

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



**As Revised December 1, 2024**  
(Ver. 24.04)

**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-Cross Reference Guide to Local Rules .....	87
Appendix A Local Bankruptcy Forms .....	89
Appendix B Local District Court Rules for Bankruptcy Proceedings .....	167
Appendix C Discovery Guidelines of the U.S. District Court, District of Maryland .....	172
Appendix D Compensation Guidelines for Professionals .....	183
Appendix E Maryland State Bar Association Code of Civility .....	190
Appendix F Chapter 13 Debtor’s Attorney Responsibilities and Fees .....	192
Appendix G Bankruptcy Dispute Resolution Program .....	196
Appendix H Electronic Case Filing Procedures .....	200
Appendix I Complex Chapter 11 Case Procedures.....	210

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

**FOREWORD**

(December 2024)

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, 2024, amendments have "24.04" 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, 2024, 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 2024)

**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  
Columbia, Maryland 21046

Rebecca A. Herr  
301-805-4700  
185 Admiral Cochrane Dr., Suite 240  
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 12 AND 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 7004-1	SERVICE OF COMPLAINT AND SUMMONS .....	55
RULE 7005-1	ELECTRONIC SERVICE .....	55
RULE 7007.1-1	DISCLOSURE OF CORPORATE AFFILIATES .....	55
RULE 7012-1	FINAL ORDERS AND JUDGMENTS .....	56
RULE 7012-2	EXTENSION OF TIME TO PLEAD OR FILE MOTION .....	56
RULE 7012-3	MOTION TO DISMISS AN ADVERSARY PROCEEDING AGAINST A PARTY NOT REPRESENTED BY AN ATTORNEY .....	57
RULE 7015-1	AMENDED COMPLAINT .....	57
RULE 7016-1	PRETRIAL PROCEDURES .....	58
RULE 7026-1	DISCOVERY - GENERAL .....	59
RULE 7026-2	FILING OF DISCOVERY MATERIAL .....	60
RULE 7054-1	ALLOWANCE OF COSTS .....	60
RULE 7054-2	ATTORNEYS’ FEES .....	61



RULE 7055-1	DEFAULT - FAILURE TO PROSECUTE .....	61
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 .....	63

## **PART VIII**

RULE 8001-1	APPEALS.....	64
-------------	--------------	----

## **PART IX**

RULE 9001-1	DEFINITIONS AND RULES .....	65
RULE 9004-1	PAPERS - REQUIREMENTS OF FORM FOR PARTIES REPRESENTED BY AN ATTORNEY .....	66
RULE 9006-1	TIME FOR SERVICE AND FILING OF MOTIONS AND RESPONSIVE PAPERS .....	66
RULE 9006-2	BRIDGE ORDERS NOT REQUIRED IN CERTAIN CIRCUMSTANCES .....	67
RULE 9009-1	LOCAL BANKRUPTCY FORMS .....	67
RULE 9010-1	SELF-REPRESENTED PARTIES (PARTIES NOT REPRESENTED BY AN ATTORNEY) .....	67
RULE 9010-2	CURRENT INFORMATION .....	68
RULE 9010-3	ATTORNEYS - WHO MAY APPEAR AS AN ATTORNEY FOR A PARTY .....	68
RULE 9010-4	WITHDRAWAL OF APPEARANCE OF AN ATTORNEY .....	69
RULE 9010-5	ATTORNEY FOR DEBTORS - DUTIES .....	71
RULE 9010-6	CHAPTER 13 DEBTOR'S ATTORNEY .....	71
RULE 9011-1	SIGNATURE, FEDERAL BAR NUMBER .....	72
RULE 9011-2	SIGNING OF ELECTRONICALLY TRANSMITTED PLEADINGS; REPRESENTATIONS TO THE COURT .....	72
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 .....	78
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 .....	83
RULE 9027-2	REMOVAL .....	83
RULE 9029-1	LOCAL BANKRUPTCY RULES - GENERAL .....	83
RULE 9033-1	PROPOSED FINDINGS OF FACT AND CONCLUSIONS OF LAW.....	83
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**

APPENDICES CROSS REFERENCE GUIDE TO LOCAL RULES .....	87
APPENDIX A LOCAL BANKRUPTCY FORMS.....	89
APPENDIX B LOCAL DISTRICT COURT RULES FOR BANKRUPTCY PROCEEDINGS .....	167
APPENDIX C DISCOVERY GUIDELINES .....	172
APPENDIX D COMPENSATION GUIDELINES.....	183
APPENDIX E MARYLAND STATE BAR ASSOCIATION CIVILITY CODE.....	190
APPENDIX F CHAPTER 13 DEBTOR’S COUNSEL RESPONSIBILITIES AND FEES.....	192
APPENDIX G BANKRUPTCY DISPUTE RESOLUTION .....	196
APPENDIX H ELECTRONIC CASE FILING PROCEDURES.....	200
APPENDIX I COMPLEX CHAPTER 11 CASE PROCEDURES .....	210

## 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="#">23-04</a>	Order Authorizing Unrepresented Individuals to File Chapter 7 Cases Utilizing Electronic Self Representation (eSR)	Apr 24, 2023
<a href="#">22-03</a>	Order Addressing COVID-19 Pandemic Related Administrative Orders 20-05, 20-072, 20-12, and 20-13 <ul style="list-style-type: none"> <li>Extending Administrative Order 20-05: Order addressing signatures on electronic pleadings</li> <li>Extending Administrative Order 20-07: Order addressing the prohibition against recording telephonic or video hearings</li> <li>Extending Administrative Order 20-12: Order authorizing implementation of the pilot Electronic Document Submission System (EDSS)(Rescinded by Administrative Order 23-04, effective July 1, 2023)</li> </ul>	Dec 21, 2022
<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

<b>Order</b>	<b>Summary</b>	<b>Entered Date</b>
<a href="#"><u>05-05</u></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="#"><u>02-02</u></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="#"><u>02-01</u></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 I 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 or as Otherwise Ordered	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) or, for Chapter 11 cases, Local Bankruptcy Rule 3003-1;

(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 claim 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 the debtor certifies that the debtor has completed all plan payments and requests entry of an order of discharge.

(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 C. 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 12 AND 13 CASES**

In Chapter 12 and 13 cases, the debtor's Affidavit Requesting Discharge, Local Bankruptcy Form P, must be filed and served on the trustee and all creditors no later than ninety (90) days after the 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 whether conducted in court, by telephone, or by video conference, 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 in which all claims secured by the property sold are not paid in full at closing on the sale, 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 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)(3) and 7005, service pursuant to the Court's Electronic Case Filing Procedures (Appendix H) constitutes valid service.

### **RULE 7007.1-1 DISCLOSURE OF CORPORATE AFFILIATES**

Any statement filed pursuant to Federal Bankruptcy Rule 7007.1 must provide an addresses for each entity listed.

## **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 is on next page]

**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. If a response deadline is not otherwise established, any responsive pleading and memorandum in opposition must be filed within fourteen (14) days after the date of the service of the motion. 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 both the client and resident agent or other responsible person or persons for that 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.

(c)     Verification of Signatures.

(1)     The requirement that all petitions, lists, schedules, statements, and amendments thereto must be "verified" in Federal Bankruptcy Rule 1008 is met, and the documents may be electronically filed, if the debtor's attorney either:

(A) obtains the original, physical signature prior to filing; or

(B) files the document electronically without possession of the original signature, provided that such electronic filing constitutes a certification by the attorney that the debtor has signed it and that, at the time of filing, the filing attorney is in possession of an image format or other facsimile of the document, including the signature page received from the debtor either electronically (including by email or text) or by facsimile machine. Any document filed electronically without the original signature in the filing attorney's possession shall be filed by placing “/s/ *Debtor's Name*” where the signature occurs, thereby constituting the attorney's certification that before filing the attorney transmitted the entire document to the debtor for review and signature, communicated with the debtor regarding the substance and purpose of the document, received the signature page back from the debtor electronically, and received express authorization to file the document.

(2) The requirements in the Local Bankruptcy Rules of obtaining, maintaining, or producing an “original signature,” and the requirement of a “signature” in 28 U.S.C. §1746, are met if the attorney complies with this Local Bankruptcy Rule.

(3) A petition or Chapter 13 plan verified and filed in accordance with paragraph (1)(A) or (B) of this Local Bankruptcy Rule shall be deemed to be signed by the debtor for purpose of Local Bankruptcy Rules 1002-1(a)(1) and 3015-1(c).

### **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. If a motion is not required under Federal Bankruptcy Rule 9019, then the parties must state in their notice of voluntary dismissal that the settlement does not involve 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 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.

**APPENDIX**  
**TABLE OF CONTENTS**

<b>A. Local Bankruptcy Forms</b>	<b>Local Rule Reference</b>
LBF-A Notice of Filing of Case in Bankruptcy Court	2071-1
LBF-B Notice of Motion for Relief From Stay and Hearing Thereon	4001-1
LBF-C Notice of Debtor(s)' Motion to Avoid Lien Pursuant to 11 U.S.C. § 522(f)	4003-2
LBF-D Removed	-----
LBF-E Application for Supplemental Allowance of Attorney's Fees	9010-6
LBF-E1 Notice of Application for Supplemental Allowance Of Attorney's Fees	9010-6
LBF-E2 Supplemental Disclosure of Compensation Of Attorney for Debtor	9010-6
LBF-F Motion for Admission <i>Pro Hac Vice</i>	9010-3
LBF-G Notice of Debtor(s)' Motion to Avoid Lien on Principal Residence Pursuant to 11 U.S.C. § 506	3012-1
LBF-H Order Granting Motion to Avoid Lien on Debtor(s)' Principal Residence	3012-1
LBF-I Removed	-----
LBF-J1 Order Assigning Matter to the Bankruptcy Dispute Resolution Program and Appointing Mediator	9019-2
LBF-J2 Certificate Re: BDRP Conference	9019-2
LBF-J3 Report of BDRP Conference	9019-2
LBF-K Notice of Motion to Value Collateral and to Avoid Security Interest Pursuant to 11 U.S.C. § 506	3012-1
LBF-L Order Granting Motion to Value Collateral and to Avoid Security Interest	3012-1
LBF-M Chapter 13 Plan	3015-1
LBF-M1 Certificate of Service for Chapter 13 Plan	3015-1
LBF-M2 Notice of Motion to Modify Chapter 13 Plan After Confirmation	3015-5
LBF-N1 Chapter 11 Final Report and Motion for Final Decree	3022-1

LBF-N2	Chapter 11 Final Report and Motion for Final Decree - Individuals	3022-1
LBF-O	Pre-Confirmation Certificate	3015-2
LBF-P	Affidavit Requesting Discharge	4004-1
LBF-Q	Statement Under Penalty of Perjury Concerning Payment Advices Due Pursuant to 11 U.S.C. §521(a)(1)(B)(iv)	1007-4 9013-7
LBF-R	Declaration Regarding Electronic Filing (Self-Represented Individual)	App.H
B. Local District Court Rules for Bankruptcy Proceedings with Cross-Reference		-----
C. Discovery Guidelines		2004-1 7026-1
D. Compensation Guidelines		2016-1
E. Maryland State Bar Association Code of Civility		-----
F. Chapter 13 Debtor's Counsel Responsibilities and Fees		9010-6
G. Alternative Dispute Resolution		9019-2
H. Electronic Case Filing Procedures		5005-1
I. Complex Chapter 11 Case Procedures		1002-3

IN THE CIRCUIT COURT FOR \_\_\_\_\_, MARYLAND

_____,  Plaintiff,  v.  _____,  Defendant.
--

Case Number: \_\_\_\_\_

**NOTICE OF FILING OF BANKRUPTCY CASE**

You are hereby notified of the filing of a case in the United States Bankruptcy Court for the District of Maryland for the following debtor: \_\_\_\_\_.  
The bankruptcy case no. is \_\_\_\_\_. It is a case under Chapter \_\_\_\_\_ filed on \_\_\_\_\_  
\_\_\_\_\_. The case remains pending as of the date of this Notice.

\_\_\_\_\_  
Name: \_\_\_\_\_  
Firm: \_\_\_\_\_  
Address: \_\_\_\_\_  
\_\_\_\_\_  
Telephone: \_\_\_\_\_  
Attorney for the debtor

**OR**

\_\_\_\_\_  
Name: \_\_\_\_\_  
Firm: \_\_\_\_\_  
Address: \_\_\_\_\_  
\_\_\_\_\_  
Telephone: \_\_\_\_\_  
Debtor (if without an attorney)

**OR**

\_\_\_\_\_  
Name: \_\_\_\_\_  
Firm: \_\_\_\_\_  
Address: \_\_\_\_\_  
\_\_\_\_\_  
Telephone: \_\_\_\_\_  
Attorney for the petitioning creditor

## CERTIFICATE OF SERVICE

I hereby certify that, on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, I caused a copy of the foregoing Notice of Filing of Bankruptcy Case to be served on the following by [CHOOSE ONE: first class mail, postage prepaid OR hand delivery]:

Name  
Address  
City, State Zip

Name  
Address  
City, State Zip

Name  
Address  
City, State Zip

\_\_\_\_\_  
[Type or print name]

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF MARYLAND**  
at Choose an item.

<b>In re:</b>  _____,  <b>Debtor.</b>	<b>Case Number:</b> _____ <b>Chapter</b> _____
 _____,  <b>Movant,</b>  <b>v.</b>  _____,  <b>Respondent.</b>	

**NOTICE OF MOTION FOR RELIEF FROM STAY  
AND HEARING THEREON**

The Movant has filed papers with the Court seeking relief from the automatic stay of 11 U.S.C. § 362(a) to enable it to proceed to \_\_\_\_\_. A copy of the motion is attached.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney. If you do not have an attorney, you may wish to consult one.

If you do not want the Court to grant the motion for relief from stay, or if you want the Court to consider your views on the motion, then by \_\_\_\_\_\* (parties served by mail may add three (3) days to this deadline), you or your attorney must file with the Clerk of the Court a written response to the motion explaining your position and mail a copy of the response to:

[Name and address of Movant's attorney or Movant (if without an attorney)]

[Names and addresses of others to be served]

If you mail, rather than hand deliver, your response to the Clerk of the Court for filing, you must mail it early enough so that the Court will receive it by the deadline stated above.



If you file a timely response to the motion, the hearing on the motion will take place on \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_\_ a.m./p.m.,\*\* in Courtroom \_\_\_\_\_, United States Bankruptcy Court, [CHOOSE ONE: 101 West Lombard Street, Baltimore, MD 21201 or 6500 Cherrywood Lane, Greenbelt, MD 20770].

If you or your attorney do not file and serve a timely response to the motion, the Court may find that you do not oppose the relief sought in the motion and may grant or otherwise dispose of the motion before the scheduled hearing date.

DATE: \_\_\_\_\_ \*\*\*

\_\_\_\_\_  
Name of Movant's attorney or Movant (if without an attorney)

Firm

Address

City, State Zip

Telephone Number

Email Address

Attorney for Movant (or Movant if without an attorney)

## 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 Motion for Relief from Stay and Hearing Thereon will be served electronically by the Court's CM/ECF system on the following:

Name of Chapter 7/13 Trustee

Name of Attorney

Name of Attorney

I hereby further certify that, on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, a copy of the Notice of Motion for Relief from Stay and Hearing Thereon was also mailed first class, postage prepaid, to:

Name  
Address  
City, State Zip

Name  
Address  
City, State Zip

Name  
Address  
City, State Zip

---

Name of Movant's attorney or Movant (if without  
an attorney)

**INSTRUCTIONS FOR COMPLETION OF  
LOCAL BANKRUPTCY FORM B**

(These instructions should not be filed when the form is uploaded.)

***NOTE: Remove asterisks from the form after the completion of the notice.***

- [\*] Insert a date that is at least **14 days** after the date this notice is mailed (service), plus any additional time provided by Federal Bankruptcy Rule 9006(a). 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. Use the date computed.
- [\*\*] Insert a date and time from the list of dates available for the judge assigned to the case that is at least **21 days** after the date of this notice.
- [\*\*\*] Insert the date notice was served.

**ADDITIONAL NOTE: Service must be made pursuant to Federal Bankruptcy Rule 7004. The Certificate of Service must comply with Local Bankruptcy Rule 9013-4.**

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF MARYLAND**  
at Choose an item.

<b>In re:</b>  _____,  <b>Debtor.</b>	<b>Case Number:</b> _____ <b>Chapter</b> _____
 _____,  <b>Movant,</b>  <b>v.</b>  _____,  <b>Respondent.</b>	

**NOTICE OF DEBTOR'S MOTION TO AVOID LIEN  
PURSUANT TO 11 U.S.C. § 522(f) AND HEARING THEREON**

\_\_\_\_\_ filed a motion to avoid a lien held by the Respondent pursuant to 11 U.S.C. § 522(f). A copy of the motion is attached.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney. If you do not have an attorney, you may wish to consult one.

If you do not want the Court to grant the motion to avoid the lien, or if you want the Court to consider your views on the motion, then by \_\_\_\_\_\* (parties served by mail may add three (3) days to this deadline), you or your attorney must file with the Clerk of the Court a written response to the motion explaining your position and mail a copy of the response to:

[Name and address of Movant's attorney or Movant (if without an attorney)]

[Names and addresses of others to be served]

If you mail, rather than hand deliver, your response to the Clerk of the Court for filing, you must mail it early enough so that the Court will receive it by the deadline stated above.

If you file a timely response to the motion, the hearing on the motion will take place on \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_\_ a.m./p.m.,\*\* in Courtroom \_\_\_\_\_, United States Bankruptcy Court, [CHOOSE ONE: 101 West Lombard Street, Baltimore, MD 21201 or 6500 Cherrywood Lane, Greenbelt, MD 20770].

If you or your attorney do not file and serve a timely response to the motion, the Court may find that you do not oppose the relief sought in the motion and may grant or otherwise dispose of the motion before the scheduled hearing date.

DATE: \_\_\_\_\_ \*\*\*

\_\_\_\_\_  
Name of Movant's attorney or Movant (if without an attorney)

Firm

Address

City, State Zip

Telephone Number

Email Address

Attorney for Movant (or Movant if without an attorney)

## 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 Debtor's Motion to Avoid Lien Pursuant to 11 U.S.C. § 522(f) and Hearing Thereon will be served electronically by the Court's CM/ECF system on the following:

Name of Chapter 7/13 Trustee

Name of Attorney

Name of Attorney

I hereby further certify that, on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, a copy of the Notice of Debtor's Motion to Avoid Lien Pursuant to 11 U.S.C. § 522(f) and Hearing Thereon was also mailed first class mail, postage prepaid, to:

Name  
Address  
City, State Zip

Name  
Address  
City, State Zip

Name  
Address  
City, State Zip

---

Name of Movant's attorney or Movant (if without  
an attorney)

**INSTRUCTIONS FOR COMPLETION OF  
LOCAL BANKRUPTCY FORM C**

(These instructions should not be filed when the form is uploaded.)

***NOTE: Remove asterisks from the form after the completion of the Notice.***

- [\*] Insert a date that is at least **28 days** after the date this notice is mailed (service), plus any additional time provided by Federal Bankruptcy Rule 9006(a). 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. Use the date computed.
- [\*\*] Insert a date and time from the list of dates available for the judge assigned to the case that is at least **49 days** after the date of this notice.
- [\*\*\*] Insert the date notice was served.

**ADDITIONAL NOTE: Service must be made pursuant to Federal Bankruptcy Rule 7004. The Certificate of Service must comply with Local Bankruptcy Rule 9013-4.**

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF MARYLAND**  
at Choose an item.

**In re:**

\_\_\_\_\_,

**Debtor.**

**Case Number:** \_\_\_\_\_  
**Chapter 13**

**APPLICATION FOR ALLOWANCE OF SUPPLEMENTAL ATTORNEY'S FEES**

NOW COMES \_\_\_\_\_, attorney for the debtor, (hereafter "Applicant") who makes this request for the allowance of supplemental attorney's fees for work on matters that were not reasonably expected and that are extraordinary (*see* Appendix F to the Local Bankruptcy Rules) in the amount of \$\_\_\_\_\_ and expenses in the amount of \$\_\_\_\_\_ in connection with services rendered for the benefit of the debtor and the bankruptcy estate, and in support thereof states as follows:

1. Applicant has served as the attorney for the debtor throughout the pendency of the Chapter 13 case.
2. The fees and expenses sought in this Application result from services rendered for or on behalf of the debtor.
3. The fees and expenses sought to be paid to Applicant result from services rendered or required to be rendered for a matter which was not contemplated or included in the initial retainer agreement as evidenced by the Federal Bankruptcy Rule 2016(b) Disclosure filed at the beginning of this case.
4. The services for which the additional fees and expenses are now sought by Applicant are described in the attached Supplemental Federal Bankruptcy Rule 2016(b) Disclosure, which has been filed with the Court and is included herein by reference.
5. The services for which the additional fees and expenses are now sought by Applicant were for the following reasons (a) not reasonably expected, (b) extraordinary, and (c) reasonable and necessary services that benefit the estate:  
\_\_\_\_\_  
\_\_\_\_\_.
6. In support of this Application, Applicant has attached relevant time records that identify the professionals who worked on this case, their hourly rates, the tasks performed, and the amount of time spent on each such task.
7. Prior to the filing of this Application, Applicant has been paid a total of \$\_\_\_\_\_ in fees and \$\_\_\_\_\_ in expenses in this case. Of those amounts, Applicant has received \$\_\_\_\_\_ in fees and \$\_\_\_\_\_ in expenses in distributions from the trustee and \$\_\_\_\_\_ in fees and \$\_\_\_\_\_ in expenses in payments from the debtor or on debtor's behalf.



8. Applicant respectfully submits and hereby affirms to the Court that the fees and expenses requested by this Application were both reasonable and necessary.
9. Further, Applicant submits that the fees and expenses described are reasonable based on the customary fees and expenses charged and generally approved by this Court for services of this nature provided by comparably skilled professionals.
10. No agreement or understanding exists between Applicant and any other person for the division or sharing of compensation for services rendered or costs advanced in connection with Applicant's representation of the debtor.
11. Applicant has reviewed the requested attorney's fees and expenses with the debtor. Applicant represents that the debtor has requested that Applicant provide the services described herein, that the Court allow the payment of the requested attorney's fees and expenses, and, if necessary, that the Court approve the payment of the fees and expenses as an administrative expense through the Chapter 13 plan.
12. Applicant avers the approval of the requested fees and expenses:  
☐ will not affect distribution to creditors under the plan  
☐ will affect distribution to creditors under the plan in the following manner:

\_\_\_\_\_  
\_\_\_\_\_.

WHEREFORE, Applicant prays that this Court approve Applicant's attorney's fees for work on matters that were not reasonably expected and that are extraordinary in the amount of \$ \_\_\_\_\_ and expenses in the amount of \$ \_\_\_\_\_, to be paid by the debtor or to be paid by the Chapter 13 trustee as an administrative expense through the Chapter 13 plan.

Date:

\_\_\_\_\_  
Name of Attorney  
Firm  
Address  
City, State Zip  
Telephone Number  
Email Address  
Applicant

## 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 Application for Allowance of Supplemental Attorney's Fees will be served electronically by the Court's CM/ECF system on the following:

Name of Chapter 13 Trustee

Name of Attorney

Name of Attorney

I hereby further certify that, on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, a copy of the Application for Allowance of Supplemental Attorney's Fees was also mailed first class, postage prepaid, to:

Name  
Address  
City, State Zip

Name  
Address  
City, State Zip

Name  
Address  
City, State Zip

---

Name of Applicant

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF MARYLAND**  
at Choose an item.

**In re:**

\_\_\_\_\_,

**Debtor.**

**Case Number:** \_\_\_\_\_  
**Chapter 13**

**NOTICE OF APPLICATION FOR ALLOWANCE  
OF SUPPLEMENTAL ATTORNEY'S FEES**

Pursuant to Local Bankruptcy Rule 2002-1, notice is hereby given that:

1. The debtor's attorney (hereafter "Applicant") filed an Application for Allowance of Supplemental Attorney's Fees.
2. The application seeks allowance of fees in the amount of \$\_\_\_\_\_ and expenses in the amount of \$\_\_\_\_\_ in connection with services rendered for the benefit of the debtor and the bankruptcy estate during this Chapter 13 case.
3. Pursuant to the Local Bankruptcy Rules, Applicant has filed a supplemental Federal Bankruptcy Rule 2016(b) Disclosure along with the application describing services rendered on behalf of the debtor.
4. If the Court approves the application, the approved fees and expenses may be paid by the Chapter 13 trustee as an administrative expense.
5. Applicant avers the approval of the requested fees and expenses:  
☐ will not affect distribution to creditors under the plan  
☐ will affect distribution to creditors under the plan in the following manner:  
\_\_\_\_\_  
\_\_\_\_\_.

Any objection to the application must be filed within 21 days of the date of the application with the Clerk of the Bankruptcy Court (parties served by mail may add three (3) additional days to the this deadline), with a copy sent to the undersigned and the Chapter 13 trustee, and shall state the factual and legal grounds on which it is based.

6. The application may be approved without further order or notice if no timely objection is filed, and the Court, in its discretion, may conduct a hearing or determine the matter without a hearing regardless of whether an objection is filed.
7. Parties in interest with questions may contact the undersigned.

Date: \_\_\_\_\_

\_\_\_\_\_  
Name of Attorney  
Firm  
Address  
City, State Zip  
Telephone Number  
Email Address  
Applicant

## 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 for Allowance of Supplemental Attorney's Fees will be served electronically by the Court's CM/ECF system on the following:

Name of Chapter 13 Trustee

Name of Attorney

Name of Attorney

I hereby further certify that, on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, a copy of the Notice of Application for Allowance of Supplemental Attorney's Fees was also mailed first class, postage prepaid, to:

Name  
Address  
City, State Zip

Name  
Address  
City, State Zip

Name  
Address  
City, State Zip

---

Name of Applicant

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

at Choose an item.

**In re:**

\_\_\_\_\_,

**Debtor.**

**Case Number:** \_\_\_\_\_  
**Chapter 13**

**DISCLOSURE OF SUPPLEMENTAL COMPENSATION  
OF ATTORNEY FOR DEBTOR**

1. Pursuant to 11 U.S.C. § 329(a) and Federal Bankruptcy Rule 2016(b), I certify that I am the attorney for the above named debtor and that compensation paid, or agreed to be paid, to me after one year before the filing of the petition in bankruptcy for services rendered or to be rendered on behalf of the debtor in contemplation of or in connection with the bankruptcy case in addition to any amounts already disclosed is as follows:

For legal services, I have agreed to accept	\$ _____
Prior to the filing of this statement, I have received	\$ _____
Balance due	\$ _____

2. The source of the compensation paid to me was:

☐ The debtor ☐ Other (specify): \_\_\_\_\_

3. The source of the compensation to be paid to me is:

☐ The debtor ☐ Other (specify): \_\_\_\_\_

4. ☐ I have not agreed to share the above-disclosed compensation with any other person unless they are members and associates of my law firm.

☐ I have agreed to share the above-disclosed compensation with another person or persons who are not members or associates of my law firm. A copy of the agreement, together with a list of the names of the people sharing in the compensation, is attached.

5. Since the filing of any prior Federal Bankruptcy Rule 2016(b) Disclosure in this case, I have agreed to perform the following additional services for the supplemental fees identified above:

\_\_\_\_\_  
\_\_\_\_\_.

6. By agreement with the debtor, the above-disclosed fee does not include the following services:

\_\_\_\_\_  
\_\_\_\_\_.

#### CERTIFICATION

I certify that the foregoing is a complete statement of any agreement or arrangement for payment to me for representation of the debtor in this bankruptcy case.

Date: \_\_\_\_\_

\_\_\_\_\_  
Name of Attorney  
Firm  
Address  
City, State Zip  
Telephone Number  
Email Address  
Attorney for Debtor

## 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 Disclosure of Supplemental Compensation of Attorney for Debtor will be served electronically by the Court's CM/ECF system on the following:

Name of Chapter 13 Trustee

Name of Attorney

Name of Attorney

I hereby further certify that, on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, a copy of the Disclosure of Supplemental Compensation of Attorney for Debtor was also mailed first class, postage prepaid, to:

Name  
Address  
City, State Zip

Name  
Address  
City, State Zip

Name  
Address  
City, State Zip

---

Name of Applicant



**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF MARYLAND**  
at Choose an item.

**In re:**

\_\_\_\_\_,  
**Debtor.**

**Case Number:** \_\_\_\_\_  
**Chapter** \_\_\_\_\_

**MOTION FOR ADMISSION PRO HAC VICE**

Pursuant to Local Bankruptcy Rule 9010-3(b) and Local District Court Rule 101.1(b), \_\_\_\_\_, Esquire, a member in good standing of the bar of this Court, moves the admission of \_\_\_\_\_, Esquire, to appear *pro hac vice* in the above-captioned bankruptcy case as attorney for \_\_\_\_\_.

Movant and the proposed admittee certify as follows:

1. The proposed admittee is not a member of the bar of Maryland.
2. The proposed admittee does not maintain a law office in Maryland.
3. The proposed admittee is a member in good standing of the bar of the following state or United States courts:

State Court and Date of Admission

U.S. Court and Date of Admission

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

4. During the twelve (12) months immediately preceding the filing of this motion, the proposed admittee has been admitted *pro hac vice* in the Court \_\_\_\_\_ times. Proposed admittee is not currently admitted in more than two (2) active unrelated cases.<sup>1</sup>
5. The proposed admittee has never been disbarred, suspended, or denied admission to practice law in any jurisdiction. (NOTE: If the proposed admittee has been disbarred, suspended, or denied admission to practice law in any jurisdiction, then the proposed admittee must submit a statement fully explaining all relevant facts.)
6. The proposed admittee is familiar with the Federal Bankruptcy Rules, this Court's Local Bankruptcy Rules, the Federal Rules of Evidence, and the Maryland

<sup>1</sup> See Local District Court Rule 101(1)(b)(iii).

Attorneys' Rules of Professional Conduct and understands that the proposed admittee shall be subject to the disciplinary jurisdiction of this Court.

7. Co-counsel for the proposed admittee in this bankruptcy case will be the undersigned or \_\_\_\_\_, Esquire, who has been formally admitted to the bar of the U.S. District Court for the District of Maryland.
8. It is understood that admission *pro hac vice* does not constitute formal admission to the bar of the U.S. District Court for the District of Maryland.
9. Movant or the proposed admittee has electronically paid the \$100.00 fee for admission *pro hac vice* through CM/ECF or encloses a check or money order in the amount of \$100.00 payable to "Clerk of Court, United States Bankruptcy Court."
10. We hereby certify under penalty of perjury that the foregoing statements are true and correct.

---

Movant Attorney, Esquire  
Maryland U.S. District Court Number  
Firm  
Address  
City, State Zip  
Telephone  
Email Address  
Movant

---

Proposed Admittee's Name  
Firm  
Address  
City, State Zip  
Telephone  
Email Address  
Proposed Admittee

## 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 Motion for Admission Pro Hac Vice will be served electronically by the Court's CM/ECF system on the following:

Name of Chapter 7/13 Trustee

Name of Attorney

Name of Attorney

I hereby further certify that, on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, a copy of the Motion for Admission Pro Hac Vice was also mailed first class, postage prepaid, to:

Name  
Address  
City, State Zip

Name  
Address  
City, State Zip

Name  
Address  
City, State Zip

---

Name of Movant

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF MARYLAND**  
at Choose an item.

**In re:**

\_\_\_\_\_ ,

**Debtor.**

**Case Number:** \_\_\_\_\_  
**Chapter** \_\_\_\_\_

**ORDER GRANTING MOTION FOR ADMISSION PRO HAC VICE**

The Court having considered the Motion for Admission Pro Hac Vice to admit [ENTER NAME OF PROPOSED PRO HAC COUNSEL] (“Pro Hac Counsel”) as attorney for [ENTER NAME OF PARTY REPRESENTED] and the certified statements in support thereof, and upon the recommendation of [ENTER NAME OF MOVANT], it is, by the United States Bankruptcy Court for the District of Maryland,

ORDERED, that the motion is granted pursuant to Local Bankruptcy Rule 9010–3(b) and Local District Court Rule 101.1(b) and Pro Hac Counsel is admitted pro hac vice in this bankruptcy case; and it is further

ORDERED, that Pro Hac Counsel must register for a CM/ECF filing account on the Court's website at <https://www.mdb.uscourts.gov/for-attorneys/training-and-registration-for-electronic-filing>; and it is further

ORDERED, that Pro Hac Counsel must use their own CM/ECF filing account to file a notice of appearance in the case to begin receiving electronic notices.

cc: Debtor  
Debtor's Attorney  
Movant  
Pro Hac Counsel  
Trustee  
U.S. Trustee

**END OF ORDER**

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

at Choose an item.

**In re:**

\_\_\_\_\_,

**Debtor.**

**Case Number:** \_\_\_\_\_

**Chapter** \_\_\_\_\_

\_\_\_\_\_,

**Movant,**

**v.**

\_\_\_\_\_,

**Respondent.**

**NOTICE OF DEBTOR'S MOTION TO AVOID LIEN ON PRINCIPAL RESIDENCE  
PURSUANT TO 11 U.S.C. § 506 AND HEARING THEREON**

\_\_\_\_\_ filed a motion to avoid a lien held by the  
Respondent pursuant to 11 U.S.C. § 506. A copy of the motion is attached.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney. If you do not have an attorney, you may wish to consult one.

If you do not want the Court to grant the motion to avoid the lien, or if you want the Court to consider your views on the motion, then by \_\_\_\_\_\* (parties served by mail may add three (3) days to this deadline), you or your attorney must file with the Clerk of the Court a response to the motion explaining your position and mail a copy of the response to:

[Name and address of Movant's attorney or Movant (if without an attorney)]

[Names and addresses of others to be served]

If you mail, rather than hand deliver, your response to the Clerk of the Court for filing, you must mail it early enough so that the Court will receive it by the deadline stated above.

If you file a timely response to the motion, the hearing on the motion will take place on \_\_\_\_\_  
\_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_\_ a.m./p.m.,\*\* in Courtroom \_\_\_\_\_, United States

Bankruptcy Court, [CHOOSE ONE: 101 West Lombard Street, Baltimore, MD 21201 or 6500 Cherrywood Lane, Greenbelt, MD 20770].

If you or your attorney do not file and serve a timely response to the motion, the Court may find that you do not oppose the relief sought in the motion and may grant or otherwise dispose of the motion before the scheduled hearing date.

DATE: \_\_\_\_\_ \*\*\*

---

Name of Movant's attorney or Movant (if without an attorney)

Firm

Address

City, State Zip

Telephone Number

Email Address

Attorney for Movant (or Movant if without an attorney)

## 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 Debtor's Motion to Avoid Lien on Principal Residence Pursuant to 11 U.S.C. § 506 and Hearing Thereon will be served electronically by the Court's CM/ECF system on the following:

Name of Chapter 7/13 Trustee

Name of Attorney

Name of Attorney

I hereby further certify that, on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, a copy of the Notice of Debtor's Motion to Avoid Lien on Principal Residence Pursuant to 11 U.S.C. § 506 and Hearing Thereon was also mailed first class mail, postage prepaid, to:

Name  
Address  
City, State Zip

Name  
Address  
City, State Zip

Name  
Address  
City, State Zip

---

Name of Movant's attorney or Movant (if without  
an attorney)



**INSTRUCTIONS FOR COMPLETION OF  
LOCAL BANKRUPTCY FORM G**

(These instructions should not be filed when the form is uploaded.)

***NOTE: Remove asterisks from the form after the completion of the Notice.***

- [\*] Insert a date that is at least **28 days** after the date this notice is mailed (service), plus any additional time provided by Federal Bankruptcy Rule 9006(a). 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. Use the date computed.
- [\*\*] Insert a date and time from the list of dates available for the judge assigned to the case that is at least **49 days** after the date of this notice.
- [\*\*\*] Insert the date notice was served.

**ADDITIONAL NOTE: Service must be made pursuant to Federal Bankruptcy Rule 7004. The Certificate of Service must comply with Local Bankruptcy Rule 9013-4.**

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF MARYLAND**  
at Choose an item.

**In re:**

\_\_\_\_\_ ,

**Debtor.**

**Case Number: \_\_\_\_\_  
Chapter 13**

\_\_\_\_\_ ,

**Movant,**

**v.**

\_\_\_\_\_ ,

**Respondent.**

**ORDER GRANTING MOTION TO AVOID LIEN  
ON DEBTOR'S PRINCIPAL RESIDENCE PURSUANT TO 11 U.S.C. § 506**

Having considered the debtor's motion to avoid lien, and any response filed thereto, and it appearing that proper notice has been given, pursuant to 11 U.S.C. § 506, and for the reasons set forth in the cases of Branigan v. Davis (In re Davis), 716 F.3d 331 (4th Cir. 2013), First Mariner Bank v. Johnson, 411 B.R. 221 (D. Md. 2009), and Johnson v. Asset Management Group, LLC, 226 B.R. 364 (D. Md. 1998), it is, by the United States Bankruptcy Court for the District of Maryland,

ORDERED, that the claim of the respondent is hereby deemed wholly unsecured; and it is further

ORDERED, that at such time as a discharge order is entered pursuant to 11 U.S.C. § 1328 or the debtor completes performance of the debtor's confirmed Chapter 13 plan in this case, the lien held in favor of the respondent on the debtor's real property described as \_\_\_\_\_ is avoided; and it is further

ORDERED, that if the respondent has filed or timely files a proof of claim, the claim of the respondent is allowed as a general unsecured claim for purposes of distributions under the debtor's plan; and it is further

ORDERED, that allowance of the claim of the respondent as an unsecured claim pursuant to this order is without prejudice to objection to such claim on other grounds.

cc: Debtor  
Debtor's Attorney  
Movant  
Movant's Attorney  
Respondent  
Respondent's Attorney  
Chapter 13 Trustee  
Non-Debtor Co-Owner (with address)  
U.S. Trustee

**END OF ORDER**

**INSTRUCTIONS FOR COMPLETION OF  
LOCAL BANKRUPTCY FORM H**

(These instructions should not be filed when the form is uploaded.)

**NOTE:** Local Bankruptcy Rule 3012-1 requires a motion to avoid a lien on a Chapter 13 debtor's principal residence to be filed with a proposed order conforming to this Local Bankruptcy Form H. The movant may revise the form to make the grammar appropriate for joint cases.

Proposed orders must be prepared in compliance with Local Bankruptcy Rule 9013-3.

[USE FOR ADVERSARY PROCEEDING]

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF MARYLAND  
at Choose an item.

<b>In re:</b>  _____,  <b>Debtor.</b>	<b>Case Number:</b> _____ <b>Chapter</b> _____
 _____,  <b>Plaintiff,</b>  <b>v.</b>  _____,  <b>Defendant.</b>	  <b>Adversary Number:</b> _____

**ORDER ASSIGNING MATTER TO THE BANKRUPTCY DISPUTE  
RESOLUTION PROGRAM AND APPOINTING RESOLUTION ADVOCATE**

The parties to this adversary proceeding (the “Adversary Proceeding”) have requested submission of their disputes to this Court’s Bankruptcy Dispute Resolution Program (the “BDRP”).

Therefore, it is, by the United States Bankruptcy Court for the District of Maryland,

ORDERED, that the matters that are the subject of this Adversary Proceeding are referred to the BDRP; and it is further

ORDERED, that \_\_\_\_\_ (email \_\_\_\_\_) is appointed as the resolution advocate under the BDRP (the “Resolution Advocate”) [IF NON-JUDGE MEDIATOR, ADD: and shall be compensated one-half by the Plaintiff and one-half by the Defendant unless otherwise agreed in writing by the parties]; and it is further

[IF JUDGE MEDIATOR, ADD: ORDERED, that in his/her role as Resolution Advocate, the Resolution Advocate shall retain the same immunity he/she has as a judge under federal law and common law from liability for any act or omission in connection with the mediation and from compulsory process to testify or produce documents in connection with the mediation; and it is further]

ORDERED, that the Plaintiff and the Defendant are directed to comply with the requirements of the BDRP as set forth in Local Rule 9019-2 except to the extent the requirements are modified by the Resolution Advocate; and it is further

ORDERED, that the BDRP conference shall be completed by \_\_\_\_\_, provided, however, that this deadline may be extended by a further Court order or by the parties to this Adversary Proceeding if they stipulate to an extension in writing and file the stipulation with the Court; and it is further

ORDERED, that the Plaintiff and the Defendant shall file a joint report regarding the status of this Adversary Proceeding no later than \_\_\_\_\_; and it is further

ORDERED, that the Plaintiff’s attorney shall provide to the Resolution Advocate, within three (3) days from the date of this Order, a copy of this Order and the contact information for all parties and all attorneys in this Adversary Proceeding participating in the BDRP; and it is further

[OPTIONAL: ORDERED, that the deadlines set forth in the Scheduling Order entered in this Adversary Proceeding are stayed pending completion of the BDRP and further order of the Court.]

cc: All parties  
All attorneys

**END OF ORDER**

[USE FOR CONTESTED MATTER]

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF MARYLAND  
at Choose an item.

<b>In re:</b>  _____,  <b>Debtor.</b>	<b>Case Number:</b> _____ <b>Chapter</b> _____
 _____,  <b>Movant,</b>  v.  _____,  <b>Respondent.</b>	

**ORDER ASSIGNING MATTER TO THE BANKRUPTCY DISPUTE  
RESOLUTION PROGRAM AND APPOINTING RESOLUTION ADVOCATE**

The following constitute a contested matter (collectively, the “Contested Matter”):

- [INSERT NAMES AND DOCKET NUMBERS OF PLEADINGS]

The parties to the Contested Matter have requested submission of the Contested Matter to this Court’s Bankruptcy Dispute Resolution Program (the “BDRP”).

Therefore, it is, by the United States Bankruptcy Court for the District of Maryland,

ORDERED, that the disputes addressed in the Contested Matter are referred to the BDRP; and it is further

ORDERED, that \_\_\_\_\_ (email \_\_\_\_\_) is appointed as the resolution advocate under the BDRP (the “Resolution Advocate”) [IF NON-JUDGE MEDIATOR, ADD: and shall be compensated by the parties to the Contested Matter in equal shares unless otherwise agreed in writing by the parties]; and it is further

[IF JUDGE MEDIATOR, ADD: ORDERED, that in his/her role as Resolution Advocate, the Resolution Advocate shall retain the same immunity he/she has as a judge under federal law and common law from liability for any act or omission in connection with the mediation and from compulsory process to testify or produce documents in connection with the mediation; and it is further]

ORDERED, that the parties to the Contested Matter are directed to comply with the requirements of the BDRP as set forth in Local Rule 9019-2 except to the extent the requirements are modified by the Resolution Advocate; and it is further

ORDERED, that the BDRP conference shall be completed by \_\_\_\_\_, provided, however, that this deadline may be extended by a further Court order or by the parties to the Contested Matter if they stipulate to an extension in writing and file the stipulation with the Court; and it is further

ORDERED, that the parties to the Contested Matter shall file a joint report regarding the status of the Contested Matter no later than \_\_\_\_\_; and it is further

ORDERED, that the Movant’s attorney shall provide to the Resolution Advocate, within three (3) days from the date of this Order, a copy of this Order and the contact information for all parties and all attorneys in the Contested Matter participating in the BDRP; and it is further

[OPTIONAL: ORDERED, that the deadlines set forth in any scheduling order entered in connection with the Contested Matter are stayed pending completion of the BDRP and further order of the Court.]

cc: Debtor  
Debtor’s Attorney  
Movant  
Movant’s Attorney  
Respondent  
Respondent’s Attorney

[OTHER PARTICIPATING PARTIES AND THEIR ATTORNEYS]

**END OF ORDER**



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

at Choose an item.

<b>In re:</b>  _____,  <b>Debtor.</b>	<b>Case Number:</b> _____ <b>Chapter</b> _____
 _____,  <b>Plaintiff/Movant,</b>  <b>v.</b>  _____,  <b>Defendant/Respondent.</b>	  <b>Adversary Number:</b> _____ <b>(if appropriate)</b>

**REPORT OF RESOLUTION ADVOCATE**

I hereby certify that, pursuant to an Order Assigning Matter to the Bankruptcy Dispute Resolution Program and Appointing Resolution Advocate entered by this Court on \_\_\_\_\_, 20\_\_\_\_, a mediation conference was held on \_\_\_\_\_, 20\_\_\_\_.

A settlement of this matter [was / was not] reached.

Date: \_\_\_\_\_

\_\_\_\_\_  
Name of Resolution Advocate  
Firm/Organization  
Address  
City, State Zip  
Telephone Number  
Email Address  
Resolution Advocate

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

at Choose an item.

<b>In re:</b>  _____,  <b>Debtor.</b>	<b>Case Number:</b> _____ <b>Chapter</b> _____
 _____,  <b>Plaintiff/Movant,</b>  <b>v.</b>  _____,  <b>Defendant/Respondent.</b>	 <b>Adversary Number:</b> _____ <b>(if appropriate)</b>  <b>(For submission to Clerk of Court; not for filing)</b>

**RESOLUTION ADVOCATE’S REPORT TO BDRP ADMINISTRATOR**

I, \_\_\_\_\_, the resolution advocate assigned to mediate a dispute in this proceeding pursuant to the Court’s Bankruptcy Dispute Resolution Program (“BDRP”), state as follows:

1. I held a mediation conference on \_\_\_\_\_ with the individuals identified on the attached attendance form.
2. The parties complied with the Local Bankruptcy Rules governing the mediation conference. [OR The parties did not comply with the Local Bankruptcy Rules governing the mediation conference but complied with all procedures established by me.]
3. A settlement of this matter [was / was not] reached. [If a settlement was reached, add: \_\_\_\_\_ (plaintiff/defendant/other) prepared or will prepare a written stipulation or agreement setting forth the terms of the settlement. Prior to the preparation of a final written agreement, the parties chose [to put / not to put] the agreement on the record in a hearing before the Court.]
4. I spent \_\_\_\_\_ hours in preparing for and scheduling the mediation conference.
5. I spent \_\_\_\_\_ hours attending the mediation conference.

6.      Comments/Suggestions: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Date: \_\_\_\_\_

\_\_\_\_\_  
Name of Resolution Advocate

Firm/Organization

Address

City, State Zip

Telephone Number

Email Address

Resolution Advocate

## BDRP SESSION ATTENDANCE FORM

Case Name: \_\_\_\_\_

Case Number: \_\_\_\_\_

Adversary Proceeding Name: \_\_\_\_\_

Adversary Proceeding Number: \_\_\_\_\_

Date(s) of Mediation Conference: \_\_\_\_\_

**Instructions:** Please have **all attorneys and client representatives** who attend the mediation conference provide the following information. The purpose of this information is to facilitate the Court's review of the BDRP.

### ATTORNEYS

Name: \_\_\_\_\_

Name: \_\_\_\_\_

Firm Name: \_\_\_\_\_

Firm Name: \_\_\_\_\_

Address: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Phone: (      ) \_\_\_\_\_

Phone: (      ) \_\_\_\_\_

Attorney for: \_\_\_\_\_

Attorney for: \_\_\_\_\_

Name: \_\_\_\_\_

Name: \_\_\_\_\_

Firm Name: \_\_\_\_\_

Firm Name: \_\_\_\_\_

Address: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Phone: (      ) \_\_\_\_\_

Phone: (      ) \_\_\_\_\_

Attorney for: \_\_\_\_\_

Attorney for: \_\_\_\_\_

**CLIENT REPRESENTATIVES**

Name: \_\_\_\_\_

Firm Name: \_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_

Phone:(\_\_\_\_\_) \_\_\_\_\_

Party Representing: \_\_\_\_\_

Name: \_\_\_\_\_

Firm Name: \_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_

Phone: (\_\_\_\_\_) \_\_\_\_\_

Party Representing: \_\_\_\_\_

Name: \_\_\_\_\_

Firm Name: \_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_

Phone:(\_\_\_\_\_) \_\_\_\_\_

Party Representing: \_\_\_\_\_

Name: \_\_\_\_\_

Firm Name: \_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_

Phone: (\_\_\_\_\_) \_\_\_\_\_

Party Representing: \_\_\_\_\_

Name: \_\_\_\_\_

Firm Name: \_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_

Phone:(\_\_\_\_\_) \_\_\_\_\_

Party Representing: \_\_\_\_\_

Name: \_\_\_\_\_

Firm Name: \_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_

Phone: (\_\_\_\_\_) \_\_\_\_\_

Party Representing: \_\_\_\_\_

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF MARYLAND**  
at Choose an item.

<b>In re:</b>  _____,  <b>Debtor.</b>	<b>Case Number:</b> _____ <b>Chapter</b> _____
_____,  <b>Movant,</b>  <b>v.</b>  _____,  <b>Respondent.</b>	

**NOTICE OF THE DEBTOR’S MOTION TO VALUE COLLATERAL AND TO AVOID  
SECURITY INTEREST PURSUANT TO 11 U.S.C. § 506 AND HEARING THEREON**

\_\_\_\_\_ filed a motion to value collateral or to avoid a security interest held by the Respondent pursuant to 11 U.S.C. § 506. A copy of the motion is attached.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney. If you do not have an attorney, you may wish to consult one.

If you do not want the Court to grant the motion to value collateral or avoid a security interest, or if you want the Court to consider your views on the motion, then by \_\_\_\_\_  
\_\_\_\_\_ \* (parties served by mail may add three (3) days to this deadline), you or your attorney must file with the Clerk of the Court a response to the motion explaining your position and mail a copy of the response to:

[Name and address of Movant’s attorney or Movant (if without an attorney)]

[Names and addresses of others to be served]

If you mail, rather than hand deliver, your response to the Clerk of the Court for filing, you must mail it early enough so that the Court will receive it by the deadline stated above.

If you file a timely response to the motion, the hearing on the motion will take place on \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_\_ a.m./p.m.,\*\* in Courtroom \_\_\_\_\_, United States Bankruptcy Court, [CHOOSE ONE: 101 West Lombard Street, Baltimore, MD 21201 or 6500 Cherrywood Lane, Greenbelt, MD 20770].

If you or your attorney do not file and serve a timely response to the motion, the Court may find that you do not oppose the relief sought in the motion and may grant or otherwise dispose of the motion before the scheduled hearing date.

DATE: \_\_\_\_\_ \*\*\*

\_\_\_\_\_  
Name of Movant's attorney or Movant (if without an attorney)

Firm

Address

City, State Zip

Telephone Number

Email Address

Attorney for Movant (or Movant if without an attorney)

## 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 the Debtor's Motion to Value Collateral and to Avoid Security Interest Pursuant to 11 U.S.C. § 506 and Hearing Thereon will be served electronically by the Court's CM/ECF system on the following:

Name of Chapter 7/13 Trustee

Name of Attorney

Name of Attorney

I hereby further certify that, on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, a copy of the Notice of the Debtor's Motion to Value Collateral and to Avoid Security Interest Pursuant to 11 U.S.C. § 506 and Hearing Thereon was also mailed first class mail, postage prepaid, to:

Name  
Address  
City, State Zip

Name  
Address  
City, State Zip

Name  
Address  
City, State Zip

---

Name of Movant's attorney or Movant (if without  
an attorney)



**INSTRUCTIONS FOR COMPLETION OF  
LOCAL BANKRUPTCY FORM K**

(These instructions should not be filed when the form is uploaded.)

***NOTE: Remove asterisks from the form after the completion of the Notice.***

- [\*] Insert a date that is at least **28 days** after the date this notice is mailed (service), plus any additional time provided by Federal Bankruptcy Rule 9006(a). 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. Use the date computed.
- [\*\*] Insert a date and time from the list of dates available for the judge assigned to the case that is at least **49 days** after the date of this notice.
- [\*\*\*] Insert the date notice was served.

**ADDITIONAL NOTE: Service must be made pursuant to Federal Bankruptcy Rule 7004 and Local Bankruptcy Rule 3012-1. The Certificate of Service must comply with Local Bankruptcy Rule 9013-4.**

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF MARYLAND**  
at Choose an item.

**In re:**

\_\_\_\_\_ ,

**Debtor.**

**Case Number:** \_\_\_\_\_  
**Chapter 13**

\_\_\_\_\_ ,

**Movant,**

**v.**

\_\_\_\_\_ ,

**Respondent.**

**ORDER GRANTING MOTION TO VALUE COLLATERAL  
AND TO AVOID SECURITY INTEREST**

Having considered the debtor's motion to value collateral and avoid a security interest in the property described as \_\_\_\_\_ (the "Collateral"), and any response filed thereto, and it appearing that proper notice has been given, pursuant to 11 U.S.C. § 506, it is, by the United States Bankruptcy Court for the District of Maryland,

ORDERED, that the value of the Collateral is determined to be \$\_\_\_\_\_ ; and it is further

ORDERED, that the respondent holds a secured claim to the extent of the value of the Collateral and a general unsecured claim to the extent of any amount owed to the respondent in excess of the value of the Collateral; and it is further

ORDERED, that at such time as a discharge order is entered pursuant to 11 U.S.C. § 1328 or the debtor completes performance of the debtor's confirmed Chapter 13 plan in this case, the lien held in favor of the respondent on the debtor's interest in the Collateral is avoided to the extent of the respondent's unsecured claim; and it is further

ORDERED, that if the respondent has filed or timely files a proof of claim, the claim of the respondent is allowed for purposes of distributions under the debtor's plan as a secured claim in an amount not to exceed the value of the Collateral and as a general unsecured claim for the balance; and it is further

ORDERED, that allowance of the claim of the respondent pursuant to this order is without prejudice to objection to such claim on other grounds.

cc: Debtor  
Debtor's Attorney  
Movant  
Movant's Attorney  
Respondent  
Respondent's Attorney  
Chapter 13 Trustee  
Non-Debtor Co-Owner (with address)  
U.S. Trustee

**END OF ORDER**

**INSTRUCTIONS FOR COMPLETION OF  
LOCAL BANKRUPTCY FORM L**

(These instructions should not be filed when the form is uploaded.)

**NOTE:** Local Bankruptcy Rule 3012-1 requires a motion to value collateral and avoid a security interest in real or personal property that is not a Chapter 13 debtor's principal residence to be filed with a proposed order conforming to this Local Bankruptcy Form L. The movant may revise the form to make the grammar appropriate for joint cases.

Proposed orders must be prepared in compliance with Local Bankruptcy Rule 9013-3.

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

at Choose an item.

**In re:**

\_\_\_\_\_ ,

**Debtor.**

**Case Number:** \_\_\_\_\_

**Chapter 13**

**CHAPTER 13 PLAN**

☐ Original Plan

☐ Amended Plan

☐ Modified Plan

**1. GENERAL PLAN PROVISIONS.**

The debtor proposes the following Chapter 13 plan and makes the following declarations (mark one of the following boxes that apply for each of 1.1, 1.2, and 1.3. below). ***If a box is marked as “does not ...” or if more than one box is marked in each section, the provision will be ineffective if set out later in the plan.***

**1.1 Declaration as to Nonstandard Provisions.**

This plan: ☐ does not contain nonstandard provisions.

OR ☐ contains nonstandard provisions set out in Section 9 below.

**1.2 Declaration as to Limiting Secured Claims.**

This plan: ☐ does not limit the amount of a secured claim.

OR ☐ limits the amount of a secured claim based on the value of the collateral securing the claim as set out in Sections 5.1 through 5.4 below.

**1.3 Declaration as to Avoiding Security Interests.**

This plan: ☐ does not avoid a security interest or lien.

OR ☐ avoids a security interest or lien as set out in Section 5.1 through 5.4 below.

**2. NOTICES.**

You should read this plan carefully and discuss it with your attorney if you have one in this bankruptcy case. If you do not have an attorney, you may wish to consult one.

**2.1. Notices to Creditors.**

Your rights may be affected by this plan. Your claim may be reduced, modified, or eliminated. ***The declarations set out in Section 1 above may be of particular importance.*** If you oppose the plan’s treatment of your claim or any provision of this plan, you or your attorney

must file an objection to confirmation at least 7 days before the date set for the hearing on confirmation, unless otherwise ordered by the Bankruptcy Court. The Court may confirm this plan without further notice if no objection to confirmation is filed. *See Federal Bankruptcy Rule 3015.* In addition, you may need to file a timely proof of claim in order to be paid under the plan.

## **2.2. Notices to Debtor.**

This form lists options that may be appropriate in some cases, but not all cases. Just because an option is listed on the form does not mean that it is appropriate for you. Plans contrary to the Court's Local Bankruptcy Rules and rulings may not be confirmed.

## **3. PLAN TERMS.**

The debtor's future earnings are submitted to the supervision and control of the trustee, and the debtor will pay such future earnings as set forth in this Section 3 (mark and complete one of 3.1, 3.2, or 3.3 and/or 3.4 below; and, optionally, 3.5 as applicable).

☐ **3.1 Even Monthly Payments.**  
\$ \_\_\_\_\_ per month for a term of \_\_\_\_\_ months.

OR

☐ **3.2 Varying Monthly Payments.**  
\$ \_\_\_\_\_ per month for \_\_\_\_\_ month(s),  
\$ \_\_\_\_\_ per month for \_\_\_\_\_ month(s), and  
\$ \_\_\_\_\_ per month for \_\_\_\_\_ month(s), for a total term of \_\_\_\_\_ months.

OR

☐ **3.3 Varying Monthly Payments Before and After Confirmation.**  
\$ \_\_\_\_\_ per month before confirmation of this plan (use Section 4.6.1 below to list the adequate protection payments to be made before confirmation), and \$ \_\_\_\_\_ per month after confirmation of this plan, for a total term of \_\_\_\_\_ months.

AND/OR

☐ **3.4 Additional Payments.**

In addition to monthly plan payments under 3.1, 3.2, or 3.3, above, the debtor will make the payments listed below.

<u>Amount</u>	<u>Date</u>	<u>Source of Payment</u>
---------------	-------------	--------------------------

☐ **3.5 Additional Payment of Tax Refunds.**

The debtor will provide the trustee with copies of state and federal tax returns for the years listed below within 15 days of filing the returns (and must timely file the returns on or before April 15 of each year). Not later than June 1 of each year, the debtor will pay into the plan the amount of refunds exceeding \$ \_\_\_\_\_ (the amount already pro-rated on Schedule I, if any) for each of the listed years unless otherwise ordered by the Court. The tax refund payments are in addition to, and not a credit against, the other payments required to be paid under the plan. The debtor will not make any change to the number of any federal and state tax

withholding allowances claimed as of the petition date without 30 days prior notice to the trustee. This commitment covers tax years (list): \_\_\_\_\_.

#### **4. DISTRIBUTION OF PLAN PAYMENTS.**

From the payments made, the trustee will make distributions in the order listed below.

##### **4.1 Trustee's Commission.**

The trustee will receive the allowed trustee commission under 11 U.S.C. § 1326(b)(2).

##### **4.2 Administrative Claims.**

Next to be paid, except as provided in Section 4.3 below, are administrative claims under 11 U.S.C. § 507(a)(2), including debtor's attorney fee balance of \$ \_\_\_\_\_ due and payable pursuant to a fee arrangement made under Subparagraphs 2.A, B, or C of Appendix F to the Local Bankruptcy Rules.

##### **4.3 Domestic Support Obligations and Non-Appendix F Attorney Fees.**

Next to be paid, at the same time and pro rata, are allowed unsecured claims for: (i) domestic support obligations under 11 U.S.C. § 507(a)(1); and (ii) any debtor's attorney fee allowed under 11 U.S.C. § 507(a)(2) by Bankruptcy Court order following an application pursuant to a fee arrangement under Paragraph 7 of Appendix F to the Local Bankruptcy Rules. Debtor's attorney fee balance to be paid through the plan is expected to be in the amount of \$ \_\_\_\_\_.  
\_\_\_\_\_.

##### **4.4 Former Chapter 7 Trustee Claims.**

Next to be paid are any claims payable to the former Chapter 7 trustee under 11 U.S.C. § 1326(b)(3). List the monthly payment: \$ \_\_\_\_\_.

##### **4.5 Priority Claims.**

Next to be paid are other priority claims defined by 11 U.S.C. § 507(a)(3) - (10). List the expected claims below.

Priority Creditor

Expected Claim Amount

##### **4.6 Secured Claims.**

Next to be paid, at the same time and pro rata with payments on priority claims under Section 4.5 above, are secured claims as set forth below. The holder of an allowed secured claim retains its lien under 11 U.S.C. § 1325(a)(5)(B)(i). Any allowed secured claim listed in the plan to be paid by the trustee will be deemed provided for under the plan. Any allowed secured claim not listed in the plan to be paid by the trustee, or not stated to be paid outside of or otherwise addressed in the plan, will be deemed not provided for under the plan and will not be discharged.

#### 4.6.1. Adequate Protection Payments for Claims Secured by or Subject to a Lease of Personal Property

Beginning not later than 30 days after the petition date and until the plan is confirmed, the debtor will directly pay adequate protection payments for claims secured by or subject to a lease of personal property for: *None* ☐ or the *Claims Listed Below* ☐ (mark one box only). After confirmation of the plan, the claims will be paid under Section 4.6.3. Make sure to list the amount of the monthly payment the debtor will pay before confirmation, and list the last 4 digits only of the account number, if any, the lienholder uses to identify the claim.

<u>Lienholder</u>	<u>Property or Collateral</u>	<u>Acct. No (last 4 numbers).</u>	<u>Monthly Payment</u>
-------------------	-------------------------------	-----------------------------------	------------------------

#### 4.6.2. Pre-petition Arrears on Secured Claims.

Pre-petition arrears on secured claims will be paid through the plan in equal monthly amounts while the debtor directly pays post-petition payments beginning with the first payment due after filing the petition for: *None* ☐ or the *Claims Listed Below* ☐ (mark one box only). The claims listed below include: *Claims Secured by the Debtor's Principal Residence* ☐ and/or *Claims Secured by Other Property* ☐.

<u>Lienholder</u>	<u>Collateral</u>	<u>Arrears</u>	<u>Monthly Payment</u>	<u>No. of Months</u>
-------------------	-------------------	----------------	------------------------	----------------------

#### 4.6.3. Secured Claims Paid Through the Plan.

The following secured claims will be paid through the plan in equal monthly amounts for: *None* ☐ or the *Claims Listed Below* ☐ (mark one box only). Such secured claims include secured claims altered under Sections 5.1 through 5.5 below. Make sure to list the interest rates to be paid.

<u>Lienholder</u>	<u>Collateral</u>	<u>Amount</u>	<u>% Rate</u>	<u>Monthly Payment</u>	<u>No. of Months</u>
-------------------	-------------------	---------------	---------------	------------------------	----------------------

#### 4.6.4. Surrender Collateral to the Lienholder.

The debtor will surrender collateral to the lienholder for: *None* ☐ or the *Claims Listed Below* ☐ (mark one box only). Describe the collateral securing the claim. Any allowed claim for an unsecured deficiency will be paid pro rata with general unsecured creditors. Unless the Court orders otherwise, a claimant may amend a timely filed proof of claim for an unsecured deficiency after entry of the confirmation order as follows: (a) the amended proof of claim asserting an unsecured deficiency claim for real property shall be filed within \_\_\_\_\_ days (no less than 180 days) after entry of the confirmation order; and (b) the amended proof of claim asserting an unsecured deficiency claim for personal property shall be filed within \_\_\_\_\_ days (no less than 60 days) after entry of the confirmation order. Upon plan confirmation, the automatic stays imposed by 11 U.S.C. §§ 362 and 1301 terminate, if not terminated earlier, as to the collateral listed.



Lienholder

Collateral to be Surrendered

**4.6.5. Secured Claims Outside of the Plan.**

The debtor will directly pay the secured claims outside of the plan for: *None* ☐ or the *Claims Listed Below* ☐ (mark one box only). Such claims are deemed provided for by the plan. The debtor will also directly pay outside of the plan the unsecured portion of a claim that is only partially secured, and any such unsecured claim is deemed provided for by the plan.

Lienholder

Collateral to be Paid for Outside of the Plan

**4.6.6. Secured Claim Not Listed in the Plan.**

The debtor will directly pay any allowed secured claim not listed in the plan outside of the plan. Any such claim will not be discharged.

**4.6.7. Additional Payments on Secured Claims.**

If the trustee is holding more funds than those needed to make the payments under the plan for any month, the trustee may pay amounts larger than those listed in Sections 4.6.2 and 4.6.3 pro rata.

**4.7. Unsecured Claims.**

After payment of all other claims, the remaining funds will be paid on allowed general unsecured claims as follows (mark one box only):

☐ Pro Rata

☐ 100%

☐ 100% Plus \_\_\_\_\_% Interest.

If there is more than one class of unsecured claims, list each class and how it is to be treated.

Class of Unsecured Creditors

Treatment

**5. THE AMOUNT AND VALUATION OF CLAIMS.**

Secured creditors holding claims treated under Section 5 retain their liens until the earlier of (i) the payment of the underlying debt determined under nonbankruptcy law; (ii) discharge under 11 U.S.C. § 1328; or (iii) if the debtor cannot receive a discharge as provided in 11 U.S.C. § 1328(f), the notice of plan completion. If the case is dismissed or converted without completion of the plan, liens shall also be retained by the holders to the extent recognized under applicable nonbankruptcy law.

### 5.1. Valuing a Claim or Avoiding a Lien Under 11 U.S.C. § 506 Through the Plan.

The debtor seeks to value a claim or avoid a lien under 11 U.S.C. § 506 through the plan for: *None* ☐ or the *Claims Listed Below* ☐ (mark one box only). The claims listed below include: *Claims Secured by the Debtor's Principal Residence* ☐ and/or *Claims Secured by Other Property* ☐. Make sure to list the value of the collateral proposed to be paid through the plan plus any interest below and in Section 4.6.3 above, as appropriate. Separately file evidence of (i) the collateral's value; (ii) the existence of any superior lien; (iii) the exemption claimed; and (iv) 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, also separately file evidence of the amount of the debt secured by the collateral. The amount and interest rate of the claim is set as listed below or by superseding Court order. A proof of claim must be filed before the trustee makes payments. Any undersecured portion of such claim shall be treated as unsecured.

<u>Lienholder</u>	<u>Collateral</u>	<u>Value</u>	<u>% Rate</u>	<u>Monthly Payment</u>	<u>No. of Months</u>
-------------------	-------------------	--------------	---------------	------------------------	----------------------

### 5.2. Valuing a Claim or Avoiding a Lien Under 11 U.S.C. § 506 by Separate Motion or an Adversary Proceeding.

The debtor seeks to value a claim or avoid a lien under 11 U.S.C. § 506 by separate motion or an adversary proceeding for: *None* ☐ or the *Claims Listed Below* ☐ (mark one box only). The amount and interest rate of the claim will be set by Court order. Make sure to list the value of the collateral proposed to be paid through the plan plus any interest as determined by the Court in Section 4.6.3 above, as appropriate. A proof of claim must be filed before the trustee makes payments. Any undersecured portion of such claim shall be treated as unsecured.

<u>Lienholder</u>	<u>Collateral</u>
-------------------	-------------------

### 5.3. Valuing a Claim or Avoiding a Lien Under 11 U.S.C. § 522(f)\* Through the Plan.

The debtor seeks to value a claim or avoid a lien under 11 U.S.C. § 522(f)\* through the plan for: *None* ☐ or the *Claims Listed Below* ☐ (mark one box only). Make sure to list the value of the collateral proposed to be paid through the plan plus any interest below and in Section 4.6.3 above, as appropriate. Separately file evidence of (i) the collateral's value; (ii) the existence of any superior lien; (iii) the exemption claimed; and (iv) 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, also separately file evidence of the amount of the debt secured by the collateral. The amount and interest rate of the claim is set as listed below or by superseding Court order. A proof of claim must be filed before the trustee makes payments. Any undersecured portion of such claim shall be treated as unsecured.

<u>Lienholder</u>	<u>Collateral</u>	<u>Value</u>	<u>% Rate</u>	<u>Monthly Payment</u>	<u>No. of Months</u>
-------------------	-------------------	--------------	---------------	------------------------	----------------------

*\*Under 11 U.S.C. § 522(f), the debtor may avoid a lien to the extent it impairs an exemption if the lien is a judicial lien or a nonpossessory, non-purchase money security interest in certain property.*

#### **5.4. Valuing a Claim or Avoiding a Lien Under 11 U.S.C. § 522(f)\* by Separate Motion or an Adversary Proceeding.**

The debtor seeks to value a claim or avoid a lien under 11 U.S.C. § 522(f)\* by separate motion or an adversary proceeding for: *None* ☐ or the *Claims Listed Below* ☐ (mark one box only). The amount and interest rate of the claim will be set by Court order. Make sure to list the value of the collateral proposed to be paid through the plan plus any interest as determined by the Court in Section 4.6.3 above, as appropriate. A proof of claim must be filed before the trustee makes payments. Any undersecured portion of such claim shall be treated as unsecured.

<u>Lienholder</u>	<u>Collateral</u>
-------------------	-------------------

*\*Under 11 U.S.C. § 522(f) the debtor may avoid a lien to the extent it impairs an exemption if the lien is a judicial lien or a nonpossessory, non-purchase money security interest in certain property.*

#### **5.5. Claims Excluded from 11 U.S.C. § 506.\*\***

The debtor will pay through the plan the following claims excluded from 11 U.S.C. § 506\*\* in full plus any interest for: *None* ☐ or the *Claims Listed Below* ☐ (mark one box only). Make sure to list the amount proposed to be paid through the plan plus any interest below and in Section 4.6.3 above, as appropriate. The amount of each claim to be paid will be established by the lienholder's proof of claim or Court order. The interest rate of the claim is set as listed below or by superseding Court order. A proof of claim must be filed before the trustee makes payments.

<u>Lienholder</u>	<u>Collateral</u>	<u>Amount to Be Paid</u>	<u>% Rate</u>	<u>Monthly Payment</u>	<u>No. of. Months</u>
-------------------	-------------------	------------------------------	---------------	----------------------------	---------------------------

*\*\*Claims excluded from 11 U.S.C. § 506 include claims where the lienholder has a purchase money security interest securing a debt incurred within the 910-day period preceding the petition date and the collateral consists of a motor vehicle acquired for the personal use of the debtor and also claims where the collateral consists of any other thing of value if the debt was incurred during the 1-year period preceding the petition date.*

### **6. APPLICATION OF PAYMENTS ON ACCOUNT OF SECURED CLAIMS.**

Payments made by the Chapter 13 trustee on account of arrearages on pre-petition secured claims may be applied only to the portion of the claim pertaining to pre-petition arrears

so that, upon completion of all payments under the plan, the loan will be deemed current through the petition date.

## 7. EXECUTORY CONTRACTS AND UNEXPIRED LEASES.

Any unexpired lease with respect to personal property that has not previously been assumed during the case and is not assumed in the plan, is deemed rejected and the automatic stays imposed by 11 U.S.C. §§ 362 and 1301 are automatically terminated, if not terminated earlier, with respect to such property. The following executory contracts and/or unexpired leases are assumed or rejected for: *None* ☐ or the *Claims Listed Below* ☐ (mark one box only). Any claim for rejection damages must be filed within 60 days from entry of the order confirming this plan.

<u>Lessor or Contract Holder</u>	<u>Subject of Lease or Contract</u>	<u>Assumed</u>	<u>Rejected</u>
--------------------------------------	---	----------------	-----------------

## 8. REVESTING PROPERTY OF THE ESTATE.

Title to the debtor's property shall revert in the debtor (i) when the debtor is granted a discharge pursuant to 11 U.S.C. § 1328; (ii) if the debtor cannot receive a discharge as provided in 11 U.S.C. § 1328(f), upon the notice of plan completion; or (iii) upon dismissal of the case.

## 9. NON-STANDARD PROVISIONS.

Any non-standard provision placed elsewhere in the plan may be void. Any and all non-standard provisions are: *None* ☐ or *Listed Below* ☐ (mark one box only).  
Non-Standard Plan Provisions

## 10. SIGNATURES.

The debtor's signature below certifies that the plan provisions above are all the terms proposed by the debtor and that the debtor has read all the terms and understands them. The signature below of the debtor and debtor's attorney, if any, also certifies that the plan contains no non-standard provision other than those set out in Section 9 above.

Date: \_\_\_\_\_

\_\_\_\_\_  
Debtor

\_\_\_\_\_  
Attorney for Debtor

\_\_\_\_\_  
Joint Debtor

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF MARYLAND**  
at Choose an item.

**In re:**

\_\_\_\_\_ ,

**Debtor.**

**Case Number:** \_\_\_\_\_  
**Chapter 13**

**CERTIFICATE OF SERVICE OF CHAPTER 13 PLAN**

*Select Section 1, A, B, or C, and complete Sections 2 and 3 if applicable, even if Section 1.A. is selected.*

1. (Select A, B, or C):

- \_\_\_\_\_ A. PLAN FILED WITH PETITION. This is an original plan, filed concurrently with the petition, which will be mailed by the Clerk of the Court to all creditors on the matrix. *[THIS OPTION MAY ONLY BE USED WHEN THE PLAN IS FILED WITH THE PETITION.]*
- \_\_\_\_\_ B. AMENDED PLANS ONLY INCREASING PAYMENTS: The amended Chapter 13 plan [filed herewith OR filed on \_\_\_\_\_, 20\_\_] , makes no changes from the last previously-filed plan other than to increase the amount payable under the plan. In such event, no service is required. *[THIS OPTION MAY ONLY BE USED WHEN AN AMENDED PLAN IS FILED AND IT INCREASES THE AMOUNT PAYABLE UNDER THE PLAN BUT MAKES NO OTHER CHANGES.]*
- \_\_\_\_\_ C. ALL OTHER PLANS: This is to certify that on \_\_\_\_\_, 20\_\_, I caused
- (i) the Chapter 13 plan [filed herewith OR filed on \_\_\_\_\_, 20\_\_] ; and
- (ii) if applicable, the Order Denying Confirmation with Leave to Amend dated \_\_\_\_\_, 20\_\_ [if (ii) is not applicable, place “N/A” in the blank];

to be mailed by first class mail, postage prepaid, to all parties in interest on the attached matrix or list. (If any parties on the matrix were served by CM/ECF rather than mail, so indicate on the matrix with the email address served as indicated on the CM/ECF Notice of Electronic Filing.)

2. *Check and complete this Section and Section 3 if liens are proposed to be valued or avoided through the plan.*

\_\_\_\_\_ I caused the Chapter 13 plan [filed herewith OR filed on \_\_\_\_\_, 20\_\_\_\_\_] to be served pursuant to Federal Bankruptcy Rule 7004 on the following creditor whose lien is proposed to be impacted by the plan (and not by separate motion) under plan paragraph 5.1 or 5.3. State address served and method of service. See Bankruptcy Rule 7004(h) if the party served is an insured depository institution. Attach separate sheets or repeat this paragraph for each such creditor served.

Name of Creditor: \_\_\_\_\_

Person Served: \_\_\_\_\_

Title/Position: \_\_\_\_\_

Address: \_\_\_\_\_

City, State Zip: \_\_\_\_\_

Method of Service: \_\_\_\_\_

Date Served: \_\_\_\_\_

Select A or B for the above-named creditor:

\_\_\_\_\_ A. A proof of claim has been filed with respect to the lien or claim at issue prior to service of the plan. I also mailed a copy of the plan and supporting documents under Section 3 below to the claimant at the name and address where notices should be sent as shown on the proof of claim.

\_\_\_\_\_ B. No proof of claim has been filed for the lien or claim at issue.

3. \_\_\_\_\_ Along with each copy of the plan served under Section 2, I included copies of documentation supporting the debtor's entitlement to the relief sought in plan paragraph 5.1 or 5.3 with respect to that creditor (for example, documents establishing the value of the property and the amount of any prior liens and the lien at issue), which I have also filed with the Court as a supplement to the plan. ***This supplemental material need not be served with the plan on all creditors, but it must be served on the affected secured creditors.***

\_\_\_\_\_ This is an amended plan and the documentation supporting the debtor's entitlement to the relief sought in plan paragraph 5.1 or 5.3 has been previously served and filed as ECF docket entry \_\_\_\_\_.

I hereby certify that the foregoing is true and correct.

Dated: \_\_\_\_\_

\_\_\_\_\_  
Debtor, Debtor's Attorney, or  
Other Person Effecting Service

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF MARYLAND**  
at Choose an item.

**In re:**

\_\_\_\_\_ ,

**Debtor.**

**Case Number:** \_\_\_\_\_  
**Chapter 13**

**NOTICE OF MOTION TO MODIFY  
CHAPTER 13 PLAN AFTER CONFIRMATION**

\_\_\_\_\_ filed a motion to modify the Chapter 13 plan that has been confirmed in this case. A copy of the motion and proposed modified plan is attached.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney. If you do not have an attorney, you may wish to consult one.

If you do not want the Court to grant the motion to modify the Chapter 13 plan, or if you want the Court to consider your views on the motion, then by \_\_\_\_\_\*(parties served by mail may add three (3) days to this deadline), you or your attorney must file with the Clerk of the Court a written response to the motion explaining your position and mail a copy of the response to the debtor, the debtor's attorney (if the debtor is represented by an attorney), the Chapter 13 trustee, and any other party designated by the Court under Federal Bankruptcy Rule 3015(h). If you mail, rather than hand deliver, your response to the Clerk of the Court for filing, you must mail it early enough so that the Court will receive it by the deadline stated above.

If you file a timely response to the motion, the hearing on the motion will take place on \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_\_ a.m./p.m.,\*\* in Courtroom \_\_\_\_\_, United States Bankruptcy Court,[CHOOSE ONE: 101 West Lombard Street, Baltimore, MD 21201 or 6500 Cherrywood Lane, Greenbelt, MD 20770].

If you or your attorney do not file and serve a timely response to the motion, the Court may find that you do not oppose the relief sought in the motion and may grant or otherwise rule on the motion without a hearing.



DATE: \_\_\_\_\_ \*\*\*

---

Name of Debtor's attorney or Debtor (if without an attorney)

Firm

Address

City, State Zip

Telephone Number

Email Address

Attorney for Debtor (or Debtor if without an attorney)

## 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 Motion to Modify Chapter 13 Plan After Confirmation will be served electronically by the Court's CM/ECF system on the following:

Name of Chapter 13 Trustee

Name of Attorney

Name of Attorney

I hereby further certify that, on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, a copy of the Notice of Motion to Modify Chapter 13 Plan After Confirmation was also mailed first class mail, postage prepaid, to:

Name  
Address  
City, State Zip

Name  
Address  
City, State Zip

Name  
Address  
City, State Zip

---

Name of Debtor's attorney or Debtor (if without an attorney)

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

at Choose an item.

**In re:**

\_\_\_\_\_,

**Debtor.**

**Case Number:** \_\_\_\_\_

**Chapter** \_\_\_\_\_

**CHAPTER 11 FINAL REPORT AND MOTION FOR FINAL DECREE  
[FOR NON-INDIVIDUAL DEBTOR]**

The following is the report of payments made pursuant to the plan, confirmed by this Court on \_\_\_\_\_, 20\_\_\_\_.

**TOTAL DISTRIBUTION**

\$ \_\_\_\_\_

PERCENTAGE OF CLAIMS PROPOSED TO BE  
PAID TO THE CLASS OF GENERAL UNSECURED  
CREDITORS UNDER THE PLAN

\_\_\_\_\_ %

PERCENTAGE OF CLAIMS ACTUALLY PAID  
TO THE CLASS OF GENERAL UNSECURED  
CREDITORS UNDER THE PLAN

\_\_\_\_\_ %

A. Gross Cash Receipts (total amount received  
from all sources during plan term)

\$ \_\_\_\_\_

B. Payments of Expenses of Administration Other  
Than Operating Expenses:

1. Trustee's commission (if any)

	<u>Paid</u>	<u>Proposed</u>	<u>Total</u>
1. Trustee's commission (if any)	\$ _____	\$ _____	\$ _____
2. Fees and expenses of trustee's attorney	\$ _____	\$ _____	\$ _____

2. Fees and expenses of trustee's attorney

	<u>Paid</u>	<u>Proposed</u>	<u>Total</u>
C. Other Professional Fees and Expenses:			
1. Fees and expenses for accountants	\$ _____	\$ _____	\$ _____
2. Fees and expenses for auctioneers and appraisers	\$ _____	\$ _____	\$ _____
3. Fees and expenses for attorneys for the debtor	\$ _____	\$ _____	\$ _____
4. Other professional fees (specify)	\$ _____	\$ _____	\$ _____
5. Taxes, fines, penalties, etc.	\$ _____	\$ _____	\$ _____
6. Other expenses of administration (must be itemized: includes bond premiums, settlement costs, other expenses)	\$ _____	\$ _____	\$ _____
7. Total	\$ _____	\$ _____	\$ _____

	<u>Paid</u>	<u>Proposed</u>	<u>Total</u>
D. Payments to Creditors (totals under each category sufficient):			
1. Payment to secured creditors	\$ _____	\$ _____	\$ _____
2. Payment to priority creditors	\$ _____	\$ _____	\$ _____
3. Payments to unsecured creditors	\$ _____	\$ _____	\$ _____
4. Payments to equity security holders	\$ _____	\$ _____	\$ _____

	<u>Paid</u>	<u>Proposed</u>	<u>Total</u>
E. Other Payments (including surplus payments to the debtor)	\$ _____	\$ _____	\$ _____

F. **TOTAL DISTRIBUTION** \$ \_\_\_\_\_

The plan proponent (or trustee, if appointed) avers that all provisions of the plan have been substantially consummated. Wherefore, the plan proponent (or trustee), having fully administered this estate, prays for entry of a final decree.

DATE: \_\_\_\_\_

\_\_\_\_\_  
Name of Attorney for Plan Proponent (or Trustee)  
Firm  
Address  
City, State Zip  
Telephone Number  
Email Address  
Attorney for Plan Proponent (or Trustee)

At a minimum, the following should be served with a copy of this report:  
Creditors' Committee or its attorney, 20 Largest Unsecured Creditors, and United States Trustee.

## 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 Chapter 11 Final Report and Motion for Final Decree will be served electronically by the Court's CM/ECF system on the following:

Name of Attorney Representing Creditor's Committee

Name of Attorney

U.S. Trustee

I hereby further certify that, on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, a copy of the Chapter 11 Final Report and Motion for Final Decree was also mailed first class, postage prepaid, to:

Name  
Address  
City, State Zip

Name  
Address  
City, State Zip

Name  
Address  
City, State Zip

---

Name of Attorney for Plan Proponent (or Trustee)

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF MARYLAND**  
at Choose an item.

**In re:**

\_\_\_\_\_,  
**Debtor.**

**Case Number:** \_\_\_\_\_  
**Chapter** \_\_\_\_\_

**CHAPTER 11 FINAL REPORT AND MOTION  
FOR DISCHARGE AND/OR FINAL DECREE  
[FOR INDIVIDUAL DEBTOR]**

The following is the report of payments made pursuant to the plan, confirmed by this Court on \_\_\_\_\_, 20\_\_\_\_.

**TOTAL DISTRIBUTION**

\$ \_\_\_\_\_

PERCENTAGE OF CLAIMS PROPOSED TO BE PAID TO  
THE CLASS OF GENERAL UNSECURED CREDITORS UNDER  
THE PLAN

\_\_\_\_\_ %

PERCENTAGE OF CLAIMS ACTUALLY PAID TO THE  
CLASS OF GENERAL UNSECURED CREDITORS UNDER  
THE PLAN

\_\_\_\_\_ %

A. Gross Cash Receipts

\$ \_\_\_\_\_

B. Payments of Expenses of Administration Other  
Than Operating Expenses:

	<u>Paid</u>	<u>Proposed</u>	<u>Total</u>
1. Trustee's commission (if any)	\$ _____	\$ _____	\$ _____
2. Fees and expenses of trustee's attorney	\$ _____	\$ _____	\$ _____

	<u>Paid</u>	<u>Proposed</u>	<u>Total</u>
C. Other Professional Fees and Expenses:			
1. Fees and expenses for accountants	\$ _____	\$ _____	\$ _____
2. Fees and expenses for auctioneers and appraisers	\$ _____	\$ _____	\$ _____
3. Fees and expenses for attorneys for the debtor	\$ _____	\$ _____	\$ _____
4. Other professional fees (specify)	\$ _____	\$ _____	\$ _____
5. Taxes, fines, penalties, etc.	\$ _____	\$ _____	\$ _____
6. Other expenses of administration (must be itemized: includes bond premiums, settlement costs, other expenses)	\$ _____	\$ _____	\$ _____
7. Total	\$ _____	\$ _____	\$ _____

	<u>Paid</u>	<u>Proposed</u>	<u>Total</u>
D. Payments to Creditors (totals under each category sufficient):			
1. Payment to secured creditors	\$ _____	\$ _____	\$ _____
2. Payment to priority creditors	\$ _____	\$ _____	\$ _____
3. Payments to unsecured creditors	\$ _____	\$ _____	\$ _____
4. Payments to equity security holders	\$ _____	\$ _____	\$ _____

	<u>Paid</u>	<u>Proposed</u>	<u>Total</u>
E. Other Payments (including surplus payments to the debtor)	\$ _____	\$ _____	\$ _____

F. **AMOUNT TO BE PAID UNDER PLAN** \$ \_\_\_\_\_

**TOTAL DISTRIBUTION** \$ \_\_\_\_\_

The plan administrator (or trustee, if appointed) avers that all provisions of the plan have been substantially consummated. Furthermore, the debtor certifies under penalty of perjury that the following statements are true and correct:

1. The debtor has completed all payments under the plan.
2. If 11 U.S.C. § 1141(d)(3) applies, the debtor has completed an instructional course concerning financial management as described in 11 U.S.C. § 111.
3. The debtor did not claim any exemptions in any property (real or personal) in excess of the applicable amounts set forth in 11 U.S.C. § 522(p) and § 522(q).
4. There is not currently pending any proceeding in which the debtor may be found guilty of a felony of the kind described in 11 U.S.C. § 522(q)(1)(A) or liable for a debt of the kind described in 11 U.S.C. § 522(q)(1)(B).

DATE: \_\_\_\_\_

Debtor's Name

DATE: \_\_\_\_\_

Joint Debtor's Name

Wherefore, the plan administrator (or trustee), having fully administered this estate, prays for entry of an order of discharge and/or the entry of a final decree.

DATE: \_\_\_\_\_

Name of Attorney for Plan Administrator (or Trustee)

Firm

Address

City, State Zip

Telephone Number

Email Address

Attorney for Plan Proponent (or Trustee)

At a minimum, the following parties should be served with a copy of this report:  
Creditors' Committee or its attorney, 20 Largest Unsecured Creditors, and United States Trustee.



## 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 Chapter 11 Final Report and Motion for Discharge and/or Final Decree will be served electronically by the Court's CM/ECF system on the following:

Name of Attorney Representing Creditor's Committee

Name of Attorney

U.S. Trustee

I hereby further certify that, on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, a copy of the Chapter 11 Final Report and Motion for Discharge and/or Final Decree was also mailed first class, postage prepaid, to:

Name  
Address  
City, State Zip

Name  
Address  
City, State Zip

Name  
Address  
City, State Zip

---

Name of Attorney for Plan Proponent (or Trustee)

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

at Choose an item.

**In re:**

\_\_\_\_\_,

**Debtor.**

**Case Number:** \_\_\_\_\_  
**Chapter 13**

**PRE-CONFIRMATION CERTIFICATION**

The debtor hereby certifies under penalty of perjury that the following statements are true and correct:

1. The debtor has paid any fee, charge, or other amount required under 28 U.S.C. § 1930 or by the plan (i.e., adequate protection payments) to be paid before confirmation.
2. The debtor has paid all amounts that are required under a domestic support obligation and that first became payable after the date of the filing of the petition, if applicable.
3. The debtor has filed all applicable federal, state, and local tax returns with the appropriate taxing authorities for all taxable periods ending during the 4-year period ending on the date of the filing of the petition.

The debtor affirms that the plan is proposed in accordance with 11 U.S.C. § 1325 and requests said plan be confirmed.

DATE: \_\_\_\_\_

\_\_\_\_\_  
(Signature of Debtor)

Debtor's Name

Telephone Number (if not represented by an attorney)

Email Address (if not represented by an attorney)

DATE: \_\_\_\_\_

\_\_\_\_\_  
(Signature of Joint Debtor)

Joint Debtor's Name

Telephone Number (if not represented by an attorney)

Email Address (if not represented by an attorney)

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF MARYLAND**  
at Choose an item.

**In re:**

\_\_\_\_\_,

**Debtor.**

**Case Number:** \_\_\_\_\_  
**Chapter 13**

**DEBTOR'S AFFIDAVIT REQUESTING DISCHARGE**

\*\*\*IN JOINT FILINGS, A SEPARATE AFFIDAVIT MUST BE COMPLETED  
BY EACH DEBTOR IN ORDER TO BE ELIGIBLE FOR A DISCHARGE\*\*\*

The Chapter 13 trustee has filed a notice of completion in my case and I am hereby requesting that the Court issue a discharge. I declare under penalty of perjury to the following: *(Complete all sections and provide all required information.)*

1. The following creditors hold a claim that is not discharged under 11 U.S.C. § 523(a)(2) or (a)(4) or a claim that was affirmed under 11 U.S.C. § 524(c): provide name, address, and telephone number of each such creditor)

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone Number: \_\_\_\_\_

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone Number: \_\_\_\_\_

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone Number: \_\_\_\_\_

2. I have not received a discharge in a Chapter 7, 11, or 12 bankruptcy case that was filed within 4 years prior to the filing of this Chapter 13 bankruptcy case.
3. I have not received a discharge in another Chapter 13 bankruptcy case that was filed within 2 years prior to the filing of this Chapter 13 bankruptcy case.

4. I did not claim any exemptions in any property (real or personal) in excess of the applicable amounts set forth in 11 U.S.C. § 522(p) and § 522(q).
5. There is not currently pending any proceeding in which I may be found guilty of a felony of the kind described in 11 U.S.C. § 522(q)(1)(A) or liable for a debt of the kind described in 11 U.S.C. § 522(q)(1)(B).
6. COMPLETION OF INSTRUCTIONAL COURSE CONCERNING PERSONAL FINANCIAL MANAGEMENT PURSUANT TO 11 U.S.C. § 1328(g)(1)

*[Complete one of the following statements]*

- ☐ I certify that I completed an instructional course in personal financial management provided by \_\_\_\_\_, an approved personal financial management instruction provider.

*[Check the appropriate box]*

- ☐ A certificate of completion of the personal financial management course was previously filed with the Court.

OR

- ☐ A certificate of completion of the personal financial management instruction course is attached.

OR

- ☐ I certify that no personal financial management course is required because:

*[Check the appropriate box]*

- ☐ I am incapacitated or disabled, as defined in 11 U.S.C. § 109(h)(4).

OR

- ☐ I am on active military duty in a military combat zone.

OR

- ☐ I reside in a district in which the United States Trustee has determined that the approved instructional courses are not adequate at this time to serve the individuals who would otherwise be required to complete such courses.

7. CERTIFICATION REGARDING DOMESTIC SUPPORT OBLIGATIONS  
PURSUANT TO 11 U.S.C. § 1328(a)

*[Complete one of the following statements]*

- ☐ I certify that I am not currently required, nor at any time during the period of this bankruptcy case have been required, by a judicial or administrative order, or by statute, to pay a domestic support obligation.

OR

- ☐ I am required by judicial or administrative order, or by statute, to pay a domestic support obligation as defined in 11 U.S.C. § 101(14A). (This refers to a debt in the nature of alimony, maintenance, or support owed to or recoverable by (i) a spouse, former spouse, or child of the debtor or such child's parent, legal guardian, or responsible relative, or (ii) a governmental unit.) The name, address, and telephone number of each holder of a domestic support obligation is as follows:

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone Number: \_\_\_\_\_

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone Number: \_\_\_\_\_

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone Number: \_\_\_\_\_

*[check the appropriate box]*

- ☐ I certify that all amounts payable under such order or such statute that are due on or before the date of this affidavit (including amounts due before the petition was filed but only to the extent provided for by the plan) have been paid.

OR

- ☐ I have executed, and the Court has approved, a written waiver of discharge pursuant to 11 U.S.C. § 1328(a).

8. My current address is: \_\_\_\_\_  
\_\_\_\_\_

9. The name and address of my most recent/current employer is:

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
\_\_\_\_\_

I declare under penalty of perjury that all of the above statements are true and correct to the best of my knowledge, information, and belief and that the Court may rely on the truth of each statement in determining whether to grant me a discharge in this case. I further state that I understand that the Court may revoke my discharge if such order of discharge was procured by fraud.

DATE: \_\_\_\_\_

\_\_\_\_\_  
(Signature of Debtor)

Debtor's Name

Telephone Number (if not represented by an  
attorney)

Email Address (if not represented by an attorney)

#### NOTICE OF OPPORTUNITY TO OBJECT

Any objections to the accuracy of this affidavit must be filed within fourteen (14) days of the date of service of this affidavit. If no objection is filed, the Court will consider entering a discharge order in this case without further notice or opportunity for a hearing.

#### 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 foregoing Debtor's Affidavit Requesting Discharge will be served electronically by the Court's CM/ECF system on the following:

Name of Chapter 13 trustee

Name of Attorney

Name of Attorney

I hereby further certify that, on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, a copy of the foregoing Debtor's Affidavit Requesting Discharge was also mailed first class mail, postage prepaid, to:

Name  
Address  
City, State Zip

Name  
Address  
City, State Zip

Name  
Address  
City, State Zip

---

Debtor's Name

**NOTE: The Certificate of Service must comply with Local Bankruptcy Rule 9013-4.**

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF MARYLAND**  
at Choose an item.

**In re:**

\_\_\_\_\_,  
**Debtor.**

**Case Number:** \_\_\_\_\_  
**Chapter 13**

**STATEMENT UNDER PENALTY OF PERJURY CONCERNING  
PAYMENT ADVICES DUE PURSUANT TO 11 U.S.C. § 521(a)(1)(B)(iv)**

\*\*\*IN JOINT FILINGS, A SEPARATE STATEMENT  
MUST BE COMPLETED BY EACH DEBTOR\*\*\*

I, the undersigned debtor, state that I did not provide copies of all payment advices or other evidence of payment received from my employer within 60 days before the date of the filing of the petition because:

*[Check the appropriate box]*

☐ I was not employed during the period immediately preceding the filing of the above-referenced case, including from \_\_\_\_\_ to \_\_\_\_\_  
(state the dates that you were not employed).

OR

☐ I was employed during the period immediately preceding the filing of the above-referenced case but did not receive any payment advices or other evidence of payment from my employer within 60 days before the date of the filing of the petition.

OR

☐ I am self-employed and do not receive any evidence of payment.

OR

☐ Other (explain): \_\_\_\_\_

I declare under penalty of perjury that the above statement is true and correct to the best of my knowledge, information, and belief.



DATE: \_\_\_\_\_

\_\_\_\_\_  
(Signature of Debtor)

Debtor's Name

Telephone Number (if not represented by an  
attorney)

Email Address (if not represented by an attorney)

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

at Choose an item.

**In re:**

\_\_\_\_\_ ,

**Debtor.**

**Case Number:** \_\_\_\_\_  
**Chapter 7**

**DECLARATION OF SELF-REPRESENTED INDIVIDUAL  
REGARDING ELECTRONIC FILING**

1. I have completed the following documents using the Court's Electronic Filing (eSR) program for a self-represented debtor:

*Check the box next to each document you submitted through eSR.*

- |   |   |
|---|---|
| <input type="checkbox"/> Voluntary Petition for Individuals Filing for Bankruptcy (Official Form B101)                  | <input type="checkbox"/> Chapter 7 Statement of Your Current Monthly Income (Official Form B122A-1)                 |
| <input type="checkbox"/> Declaration About an Individual Debtor's Schedules (Official Form B106DEC)                     | <input type="checkbox"/> Statement of Exemption from Presumption of Abuse Under § 707(b)(2) (Official Form B122A-1) |
| <input type="checkbox"/> Your Statement of Financial Affairs For Individuals Filing for Bankruptcy (Official Form B107) | <input type="checkbox"/> Chapter 7 Means Test (Official Form B122A-2)   |
| <input type="checkbox"/> Statement of Intention for Individuals Filing Under Chapter 7 (Official Form B108)             |   |

2. By signing this form, I declare the following under penalty of perjury.

- (a) I have read and understand the above-referenced documents.
- (b) The information contained in the above-referenced documents is true and correct to the best of my knowledge, information, and belief.
- (c) I have authorized the electronic filing of the above-referenced documents with the United States Bankruptcy Court.

- (d) I have completed and signed Your Statement about Your Social Security Number (Official Form B121) and provided the signed original to the Clerk, and I understand that this Declaration Regarding Electronic Filing must be filed with the Clerk in addition to the petition.
- (e) I am aware that I may proceed under Chapter 7, 11, 12, or 13 of Title 11 United States Code (the United States Bankruptcy Code); I understand the relief available under each such chapter; I choose to proceed under Chapter 7; and I request relief in accordance with Chapter 7.
- (f) I understand that failure to file the signed original of this Declaration is grounds for dismissal of my case pursuant to 11 U.S.C. §§ 707(a) and 105.
- (g) I understand that failure to address the filing fee (by paying the full filing fee, by filing an application to waive the fee, or by filing an application to pay the filing fee in installments) is grounds for dismissal of my case pursuant to Local Bankruptcy Rule 1002-1.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Debtor's Signature

\_\_\_\_\_  
Debtor's Name

\_\_\_\_\_  
Date

\_\_\_\_\_  
Joint Debtor's Signature

\_\_\_\_\_  
Joint Debtor's Name

LOCAL RULES

U.S. DISTRICT COURT, DISTRICT OF MARYLAND

IV. BANKRUPTCY PROCEEDINGS

**RULE 401. RULES IN BANKRUPTCY COURT PROCEEDINGS**

Proceedings in the Bankruptcy Court shall be governed by Local Bankruptcy Rules as adopted from time to time by order of the Court.

**RULE 402. REFERRAL OF BANKRUPTCY CASES AND PROCEEDINGS**

Pursuant to 28 U.S.C. § 157(a), all cases under Title 11 of the United States Code and proceedings arising under Title 11 or arising in or related to cases under Title 11 shall be deemed to be referred to the bankruptcy judges of this District.

**RULE 403. DEFINITION OF TRANSMITTAL**

As used in this chapter, transmittal of a document includes the forwarding of a paper document or copy, or providing access to an electronic document in accordance with the procedures adopted by the Court.

**RULE 404. APPEALS TO THE DISTRICT COURT**

**1. Manner of Appeal**

a) Generally

Appeals to the District Court from the Bankruptcy Court shall be taken in the manner prescribed in Part VIII of the Bankruptcy Rules, Rules 8001 et seq.

b) Bankruptcy Court Opinion and Order

Appellant shall provide with the opening brief a copy of the Bankruptcy Court opinion and order from which the appeal is being taken.

**2. Dismissal for Non-Compliance with Bankruptcy Rule 8009**

Whenever the appellant fails to designate the contents of the record on appeal or to file a statement of the issues to be presented on appeal within the time required by Bankruptcy Rule 8009, the Bankruptcy Clerk shall transmit forthwith to the Clerk of the District Court a partial record consisting of a copy of the order or judgment appealed from, the notice of appeal, a copy of the docket entries and such other documents as the Bankruptcy Clerk deems relevant to the appeal. (The District Court may, thereafter, order the Bankruptcy Clerk to transmit any other relevant documents to the Clerk of the District Court.) When the partial record has been filed in the District Court, the Court may, upon motion of the appellee (which is to be filed in the District Court) or upon its own initiative, dismiss the appeal for non-compliance with Bankruptcy Rule 8009 after giving

---

the appellant an opportunity to explain the non-compliance and upon considering whether the non-compliance had prejudicial effect on the other parties.

### **3. Dismissal for Non-Compliance with Bankruptcy Rule 8018**

Whenever the appellant fails to serve and file a brief within the time required by Bankruptcy Rule 8018, the District Court may, upon motion of the appellee (to be filed in the District Court) or upon its own initiative, dismiss the appeal after giving the appellant an opportunity to explain the non-compliance and upon considering whether the non-compliance had prejudicial effect on the other parties.

### **4. Procedure Regarding Motion to Stay Pending Appeal**

After seeking appropriate relief under Bankruptcy Rule 8007, an appellant seeking a stay pending appeal by the District Court of an order entered by the Bankruptcy Court shall file with the Clerk of the District Court a motion to stay and copies of all documents in the record of the Bankruptcy Court relevant to the appeal. Upon the filing of these documents, the Clerk of the District Court shall immediately open a civil file and the District Court shall give immediate consideration to the motion to stay. If the underlying appeal is ultimately perfected, it will be assigned the same civil action number as was assigned to the motion to stay.

### **5. Bankruptcy Court Certification Regarding Interlocutory Appeal**

Whenever there has been filed in the District Court an application for leave to appeal an interlocutory order of the Bankruptcy Court, the Bankruptcy Court shall, upon request of the District Court, submit to the District Court a written certification stating whether, in its opinion, the interlocutory order involves a controlling question of law as to which there is substantial ground for difference of opinion and whether an immediate appeal of it may materially advance the ultimate termination of the case. The District Court shall, thereafter, determine whether to grant or deny the application for leave to appeal.

## **RULE 405. RULES OF PROCEDURE FOR WITHDRAWAL OF REFERENCE**

### **1. General Rule**

When a case or proceeding has been referred by this Court to the Bankruptcy Court, all documents and pleadings in or related to such case or proceeding shall be filed with the Clerk in the Bankruptcy Court.

### **2. Withdrawal of Reference of Bankruptcy Case or Proceeding**

#### **a) Filing of Motion for Withdrawal of Reference with Bankruptcy Clerk**

A motion pursuant to 28 U.S.C. § 157(d) and Bankruptcy Rule 5011 to withdraw the reference of any bankruptcy case, contested matter or adversary proceeding referred to the Bankruptcy Court pursuant to 28 U.S.C. § 157(a) and L.R. 402 shall be filed with the Clerk in the Bankruptcy Court. If the motion requests withdrawal of only a portion of the case, a contested matter, or a portion of an adversary proceeding, the motion shall be accompanied by the filing of a designation of the documents and pleadings filed in the case or proceeding to which the motion relates.

---

b) Withdrawal of Reference of Bankruptcy Cases

A motion to withdraw the reference of a case to the Bankruptcy Court must be timely filed, and in any event, before the case is closed.

c) Withdrawal of Reference of Adversary Proceeding or Contested Matter

A motion to withdraw an adversary proceeding or a contested matter in a case which has been referred to the Bankruptcy Court must be filed by the earlier of fourteen (14) days before the date scheduled for the first hearing on the merits and,

i) in the case of an adversary proceeding, within twenty-one (21) days after the last pleading is permitted to be filed pursuant to Bankruptcy Rule 7012; or

ii) in the case of a contested matter, within twenty-one (21) days after the last responsive pleading or memorandum in opposition is permitted to be filed pursuant to Local Bankruptcy Rule 9013-1(b)(3).

**3. Filing of Pleadings after Reference Withdrawn**

a) If the reference of an entire case has been withdrawn from the Bankruptcy Court to the District Court, all pleadings and documents in or related to such case shall be thereafter filed with the Clerk in the District Court.

b) Where the reference of only a portion of an entire case has been withdrawn, pleadings and documents with respect to the case (including any parts thereof that have been withdrawn or transferred) shall continue to be filed with the Clerk in the Bankruptcy Court. Any pleadings and documents which relate to any parts of the case which have been withdrawn or transferred to the District Court shall also be filed with the Clerk of the District Court.

c) Upon withdrawal or transfer of any complaint to the District Court, the plaintiff may forward to the defendant a notice and request to waive service of summons or the Clerk shall issue a District Court summons pursuant to Fed. R. Civ. P. 4(d) unless either of the aforementioned has already occurred pursuant to the Bankruptcy Rules.

d) This subsection (d) governs personal injury tort and wrongful death claims which must be tried in the District Court pursuant to 28 U.S.C. § 157(b)(5). Except for the procedures contained within this subsection, personal injury tort and wrongful death proceedings shall be filed with the Clerk in the Bankruptcy Court. However, beneath the bankruptcy number, the pleading or other document shall designate the pleading or document as a “SECTION 157(b)(5) MATTER.” When filing a complaint, a completed District Court civil cover sheet (A.O. Form JS-44c) should be submitted beneath the

---

Bankruptcy Court cover sheet required by Local Bankruptcy Rule 7003-1. No summons shall be issued until the proceeding is transferred to the District Court. Upon filing the complaint, the Clerk in the Bankruptcy Court shall immediately transfer the proceeding to the District Court and plaintiff may send to the defendant(s) a notice and request to waive service of summons pursuant to Fed. R. Civ. P. 4(d) or the Clerk of the District Court shall issue a summons.

#### **4. Motions Concerning Venue in Bankruptcy Cases and Proceedings**

All motions concerning venue in cases arising under Title 11 or arising in or related to cases under Title 11 shall be determined by the Bankruptcy Court, except in those cases to be tried in the District Court pursuant to 28 U.S.C. § 157(b)(5).

### **RULE 406. JURY TRIAL**

#### **1. Demand**

In any bankruptcy proceeding any party may demand a trial by jury of any issue triable of right by jury by (1) serving upon the other parties a demand therefor in writing at any time after the commencement of the action and not later than fourteen (14) days after the service of the last pleading directed to such issue, and (2) filing the demand as required by Bankruptcy Rule 9015. Such demand may be indorsed upon a pleading of the party. If the adversary proceeding is one that has been removed from another court, any demand previously made under the rules of that court shall constitute a demand for trial by jury under this Rule.

#### **2. Specification of Issues**

In the demand, a party may specify the issues which the party wishes so tried; otherwise the party shall be deemed to have demanded trial by jury for all the issues so triable. If the party has demanded trial by jury for only some of the issues, any other party within fourteen (14) days after service of the demand or such lesser time as the Court may order, may serve a demand for trial by jury of any other or all of the issues of fact in the action.

#### **3. Waiver**

The failure of a party to serve and file a demand as required by this Rule constitutes a waiver by the party of trial by jury. A demand for trial by jury made as herein provided may not be withdrawn without the consent of the parties.

#### **4. Consent to Jury Trial before United States Bankruptcy Judge**

Pursuant to 28 U.S.C. § 157(e), with the consent of the parties, a district judge may designate a bankruptcy judge to conduct a jury trial.

### **RULE 407. REMOVAL**

Removals under 28 U.S.C. § 1452 or § 1441 in cases related to bankruptcy cases should be filed with the Bankruptcy Clerk.

## **CROSS-REFERENCE**

### **FEDERAL RULES OF BANKRUPTCY PROCEDURE to U.S. DISTRICT COURT OF MARYLAND LOCAL RULES**

<b>FRBP</b>		<b>LDCR</b>
9029.1	Rules in Bankruptcy Court Proceedings	401
9029.2	Referral of Bankruptcy Cases and Proceedings	402
	Appeals to the District Court	404
8001.1	Manner of Appeal	404.1
8006.1	Dismissal for Non-Compliance with FRBP 8006	404.2
8009.1	Dismissal for Non-Compliance with FRBP 8009	404.3
8005.1	Procedure Re: Motion to Stay Pending Appeal	404.4
8003.1	Bankruptcy Court Certification Re:	404.5
	Interlocutory Appeal	
	Rules of Procedure Under 28 U.S.C. § 1334	405
9029.3	Filing of Pleadings and Papers/General Rule	405.1
5011.1	Withdrawal of Reference of Certain Bankruptcy Proceedings/Filing of Motion for Withdrawal of Reference with Bankruptcy Clerk	405.2a
5011.1(a)	Withdrawal of Reference of Bankruptcy Cases	405.2b
5011.1(b)	Withdrawal of Reference of Adversary Proceeding or Contested Matter	405.2c
5011.1(c)	Filing of Pleadings in Transferred Cases	405.3
/9027		
1014/9030	Motions Concerning Venue in Bankruptcy Cases and Proceedings	405.4
9015.1	Jury Trial/Demand	406.1
/9029		
9015.2	Specification of Issues	406.2
/9029		
9015.3	Waiver	406.3
/9029		



## DISCOVERY GUIDELINES OF THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MARYLAND

### Guideline 1: Conduct of Discovery

a. The purpose of these Guidelines is to facilitate the just, speedy, and inexpensive conduct of discovery in civil cases before the Court, and these Guidelines will be construed and administered accordingly, with respect to all attorneys, parties, and non-parties involved in discovery of civil cases before the Court. Fed R. Civ. P. 26 requires that discovery be relevant to any party's claim or defense; proportional to what is at issue in a case; and not excessively burdensome or expensive as compared to the likely benefit of obtaining the discovery being sought.

The parties and counsel have an obligation to cooperate in planning and conducting discovery to tailor the discovery to ensure that it meets these objectives. Counsel have a duty to confer early and throughout the case as needed to ensure that discovery is planned and conducted consistent with these requirements and, where necessary, make adjustments and modifications in discovery as needed.

During the course of their consultation, counsel are encouraged to think creatively and to make proposals to one another about alternatives or modifications to the discovery otherwise permitted that would permit discovery to be completed in a more just, speedy, inexpensive way. By way of illustration only, such alternatives could include different or additional deadlines for the filing of motions or the completion of all or part of discovery; accelerated exchanges of disclosures, additional data or descriptions of the parties' claims and defenses; sampling techniques; and substantial limitations on, or even the elimination of, depositions, coupled with alternative methods of exchanging or obtaining factual information or the equivalent of deposition testimony.

b. The parties and their counsel are encouraged to submit to the Court for approval their agreements to expand or limit discovery. If, however, counsel are unable to reach agreement on a discovery plan that substantially modifies the normal course of discovery, and either side believes that the Court's assistance would be helpful in framing or implementing such a plan, then the Court will make itself available with reasonable promptness, in response to a brief, written request for a discovery management conference that identifies the issues for consideration.

c. Counsel are expected to have read the Federal Rules of Civil Procedure, Local Rules of the Court, these Guidelines, and, with respect to discovery of electronically stored information (“ESI”), the Suggested Protocol for Discovery of ESI, posted on the Court’s website, [www.mdd.uscourts.gov](http://www.mdd.uscourts.gov). Compliance with these Guidelines will be considered by the Court in resolving discovery disputes, including whether sanctions should be awarded pursuant to Fed. R. Civ. P. 37, or the Court’s inherent powers.

d. Attorneys are expected to behave professionally and with courtesy towards all involved in the discovery process, including but not limited to opposing counsel, parties and non-parties. This includes cooperation and civil conduct in an adversary system. Cooperation and civility include, at a minimum, being open to, and reasonably available for, discussion of legitimate differences in order to achieve the just, speedy, and inexpensive resolution of the action and every proceeding. Cooperation and communication can reduce the costs of discovery, and they are an obligation of counsel.

e. All discovery requests, responses and objections are governed by the requirements of Fed. R. Civ. P. 26(g) and counsel and parties are expected to be familiar with the requirements of the Rule.

f. Whenever possible, attorneys are expected to communicate with each other in good faith throughout the discovery process to resolve disputes without the need for intervention by the Court, and should do so promptly after becoming aware of the grounds for the dispute. In the event that such good faith efforts are unsuccessful, an unresolved dispute should be brought to the Court’s attention promptly after efforts to resolve it have been unsuccessful. A failure to do so may result in a determination by the Court that the dispute must be rejected as untimely. Counsel may bring the unresolved dispute to the Court’s attention by filing a letter, in lieu of a written motion, that briefly describes the dispute, unless otherwise directed by the Court.

g. Upon being notified by the parties of the unresolved discovery dispute, the Court will promptly schedule a conference call with counsel, or initiate other expedited procedures, to consider and resolve the discovery dispute. If the Court determines that the issue is too complicated to resolve informally, it may set an expedited briefing schedule to ensure that the dispute can be resolved promptly.

h. To the extent that any part of these Guidelines conflicts with any Local Rule of the Court, or an order of the Court in a particular case, then the conflicting rule or order should be considered to be governing.

## **Guideline 2: Stipulations Setting Discovery Deadlines**

Subject to approval by the Court, attorneys are encouraged to enter into written discovery stipulations to supplement the Court's scheduling order. During the scheduling process, the Court will consider requests to impose milestone dates for motions, such as spoliation motions, and motions in limine (including *Daubert* motions) that do not normally otherwise have automatically-imposed deadlines. The Court encourages parties to submit to the Court for approval joint suggestions made pursuant to the Suggested Protocol for Discovery of ESI.

## **Guideline 3: Expert Witnesses**

a. Unless counsel agree that each party will pay its own experts, the party taking an expert witness's deposition ordinarily pays the expert's fees for the time spent in deposition and related travel. See L.R. 104.11.a. Accordingly, counsel for the party that designated the expert witness should try to assure that the fee charged by the expert to the party taking the deposition is fair and reasonable. In the event a dispute arises as to the reasonableness or other aspects of an expert's fee, counsel should promptly confer and attempt in good faith to resolve the dispute without the involvement of the Court. If counsel are unsuccessful, the expert's deposition should proceed on the date noted, unless the Court orders otherwise, and the dispute respecting payment should be brought to the Court's attention promptly. The factors that may be considered in determining whether a fee is reasonable include, but are not limited to: (1) the expert's area of expertise; (2) the expert's education and training; (3) the fee being charged to the party who designated the expert; and (4) the fees ordinarily charged by the expert for non-litigation services, such as office consultations with patients or clients.

b. Recognizing that a treating physician may be considered both a fact witness and an expert, the Court has chosen to impose a specific limitation on the fee a treating physician may charge to either party. It is implicit in L.R. 104.11.b, which requires counsel to estimate the hours of deposition time required, that the physician may charge a fee for the entire time he or she reserved in accordance with the estimate, even if counsel conclude the deposition early. Further, unless the physician received notice at least two business days in advance of a cancellation, the physician is entitled to be paid for any time reserved that cannot reasonably be filled. Every effort should be made to schedule depositions at a time convenient for the witness, and to use videotaped or other visually recorded de bene esse depositions rather than requiring the physician's presence at trial. Note that this Discovery Guideline does not limit the reasonable fee a treating physician may charge if required to testify in Court.

c. The parties are encouraged not to designate multiple experts on the same or similar topics.

d. Guideline 4.d is applicable to expert witness depositions.

#### **Guideline 4: Scheduling Depositions**

a. Attorneys are expected to make a good faith effort to coordinate deposition dates with opposing counsel, parties, and non-party deponents, before noting a deposition.

b. Before agreeing to a deposition date, an attorney is expected to attempt to clear the date with his/her client if the client is a deponent, or wishes to attend the deposition, and with any witnesses the attorney agrees to attempt to produce at the deposition without the need to have the witness served with a subpoena.

c. An agreed-upon deposition date is presumptively binding. An attorney seeking to change an agreed-upon date has a duty to coordinate a new date before changing the agreed date. Noncompliance with Guideline 4.d may rebut the presumption contained herein.

d. If an attorney making a good faith effort to coordinate deposition dates under Guideline 4.a anticipates requesting that the deponent produce ESI at the deposition, that anticipated request should be disclosed to the opposing counsel, parties, and non-party deponents at the time of the Guideline 4.a coordination effort, or as soon thereafter as it becomes anticipated. At a minimum, the discovering/requesting party should describe the scope and form of ESI that will be requested. Counsel are encouraged to review and, if applicable, comply with the Suggested Protocol for Discovery of ESI.

e. Upon reasonable request, and where reasonably practicable, in order to expedite the deposition questioning, a deponent should produce documents including ESI, properly requested in a notice of deposition and accompanying subpoena, if any, a reasonable time prior to the deposition. Noncompliance with a reasonable and timely request for production of such documents prior to a deposition may be considered by the Court in a motion or request made pursuant to Fed. R. Civ. P. 30(d)(1) to determine whether additional time is needed to fairly examine the deponent or if the deponent, another person, or any other circumstance has impeded or delayed the examination.

## **Guideline 5: Designation by an Organization of Someone to Testify on Its Behalf**

### **a. Requested Areas of Testimony.**

A notice or subpoena to an entity, association or other organization should accurately and concisely identify the designated area(s) of requested testimony, giving due regard to the nature, business, size and complexity of the entity being asked to testify. The notice or subpoena should ask the recipient to provide the name(s) of the designated person(s) and the areas that each person will testify to by a reasonable date before the deposition is scheduled to begin.

### **b. Designating the Best Person to Testify for the Organization.**

An entity, association or other organization responding to a deposition notice or subpoena should make a diligent inquiry to determine what individual(s) is (are) best suited to testify.

### **c. More Than One Person May Be Necessary.**

When it appears that more than one individual should be designated to testify without duplication on the designated area(s) of inquiry, each such individual should be identified, a reasonable period of time before the date of the deposition, as a designated witness along with a description of the area(s) to which he or she will testify.

## **Guideline 6: Deposition Questioning, Objections and Procedure**

a. An attorney should not intentionally ask a witness a question that misstates or mischaracterizes the witness's previous answer.

b. During the taking of a deposition, it is presumptively improper for an attorney to make objections which are not consistent with Fed. R. Civ. P. 30(c)(2). Objections should be stated as simply, concisely and non-argumentatively as possible to avoid coaching or making suggestions to the deponent, and to minimize interruptions in the questioning of the deponent (for example: "objection, leading;" "objection, asked and answered;" "objection, compound question;" "objection, form"). If an attorney desires to make an objection for the record during the taking of a deposition that reasonably could have the effect of coaching or suggesting to the deponent how to answer, then the deponent, at the request of any of the attorneys present, or, at the request of a party if unrepresented by an attorney, should be excused from the deposition during the making of the objection.

c. An attorney should not repeatedly ask the same or substantially identical question of a deponent if the question already has been asked and fully and responsively answered by the deponent. Upon objection by counsel for the deponent, or by the deponent if unrepresented, it is presumptively improper for an attorney to continue to ask the same or substantially identical question of a witness unless the previous answer was evasive or incomplete.

d. It is presumptively improper to instruct a witness not to answer a question during the taking of a deposition unless under the circumstances permitted by Fed. R. Civ. P. 30(c)(2). However, it is also presumptively improper to ask questions clearly beyond the scope of discovery permitted by Fed. R. Civ. P. 26(b)(1), particularly of a personal nature, and continuing to do so after objection shall be evidence that the deposition is being conducted in bad faith or in such a manner as unreasonably to annoy, embarrass, or oppress the deponent or party, which is prohibited by Fed. R. Civ. P. 30(d)(3).

e. If requested to supply an explanation as to the basis for an objection, the objecting attorney should do so, consistent with Guideline 6(b) above.

f. While the interrogation of the deponent is in progress, neither an attorney nor the deponent should initiate a private conversation except for the purpose of determining whether a privilege should be asserted. To do so otherwise is presumptively improper.

g. During breaks in the taking of a deposition, no one should discuss with the deponent the substance of the prior testimony given by the deponent during the deposition. Counsel for the deponent may discuss with the deponent at such time whether a privilege should be asserted or otherwise engage in discussion not regarding the substance of the witness's prior testimony.

h. Unless otherwise ordered by the Court, the following persons may, without advance notice, attend a deposition: individual parties; a representative of non-individual parties; and expert witnesses of parties. Except for the persons identified above, counsel should notify other parties not later than seven (7) days before the taking of a deposition if counsel desires to have a non-party present during a deposition. If the parties are unable to agree to the attendance of this person, then the person shall not be entitled to attend the deposition unless the party desiring to have the person attend obtains a court order permitting him/her to do so. Unless ordered by the Court, however, a dispute regarding who may attend a deposition should not be grounds for delaying the deposition. All persons present during the taking of a deposition should be identified on the record before the deposition begins. Other than the deponent, counsel representing a party or unrepresented party, persons



attending a deposition may not ask or answer questions during, or otherwise participate in the process of, the deposition.

i. Except for the person recording the deposition in accordance with Fed. R. Civ. P. 30(b), during the taking of a deposition no one may record the testimony without the consent of the deponent and all parties in attendance, unless otherwise ordered by the Court.

## **Guideline 7: Assertions of Privilege at Depositions**

a. When a claim of privilege is asserted during a deposition, and information is not provided on the basis of such assertion:

b. In accordance with Fed. R. Civ. P. 26(b)(5), the person asserting the privilege should identify during the deposition the nature of the privilege (including work product) that is being claimed.

c. After a claim of privilege has been asserted, the person seeking disclosure should have reasonable latitude during the deposition to question the witness to establish other relevant information concerning the assertion of privilege, including: (i) the applicability of the particular privilege being asserted; (ii) any circumstances that, under Fed. R. Evid. 502, may demonstrate that a prior disclosure was or was not permitted without waiver of the privilege; (iii) any circumstances that may constitute an exception to the assertion of the privilege; and (iv) any circumstances which may result in the privilege having been waived.

d. In accordance with Fed. R. Civ. P. 26(b)(5), the party asserting the privilege, in providing the foregoing information, should not be required to reveal the information that is itself privileged or protected from disclosure.

## **Guideline 8: Making a Record of Improper Conduct During a Deposition**

Upon request of any attorney, party unrepresented by an attorney, or the deponent if unrepresented by an attorney, the person recording the deposition in accordance with Fed. R. Civ. P. 30(b) should enter on the record a description by the requesting person of conduct of any attorney, party, or person attending the deposition which violates these guidelines, the Federal Rules of Civil Procedure, or the Local Rules of the Court.

## **Guideline 9: Delay in Responding to Discovery Requests**

a. Interrogatories, Requests for Production of Documents, and Requests for Admission of Facts and Genuineness of Documents

The Federal Rules of Civil Procedure designate the time prescribed for responding to Interrogatories, Requests for Production of Documents, and Requests for Admission of Facts and Genuineness of Documents. Nothing contained in these guidelines modifies the time limits prescribed by the Federal Rules of Civil Procedure. Attorneys should make good faith efforts to respond to discovery requests within the time prescribed by those rules.

Absent exigent circumstances, attorneys seeking additional time to respond to discovery requests should contact opposing counsel as soon as practical after receipt of the discovery request, but not later than three (3) days before the response is due. In multiple party cases, the attorney wanting additional time should contact the attorney for the party propounding the discovery.

A request for additional time which does not conflict with a scheduling deadline imposed by the Federal Rules of Civil Procedure, the Local Rules of the Court, or a court order should not be unreasonably refused. If a request for additional time is granted, the requesting party should promptly prepare a writing which memorializes the agreement, which shall be served on all parties but need not be submitted to the Court for approval.

Unless otherwise provided by the Local Rules of the Court, no stipulation that modifies a court-imposed deadline shall be deemed effective unless and until the Court approves the stipulation.

#### b. Depositions

Unless otherwise ordered by the Court or agreed upon by the parties, fourteen (14) days notice should be deemed to be “reasonable notice” within the meaning of Fed. R. Civ. P. 30(b)(1), for the noting of depositions.

### **Guideline 10: Interrogatories, Requests for Production of Documents, Answers to Interrogatories, and Written Responses to Document Requests**

a. A party may object to an interrogatory, document request, or part thereof, while simultaneously providing partial or incomplete answers to the request. If a partial or incomplete answer is provided, the answering party shall state that the answer is partial or incomplete.

b. No part of an interrogatory or document request should be left unanswered merely because an objection is interposed to another part of the interrogatory or document request.



c. In cases where a party is represented by more than one attorney of record, no discovery motion, response or opposition should be filed unless a senior attorney of record has read the contents of the motion and any supporting memorandum and exhibits.

d. In accordance with Fed. R. Civ. P. 26(b)(5), where a claim of privilege is asserted objecting to any interrogatory, document request, or part thereof, and information is not provided on the basis of such assertion:

i. The party asserting the privilege shall, in the objection to the interrogatory, document request, or part thereof, identify with specificity the nature of the privilege (including work product) that is being claimed.

ii. The following information should be provided in the objection, if known or reasonably available, unless divulging such information would cause disclosure of the allegedly privileged information:

a. For oral communications:

(i) the name of the person making the communication and the names of persons present while the communication was made, and, where not apparent, the relationship of the persons present to the person making the communication;

(ii) the date and place of the communication; and

(iii) the general subject matter of the communication.

b. For documents:

(i) the type of document;

(ii) the general subject matter of the document;

(iii) the date of the document; and

(iv) such other information as is sufficient to identify the document, including, where appropriate, the author, addressee, custodian, and any other recipient of the document, and, where not apparent, the relationship of the author, addressee, custodian, and any other recipient to each other.

iii. The above information should be provided separately for each document for which privilege/protection is asserted, unless doing so would be

excessively burdensome or expensive. In such instances, the party asserting privilege/protection should particularize why providing separate designations would be excessively burdensome or expensive, and then may identify by categories the voluminous documents or communications for which privilege/protection is asserted, providing the above information for each category. A party may only designate documents as privileged/protected by category if each document (1) is within the privilege/protection claimed, and (2) shares common characteristics such as sender, receiver, author, or specific subject matter. Where only part of a document or communication is privileged/protected, the unprivileged/unprotected portion should be disclosed if otherwise discoverable and within the scope of the discovery request.

iv. Reasonably promptly after receiving the information contained in Guideline 10.d.ii., the party seeking disclosure should notify the party from whom disclosure is sought of any deficiencies in the particularization of the basis for any privilege/protection asserted, including any “category designations” under Guideline 10.d.iii. Once done, the party from whom disclosure was sought shall, with reasonable promptness, provide sufficient factual information, including by affidavit, to establish the factual basis for each claim of privilege or protection that has been claimed. Failure to do so may result in a determination by the Court that the party asserting the privilege or work product protection has failed to particularize it as required by Fed. R. Civ. P. 26(b)(5), resulting in the waiver of any privilege/protection that has been claimed.

v. The parties are encouraged to confer and reach agreement regarding how to assert privilege/protection claims with respect to Email “chains” or “strings,” and if unable to do so, to bring to the attention of the Court their disagreement for prompt resolution.

e. If a party asserts in response to an interrogatory, request for production of documents, or request for admission of facts, that electronically stored information is not reasonably accessible because of undue burden or cost, within the meaning of Fed. R. Civ. P. 26(b)(2)(B), or otherwise asserts that requested discovery is unduly burdensome or expensive, the party making that assertion is expected to disclose, promptly and with particularity, the facts on which it relies to support that contention.

f. In addition to paper copies, parties are encouraged to exchange discovery requests and responses in a commonly-accepted word processing format, if requested, in order to reduce the clerical effort required to prepare responses and motions.

**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.

---

<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

---

<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.

---

<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.

**MARYLAND STATE BAR ASSOCIATION  
CODE OF CIVILITY**

In May 1997, the Maryland State Bar Association's Board of Governors approved the following aspirational Code of Civility for all lawyers and judges in Maryland. MSBA encourages all Maryland lawyers and judges to honor and voluntarily adhere to the standards set forth in these codes. Civility is the cornerstone of the legal profession.

**LAWYERS' DUTIES**

1. We will treat all participants in the legal process, in a civil, professional, and courteous manner and with respect at all times and in all communications, whether oral or written. These principles are intended to apply to all attorneys who practice law in the State of Maryland regardless of the nature of their practice. We will refrain from acting upon or manifesting racial, gender, or other bias or prejudice toward any participant in the legal process. We will treat all participants in the legal process with respect.
2. We will abstain from disparaging personal remarks or acrimony toward any participants in the legal process and treat everyone with fair consideration. We will advise our clients and witnesses to act civilly and respectfully to all participants in the legal process. We will, in all communications, speak and write civilly and respectfully to the Court, staff, and other court or agency personnel with an awareness that they, too, are an integral part of the judicial system.
3. We will not encourage any person under our control to engage in conduct that would be inappropriate under these standards if we were to engage in such conduct.
4. We will not bring the profession into disrepute by making unfounded accusations of impropriety or attacking counsel, and absent good cause, we will not attribute bad motives or improper conduct to other counsel.
5. We will strive for orderly, efficient, ethical and fair disposition of litigation, as well as disputed matters that are not yet the subject of litigation, and for the efficient, ethical, and fair negotiation and consummation of business transactions.
6. We will not engage in conduct that offends the dignity and decorum of judicial and administrative proceedings, bring disorder to the tribunal or undermines the image of the legal profession, nor will we allow clients or witnesses to engage in such conduct. We will educate clients and witnesses about proper courtroom decorum and to the best of our ability, prevent them from creating disorder or disruption in the courtroom.
7. We will not knowingly misrepresent, mischaracterize, or misquote fact or authorities cited.
8. We will be punctual and prepared for all scheduled appearances so that all matters may begin on time and proceed efficiently. Furthermore, we will also educate everyone involved concerning the need to be punctual and prepared, and if delayed we will notify everyone involved, if at all possible.
9. We will attempt to verify the availability of necessary participants and witnesses so we can promptly reschedule appearances if necessary.
10. We will avoid ex parte communications with the court, including the judge's staff, on pending matters in person (whether in social, professional or other contexts), by telephone, and in letters and other forms of written communication, unless authorized.

## **JUDGES' RESPONSIBILITIES**

1. We will not use hostile, demeaning or humiliating words in opinions or in written or oral communications with lawyers, parties or witnesses.
2. We will be courteous, respectful and civil to lawyers, parties, witnesses, and court personnel. We will maintain control of all court proceedings, recognizing that judges have both the obligation and the authority to ensure that judicial proceedings are conducted with dignity, decorum and courtesy to all.
3. Within the practical limits of time, we will afford lawyers appropriate time to present proper arguments and to make a complete and accurate record.
4. We will make reasonable efforts to decide promptly all matters presented for decision.
5. We will be considerate of professional and personal time schedules of lawyers, parties, witnesses and court staff in scheduling hearings, meetings, and conferences, consistent with the efficient administration of justice.
6. We will be punctual in convening trials, hearings, meetings, and conferences; if they are not begun when scheduled; proper and prompt notification will be given.
7. We will inform counsel promptly of any rescheduling, postponement, or cancellation of hearings, meetings or conferences.
8. We will work cooperatively with all other judges and other jurisdictions with respect to availability of lawyers, witnesses, parties and court resources.
9. We will treat each other with courtesy and respect.
10. We will conscientiously assist and cooperate with other jurists to assure the efficient and expeditious processing of cases, while, when possible, accommodating the trial schedule of all lawyers, parties and witnesses.

**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.



**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.

## ELECTRONIC CASE FILING PROCEDURES

## INDEX

	PAGE
<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.

---

<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->

- 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

---

<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.

---

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:

\*

\*

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 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]