



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

MARK A. NEAL
Clerk of Court

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www.mdb.uscourts.gov

November 19, 2020

**NOTICE OF PROPOSED AMENDMENTS
TO LOCAL BANKRUPTCY RULES**

The United States Bankruptcy Court for the District of Maryland has approved for publication and public comment amendments to the following local rules and forms:

- **Local Rule 2002-1(g)** is amended to apply to Chapter 12 and 13 cases, in addition to Chapter 7 cases, in accordance with the December 1, 2020 amendments to Federal Bankruptcy Rule 2002.
- **Local Rule 3003-1** is amended to clarify the deadline for timely filing proofs of claim by governmental entities in Small Business Reorganization Act (SBRA) cases.

Redline copies of the proposed local rule amendments are attached and are also available on the Court's website at: www.mdb.uscourts.gov. The pending December 1, 2020 amendments to the Federal Bankruptcy Rules are available at: <http://www.uscourts.gov/rules-policies/pending-rules-and-forms-amendments>. This summary was prepared by the Clerk's Office as an overview of the proposed changes and is neither intended to serve as legal advice nor as a commentary on the proposed changes to the Local Rules, and nothing herein should be cited as legal authority. This summary does not include any minor stylistic changes that may be incorporated into the Local Rules as part of this amendment process.

Comments on these two proposed technical amendments to the local rules should be submitted on or before November 27, 2020, to Mark A. Neal, Clerk of Court, 101 West Lombard Street, Suite 8525, Baltimore, MD 21201 or emailed to LocalRules@mdb.uscourts.gov. If adopted, the amended rules will take effect on December 1, 2020.

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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, Chapter 12 and Chapter 13. A party required to give notice pursuant to Federal Bankruptcy Rule 2002(a) may limit notice as provided under Federal Bankruptcy Rule 2002(h) to (1) the debtor; (2) the trustee; (13) creditors that hold claims for which proofs of claim have been filed; and (24) 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 3003-1 TIME FOR FILING PROOFS OF CLAIM IN CHAPTER 11 CASES

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