

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

In Re:

**AMENDMENTS TO LOCAL
BANKRUPTCY RULES**

**ADMINISTRATIVE
ORDER NO. 18-01**

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**ORDER AMENDING LOCAL
BANKRUPTCY RULES 5005-1, 7005-2 AND 9013-4**

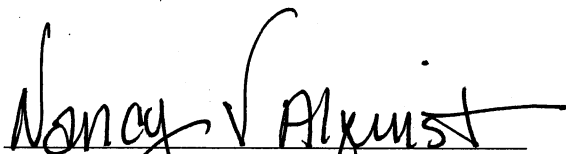
WHEREAS, the Court has determined that it is necessary to amend its Local Bankruptcy Rules. The amendments are necessitated by changes to the Federal Rules of Bankruptcy Procedure and Federal Rules of Civil Procedure that will take effect December 1, 2018; and

WHEREAS, proposed amended Local Bankruptcy Rule 5005-1 was published by the Clerk of Court for public comment on November 7, 2018, and no comments were received; and

WHEREAS, the amendments to Federal Rule of Civil Procedure 5 effective December 1, 2018, necessitate conforming amendments to Local Bankruptcy Rule 7005-2 to implement the new streamlined certificate of service requirements in adversary proceedings and to Local Bankruptcy Rule 9013-4 to confirm that the current certificate of service requirements for Federal Bankruptcy Rule 9013 motions and Federal Bankruptcy Rule 9014 contested matters are unaffected by the amendments to Federal Rule of Civil Procedure 5.

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

Pursuant to 28 U.S.C. § 2071, Rule 83 of the Federal Rules of Civil Procedure and Rule 9029 of the Federal Rules of Bankruptcy Procedure, the attached amendments to Local Bankruptcy Rules 5005-1, 7005-2, and 9013-4 are adopted by the Judges of this Court to be effective December 1, 2018. The amendments shall be effective as to all proceedings pending in this Court on that date insofar as is just and practicable, and shall govern all proceedings in bankruptcy cases thereafter commenced in this Court. A summary of the amendments to the Local Bankruptcy Rules as well as a redlined version of the amended Local Bankruptcy Rules are appended hereto.



Nancy V. Alquist, Chief Judge

Dated: November 30, 2018



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

MARK A. NEAL
Clerk of Court

THOMAS C. KEARNS
Chief Deputy Clerk

www.mdb.uscourts.gov

November 30, 2018

**DECEMBER 1, 2018 AMENDMENTS
TO LOCAL BANKRUPTCY RULES**

The Court has approved amendments to its Local Rules effective December 1, 2018. A brief explanation of the amendments follows. This summary was prepared by the Clerk's Office as an overview of the changes and should not serve as a substitute for reading the full text of the proposed amendments. Additionally, this summary is neither intended to serve as legal advice nor as a commentary on the changes to the Local Rules, and nothing herein should be cited as legal authority. This summary does not include minor, non-substantive stylistic changes that were incorporated into the Local Rules as part of the amendment process.

- **Local Bankruptcy Rule 5005-1** is amended to delete language that will become redundant with the December 1, 2018 amendment to Federal Bankruptcy Rule 5005(a)(2)(C), and is further amended to provide that the Administrative Order Adopting Case Management/Electronic Case Filing Procedures (Order No. 03-02) will be included for ease of reference in the Local Bankruptcy Rules as new Appendix H.
- **Local Bankruptcy Rule 7005-2** is amended to conform to the December 1, 2018 amendment to Federal Rule of Civil Procedure 5(d)(1)(B), applicable in adversary proceedings under Federal Bankruptcy Rule 7005. The amendments eliminate the requirement for certificates of service in adversary proceedings for any papers filed after the complaint where all parties are being served by the Court's electronic filing system (certificates of service will still be required when service is effectuated on parties not registered with the Court's electronic filing system).
- **Local Bankruptcy Rule 9013-4**, which previously incorporated by reference the certificate of service requirement in Local Bankruptcy Rule 7005-2, is amended to reflect that the certificates of service requirements are unchanged for motions or contested matters brought under Federal Bankruptcy Rule 9013 and Federal Bankruptcy Rule 9014, respectively.

Copies of the amended and new Local Rules and Forms are available on the Court's website at www.mdb.uscourts.gov. The Court is always interested in receiving comments on its Local Rules. If you have comments on these changes or any other rules, please submit them to Mark A. Neal, Clerk of Court, 101 West Lombard Street, Suite 8525, Baltimore, MD 21201 or email them to LocalRules@mdb.uscourts.gov.

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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, [attached as Appendix H](#)) 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 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 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) for each recipient who is not 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.~~

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

RULE 9013-4

CERTIFICATE OF SERVICE

(a) A certificate of service is required for ~~Local Bankruptcy Rule 7005-2~~ applies to motions under Federal Bankruptcy Rule 9013 and contested matters under Federal Bankruptcy Rule 9014.

(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) 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.

(d) Local Rule 7005-2 governs certificates of service in adversary proceedings.