

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



As Revised August 1, 2016¹

**Available online at:
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¹ In these Local Bankruptcy Rules, the red strikethrough and blue lined text are amendments as contained in the version of the proposed amended Local Bankruptcy Rules posted for public comment on April 26, 2016. The green strikethrough and green lined text are additional revisions made to the Local Bankruptcy Rules in response to public comments received prior to the comment deadline of July 1, 2016.

PART I

RULE 1001-1 SHORT TITLE; CAPTION APPLICABILITY

These rules shall be known as the “Local Bankruptcy Rules,” and any citation referencing these rules shall be made as “Md. L.B.R. _____.” The Local Bankruptcy Rules, along with all active administrative orders of the court ~~and the Electronic Case Filing Procedures,~~ 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 shall be construed consistently with those rules to secure the just, expeditious and economical administration and determination of every case and proceeding governed by these rules.

RULE 1002-1 PETITION - GENERAL

- (a) The petition will be dismissed without a hearing 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 being provided~~ Social Security Number or Individual Taxpayer Identification Number (ITIN) being provided, unless the debtor files a ~~Form B21~~(Official Form B121) stating that the debtor does not have a Social Security Number or ITIN; or

(8) in cases for individuals, the Credit Counseling Statement or request for waiver pursuant to 11 U.S.C. § 109(h)(3) or (4) is not filed and debtor has not checked the block on the voluntary petition stating that debtor received approved budget and credit counseling during the 180-day period ending on the filing of the petition.

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

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

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

~~**RULE 1004-1 VOLUNTARY PETITION - PARTNERSHIP**~~

~~A person filing a bankruptcy case for a partnership must file a certificate that the filing is authorized under the entity's partnership or operating agreement and applicable law.~~

RULE 1006-1 FILING FEES - INSTALLMENT PAYMENTS

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

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

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

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

RULE 1007-1 MAILING LIST OR MATRIX

(a) Matrix Contents. A debtor must file with the voluntary petition a master mailing matrix containing the names and addresses of the debtor and all creditors. In a case under Chapter 11, the debtor must include in the matrix the taxing authority for each county in which the debtor holds an interest in real estate.

(b) Matrix Form. The master mailing matrix must be submitted in the form required by the Clerk.

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

(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 ~~VERIFICATION OF AUTHORITY TO FILE -- CORPORATIONS VOLUNTARY PETITION – NON-INDIVIDUAL DEBTOR~~

~~A certified copy of the resolution authorizing the person filing of the a voluntary bankruptcy petition~~ for any non-individual debtor ~~must be filed file~~ with a corporate debtor's

~~voluntary the petition, a certificate, resolution, or other applicable documentation demonstrating that the filing is authorized by the debtor. The resolution must show approval by the corporate body empowered by applicable law to authorize filing a bankruptcy petition.~~

RULE 1007-3 NOTICE TO CREDITORS OMITTED FROM OR INCORRECTLY LISTED ON MASTER MAILING MATRIX

If a debtor files schedules or a supplemental mailing matrix after filing the petition, and if the debtor's schedules or a supplemental mailing matrix include one or more creditors that were not included, or were listed incorrectly, on the debtor's master mailing matrix filed with the petition, a debtor must comply with the following procedures:

(a) Notice to Creditors. The debtor must send to each creditor that is added or whose address is corrected:

- (1) a copy of the original Notice for Meeting of Creditors; and
- (2) a copy of each order that establishes or extends a bar date for claims or for complaints to determine the dischargeability of certain debts or to object to the discharge of the debtor.

(b) Certificate of Compliance. With the schedules and supplemental mailing matrix, the debtor must file a certificate of compliance with this Rule, together with a dated and clearly titled supplemental mailing matrix that lists only the names and correct mailing addresses of each newly scheduled creditor.

RULE 1007-4 PAYMENT ADVICES

Copies of all payment advices or other evidence of payment received within 60 days before the date of the filing of the petition by the debtor from any employer of the debtor, (1) shall not be filed with the court unless otherwise ordered, and (2) shall 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, debtor is required to 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 or other evidence of payment, or a Statement Under Perjury, as required herein above, an order of dismissal may be entered after fourteen (14) days notice to the debtor, counsel to the debtor, and the United States Trustee and an opportunity for a hearing.

RULE 1007-5 COMPLIANCE WITH FILING REQUIREMENTS

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

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

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

RULES 1009-1 AMENDMENTS TO LISTS AND SCHEDULES

When filing amended schedules that add previously unscheduled creditors, a debtor must comply with the following procedures:

(a) Notice to United States Trustee. The debtor must send a copy of the amended schedules to the Office of the United States Trustee and to any trustee appointed in the case.

(b) Notice to Creditors. The debtor must send to each creditor added or whose status is changed by an amended schedule:

- (1) a copy of the amended schedule;
- (2) a copy of the original Notice for Meeting of Creditors; and
- (3) 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.

(c) Certificate of Compliance. With the amended schedule, the debtor must file a certificate of compliance with this Rule, together with a dated and clearly titled supplemental mailing matrix that lists only the names and correct mailing addresses of all newly scheduled creditors.

(d) Notice of Amendment of Schedules in Chapter 9 and Chapter 11 Cases.
Whenever the debtor or 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 trustee must, within fourteen (14) days of filing, transmit notice of the amendment to the creditor and notice of the creditor's right to file a proof of claim by the later of the bar date (if any) or sixty (60) days from the date of the notice. The debtor or trustee must file a certificate of service of the notice with the Clerk within seven (7) days of service.

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

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

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

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

RULE 1015-1 JOINT ADMINISTRATION/CONSOLIDATION

(a) The estates of spouses filing a joint petition will be deemed consolidated under § 302(b) of the Bankruptcy Code unless otherwise ordered on the motion of a party in interest ~~made within thirty (30) days after conclusion of the meeting of creditors held under § 341 of the Bankruptcy Code.~~

(b) An order of joint administration may be entered, without notice and an opportunity for hearing, 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. An order of joint administration entered in accordance with this rule may be reconsidered upon motion of any party in interest at any time, and such order is for procedural purposes only and shall not cause a substantive consolidation of the respective debtors' estates.

RULE 1017-1 DISMISSAL OF CASE

Upon the filing of a notice that the debtor has not provided a copy of the Federal income tax return to the trustee pursuant to ~~Section 11 U.S.C. § 521(e)(2)(A) of Title 11 U.S.C.~~, an order of dismissal may be entered after fourteen (14) days notice to the debtor, counsel to the debtor, and the United States Trustee and an opportunity for hearing.

PART II

RULE 2002-1 NOTICE TO CREDITORS AND OTHER INTERESTED PARTIES

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

(b) Content. In addition to the information required by specific notices, notices 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 must attend a court hearing in support of any objection made.

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

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

(e) Sales Notices. See Local Bankruptcy Rule 6004-1.

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

(g) Limitation of Notice - Chapter 7. A party required to give notice pursuant to Federal Bankruptcy Rule 2002(a) may limit notice as provided under Federal Bankruptcy Rule 2002(h) to (1) creditors that hold claims for which proofs of claim have been filed; and (2) such other creditors who may file timely claims.

(h) Limitation of Notice - Chapter 11. In Chapter 11 cases, where official committees are appointed and the number of creditors exceeds thirty (30), notices of the actions described below can be limited to the debtor, the United States Trustee, the members of all official committees or committee counsel, if appointed, and to those creditors and equity security holders who file and serve on counsel 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.

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

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

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

RULE 2002-2 NOTICE TO EQUITY SECURITY HOLDERS

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

RULE 2004-1 EXAMINATIONS UNDER FEDERAL BANKRUPTCY RULE 2004

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

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

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

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

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

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

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

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

RULE 2015-1 COMPENSATION BY DEBTOR IN CHAPTER 11

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

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

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

(A) the debtor, if an individual;

(B) the partners of the partnership;

(C) the officers and directors of the corporation, and any other insiders

(as defined by 11 U.S.C. § 101); and

(D) the members of the limited liability company.

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

(3) the rate of compensation of each 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 §§ 327, 328, 330, and 331 of the Bankruptcy Code, including attorneys, accountants, examiners, investment bankers, financial advisors and real estate advisors, 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.

RULE 2016-2 DISCLOSURE OF COMPENSATION OF PETITION PREPARERS

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) signed by the bankruptcy petition preparer for filing with the petition.

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

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

RULE 2070-1 ADMINISTRATIVE EXPENSES

Motions for the allowance or payment of administrative expenses must be served upon the debtor, trustee, members of any committee elected under § 705 or appointed under § 1102 of the Bankruptcy Code or its counsel, or in a Chapter 11 case, if no committee of unsecured creditors has been appointed, to those creditors on the list filed pursuant to Federal Bankruptcy Rule 1007(d), the United States Trustee, and to those parties in interest who have filed written requests for notice.

RULE 2072-1 NOTICE TO OTHER COURTS WITH PENDING ACTIONS

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

(a) the clerk of any court where the debtor is a party to a pending civil action and all parties of record; ~~and~~

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

(c) parties handling a non-judicial foreclosure.

RULE 2081-1 CHAPTER 11 - SCHEDULED CLAIMS

The debtor in a Chapter 11 case must serve on each creditor whose claim is listed on a schedule as disputed, contingent, or unliquidated, notice of that listing within fourteen (14) days after filing the schedule or within fourteen (14) days after adding a disputed creditor to a previously filed schedule. The notice must state that such creditor has the right to file a proof of claim and the failure to do so timely may prevent the creditor from voting on a plan or participating in any distribution. The debtor must file a certificate of service of the notice within seven (7) days of service.

PART III

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

In a Chapter 11 case 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.

RULE 3003-2 WAGE CLAIMANTS

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

RULE 3007-1 CLAIMS ~~---~~ OBJECTIONS

In addition to the service required by Federal Bankruptcy Rules 9014 and 7004(b), a party objecting to a proof of claim must serve a copy of the objection and any supporting memorandum and affidavit on the claimant at the name and address where notices should be sent as shown on the proof of claim and must certify that service to the court. The objection must conspicuously state that:

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

(b) an interested party may request a hearing that will be held at the court's discretion.

~~**RULE 3007-2 CREDITORS HOLDING SECURED CLAIMS**~~

~~In cases under Chapter 13, the holder or servicer of any secured claim must notify forthwith the debtor, the debtor's attorney, if any, and the Chapter 13 Trustee of changes in the amounts of future payments caused by changes in the interest rate, taxes, insurance or other sums required to be placed in escrow, and the effective date of the change.~~

RULE 3012-1 AVOIDANCE OF LIEN ON PRINCIPAL RESIDENCE UNDER 11 U.S.C. § 506 - CHAPTER 13 ONLY

(a) Form. A motion to avoid a lien on a Chapter 13 debtor's principal residence under 11 U.S.C. § 506 may seek only to avoid a single secured claim.name only one creditor as a respondent. ~~A separate motion is required for each creditor whose lien is sought to be avoided.~~ The name, address and nature of ownership (e.g., tenancy in common, tenancy by the entirety) of any non-debtor owner of property must also be included.

(b) Required mMaterial. ~~The Ddebtor(s)~~ must submit with the motion:

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

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

(c) Service of Motion and Notice of Hearing.

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

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

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

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

(e) Response to Motion to Avoid Lien. If no response to the motion to avoid lien is filed within ~~thirty (30)~~twenty-eight (28) days after the date of the service (plus any additional time required by Federal Bankruptcy Rules 9006(a) and (f)), the court may rule on the motion as unopposed. The Court Hearing Scheduler (CHS) Program on the court's website and CM/ECF filing screen for this type of motion will compute the date that an objection is due.

(f) Proposed Order. Movant shall file with the motion a proposed order conforming to Local Bankruptcy Form H. If granted, avoidance of the lien shall occur at such time as the debtor completes performance of the debtor's confirmed Chapter 13 ~~plan~~Plan and receives a ~~discharge under 11 U.S.C. § 1328(a).~~

RULE 3012-2 VALUATION OF COLLATERAL AND AVOIDANCE OF NONRESIDENTIAL LIENS - CHAPTER 13 ONLY

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

(b) Required Material. ~~Debtor(s)~~The debtor must submit with the motion;

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

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

(c) Service of Motion and Notice of Hearing.

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

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

(3) Movant must serve a copy of the motion to avoid lien on the respondent and any non-debtor owner in the manner required by Federal Bankruptcy Rules 9014 and 7004(b) and Local Bankruptcy Rule 3007-1(a) (that requires service upon the claimant at the name and address where notices should be sent as listed on the proof of claim), together with a hearing notice conforming to Local Bankruptcy Form K. The

requirement of service on the claimant at the name and address where notices should be sent as listed on the proof of claim shall not be applicable if the motion to value collateral or avoid a security interest is filed prior to the filing of the proof of claim, provided that otherwise valid service was made on the respondent.

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

(e) Responses to Motion to Avoid Lien. If no response to the motion to avoid lien is filed within ~~thirty (30)~~twenty-eight (28) days after the date of the service (plus any additional time required by Federal Bankruptcy Rules 9006(a) and (f)), the court may rule on the motion as unopposed. The Court Hearing Scheduler (CHS) Program on the court's website and CM/ECF filing screen for this type of motion will compute the date that an objection is due.

(f) Proposed Order. Movant shall file with the motion a proposed order conforming to Local Bankruptcy Form L. If granted, avoidance of the security interest shall occur ~~when at~~ such time as the debtor completes performance of the debtor's confirmed Chapter 13 ~~plan~~ Plan.and receives a discharge under 11 U.S.C. § 1328(a).

RULE 3015-1 CHAPTER 13 PLANS - FORM AND SERVICE

(a) A Chapter 13 plan must conform to Local Bankruptcy Form M, unless compelling circumstances require a deviation.

(1) All deviations in a plan from Local Bankruptcy Form M must be highlighted.

(2) The debtor must file all motions and objections that may impact the debtor's plan on or before the first date scheduled for the meeting of creditors under 11 U.S.C. § 341.

(b) If, after filing the petition, the debtor files an original plan, or an amended plan that does anything other than increase the amount payable under the plan, debtor must serve a copy of the plan upon each creditor and the Chapter 13 Trustee, and file a certificate of service.

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

RULE 3015-2 CHAPTER 13 - CONFIRMATION

(a) Debtors and their counsel must attend all scheduled confirmation hearings, unless excused by the Chapter 13 Trustee or the court.

(b) 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) Within seven (7) days prior to the date of the initial confirmation hearing, the debtor must file a Pre-Confirmation Certificate. If a confirmation hearing is continued, an updated Pre-Confirmation Certificate must be filed within seven (7) days prior to such hearing.

**RULE 3015-3 PRE-CONFIRMATION ADEQUATE PROTECTION AND
PERSONAL PROPERTY LEASE PAYMENTS**

(a) A Chapter 13 Plan must:

(1) provide for direct payments to the creditor of post-petition personal property lease payments and post-petition installment ~~payments of secured claims; and or adequate protection payments of secured claims;~~ and (2) identify each creditor to whom payments are to be made showing: (A) to whom the payment is to be made; (B) the amount of the periodic payment; and (C) the last four digits of the account number.

~~(2) identify the creditor(s) to whom payments are to be made showing:~~

~~_____ (A) to whom the payment is to be made;~~

~~_____ (B) the amount of the periodic payment; and~~

~~_____ (C) the last four digits of the account number.~~

(b) No later than fourteen (14) days prior to the date of a confirmation hearing, the debtor ~~shall~~must serve on the trustee and file with the court an affidavit stating all §1326(a)(1) pre-confirmation payments made by the debtor. The affidavit must state the details set forth in paragraph (a) above. A copy of the affidavit must be served on the creditors so 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.

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

~~(d) Unless otherwise ordered by the court or agreed to by the parties, pre-confirmation adequate protection payments for creditors holding claims secured by a motor vehicle shall be in a sum equal to the monthly contract payment.~~

(d) If the amount of the proposed pre-confirmation adequate protection payment governed by 11 U.S.C. § 1326(a)(1)(c) is less than the regular contractual payment due to the secured creditor, the debtor, within seven (7) days after the filing of the original plan or the filing of any amended plan which would make any change in adequate protection payments affecting a secured creditor, must serve upon such secured creditor, in a manner complying with Federal Bankruptcy Rule 7004(b), (c), or (h), as may be applicable, a notice stating the proposed amount, method and timing of payment of such pre-confirmation adequate protection payments and the basis for the proposed amount, which notice shall provide an opportunity for a hearing upon objection being made thereto within fourteen (14) days of the date of service of such notice. In the event no timely objection is made, the parties will be deemed to have agreed to the adequate protection payments provided in such notice.

RULE 3018-1 TALLY OF BALLOTS - CHAPTER 11

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

~~**RULE 3019-1 MODIFICATIONS OF CONFIRMED CHAPTER 11 PLANS OF
INDIVIDUAL DEBTORS**~~

~~If the debtor is an individual, a request to modify the plan under § 1127(e) of the Bankruptcy Code shall identify the proponent and shall be filed together with the proposed modification. The proponent of the modifications, or such other person as the court may direct, shall give the debtor, the trustee, and all creditors not less than twenty-one (21) days notice by mail of the time fixed to file objections and, if an objection is filed, the hearing to consider the proposed modification, unless the court orders otherwise with respect to creditors who are not affected by the proposed modification. A copy of the notice shall be transmitted to the United States Trustee, together with a copy of the proposed modification. Any objection to the proposed modification shall be filed and served on the debtor, the proponent of the modification, the trustee, and any other entity designated by the court, and shall be transmitted to the United States Trustee. An objection to a proposed modification is governed by Federal Bankruptcy Rule 9014.~~

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

(a) Fully Administered Plan. A Chapter 11 plan will be deemed fully administered under Federal Bankruptcy Rule 3022:

- (1) after the completion of the following:
 - (A) six (6) months have elapsed after the entry of a final order of confirmation that has become nonappealable;
 - (B) the deposits required by the plan have been distributed;
 - (C) the property proposed by the plan to be transferred has been transferred;
 - (D) the debtor or the successor of the debtor under the plan has assumed the business or the management of the property dealt with by the plan;
 - (E) payments under the plan have commenced; and
 - (F) all motions, contested matters, and adversary proceedings have been finally resolved; or
- (2) for individual Chapter 11 debtors, upon completion of all plan payments; or
- (3) at another time specifically defined by the plan.

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

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

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

RULE 3070-1 CHAPTER 13 - SPECIAL PROCEDURES

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

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

PART IV

RULE 4001-1 AUTOMATIC STAY - RELIEF FROM

(a) Form of Motion.

(1) Generally a 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. The motion’s caption must be in the format used in Official ~~Bankruptcy~~–Form B416D for an adversary proceeding. The motion may not be combined with a request for any other relief, except for adequate protection or for relief from the co-debtor stay of 11 U.S.C. § 1201(a) or § 1301(a).

(2) Prospective Relief.

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

(B) Any proposed order submitted by counsel, including any order consented to by adverse parties, must be titled in a manner that clearly and conspicuously so states.

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

(1) A detailed statement of the debt owed to Movant;

(2) If periodic payments are in arrears, the amount of arrears accrued prepetition and postpetition;

- (3) A description of the property encumbered;
- (4) A description of the security interest involved, with attached documents that evidence the security interest and its perfection;
- (5) A statement of the basis for the relief claimed, such as, a lack of adequate protection or the absence of equity and that the property is not necessary for an effective reorganization. The specific facts constituting cause shall be set forth if a motion is brought for cause;
- (6) If Movant asserts a valuation of the subject property, the motion should state the amount of the valuation, the date, and the basis therefor (appraisal, blue book, etc.);
- (7) The specific nature of the relief from stay that is requested.

(c) Service of Motion and Notice of Hearing.

- (1) The Clerk will maintain a list of dates available for hearings on motions for relief from stay for each judge of the court. The list will be posted on the court's website.
- (2) Movant must select a hearing date from the list for the judge to whom the case is assigned that is more than twenty-one (21) days after the date of service.
- (3) Movant must serve the motion for relief from stay with a hearing notice conforming to Local Bankruptcy Form B.

(d) Response to Motion for Relief from Stay.

- (1) Time. An opposition to a motion for relief from stay must be filed within fourteen (14) days after service of the motion (plus any additional time required by

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

(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.

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

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

(1) Waiver. If Movant notices a hearing date more than thirty (30) days after the date of the filing of the motion, or consents to a continuance, Movant 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 § 362(e) only when filed and noticed in compliance with this Rule.

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

(h) Certain Appraisals. If the debtor is an individual, any appraisals intended to be relied upon shall be subject to the following: if the value of collateral subject to a motion for relief from stay is put at issue in a response thereto, then the Respondent may make a written request to Movant's counsel (or if no counsel, to the Movant) requesting a copy of Movant's appraisal of the collateral. If Movant has obtained an appraisal and intends to place it into evidence, Movant must supply a copy of same to the debtor within two business days of said written request. If a Movant did not have an appraisal at the time of the request which was intended to be placed into evidence, but subsequently obtains such an appraisal, Movant 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.

(i) Conference Required. If the motion for relief from stay is opposed, the attorneys for the parties, or the parties if unrepresented, shall confer 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.

RULE 4001-2 AUTOMATIC STAY - POST-FILING ARREARS

Where an issue presented by a motion for relief from stay is the debtor's failure to make payments that became due after the filing of the bankruptcy case, the moving party shall file and

serve a history of payments received post-petition upon the debtor at least seven (7) days before the date set for hearing.

RULE 4001-3 ACTION FOLLOWING FORECLOSURE

(a) A party obtaining relief from the automatic stay and thereafter consummating a foreclosure sale ~~that produces a surplus~~ must:

(a)(1) Provide ~~provide~~ a copy of the Report of Sale and all Auditor's Reports to the bankruptcy trustee; and

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

(b) Unless otherwise ordered, an amendment to a timely filed proof of secured claim asserting an unsecured deficiency must be filed within ninety (90) days after entry of an order ratifying the Auditor's Report, or by the original claims bar date, whichever is later, or such amended claim shall be deemed disallowed.

RULE 4001-4 OBTAINING CREDIT/REFINANCING

(a) Movant must provide the notice required by Federal Bankruptcy Rule 4001(c) for a motion to obtain credit.

(b) The notice must include a statement of the deadline for the filing of any opposition. The deadline date shall be no less than fourteen (14) days after service of the motion (plus any additional time required by Federal Bankruptcy Rules 9006(a) and (f)). The Court Hearing Scheduler (CHS) Program on the court’s website and CM/ECF filing screen for this type of motion will compute the date that an objection is due.

(c) The notice must include a hearing date that the movant selects from a list of hearing dates that is maintained by the Clerk for the assigned judge on the court’s website.

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

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

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

AND SETTING DEADLINE TO AMEND FILED PROOFS OF CLAIMS

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

In accordance with Local Bankruptcy Rule 4001-4(g), any amendment to a previously filed claim must be filed no later than twenty-one (21) days after the date of filing of this notice.

Such amendments include amending a claim previously filed as a secured claim, to reflect an unsecured claim resulting from the effect of 11 U.S.C. § 506(a) and/or liquidation of the collateral.

(h) Request to Shorten Time and/or Expedited Hearing.

(1) If Movant requests that the time to object should be shortened, or that a more expedited hearing is needed, Movant shall 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.

(2) If a motion is filed to shorten the time to object or to expedite the hearing thereon, Movant must include the following language in the notice:

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.

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

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

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

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

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

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

(D) An estimated amount the debtor owes to creditors claiming an interest in cash collateral as of the date the petition was filed, including, if known, any accrued unpaid interest, costs or fees as provided in any pre-petition agreements; and

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

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

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

(B) Provisions or findings of fact that bind the estate or other parties in interest with respect to the validity, perfection or amount of the secured creditor's 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 counsel's use of the carve-out;

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

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

(3) All cash collateral and financing motions shall also 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).

(4) A proposed order approving cross-collateralization or a rollup shall include language that reserves the right of the court to unwind, after notice and hearing, the post-petition protection provided to the pre-petition lender or the pay down of the pre-petition debt, whichever is applicable, in the event that there is a timely and successful challenge to the validity, enforceability, extent, perfection, or priority of the pre-petition lender's claims or liens, or a determination that the pre-petition 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 interested parties of

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

RULE 4001-56 POST PETITION PAYMENT NOTICES AND ACCOUNT ACCESS

Creditors and lessors may continue to provide customary notices, including, but not limited to, monthly statements, payment coupons, and escrow adjustment analyses to debtors regarding post-petition account activity. Further, to the extent available, creditors and lessors may allow debtors to access, obtain information, and make post-petition payments through electronic, telephonic and/or on-line means.

The creditor's or lessor's actions outlined in the immediately preceding paragraph shall not be considered a violation of the automatic stay.

RULE 4002-1 CURRENT ADDRESS AND TELEPHONE NUMBER OF DEBTOR

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

(b) Debtor's Telephone Number. A debtor proceeding ~~in proper person~~without counsel must maintain a statement of the debtor's current telephone number with the Clerk. This obligation continues until the case is closed.

RULE 4003-1 OBJECTION TO CLAIM OF EXEMPTIONS

Required Notice. An objection to the list of property claimed as exempt under § 522 of the Bankruptcy Code must contain conspicuous notice that: (1) any opposition to the objection must be filed and served within twenty-eight (28) days after the objection was served; and (2) 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. A motion to avoid a lien under 11 U.S.C. § 522(f) may seek only to avoid a single lienname only one creditor as a respondent. A separate motion is required for each creditor whose lien is sought to be avoided. The name, address and nature of ownership (e.g. tenancy in common, tenancy by the entirety) of any non-debtor owner of property must also be included.

(b) Service of Motion and Notice of Hearing.

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

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

(3) Movant must serve a copy of the motion to avoid lien on the respondent and any non-debtor owner in the manner required by Federal Bankruptcy Rules 9014 and 7004(b) and Local Bankruptcy Rule 3007-1(a) (that requires service upon the claimant at the name and address where notices should be sent as listed on the proof of claim)

together with a hearing notice conforming to Local Bankruptcy Form C. The requirement of service on the respondent at the name and address where notices should be sent as listed on the proof of claim shall not be applicable if the motion to avoid lien is filed prior to the filing of the proof of claim, provided that otherwise valid service was made on the respondent.

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

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

RULE 4008-1 DISCHARGE IN CHAPTER 13 CASES

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

PART V

RULE 5001-1 COURT ADMINISTRATION - LAPSE IN APPROPRIATIONS

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 resolution of pending cases. The court will advise the United States Marshal 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. Work of all personnel shall be limited to those essential functions set forth above.

RULE 5001-2 CLERK - OFFICE LOCATION/HOURS

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

(b) 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 Garmatz Federal Courthouse in Baltimore is closed to the public at midnight while the Greenbelt Federal Courthouse is closed at 7:00 p.m. **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 are posted on the court’s web page, on each night box and on notice boards in the divisional offices.

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

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

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

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

(f) Places for Holding Court

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

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

(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, and all Section 341 meetings of

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

(4) In cases under Chapter 11 originating in Anne Arundel County, Baltimore City, Baltimore County, Caroline, Carroll, Cecil, Dorchester, Harford, Howard, Kent, Queen Anne's, Somerset, Talbot, Wicomico and Worcester County, the meeting of creditors held under Section 341 will be conducted by the United States Trustee in Baltimore. Court hearings may be scheduled in Salisbury or Baltimore at the direction of the court. The court will consider the convenience of the parties in selecting the venue.

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 Electronic Case Filing Procedures [\(Administrative Order 03-02\)](#) established by the court as published on the court's website. [The electronic signature of the person on the document electronically filed shall constitute the original signature of that person for purposes of Federal Bankruptcy Rule 9011.](#)

RULE 5011-1 ABSTENTION

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

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

RULE 5011-2 WITHDRAWAL OF REFERENCE

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

RULE 5071-1 MOTIONS FOR POSTPONEMENT/CONTINUANCES

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

(b) Notice to Client and Other Parties. A motion to postpone any matter before the court must certify that the client has prior notice of the filing of that motion. Notice of such motion, together with the reasons therefor, must be given by the fastest means to avoid inconvenience to other parties entitled to notice or their counsel before filing unless such notice is waived.

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

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

(1) Requests for postponement shall be made:

(A) in Chapter 12 and 13 cases, ~~requests shall be made~~ to the standing trustee assigned to the case;

~~(2)(B)~~ in Chapter 7 cases, ~~requests shall be made~~ to the interim trustee;
and

~~(3)(C)~~ in Chapter 11 cases, ~~requests shall be made~~ to the Assistant United States Trustee assigned to the division of court where the case is pending.

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

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

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

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

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

RULE 5073-1 PHOTOGRAPHY, RECORDING DEVICES AND BROADCASTING

Unless otherwise ordered by the court, or as set forth in Administrative Order 13-3 governing the possession and use of electronic devices by the public in the bankruptcy court, no

court proceeding can be photographed, videotaped, televised, recorded, reproduced, or broadcast in any way except by an official court reporter or other authorized court personnel.

PART VI

RULE 6004-1 SALE OF ESTATE PROPERTY

(a) Sale Notices. Notices of private sale of estate property must include the following:

- (1) if an appraisal has been performed,
 - (A) the appraised value of the asset being sold;
 - (B) the date of the appraisal; and
 - (C) the name and address of the appraiser;
- (2) if no appraisal has been performed, the scheduled value of the asset being sold;
- (3) the purchaser's identity;
- (4) a full description of any relationship between the purchaser and any party in interest;
- (5) a statement of all consideration paid and to be paid by the purchaser and the payment terms;
- (6) a statement of the deadline for the filing of any opposition. The deadline date shall be no less than twenty-one (21) days after service of the motion, plus any additional time required by Federal Bankruptcy Rules 9006(a) and (f). The Court

Hearing Scheduler (CHS) Program on the court's website and CM/ECF filing screen for this type of motion will compute the date that an objection is due;

(7) a date selected from the court's website for a hearing if a timely objection is filed; ~~and~~

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

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

(b) Sale Motions in Chapter 11 Cases. Except as otherwise provided in these Local Rules, the Bankruptcy Code, the Federal Bankruptcy Rules or an order of the court, all "Sale Motions" to sell property of the estate under Bankruptcy Code § 363(b) in a Chapter 11 case shall attach or include the following:

(1) A copy of the proposed purchase agreement, or a form of such agreement substantially similar to the one the trustee reasonably believes it will execute in connection with the proposed sale;

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

(3) A request, if necessary, for the appointment of a consumer privacy ombudsman under Bankruptcy Code § 332; and

(4) Provisions to be Highlighted. If the Sale Motion is longer than ten (10) pages, in the first five (5) pages of the motion, the Sale Motion must highlight material terms, including but not limited to (a) whether the proposed form of sale order and/or the underlying purchase agreement constitutes a sale or contains any provision of the type set

forth below, (b) the location of any such provision in the proposed form of order or purchase agreement, and (c) the justification for the inclusion of such provision:

(A) Sale to Insider. If the proposed sale is to an insider, as defined in Bankruptcy Code § 101(31), the Sale Motion must (a) identify the insider, (b) describe the insider's relationship to the debtor, and (c) 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 Sale Motion must disclose (a) the material terms of any such agreements, and (b) what measures have been taken to ensure the fairness of the sale and the proposed transaction in the light of any such agreements.

(C) Releases. The Sale 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 Sale Motion must disclose whether an auction is contemplated, and highlight any provision in which the trustee has agreed not to solicit competing offers for the property subject to the Sale Motion or to otherwise limit shopping of the property.

(E) Closing and Other Deadlines. The Sale 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 Sale 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 Sale 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))**~~(such as interim management arrangements of the Bankruptcy Code)~~ and the terms of such agreements.

(H) Use of Proceeds. The Sale 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 Sale Motion must highlight whether the trustee will retain, or have reasonable access to, its books and records to enable it to administer its bankruptcy case.

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

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

(L) Sale Free and Clear of Unexpired Leases. The Sale 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 Sale Motion must highlight any provision by which the trustee seeks to allow, disallow or affect in any manner, credit bidding pursuant to Bankruptcy Code § 363(k).

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

(c) Sale Procedures Motions in Chapter 11 cases. In a Chapter 11 case, Aa trustee may file a "Sales Procedures Motion" seeking approval of sale, bid or auction procedures in anticipation of or in conjunction with a Sale Motion seeking approval of an order (a "Sale Procedures Order") approving bidding and auction procedures either as part of the Sale Motion or by a separate motion filed in anticipation of an auction and a proposed sale.

(1) Provisions to Highlight. The Sale Procedures Motion should highlight the following provisions in any Sale Procedures Order:

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

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

(ii) Demonstrate its financial wherewithal to consummate a sale.

(iii) Maintain the confidentiality of information obtained from the trustee or other parties or execute a non-disclosure agreement.

(iv) Make a non-binding expression of interest or execute a binding agreement.

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

(i) Any deadlines for submitting a bid and the ability of a bidder to modify a bid not deemed a qualified bid.

(ii) 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) remain open for a specified period of time.

(iii) 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.

(iv) Any other conditions the trustee requires for a bid to be considered a qualified bid or to permit a qualified bidder to bid at an auction.

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

(i) No-Shop or No-Solicitation Provisions. Any limitations on a trustee's ability or right to solicit higher or otherwise better bids.

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

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

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

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

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

(2) Provisions Governing the Auction. Unless otherwise ordered by the court, the Sale Procedures Order shall:

(A) 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.

(B) 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.

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

(D) Provide that bidding at the auction will be transcribed or videotaped.

(b) Request to Shorten Time and/or for Expedited Hearing.

(1) If Movant requests that the time to object should be shortened, or that a more expedited hearing is needed, Movant shall 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.

(2) If a motion is filed to shorten the time to object to the sale or to expedite the hearing thereon, Movant must include the following language in the Sale Notice described in subsection (a) of this rule:

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.

~~(e) Disclosure of Sale Charges. All charges and costs to be paid by the estate and all concessions to be made by the estate must be disclosed in the notice of sale.~~

~~(e)~~ Sale Without Objection. If no timely written objection is filed, the sale shall be deemed authorized upon expiration of the notice period. This paragraph does not apply to sales free and clear of liens or of interests of persons other than the debtor.

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

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

AND SETTING DEADLINE TO AMEND FILED PROOFS OF CLAIMS

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

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

RULE 6006-1 EXECUTORY CONTRACTS - UNEXPIRED LEASES

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

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

- (1) an affidavit demonstrating compliance with Bankruptcy Code § 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) Unless the court orders otherwise, the notice of a proposed abandonment or disposition of property pursuant to Federal Bankruptcy Rule 6007(a) shall describe the property to be abandoned or disposed of, and state concisely the reason for the proposed abandonment or disposition.

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

RULE 6070-1 TAX REFUNDS

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

PART VII

RULE 7001-1 TRUSTEE'S FILING FEES

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

RULE 7003-1 ADVERSARY COVER SHEET

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

RULE 7003-2 DISCLOSURE OF CORPORATE AFFILIATES

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

RULE 7005-1 ELECTRONIC SERVICE

Pursuant to Federal Bankruptcy Rules 5005(a)(2) and 7005, service pursuant to the ~~ECF Guidelines~~ Electronic Case Filing Procedures (Administrative Order 03-02) also constitutes valid service.

RULE 7005-2 CERTIFICATE OF SERVICE

(a) Any required certificate of service for a pleading, motion, notice, objection or other paper must be in compliance with Federal Rule of Civil Procedure 5 and applicable provisions of the Federal Bankruptcy Rules. Pursuant to Federal Bankruptcy Rules 5005(a)(2) and 7005, service pursuant to the ~~ECF Guidelines~~ Electronic Case Filing Procedures (Administrative Order 03-02) also constitutes valid service.

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

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

(1) ~~the date and method of service~~ for each recipient who is being served through CM/ECF, the specified persons served must be listed with the statement that service is via CM/ECF. The attorney or unrepresented person filing the pleading or document is responsible to ensure that all persons listed as being served via CM/ECF are registered to receive CM/ECF notice in that case or must effectuate service by other appropriate means; and;

(2) for all other recipients, the names and addresses of the persons served and the method of service must be included.; ~~and~~

(3) ~~if persons are served in a representative capacity, the parties whom they represent.~~

RULE 7012-1 CORE OR NON-CORE MATTERS

(a) Prior to trial a party may move for a ruling that an adversary proceeding is core or non-core. The court will ordinarily allow adverse parties fourteen (14) days from service of the motion to file responses. Such a motion does not postpone any time periods unless ordered by the court.

(b) In addition to the provisions of Federal Bankruptcy Rules 7008(a) and 7012(b), all parties in an adversary proceeding shall include in their initial filing a statement as to whether the party consents to entry of final orders or judgments by the Bankruptcy Judge.

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

The deadline to plead or move in response 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 section shall not affect any other deadlines set forth in any scheduling order entered by the court.

RULE 7015-1 AMENDED AND SUPPLEMENTAL PLEADINGS

Unless otherwise ordered by the court, the party filing an amended pleading shall file and serve (1) a clean copy of the amended pleading; and (2) a copy of the amended pleading 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 or contested matter, direct the attorney for a party or a party appearing without counsel 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 will file a pretrial memorandum, with copies sent to all other attorneys of record or parties proceeding without counsel. Each party must state the following in its pretrial memorandum:

- (1) a brief statement of facts that the party proposes to prove in support of a claim or defense, together with a statement of legal theories and citations of authorities;
- (2) any required pleading amendments;
- (3) any pleaded, but abandoned, issue;
- (4) stipulations of fact;
- (5) the details of the damage claimed or any other relief sought;
- (6) a list of the documents and records to be offered in evidence by the party at the trial other than those expected to be used solely for impeachment, indicating which documents the party expects to introduce in evidence without the usual authentication;
- (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.

(1) Adversary Proceedings and Chapter 11 Lift Stays. In all adversary proceedings and in motions seeking relief from stay in Chapter 11 cases, each party must

pre-file all exhibits which that party intends to introduce into evidence, except for exhibits to be offered solely for rebuttal. Each party must include in the pre-filed exhibits any report by an expert whom the party may call as a witness or, if no report has been prepared, an affidavit by such expert as to the expert's direct testimony. The exhibits must be filed and received by the opposing parties within the time limits set in the scheduling order. In adversary proceedings, if opposing parties do not file written objections to pre-filed exhibits by the time specified in the scheduling order, the exhibits will be admitted into evidence.

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

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

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

(d) Proof of Amount of Claim or Debt.

(1) Required Verified Statement. In all adversary proceedings and all contested matters, a party seeking to prove the amount of a liquidated debt must offer as an exhibit an affidavit setting forth the amount of the alleged claim or debt, itemized by component, unless the information is contained in a previously filed pleading in the

matter and verified pursuant to 28 U.S.C. § 1746. The declarant must be present in the courtroom for cross-examination, or an objection made pursuant to Federal Rule of Evidence 802 may be sustained.

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

RULE 7026-1 DISCOVERY - GENERAL

(a) Discovery Request Limits. A party may not serve on any other party in a contested matter or an adversary proceeding more than thirty (30) interrogatories and thirty (30) requests for production, 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 before any discovery deadlines set by the court. The party serving discovery requests shall 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 the movant presents matters outside the pleading.

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

(f) Conference of Counsel Required. Counsel must confer 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) Smoking During Depositions Prohibited. Unless all persons present agree, no one may smoke in a room where a deposition is being taken.

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

(i) Copying Expenses. A party in interest requesting copies of documents that were produced for inspection must pay the actual, reasonable costs of copying.

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

RULE 7026-2 FILING OF DISCOVERY MATERIAL

~~Unless otherwise ordered by the court,~~ In adversary proceedings and contested matters, a party may not file with the court either written discovery requests, responses to discovery or

depositions (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) ~~the each~~ person(s) served. Parties must retain the original copies of the discovery materials and make them available for inspection by any other party.

RULE 7054-1 ALLOWANCE OF COSTS

No costs will 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

(a) Clerk's Notice. If, upon the expiration of six (6) months after the filing of the last pleading, it appears to the Clerk that no significant activity has since occurred in an adversary proceeding or contested matter in which there is no scheduled hearing, the Clerk will send written notice to all parties to the adversary proceeding or contested matter that the proceeding or matter will be denied or dismissed without prejudice unless, within thirty (30) days after the date

of the notice, the plaintiff or movant presents good and sufficient cause in writing why the dismissal or denial should not be ordered.

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

RULE 7056-1 WHERE SUMMARY JUDGMENT IS REQUESTED AGAINST PARTY WITHOUT COUNSEL

The notice of any motion seeking summary judgment in which the non-moving party is without counsel shall conform substantially to Official ~~Bankruptcy~~ Form 20A and, in addition, shall set forth the requirement for a response in substantially the following form:

NOTICE

A motion for summary judgment is a request that one or more issues in a case be decided without holding a trial. Motions for summary judgment are governed by Rule 56, Federal Rules of Civil Procedure. Summary judgment may be granted if (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 wish to oppose the motion, you must file with the court and serve on the other party, a written response ~~at least seven (7) days prior to the hearing within seventeen (17) days from the date the motion is mailed or hand delivered to you~~ within fourteen (14) days from the service date of the motion if it was served by hand, plus three (3) additional days if the motion was served by mail, electronic means, or other means consented to in writing. **If you fail to file a timely written response to the motion, the court may assume you do not oppose the motion and may grant the motion without holding a hearing.** This will result in the termination of the matter in favor of the moving party. 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.

PART VIII

RULE 8001-1 APPEALS

See Appendix B.

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PART IX

RULE 9001-1 DEFINITIONS AND RULES

(a) Definitions in Federal Bankruptcy Rules. Unless otherwise ordered by the court, ~~The~~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 indicated:

(~~ba~~) “Bankruptcy Code”: ~~In these Local Bankruptcy Rules, reference to the Bankruptcy Code~~ means Title 11 of the United States Code.

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

(c) “CM/ECF” and “ECF” mean the Case Management/Electronic Case Filing system for the United States Bankruptcy Court for the District of Maryland.

(~~3d~~) “Federal Bankruptcy Rules”: ~~Reference to Federal Bankruptcy Rule(s)~~ means the Federal Rules of Bankruptcy Procedure.

(d) District Court. ~~In these Local Bankruptcy Rules, reference to the District Court means the United States District Court for the District of Maryland.~~

(~~ee~~) “File”: ~~W~~where the word “file” appears in these Local Bankruptcy Rules, such filing is to be made electronically via CM/ECF or with the appropriate divisional office of the Clerk of the United States Bankruptcy Court for the District of Maryland.

RULE 9004-1 PAPERS - REQUIREMENTS OF FORM; ORDERS

(a) General. All petitions, pleadings, schedules and other documents filed in paper form shall be 8½ by 11 inches in size, legibly typewritten, printed or reproduced. The papers shall be of standard weight and, except for proposed orders, shall have an upper margin of not less than one half inch. No such document may be two-hole punched, stapled or similarly fastened so as to cause punctures in the paper. Original pleadings must be retained pursuant to Local Bankruptcy Rule 9011-3. Only copies should be submitted for filing with the ~~C~~ourt.

(b) Proposed Orders. The first page of all orders shall have an upper margin of not less than three (3) inches. The last line in the order must be, “**End of Order**”, centered in the middle of the line. The signature line for the judge shall be omitted.

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

RULE 9009-1 LOCAL BANKRUPTCY FORMS

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

RULE 9010-1 SELF-REPRESENTED PARTIES

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

(b) Responsibilities of Parties Appearing Self-represented. Individuals representing themselves are responsible for performing all duties imposed on counsel by the Bankruptcy Code, the Federal Bankruptcy Rules, these Rules, and applicable federal or state law.

RULE 9010-2 CURRENT INFORMATION

(a) Duty to Keep Current Information on File. Counsel and parties appearing without counsel must file and maintain a statement of current address and telephone number 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 shall not be considered excusable neglect.

RULE 9010-3 ATTORNEYS - WHO MAY APPEAR AS COUNSEL

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

(b) Admission Pro Hac Vice.

(1) In accordance with, and subject to the limitations of, the Local Rules of the District Court, The-the court can-may permit any attorney (except a member of the

~~Maryland Bar~~) who is an active member in good standing of the Bar of any other United States Court or of the highest court of any state to appear and participate as counsel 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 shall be present in the courtroom for all proceedings before the court, unless excused by the court.

(3) The application for admission *pro hac vice* shall comply with Local District Court Rule 101.1.b. ~~The application shall~~ 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 counsel to be admitted to the Bar of the District Court in order to obtain a subpoena for depositions to be taken in this district for cases pending in other districts. However, an attorney seeking such a subpoena is subject to the disciplinary jurisdiction of the District Court and of this court.

RULE 9010-4 WITHDRAWAL OF APPEARANCE OF AN ATTORNEY

(a) When Clients are Individuals.

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

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

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

(B) that a written notice has been mailed to or otherwise served upon the client at least seven (7) days previously advising the client of counsel's proposed withdrawal and notifying the client either to have new counsel enter an appearance or to advise the Clerk that the client will be proceeding without counsel.

(b) When Clients Are Other Than Individuals. If the client is other than an individual, including corporations, partnerships, unincorporated associations and government entities, appearances of counsel may be withdrawn only with leave of court and if:

(1) appearance of other counsel has been entered; or

(2) withdrawing counsel files a certificate stating:

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

(B) that a written notice has been mailed to or otherwise served upon the client at least seven (7) days previously advising the client of counsel's

proposed withdrawal and notifying the client that it must have new counsel 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 new counsel 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 unrepresented party.

RULE 9010-5 ATTORNEY FOR DEBTORS - DUTIES

(a) 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 Bankruptcy Code § 327(e), will be counsel 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) In an individual case, representation will continue through discharge and continue as to any matter pending at the time of the discharge. However, an attorney representing an individual debtor may exclude adversary proceedings and United States Trustee audits provided that debtor's written acknowledgment of this limitation is filed with counsel's Federal Bankruptcy Rule 2016(b) statement.

(c) If a debtor is represented by counsel generally in a Chapter 7 or Chapter 13 case, another attorney may enter an appearance limited to specific matters in the case, such as a motion for relief, another contested matter, an adversary proceeding, or an appeal, without entering a general appearance on behalf of the debtor. Such attorney must file a Federal

Bankruptcy Rule 2016(b) statement disclosing the scope of the representation and the fees charged and paid (or to be paid) for such representation and such representation shall be limited solely to the matters described in the Federal Bankruptcy Rule 2016(b) statement.

RULE 9010-6 CHAPTER 13 DEBTOR’S COUNSEL

Counsel for the debtor(s) in a Chapter 13 case shall abide by all requirements set forth in the Chapter 13 Debtor’s Counsel Responsibilities and Fees in Appendix F.

RULE 9011-1 SIGNATURES, FEDERAL BAR NUMBER

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

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

(a) Responsibility for Use of Login and Password. An attorney or other person who is assigned a court-issued login and password to file documents electronically is responsible for all documents filed using that login and password.

(b) Signature and Certification. The transmission of a petition, pleading, motion or other paper by electronic means shall constitute both a signature by the attorney or other person responsible for transmitting it that is required by Federal Bankruptcy Rule 9011(a) and a

certification within the meaning of Federal Bankruptcy Rule 9011(b). Such transmission shall also constitute a representation by the attorney or other person responsible for an electronic transmission to the court that he or she is in possession of the original petition, pleading, motion or other paper, with all original signatures thereon other than those papers signed solely by the filing user and co-counsel.

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

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

(b) Production. Upon reasonable request by the court or an interested party, the attorney or other person responsible for an electronic filing shall produce for inspection and copying the original petition, pleading, motion, or other paper filed by electronic means, with all original signatures thereon.

(c) Original Signatures. Except for signatures on any petition, schedule or statement, Chapter 13 plan, and any other document filed under oath or subject to the penalty of perjury, an original signature:

(1) Of an attorney includes a signature obtained or sent by facsimile, scan document, electronic mail authorization, or other electronic means, authorizing the placement of the 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.

RULE 9013-1 MOTIONS PRACTICE

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

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

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

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

(3) Any responsive pleading and memorandum in opposition to a motion must be filed within fourteen (14) days from the date of service of said motion.

(4) Except as otherwise provided in the Bankruptcy Code, the Federal Bankruptcy Rules, these Rules or by the court, a motion can be decided on the pleadings and memoranda filed.

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

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) All requests for relief, except motions for relief from the automatic stay, motions to dismiss or convert, and pleadings initiating adversary proceedings under Federal Bankruptcy Rule 7001, must be accompanied by a proposed order. The proposed order must contain a specific title describing the nature and effect of the order. The names and addresses of all counsel or other parties in interest who should receive copies of the order shall 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 is required for any counsel who is receiving notices through CM/ECF in that case. The chapter of the case ~~shall~~must be stated in the caption.

(b) Proposed orders for motions for relief from the automatic stay and responses thereto should 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.

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

RULE 9013-4 CERTIFICATE OF SERVICE

Local Bankruptcy Rule 7005-2 applies to motions under Federal Bankruptcy Rule 9013 and contested matters under Federal Bankruptcy Rule 9014. ~~provided, however, that certification may state that a pleading or document was served on specified persons listed below "via CM/ECF on a particular date." The attorney or unrepresented person filing the pleading or document is responsible to ensure that all counsel, creditors or parties in interest entitled to be served are either registered in that case as a Full Participant or are served by other appropriate means and list each service recipient and certify the method of service.~~

RULE 9013-5 RESPONSIBILITY FOR PROPER SERVICE

(a) It is the obligation of an attorney or party that files a pleading to determine every party with a cognizable interest in the pleading that should receive a copy and the current address of each. 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 shall be subject to an appropriate sanction.

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

RULE 9013-6 STATEMENT IN MOTIONS, OBJECTIONS AND RESPONSES REGARDING CONSENT TO ENTRY OF ORDER OR JUDGMENT IN CORE PROCEEDING

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

RULE 9014-1 DISCOVERY

The initial disclosures required by Federal Bankruptcy Rule 7026(a) are not applicable to contested matters, unless the court directs otherwise.

RULE 9014-2 DEFAULT AND DISMISSAL FOR NON-PROSECUTION

Local Bankruptcy Rule 7055-1 applies in contested matters.

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

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

RULE 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 can 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 counsel that a proceeding or matter has been settled, can require counsel to submit, within fourteen (14) days, a proposed order providing for the settlement, in default of which the court can enter judgment or other appropriate order.

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

(c) In adversary proceedings, motions for approval of settlements must be filed in ~~both the main case and~~ 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”) will be maintained and available to facilitate the resolution of disputes in Appendix [insert appendix] G to these rules. The BDRP is

~~to operate in such a way as to allow the participants to use a variety of alternative dispute resolution methods. These methods may include but are not limited to: mediation, negotiation, early neutral evaluation and settlement facilitation. The specific method or methods employed will be those that are appropriate, as determined by the Resolution Advocate and the parties.~~

~~(a) Cases Eligible for Inclusion in the BDRP. All controversies arising in an adversary proceeding, contested matter, or other dispute in a bankruptcy case, will be eligible for referral to the BDRP except:~~

~~(1) Employment and compensation of professionals;~~

~~(2) Compensation of trustees and examiners;~~

~~(3) Objections to discharge under 11 U.S.C. § 727, except where such objections are joined with disputes over dischargeability of debts under 11 U.S.C. § 523; and~~

~~(4) Matters involving contempt or other types of sanctions.~~

~~(b) Panel of Resolution Advocates. The court shall maintain a panel of professionals (the "Panel") who have volunteered to serve as Resolution Advocates to assist in resolution of matters referred to the BDRP.~~

~~(1) An application to serve as a member of the Panel (see Local Bankruptcy Form J-1) must be submitted to the BDRP Administrator by the deadlines established by the court each year.~~

~~(2) In order to qualify for service as a Resolution Advocate, each applicant must certify that the applicant is willing: (A) to serve as a Resolution Advocate for a minimum of one year; and (B) to evaluate or mediate pro bono matters not more often~~

~~than once in six (6) months, subject only to unavailability due to conflicts, personal or professional commitments, or other matters that would make service inappropriate.~~

~~(3) The Applicant may indicate the Applicant's availability to act as a Compensated Resolution Advocate in addition to the unpaid services described in paragraph (2) above. The Applicant should state the rates the Applicant would charge for such services.~~

~~(4) The court may limit panel membership to keep the Panel at an appropriate size and to ensure that the Panel is comprised of individuals with broad-based experience, superior skills and qualifications.~~

~~(c) Administration of the BDRP. A judge of this court will be appointed by the Chief Judge to serve as the BDRP Administrator. The BDRP Administrator will be aided by a staff member of the court, who will collect applications, maintain the roster of the Panel, track and compile results of the BDRP, and handle such other administrative duties as are necessary.~~

~~(d) Assignment to Dispute Resolution.~~

~~(1) If requested in writing by the parties, a contested matter, adversary proceeding, or other dispute (hereinafter collectively referred to as "Matter" or "Matters") may be assigned to the BDRP by order of the court.~~

~~(2) While as a general rule participation in the BDRP is voluntary, any judge, acting sua sponte or on the request of a party, may designate specific Matters for inclusion in the program.~~

~~(3) If a Matter is assigned to the BDRP, the parties will be presented with the order assigning the Matter to the BDRP and a current roster of the Panel. The parties will~~

~~be given the opportunity to confer and designate a mutually acceptable Resolution Advocate as well as an alternate Resolution Advocate.~~

~~(4) — With the consent of the judge, the parties may select a Resolution Advocate who is not a member of the Panel, who shall be subject to the applicable provisions of this Rule.~~

~~(5) — If the parties cannot agree, or if the judge deems selection by the court to be appropriate, the judge will select a Resolution Advocate.~~

~~(6) — The order assigning a Matter to the BDRP will be Local Bankruptcy Form J-2(a). The Order Appointing Resolution Advocate will be Local Bankruptcy Form J-2(b). The original orders will be docketed and retained in the case or adversary proceeding file and copies mailed by the party so designated by the judge to the assigned Resolution Advocate, the alternate Resolution Advocate, the BDRP Administrator's staff assistant and to all parties with a cognizable interest in the dispute. Assignment to the BDRP does not alter or affect any time limits, deadlines, scheduling matters or orders in any adversary proceeding, contested matter or other proceeding, unless specifically ordered by the court.~~

~~(7) — A Resolution Advocate must promptly determine all conflicts or potential conflicts in the same manner as under the applicable rules pertaining to the Resolution Advocate's profession. If the Resolution Advocate's firm has represented one or more of the parties, the Resolution Advocate must promptly disclose that circumstance to all parties in writing. A party who believes that the assigned Resolution Advocate has a conflict of interest may promptly bring that matter to the attention of the Resolution~~

~~Advocate. If the Resolution Advocate does not withdraw from the assignment, the matter must be brought to the attention of the court by the Resolution Advocate or any party.~~

~~(e) Dispute Resolution Procedures.~~

~~(1) Within seven (7) days of notification of appointment, the Resolution Advocate shall:~~

~~(A) give notice to the parties of the time and place for the BDRP conference. The conference will commence not later than sixty (60) days following the date of appointment of the Resolution Advocate unless the Order of Appointment provides a different time period in which to commence the BDRP Conference, and which will be held in a suitable neutral setting, such as the office of the Resolution Advocate. The Resolution Advocate will circulate for signature the Confidentiality Agreement, Local Bankruptcy Form J-3 at this conference; or~~

~~(B) if the Resolution Advocate is not available to serve in the Matter, notify the parties, the alternate Resolution Advocate, and the BDRP Administrator's staff assistant of that unavailability. The alternate Resolution Advocate will thereafter serve as the Resolution Advocate. Upon written stipulation between the Resolution Advocate and the parties, the BDRP conference may be continued for a period not to exceed thirty (30) days.~~

~~(2) Unless modified by the Resolution Advocate, no later than fourteen (14) days prior to the date of the BDRP Conference, each party must submit a written BDRP Statement directly to the Resolution Advocate. The plaintiff or movant will provide the Resolution Advocate with copies of the complaint or motion and the answer or~~

~~opposition with respect to the contested matter along with the BDRP Statement. For good cause, the judge may order a different schedule. The Resolution Advocate must keep a BDRP Statement confidential and not disclose its contents to anyone without express written consent of the party submitting it.~~

~~(3) Such statements will not exceed ten (10) pages (not counting exhibits and attachments). While such statements may include any information that would be useful, they must:~~

~~(A) identify the person(s), in addition to counsel, who will attend the session as representative of the party with decision making authority;~~

~~(B) describe briefly the substance of the dispute;~~

~~(C) address whether there are legal or factual issues whose early resolution might appreciably reduce the scope of the dispute or contribute significantly to settlement;~~

~~(D) identify the discovery that could contribute most to equipping the parties for meaningful discussions;~~

~~(E) set forth the history of past settlement discussions, including disclosure of prior and any presently outstanding offers and demands;~~

~~(F) make an estimate of the cost and time to be expended for further discovery, pretrial motions, expert witnesses and trial; and~~

~~(G) indicate presently scheduled dates for further status conferences, pretrial conferences, trial or otherwise.~~

~~(4) — Parties may identify in the BDRP Statements persons connected to a party opponent (including a representative of a party opponent’s insurance carrier) whose presence at the BDRP Conference would improve substantially the prospects for making the session productive; the fact that a person has been so identified, will not, by itself, result in an order compelling that person to attend the BDRP Conference. A separate motion and court order are required.~~

~~(5) — Parties must attach to their written BDRP Statements copies of documents out of which the dispute has arisen, e.g., contracts and those documents whose availability would materially advance the purposes of the BDRP Conference.~~

~~(6) — The BDRP Statements shall not be filed. The court shall not have access to them.~~

~~(7) — Counsel for each party who is primarily responsible for the Matter (or the party who is proceeding without counsel) will personally attend the BDRP Conference and any adjourned sessions of that conference. Counsel for each party must come prepared to discuss resolution of the Matter in detail and in good faith.~~

~~(8) — All individual parties, and representatives with authority to negotiate and to settle the Matter on behalf of parties other than individuals, shall attend the BDRP Conference in person, unless excused by the Resolution Advocate for cause. A party or lawyer who is excused from appearing in person at the BDRP Conference may be required to participate by telephone.~~

~~(9) — The Resolution Advocate may direct parties to attend a second BDRP Conference, if in the judgment of the Resolution Advocate, a subsequent mediation session would promote resolution of the dispute.~~

~~(10) — Willful failure to attend the BDRP Conference, or other violations of this Rule, shall be reported to the court by the Resolution Advocate and may result in the imposition of sanctions by the court.~~

~~(11) — (A) — All written and oral communications made in connection with or during any BDRP Conference, including the BDRP Statements, will be subject to all protections afforded by Federal Rule of Evidence 408. No such communication may be used in any present or future proceeding for any purpose. Nevertheless, if all of the parties to the BDRP and the Resolution Advocate agree in writing, such communications may be disclosed. Notwithstanding the foregoing, this paragraph 11(A) does not require the exclusion of any evidence:~~

~~(i) — otherwise discoverable, merely because it is presented in the course of a BDRP conference; or~~

~~(ii) — offered for another purpose, such as providing bias or prejudice of a witness, negating a contention of undue delay, or proving an effort to obstruct a criminal investigation or prosecution.~~

~~(B) — Nothing in this section (e) will be construed to prevent parties, counsel or Resolution Advocates from responding in absolute confidentiality, to inquiries or — surveys by persons authorized by this court to evaluate the BDRP. Nor will anything in this section be construed to prohibit parties from entering~~

~~into written agreements resolving some or all of the Matter or entering or filing procedural or factual stipulations based on suggestions or agreements made in connection with a BDRP conference.~~

~~(12) — If the Resolution Advocate makes any oral or written suggestions as to the advisability of a change in any party's position with respect to settlement, the attorney for that party must promptly transmit that suggestion to the client.~~

~~(13) — The Resolution Advocate has no obligation to make any written comments or recommendations, but may, as a matter of discretion, provide the attorneys for the parties with a written settlement recommendation memorandum. No copy of any such memorandum will be filed with the clerk or made available in whole or in part, directly or indirectly, to the court.~~

~~(14) — The BDRP Conference will proceed informally. Rules of evidence do not apply. There will be no formal examination or cross-examination of witnesses. Where necessary, the Resolution Advocate may conduct continued BDRP Conferences after the initial session. As appropriate, the Resolution Advocate may:~~

~~(A) — permit each party (through counsel or otherwise) to make an oral presentation of its position;~~

~~(B) — help the parties identify areas of agreement and, where feasible, enter stipulations;~~

~~(C) — assess the relative strengths and weaknesses of the parties' contentions and evidence, and explain as carefully as possible the reasoning of the Resolution Advocate that supports these assessments;~~

~~(D) — assist the parties, through separate consultation or otherwise, in settling the dispute;~~

~~(E) — estimate, where feasible, the likelihood of liability and the dollar range of damages;~~

~~(F) — help the parties devise a plan for sharing the important information and/or conducting the key discovery that will equip them as expeditiously as possible to participate in meaningful settlement discussions or to posture the cases for disposition by other means; and~~

~~(G) — determine whether some form of follow up to the conference would contribute to the case development process or to settlement.~~

~~(f) — Procedure Upon Completion of Dispute Resolution Session. — Upon the conclusion of the BDRP conference, the following procedure will be followed:~~

~~(1) — If the parties have reached an agreement regarding the disposition of the Matter, the parties, with the advice of Resolution Advocate, will determine who will prepare the writing to dispose of the Matter, and they may continue the BDRP Conference to a date convenient to all parties and the Resolution Advocate as necessary. Where required by provisions of the Bankruptcy Code or other applicable law, they must promptly submit the fully executed stipulation to the court for approval. Where court approval is not required, the written agreement disposing of the matter will be enforceable pursuant to applicable law;~~

~~(2) — The Resolution Advocate must file with the court and serve on the parties and the BDRP Administrator's staff assistant, within fourteen (14) days, Local~~

~~Bankruptcy Form J 4 showing whether there has been compliance with the BDRP Conference requirements of this Rule, and whether or not a settlement has been reached. Regardless of the outcome of the BDRP Conference, the Resolution Advocate will not provide the court with any details of the substance of the conference; and~~

~~(3) — In order to assist the BDRP Administrator in compiling useful data to evaluate the BDRP, and to aid the court in assessing the efforts of the members of the Panel, the Resolution Advocate will provide the BDRP Administrator’s staff assistant with an estimate of the number of hours spent in the BDRP Conference and otherwise on the matter, which report must be on Local Bankruptcy Form J 5.~~

~~(g) — Compensated Resolution Advocacy. In addition to serving as a Resolution Advocate on a pro bono basis, a panel member may act as a Compensated Resolution Advocate (“CRA”) in other matters.~~

~~(1) — The CRA will be appointed as set forth above in this Rule, but the appointing Order will set forth the terms of the CRA’s engagement.~~

~~(2) — If the CRA is to receive compensation from the bankruptcy estate,~~

~~(A) — a notice shall be filed setting forth the identity of the Resolution Advocate (whether or not on the panel) and the terms and conditions of compensation (including hourly rate) with a right to object/comment on such terms and conditions, subject to such time limitations as the judge deems reasonable under the circumstances;~~

~~(B) — if the proposed compensation to the Resolution Advocate is \$3,000.00 or less, there is no need for further court order to authorize payment to the Resolution Advocate;~~

~~(C) — if the proposed compensation to the Resolution Advocate is proposed to be more than \$3,000.00, a notice for an award of final compensation shall be filed by or on behalf of the Resolution Advocate and served as an application under Federal Bankruptcy Rule 2002(a)(6) with an opportunity for parties to object/comment within twenty-one (21) days after the filing of the notice; however, the inability of the BDRP to result in a settlement/stipulation shall not be a factor to be used in awarding less compensation than would be allowed based on an application of the terms and conditions of compensation upon retention of the Resolution Advocate; and~~

~~(D) — the estate's share of such compensation shall be an administrative claim against the estate.~~

~~(3) — Unless the appointing order provides for compensation solely by the bankruptcy estate, no CRA will be appointed without the consent of all parties to the controversy submitted to the BDRP. [To be moved to an Appendix]~~

RULE 9027-1 CONSENT TO JUDGMENT IN REMOVAL ACTIONS

Local Bankruptcy Rule 7012-1 shall apply in the case of removal.

RULE 9029-1 LOCAL BANKRUPTCY RULES - GENERAL

Any judge of this 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 motion or on motion of a party.

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

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

(b) Application of Federal Bankruptcy Rule 9033 to Stern Claims. Federal Bankruptcy Rule 9033 shall apply to objections to proposed findings and conclusions entered in core matters in accordance with *Stern v. Marshall*, 131 S.Ct. 2594 (2011).

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~~or~~, facsimile transmission,~~except~~ or by a nationally recognized delivery service; provided, however, that in the case of facsimile transmission, service shall not be effective unless the receiving party has consented in writing, in which case service is complete upon transmission, but it is not effective if the serving party learns that it did not reach the person to be served. The Clerk shall not accept for filing any email or facsimile

transmission. All notices given by facsimile transmission shall be followed by hard copy notice ~~with original signature~~ mailed ~~by~~ the next business day.

RULE 9037-1 PRIVACY POLICY AND TRANSCRIPT REDACTION PROCEDURES

(a) Privacy Policy. The Judicial Conference of the United States has adopted a privacy policy to restrict the publication of certain personal data in documents filed with the court. 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. The better practice is to avoid introducing this information into the record in the first place either through testimony or in exhibits. Counsel and self-represented litigants are advised to take this into account when questioning witnesses or making other statements in court or introducing exhibits into evidence. If a restricted item is mentioned or introduced in court, 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 motion.

(b) Transcript Redaction Procedures. Upon the receipt of a transcript, the Clerk will serve a Notice of Requirement to Review Transcript on all parties to the hearing. A filed transcript will be available at the Clerk's office for inspection only for a period of ninety (90) days after it is filed. 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. Counsel, or self-represented litigants, will have seven (7) days from the date of filing of the 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 must be served upon the transcriber. A party will have twenty-one (21) days from the date of the filing of the 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 should be redacted. The deadline for filing the redacted version of the transcript is thirty-one (31) days from the filing date of the transcript. At the end of the ninety (90) day restriction period, the redacted version will be made available via remote electronic access and at the public terminals in the Clerk's office for viewing and printing. The unredacted version of the transcript will not be available via remote electronic access or at the Clerk's office upon the filing of the redacted transcript; it shall be maintained as a private, restricted event. An attorney who purchases the transcript during the ninety (90) day restricted period will be given remote electronic access to the transcript and any redacted version filed.

RULE 9070-1 EXHIBITS

(a) Pending Appeal. From the conclusion of a hearing or trial to the expiration of the time within which to file a notice of appeal or, in the event that an appeal is taken, until the transmission of the record to the District Court, the Clerk will retain all documentary exhibits

except ones of unusual bulk or weight. Documents of unusual bulk or weight and all non-documentary exhibits will remain in the custody of the attorney presenting them, who (1) will permit inspection of them by counsel for another party for the purpose of preparing the record on appeal; (2) will be responsible for their safekeeping; and (3) if requested, will send them to the appellate court.

(b) Upon Termination of Action. Upon the closing of a contested matter or adversary proceeding, the Clerk will send notice to all counsel advising counsel to remove, within thirty (30) days, all trial and hearing exhibits and all sealed materials that counsel 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.