) days previously advising the client of the attorney's proposed withdrawal and notifying the client that it must have a new attorney enter an appearance or be subject to dismissal of its case, dismissal of its claims and/or judgment by default on claims against it. If a new attorney has not entered an appearance within twenty-one (21) days after the filing of the motion to withdraw, the Court may dismiss an affirmative claim for relief by, or enter a default against, the party not represented by an attorney.

#### **RULE 9010-5 ATTORNEY FOR DEBTORS – DUTIES**

(a) In General. An attorney who files a petition in bankruptcy on behalf of a debtor, or who subsequently enters an appearance on behalf of a debtor other than as special counsel approved under 11 U.S.C. § 327(e), will be the attorney of record in all matters arising during the



administration of the case, such as adversary proceedings and motions for relief from stay, except as set forth below.

(b) Individual Cases. In an individual case, representation will continue through discharge and continue as to any matter pending at the time of the discharge. However, an attorney representing an individual debtor may exclude adversary proceedings and United States Trustee audits provided such exclusions are (1) contained in a written engagement agreement signed by the debtor, and (2) described in the attorney's disclosure of compensation filed under Federal Bankruptcy Rule 2016(b).

(c) Limited Appearance. If a debtor is represented by an attorney generally in a Chapter 7 or Chapter 13 case, another attorney may enter an appearance limited to specific matters in the case, such as a motion for relief, another contested matter, an adversary proceeding, or an appeal, without entering a general appearance on behalf of the debtor. Such attorney must file a Federal Bankruptcy Rule 2016(b) statement disclosing the scope of the representation and the fees charged and paid (or to be paid) for such representation and such representation must be limited solely to the matters described in the Federal Bankruptcy Rule 2016(b) statement.

## **RULE 9010-6            CHAPTER 13 DEBTOR'S ATTORNEY**

The attorney for the debtor in a Chapter 13 case must abide by all requirements set forth in the Chapter 13 Debtor's Attorney's Responsibilities and Fees in Appendix F.

## **RULE 9011-1            SIGNATURES, FEDERAL BAR NUMBER**

An individual signing pleadings must include the signer's printed name, mailing and business address, telephone number, and, if available, email address. If the signer is an attorney

admitted to practice before the District Court, the attorney must include his or her federal bar number as listed on the Attorney Admission List.

**RULE 9011-2                    SIGNING OF ELECTRONICALLY TRANSMITTED PLEADINGS;  
REPRESENTATIONS TO THE COURT**

(a)     Responsibility for Use of Login and Password. An attorney or other person whose individual PACER account is linked to the Court’s CM/ECF system, as described in the Court’s Electronic Filing Procedures (Appendix H), is responsible for all documents filed using that PACER login and password.

(b)     Signature and Certification. The transmission of a petition, pleading, motion, or other paper by electronic means constitutes both a signature by the attorney or other person responsible for transmitting it that is required by Federal Bankruptcy Rule 9011(a) and a certification within the meaning of Federal Bankruptcy Rule 9011(b). Such transmission also constitutes a representation by the attorney or other person responsible for an electronic transmission to the Court that he or she is in possession of the original petition, pleading, motion, or other paper, with all original signatures thereon other than those papers signed solely by the filing user and co-counsel.

**RULE 9011-3                    MAINTENANCE AND PRODUCTION OF ORIGINAL  
DOCUMENTS**

(a)     Maintenance. The attorney or other person responsible for an electronic transmission to the Court must maintain the petition, pleading, motion, or other paper bearing original signatures, other than that of the electronic filer, for three (3) years after the bankruptcy case is closed.

(b) Production. Upon reasonable request by the Court or a party in interest made no later than three (3) years after the bankruptcy case is closed, the attorney or other person responsible for an electronic filing must produce for inspection and copying the petition, pleading, motion, or other paper filed by electronic means, with all original signatures thereon.

(c) Original Signatures. An original wet ink signature is required on any petition, schedule, statement, Chapter 13 plan, or any other document filed under oath or penalty of perjury. If a document does not require an original wet ink signature, an original signature:

(1) of an attorney includes a signature obtained or sent by facsimile, scanned document, email authorization, or other electronic means, authorizing the placement of the electronic signature of the authorizing person on the document to be filed; or

(2) of a client includes a signature transmitted by facsimile or scanned document authorizing the placement of the electronic signature of the authorized person on the document to be filed.

## **RULE 9013-1            MOTIONS PRACTICE**

(a) In General. All motions (or memoranda in support of motions) and responsive pleadings must (1) include a caption with the Court's name, the case name, the case number, the chapter of the case, and a descriptive title; (2) include the relevant facts, legal argument, and reference to adequate evidence to support the party's position under applicable substantive law; and (iii) comply with the Court's Electronic Case Filing Procedures (Appendix H).

(b) Resolution of Motions on the Papers. Except as otherwise provided in the Bankruptcy Code, the Federal Bankruptcy Rules, these Rules or by the Court, the Court may decide a motion on the papers filed.

(c) Consideration of Motion Prior to Response Deadline. Notwithstanding the establishment of a response deadline in the Bankruptcy Code, the Federal Bankruptcy Rules, or the Local Bankruptcy Rules, in its discretion, the Court may grant or deny a motion prior to the response deadline if the Court determines responses would not aid in the decisional process and the circumstances of the case warrant expedient consideration of the motion.

(d) Consideration of Unopposed Motion. If no party in interest files a timely response to a motion, the Court may rule on the motion without further notice or a hearing.

## **RULE 9013-2            BRIEFS AND MEMORANDA OF LAW**

A party must file with each motion a brief memorandum of fact and law entitling the movant to the relief claimed or a statement that no memorandum will be filed and that the movant will rely solely upon the motion.

## **RULE 9013-3            ORDERS - PROPOSED**

(a) In General. All requests for relief, other than those described in paragraph (b) below must be accompanied by a proposed order. The proposed order must contain a specific title describing the nature and effect of the order, and the body of the order must specify the relief granted. The names and addresses of all attorneys, creditors, and other parties in interest who have a potential interest in, or whose rights might be affected by, the matter must be set forth in the lower left-hand corner of the final page of the proposed order or carried over to another page, provided, however, that only the name and “via CM/ECF” are required for any attorney who is receiving notices through CM/ECF in that case. The caption of the order must be in the same form as the caption of the motion.

(b) Exceptions. Paragraph (a) does not apply to motions for relief from the automatic stay, motions to dismiss or convert, Chapter 13 plans, motions to modify Chapter 13 plans, and pleadings initiating adversary proceedings under Federal Bankruptcy Rule 7001.

(c) Motions for Relief from Stay. Proposed orders for motions for relief from the automatic stay must be submitted to the Court upon the earlier of:

- (1) A consent being reached by all parties; or
- (2) After the conclusion of the hearing on the motion.

(d) Form Orders. If the Court maintains a form order for the particular type of relief requested by a party, that party must use the Court's form order. All forms are available on the Court's website.

#### **RULE 9013-4            CERTIFICATE OF SERVICE**

(a) In General. A certificate of service is required for every motion, objection, notice, or other pleading or paper filed with the Court. The certificate must be filed and served contemporaneously with the filing and service of the referenced pleading or paper.

(b) Placement. The certificate must be placed at the end of the item served and endorsed by an attorney of record, the attorney's authorized agent, or by a party if not represented by an attorney.

(c) Content. The certificate must state the date of service.

(1) For each recipient who is served through CM/ECF, the certificate must also identify the name of the person served with the statement that service is via CM/ECF. The attorney or person not represented by an attorney filing the pleading or document is

responsible to ensure that all persons listed as being served via CM/ECF are registered to receive CM/ECF notice in that case or must effectuate service by other appropriate means.

(2) For all other recipients, the certificate must separately identify the name, title (if applicable), and address of each person served and state the method of service.

(d) Noticing Agents. Noticing agents authorized by the Court must make service in accordance with this Rule, except as otherwise provided in the order authorizing the employment of the noticing agent.

#### **RULE 9013-5            RESPONSIBILITY FOR PROPER SERVICE**

(a) In General. It is the obligation of an attorney or party that files a pleading to determine every party with a cognizable interest in the pleading that must receive a copy and the current address of each such party. A certificate of service signed by an attorney, by an attorney's authorized agent, or by a party constitutes a representation to the Court that all parties entitled to service have been included and have been served properly. Violation of this paragraph may be subject to an appropriate sanction.

(b) Deficiencies. It is the obligation of an attorney or a party filing a motion to review any notice of a hearing on that motion prepared by the Clerk and to communicate forthwith to the Clerk any deficiency in the notice and any omission in the list of parties receiving notice.

#### **RULE 9013-6            MOTION TO SHORTEN TIME AND/OR FOR EXPEDITED HEARING**

(a) Motion. If the movant requests that the time to object to any motion be shortened, or that a more expedited hearing is needed, the movant must file contemporaneously a separate

motion requesting that the Court shorten the time within which responses may be filed and/or requesting that the Court set an expedited hearing.

(b) Notice. If a motion is filed to shorten the time to object to any motion or to expedite the hearing thereon, the movant must include the following language in the notice:

THE MOVANT HAS ALSO FILED A MOTION TO SHORTEN THE TIME FOR RESPONSE AND/OR FOR AN EXPEDITED HEARING. IF THAT MOTION TO SHORTEN OR EXPEDITE IS GRANTED, THE TIME TO OBJECT AND/OR DATE FOR HEARING WILL BE CHANGED AS PROVIDED IN SUCH ORDER.

(c) Order Shortening Time and/or Scheduling Expedited Hearing. If the Court enters an order shortening the time for responses to a motion and/or scheduling an expedited hearing on a motion, then the movant must serve a copy of the order on all parties in interest served with the motion and file a certificate of service as soon as practicable.

#### **RULE 9013-7            POSTPONEMENT/CONTINUANCE OF MATTERS OR PROCEEDINGS**

(a) Court Order or Consent Required. Subject to the requirements of Local Bankruptcy Rule 4001-1(b)(3), (1) a Court order or (2) consent of the parties filed on the docket or communicated in writing to the assigned judge's courtroom deputy is required for any postponement of a hearing, pretrial conference, or trial.

(b) Notice to Client and Other Parties. A motion to postpone must be served by the fastest means to avoid inconvenience to other parties.

(c) Conflicting Engagement. A motion for a postponement of a hearing or trial on the grounds of a prior conflicting engagement must be filed at least seven (7) days before the hearing date. Written evidence of the conflicting engagement must be attached to the motion.

(d) Meeting of Creditors. A request for postponement of a meeting of creditors held under 11 U.S.C. § 341 must be handled as follows:

(1) Requests for postponement must be made:

(A) in Chapter 12 and 13 cases, to the standing trustee assigned to the case;

(B) in Chapter 7 cases, to the interim trustee; and

(C) in Chapter 11 cases, to the Assistant United States Trustee assigned to the division of Court where the case is pending.

(2) Upon a written request of the debtor's attorney or the debtor, and at the discretion of the respective trustee, a meeting of creditors pursuant to 11 U.S.C. § 341(a) may be rescheduled to the trustee's next available panel date, or as otherwise agreed. The request must state the basis for the request and must state whether any prior continuance request has been made.

(3) Unless otherwise agreed to by the trustee and the debtor's attorney or the debtor:

(A) To request a continuance in a Chapter 7 or 13 case, the documents required by 11 U.S.C. § 521 (pay advices or Local Bankruptcy Form Q and tax returns) must be delivered prior to or with the request to the trustee.

(B) In Chapter 7 cases of individual debtors, the debtor's attorney (or the debtor, if not represented by an attorney) must provide a certification to the



trustee that a consent motion has been or will be filed with the Court to extend the deadlines to file both an objection to discharge under 11 U.S.C. § 727 and a motion to dismiss under 11 U.S.C. § 707(b)(3) until a date sixty (60) days after the rescheduled meeting of creditors, and to extend the deadline for the United States Trustee to file a Statement of Presumed Abuse under 11 U.S.C. § 704(b)(1)(A) until ten (10) days after the rescheduled meeting of creditors.

(C) The debtor's attorney (or the debtor, if not represented by an attorney) must file and serve on all parties on the matrix by first-class mail or CM/ECF a notice of the new meeting date and time, along with the consent motion, at least seven (7) days in advance of the rescheduled meeting, and must certify to the Court (with a copy to the trustee and the United States Trustee) that said notice has been given.

#### **RULE 9014-1            CONTESTED MATTERS**

Whenever there is an actual dispute before the Court, other than an adversary proceeding, the litigation to resolve that dispute is a contested matter.

#### **RULE 9014-2            APPLICATION OF PRETRIAL, DISCOVERY, AND DEFAULT RULES TO CONTESTED MATTERS**

Local Bankruptcy Rules 7016-1, 7026-1, 7026-2, and 7055-1 apply to contested matters. However, the initial disclosures required by Federal Bankruptcy Rule 7026(a) do not apply to contested matters unless the Court directs otherwise.

**RULE 9015-1            TIME FOR FILING CONSENT TO HAVE JURY TRIAL  
CONDUCTED BY BANKRUPTCY JUDGE**

A statement of consent to have a jury trial conducted by a bankruptcy judge under 28 U.S.C. § 157(e) must be filed before the conclusion of the initial pretrial conference.

**RULE 9016-1            ISSUANCE OF SUBPOENAS TO SELF-REPRESENTED  
LITIGANTS**

The Clerk must not issue any subpoena under Federal Bankruptcy Rule 9016 at the request of a self-represented litigant unless the litigant first obtains an order from the Court authorizing the issuance of the subpoena. Before entering any such order, the Court may require the self-represented litigant to state the reasons why the subpoena should be issued. The Court may deny issuance of the subpoena if it imposes an undue burden or expense on the person subject to the subpoena or upon the United States Marshal Service or other Court officer who would be required to serve it under 28 U.S.C. § 1915 or if issuance of the requested subpoena is otherwise inconsistent with the requirements of the Federal Bankruptcy Rules.

**RULE 9019-1            SETTLEMENTS AND AGREED ORDERS**

(a) Order. Subject to the requirements of Federal Bankruptcy Rules 2002(a)(3), 4001(d), and 9019, when the Court is advised by the moving party that an adversary proceeding or contested matter has been settled, the Court may enter an order dismissing the adversary proceeding or contested matter and providing for the payment of costs. Such an order of dismissal will be without prejudice to the right of a party to move for good cause to reopen the proceeding or matter within a reasonable time after settlement should have occurred if the settlement is not consummated. Alternatively, the Court, upon notification by the attorneys that a proceeding or

matter has been settled, may require the attorneys to submit, within fourteen (14) days, a proposed order providing for the settlement, in default of which the Court may enter judgment or other appropriate order.

(b) Motion Required. Notwithstanding Federal Bankruptcy Rule 7041, if parties to an adversary proceeding resolve the issues presented therein, one or more of the parties must file a motion for Court approval under Federal Bankruptcy Rule 9019 if the settlement involves a transfer of cash or other property to or from the bankruptcy estate.

(c) Complete Disposition. An order entered pursuant to this Rule has the effect of noting the settlement of the entire adversary proceeding or contested matter, including all claims, counterclaims, third-party claims, and crossclaims, unless otherwise stated.

(d) Filing Procedures. 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.

## **RULE 9019-2            ALTERNATIVE DISPUTE RESOLUTION**

A Bankruptcy Dispute Resolution Program (“BDRP”) is maintained and available to facilitate the resolution of disputes in Appendix G to these Rules.

## **RULE 9027-1            CONSENT TO JUDGMENT IN REMOVAL ACTIONS**

Federal Bankruptcy Rule 7012(b) and Local Bankruptcy Rule 7012-1 apply in the case of removal.

## **RULE 9027-2            REMOVAL**

(a)     Filing. A party seeking to remove a claim or cause of action from a state or federal court to the Court must file a notice of removal.

(b)     Service. A notice of removal must be served pursuant to Federal Bankruptcy Rule 7004 and Local Bankruptcy Rule 7004-1.

(c)     Procedure After Removal. Not later than fourteen (14) days after the filing of the notice of removal, the party filing the notice must file a copy of the docket sheet from the original court and provide a list of those filings that the party proposes should be included in the docket from the removed proceeding. The Court will instruct the removing party regarding which pleadings on the removing party's list must be filed in the removed proceeding and included in the Court's docket.

## **RULE 9029-1            LOCAL BANKRUPTCY RULES - GENERAL**

The Court may suspend or modify a requirement or provision of any of these Rules in a particular case, adversary proceeding, or contested matter on the Court's own initiative or on motion of a party.

## **RULE 9029-2            INTERIM SUBCHAPTER V BANKRUPTCY RULE**

To implement the provisions of the Small Business Reorganization Act of 2019, a national interim Federal Bankruptcy Rule 1020 has been promulgated and is adopted and incorporated as Appendix I of the Local Bankruptcy Rules. The interim Federal Bankruptcy Rule 1020 is effective in this district until such time as the regular rule making process is concluded and the interim Federal Bankruptcy Rule is implemented as a final rule.

## **RULE 9033-1                      PROPOSED FINDINGS OF FACT AND CONCLUSIONS OF LAW**

When a party has objected to proposed findings or conclusions pursuant to Federal Bankruptcy Rule 9033(b), for the purpose of preparing the record and identifying the issues for the District Court, the parties will follow the procedures set forth in Federal Bankruptcy Rule 8009 by treating any objection as an appeal. The Court may order the designated extract supplemented.

## **RULE 9036-1                      NOTICE BY ELECTRONIC TRANSMISSION**

In addition to service of notice by electronic transmission or by first-class mail, notice may be given by hand-delivery, facsimile transmission, email, or nationally recognized delivery service; provided, however, that in the case of facsimile transmission and email, service is not effective unless the receiving party has consented in writing to that manner of service, in which case service is complete upon transmission, but it is not effective if the serving party learns that it did not reach the person to be served. The Clerk may not accept for filing any email or facsimile transmission.

## **RULE 9037-1                      PRIVACY    POLICY    AND    TRANSCRIPT    REDACTION PROCEDURES**

(a)    Privacy Policy. The Judicial Conference of the United States has adopted a privacy policy to restrict the publication of certain personal data in documents filed with the Court. The policy requires limiting Social Security and financial account numbers to the last four digits, using only initials for the names of minor children and limiting dates of birth to the year. If such information is elicited during testimony in court proceedings, it will become available to the public when the official transcript is filed with the Court unless, and until, it is redacted. If a restricted

item is mentioned or introduced in a hearing, parties may ask to have it stricken from the record or partially redacted to conform to the privacy policy or the Court may do so on its own initiative.

(b) Transcript Redaction Procedures. Upon the receipt of a transcript, the Clerk will serve a Notice of Requirement to Review Transcript on all parties to the hearing. A transcript will be available at the Clerk's office for inspection for a period of ninety (90) days after it is prepared and received by the Court. During the ninety (90) day period, a copy of the transcript may be obtained from the transcriber at the rate established by the Judicial Conference, the transcript will be available within the Court for internal use and an attorney who obtains the transcript from the transcriber may obtain remote electronic access to the transcript via the Court's CM/ECF system for purposes of creating hyperlinks to the transcript in court filings and for other purposes. The attorney, or the litigant not represented by an attorney, will have fourteen (14) days from the date of the Notice of Requirement to Review Transcript to file a Notice of Intent to Request Redaction with the Court, stating an intention to review the transcript to determine whether to request redaction of sensitive private information before the transcript is made electronically available to the public. A copy of the Notice of Intent to Request Redaction must be served on the transcriber. A party will have twenty-one (21) days from the date of the Notice of Requirement to Review Transcript to file a Request for Redaction of Transcript with the Court (which will be a private, restricted event) and send a copy to the transcriber, listing the entries by page and line where personal data appears that must be redacted. The deadline for filing the redacted version of the transcript is thirty-one (31) days from the date of the Notice of Requirement to Review Transcript. At the end of the ninety (90) day restriction period, the redacted version will be made available via remote electronic access and at the public terminals in the Clerk's office for viewing and printing. The unredacted version of the transcript will not be available via remote electronic access or at the

Clerk's office upon the docketing of the redacted transcript; it must be maintained as a private, restricted event. An attorney who purchases the transcript during the ninety (90) day restricted period will be given remote electronic access to the transcript and any redacted version filed.

#### **RULE 9070-1           EXHIBITS**

(a)     Pending Appeal. From the conclusion of a hearing or trial to the expiration of the time within which to file a notice of appeal or, in the event that an appeal is taken, until the transmission of the record to the District Court, the Clerk will retain all documentary exhibits except ones of unusual bulk or weight. Documents of unusual bulk or weight and all non-documentary exhibits will remain in the custody of the attorney presenting them, who (1) will permit inspection of them by the attorney for another party for the purpose of preparing the record on appeal; (2) will be responsible for their safekeeping; and (3) if requested, will send them to the appellate court.

(b)     Upon Conclusion of Action. On the conclusion of a contested matter or the closing of an adversary proceeding, the Clerk will send notice to all attorneys advising the attorneys to remove, within thirty (30) days, all trial and hearing exhibits and all sealed materials that the attorneys presented at any time during the pendency of the contested matter or adversary proceeding. If a party fails to retrieve exhibits within thirty (30) days, the exhibits will be discarded by the Clerk.

**COMPENSATION GUIDELINES FOR PROFESSIONALS  
IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF MARYLAND**

The following guidelines apply to professional fee applications in all bankruptcy pending before the Court. These guidelines apply to all professionals seeking compensation pursuant to 11 U.S.C. §§ 327, 328, 330, and 331, including attorneys, accountants, examiners, investment bankers, and real estate advisors, unless the Court, in the order employing such professional or other order, provides otherwise. These guidelines set forth information to be contained in both interim and final applications for the approval of fees and expenses.

Although conformity to these guidelines will ensure that certain necessary information is included to assist the Court in its review of professional fee applications, it must be remembered that the following are guidelines only. Applications for compensation may vary from case to case, and each application must be reviewed on its own merits depending upon the facts and circumstances of the case. Familiarity with the adherence to the following guidelines will, it is hoped, promote the submission of more uniform professional fee applications containing adequate information and facilitate a meaningful review process and more expeditious action by the Court.

A. Format of Fee Applications

Federal Bankruptcy Rule 2016(a) sets forth certain requirements with respect to professional fee applications. The application should set forth a detailed statement of (1) the services rendered, (2) the time expended, (3) the expenses incurred, (4) the amounts requested, (5) the rates charged for such services, (6) how the services rendered were necessary to the administration of, or beneficial at the time at which the services were rendered toward the competition of, the case, (7) information relevant to a determination that the services performed within a reasonable amount of time commensurate with the complexity, importance and nature of the problem, issue or task addressed, and (8) an affirmation that the compensation requested is reasonable based upon the customary compensation and reimbursement of expenses charged by



the applicant and comparably skilled professionals in non-bankruptcy matters. In addition, applications should include a statement as to what payments have been made or promised to the applicant, the source of the compensation paid or promised, whether there is any sharing arrangement and the particulars as to any such sharing arrangement. Applications should also set forth the date the order approving the employment was entered and the dates of entry of any previous orders approving interim compensation to the applicant and the amounts of compensation previously approved. Finally, fee applications should include “lodestar” analysis and discussion of the factors identified in *Johnson v. Georgia Highway Express, Inc.*, 448 F.2d 714 (5th Cir. 1974), and adopted by the Fourth Circuit in *Barber v. Kimbrell’s Inc.*, 577 F.2d 216 (4th Cir. 1978), *Anderson v. Morris*, 658 F.2d 246 (4th Cir. 1978), and *Harman v. Levin*, 772 F.2d 1150 (4th Cir. 1985).

B. Description of Services Rendered and Time Expended.

Daily time sheets or a listing of daily time entries, in legible form, should be included in or attached to the application.<sup>1</sup> The time sheets or time entries should provide an itemized listing of all services performed by each professional and paraprofessional and the time spent on each matter. The applicable billing rate for each professional and paraprofessional should be stated.

Each professional and paraprofessional should record time in increments of tenths of an hour and keep contemporaneous time records. Time records should set forth in reasonable detail an appropriate narrative description of the services rendered. As a general rule, the description should identify the participants in and the length and nature of the activities undertaken. Examples of insufficient descriptions include “telephone call to X,” “conference with client,” “research,” “review of documents,” “review of pleadings,” and “correspondence.” Examples of satisfactory descriptions are set forth in footnote 3.

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<sup>1</sup> Fee applications for matters handled on a contingent fee basis and applications required to the submitted pursuant to § 506(b) should also conform to the applicable format guidelines set forth herein.

The broad “lumping” of services, or the grouping of different tasks within one block of time, should generally be avoided in favor of more specific descriptions.<sup>2</sup> In recording time for each day, each professional and paraprofessional may describe in one entry the nature of the services rendered on a given task during that day and the aggregate time expended that day on such task, provided, however, that if the professional or paraprofessional works more than one hour on a task on any given day, the time record for that day should include internally, within the description of services for that day, the amount of time spent on each particular activity. A hypothetical time record complying with the foregoing is included below.<sup>3</sup>

The description of services required to be set forth is not intended to require the disclosure of privileged or confidential information, provided that if additional detail is required, the Court may direct that such additional information be furnished subject to appropriate protective conditions. Information set forth in a fee application does not operate as a waiver of any applicable privilege, including the attorney/client privilege or work product doctrine.

Charges for conferences between individuals in the same firm on the same case are not objectionable, if reasonable, necessary, and limited. Similarly, more than one professional may charge for attending a meeting or hearing on behalf of the same client if such attendance is reasonable, necessary, and limited. An explanation as to why more than one professional attended such a meeting or hearing may in certain circumstances be required, particularly if such multiple professional attendance does not appear to be reasonable in a particular situation.<sup>4</sup>

Ordinarily, time entries should be organized by tasks and presented chronologically. An applicant should either organize the time sheets or present a time entry listing by discrete tasks where an application covers multiple tasks undertaken by the applicant during the time period

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<sup>2</sup> Notwithstanding the general prohibition of “lumping,” time entries for periods of one hour or less on a given day may be grouped together provided that a reasonable description of the services rendered within such time entry is provided.

<sup>3</sup> A complying time entry would be:  
“internal conference with X re cash collateral (.3); revise draft motion re cash collateral (.8); conf. Call with Y and Z re cash collateral hearing (.5); review documents re cash collateral motion (1.1); legal research re cash collateral hearing (.5)...Total Time 3.2”

<sup>4</sup> In appropriate cases where there are multiple attorneys from different firms representing the same party, the attorneys may be required to submit their applications simultaneously.

covered by the application. Within each task identified, the time entries of all timekeepers working on such tasks should appear chronologically. In addition, the application should include a summary by timekeeper of the time spent on each task, the billing value for each timekeeper, and a total billing amount for each task. Finally, the application should also include a brief narrative description as to why each task was undertaken, the current status thereof, and the results or benefits achieved to date.

It is not the intent of these guidelines to set forth a definitive listing of what tasks should be separately identified in each case or each professional fee application. However, where a discrete activity can reasonably be expected to continue over a period of at least three months and can reasonably be expected to constitute 10-20% or more of the fees to be sought for an interim period, the professional should present a separate chronological listing of time entries for such matter to the extent reasonably practicable. Examples of categories which might comprise separate tasks in a particular case are set forth below.<sup>5</sup>

Subject to Court approval, a trustee may employ himself or herself, or a firm with which the trustee is affiliated, as a professional. In such cases, applications for compensation should distinguish services rendered as trustee from those rendered by the professional seeking compensation.

Compensation sought for time spent traveling should describe the mode and time of travel, the necessity for travel and whether any substantive work was performed while traveling (e.g., preparing for hearing). If excessive or unreasonable, compensation for travel time may be reduced. If time is spent during travel working on other matters, such travel time should not also be billed to the bankruptcy case.

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<sup>5</sup> Sample Task Listing for Attorneys

- Asset analysis and recovery.
- Asset disposition/sales/leases/executory contracts.
- Business operations.
- Case administration.
- Claims administration and objections.
- Fee/employment applications and objections.
- Financing/cash collateral.
- Litigation [separately identify larger litigation matters as discrete tasks].
- Meetings of creditors.
- Plan and disclosure statement.

Compensation for time spent preparing fee applications is appropriate if reasonable. Compensation for the preparation of fee applications will be based on the level and skill reasonably required to prepare the application.

C. Reimbursement for Disbursements and Expenses.

Disbursements and expenses for which reimbursement is sought should be summarized in the fee application by category and any unusual items explained. Excessive charges will not be reimbursed. The following are guidelines with respect to some (but not necessarily all) of the categories of reimbursable disbursements and expenses:

Photocopying. The applicable charge for photocopying should be the actual cost of such copying not to exceed 20¢ per page or, if an outside service is used, the actual cost of such copying.

Facsimile Transmission. Charges for out-going facsimile transmission to long-distance telephone numbers are reimbursable at the lower of (i) toll charges or (ii) if such amount is not readily determinable, \$1.25 per page for domestic and \$2.50 per page for international transmissions. Charges for incoming facsimile transmissions are not reimbursable.

Mileage. The applicable charge for automobile mileage should not exceed the government approved rate, plus actual parking charges incurred.

Travel. The actual expenses incurred for out-of-town travel are reimbursable. However, first-class airfare, luxury accommodations and deluxe meals are not reimbursable, nor are personal or incidental charges unless necessary as a result of unforeseen circumstances.

Computerized Legal Research. Reasonable expenses may be charged for computerized legal research, including Lexis and Westlaw, provided that there is a description of the legal research undertaken and the charges do not exceed the actual cost to the attorney.

Postage, Telephone, Courier, and Freight. The cost of postage, freight, overnight delivery, courier services, and telephone toll charges may be reimbursable, if reasonably incurred. Charges for services such as messengers and overnight mail should not be incurred indiscriminately. Charges for local and cellular telephone services are not reimbursable. If normal, routine first-class postage is not customarily charged to other clients, then such postage would not be reimbursable; however, special postage charges or bulk mailing would ordinarily be reimbursable.

Court Costs. Court costs and disbursements are reimbursable.

Meals. Charges for meals are generally not reimbursable unless justified under appropriate circumstances or unless incurred as part of otherwise reimbursable out-of-town travel.

Overtime Charges. Overtime for non-professional and paraprofessional staff is reimbursable only if specifically justified in the application as necessary under the circumstances. Overtime charges for professional staff is not reimbursable.

Word Processing, Proofreading, Secretarial, and Other Staff Services. Daytime, ordinary business hour charges for word processing, proofreading, secretarial, library, and other staff services (exclusive of paraprofessional services) are generally considered office overhead items and, therefore, not reimbursable unless specifically justified in exceptional circumstances.

With respect to all disbursements and expenses for which reimbursement is sought, it must be understood that they must be of a kind and at a rate customarily charged to and collected from other clients and subject to the test of reasonableness under the circumstances of each case.

Each professional fee application in which the applicant is seeking reimbursement for expenses should include a statement that, with respect to expenses for which reimbursement is sought, the applicant is familiar with and has submitted the application in conformity with these guidelines.

D. Lodestar Analysis, Johnson Factors and Billing Judgment.

Each professional fee application should contain a “lodestar” analysis and discussion of the *Johnson v. Georgia Highway Express, Inc.*, *supra*, factors, as adopted by the Fourth Circuit in *Barber v. Kimbrell’s Inc.*, *supra*, including a statement as to the professional’s application of billing judgment to the compensation sought by such professional.

The “lodestar” analysis should include a summary listing the name of each professional and paraprofessional for whom compensation is sought, the number of hours worked by each identified individual, that individual’s hourly rate (which should not exceed such individual’s standard hourly rate in other bankruptcy and non-bankruptcy related matters), the total compensation sought for each such individual, and a total of all compensation sought for the period in question, before and after applying billing judgment to the compensation requested. A similar detailed summary of disbursements and expenses by category should also be presented.

The fee application should discuss the application of the twelve *Johnson v. Georgia Highway Express, Inc.* factors, to the extent that they apply in each particular case. Those factors may be summarized as follows:

1. the time and labor expended;
2. the novelty and difficulty of the questions raised;
3. the skill required to properly perform the professional services rendered;
4. the professionals' opportunity costs in pursuing the matter;
5. the customary fee for like work;
6. the professional's expectations as to the compensation at the outset of the matter;
7. the time limitations imposed by the client or circumstances;
8. the amount in controversy and the results obtained;
9. the experience, reputation, and ability of the professional;
10. the desirability or undesirability of the case within the professional community in which the case arose;
11. the nature and length of the professional relationship between the professional and client; and
12. professional fee awards in similar cases.

Not all of the foregoing twelve factors will be applicable to every fee application. However, they should be considered in the professional's exercise of billing judgment and discussed in the fee application. If a particular factor is not considered to be applicable, the application should so state. In addition, if the professional believes that other factors are relevant to the compensation requested, the foregoing list is not intended to be exhaustive. Professionals are encouraged to state all facts and circumstances that such professional believes to be relevant to the compensation requested.

In the final analysis, in making its determination with respect to a fee application and the amount of compensation to be awarded, the Court will consider the nature, the extent, and the value of the services rendered.

**CHAPTER 13 DEBTOR'S ATTORNEY  
RESPONSIBILITIES AND FEES**

1. The following written notices must be provided to the debtor at the time of retention or included in the retainer agreement by and between the debtor and the debtor's attorney:

With the exception of adversary proceedings, appeals, and United States Trustee audits, for which separate arrangements may be made, the attorney must represent his or her client in all matters in the bankruptcy case as long as the attorney is attorney of record. This includes defending motions, including motions for relief from stay, and bringing objections to claims and prosecuting motions on behalf of the debtor. After the initial engagement, the attorney may not demand payments from the debtor as a precondition to doing the work. Notwithstanding the foregoing, the Court may, upon prior application, allow the attorney to enter a limited appearance, including representation on a pro bono or reduced fee basis.

The attorney must remain attorney of record until one of the following conditions has been satisfied: a substitute attorney has entered an appearance and appears as attorney of record for the debtor, the entry of a Court order allowing the withdrawal of appearance, or the case is dismissed or closed. If the Court has approved a limited appearance, a motion to withdraw must be filed upon completion of the agreed upon scope of representation or the attorney must continue to represent the client. The failure to receive payment for services rendered or to be rendered may serve as the basis for the attorney filing a motion to withdraw. Any application to limit the scope of representation must include the client's acknowledgement.

2. The following fee arrangements are presumed reasonable under 11 U.S.C. § 329 and allowable under 11 U.S.C. § 330 and require no application or approval, except as stated below. This presumption is rebuttable and the fee may be the subject of an order to justify the fee.

If no objection or order to justify fee is filed or entered, the presumptively reasonable fee is deemed allowed under 11 U.S.C. § 330 without the entry of an order. However, if an objection or order to justify fee is filed or entered, the burden is on debtor's attorney to prove that the fee should be allowed under 11 U.S.C. § 330 under the facts and circumstances of the case for which the fee is sought. The foregoing notwithstanding, any objection filed by a trustee or other party in interest must describe the asserted factual basis for rebutting the presumption.

A. A flat fee, not to exceed \$4,675.00 for representation of the debtor for all matters in the main case. However, the attorney may by application (using Local Bankruptcy Form E-1) request approval of additional fees for work done upon matters that were not reasonably expected and that are extraordinary or for work done after ninety (90) days following the entry of the order confirming plan until representation ends.

B. A flat fee, not to exceed \$6,000.00 for representation of the debtor for all matters in the main case. The attorney may by application (using Local Bankruptcy Form E-1) request approval of additional fees for work done upon matters that were not reasonably expected and that are extraordinary. An attorney otherwise waives all opportunity to apply for additional fees in the main case.

C. On April 1, 2025, and at each 3-year interval ending on April 1 thereafter, each dollar amount in effect in paragraphs 2A, and B of this Appendix immediately before such April 1 will be adjusted –

(1) to reflect the change in the Consumer Price Index for All Urban Consumers, published by the Department of Labor, for the most recent 3-year period ending immediately before January 1 preceding such April 1, and

(2) to round to the nearest \$25 the dollar number that represents such change.

Adjustments made in accordance with this paragraph do not apply to cases commenced before such adjustments.

3. All fees are subject to subsequent disgorgement upon an order of the Court. No plan or confirmation order bars by res judicata or otherwise the subsequent review and potential disgorgement of the fee, upon objection or order to justify fee and notice thereof.

4. Full compliance with Federal Bankruptcy Rule 2016(b) is required, including the filing of a Supplemental Disclosure on Local Form E-2 of additional funds received from any person, other than distributions from the trustee under a confirmed plan. The attorney must state in the Disclosure of Compensation filed pursuant to Federal Bankruptcy Rule 2016(b) whether the fee arrangement is one of the flat fees described in subparagraphs A, or B of paragraph 2 above, and, if so, which such fee arrangement applies.

5. Nothing in this Appendix F precludes, restricts, or prohibits the attorney from entering into fee arrangements different from those arrangements described in paragraph 2 above. The attorney must file an application for compensation in accordance with the Bankruptcy Code, Federal Bankruptcy Rules, and the Local Bankruptcy Rules for any fee arrangement that is different from the fee arrangements described in paragraph 2 above.



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## **APPENDIX G**

### **BANKRUPTCY DISPUTE RESOLUTION PROGRAM**

The Court’s Bankruptcy Dispute Resolution Program (“BDRP”) includes mediation, negotiation, early neutral evaluation, and settlement facilitation. The specific method employed must be determined by the mediator (hereinafter the “Mediator”) and parties.

- (a) Assignment of Matters to Mediation. The Court may refer a matter to mediation *sua sponte*, upon written stipulation, or upon motion by a party or the United States Trustee. See Local Bankruptcy Form J-1. Unless otherwise ordered by the Court, participation in mediation is voluntary.
- (b) Matters Subject to Mediation. The Court may assign to mediation any dispute arising in an adversary proceeding or contested matter in a bankruptcy case, except those relating to employment of professionals, objections to discharge under 11 U.S.C. § 727, and matters involving contempt or sanctions.
- (c) Mediator Qualifications. Absent Court order directing otherwise, the Mediator must have sufficient qualifications based on training or experience. For training, the Mediator must have successfully completed at least forty (40) hours of mediation training sponsored by a nationally recognized bankruptcy organization or at least forty (40) hours of basic mediation training in a program meeting the requirements of Maryland Rule 17-104 or former Maryland Rule 17-106. For experience, the Mediator must have ten (10) or more years of professional experience in the insolvency field and participated in five (5) or more mediations as mediator or attorney for a party.
- (d) Selection of Mediator. The parties may select a mutually acceptable Mediator. If the parties cannot agree, the presiding judge must select a Mediator.

- (e) Disqualification of Mediator. A Mediator must promptly determine and disclose all conflicts or potential conflicts. Any person selected as a Mediator must be disqualified where 28 U.S.C. § 455 would require disqualification if that person were a judge.
- (f) Compensation. Unless otherwise agreed by the Court, the parties, and the Mediator, a Mediator must be compensated at the Mediator's normal and customary hourly rates or upon such rates as agreed to by the Mediator and the parties. The Mediator must also be reimbursed for any out of pocket expenses associated with the mediation. Unless otherwise agreed by the parties, all fees and expenses must be split equally among the parties to the mediation. If the Court determines that a party assigned to mediation cannot afford to pay the fees and costs of the Mediator, the Court may appoint the Mediator to serve pro bono as to that party. Court approval of the reasonableness of fees and reimbursement of expenses is required only if the estate is to be charged for some or all of the Mediator's compensation and the estate's portion exceeds \$25,000, or if less than \$25,000 but the estate representative objects to the fees sought from the estate.
- (g) Deadlines. Unless otherwise ordered by the Court, the referral of a matter to mediation does not operate to stay, postpone, or extend any deadlines.
- (h) Dispute Resolution Procedures. The Mediator must schedule a time and place for the mediation conference (or other dispute resolution method) that is acceptable to the parties and the Mediator. The Mediator must determine if a pre-mediation written submission (hereinafter the "Submission") by the parties is necessary or appropriate and must direct the parties as to the form and nature of any such Submission. All individual parties, and representatives with authority to negotiate and to settle the dispute on behalf of parties other than individuals, must attend the mediation conference unless excused by the

- Mediator. If the parties resolve their dispute before or during the mediation conference, they must prepare an appropriate written stipulation, and where required by the Bankruptcy Code or other applicable law, they must promptly submit the fully executed stipulation to the Court for approval.
- (i) Administration of BDRP. The Clerk of Court or his designee (the “BDRP Administrator”) must administer the BDRP, track and compile BDRP results, and handle such other administrative duties as necessary.
  - (j) Confidentiality. All written and oral communications made in connection with or during any mediation conference, including any written Submissions, are subject to Federal Rule of Evidence 408. No such communication may be used in any proceeding for any purpose and may only be disclosed upon written agreement of all parties to the mediation and the Mediator.
  - (k) Report of Mediation. As soon as practicable, but no later than thirty (30) days after the conclusion of the mediation conference (or other alternative dispute resolution method), the Mediator must file with the Court a Report of Mediator, advising of the date(s) that the parties conducted the mediation, the parties in attendance at the mediation, and whether the parties resolved the matter (Local Bankruptcy Form J-2, “Report of Mediator”). In addition, the Mediator must submit to the BDRP Administrator only a report regarding the mediation conference (Local Bankruptcy Form J-3, “Report to BDRP Administrator”). The Report of BDRP Conference is confidential and must not be disclosed to the mediation participants or filed in the main bankruptcy case or adversary proceeding.

- (1) Immunity. Aside from proof of actual fraud or other willful misconduct, the Mediator must be immune from claims arising out of acts or omissions incident or related to service as a Mediator appointed by the Court. Appointed Mediators are judicial officers, provided the same immunities as judges in Title 28 of the United States Code.

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**ELECTRONIC CASE FILING PROCEDURES  
FOR ELECTRONIC USER ACCESS**

**INDEX**

	<b>PAGE</b>
<b>I. DEFINITIONS .....</b>	<b>2</b>
<b>II. LOGINS AND PASSWORDS .....</b>	<b>2</b>
<b>III. FILING .....</b>	<b>3</b>
<b>IV. ORDERS.....</b>	<b>4</b>
<b>V. ATTACHMENTS AND EXHIBITS TO PLEADINGS AND PROOFS OF CLAIM</b>	<b>6</b>
<b>VI. TRIAL EXHIBITS – EXCEPTIONS TO ELECTRONIC CASE FILING .....</b>	<b>6</b>
<b>VII. SENSITIVE DOCUMENTS .....</b>	<b>6</b>
<b>VIII. REQUIRED RETENTION OF ORIGINAL DOCUMENTS.....</b>	<b>6</b>
<b>IX. SIGNATURES.....</b>	<b>6</b>
<b>X. SERVICE OF DOCUMENTS .....</b>	<b>7</b>
<b>XI. NOTICE OF COURT ORDERS AND JUDGMENTS .....</b>	<b>7</b>
<b>XII. PUBLIC ACCESS.....</b>	<b>8</b>
<b>XIII. PROCEDURES FOR ELECTRONIC FILING OF DOCUMENTS BY CREDITOR’S DESIGNEE.....</b>	<b>8</b>
<b>XIV. PROCEDURES FOR ELECTRONICALLY FILING PROOFS OF CLAIM (ePOC) .....</b>	<b>9</b>

## I. DEFINITIONS

There are two categories of electronic users<sup>1</sup> – filing user and web filing user.

*Unrepresented parties may not electronically file documents using CM/ECF. They must file documents in paper at the Clerk's Office or, for initial filings in Chapter 7 cases only, utilize the Electronic Self Representation (eSR) module available on the Court's website.*

- A. *Filing User* – A person with a PACER account that is linked to the Court's CM/ECF filing system to file documents electronically. There are three types of Filing Users: Full Participants, Filing Agents, and Creditor Designees.
  - 1. *Full Participants* – Attorneys in good standing admitted to the Bar of this Court (including those admitted *pro hac vice*), attorneys representing the United States Government, United States Trustees and their assistants, and bankruptcy trustees may register as Filing Users of the Court's CM/ECF system. Full Participants may also choose to designate staff to act as *Filing Agents* with the authority to file electronically on behalf of the Full Participant.
  - 2. *Filing Agents* – A Filing User who can file only on behalf of attorneys or trustees who are Full Participants.
  - 3. *Creditor Designee* – A Filing User who is eligible to file only proofs of claim, transfers of claim, withdrawals of claim, requests for notice, requests for preferred address, reaffirmation agreements, Notices of Mortgage Payment Change, and Notices of Postpetition Mortgage Fee, Expenses, and Charges. (See Section XIII).
- B. *Web Filing User* – One who is filing a proof of claim electronically via the Court's web page. No login or password is required to file a proof of claim. (See Section XIV).

## II. LOGINS AND PASSWORDS

- A. *In General.* A Filing User's PACER login and password must be used to access CM/ECF. Users are prohibited from sharing their passwords, must protect the security of their logins and passwords, and if the login or password is compromised must immediately notify the Court's Help Desk by phone or email to prevent unauthorized access. A Full Participant's support staff may obtain individual logins as Filing Agents via PACER.

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<sup>1</sup> Previously, the Court offered Non-Filing User accounts solely for the purpose of receiving email notifications of case activity. Non-Filing Users have not waived the right to personal service or the right to receive notice by first-class mail. While some legacy Non-Filing User accounts may exist, new Non-Filing User accounts cannot be created.

- B. *Prior to Registering* – All Filing Users must have an individual PACER account, which may be obtained at [www.pacer.gov](http://www.pacer.gov).
- C. *Requesting Access via PACER* – To register and apply for a Filing User account in CM/ECF, an applicant must submit an E-File Registration request via PACER under Manage My Account Login. For instructions to request e-filing privileges through PACER, visit the PACER website at [www.pacer.gov](http://www.pacer.gov).
- D. *Local Forms and Training Requirements* – Full Participants and Creditor Designees must complete and submit the Court’s local registration forms, available on the Court’s website at <https://www.mdb.uscourts.gov/for-attorneys/training-and-registration-for-electronic-filing>. Full Participants who have not filed electronically in another bankruptcy court must complete an online training course before submitting the Court’s local registration form. The training materials are available on the Court’s website at <https://www.mdb.uscourts.gov/for-attorneys/attorney-registration-training-course-required>. Full Participants who have filed electronically in another bankruptcy court must complete the local registration form that includes a Training Waiver certifying that the Filing User is a registered user in another bankruptcy court and is familiar with this Court’s Local Bankruptcy Rules, appendices, and administrative orders.
- E. *Notice – Waiver and Consent* – Creditor Designees and Full Participants must maintain a current email address. Registration as a Full Participant constitutes: (1) waiver of the right to receive notice by first-class mail and consent to receive notice electronically, and (2) waiver of the right to service by personal service or first-class mail and consent to electronic service. Waiver of service and/or notice by first-class mail applies to notice of entry of an order or judgment under Federal Bankruptcy Rule 9022 and to the additional three (3) days for responding to pleadings under Federal Bankruptcy Rule 9006(f).
- F. *Withdrawal* – Once registered, a Filing User may withdraw from participation in CM/ECF by submitting a deactivation request via PACER. Upon receipt, the Filing User’s login must be disabled and the Filing User’s name must be deleted from the electronic service list.

### III. FILING

#### A. *Effect of Filing Electronically*

- 1. *Transmission Constitutes Filing* – Electronic transmission of a document to the CM/ECF system consistent with these procedures, together with the transmission of a Notice of Electronic Filing from the Court, constitutes filing of the document for all purposes of the Federal Bankruptcy Rules and the Local Bankruptcy Rules and constitutes entry of the document on the docket kept by the Clerk under Federal Bankruptcy Rule 5003.
- 2. *Binding Effect on Filing Party* – When a document has been filed electronically, the official record is the electronic recording of the document

as stored by the Clerk. A document filed electronically is deemed filed at the date and time stated on the Notice of Electronic Filing from the Court.

3. *Deadlines* – Electronic filing of a document does not alter the deadline for filing that document. Except where the presiding judge specifically requires an earlier filing time, filing must be completed before midnight local time where the Court is located to be considered timely filed that day. All references to time contained in these Electronic Case Filing Procedures are to Eastern Standard Time or Eastern Daylight Time, whichever is applicable at the time of filing.

*B. Filing Requirements in CM/ECF*

1. *In General* – Except as expressly provided in Section VI of these procedures, and in exceptional circumstances which prevent a Filing User from transmitting a pleading or other document using CM/ECF, all pleadings or other documents required to be filed with the Clerk in connection with a case assigned to CM/ECF must be filed as follows:
  - a. Filing Users must transmit all pleadings or other documents electronically using CM/ECF. If a Filing User transmits a document other than electronically using CM/ECF, the document must be accompanied by an affidavit stating why the document is not prepared or filed electronically. The Court may strike a document if the affidavit does not set forth sufficient cause for the non-compliance.
  - b. Only parties without legal representation may file pleadings and other documents by paper.
2. *Technical Problems* – If the CM/ECF system is inaccessible due to Court technical problems, the Court must accept alternate means of filing, notice of which must be posted on the Court’s website. If the Filing User is having technical problems, it is the Filing User’s responsibility to arrange for timely filing by other means.
3. *PDF Requirements* – The system cannot accommodate documents that do not meet the Court’s formatting requirements. The current formatting requirements can be found on the Court’s website at <https://www.mdb.uscourts.gov/for-attorneys/cmecf-login-info>, labeled “NextGen PDF Requirements.”
4. *Fees* – Fees payable to the Clerk for filings that require a fee must be made in one of the forms authorized by Local Bankruptcy Rule 1006-1.

IV. ORDERS

- A. *Validity and Effect* – All orders, decrees, judgments, and proceedings of the Court must be entered in accordance with these procedures and must satisfy the requirements of Federal Bankruptcy Rules 5003 and 9021.



- B. *Required Submission and Form* – All requests for relief, except motions for relief from the automatic stay, motions to dismiss or convert, Chapter 13 plans, motions to modify Chapter 13 plans, and pleadings initiating adversary proceedings under Federal Bankruptcy Rule 7001, must be accompanied by a proposed order that conforms to the requirements of Local Bankruptcy Rule 9013-3. Such orders must be filed as an attachment to the pleading and must be uploaded directly to the Court through CM/ECF. Orders that are submitted other than with the pleading, such as consent orders and orders embodying a ruling, also must be uploaded directly to the Court through CM/ECF.

1. *Proposed Orders* –

All orders submitted electronically must conform to the following specifications:

- a. The top margin on the first page must be no less than three (3) inches.
- b. The title must be descriptive of the relief to be ordered.
- c. The order must include a service list with the names and addresses of each party served with the motion. If a recipient will be served through CM/ECF, that person must be listed with the statement that service is via CM/ECF.
- d. The last line in the proposed order must state “End of Order,” and it must be centered in the middle of the line and in bold lettering to signify the end of the order.
- e. There must not be a signature line for the judge. The judge will electronically sign the document in the blank space provided by the top margin on the first page.
- f. Multi-page orders must contain page numbers at the bottom center of each page.

2. *Stipulations and Consent Orders* –

- a. Consent orders must be circulated and contain an original signature as set forth in Local Bankruptcy Rule 9011-3(c)(1). The original consent order bearing original signatures of the consenting parties must be maintained by the Filing User until three (3) years after the bankruptcy case is closed.
- b. The name (in the form appearing on the original) of each party executing the stipulation or proposed consent order must be printed at the end of the text, preceded by /s/ to evidence an original signature. See Section IX below.
- c. Attorneys submitting proposed consent orders must include the following certification of consent:

I HEREBY CERTIFY that the terms of the copy of the consent order submitted to the Court are identical to those set forth in the original consent order; and the signatures represented by the /s/\_\_\_\_\_ on this copy reference the signatures of consenting parties on the original consent order.

V. ATTACHMENTS AND EXHIBITS TO PLEADINGS AND PROOFS OF CLAIM

Filing Users must submit in electronic form all documents referenced as exhibits or attachments unless the Court authorizes alternative filing. A Filing User must submit as exhibits or attachments only those excerpts of the referenced documents that are directly germane to the matter under consideration by the Court. Excerpted material must be clearly and prominently identified as such. Filing Users who file excerpts of documents as exhibits or attachments under this section do so without prejudice to their right to timely file additional excerpts or the complete document. Responding parties may timely file additional excerpts or the complete document that they believe are directly germane to the matter under consideration by the Court.

VI. TRIAL EXHIBITS – EXCEPTIONS TO ELECTRONIC CASE FILING

Trial exhibits must be filed in accordance with Local Bankruptcy Rule 7016-1 unless otherwise authorized by chambers. For additional guidance, refer to chambers' webpages: <https://www.mdb.uscourts.gov/judges-info>.

VII. SENSITIVE DOCUMENTS

- A. *Sealed Documents* – Any party who seeks to file documents under seal must file a motion to that effect. The proposed sealed documents must be filed separately from the motion, as restricted documents, in accordance with the CM/ECF User Manual. The CM/ECF User Manual is located on the Court's website here: <https://www.mdb.uscourts.gov/files/ECF%20Manual%202021-03-09.pdf>.
- B. *Highly Sensitive Documents* – Highly sensitive documents contain information so sensitive and confidential that additional precautions beyond sealing the document from public view on the Court's CM/ECF system is required. To safeguard those documents appropriately, they must be filed in paper and not through CM/ECF. Factors used to determine whether a document constitutes a Highly Sensitive Document include whether a case involves: national security; foreign sovereign interests; criminal activity related to cybersecurity; intellectual property, trade secrets, or sensitive commercial information likely to be of interest to foreign powers; terrorism; investigation of public officials; or the reputational interests of the United States. The following types of documents are generally not considered highly sensitive: Social Security records, administrative immigration records, information about minors, documents related to domestic abuse, and most other sealed filings in bankruptcy cases. For additional information and instructions, visit the Court's webpage on Highly Sensitive Documents here: <https://www.mdb.uscourts.gov/for-attorneys/highly-sensitive-documents>.

[sensitive-documents-special-procedures.](#)

- C. *Writs* – Requests for the issuance of a writ in aid of collection or recovery of property must be filed electronically. The request is a private entry which prevents it from being viewed by parties. This status must be changed to a public docket entry when one of the following events occur: (1) thirty (30) days have passed since the issuance of the writ; (2) a certificate of service of the writ has been filed; or (3) an answer to the writ is filed.

## VIII. REQUIRED RETENTION OF ORIGINAL DOCUMENTS

Original documents must be retained in accordance with Local Bankruptcy Rule 9011-3.

## IX. SIGNATURES

- A. *In General* – All pleadings, other papers, and documents filed electronically must evidence the signature by placing “/s/ [Filing User’s Name]” where the original signature occurs.
- B. *CM/ECF System* – Use of the Filing User’s login and password on the CM/ECF system constitutes the Filing User’s signature for all purposes for documents which must contain original signatures.
- C. *Consistency* – Other than party affidavits, client signatures, and consent documents, the electronic signature on the pleading must match the name of the Filing User. The signature on a pleading filed by a Filing Agent must match the name of the Filing User on whose behalf it was filed.
- D. *Attorneys* – Attorneys must comply with Federal Bankruptcy Rule 9011 and Local Bankruptcy Rule 9011-1.

## X. SERVICE OF DOCUMENTS

- A. *Automatic Service by the CM/ECF System on Registered Participants*<sup>2</sup> – Upon filing of any pleading, the CM/ECF system must send a “Notice of Electronic Filing” to all Filing Users who have entered an appearance or requested notice in that case, and the confirmation received by the filing parties must contain a list of all parties receiving such notice.
- B. *Confirmed Transmission Constitutes Service*<sup>3</sup> – Electronic transmission of the

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<sup>2</sup> Debtors who register for electronic noticing via DeBN are not “Registered Participants” and do not receive a Notice of Electronic Filing. Debtors must be served with paper copies of documents unless otherwise authorized by the Court.

<sup>3</sup> Previously, the Court offered Non-Filing User accounts solely for the purpose of receiving email notifications of case activity. Legacy Non-Filing Users will receive the Notice of Electronic Filing but have not waived the right to

Notice of Electronic Filing constitutes service or notice of the filed document on a Filing User. A party filing electronically is not otherwise required to serve the pleading or other document on any party who is a registered CM/ECF participant and has consented to electronic notice.

- C. *Service on Parties Not Consenting to Electronic Notice* – Unless otherwise ordered by the Court and except as set forth in Local Bankruptcy Rule 9036-1, the party filing a pleading or other document must serve by first-class mail, postage pre-paid, all parties in interest who have not consented to electronic notice or service in accordance with section II.E.
- D. *Service of a Summons or Subpoena* – A party in interest serving a summons under Federal Bankruptcy Rule 7004 or a subpoena under Federal Bankruptcy Rule 9016 must also serve such summons or subpoena in paper form. Return of service may be filed electronically.

## XI. NOTICE OF COURT ORDERS AND JUDGMENTS

- A. *Entry of Court Orders and Judgments* – Upon entry of an order or judgment, the Clerk must transmit a Notice of Electronic Filing to Filing Users who have entered an appearance or requested notice in the case.
- B. *Transmission Constitutes Notice* – Electronic transmission of the Notice of Electronic Filing constitutes the notice required by Federal Bankruptcy Rule 9022.

## XII. PUBLIC ACCESS

- A. *Public Access at the Court* – Access to the electronic docket and documents filed in the CM/ECF system is available to the public at no charge at each Divisional Office of the Clerk during regular business hours.
- B. *Internet Access* – There are two forms of Internet Access: CM/ECF access for filing and PACER access for viewing documents. Full Participants and Creditor Designees use their PACER logins to access CM/ECF to file documents electronically. Any party may obtain a PACER login to view documents electronically. A PACER login may be obtained at <http://pacer.gov>. PACER logins apply to all federal courts.
- C. *Limited Access; Privacy* – Any person may apply by motion for an order limiting electronic access to, excusing, or prohibiting the electronic filing of certain specifically identified materials on the grounds that such material is subject to privacy interests and that electronic access or electronic filing is likely to prejudice those privacy interests.
- D. *Paper Copies and Certified Copies* – Paper copies and certified copies of electronically filed documents may be purchased at the Office of the Clerk. The fee for copying and certification must be in accordance with 28 U.S.C. § 1930.

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personal service or the right to receive notice by first-class mail.

### XIII. PROCEDURES FOR ELECTRONIC FILING OF DOCUMENTS BY CREDITOR'S DESIGNEE

- A. *Application* – Creditors and their designees who electronically file proofs of claim, transfers of claim, reaffirmation agreements, Notices of Mortgage Payment Change, or Notices of Postpetition Mortgage Fees, Expenses, and Charges pursuant to Federal Bankruptcy Rule 3002.1, must comply with the procedures in this section.
- B. *Form of Proof of Claim* – Each proof of claim must conform to Official Form 410 with respect to the information requested by that form, subject to the instructions concerning attachments below. Proofs of claim that are filed electronically must be text documents in PDF format (not scanned or imaged documents). By electronically filing the proof of claim or transfer of claim with a “/s/” representation of signature, the Creditor Designee or creditor certifies the accuracy of the claim and that it is filed in good faith. The proof of claim form must include the following statement from Official Form 410: “***A person who files a fraudulent claim could be fined up to \$500,000, imprisoned up to five (5) years, or both.*** 18 U.S.C. §§ 152, 157 and 3571.”
- C. *Form of Transfer of Claim* – A transfer of claim must state the claim number of the proof of claim for each transferred claim.
- D. *Attachments* – Any document filed as an exhibit to a proof of claim must be excerpted to include only the portion minimally necessary to support the claim. Only those portions of documents may be attached that evidence the amount of the claim and demonstrate the claimant's interest, i.e., a note and critical portions of deeds, mortgages, and security agreements. Examples include pages containing recording information, parties to the instrument, signatures, grants of liens or security interests, collateral descriptions, and summaries of accounts rather than copies of invoices. Exhibits must be prominently identified as an excerpt and the creditor must make the original exhibit available in its entirety upon request by a party or the Court. Creditors filing excerpts of exhibits pursuant to this procedure do so without prejudice to their right to file additional exhibits or unedited exhibits.
- E. *Signatures; Authorization; Representations* – No person or entity may cause a proof of claim, transfer of claim, or reaffirmation agreement to be filed electronically without the express authorization of the individual whose signature appears on the document for the entity on whose behalf the document is being filed. The name of the signatory on the pleading must be typed beneath the signature line.
- F. *Creditor Designee* – The Creditor Designee is the individual who authorizes the filing of a proof of claim, transfer of claim, or reaffirmation agreement. The “/s/” representation of the Creditor Designee constitutes that person's signature for purposes of Federal Bankruptcy Rule 9011 and 18 U.S.C. §§ 152 and 3751. The signature of the Creditor Designee must appear on every document filed electronically on behalf of the Creditor, by placing “/s/ [Name of Creditor Designee]” on the signature line.
- G. *Electronic Filing of Pleadings – Representations to the Court* – In filing a document,

the Creditor Designee certifies that:

1. The creditor designee is authorized to file the document by the entity on whose behalf the document is being filed;
2. The creditor is the same entity stated on that individual's application to use the CM/ECF system; and
3. The information in the filed document is true and correct within the meaning of Federal Bankruptcy Rule 9011.

XIV. PROCEDURES FOR ELECTRONICALLY FILING PROOFS OF CLAIM (ePOC)

- A. *In General* – Proofs of claim forms for all chapters may be filed electronically via the ePOC system on the Court's website. No login or password is required. Further information about ePOC and instructions for using it are located on the Court's web site at <https://www.mdb.uscourts.gov/for-attorneys/e-poc>.
- B. *Rule 3002.1 Notices* – Notices of Mortgage Payment Change (Supplement 1) and Notices of Postpetition Mortgage Fees, Expenses, and Charges (Supplement 2) filed pursuant to Federal Bankruptcy Rule 3002.1 must be filed through CM/ECF and not through ePOC.

**COMPLEX CHAPTER 11  
CASE PROCEDURES**

To facilitate administrative and procedural efficiencies in complex Chapter 11 cases in this Court, these Complex Chapter 11 Case Procedures (the “Procedures”) are effective September 1, 2021, and supersede in all respects Administrative Order No. 02-03. The Procedures are mandatory in all Complex Chapter 11 Cases (as defined herein) and optional in all other Chapter 11 cases, including cases under Subchapter V of Chapter 11. A debtor in a non-Complex Chapter 11 Case may elect to proceed under these Procedures by filing a notice of such election contemporaneously with its Chapter 11 petition (“Notice of Application of Complex Chapter 11 Case Procedures”).

1. Definition of a Complex Chapter 11 Case. A “Complex Chapter 11 Case” is a case filed by a debtor or group of affiliated debtors in which: (a) the total liabilities of the debtor or all affiliated debtors are more than \$10 million; (b) there are a total of more than 50 creditors listed in the schedules of the debtor or all affiliated debtors; or (c) a portion of the debt or equity securities of the debtor or any one of the affiliated debtors is publicly traded.
2. Notice of Designation of Complex Chapter 11 Case. A debtor filing a Complex Chapter 11 Case or a debtor filing a Chapter 11 case with an election to proceed under the Procedures must file the attached Notice of Application of Complex Chapter 11 Procedures contemporaneously with the petition in a voluntary Chapter 11 case. If the petition is filed under 11 U.S.C. § 303, the Notice of Application of Complex Chapter 11 Procedures must be filed by the petitioning creditors or the alleged debtor within fourteen (14) days of the service of the petition.

3. Advance Notice Regarding Filing of Complex Chapter 11 Case. To the extent practicable, when a prospective debtor filing a Complex Chapter 11 Case or a Chapter 11 case (including a Subchapter V case) with an election to proceed under the Procedures anticipates a need for immediate relief, the debtor's attorney must contact the United States Trustee and the Clerk prior to filing any voluntary petition for relief under Chapter 11 for the purpose of advising the United States Trustee and the Clerk of the anticipated filing (without disclosing the identity of the debtor) and the matters on which the debtor intends to seek immediate relief.
4. Master Service List. The debtor must maintain a consolidated master service list identifying the parties that must be served with motions and other papers filed in the case. Unless otherwise required by the Bankruptcy Code, Federal Bankruptcy Rules, the Local Bankruptcy Rules, or Court order, notices of motions and all other papers may be limited to those on the master service list. That list must include: (a) the debtor; (b) the debtor's secured creditors; (c) the debtor's 20 largest unsecured creditors, unless and until an unsecured creditors' committee is appointed (in which event, service must be directed to the attorney for the unsecured creditors' committee); (d) those persons filing a notice of appearance and request for service in the case; (e) the Office of the United States Trustee and, to the extent required by the Bankruptcy Code, Federal Bankruptcy Rules, or Local Bankruptcy Rules, all governmental agencies; and (f) any known attorney for those identified in subsections (a)-(e). Parties on the master service list represented by an attorney who entered his or her appearance will be served through the CM/ECF notification system. All other parties on the master service list must be served, at the server's option, by email or regular mail. The debtor must file the initial



master service list within three (3) days of filing the Chapter 11 petition and must file an updated master service list as necessary to reflect changes to any party's information.

5. First Day Motions and First Day Hearing. The debtor may file a request for an emergency hearing on motions commonly referred to as “first day motions” in Chapter 11 cases. These motions may include requests for approval of debtor in possession financing, use of cash collateral, payment of prepetition employee wages and benefits, payment of critical vendors and suppliers, payment of trust fund taxes, and other similar requests. The debtor may request a hearing date from the courtroom deputy for the presiding judge upon the filing of the Chapter 11 petition, and such hearing may be set upon at least twenty-four (24) hours' notice (unless emergent circumstances require a shorter period) to the parties identified on the master service list, to the extent practicable and with a preference for service by email. The presiding judge will determine whether to grant any such requested relief and whether to do so on an interim, conditional, or permanent basis.
6. General Motions Practice and Hearing Dates. The debtor may request from the courtroom deputy for the presiding judge a list of omnibus hearing dates for the case. Motions and other matters that do not require an emergency hearing must be noticed for a hearing date at least twenty-one (21) days after notice is served. The debtor may request an emergency hearing on any motion by filing an expedited hearing request using the Court's form Motion to Shorten Time or Request for Expedited Hearing. The Court will endeavor to review and set emergency hearing dates as promptly as practicable.

7. Hearing Participation and Procedures. Any party may request to appear at a hearing by telephone or video conference. Any such request must be made to the courtroom deputy for the presiding judge at least forty-eight (48) hours prior to the hearing date, absent exigent circumstances. All parties must review the presiding judge's hearing and evidentiary protocols on the Court's website prior to participating in any hearing before the judge. The presiding judge may, in the judge's discretion, deny a request to participate by telephone or video conference if the judge determines that the party's appearance in person is required or would be beneficial to the proceeding.
8. Continuances and Automatic Bridge Order. Any continuance or adjournment of a scheduled hearing may be done by consent of the movant and any party filing a responsive paper, provided that the continuance or adjournment is coordinated with the courtroom deputy for the presiding judge by email with a copy to all anticipated hearing participants. A party may otherwise file a motion for a continuance or adjournment in accordance with Local Bankruptcy Rule 9013-7. In addition, unless otherwise provided by the Bankruptcy Code, Federal Bankruptcy Rules, Local Bankruptcy Rules, or a Court order, if a motion is filed that complies with Federal Bankruptcy Rule 9006 to enlarge the time to take any action before the expiration of the period prescribed by the Bankruptcy Code, Federal Bankruptcy Rules, Local Bankruptcy Rules, or a Court order, the time for taking the action is automatically extended until the Court rules on the motion.
9. Proofs of Claim and Omnibus Claim Objection Procedures. Unless otherwise set by Court order, the bar date for the filing of proofs of claim is (a) one hundred eighty (180) days after the petition date for governmental units; and (b) as set forth in Local

- Bankruptcy Rule 3003-1 for all other entities. Parties may file a motion to approve procedures for handling omnibus claims objections. Such procedures may not shift the burden of proof, discovery rights or burdens, or pleadings requirements.
10. Cash Collateral and Financing Orders. Unless otherwise ordered by the Court, the debtor must comply with Local Bankruptcy Rule 4001-5 as applicable, and the motion must include the provisions required to be highlighted by Local Bankruptcy Rule 4001-5, as well as any provisions setting milestones relating to a sale or a plan.
  11. Motions to Sell Assets or Set Sale Procedures. Unless otherwise ordered by the Court, any motion to sell assets or set sale procedures must comply with Local Bankruptcy Rules 6004-3 and 6004-4, as applicable, and the motion must include the provisions required to be highlighted by those Rules. The debtor may request to have any motion to sell assets set for hearing on an expedited basis, provided that adequate notice of the request to expedite and the motion to sell assets is provided to all potential parties in interest. Any sale procedures motion must provide for input from or consultation with any statutory committee of creditors and secured creditors with liens against the property being sold. Notwithstanding the foregoing, secured creditors or committee members who are potential bidders may not participate in the adoption or implementation of sale procedures and may not receive information that is not generally available to all potential bidders.
  12. Disclosure Statement and Plan Confirmation. A plan proponent may propose to combine the disclosure statement and plan into a single document. The plan proponent also may file a motion requesting: (a) conditional approval of the disclosure statement; (b) approval of solicitation procedures; (c) the scheduling of a hearing on shortened

- notice to consider conditional approval of the proposed disclosure statement; and
- (d) the scheduling of a joint hearing to consider final approval of the adequacy of the disclosure statement and confirmation of the proposed plan.
13. Mediation. The Court may order mediation of any dispute arising in an adversary proceeding, contested matter, or otherwise. Parties may agree to mediate any dispute without Court approval. No matter may be mediated by a sitting judge without first obtaining an order from the Court. Unless otherwise ordered by the Court, the mediation of a matter does not delay or stay discovery, pretrial hearing dates, or trial dates. Unless otherwise ordered by the Court or agreed by the parties, any fees and costs of the mediator must be shared equally by the parties.
14. Revision and Application of Federal Bankruptcy and Local Bankruptcy Rules. These Procedures may be revised periodically. Unless otherwise provided herein, the Federal Bankruptcy Rules and Local Bankruptcy Rules continue to apply in all Complex Chapter 11 Cases (and those non-Complex Chapter 11 Cases utilizing these Procedures by election).

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF MARYLAND

In re: \*  
\*  
Debtor. \* Case No.  
\* (Chapter 11)  
\* \* \* \* \*

NOTICE OF APPLICATION OF  
COMPLEX CHAPTER 11 CASE PROCEDURES

The Complex Chapter 11 Case Procedures established by Local Bankruptcy Rule 1002-3 apply to the above-captioned case(s) for the following reasons:

- I. Mandatory application of the Complex Chapter 11 Case Procedures (Check all that apply):
  - ☐ The debtor, including affiliates, if any, has liabilities of at least \$10 million (US).
  - ☐ More than fifty (50) creditors, including creditors of the debtor’s affiliates, are listed in the debtor’s schedules.
  - ☐ A portion of the debt or equity securities of the debtor or any one of the affiliated debtors is publicly traded.
- II. Voluntary election to proceed under the Complex Chapter 11 Case Procedures:
  - ☐ The debtor does not satisfy any of the three (3) criteria set forth in Section I herein but nevertheless elects to proceed under the Complex Chapter 11 Case Procedures.

Respectfully submitted,  
  
\_\_\_\_\_  
/s/ Attorney’s Name  
Attorney’s Name, Esquire  
Firm Name  
Address  
Address  
Address  
Telephone

**CERTIFICATE OF SERVICE**

I hereby certify that on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_, I reviewed the Court's CM/ECF system and it reports that an electronic copy of the Notice of Application of Complex Chapter 11 Case Procedures will be served electronically by the Court's CM/ECF system on the following:

Julian Mayfair, Chapter 13 Trustee

Johnny Dougherty, Esquire

Mary Frances Brown, Esquire

I hereby further certify that on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_, a copy of the Notice of Application of Complex Chapter 11 Case Procedures was also mailed first class mail, postage prepaid to:

Harry Brown, Esq., Counsel for creditor John Doe  
101 Somewhere Ave.  
Hometown, MD 20850

John Doe 101 Main Street  
Hometown, MD 20815

Janice Doefield  
101 Off Main Street Hometown, MD 20815

/s/ Signature  
[Type or print your name]