UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF OREGON

LOCAL RULES OF BANKRUPTCY PROCEDURE
EFFECTIVE DECEMBER 1, 2014

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UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF OREGON

LOCAL RULES OF BANKRUPTCY PROCEDURE

Rule 1001-1. Local Rules—Title, Numbering Sequence, Scope, & Effective Date.

(a) **Title.** These are the Local Bankruptcy Rules of the United States Bankruptcy Court for the District of Oregon. A rule must be cited as an "LBR."

(b) **Numbering Sequence.** The numbering sequence coincides with the FRBPs and, whenever practicable, the Uniform Numbering System for Local Bankruptcy Court Rules issued by the Judicial Conference of the United States.

(c) **Scope.** These LBRs must be construed to be consistent with the Code and FRBPs, and to promote the just, speedy, and inexpensive determination of a case or adversary proceeding.

(d) **Effective Date.** These LBRs supersede all prior LBRs and general orders of the court, and govern all matters pertaining to bankruptcy cases pending in this court under any chapter of the Code on and after December 1, 2014, and all related adversary proceedings.

(e) **Practice Tips.** Practice tips pertaining to these LBRs were prepared by the Oregon State Bar Debtor-Creditor Section Local Bankruptcy Rules and Forms Committee. The tips are the views of the committee and are provided as supplemental information and context for the LBRs. But the tips are not themselves LBRs or necessarily the views of the judges, and users should consult relevant statutes, rules, and case law. Practice tips are found at www.osb-dc.org.

Cross-references:

- Rules of Construction & Definitions - LBR 9001-1.
- Exceptions - LBR 9029-1(c).
- Forms—Local (LBF) & Official (OBF) - LBR 9009-1.
- Local Rules—District Court - LBR 9029-3.

Rule 1002-1. Petition—General.

(a) Authority to File.

(1) Objection. Any objection to the filing of a voluntary petition based on the debtor's lack of authority to file the petition must be made by a motion filed no later than 14 days after the date the meeting of creditors is completed. Failure to object timely will be deemed a waiver of the objection.

(2) Conservatorship. A certified copy of an order for conservatorship of the debtor must be filed with any petition filed by a debtor's conservator.

(3) Voluntary Petition by Attorney in Fact.

(A) Prerequisites to Filing Petition. An attorney in fact may file a voluntary petition on behalf of a debtor only if:

(i) the debtor is an individual;

(ii) a written power of attorney, valid under nonbankruptcy law, expressly authorizes the attorney in fact to file a bankruptcy petition on behalf of the debtor;

(iii) extraordinary circumstances exist warranting the commencement of a bankruptcy case under the authority granted by the power of attorney; and

(iv) the debtor is not an infant or an incompetent person.

(B) Duties of Attorney in Fact and Debtor; Limit on Authority of Attorney in Fact.

(i) The attorney in fact must sign the petition as attorney in fact for the debtor and file it with a copy of the power of attorney, the mailing address of the attorney in fact's dwelling house or usual place of abode or the place where the attorney in fact regularly conducts a business or profession, and a statement, signed under penalty of perjury, certifying each prerequisite in (A) and explaining the extraordinary circumstances described in (A)(iii).

(ii) The court will issue an order that the attorney in fact and the debtor show cause why the case should not be dismissed. Within 14 days after entry of the order, the debtor must file a statement, signed under

penalty of perjury, either ratifying the filing of the petition and all statements in it or stating why the debtor cannot do so.

(iii) Unless the court orders otherwise, the attorney in fact may take no other action in the bankruptcy case on behalf of the debtor.

(iv) Without limiting (iii) above, the debtor must sign the schedules, statement of financial affairs, and all other documents filed by or on behalf of the debtor (other than the petition) and appear at the meeting of creditors.

(b) **Chapter 7 or 13 - Consumer Debt Presumption.** A case filed by an individual will be presumed to be filed by a debtor whose debts are primarily consumer debts unless another nature of debt is checked on the petition.

Cross-references:

- Caption - LBR 1005-1.
- Involuntary Petition - LBR 1010-1.
- Filing Location - LBR 1073-1.
- Representation of an Organization - LBR 9010-1(c).
- Petition - Infant or Incompetent Person - LBR 1004.1-1.

Rule 1004-1. Petition—Partnership.

[Reserved]

Cross-reference: Representation - LBR 9010-1(c).

Rule 1004.1-1. Petition–Infant or Incompetent Person.

(a) **Prepetition Appointment of Representative.** If, before the petition date, a representative has been appointed by a court under nonbankruptcy law for a debtor who is an infant or incompetent person, then a copy of the appointment instrument must be filed with a voluntary petition or with the alleged debtor's first pleading responding to an involuntary petition.

(b) **No Prepetition Appointment of Representative.** If, before the petition date, no representative has been appointed by a court under nonbankruptcy law for a debtor who is an infant or incompetent person, then a motion for the court to appoint a next friend or guardian ad litem ("movant") for the debtor must be filed with a voluntary petition or with the alleged debtor's first pleading responding to an involuntary petition.

(1) The motion must be accompanied by the movant's declaration under penalty of perjury with the following information:

(A) the movant's name, address, and relationship to the debtor (the movant's relationship to the debtor as spouse or other close relative who might have an interest in the debtor's financial affairs will not necessarily preclude granting the motion);

(B) whether a representative was appointed for the debtor under nonbankruptcy law before the petition was filed;

(C) why appointment of the movant as next friend or guardian ad litem is necessary;

(D) why appointment of the movant would be in the debtor's best interest;

(E) the fee, if any, that the movant would charge the debtor for serving as next friend or guardian ad litem;

(F) the movant's criminal, financial, and professional history;

(G) the movant's competence to handle the debtor's financial affairs, including the movant's knowledge of debtor's financial affairs;

(H) whether the movant has any current or potential future interest in the debtor's financial affairs; and

(I) whether any of the debtor's debts were incurred for the benefit of the movant.

(2) In cases where appointment is sought on behalf of an incompetent person, the declaration must be accompanied by the following documents:

(A) a letter from the debtor's physician regarding the debtor's ability to conduct the debtor's own financial affairs;

(B) a letter from the debtor's caregiver regarding the debtor's ability to conduct the debtor's own affairs; and

(C) a copy of any power of attorney or other document giving the movant authority to act for the debtor.

(3) The motion and declaration must be served under FRBP 7004 on the debtor, and notice thereof must be provided to the trustee, all creditors, the UST, any governmental entity from which the debtor is receiving funds, the debtor's closest relative, if known, and all persons to whom notice must be given under ORS 125.060.

(4) The court will hear the motion before the meeting of creditors under § 341(a), if possible. The movant must appear to testify at the hearing, either in person or by telephone.

Cross-reference: Voluntary Petition by Attorney in Fact - LBR 1002-1(a)(3).

Rule 1005-1. Petition—Caption.

Names of entities other than the debtor must also show the debtor's relationship to the other names. For example, if the debtor's name is Jones, Margaret Ann, then other names used by the debtor might appear as: "Peggy Jones"; "owner of Jones Construction"; "partner in ABC Co."; or "sole shareholder of XYZ Corporation."

Cross-reference: Document—Caption - LBR 9004-2.

Rule 1006-1. Fees—General.

(a) **Installment Payment Request.** A debtor must file LBF #110 (or OBF #B3A) to request authority to pay the petition filing fee in installments.

(b) **Payment Required when Filing a Petition.** A debtor must tender not less than the amount specified on the current version of LBF #110.

(c) **Dishonored Check.** If a check or draft is returned for nonsufficient funds or another valid reason by the drawee, the clerk must thereafter accept payments from the drawer only in the form of cash, cashier's check, or money order.

(d) **Erroneous Payment of Fee or Charge.** An entity making any payment with respect to a filing fee, or other fee or charge, must ensure the fee is due and not overpaid or paid more than once. The clerk will retain any excess payment.

(e) **Child Support Creditor Exemption From Certain Filing Fees.** OBF #B281 must be filed.

Rule 1007-1. Lists, Schedules, Statements, & Other Documents.

(a) Chapter 12.

(1) Summary of Liabilities. The debtor must deliver to the trustee, and any other interested party upon request, a summary of liabilities containing (1) a list of all farm- or fishing-related debts listed in schedules D, E, F, and G, followed by a subtotal of those debts; (2) a list of all nonfarm and nonfishing debts, if any, listed in those schedules, followed by a subtotal of those debts; and (3) a total of all debts listed in those schedules.

(2) Financial Review of Debtor's Business. A debtor must file LBF #Ex. D-1 and, if applicable, LBF #Ex. D-2 with the statement of financial affairs.

(b) Chapter 13 Sole Proprietor. A debtor operating in business as a sole proprietor must file LBF #Ex. D-2 and, if applicable, LBF #Ex. D-1 with the statement of financial affairs.

(c) Documents in Cases Filed On or After 10/17/05.

(1) §521(a) Payment Advices. A debtor must not file a copy of any payment advice or other evidence of payment required by §521(a). The debtor must instead deliver a copy of all required payment advices or other evidence of payment as follows:

(A) Chapter 7 or 11. To the UST when the debtor files schedules A-J in a new case, or by the deadline in FRBP 1007(c) after conversion of a case to one under chapter 7 or 11.

(B) Chapter 12 or 13. To the trustee (and not the UST) when the debtor files schedules A-J in a new case, or by the deadline in FRBP 1007(c) after conversion of a case to one under chapter 12 or 13.

(2) Documents Supporting Items in Statement of Current Monthly Income (OBFs #B22A and #B22C).

(A) General. A debtor must not file a copy of any document required to be given to either the trustee or UST supporting any item in a statement of current monthly income. When the debtor files a statement of current monthly income, the debtor must contemporaneously give copies of any required supporting document to either the UST in a chapter 7 case, or to the trustee in a chapter 13 case. Despite any instruction to the contrary under OBF #B22A, a copy of any document supporting an item listed on the form, other than a payment advice, must be given only to the UST and need not be given to the trustee unless the trustee requests a copy.

(B) **Family Violence Protection and Services Act Expense Details.** If the debtor files a document that provides the details of expenses incurred to maintain the safety of the debtor and the debtor's family from family violence under the Family Violence Protection and Services Act, a copy must be contemporaneously served on the UST, and on the trustee if the case is under chapter 12 or 13.

(3) **Motion for Extension of Time re Credit Counseling, or Exemption from Credit Counseling and Financial Management.** A motion must be filed on LBF #100.3.

(4) **Chapter 11, 12, or 13—Certification of Payment of Domestic Support Obligations and Statement re §522(q)(1) Applicability.** An individual debtor must file the certification and statement on LBF #525 by the deadline set in a notice sent to the debtor upon completion of plan payments. [NOTE: Chapter 11 debtors should see §1129(a)(14).]

(5) **Chapter 7, 11, or 13—Debtor Tax Information Under §521(g).**

(A) **To Obtain a Copy.** A motion must be filed, and the moving party must:

(i) Comply with the U.S. Court's Administrative Office *Director's Guidance Regarding Tax Information Under §521* available at http://www.uscourts.gov/uscourts/FederalCourts/BankruptcyResources/DirTaxGuidanceJCUSapproved905.pdf.

(ii) For each tax year requested, give the clerk, contemporaneously with filing, a 9"x12", self-addressed, envelope containing sufficient first-class postage to mail a one pound package. If the motion is filed electronically, a paper copy of the motion, clearly marked "COPY," must accompany the envelope.

(B) **Additional Restrictions re Use of Debtor Tax Information.** An entity receiving copies of debtor tax information from the court must:

(i) Limit circulation of the information to the entity's attorney and key personnel involved in the review and decision-making process.

(ii) Not post or store the information in any place accessible to the public.

(iii) Destroy all documents and computer files containing the information no later than 60 days after the earlier of the date the case is dismissed or closed, unless required for further use by the U.S. Department of Justice.

(6) **Trustee's Duty re FRBP 4002(b)(2) Documents.** The trustee must make a copy of each document provided by the debtor under FRBP 4002(b)(2) available for review by an interested party at the meeting of creditors.

(d) **Amendment.** LBRs 1009-1 and 9004-1(d) apply.

Cross-reference: Temporary Exclusion From Means Testing - LBR 9001-1(r).

Rule 1007-2. Mailing—List or Matrix.

(a) **General.**

(1) **Form.** The required mailing list must be prepared under LBF #104. However, if the petition is filed on paper and electronic media cannot be submitted, the debtor (or the petitioners filing an involuntary petition), and any other preparer of the list, must each file a certification that they are not able to create a list on electronic media.

(2) **Use of List.** When serving a notice, the clerk may rely exclusively on the master mailing list, and any amendment thereto filed before service.

(3) **Federal Agencies.** The mailing list, and the appropriate schedules, must include certain federal agencies and their addresses, as follows:

(A) **Commodity Broker.** If debtor is a commodity broker, the Commodity Futures Trading Commission at Washington DC.

(B) **U.S. Stock Interest.** If the United States has a stock interest in the debtor, the Secretary of the Treasury at Washington DC.

(C) **Nontax Debt Owed to U.S.** If debtor owes a debt to the United States other than for taxes, both the government entity to which the debt is owed and the U.S. Attorney for the District of Oregon.

(b) **Chapter 11.** The debtor must attach a certificate of service to the initial list of creditors filed under FRBP 1007(d) certifying the debtor separately provided the UST with:

(1) A copy of the list.

(2) A self-adhesive label with the name and service address for each of the following: the debtor (or party designated to perform the debtor's duties), any joint debtor, any debtor's attorney, and each creditor on the list.

(c) **Amendment.** LBR 1009-1 applies.

Cross-references:

- Disk Used for List - LBR 5005-4(b)(3).
- Mailing Address—Federal Governmental Units - LBR 2002-2.

Rule 1007-3. Statement of Intention.

An individual chapter 7 debtor must file a statement under §521. The statement must be filed using either LBF #521.05 or OBF #B8. If OBF #B8 is filed, the debtor must also file proof of service on the creditors and lessors identified in the statement certifying service of both OBF #B8 and LBF #715. If the debtor fails to comply with an applicable subsection of §521, a party may file an appropriate motion.

Rule 1009-1. Amendment—Lists or Schedules.

An amendment to a list or schedule of creditors, equity security holders, codebtors, or other interested entities must be filed under LBF #728.

Cross-references:

- Document—Amendment - LBR 9004-1(d).
- Proof of Claim—Amendment - LBR 3001-1(a).

Rule 1010-1. Petition—Involuntary.

(a) **Summons**. LBR 7001-1(b)(3) applies.

(b) **Objection to Nonindividual Debtor's Consent to Order for Relief.** Any objection must be made before the first time and date set for the meeting of creditors. Failure to object timely will be deemed a waiver of the objection.

Cross-reference: Filing Location - LBR 1073-1.

Rule 1014-1. Transfer of Cases.

Cross-reference: Assignment of Cases to Offices - LBR 1073-1.

Rule 1015-1. Joint Administration.

(a) Motion for Joint Administration.

(1) An order for joint administration of two or more cases under FRBP 1015 may be entered without notice and an opportunity for hearing.

(2) A motion for joint administration must be supported by a declaration that establishes that joint administration will ease the administrative burden for the court and the parties or is otherwise warranted and discloses any potential conflicts of interest that might arise from joint administration and describes how creditors may be protected therefrom.

(3) A joint administration order may be reconsidered by the court at any time upon its motion or that of any party in interest.

(b) Joint Administration Order. A proposed joint administration order must

(1) specify

(A) which case will be the lead case in which all subsequent filings must be made,

(B) the form of the caption to be used for subsequent notices and filings, and

(C) a docket entry to be made in the member cases notifying parties of the joint administration, and

(2) state whether

(A) the mailing lists in the member cases must be combined or may remain separate and, if combined, require filing of a combined (and non-duplicative) matrix,

(B) all notices in any one or more member cases that would be sent to all creditors in a case absent joint administration must be sent to all creditors and parties in all member cases,

(C) proofs of claim and interest must be filed in the member cases or only in the lead case, and

(D) plans and disclosure statements for the member cases may be filed and resolved jointly.

(c) **Limited Effect of Joint Administration.** Unless otherwise ordered, joint administration will not cause a substantive consolidation of the debtors' estates or authorize the filing of joint statements, schedules, or reports, including reports made under FRBP 2015.

Rule 1017-1. Conversion—Request for/Notice of.

Unless filed by a debtor that has a statutory right to convert the case, a motion to convert a case must be served on the debtor and any creditors' committee.

Cross-reference: Final Report/Account - LBR 2015-1.

Rule 1017-2. Dismissal—Case.

(a) **Motion to Dismiss.** Unless filed by a debtor that has a statutory right to dismiss the case, a motion must be served on the debtor and any creditors' committee. The motion must set forth the terms of any agreement concerning the dismissal.

(b) **Chapter 13—Motion to Vacate Dismissal.** A motion must be filed on LBF #1367.92.

Cross-references:

- Final Report/Account - LBR 2015-1.
- Reopening Case - LBR 5010-1.

Rule 1019-1. Conversion—Procedure After.

[Reserved]

Cross-references:

- Compensation and Expenses - LBR 2016-1.
- Final Report/Account - LBR 2015-1.
- Meeting of Creditors - LBR 2003-1.

Rule 1020-1. Chapter 11—Small Business; Creditors' Committee.

A motion under §1102(a)(3) to dispense with a creditors' committee must be filed no later than 14 days after the entry of the order for relief. The motion must be served on the debtor and each creditor on the list filed under FRBP 1007(d).

Cross-reference: Chapter 11—Small Business; Disclosure Statement - LBR 3017.1-1.

Rule 1073-1--Assignment of Cases to Offices.

A case for a debtor residing in or having its principal place of business in Benton, Coos, Curry, Douglas, Jackson, Josephine, Klamath, Lake, Lane, Lincoln, Linn, Marion or Polk county will be assigned to the Eugene office. In the interest of justice and for the convenience of the parties, a voluntary case for a debtor residing in or having its principal place of business in Malheur County will be transferred to the District of Idaho unless the debtor files with the petition a statement opting that the case remain in this district, in which case it will be assigned to the Portland office. All other cases will be assigned to the Portland office. The addresses of the court's offices are available on the court's website (www.orb.uscourts.gov).

Rule 2002-1. Notices to Creditors and Other Interested Parties.

(a) Entity Responsible for Giving Notice.

(1) General. The clerk may direct an entity to serve any required notice.

(2) Chapter 7. The entity requesting relief, other than a trustee, must serve all notices required under FRBPs 2002(a)(2)-(4). An entity serving a notice required by FRBP 2002(a)(6) must do so under LBR 2016-1.

(3) Chapter 11.

(A) General. The entity requesting relief must serve all notices except for one under FRBP 2002(a)(1), (a)(7), (d)(1), (f)(1), (f)(2) or (f)(6).

(B) Plan or Amended Plan. The proponent must serve a notice required by:

(i) FRBP 2002(b)(1) or (d)(5), together with the documents required by FRBP 3017(a), using the notice of hearing on proposed disclosure statement prepared by the court.

(ii) FRBP 2002(a)(5), (b)(2), (d)(6) or (d)(7), together with the documents required by FRBP 3017(d), using the order approving disclosure statement prepared by the court.

(iii) FRBP 2002(a)(6) for a final compensation application timely filed under LBR 2016-1(c)(2)(C).

(4) **Chapter 12.** The entity requesting relief must serve all notices except for one under FRBP 2002(a)(1), (a)(7), (f)(1), (f)(2), (f)(3), (f)(5) or (f)(6).

(5) **Chapter 13.** The entity requesting relief must serve a notice required by FRBP 2002(a)(2) or (a)(3).

(6) **Chapter 15.** A foreign representative filing a petition for recognition must serve the notice required under FRBP 2002(q)(1), and any notice required under FRBP 2002(q)(2).

(b) **Notice of Intent to Take Proposed Action.**

(1) **Template.** A notice of intent to take proposed action when an LBF does not exist may be single-spaced, must begin at least 1" from the top of the page, and must be in the following form:

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UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF OREGON

In re	)	Case No.** [Insert case number]
	)	
[NOTE: Insertion of "other names used" included on the petition under LBR 1005-1 is not required, except on notices under FRBP 2002(n)]	)	NOTICE OF INTENT TO [DESCRIPTION OF PROPOSED ACTION]
	)	
Debtor(s)	)	

The [debtor, trustee, etc.] proposes to take the following action:

[Insert a brief description of the proposed action and the reasons for it; a summary of the effects; names of insiders to the transaction; and any other information required under (2) or (3).]

[If notice pertains to a motion or application] The (motion, application, etc.) may be inspected at the clerk's office at the address shown below, or at the service address of the undersigned listed below.

YOU ARE NOTIFIED that unless you file an objection to this notice no later than 21 days after the service date, **and set forth** the specific grounds for the objection and your relation to the case, with the clerk of court at [insert the address for the office in Portland or Eugene, whichever is administering the case] and serve it on [insert name, address and phone number of party proposing the action], the undersigned will proceed to take the proposed action, or apply for an order if required, without further notice or a hearing.

(Signature) (OSB# if atty)
[PRINT OR TYPE NAME if filed on paper]
[ATTORNEY FOR _____, TRUSTEE, ETC.]

On (insert date) I served copies of the above notice on: (list the entities served using the format required by LBR 7005-1).

(Signature)
[PRINT OR TYPE NAME if filed on paper]

**The case number consists of a seven digit number: the first two digits represent the year the case was filed, followed by a hyphen, then five digits (the first digit being either a "3," "4" or "5" for a case being administered by the Portland office, or a "6," "7" or "8" for a case being administered by the Eugene office), followed by another hyphen, the three initials of the judge handling the case (in lower case letters), and then the number of the Code chapter under which the case is currently being administered (*e.g.*, 07-60000-fra13 for a 2007 chapter 13 case administered in Eugene by Judge Alley).

(2) **Proposed Use, Sale, Lease, or Abandonment of Property.** The following information, if applicable, must be inserted in a notice served under (1):

(A) A brief, general description of the property (if real property, include a street address and include or attach a legal description).

(B) Names of the buyer and other parties to the transaction, and their relationship to the debtor.

(C) Where a copy of the complete property description, or inventory, may be examined or obtained.

(D) The terms and conditions including, if applicable:

(i) The method and manner of submitting bids.

(ii) Conditions imposed on other bidders.

(iii) The time, place, and any special terms and conditions of public sale.

(iv) The time and place for preview of the property before sale.

(v) A statement whether the sale is of substantially all of the debtor's assets.

(E) Information regarding the adequacy of the consideration, and a statement concerning any independent appraisals.

(F) Whether the estate has equity in the property, and, if not, why the property is being sold by the estate and how expenses are to be borne.

(G) If no plan has been confirmed under chapter 11, 12, or 13, why sale before confirmation is beneficial to the estate or creditors.

(3) **Proposed Sale of Property Free and Clear of Liens and Other Interests.** A notice of intent to sell property that includes a motion under §363(f) must be served on LBF #760.5, instead of under (1), unless the motion either (A) seeks authority to sell personally identifiable information about individuals under §363(b) or (B) is filed in a chapter 11 case. In a chapter 11 case, the notice and motion may be filed in another format, but the document must include all the information required by LBF #760.5.

(c) **Notice of Hearing Template.** A notice of hearing when an LBF does not exist or the court will not deliver one to an entity for service, may be single-spaced, must begin at least 1" from the top of the page, and must be in the following form:

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF OREGON

In re	) Case No.** [Insert case number]
[NOTE: Insertion of "other names used" included	)
on the petition under LBR 1005-1 is not required,	) Adv. Proc. No.*** [Insert if applicable]
except on notices under FRBP 2002(n)]	)
Debtor(s)	) NOTICE OF HEARING [DESCRIPTION
	) OF MATTER TO BE HEARD]
[If applicable]	)
[Insert plaintiff names]	)
Plaintiff(s)	)
v	)
[Insert defendant names]	)
Defendant(s)	)

YOU ARE NOTIFIED THAT A HEARING to consider and act on the following: [Enter description of matter to be heard].

WILL BE HELD ON [hearing date] AT [hearing time] IN [or BY] [insert either: (1) the hearing room number and street address, or (2) if by telephone hearing, the telephone number, access code and the statement that "LBF #888 is also provided"]. [NOTE: Unless provided on the court's website at www.orb.uscourts.gov, or when using ECF, this information must be obtained from the judge's calendaring clerk at the telephone number identified on the court's website.]

[Insert a statement as to whether or not testimony may be offered, and received if admissible, under (d).]

(Signature) (OSB# if atty)
[PRINT OR TYPE NAME if filed on paper]
[ATTORNEY FOR _____, TRUSTEE, ETC.]

On (insert date) I served copies of the above notice on: (list the entities served using the format required by LBR 7005-1).

(Signature)
[PRINT OR TYPE NAME if filed on paper]

**The case number consists of a seven digit number: the first two digits represent the year the case was filed, followed by a hyphen, then five digits (the first digit being either a "3," "4" or "5" for a case being administered by the Portland office, or a "6," "7" or "8" for a case being administered by the Eugene office), followed by another hyphen, the three initials of the judge handling the case (in lower case letters), and then the number of the Code chapter under which the case is currently being administered (*e.g.*, 08-30000-tmb7 for a 2008 chapter 7 case administered in Portland by Judge Brown).

***The adversary proceeding number consists of a six digit number: the first two digits represent the year the adversary proceeding was filed, followed by a hyphen, then four digits (the first digit being either a "3," "4" or "5" for an adversary being administered by the Portland office, or a "6," "7" or "8" for an adversary being administered by the Eugene office), followed by another hyphen, and the three initials (in lower case letters) of the judge handling the case (*e.g.*, 98-3000-rld for a 1998 adversary proceeding administered in Portland by Judge Dunn).

(d) General Noticing Procedures.

(1) Notice of Motion or Application. A party required to serve a notice of a motion or application must serve the notice, with the motion or application, on the debtor and any creditors' committee.

(2) Testimony Presentation at Contested Matter Hearings.

(A) Testimony may be offered, and received if admissible, at a hearing, except that no testimony may be offered or received at a hearing conducted by telephone, or designated as a preliminary hearing or a status conference, unless all parties and the judge agree or a court-prepared notice of hearing so states.

(B) A notice of hearing on a contested matter must state whether or not testimony may be offered and received if admissible.

(e) Service Costs. An entity serving a notice must pay all actual costs of service. An entity incurring service costs may, unless otherwise prohibited under the Code or these LBRs, apply for reimbursement of the costs under LBR 2016-1.

(f) Accuracy of Mailing List. The clerk will not verify certificate of service information. If the clerk, no later than 35 days after a document's service date, receives written notice of a data entry error made by the clerk's office regarding a document served by the clerk, and the information necessary to correct the error, the clerk must immediately correct the error and re-serve that document

(g) Change of Mailing Address, and Returned Document.

(1) Duty to Notify Clerk of Mailing Address Change. An entity must file a notice of the entity's address change on LBF #101C or LBF #101D, or provide the debtor's

name, the case number, the entity's name, the entity's current address in the case record, and the new service address.

(2) **Returned Document.** The clerk must use the debtor's attorney's, or a *pro se* debtor's, address as the return address of record on a notice the clerk sends, to help ensure mailing accuracy, unless documents from different cases are sent in a single envelope. Except as provided in (f), the debtor must file LBF #101C, LBF #101D, or the BNC Bypass Notice to correct any address errors regarding entities that were listed on the mailing list. The clerk will not maintain a permanent record of, nor retain, a document returned to the clerk.

(h) **Proposed Order if No Objection Filed Timely.** The court will only consider signing an order resulting from a notice if the noticing party submits a proposed order under LBR 9021-1(a). The proposed order must include the exact name of the notice and its docket number. The noticing party must include with the proposed order a certificate stating that no objection was filed within the specified objection period, plus three days if FRBP 9006(f) applies.

(i) **Notice of Preferred Address Under §342(e) or §342(f).**

(1) **Creditor's Case-Specific Preferred Address Under §342(e).** A creditor that wants an address to be used only in a particular case must file a notice clearly stating that request. The notice must contain the debtor's name, the case number, and the creditor's complete service address for that particular case. If the creditor does not comply with the foregoing requirements, any nationally preferred address the creditor has submitted under §342(f) will continue to be effective.

(2) **Preferred Address Under §342(f).** An entity requesting an address be used for all notices must only make the request directly to the National Creditor Registration Service established by the court's notice provider and the Administrative Office of the U.S. Courts for this purpose, and not to the court, which will constitute filing of that request. Contact information is available from the "Links" section of the court's website at www.orb.uscourts.gov.

(j) **Chapter 7, 12 or 13 Case—Limited Notice.** Unless provided otherwise in an FRBP or LBR, after the deadline for filing each type of claim has expired, a party required to serve notice need do so only on the debtor, a creditor that filed a proof of claim, and an entity that filed a request to receive a copy of all notices.

Cross-references:

- Agreement for Relief From the Automatic Stay, Adequate Protection, Use of Cash Collateral, or Obtaining Credit - LBR 4001-1(d).

- Application for Compensation or Expenses - LBR 2016-1.

- Chapter 13—Plan; Form, Notice, and Service - LBR 3015-1(b)(1).
- Electronic Filing - LBR 5005-4.
- LBFs - LBRs 9001-1(u) and 9009-1.
- Lien Avoidance Under §522(f) - LBR 4003-2.
- Motion for a Chapter 11, 12, or 13 "Hardship" Discharge - LBR 4004-1.
- Motion for Lien Avoidance (§§506(d)/1322 or §522(f)) - LBR 4003-2.
- Motion for Redemption - LBR 6008-1.
- Motion for Relief From Stay, Use of Cash Collateral, or Obtaining Credit - LBR 4001-1.
- Motion for Removal or Remand - LBR 9027-1.
- Motion to Assume, Reject, or Assign an Executory Contract or Unexpired Lease - LBR 6006-1.
- Motion to Compel Abandonment - LBR 6007-1.
- Motion to Convert Case - LBR 1017-1.
- Motion to Dismiss Case - LBR 1017-2(a).
- Objection to Claim - LBR 3007-1.
- Proposed Order or Judgment - LBR 9021-1.
- Service & Certificate of Service - LBR 7005-1.

Rule 2002-2. Notice to United States or Federal Agency.

When an entity must give notice to the SEC or the IRS, the entity must send the notice to the agency's address obtained from the court's website at www.orb.uscourts.gov. LBR 1007-2 also applies.

Rule 2003-1. Meeting of Creditors.

(a) **General.** The clerk will give notice of the meeting using the mailing list filed with the petition and, for a converted or involuntary case, also any list amendments, or other lists (*e.g.*, listing involuntary gap creditors) or matrices filed no later than 14 days after entry of the conversion or relief order. The debtor must give notice of the meeting of creditors to all other creditors and entities entitled to that notice on LBF #728.

(b) **Attendance.** The debtor and debtor's attorney must attend and complete the meeting. The debtor's attorney may arrange for another attorney to attend in his or her place without a formal substitution of attorney. The debtor's failure to complete the meeting of creditors is a ground for dismissal of the case.

(c) **Location.** The UST will designate the location of the meeting. Generally, the meeting will be held in the meeting location assigned for the county of the debtor's residence. Upon written request submitted with a voluntary petition, or with the creditor information filed no later than 14 days after entry of a conversion or relief order, the meeting may be relocated to the location closest to the following (listed in order of descending priority): majority of in-state creditors, debtor's business, debtor's real property, debtor's residence, and debtor's attorney's office.

(d) **Request to Reschedule Meeting.**

(1) **Request Filed Before the Time Set for the Meeting**. The debtor must comply with any UST policy regarding rescheduling a meeting either before, or at, the scheduled meeting when practicable. A motion filed with the Court must state that the moving party complied with the policy, and the basis for opposition to the request.

(2) **Request Filed After the Time Set for the Meeting.**

(A) **Form.** The debtor must file a motion.

(B) **Timing.** To avoid automatic dismissal of the case, the motion must be filed promptly. If the case has been closed, the motion to reschedule the meeting must be accompanied by a motion to reopen the case (on LBF #1367.92 if a chapter 13), and the appropriate court filing fee.

(C) **Content.** The motion must state:

(i) The reason for the request to reschedule the meeting.

(ii) The reason the request could not be made at or before the originally scheduled meeting.

Cross-reference: Use of Electronically Recorded Testimony - LBR 9017-1.

Rule 2004-1. Depositions & Examinations.

(a) **General.** LR 30 applies. The clerk will not provide or store an electronic recording of an FRBP 2004 examination. No transcript of FRBP 2004 testimony or a deposition may be filed, although relevant parts of a transcript may be offered in evidence.

(b) **Setting Procedure.**

(1) **Required Conference.** Before giving notice of a deposition, or requesting an *ex parte* order for an FRBP 2004 examination, the party giving notice of the deposition or requesting the examination must confer, or make a good-faith attempt to confer, with the adverse party to set a mutually agreeable date.

(2) **Motion.** A motion for an FRBP 2004 examination must include a certification either:

(A) Stating the party presenting the order has conferred with the adverse party and obtained agreement on the date for the examination.

(B) Describing the steps taken in a good-faith attempt to confer with the adverse party about a mutually agreeable date.

(3) **Minimum Notice.** Except for good cause shown, or unless the parties otherwise agree, FRBP 2004 examinations or depositions must be set no less than 14 days after the motion is filed.

Rule 2010-1. Trustee—Bond or Surety.

A person elected or appointed as trustee must send an initial bond, and amendments, to the UST, who will promptly make a copy and file the initial bond and amendments.

Rule 2012-1. Report Due if Successor Trustee Appointed.

If a successor trustee is appointed in a case, including upon conversion to another chapter, the succeeded trustee must file the applicable report required under LBR 2015-1 for the period of time that trustee had been acting as the case trustee.

Rule 2014-1. Chapter 7 or 11—Employment of Professionals.

(a) **Chapter 7 Professional Employment Applications.** A trustee must file on any LBF created solely for the trustee's use (*e.g.*, LBF #753.50 (auctioneer); LBF #753.55 (liquidator); LBF #753.58 (collection agency); LBF #753.60 (broker); LBF #753.70 (accountant); LBF #753.80 (appraiser); LBF #753.90 (attorney other than on a contingency fee basis); or LBF #753.95 (attorney on a contingency fee basis)).

(b) **Chapter 11 Professional Employment Application.** LBF #1114 must be attached to an application.

Rule 2015-1. Trustee—Reports, Accounts, Notices, & Destruction of Records.

(a) **Chapter 7.**

(1) **Inventory and Report of Assets.**

(A) **Initial.** The trustee must enter the appropriate docket entry no later than 14 days after the meeting of creditors concludes.

(B) **Amended.** The trustee must file an amended report using the appropriate docket entry no later than 14 days after the actual or constructive receipt of assets if the preceding report was one of "No Assets" or "Undetermined Assets."

(2) **Final Account.** A trustee who has actually or constructively received any estate assets must:

(A) If all collected nominal assets will be returned and the case is to be treated as a no-asset case, enter the appropriate docket entry no later than 14 days after returning all assets.

(B) If the case is dismissed, transferred, or converted, enter the appropriate docket entry no later than 35 days after entry of the relevant order.

(C) If a distribution order on LBF #740.3 has been entered, provide a final account to the UST on the appropriate UST form no later than 14 days after receiving all initial bank statements indicating a zero balance from each of the trustee's depositaries in which a deposit account was maintained in the case. The UST must file the final account no later than 30 days after its receipt from the trustee. After the UST files the final account, the clerk may close the case without further notice.

(b) Chapter 11.

(1) Monthly Financial Report. The DIP, or trustee if one has been appointed, must file a financial report each month. Each month's report must be filed no later than the 21st day of the next month. The filing of a full, complete, and accurate report in the form designated by the UST constitutes compliance with FRBP 2015(a).

(2) Final Account.

(A) General. If the debtor will receive a discharge upon confirmation, or is an individual who will not request a discharge under LBR 4004-1, the following entity must file LBF #1195 no later than 120 days after entry of a plan confirmation order: (i) a plan agent appointed under the plan to serve after confirmation; or (ii) if no plan agent, the debtor.

(B) Upon Order of Confirmation, Conversion, Transfer, or Dismissal. A court-appointed trustee must file LBF #1198 no later than 35 days after entry of the order.

(c) Chapter 12 or 13. Notice of Plan Completion. Upon completion of plan payments, and at least 35 days before filing a request for the court to enter a discharge, the trustee must serve, but not file, a notice of plan completion on the debtor and debtor's attorney.

(d) Trustee's Destruction of Case Records.

(1) With Notice. A case record in the trustee's possession, unless required to be transferred to a third party, may be destroyed in the absence of a timely objection to a trustee's 35 days' notice by first-class mail of the proposed destruction to the entity from which the record was obtained, and to any other entity that has made a written request to the trustee for notice of the proposed destruction of case records.

(2) Without Notice or Order. Any case record in the trustee's possession may be destroyed after expiration of the time period established by the UST. In this LBR a "case record" includes all documents the trustee either obtained from any entity in connection with the case, or prepared in connection with the case.

Cross-reference:

- Chapter 11—Discharge for Individual - LBR 4004-1(b).

Rule 2015-2. Chapter 11 or 12—DIP/Trustee Duties.

(a) **Financial/Accounting Records.** The debtor's financial and accounting records must differentiate between prepetition and postpetition transactions, assets, and liabilities.

(b) **Deposit Accounts.** The DIP or trustee must promptly withdraw all monies from all prepetition deposit accounts and open new deposit accounts, including general, payroll, and tax accounts. New signature cards or account agreements, and checks, must state that the owner is either a DIP or a trustee, and the chapter of the case (*e.g.*, "Ch. 11 Debtor in Possession").

(c) **Chapter 11 Monthly Financial Report and Final Account.** LBR 2015-1(b) applies.

Rule 2016-1. Compensation for Services Rendered & Reimbursement of Expenses.

(a) **General.**

(1) **Nonprofessional Administrative Expenses.** If a trustee fails to promptly pay an administrative expense, the claimant may request reimbursement of the expense by filing a proof of administrative expense. LBF #B10A is an optional form of proof of administrative expense. An administrative expense, proof of which is filed, is deemed allowed, unless a party in interest objects. A claimant may serve a notice under LBR 2002-1(b) of its intent to submit an order allowing immediate payment of the administrative expense, which must have a copy of the proof of claim attached, on the debtor and any creditors' committee.

(2) **Custodian.** A custodian superseded under §543, or an attorney or an accountant for the custodian, may request payment of compensation or reimbursement of expenses using a proof of claim under (1). A custodian not superseded under §543, or an attorney or accountant for the custodian, may request compensation or reimbursement of expenses by application made in the manner required in this LBR for an applicant filing under the applicable chapter.

(b) **Compensation and Reimbursement Amounts for Entities Other Than Chapter 7, 12, or 13 Trustees.**

(1) **Minimum Billing Time Increment.** A billing time increment should not exceed .1 hour (six minutes), and any time spent working on multiple matters concurrently must be allocated between those matters so total billings do not exceed the actual time spent. The application must include a separate statement explaining any minimum time increment exceeding .1 hour.

(2) **Reasonableness of Billing Amounts.** If a billed expense or compensation sought for travel time does not exceed the limits below, there is a rebuttable presumption that the billing is reasonable and no evidence will be required unless a party files a timely objection to the billing. If a billing amount exceeds a limit below in any respect, then the application must include a separate statement explaining the method by which any amount in excess of the limit was determined, and the applicant must submit evidence that the amount sought is reasonable. An application or claim that seeks billing amounts within the scope of this LBR must expressly identify any billing amount that exceeds the following limits:

(A) **Photocopies.** $0.15 per page for photocopies by the applicant's firm. Commercial concerns should be used at actual cost for a large project.

(B) **Long-Distance Telephone or Mail.** Actual cost of long-distance telephone or mail. The applicant must be prepared to demonstrate the necessity of using a delivery method involving charges exceeding the cost of first-class postage.

(C) **Travel.**

(i) **Travel Time Compensation.**

(I) If the applicant worked on the case or adversary proceeding while traveling, the full hourly rate will be allowed.

(II) If the applicant worked for another client while traveling, nothing will be allowed.

(III) If the applicant did not work on client matters while traveling, travel time will be allowed at one-half of the applicant's hourly rate. If a professional wants a court determination that travel time should be authorized at more than one-half the professional's hourly rate, the court will consider and rule on the application.

(ii) **Mileage.** Automobile mileage not to exceed the allowed rate for federal tax deductions.

(iii) **Air Fare.** Air fare not to exceed coach price. The applicant must be prepared to demonstrate the economic benefit of flying rather than using alternative transportation.

(iv) **Hotels, Meals, Per Diem, and Miscellaneous Charges.** Actual cost of hotels and meals, with a maximum of two times the government

per diem rate. The government per diem rate charts are available at www.gsa.gov.

(D) **Secretarial, Clerical, Word Processing, and Other Staff Charges.** Secretarial, clerical, word processing, and other staff charges are part of overhead, and not reimbursable unless the applicant demonstrates extraordinary circumstances. If reimbursable, services are reimbursed at the applicant's cost of employing the individual performing the services billed (*i.e.*, salary plus benefits), but not any additional amount for overhead.

(E) **Outgoing Fax.** Actual telephone charge, or actual cost for outside services.

(F) **Computerized Legal Research.** Actual (*i.e.*, invoiced) cost. The applicant must specifically identify time associated with computerized research on the applicant's time detail.

(G) **PACER.** Actual cost billed by PACER Service Center.

(H) **Messengers.** Deliveries by the applicant's employees are part of overhead and not reimbursable. Actual cost for outside messenger services. The applicant must be prepared to demonstrate necessity.

(I) **Other.** Other expenses, including services provided by third parties, at the actual cost paid to the third party.

(3) **Paralegal/Legal Assistant.** Hourly rate for performing paralegal or legal assistant work.

(4) **Local Counsel.** If competent local counsel (*i.e.*, an attorney where court hearings will regularly be scheduled in the case or adversary proceeding) is available, the court will allow compensation and expenses to nonlocal counsel in an amount not to exceed the total that would have been charged by competent local counsel. If an attorney wants a court determination before undertaking employment that competent local counsel is not available, the court will consider and rule on an application before employment is actually undertaken.

(c) **Chapter 7 or 11.**

(1) **Interim Application.**

(A) **General.** An application for interim compensation must be preceded by the filing of an interim report prepared by the trustee on either LBF #753 (for chapter 7) or LBF #1153 (for chapter 11). The applicant may contemporaneously file a motion (including a certificate of service on the

trustee), and a proposed order, requiring an interim report be filed within 30 days.

(B) **Form.** An application will be considered a final application unless the LBF title is marked as "INTERIM." An interim applicant who is not an accountant must use LBF #345. An accountant must use LBF #345.7.

(C) **Filing.** An application for interim compensation or expense reimbursement must be filed in the case, and not as a proof of claim.

(D) **Notice of Intent to Compensate Professional.**

(i) Before an interim application will be considered by the court, a notice must be filed on LBF #753.40 unless the application is submitted by either:

(I) A chapter 7 trustee, who must file on any LBF created solely for the trustee's use (*e.g.*, #753.50 (auctioneer), #753.55 (liquidator), #753.58 (collection agency), #753.60 (real estate broker), or #753.80 (appraiser)).

(II) A chapter 11 real estate broker or auctioneer.

(ii) Except for a chapter 7 trustee, an applicant preparing a notice is generally responsible for noticing the referenced application. Notices of multiple applications in a given case may be consolidated. An applicant who prepares and serves a notice on behalf of other applicants must notify the other applicants, and those other applicants must not also serve a notice. The cost of service must be borne by each applicant whose application is described in any notice in proportion to the total compensation or expense reimbursement requested.

(2) **Final Application.**

(A) **General.** A final application for compensation or reimbursement of expenses must be filed as a proof of claim. An applicant must file a final application even if an interim application by the applicant is pending, or the court has awarded interim compensation that remains unpaid. An attorney's disclosure statement filed under FRBP 2016(b) is not an application. The requirements of (b) apply to the reimbursement of expenses or travel time.

(B) Form.

(i) Attorney/Accountant. An attorney must file on LBF #345. An accountant must file on LBF #345.7.

(ii) Other Professional. LBF #345 must be used unless the professional is:

(I) Employed under LBF #753.50 (auctioneer), #753.55 (liquidator), #753.58 (collection agency), #753.60 (broker), or #753.80 (appraiser).

(II) A chapter 11 real estate broker or auctioneer.

(C) Timely Filing.

(i) Chapter 7. Unless the case has been converted, an application for compensation earned or expense reimbursement must be filed by the date the trustee's final report is filed. It is the applicant's duty to keep apprised of that filing date.

(ii) Chapter 11. Unless the case has been converted, an application for compensation earned or expense reimbursement at least through plan confirmation must be filed no later than 28 days after entry of the confirmation order.

(D) Untimely Filing. The court may consider an untimely application if it is filed by the deadline in §726(a)(1), or in chapter 11. The applicant must file and serve any notice required by FRBP 2002(a)(6) under LBR 2002-1(b), and either:

(i) When No Notice Required. Lodge a proposed order when filing the application, and clearly state in the title that no notice is required by FRBP 2002(a)(6).

(ii) When Notice Required and No Objection Filed. No later than 28 days after the service, lodge a proposed order that includes a certification that no objection was timely filed.

(E) Order in Chapter 11. Promptly after expiration of the notice period with respect to LBF #1190, the proponent of the confirmed plan must lodge an order awarding final compensation and reimbursement to professionals on LBF #1193, and include in that LBF all professional fee or expense

reimbursement applications noticed on LBF #1190 for which no objection was timely filed.

(d) Chapter 12.

(1) Attorney. An application for initial or supplemental compensation or expense reimbursement must be filed on LBF #1214 no later than 28 days after service of the trustee's notice of plan completion. The applicant must file and serve notice of the application on LBF #1214.5.

(2) Accountant. An accountant's application for compensation or expense reimbursement must be filed on LBF #345.7.

(e) Chapter 13 Debtor's Attorney.

(1) General. A disclosure of compensation and any employment agreement, and initial application for compensation, must be filed on LBF #1305 no later than 14 days after the first date set for the meeting of creditors. Any amended disclosure must be filed on LBF #1305 no later than 7 days before the confirmation hearing.

(2) Postconfirmation Supplemental Compensation Application. If permitted under the applicable provisions of the LBF #1305 filed in the case, the application must be filed on LBF #1307 no later than 28 days after service of the trustee's notice of plan completion.

(f) Converted Case. An application for compensation earned or for reimbursement of expenses incurred before a case was converted must be filed on LBF #345, and as a proof of claim. An application for compensation earned or for reimbursement of expenses incurred while a case was being administered in more than one chapter must separate the required information into a separate section for each chapter.

(g) Adversary Proceedings. The deadlines under LBRs 9021-1(c)(2) and (3) for filing, or objecting to, a cost bill also apply to filing, and objecting to, a request for attorney fees in an adversary proceeding when the prevailing party seeks judgment for its attorney fees.

(h) Secured Creditor Expenses. In this subdivision the term "expense" includes the costs of insurance, taxes paid, attorney fees, appraisal fees, and inspection fees.

(1) Chapter 7 or 11.

(A) General.

(i) Proof of Claim Required. A secured creditor seeking reimbursement or payment of prepetition expenses must apply using

a proof of claim. A secured creditor seeking reimbursement or payment of postpetition and preconfirmation expenses must apply using a proof of claim filed by the deadline in (c)(2)(C).

(ii) **Declaration of Professional.** A proof of claim filed for postpetition expenses that includes a claim for compensation of professional services must also include a declaration from the professional that contains the following five points of information and representations:

"**(1)** The declarant requests allowance of compensation for: Professional Services of $_____; Expenses of $_____; for a Total of $_____. Expenses claimed were actually charged to the declarant.

(2) [Rate based on hourly charge] The rate of compensation, number of hours, and requested fee for each person included in this application are summarized as follows:

Timekeeper (names and initials)	Title	Hourly Rate	Number Of Hours	Requested Fee

[Rate not based on hourly charge] The fees for services were calculated as follows: (Describe). Services were provided by the following: (Identify by name).

(3) The declarant has not shared or agreed to share any compensation received or to be received for services rendered in connection with this case, except with a regular member, partner, or associate of declarant's firm.

(4) A description of the timekeeper's services and expenses is included and incorporated into the declaration.

(5) The declarant requests: a. A total of $_____ for expenses that fall within the limits of LBR 2016-1(b) (no itemization required); AND b. Other (describe each in detail):"

(B) **Expenses Arising After Initial Proof of Claim.** A secured creditor may include estimated future expenses, marked as such, in a proof of claim. In addition, a creditor seeking postpetition expenses may file an amended claim, with notice to be given under (C).

(C) Notice of Claim or Amended Claim.

(i) General. A creditor must contemporaneously give notice under LBR 2002-1(b) of its intent to be paid by the estate unless notice is not required under (ii). If notice is not required, the creditor must clearly state that fact, and the applicable exception, in the first page immediately after the proof of claim form.

(ii) Exceptions. A secured creditor filing a proof of claim that includes a request for compensation or reimbursement of expenses must give notice of the claim to all parties entitled to notice under FRBP 2002(a), except as follows:

(I) If the request does not exceed the noticing threshold in FRBP 2002(a)(6).

(II) If a secured creditor seeks payment of expenses from the proceeds of sale of collateral, and the creditor informs the trustee of the amount of the requested expenses no later than three business days after being notified in writing by the trustee of the proposed sale, the trustee must include notice of the claimed expenses in the notice of proposed sale. The creditor must also file or amend a proof of claim for those expenses no later than 14 days before the deadline for timely objection to the sale.

(III) In a chapter 11 case, if the creditor files the proof of claim no later than 28 days after entry of the plan confirmation order, then the plan proponent must serve the claim or notice of the claim with the notice of confirmation on LBF #1190.

(iii) Notice Expenses. If a creditor has had the opportunity to have notice of its claim served as part of a notice of proposed sale or plan confirmation, but does not do so, the creditor must serve notice of the claim at the creditor's expense and without increasing its claim.

(D) Holdback for Expenses If Order Not Entered, but Sale Can Close. If the court has not entered an order regarding an expense claim when the collateral sale closes, the trustee must, until the court enters an order regarding the expense claim, retain in trust for the secured creditor 150% of the amount the creditor sought for expenses, which amount will be impressed with the creditor's security interest or lien.

(2) Chapter 12 or 13.

(A) Inclusion of Expenses in Proof of Claim. A secured creditor who requests payment of expenses by the trustee must also:

(i) General. Include representations that: (I) the expenses were actually charged to the claimant, (II) none of the parties for whom expenses are claimed has shared or agreed to share any compensation received or to be received for services rendered in connection with this case, except with a regular member, partner, or associate of the claimant's firm, and (III) claimant has no ownership interest in any of the entities providing services for which reimbursement is sought.

(ii) Prepetition Expenses. Include and identify the expenses.

(iii) Postpetition and Preconfirmation. Either: (I) include postpetition, but preconfirmation, expenses in an initial or amended proof of claim, or (II) no later than 30 days after entry of the confirmation order, file an initial or amended proof of claim. The part of the claim attributable to postpetition and preconfirmation expenses must be clearly identified.

(iv) Postconfirmation. No later than the 90th day before the debtor is scheduled to make the final plan payment, file an initial or amended proof of claim that clearly identifies the requested expenses incurred after plan confirmation. If the creditor incurs the requested expense in connection with a claim described in FRBP 3002.1(a), the creditor must also comply with FRBP 3002.1.

(B) Disclosure of Preservation of Expense Claim After Discharge. A creditor that asserts a right to expenses as part of its secured claim, but does not request payment of those expenses by the trustee, must disclose its claimed entitlement to payment of the expenses either by filing and serving on the debtor a notice of the expense claim, or by including the expense claim in the creditor's proof of claim. A secured creditor may elect to include some expenses in its proof of claim, and other expenses in a notice.

(i) Information Required in a Notice. The creditor must: (I) state that the creditor asserts the right to expenses as part of its secured claim and does not request payment by the trustee, and (II) set forth the amount of the claim for expenses to the extent known at the time the notice is filed and any interest rate charged on accrued expenses.

(ii) **Deadline to Give Notice.** A creditor that asserts a claim for prepetition expenses must give notice of its claim by the deadline for that creditor to file a proof of claim. A creditor that asserts a claim for postpetition expenses must make its disclosure no later than the 90th day before the debtor is scheduled to make the final plan payment. If the creditor incurs the postpetition expense in connection with a claim described in FRBP 3002.1(a), the creditor must also comply with FRBP 3002.1.

(C) **Itemization of Expenses.** No later than 28 days after service of a request, a secured creditor must give a written itemization of the expenses not set forth in a proof of claim.

(D) **Deadline for Objection to Claim for Expenses.** An objection to a secured creditor's expenses must be filed no later than 60 days before the final plan payment is due under the plan.

Cross-references:

- Chapter 12 or 13—Amended Proof of Claim - LBR 3001-1(a)(3).
- Chapter 11—Confirmation; Report of Administrative Expenses - LBR 3020-1.
- Service Costs—Reimbursement - LBR 2002-1(e).

Rule 3001-1. Claims—General.

(a) **General.**

(1) **Asset Chapter 7.**

(A) **Tardy Proof of Claim.** If a tardily filed nonpriority unsecured claim does not otherwise state a reason for being considered timely under §726(a)(2)(C), the trustee must treat the claim under §726(a)(3) unless the claimant serves a notice under LBR 2002-1(b) of its intent to seek §726(a)(2)(C) status on all entities entitled to all notices, and obtains an order authorizing that status for the claim.

(B) **Amended Proof of Claim.** A claimant filing an amended claim after the claim deadline must mark the claim "Amended," and file the claim no later than the deadline in (C).

(C) **Deadline to File.** For a tardily filed nonpriority unsecured claim to share in the distribution under §726(a)(2) or (3), the claim must be filed, and any order authorizing §726(a)(2)(C) status for the claim must be entered, by the later of the date the trustee files a final report or any last date set for requesting a hearing on the final report.

(D) **Surplus Assets.** If a trustee determines that estate assets might exceed all timely allowed claims, the trustee may file a request that a notice of surplus assets be given to creditors. If a notice of surplus assets is sent after expiration of the filing deadline for tardy claims in (C), the deadline for filing tardy claims will be extended as set forth in the notice.

(2) **Chapter 11.**

(A) **General.** A proof of claim is timely if it is filed within the deadline set forth in FRBP 3002(c) for a similar claim in a case filed under chapter 7.

(B) **Creditor Information Amendment.** A debtor must file LBF #728 to amend any creditor information, and the pertinent provisions in that form apply to the deadline for filing a proof of claim.

(3) **Chapter 12 or 13.**

(A) **Amended Proof of Claim.**

(i) **Notice Required Only if Debtor not Represented by an Attorney.** A creditor must serve the notice on LBF #302.

(ii) **Objection.** To prevent distribution, an objection to an amended claim must be filed no later than 14 days after the date the amended claim was filed.

(iii) **Distribution.** The trustee must not make any distribution on an amended claim filed after the initial deadline for filing the claim until the later of either: (I) 21 days after it was filed, or (II) the timely filing of an objection under (ii).

(B) **Motion by Debtor for Payment of Untimely Filed Claim.** A debtor seeking to have a claim treated as timely must file a motion on LBF #1365.

(b) Transfer of Claim for Security Before Proof of Claim Filed.

(1) Filing Requirements. If a transferee files proof of the transferred claim, the proof of claim must state on its face: (A) that the claim was transferred for security before filing, and (B) the name and service address of the transferor.

(2) Transferee's Rights. If a transferor does not file proof of the transferred claim, or a timely objection to the clerk's notice of its filing, and no agreement to the contrary is filed within the objection period, the transferee will be considered the sole owner of the claim without further order.

(c) Transfer of Claim After Proof of Claim Filed.

(1) Filing Requirements for Evidence of Transfer. If the transferor does not file the evidence of transfer, or a timely objection to the clerk's notice of its filing, the evidence of transfer must clearly state on its first page the full name and service address of the transferor.

(2) Claim Transferred for Security. If the transferor does not file the evidence of transfer, or a timely objection to the clerk's notice of its filing, and no agreement to the contrary is filed within the objection period, the clerk must substitute the transferee for the transferor, and the transferee will be deemed the sole owner of the claim without further order.

Cross-references:

- Compensation for Services Rendered & Reimbursement of Expenses - LBR 2016-1.
- Copy—Claim - LBR 5078-1.
- Proof of Claim and Stipulation - LBR 9010-1(a)(2)(D).

Rule 3007-1. Claim—Objection.

(a) Objection to Allowance or Classification of Claim.

(1) Scope of Audit. A trustee must audit, and serve any appropriate objection to, only those claims with sufficient priority to have a reasonable possibility of receiving a dividend. The trustee does not waive the right to later object to claims of a lower priority.

(2) **LBF for Objection.** An objection must be filed on LBF #763. Parties intending to file omnibus objections under FRBP 3007(d) - (e) should contact the Clerk's Office for instructions.

(b) **Chapter 11.** A claim objection filed more than seven days after service of notice of the initial disclosure statement hearing does not affect the amount of the claim for the purpose of voting on, objecting to, determining creditor acceptance of, or otherwise determining whether to confirm, the plan to which the notice referred or any amendments to the plan.

Rule 3009-1. Chapter 7—Distributions.

(a) **Interim Distribution to Nonprofessional Unsecured Creditors.** A trustee may make an interim distribution without notice or order if the trustee has sufficient funds to pay all filed and anticipated claims in a claim category the same pro-rata amount, and the UST approves the proposed distribution.

(b) **Interim Distribution to Debtor.** A trustee may make an interim distribution without notice or order if the trustee meets the requirements of (a), and the trustee has sufficient funds to pay all filed and anticipated claims plus interest thereon under §726(a)(5). A trustee may make a distribution to the debtor on an allowed exemption claim without notice or order.

(c) **Distribution to Secured Creditor.** A trustee may make a distribution from proceeds of the creditor's collateral without notice or an order. The trustee must promptly make the distribution unless the trustee intends, or is aware that another entity intends, to challenge the secured claim.

Rule 3011-1. Unclaimed Funds.

A petition for payment of unclaimed funds must be on LBF #391.

Rule 3015-1. Chapter 12 or 13—Plan & Payments.

(a) **Chapter 12.** A plan must be filed on LBF #1200.05.

(b) **Chapter 13.**

(1) **Plan.** A plan must be filed on the applicable version of the local bankruptcy plan form (i.e., LBF #1300.14 or LBF #1300.05).

(2) **Order Directing Support or Chapter 13 Payments (Wage Order).**

(A) The debtor must, no later than seven days after the meeting of creditors, file a proposed wage order on the version of LBF #1351 that applies to the trustee administering the case. The debtor may, however, orally request at the meeting of creditors that the trustee orally waive this requirement.

(B) The court will enter a wage order promptly after it is lodged. After confirmation of the plan, the trustee may issue directives to the debtor's employer increasing or decreasing the payment deducted under the plan, changing the employer to which the wage order applies, or terminating the deduction. The trustee must file, and serve on the debtor, any directive.

(3) **Motion to Terminate Wage Order.** A motion must be filed on LBF #1351.5.

(4) **Secured Creditor Rights When a Confirmed Plan Provides for Direct Payment of Secured Creditor's Claim.** The creditor may continue automatic withdrawals of payments authorized before the petition was filed, and the creditor may deliver to the debtor coupon books, notices regarding payment changes, and account statements.

(5) **Payment of Personal Property Lease.** The debtor must make payments subject to §1326(a)(1)(B) directly to the lessor only if the debtor's plan so provides, or if no plan provision addresses payment of the debtor's lease obligation. If a proposed or confirmed plan provides for payment of the lease obligation by the trustee, the debtor must make the payment as part of the payment to the trustee, and the trustee must pay the lessor both before and after confirmation. The trustee must disburse the lease payment to the lessor in the normal disbursement cycle as soon as the estate has funds, and the lessor has filed a proper proof of claim.

(6) **Preconfirmation Adequate Protection Payments.**

(A) The debtor must make adequate protection payments required by a proposed or confirmed plan through the trustee. The debtor must pay the trustee an amount sufficient to cover the payments and the trustee's percentage fee, which the trustee is authorized to deduct from funds received.

(B) The trustee must disburse each payment in the normal disbursement cycle as soon as the estate has funds available, and the creditor has filed a proper proof of secured claim.

(C) Unless provided otherwise in the plan, a payment must be in the amount proposed in plan pt. 2(b).

(D) The trustee must apply any disbursed payment to the allowed claim of the creditor.

(7) **Payment of Certain Claims Secured by Real Property.** If a debtor and the trustee agree, the debtor may pay mortgage arrearages and other claims secured by real property upon a sale or refinance of the property directly to the creditor. The trustee may, upon demand, be paid the trustee's authorized fee based upon those payments either by the debtor or the escrow agent.

Cross-references:

- Chapter 13—Motion to Reopen Case or Vacate Dismissal - LBR 5010-1.
- Chapter 13—Confirmation - LBR 3015-3(c).
- Notice of Plan Completion - LBR 2015-1(c).

Rule 3015-2. Chapter 12 or 13—Plan Amendment.

(a) **General.** Any proposed amendment must be:

(1) Entitled a "(insert First, Second, etc.) Amended Plan".

(2) Complete, including the proposed amendments, without any reference to any part of any prior document.

(3) Signed and dated.

(b) **Preconfirmation.** If a proposed amendment is filed 14 days or more before a confirmation hearing, the debtor must attach the amended plan to LBF #1355.05 and serve it under that form. If an amended plan is filed less than 14 days before a confirmation hearing, the court will determine at the hearing whether the debtor must comply with the preceding sentence.

(c) **Postconfirmation.** The debtor must attach a proposed amendment to LBF #1355.10.

Rule 3015-3. Chapter 12 or 13—Confirmation.

(a) **Failure to File Tax Return.** If a taxing authority objects to confirmation because the debtor has not filed a tax return, and the agency has not withdrawn its objection before the confirmation hearing, the debtor must demonstrate to the court that the return has been filed.

(b) Chapter 12.

(1) Hearing Notice. Upon filing of a plan, the court will prepare a notice of confirmation hearing and deliver it to the debtor for service.

(2) Order. A debtor must, no later than seven days before the confirmation hearing, deliver to the trustee a proposed confirmation order on LBF #1255.05. Upon entry, the clerk will deliver a copy to the debtor for service on all interested parties.

(c) Chapter 13.

(1) Except as set forth in (4), a confirmation objection must be filed and served on the debtor within 14 days after the meeting of creditors concludes.

(2) If no objection to the proposed plan is timely filed, the debtor must submit to the trustee a proposed confirmation order on LBF #1350.05 no later than 21 days after the meeting of creditors concludes. The trustee must review, approve if appropriate, and lodge the proposed order no later than seven days before the date set for the confirmation hearing. The court will review and consider entering an approved proposed order without a hearing.

(3) If the trustee has filed an objection, the trustee's subsequent lodging of a proposed order constitutes a withdrawal of the objection.

(4) The court will not consider an untimely filed confirmation objection unless the objector files with the objection a motion to treat the objection as timely, stating with particularity the facts constituting cause to do so.

Rule 3016-1. Chapter 11.

(a) Accelerated Case. The court will, if appropriate, enter an order designating a case for accelerated treatment.

(b) Conspicuous Disclosure of Certain Lien Treatments. If a plan does not classify a claim secured by a lien on property dealt with by the plan or the plan does not provide for or result in the continuation of a lien on property dealt with by the plan after the effective date, the plan and disclosure statement must provide notice of those facts in specific and conspicuous language (bold, italic, or underlined text), identifying the lienholder and the amount of the debt or the nature of the performance obligation the lien secures, regardless of whether the lien secures an allowed claim.

Cross-references:

- Chapter 11—Effect of a Claim Objection on Allowance of a Claim for Voting Purposes - LBR 3007-1(b).
- Chapter 11—Small Business; Creditors' Committee - LBR 1020-1.
- Chapter 11—Small Business; Disclosure Statement - LBR 3017.1-1.

Rule 3017-1. Chapter 11—Disclosure Statement Hearing.

After a plan and disclosure statement are filed, the court will prepare a notice of disclosure statement hearing and deliver it to the proponent for service.

Cross-references:

- Chapter 11—Effect of a Claim Objection on Allowance of a Claim for Voting Purposes - LBR 3007-1(b).
- Chapter 11—Small Business; Disclosure Statement - LBR 3017.1-1.

Rule 3017.1-1. Chapter 11—Small Business; Disclosure Statement.

The following procedures apply to a debtor's request either for a determination that no separate disclosure statement is required because the plan provides adequate information, or for conditional approval of the disclosure statement:

(a) No later than 14 days before the filing of the plan and, if applicable, the disclosure statement, the debtor must serve a copy of those documents on the UST, creditors' committee, any involved taxing authority, secured creditors, and any entity that has requested all notices. No later than seven days after service, the parties served must inform the debtor of any objection to approval of the disclosure statement, or to the disclosure aspects of a plan combined with a disclosure statement.

(b) If the debtor seeks conditional approval of a disclosure statement, the debtor must file the disclosure statement and plan in a form to which the UST has agreed.

(c) When filed, the plan and, if applicable, disclosure statement must be accompanied by a certificate on LBF #1165.5.

(d) If no timely objection under (a) remains unresolved, the court may determine that a separate disclosure statement is not necessary or may conditionally approve the disclosure statement.

The court will prepare an order regarding the disclosure statement and notice of a confirmation hearing, and deliver it to the debtor for service.

Cross-references:

- Chapter 11—Effect of a Claim Objection on Allowance of a Claim for Voting Purposes - LBR 3007-1(b).

- Chapter 11—Small Business; Creditors' Committee - LBR 1020-1.

Rule 3018-1. Chapter 11—Acceptance or Rejection of Plan.

(a) **Ballot.** The ballot for acceptance or rejection of a plan must set apart the following text in bold and capitalized print: **"THIS FORM DOES NOT CONSTITUTE A PROOF OF CLAIM AND MUST NOT BE USED TO FILE A CLAIM OR TO INCREASE ANY AMOUNT LISTED IN THE DEBTOR'S SCHEDULES."** A completed ballot must be submitted to the plan proponent.

(b) **Notice of Initial Confirmation Hearing.** After approval of a disclosure statement, the court will prepare a notice of confirmation hearing and deliver it to the proponent for service.

(c) **Motion for Temporary Allowance of Disputed Claim or Interest.** No later than 30 days after service of the initial notice of disclosure statement hearing, a claimant requesting temporary allowance of a claim subject to a pending objection for the purpose of accepting or rejecting a plan must file and serve a motion for temporary claim allowance.

(d) **Summary of Acceptances and Rejections.** A plan proponent must file a summary on LBF #1181 no later than three business days before the date set for the confirmation hearing.

Rule 3019-1. Chapter 11—Plan or Disclosure Statement Amendment.

A proposed amended plan or disclosure statement must be:

(a) Entitled a "(insert First, Second, etc.) Amended Plan or Disclosure Statement."

(b) Preceded by a separate document containing the old and new language set out separately in different forms (*e.g.*, by striking through deleted language and highlighting new language, or bracketing deleted language and underlining new language) and describing on the first page of the document the method of notation.

(c) Complete, including each proposed amendment.

(d) Signed and dated.

Rule 3020-1. Chapter 11—Confirmation; Report of Administrative Expenses & Confirmation Order.

(a) **Report of Administrative Expenses.** A plan proponent must file a report on LBF #1182 no later than three business days before the date set for the confirmation hearing.

(b) **Confirmation Order.**

(1) **General.** A proposed confirmation order must be:

(A) Prepared by the plan's proponent.

(B) Specific as to the amount of unpaid fees due to the clerk, and require payment no later than 14 days after the order is entered.

(C) Lodged no later than seven days after the final confirmation hearing.

(2) **Notice of Confirmation.** No less than 30 days, nor more than 45 days, after entry of a confirmation order, the proponent must prepare and file a notice on LBF #1190.

Rule 4001-1. Relief From Automatic Stay; Use of Cash Collateral; Obtaining Credit; Agreements; Rental Cure Deposits.

(a) **Chapter 7—Nonjudicial Relief from Automatic Stay.**

(1) **Request.** An entity claiming an interest in property of the estate or property in the possession of the debtor or trustee may request nonjudicial relief from the automatic stay of §362(a) under LBF #715.

(2) **Objection.** An objection must not be filed with the court. An objection to a request, unless made at the meeting of creditors, must be in writing and contemporaneously delivered to only the debtor, the trustee, and the entity requesting relief. If the trustee receives a timely objection, the trustee must not grant nonjudicial relief unless the objection is withdrawn in writing.

(3) **Granting and Effect of Nonjudicial Relief.** If permitted under LBF #715, the trustee may grant nonjudicial relief from stay by executing LBF #750. A grant of nonjudicial relief constitutes termination of the stay of an act against the subject property. An LBF #750 need not be filed to become effective. The trustee will not

be deemed to have abandoned or waived any interest or other rights in the property by executing LBF #750. Any nonexempt equity in the property remains property of the estate, and any exempt equity remains property of the debtor.

(b) Motion for Relief From Debtor or Codebtor Stay.

(1) General. A motion for relief from a debtor stay must not be combined with any other motion or alternative relief request, except for relief from a codebtor stay.

(2) Motion Content, Notice of Motion, Response, and Order Thereon. A motion, and any response or order thereon, must be filed under LBF #720.50, which includes the court's mandatory stay-relief procedures and applies to cases in all chapters.

(3) Sanctions for Improper Notice of Hearing. The court may refuse to consider a timely response to a motion for relief from stay filed in a chapter 7 or 13 case, or may impose other sanctions, if the response is not filed under LBF #720.50.

(c) Motion for Authority to Use Cash Collateral, or for Authority to Obtain Credit.

(1) General. A motion must be filed under LBF #541.50.

(2) Preliminary or Emergency Hearing. When a preliminary or emergency hearing is necessary, the motion must be filed under LBF #541.51.

(d) Agreement Relating to Relief From the Automatic Stay, Providing Adequate Protection, Use of Cash Collateral, or Obtaining Credit. A notice under LBR 2002-1(b) of intent to submit a proposed order approving an agreement must be given, but the time for filing an objection shall be as specified in FRBP 4001(d).

(e) Debtor's Consent to Relief From Stay re Property to be Surrendered. Marking the "Property Will be Surrendered" box on a debtor's chapter 7 statement of intention form (LBF #521.05) as to any property constitutes the debtor's consent to relief from the automatic stay with regard to that property. Relief from stay will be effective at the earliest of the following: (1) the granting of judicial or nonjudicial relief from stay, (2) physical surrender of the property by the debtor, or (3) expiration of the time deadlines in §521.

(f) Rent Deposit by Debtor for Cure Under §362(l)(1).

(1) Petition Filing Method. Notwithstanding LBR 5005-4, a debtor's petition accompanied by a deposit of rent under §362(l)(1) must not be filed electronically. The deposit must be submitted under (2). However, documents that are not required to be filed with the petition (*e.g.*, schedules or statements) must be filed electronically if the filer is an ECF Participant.

(2) **Deposit Requirements.** The deposit must:

(A) Be submitted only in the form of a cashier's check or money order made payable to the landlord.

(B) Not be deposited or otherwise negotiated by the clerk.

(C) Be sent, promptly after receipt, by the clerk using first-class mail to the landlord identified in the petition at the address in the petition, with the transmittal recorded on the docket.

(g) **Motion to Extend or Impose Stay Under §362(c) or §362(n).**

(1) **General.** A motion under §362(c) or §362(n) must be filed under LBF #721.3.

(2) **Timing re §362(c)(3).** A motion to extend the stay under §362(c)(3) must be filed no later than seven days after the order for relief.

(h) **Motion for Order Confirming Stay is Not in Effect Under §362(j).** A motion for an order under §362(j) must be filed on LBF #720.95.

(i) **Chapter 7 Trustee's Motion for Continuation of Stay re Personal Property.**

(1) A motion under either §362(h)(2) or §521(a)(6) must: (A) clearly identify in the title the Code section relied on for the motion (*i.e.*, either §362(h)(2) or §521(a)(6)), and (B) include the name and service address for any affected creditor.

(2) If a timely motion is filed under §362(h)(2) or §521(a)(6) regarding personal property identified as collateral for a secured debt included on a debtor's statement of intention (LBF #521.05), the stay of §362(a) will continue as to the property until the date an order granting the motion is entered or a different date is determined by the court.

Cross-references:

- Motion Practice—Contested Matters - LBR 9013-1.
- Proposed Order if No Objection Filed Timely - LBR 2002-1(h).
- Proposed Order or Judgment - LBR 9021-1(a).

Rule 4003-1. [Reserved]

Rule 4003-2. Lien Avoidance Under §§506(d)/1322 or 522(f).

(a) A motion to value property and avoid a wholly unsecured lien under §§506(d) and 1322 in a chapter 13 case must be filed under LBFs #1317 and #1317.3. Any default order arising from such a motion must be lodged under LBF #1317.5.

(b) If not addressed as part of a chapter 12 or 13 plan, a motion to avoid a lien under §522(f), and any objection, must be filed under LBF #717.15.

Rule 4004-1. Grant or Denial of Discharge.

(a) **Chapter 12 or 13 Hardship Discharge.** A debtor moving for a hardship discharge under §1228(b) or §1328(b) must file and serve a notice of the motion on LBF #1378.

(b) **Chapter 11 Discharge for Individual.** To obtain a discharge, a debtor must file a motion for entry of discharge on LBF #1191.3 regardless of when discharge is sought. If the case is closed, the debtor must contemporaneously file a motion to reopen the case and pay the required reopening fee.

(c) **Determination of §522(q)(1) Applicability.** A motion to determine that a discharge should not be granted under §727(a)(12), §1228(f), or §1328(h) must be filed either: (1) no later than 60 days after the first date set for the meeting of creditors in a chapter 7 case, or (2) as required by order or notice in a chapter 11, 12, or 13 case.

(d) **Effect of Failure to Timely File a Certification or Obtain an Order Determining that §522(q)(1) Applies.** A debtor's case may be closed without entry of a discharge if either: (1) the debtor is required, but fails, to timely file a certification required under LBRs 1007-1(c)(4) or (5), or (2) the court enters an order determining a debtor's discharge not be entered in the ordinary course because §522(q)(1) is applicable. If the debtor either subsequently satisfies all requirements regarding the certifications, or has a change of circumstances regarding §522(q)(1) applicability, the debtor may request entry of discharge by contemporaneously filing either each required certification or a motion for entry of discharge (whichever is applicable), filing a motion to reopen the case, and paying the required reopening fee.

Cross-references:

- Chapter 13—Deadline for Certification of Completion of Financial Management Course - LBR 1007-1(c).

- Chapter 12 or 13—Deadline for Certification of Payment of Domestic Support Obligations and Statement re §522(q)(1) Applicability - LBR 1007-1(c).

- Reaffirmation Agreements - LBR 4008-1.

Rule 4008-1. Reaffirmation Agreements.

(a) **General.** A debtor who wants to reaffirm a debt under §524(c) must file an agreement on OBF #B240A (preferred by the court) or OBF #B240A/B Alt no later than 60 days after the first date set for the meeting of creditors.

(b) **Court Administration.** If a debtor does not timely file an agreement accompanied by any required cover sheet, the court may enter the debtor's discharge and promptly close the case.

Rule 4008-2. Voluntary Modification of Debt Secured by Debtor's Residence in Chapter 7 and Chapter 13 Cases

(a) **Chapter 7 Cases.** A mortgage creditor may negotiate a modification of its secured claim with the debtor and the debtor's attorney at any time during the pendency of a Chapter 7 case. A modification is voluntary on the part of the secured creditor and the debtor and is subject to procedures set forth in LBF #751.7. The court will not consider a mortgage creditor's contact with the debtor or the debtor's attorney and any negotiation to effect a modification, by themselves, to violate the automatic stay of 11 U.S.C. §362. No modification can become effective until the trustee abandons the encumbered real property.

(b) **Chapter 13 Cases.** A mortgage creditor may negotiate a modification of its secured claim with the debtor and the debtor's attorney at any time during the pendency of a Chapter 13 case. A modification is voluntary on the part of the secured creditor and the debtor. The court will not consider a mortgage creditor's contact with the debtor and the debtor's attorney and any negotiation to effect a modification, by themselves, to violate the automatic stay of 11 U.S.C. §362. No modification can become effective until the trustee consents in writing or the court approves the modification.

Cross-references:

- Trustee's Abandonment of Debtor's Residence in Chapter 7 Cases - LBR 6007-1(b).

- Definition of "Mortgage Creditor" - LBR 9001-1(z).

Rule 5001-1. [Reserved]

Rule 5001-2. Clerk–Office Locations/Hours.

Cross-reference: Clerk–Assignment of Cases to Offices–LBR 1073-1.

Rule 5003-1. Clerk—General/Authority.

The clerk and designated deputies may sign and enter the following orders without further court authorization:

(a) Requiring the filing of missing or corrected documents.

(b) Closing case and discharging trustee in a case in which the trustee has reported the estate has no assets to administer or in which an order has been entered approving the trustee's final account.

(c) Directing the debtor to appear at a hearing to show cause why a case should not be dismissed or converted, or other appropriate relief ordered should not be granted, when the debtor has failed timely to comply with an order, FRBP, or LBR.

(d) Permitting the debtor to pay filing fees in installments and setting the number, amount, and dates of payment of each installment.

(e) Directing payment of court costs.

(f) Refunding an erroneously tendered fee when appropriate.

(g) Correcting a clerical error.

(h) An order authorized by a judge.

Rule 5005-1. Document Filing—Facsimile or E-Mail.

A document must not be sent to the clerk or the court by facsimile or e-mail, and the clerk must not file a copy of a document received by facsimile or e-mail.

Cross-references:

- Adversary Proceedings—General - LBR 7001-1.
- Caption—Document - LBR 9004-2.
- Electronic Filing - LBR 5005-4.

- Filing Location - LBR 5001-2.
- Involuntary Petition - LBR 1010-1.
- Lists, Schedules, and Statements - LBRs 1007-1,-2 and -3 and 1009-1.
- Requirements of Form - LBR 9004-1.
- Voluntary Petition - LBRs 1002-1 and 1005-1.

Rule 5005-2. [Reserved]

Rule 5005-3. [Reserved]

Rule 5005-4. Electronic Filing.

(a) **Administrative Procedures.** The *Administrative Procedures for the Electronic Case File System* (Administrative Procedures) (LBF #125) govern ECF and its use, and govern in the event of a conflict between the Administrative Procedures and an LBR, LBF, or GO. Each provision and procedure in the most current version of the Administrative Procedures available when a document is filed applies to filing the document.

(b) **Mandatory Electronic Filing.**

(1) An attorney or trustee who files or lodges documents, or a creditor who has filed more than 10 documents (*e.g.*, claims, transfers of claims, assignments of claims, special notice requests, etc.) in any calendar year, must thereafter do so electronically using ECF or another program provided by the clerk for this purpose, except as provided under an LBR or the Administrative Procedures.

(2) An attorney, trustee, or creditor unable to file electronically may apply for a waiver of the requirement to file electronically either for a limited time or for the duration of a specific case or adversary proceeding. A request must be made by letter addressed to the clerk showing good cause to file and serve documents on paper, and explaining why the attorney, trustee, or creditor is unable to comply, the steps being taken to be able to comply, and how long those steps will take. The chief judge or a designee will act upon the request.

(3) An ECF Participant must purchase, install, use, and regularly update anti-virus software (*i.e.*, at least weekly and immediately upon notification of any anti-virus software update) at all locations from which the Participant accesses ECF or PACER.

(4) Unless local counsel is an ECF Participant who will be responsible for filing and lodging documents, an attorney appearing *pro hac vice* must register to become an authorized ECF Participant no later than 14 days after entry of the order authorizing the attorney's appearance, and promptly begin electronic filing and lodging or comply with the procedure in (2).

(5) In the event of an unanticipated inability to use ECF due to a noncourt technical failure, the ECF Participant must prepare and submit a certification regarding inaccessibility with each document filed or lodged on paper.

(6) In the event of an unanticipated inability to use ECF due to the court's technical failure, the ECF Participant must prepare and submit a certification of that inability with each document filed or lodged on paper.

(7) An ECF Participant must keep the Participant's unique ECF information current at all times (*e.g.*, name, service address, contact name and telephone number). An ECF Participant must also maintain adequate e-mail capacity (*e.g.*, for receipt of notices and service). A failure to do so will not relieve the ECF Participant of any provision in an LBR, a GO, an LBF, the Administrative Procedures, or a related document.

(8) An ECF Participant is solely responsible for the accuracy and completeness of, and any necessary redaction as to, all data the ECF Participant electronically enters into ECF, and for effecting any required amendment and notice of amendment.

(c) Effect of Electronic Filing.

(1) A paper document is the official record of the filing of the document until the document has been electronically entered into ECF. After entry into ECF, the clerk will destroy the paper document.

(2) An electronically filed document will be deemed to have been signed as required by FRBP 9011 by the ECF Participant to whom the court has assigned the login name used for the filing or on whose behalf a filing agent files the document. An ECF Participant is solely responsible for the use and control of the ECF Participant's login and password. The ECF Participant is also responsible for any actions taken by a filing agent on the ECF Participant's behalf and for the timely deactivation of a filing agent when the filing agent is no longer authorized to file on the ECF Participant's behalf.

(d) ECF Participant Waiver. By accepting an ECF login and password, an ECF Participant waives the right to receive notice or other documents, including notice of the entry of an order or judgment under FRBP 9022, by any manner other than electronically, and agrees to accept all service electronically, but that waiver and agreement do not apply to service of a

document that is required by any FRBP to be served other than electronically on a party (*i.e.*, as opposed to an ECF Participant attorney for that party).

(e) **Retention of Original Document.** An electronically filed document described in FRBP 1008 or a properly completed, signed, and filed LBF #5005 with respect to the document and a scanned electronic replica of the signed document must be maintained by the filing ECF Participant or the firm representing the party on whose behalf the document was filed in its original paper form until the later of the closing of the case or the fifth anniversary of the filing of the document, except as otherwise provided for trustees by the U.S. Department of Justice. The filing ECF Participant or firm retaining the original document or LBF #5005 and scanned electronic replica of the document must produce it for review upon receipt of a written request.

(f) **Filing Deadline for Electronically Filed Document or Docket Entry.**

(1) Filing electronically does not alter the filing deadline. Electronic filing must be completed before midnight Pacific time to be considered filed on that day.

(2) An ECF Participant whose filing is untimely due to a technical failure of a court-controlled aspect of the ECF system may seek appropriate relief from the court.

Cross-reference: Document Filed Electronically - LBR 9011-4(b).

Rule 5007-1. Record of Proceeding.

LBR 9017-1(f) applies.

Cross-reference: Transcript - LBR 5077-1.

Rule 5009-1. Final Report/Account.

LBR 2015-1 applies.

Cross-reference: Notice to Creditors and Other Interested Parties - LBR 2002-1.

Rule 5009-2. Closing Case.

The clerk must close a case otherwise ready for closing, but in which a motion is pending, upon the earlier of either:

(a) Entry of all dispositive orders.

(b) Thirty days after the latest of (1) expiration of all deadlines for filing objections, (2) the completion date of all required hearings, or (3) the date of the last docketed court request for a party's submission of a dispositive order on a matter.

Rule 5010-1. Reopening Case.

(a) **General.** A motion to reopen a case must include the debtor's current mailing address, and must be accompanied by the applicable filing fee.

(b) **Chapter 13—Motion to Reopen Case or Vacate Dismissal.** A motion must be on LBF #1367.92, and must be accompanied by the applicable filing fee. If a motion is granted, the chapter 13 standing trustee will be the trustee.

Rule 5011-1. Withdrawal of Reference.

LBR 9033-1 applies.

Rule 5011-2. Abstention.

A motion for abstention must be accompanied by an affidavit demonstrating compliance with 28 U.S.C. §1334(c) and LR 2100.

Rule 5072-1. [Reserved]

Rule 5072-2. Court Security—Prohibition against Possession of Firearms, Weapons, or Other Disruptive or Disabling Devices.

No individual may possess any firearm, weapon, or other disruptive or disabling device in the clerk's office, any judge's chambers, or courtroom area unless specifically authorized by court order. "Courtroom area" includes courtrooms, hallways, elevators, stairwells, and all other areas available for any use by the public or court personnel.

Rule 5073-1. Photography, Recording Devices, Broadcasting, & Wireless Communication Devices.

(a) **Photography/Recording/Broadcasting.** The taking of photographs, audio or video taping in, or live broadcasting from, the clerk's office, any judge's chambers, or a courtroom area

as defined in LBR 5072-2 is prohibited. Unless specifically authorized by a judge, photographic, recording, taping, or broadcasting equipment not constituting "wireless communication devices" as defined in (b) must not be brought into the clerk's office, any judge's chambers, or a courtroom area as defined in LBR 5072-2 .

(b) **"Wireless Communication Devices" Defined.** "Wireless communication devices" include, but are not limited to, mobile or "smart" phones, laptop computers, tablet computing devices, mp3 players, and personal digital assistants (or similar devices).

(c) **Use of Wireless Communication Devices in a Courtroom or Courtroom Area.** The following rules apply to the use of wireless communication devices:

(1) A cellular wireless communication device (*e.g.*, 3G/4G) must either be turned off in a courtroom or have its capacities that may interfere with the courtroom sound system, including cellular capacities, deactivated.

(2) A wireless communication device (*e.g.*, wi-fi) turned on in a courtroom must be set to "silent", unless audio capabilities are needed as part of a court proceeding.

(3) No wireless communication device may record or transmit audio, video images, pictures, or movies of a courtroom area as defined in LBR 5072-2 at any time.

(d) **Sanction.** Violation of this LBR may result in the offending device being confiscated by United States Marshal's Office personnel, and the violator referred to the court for contempt or other sanction proceedings.

Rule 5077-1. Transcript.

(a) **Redaction.** LBR 9037-1 applies.

(b) **Testimony Electronically Recorded by Court Personnel.** A request for a transcript or recording of a hearing, other than of a meeting of creditors, must be in writing, made on LBF #335 (Hearing Transcript Order Form) or LBF #335.5 (Hearing CD Order Form).

(c) **Testimony Taken by Court Reporter.** The court reporter must be contacted directly to make arrangements for the preparation of a transcript.

(d) **Meeting of Creditors.** The UST must be contacted for a transcript or recording.

Cross-reference: Use of Electronically Recorded Testimony - LBR 9017-1(f).

Rule 5078-1. Copy—Document.

(a) **General.** A conventional, certified, or exemplified paper copy of an electronically filed document may be obtained at the clerk's office. An appropriately sized SASE must accompany each request unless the requesting party picks up the document at the clerk's office no later than 4:00 p.m. on the business day after it is prepared.

(b) **Conformed Copy.** The entity filing a paper document may request a conformed copy of that document by simultaneously providing the clerk: (1) a copy of the document; (2) a declaration that the copy is identical to the filed document; and (3) a SASE. A declaration may be a separate document or a signed notation on the first page of the copy.

Rule 6004-1. Use, Sale, or Lease of Property.

(a) **Notice.** LBR 2002-1(b) applies to a notice required under FRBP 6004.

(b) **Report of Property Sale.** The statement required by FRBP 6004(f)(1) must be filed upon completion of, and no later than 28 days after, a sale of estate property, unless the required information is in a monthly chapter 11 financial report or on UST Form 101-7-TFR for a chapter 7 private sale.

(c) **Motions for Sale of All or Substantially All Assets and Sale Procedures Motions.** A motion in a chapter 11 case for sale of all or substantially all assets and any related sale procedures motion must comply with the guidelines set forth in LBF #363.

Rule 6005-1. Appraisers & Auctioneers. [Reserved]

Cross-references:

- Chapter 7 or 11—Employment of Professional - LBR 2014-1.
- Compensation and Expenses - LBR 2016-1.

Rule 6006-1. Executory Contracts & Unexpired Leases; Assumption, Rejection, or Assignment.

(a) **Chapter 7, 9, or 11.** A party moving to assume, reject, or assign, or to compel the debtor or trustee to assume, reject, or assign an executory contract or unexpired lease, other than a chapter 7 trustee (who must use the appropriate LBF) or a chapter 11 plan proponent who is so moving in a plan of reorganization, must serve the motion attached to a notice of intent

prepared under LBR 2002-1(b). The notice and motion must be served on all parties to the contract or lease, debtor, trustee, and any creditors' committee.

(b) **Chapter 12 or 13.** A debtor may provide in a plan for assumption, rejection, or assignment of an executory contract or unexpired lease. When filed, the plan and the notice of any pending confirmation hearing must be contemporaneously served under FRBP 7004 on all parties to a contract or lease to be assumed, rejected, or assigned in the plan.

Rule 6007-1. Abandonment.

(a) **Trustee Abandonment/Motion to Compel Abandonment.** A trustee must use the appropriate LBF when filing under §554(a). Except as provided in (b), a party requesting relief under §554(b) must give notice under LBR 2002-1(b) of its intent to submit a proposed order to compel abandonment and contemporaneously serve documents evidencing the interest of that party and any perfection of a security interest on the trustee and any creditors' committee.

(b) **Trustee's Abandonment of Debtor's Residence in Chapter 7 Cases.** At least five days before the meeting of creditors in a Chapter 7 case, any objection to abandonment of real property that is the debtor's residence must be filed and contemporaneously served on the debtor's attorney (if not an ECF Participant), or, if debtor is not represented by an attorney, on the debtor. If no timely objection is filed, the trustee can abandon the property at or after the meeting of creditors upon request of the debtor or mortgage creditor without any further notice requirement. If the trustee consents to the request, the trustee must file a *Trustee's Abandonment of Debtor's Residence (Real Property)* using LBF #751.5.

Cross-references:

- Voluntary Modification of Debt Secured by Debtor's Residence in Chapter 7 and Chapter 13 Cases - LBR 4008-2.
- Definition of "Mortgage Creditor" - LBR 9001-1(z).

Rule 6008-1. Redemption.

A motion to redeem estate property, and any response, must be filed under LBF #717.10.

Rule 7001-1. Adversary Proceedings—General.

(a) **Filing Fee.** The applicable filing fee must accompany an adversary complaint, except one filed by a debtor that is not a DIP, the UST, a child support creditor or its representative that

files an OBF #B281, or a trustee that files a certification that estate funds are insufficient to pay the filing fee.

(b) Documents.

(1) General Form Requirements. LBR 9004-1 applies.

(2) Cover Sheet. To file an adversary proceeding, or file a stipulated judgment if no complaint has been filed, a party filing on paper must file an adversary proceeding cover sheet (on OBF #B104) with the complaint or proposed judgment.

(3) Summons For Complaint Filed Electronically. The clerk may sign, seal, and issue a summons electronically, although a plaintiff must not serve a summons electronically. The clerk may use ECF to notify the plaintiff when an electronic summons has been issued for service.

(c) Impermissible Stipulations. The following deadlines and dates cannot be changed without an order obtained no later than three business days before the scheduled deadline or date:

(1) Deadlines established by a scheduling order.

(2) Court hearing date.

(3) Pretrial order lodging deadline.

(4) Deadlines for filing trial briefs, exhibits, or witness lists.

(5) Trial date.

Cross-references:

- Alternative Dispute Resolution—Mediation - LBR 9019-2.
- Jury Trial - LBR 9015-1 and LR 2100.
- Removal or Remand - LBR 9027-1.
- Sanctions & Remedies - LBR 9011-3.
- Use of Electronically Recorded Testimony - LBR 9017-1(f).

Rule 7003-1. Cover Sheet.

LBR 7001-1 applies.

Rule 7004-1. [Reserved]

Rule 7004-2. Summons.

LBR 7001-1(b) applies.

Rule 7005-1. Service & Certificate of Service.

(a) Service Requirements.

(1) A document served on an entity must also be served on an attorney of record for the entity.

(2) When service of a document prepared and filed by an entity is required, the service must be made contemporaneously with the act of filing.

(3) When the court delivers a notice to serve a document to an entity, service must be made under the notice.

(4) LBR 2002-1 applies.

(b) Certificate of Service.

(1) **General.** A certificate of service must be incorporated in, attached to, or accompany, each filed document or group of documents when service of the document or documents using paper is required. If a period of time in which a response will be timely begins to run on the service date, the certificate of service itself must be served with the document to which it refers unless the service date is clearly set out in the document. A paper copy of a filed document must be served on all Non-ECF Participants entitled to notice or service.

(2) **Content.** Unless the document is an LBF or official form which includes a certificate, a certificate of service for a document served using paper must include a clearly identified list of the names, addresses, and methods for service on all parties served using paper. Any certificate of service on an LBF or official form must be fully completed.

Cross-references:

- Certificate of Service - LBR 9013-1(a)(2).
- Oral Argument/Telephone Appearance - LBR 9013-1(a)(6).

Rule 7005-2. Nonfiling of Discovery Material.

LBR 7026-1 applies.

Rule 7007-1. Motion Practice—Adversary Proceedings.

(a) Prefiling Conference Certification.

(1) The first paragraph of a motion, except one for a temporary restraining order, must certify that either:

(A) The parties made a good-faith effort through personal or telephone conferences to resolve the dispute and have been unable to do so.

(B) The movant made reasonable efforts to confer and the opposing party refused, including a description of the efforts made.

(C) The movant or opposing party is a prisoner not represented by an attorney.

(2) The court may deny any motion that fails to meet the certification requirement in (1).

(3) A party filing a motion must state "UNOPPOSED" in the caption if the other parties to the action do not oppose the motion.

(b) Brief Supporting Motion, Opposition Statement, or Reply.

(1) General. A brief must:

(A) Contain a statement of the questions to be decided, setting forth succinctly the relevant facts and argument with supporting authorities.

(B) Not have substantive argument in a footnote.

(C) Be accompanied by one or more separate affidavits or declarations, not exceeding a total of 20 pages in length for nondiscovery briefs or ten pages

in length for discovery briefs, exclusive of exhibits, supporting factual contentions.

(D) Not exceed 20 pages in length for nondiscovery briefs or ten pages in length for discovery briefs, exclusive of exhibits, unless the court authorizes an over-length brief. A motion to authorize the filing of an over-length brief must be filed no later than three business days before the document's filing deadline. An over-length brief must have a table of contents and a table of cases with page references.

(2) **Exhibits.** An exhibit attached to a brief must be limited to document excerpts that are directly germane to an argument the brief advances. An excerpt must be identified as such. An entity attaching a document excerpt as a brief exhibit may do so without prejudice to its right to file additional excerpts or the complete document. Responding parties may timely file additional relevant excerpts. The court may also require parties to file additional excerpts or the complete document.

(3) **Timing Requirements.**

(A) **Opposition.** Any opposition statement and supporting brief must be filed and served no later than 14 days after the filing of a motion.

(B) **Reply.** No reply may be filed, except for one in support of a motion for summary judgment, which must be filed and served no later than 14 days after the filing of the opposition.

(4) **Further Briefing.** No further briefing is allowed.

(c) **Expedited Hearing Motion.** A motion must include:

(1) An explanation why it is necessary.

(2) A certificate of service showing the motion was served by hand delivery, facsimile, or e-mail, contemporaneously with the filing of it under FRBPs 7004 and 7005.

(3) A certification that either: (A) the movant has conferred with the opposing party and obtained agreement to an expedited hearing, or (B) describes the steps taken in a good-faith attempt to confer with the opposing party regarding the need for an expedited hearing and any response of the opposing party.

(d) **Oral Argument/Telephone Appearance.**

(1) **Hearing.** The court may decide a motion without oral argument. If the court elects to hear oral argument, the court will notify the parties of the hearing date and time.

(2) **Request for Oral Argument.** A party must clearly endorse any request for oral argument in the title of the motion, statement in opposition, or reply to the statement.

(3) **Request for Telephone Argument.** A party may request, no later than three business days before the hearing date, to participate in an oral argument by telephone.

Cross-references:

- Discovery Motion - LBR 7037-1.
- Documents—Requirements of Form - LBR 9004-1.
- Exhibits - LBRs 9004-1(a)(7) and 9017-1.
- Motion Practice—Contested Matters - LBR 9013-1(a)(3), (6) and (7).
- Summary Judgment - LBRs 7056-1 and 9013-1(a)(8).

Rule 7008-1. Consent to Entry of Final Orders or Judgment–Complaint.

A complaint, counterclaim, cross-claim, or third-party complaint must state whether the pleader consents to the judge's entry of final orders or judgment. The pleader's failure to timely make that statement waives any objection to the judge's entry of final orders or judgment.

Rule 7012-1. Consent to Entry of Final Orders or Judgment–Responsive Pleading.

A responsive pleading must state whether the pleader consents to the judge's entry of final orders or judgment. The responsive pleader's failure to timely make that statement waives any objection to the judge's entry of final orders or judgment.

Rule 7015-1. Amended Pleading.

LBR 9004-1 applies.

Rule 7016-1. Pretrial Procedure—Proposed Pretrial Order.

If the court requires a pretrial order, then LR 2100 (re jury trials), LR 16-2, and LRs 16-5(b), (c), and (d) apply, but any reference to a magistrate judge must be read as a reference to a bankruptcy judge.

Rule 7024-1. [Reserved]

Rule 7024-2. Unconstitutionality, Claim of.

LBR 9005.1-1 applies.

Rule 7026-1. Discovery—General.

(a) Timing.

(1) Commencement. Unless otherwise agreed by the parties, no discovery may occur before an initial pretrial conference or entry of a scheduling order. Parties need not meet before an initial pretrial conference. Discovery may begin when the court determines that FRCP 26(f) will not apply. If the court determines that FRCP 26(f) will apply, discovery may begin after the parties have met and conferred.

(2) Completion. The LR regarding completion of discovery (currently LR 16-2) applies.

(b) Non-filing of Discovery Documents. "Discovery documents" must not be filed. Discovery documents include required and optional disclosures described in FRCP 26, deposition notices, subpoenas, transcripts, exhibits, interrogatories, requests for production or inspection, requests for admission, answers, and objections. Not filing a discovery document does not preclude its use as an exhibit or as evidence.

(c) Disclosures Required by FRCPs 26(a)(1)-(4).

(1) Application of FRCPs 26(a)(1)-(3). The court will determine at the initial pretrial conference or in a scheduling order whether FRCPs 26(a)(1)-(3) will apply.

(2) Application of FRCP 26(a)(4). Disclosures must comply with the provisions of FRCP 26(a)(4), but the disclosures required by FRCPs 26(a)(1) and (2) must not be filed.

(d) Discovery Planning Meeting. If the court orders that FRCP 26(f) applies, the parties may use FRCP Form #52 or another form on which they agree for the written report of the discovery plan.

(e) Timeliness of Discovery Motion. A motion to compel or for other relief with respect to a discovery request must be filed by the earlier of either: (1) the discovery completion deadline; or (2) 28 days after the discovery response is received, or if no response is timely made, within 28 days after the response is due. Failure to timely file a motion constitutes a waiver of the right to any relief.

Cross-references:

- Contested Matters - LBR 9013-1(d).
- Depositions & Examinations - LBR 2004-1.
- Failure to Make Disclosure or Cooperate in Discovery; Sanctions - LBR 7037-1.
- Interrogatories - LBR 7033-1.
- Production of Documents and Things & Entry on Land for Inspection or Other Purpose - LBR 7034-1.
- Request for Admission - LBR 7036-1.

Rule 7030-1. Depositions.

LBR 2004-1 applies.

Rule 7033-1. Interrogatories.

LR 33 applies.

Rule 7034-1. Production of Documents and Things & Entry on Land for Inspection or Other Purpose.

LR 34 applies.

Rule 7036-1. Requests for Admission.

LR 36 applies.

Rule 7037-1. Discovery Motion.

(a) **General.** LBR 7007-1 applies.

(b) **Content.** A motion must set forth only the relevant discovery request, response, or order provision, and the legal argument of the party.

(c) **Waiver of Oral Argument.** A party's failure to file timely a response waives oral argument.

(d) **Deadline to Comply with Order to Compel.** The party against whom an order to compel has been entered must comply within 14 days after entry of the order.

Cross-references:

- Motion Relating to Deposition - LBR 7030-1.
- Sanctions - LBR 9011-3.

Rule 7052-1. Findings & Conclusions.

Cross-references:

- General Requirements re Proposed Order or Judgment - LBR 9021-1(a).
- Final District Court Determination of a Motion to Withdraw Reference or Change Venue - LBR 9033-1.

Rule 7054-1. Costs and Fees—Taxation & Payment.

Cross-reference: Costs and Fees - LBR 9021-1(c).

Rule 7055-1. Default—Failure to Prosecute.

Cross-reference: General Requirements re Proposed Order or Judgment - LBR 9021-1(a).

Rule 7056-1. Summary Judgment.

(a) **Motion.**

(1) **Required Supporting Documents.** A motion must be accompanied by the following two, separately filed, documents:

(A) A supporting brief addressing applicable law and explaining why there exist no genuine issues of material fact to be tried.

(B) A separately filed concise statement articulating only the undisputed relevant material facts essential for the court to decide the motion that is prepared under (c).

(2) **Required Judge's Copies.** Two paper copies, each certified as a true copy, of the motion and supporting documents, including tabs for the documents if there are more than two attachments or exhibits to any of the documents, must be promptly delivered to the court, and must be clearly marked "JUDGE'S COPY."

(3) **Filing Deadline.** A motion must not be filed less than 50 days before the date set for trial. A motion to allow a filing less than 50 days before the trial date must include a detailed explanation why the motion could not have been filed earlier.

(b) Opposition and Reply Requirements.

(1) Any opposition must be accompanied by a separately filed response to the concise statement that is no longer than five pages (unless approved by the court in advance), and responds to each numbered paragraph of the movant's facts by:

(A) Accepting or denying each fact in the movant's concise statement.

(B) If applicable, articulating opposition to the movant's contention or interpretation of the undisputed material fact.

(2) After responding to the movant's numbered paragraphs, the responding party may concisely state under (c) other relevant material facts which are at issue or are otherwise necessary for the court to determine the motion.

(3) The movant may reply under (1) to the responding party's additional facts.

(c) Concise Statement.

(1) Each fact must be stated in a separately numbered paragraph. A party must cite to a particular affidavit, deposition, or other document (including page and line number references) supporting the party's statement, or denial of the material fact.

(2) A party must refer only to the material facts necessary for the court to determine the limited issues presented in the motion and to no others.

(3) Documents to which reference is made in the concise statement must not be filed in their entirety. Instead, the filing party must extract and highlight only the relevant parts of each referenced document. Photocopies of extracted pages, with appropriate identification and highlighting, will be adequate.

(4) Unless approved by the court in advance, neither the concise statement, nor any reply to a responding party's statement, may be longer than five pages.

(d) **Briefing Requirements.** LBR 7007-1(b) applies.

(e) **Scope of Judicial Review.** Unless otherwise required by law, when resolving a motion the court has no independent duty to search and consider any part of the court record not referenced in the concise statement.

(f) **Admission of Material Facts.** For purposes of a motion, material facts in the concise statement of the movant, or in the response to the movant's concise statement, may be deemed admitted unless specifically denied or otherwise controverted by a separate concise statement of the opposing party.

Cross-reference: Summary Judgment - LBR 9013-1(a)(8).

Rule 7065-1. Injunctions—Application for Temporary Restraining Order or Preliminary Injunction.

An application must be made by motion, and must be a document separate from the complaint. This LBR does not alter the requirement to file an adversary proceeding as a prerequisite to injunctive relief in certain instances (see FRBP 7001).

Cross-reference: Injunctions - Application for Temporary Restraining Order or Preliminary Injunction - LBR 9013-1(a)(5).

Rule 7067-1. Registry Fund.

(a) **Procedure for Deposit into Court's Registry Fund.**

(1) **Motion.** A motion must include the following:

(A) The amount of money to be deposited and the estimated length of time that the money will remain in the court.

(B) The name and address of each entity that may have a claim against the money, and of the attorney for any claimant.

(2) **Order.** No money shall be sent to the Court for deposit in the Court's registry prior to entry of an authorizing court order.

(3) **Deposit.** Upon entry of the order, the depositor must deliver a money order, cashier's check, or certified check payable to "Clerk, U. S. Bankruptcy Court" in the amount of the deposit. All monies ordered to be paid to the Court in any pending or adjudicated case shall be deposited with the Treasurer of the United States in the name and to the credit of this Court pursuant to 28 U.S.C. § 2045 through depositories designated by the Treasury to accept such deposit on its behalf.

(b) Investment of Registry Funds.

(1) Where, by order of the Court, funds on deposit with the Court are to be placed in some form of interest-bearing account, the Court Registry Investment System ("CRIS"), administered by the Administrative Office of the United States Courts under 28 U.S.C. § 2045, shall be the only investment mechanism authorized.

(2) The Director of the Administrative Office of the United States Courts is designated as custodian for CRIS. The Director or the Director's designee shall perform the duties of custodian. Funds held in the CRIS remain subject to the control and jurisdiction of the Court.

(3) Money from each case deposited in the CRIS shall be "pooled" together with those on deposit with Treasury to the credit of other courts in the CRIS and used to purchase Government Account Series securities through the Bureau of Fiscal Service, which will be held at Treasury, in an account in the name and to the credit of the Director of Administrative Office of the United States Courts. The pooled funds will be invested in accordance with the principals of the CRIS Investment Policy as approved by the Registry Monitoring Group.

(4) An account for each case will be established in the CRIS titled in the name of the case giving rise to the investment in the fund. Income generated from fund investments will be distributed to each case based on the ratio of each account's principal and earnings to the aggregrate principal and income total in the fund. Reports showing the interest earned and the principal amounts contributed in each case will be prepared and distributed to each court participating in the CRIS and made available to litigants and/or their counsel.

(c) Deductions of Fees.

(1) The custodian is authorized and directed by this Order to deduct the investment services fee for the management of investments in the CRIS and the registry fee for maintaining accounts deposited with the Court.

(2) The investment services fee is assessed from interest earnings to the pool according to the Bankruptcy Court Miscellaneous Fee Schedule (28 U.S.C. § 1930) and is to be assessed before a pro rata distribution of earnings to court cases.

(3) The registry fee is assessed by the custodian from each case's pro rata distribution of the earnings and is to be determined on the basis of the rates published by the Director of the Administrative Office of the United States Courts as approved by the Judicial Conference of the United States.

(d) Procedure for Withdrawing Deposited Funds.

(1) Monies will be disbursed by the clerk from the registry fund only under an order that includes the following:

(A) The name and address of each entity receiving the funds, and the name and address of any attorney for the entity.

(B) With respect to each entity who is to receive a disbursement, the amount of principal and the percentage of any accrued interest to be paid.

(C) The total amount of funds to be withdrawn if less than the total amount in the account.

(2) **Payment by Clerk.** After entry of an order authorizing disbursement of registry fund monies, counsel for the person(s) receiving any accrued interest must complete the AO 213, Vendor Information/TIN Certification form, and forward the form to the court's financial administrator. After expiration of the time to file a notice of appeal, deposited funds will be disbursed by check payable to each entity entitled to the funds in care of any attorney of record for the payee.

Rule 7069-1. Judgment—Execution.

To execute on a bankruptcy court money judgment, the judgment creditor must register the bankruptcy court judgment in an appropriate state or other nonbankruptcy court. The clerk must certify, at no cost, copies of documents required for registration or transcription of judgments. Certification at no cost is for the administrative convenience and economic efficiency of the court.

Rule 8001-1. Notice of Appeal—District Court or BAP.

LR 2200 applies.

Rule 8003-1. Motion for Leave to Appeal.

LR 2200 applies.

Rule 8006-1. Designation of Record—Transcript Order.

LBR 5077-1 applies.

Rule 9001-1. Rules of Construction & Definitions.

Titles and headings are part of the LBRs. A word or phrase not otherwise defined in an LBR or LBF has the meaning and construction assigned to it in the Code or an FRBP unless the specific definitions below or the context require otherwise. All singular words include the plural, and any reference to one gender includes both genders. A list of items after a colon will generally be read to be joined by an "and." However, if the colon follows the word "either," the list will be read to be joined by an "or." The following definitions apply in these LBRs and to all LBFs:

(a) "§" means section of the Code.

(b) "Attorney of record" and "lead attorney" have the meanings given in LBR 9010-1(b).

(c) "BAP" means Bankruptcy Appellate Panel of the Ninth Circuit.

(d) "Brief" includes a memorandum of law.

(e) "Case" includes all matters relating to a bankruptcy case including contested matters, and, when appropriate, related adversary proceedings.

(f) "Clerk" means clerk of the court and any authorized deputy clerk.

(g) "Court" means the United States Bankruptcy Court for the District of Oregon and not any particular judge.

(h) "Creditors' committee," when used in relation to the service of a document, and unless otherwise required by an FRBP, means either:

(1) If an attorney of record represents the committee, the attorney of record;

(2) Any chairperson and any co-, alternate, or vice chairperson of any committee appointed by the UST listed in the UST's filed notice of appointment;

(3) If no chairperson, co-, alternate, or vice chairperson is named in the notice of appointment, then each committee member named in the notice; or

(4) If no committee is appointed, each creditor on the list filed under FRBP 1007(d).

(i) "Debtor" means both debtors in a joint case.

(j) "DIP" means (1) the debtor in possession in a chapter 11 case in which no trustee has been appointed and is serving, and (2) the debtor in possession in a chapter 12 case in which the debtor has not been removed under §1204 without reinstatement.

(k) "District court" means the United States District Court for the District of Oregon.

(l) "Document" includes a pleading and any other paper that may be filed or lodged.

(m) "ECF" means the court's Electronic Case File system.

(n) "ECF Participant" means an individual to whom the clerk has assigned a login and password to file documents electronically by ECF. A filing agent, as such, is not an ECF Participant.

(o) "Electronically," when referring to a manner of filing or serving a document, means electronically by ECF.

(p) "File," when used as a verb, means file with the clerk electronically or in writing.

(q) "Filing agent" means an individual to whom an ECF Participant has assigned a login and password to file documents electronically in the name of the ECF Participant.

(r) "FRBP" means a Federal Rule of Bankruptcy Procedure, and any Interim Federal Rule of Bankruptcy Procedure (IFRBP) until it is superseded by an FRBP or the statute to which it relates expires by law.

(s) "FRCP" means a Federal Rule of Civil Procedure.

(t) "GO" means a general order promulgated by the court.

(u) "LBF" means a form promulgated by the court, plus any pages the filing party is required to attach in order to include all essential text.

(v) "LBR" means a local rule of the court.

(w) "LR" means a local rule of the United States District Court for the District of Oregon.

(x) "Lodge," when used as a verb, means lodged (*e.g.*, an uploaded order or judgment), but not filed, with the clerk.

(y) "May" means has discretion to, is permitted to, or has a right to.

(z) "Mortgage creditor" includes any creditor holding a claim secured by a mortgage, trust deed, or land sale contract on real property used as the debtor's residence on the date of the order for relief.

(aa) "Must" means is required to.

(bb) "Must not" means is required not to or is disallowed.

(cc) "OBF" means an Official form promulgated by the Judicial Conference of the United States for bankruptcy cases or adversary proceedings, or a procedural Director's form promulgated by the Director of the Administrative Office of the United States Courts.

(dd) "OSB" means the Oregon State Bar.

(ee) "Party" includes an entity requesting or opposing relief in a contested matter or adversary proceeding.

(ff) "PDF" means text-based Portable Document Format (*i.e.*, the PDF may not be created by scanning a paper document, even if the scanning process produces it in a text-searchable format, unless the original document could not be electronically created by, or a version electronically created by a third party could not be accessed by, the party filer).

(gg) "*Pro se*" means a party not represented by an attorney of record.

(hh) "Request," when used in reference to a request for the court to take some action, means a requirement to file a formal motion.

(ii) "SASE" means an adequately sized, self-addressed, envelope bearing adequate postage for return to the addressee. Submission of self-adhesive labels is not acceptable.

(jj) "Trustee" means a private trustee, standing trustee, UST acting as a case trustee, or DIP.

(kk) "Under" means in compliance with, or in accordance with, the provisions of the specified rule, form, or statute.

(ll) "UST" means the United States trustee.

Rule 9004-1. Documents—Requirements of Form.

(a) General Requirements.

(1) Size.

(A) **Page Size.** Each page of a document must be 8½"x11".

(B) **Type.** The type size used in a document, including in a footnote, must be no smaller than either ten characters per inch or 12 point.

(2) **Margins.** Each page, other than a notice or one based on an LBF that provides otherwise, must have a top and bottom margin of at least 1", and side margins of at least 3/4". The top margin on the first page of any document to be signed by a judge must be 4", and devoid of all text except for optional line numbers, which must not be more than 3/4" from the left edge.

(3) **Text Color.** Text in a document and in an exhibit must appear only in black or dark blue, unless the court provides another color in a "fillable" LBF.

(4) **Spacing.**

(A) Text in the body, other than in a notice or LBF, must be double-spaced.

(B) A quotation of four or more lines must be indented and single-spaced.

(5) **Legibility.** A document, including an exhibit or a copy, must be typed, printed, or otherwise prepared using a legible reproduction process.

(6) **Length.** LBR 7007-1(b) regarding the length of a brief in support of a nondiscovery motion applies to a brief filed in a contested matter.

(7) **Exhibits.**

(A) **General.** An exhibit to a document filed on paper must be attached to the document and be legible without detachment. An exhibit too bulky for attachment must be labeled by the case or adversary proceeding number, document title, number, and the name of the party presenting it. LBR 7007-1(b)(2) applies to contested matters.

(B) **Pagination.** An exhibit to a document must be consecutively marked in the lower-left margin using the exhibit letter or number, page number of the exhibit, and total number of pages in the exhibit (*e.g.*, Ex. A - pg. 1 of 3). LBR 9017-1(b) applies to an exhibit for use in a hearing or trial.

(8) **Footnotes.** LBRs 7007-1(b)(1) and 9004-1(a)(1)(B) apply.

(9) **Required Information.**

(A) **Party Information.** The name, address, telephone number, and capacity of the party that prepared a document—or of the party's attorney, in which case the information must include the attorney's OSB#—must be printed single-spaced in the upper-left corner of the title page and begin at least 1" from the top of the page of a document except for a petition, list, schedule, notice, statement of affairs, document to be signed by a judge, or a document prepared on an LBF or an OBF. On a document prepared by more than one party, reference may be made to the signature page for a complete list of parties submitting the document for filing.

(B) **OSB#.** A document filed by an attorney must include the attorney's OSB# or the name and OSB# of local counsel for an attorney admitted *pro hac vice*.

(C) **Signatures.** LBR 9011-4 applies.

(D) **Pagination.** The document title, or an abbreviation, must be placed in the lower-left margin of each page of a multiple-page document together with the page number and total number of pages (*e.g.*, Ex. A - pg. 1 of 3).

(b) **Required Telephone Call to Judge's Chambers if Document Filed Within Three Business Days Before a Scheduled Hearing.** The filer of any document related to a hearing filed within three business days before the hearing must notify the appropriate judge's chambers by telephone immediately after the filing of the document. Failure to notify chambers of the filing may result in the document not being read or considered.

(c) **Filing in Multiple Cases or Adversary Proceedings.** A document to be filed in multiple cases or adversary proceedings that have not been consolidated must have all case or adversary numbers included in the heading, and must be filed in each affected case or adversary. If filed on paper, a signed original must be filed in each affected case or adversary.

(d) **Amendment.**

(1) **General.** An amended document must be:

(A) Entitled a "(insert First, Second, etc.) Amended (insert Title)."

(B) Complete, including exhibits, without reference to any part of any prior document—but LBR 1009-1 applies to a list of creditors, equity security holders, or other interested entities.

(C) Attached as an exhibit to any motion to amend.

(D) Served under FRBPs 7004 and 7005, and LBRs 1009-1 and 7005-1.

(2) **Plan and Disclosure Statement.** LBR 3015-2 applies in chapter 12 and 13. LBR 3019-1 applies in chapter 11.

Cross-references:

- Caption—Document - LBR 9004-2.
- Caption—Petition - LBR 1005-1.
- Document to be Signed by a Judge - LBR 9021-1.
- Exhibits - LBRs 7007-1(b) and 9017-1.
- Forms—LBF & OBF - LBRs 9001-1(u) and (cc) and 9009-1.
- Service & Certificate of Service - LBR 7005-1.

Rule 9004-2. Document—Captions.

(a) **Location.** The caption of any document must not begin less than 1" from the top of the first page, and must substantially conform to this LBR unless an LBF or OBF requires otherwise.

(b) **Case Template.** The caption of a document filed in a case, but not in an adversary proceeding, must be in substantially the following form:

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF OREGON

In re	)	Case No.** [Insert case number]
	)	
[NOTE: Insertion of the "other names used" included on the petition under LBR 1005-1 is not required, except on notices under FRBP 2002(n)]	)	TITLE [Insert description of the document]
	)	
	)	[NOTE: Add the following if filed in response to a noticed hearing:]
	)	
Debtor(s).	)	DATE OF HEARING: _____
	)	TIME OF HEARING: _____
	)	
	)	[NOTE: Add the following if district court has matter for review under either LR 2100-4 or LR 2100-11, or on appeal under LR 2200:]
	)	
	)	REFERRED [or ON APPEAL] TO U.S. DISTRICT COURT
	)	
	)	[NOTE: Add the following to first pleading if demanding jury trial:]
	)	
	)	DEMAND FOR JURY TRIAL

**The case number consists of a seven digit number: the first two digits represent the year the case was filed, followed by a hyphen, then five digits (the first digit being either a "3," "4" or "5" for a case being administered by the Portland office, or a "6," "7" or "8" for a case being administered by the Eugene office), followed by another hyphen, the three initials of the judge handling the case (in lower case letters), and then the number of the Code chapter under which the case is currently being administered (*e.g.*, 11-31000-elp7 for a 2011 chapter 7 case administered in Portland by Judge Perris).

(c) **Adversary Proceeding Template.** The caption must be in substantially the following form:

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF OREGON

In re	Case No. [Insert case number]
[NOTE: Insertion of the "other names used" included on the petition under LBR 1005-1 is not required, except on notices under FRBP 2002(n)]	Adv. Proc. No.*** [Insert Adv. Proc. No.]
	TITLE [Insert description of the document]
Debtor(s).	[NOTE: Add the following if filed in response to a noticed hearing:]
[Insert plaintiff names] Plaintiff(s).	DATE OF HEARING: _____ TIME OF HEARING: _____
v.	[NOTE: Add the following if district court has matter for review under either LR 2100-4 or LR 2100-11, or on appeal under LR 2200:]
[Insert defendant names] Defendant(s).	REFERRED [or ON APPEAL] TO U.S. DISTRICT COURT
	U.S. Dist. Ct. Case No. [Insert, if any]
	[NOTE: Add the following to first pleading if demanding jury trial:]
	DEMAND FOR JURY TRIAL

***The adversary proceeding number consists of a six digit number: the first two digits represent the year the adversary proceeding was filed, followed by a hyphen, then four digits (the first digit being either a "3," "4" or "5" for an adversary being administered by the Portland office, or a "6," "7" or "8" for an adversary being administered by the Eugene office), followed by another hyphen, and the three initials (in lower case letters) of the judge handling the proceeding (*e.g.*, 09-6000-fra for a 2009 adversary proceeding administered in Eugene by Judge Alley).

Cross-reference: Petition—Caption - LBR 1005-1.

Rule 9005.1-1. Constitutional Challenge to a Statute.

A notice of constitutional question must be accompanied by a proposed form of certification under 28 U.S.C. §2403 for execution and transmission by the court to the United States Attorney General or state attorney general, as appropriate.

Rule 9009-1. Forms—Local (LBF) & Official (OBF).

(a) **Availability.** The LBFs and OBFs are available on the court's website at www.orb.uscourts.gov. In response to a written request at a clerk's office location, accompanied by a 9"x12" SASE that includes sufficient first-class postage to mail a two pound package if the request is mailed, the clerk will provide, without cost, one master copy of all LBFs required for use. A request of the clerk's office must be accompanied by a written certification that the requestor does not have access to the Internet.

(b) **Applicable Version.** When filed, an LBF or OBF must be on the most current version available at the time of filing. If a trustee is specifically named in an LBF's preprinted text, the filing party must use the version of the LBF naming the case trustee.

(c) **Preparation.** If an LBF or OBF is prepared on a form other than the one available on the court's website, the document must be identical in both format and text (*i.e.*, a "mirror" image) to the most current version of the LBF or OBF available on the court's website that is applicable at the time the form is filed. The clerk need not serve any document or notice that cannot readily and legibly be converted into PDF format.

Rule 9010-1. Attorney—Notice of Appearance & Representation of an Organization.

(a) **Attorney Admission.**

(1) **General.** To appear before the court, an attorney must be admitted to practice before the district court.

(2) **LRs 83-1 through 83-12.** LRs 83-1 through 83-12 apply to an attorney practicing before the court, except as follows:

(A) **"This Court" Defined.** References to the court and the clerk mean the bankruptcy court and bankruptcy court clerk.

(B) **CM/ECF Registration.** The provisions in LR 83-1 regarding CM/ECF registration do not apply. LBR 5005-4 applies.

(C) ***Pro Hac Vice.*** LR 83-3 regarding *pro hac vice* admission applies to practice before the court, but no admission fee is charged, and the application for admission must be submitted to the clerk on LBF #120. An attorney admitted *pro hac vice* will not be considered an attorney of record.

(D) **Proof of Claim and Stipulation.** A creditor, acting without an attorney or through an attorney, whether or not the attorney is admitted to practice before this court generally or for a particular case, may file and amend a proof of claim and sign a stipulation allowing, modifying, or disallowing the proof of claim.

(3) **Change of Address.** In addition to the notice of change of an attorney's address required by the district court, an attorney must give notice in this court of the address change under (A) or (B).

(A) **Attorney Will Remain Attorney of Record for All Pending Cases and Adversary Proceedings.**

(i) **ECF Participant.** The attorney must change the attorney's address in ECF.

(ii) **Non-ECF Participant.** The attorney must submit a letter to the clerk that includes the attorney's OSB#, new address and its effective date.

(B) **Attorney Will Not Remain Attorney of Record for All Pending Cases and Adversary Proceedings.** The attorney must ensure that a notice of substitution of attorney is filed in each case and adversary proceeding by the attorney to whom the case or adversary proceeding is being transferred. A single notice of substitution that includes the case number or adversary proceeding number, and related caption party name(s), for each case and proceeding to be transferred may be prepared and used for the filing in each affected case and proceeding.

(b) **Attorney of Record/Lead Attorney.**

(1) **Attorney of Record.** An "attorney of record" is the attorney upon whom service is to be made, and to whom notices will be directed by the court. A party's attorney of record will normally be the first attorney admitted to practice before both the OSB and the district court that is named on the initial document filed for the party. A law firm or professional corporation will not be considered the attorney of record for any party. A party may change its attorney of record at any time by filing and serving a notice of substitution of attorney of record. If a party has an attorney of record, the

name of the attorney of record must appear on each document filed on behalf of the party, but a document may be signed by another member of that attorney's firm.

(2) **Lead Attorney.** If a Non-ECF Participant attorney for a party has an agreement with an ECF Participant attorney to electronically file documents for the party, the ECF Participant will be designated, and considered by the court, as the "lead attorney." An attorney designated as a lead attorney for a party will be considered the attorney of record for the party until such time as another ECF Participant is substituted as the attorney of record for that party.

(c) **Representation of an Organization.** An organization, other than a corporate standing or panel trustee, must be represented by an attorney except to prepare and file a proof of claim. In this subdivision, "organization" includes a corporation, partnership, association, trust, limited liability company, limited liability partnership, conservator, guardian, and any other entity that is not an individual.

(d) **Substitution of Attorney.** An attorney who proposes to be substituted for an attorney of record must file a notice of substitution in each affected case or adversary proceeding.

(e) **Withdrawal of a Chapter 7 Debtor's Attorney Upon Full Performance of Agreed Upon Services.**

(1) **Fee Agreement re Required Services.** An attorney who agrees to represent a debtor, but not represent the debtor in all matters relating to a case, must enter into a written fee agreement with the debtor that includes a detailed description of all services the attorney will perform on behalf of the debtor. Before the debtor signs the fee agreement, the attorney must provide written disclosures that clearly explain to the debtor additional duties the debtor may be required to perform without the attorney's assistance and the associated risks. The debtor must sign and date an acknowledgment of receipt of the disclosures. At a minimum, the agreement must provide that the attorney will perform the following services:

(A) Counsel the debtor with regard to all bankruptcy and nonbankruptcy options, and the potential benefits and detriments of each.

(B) Assist the debtor with all aspects relating to the preparation of the petition, including educational requirements and explaining the effects of a discharge.

(C) File the petition.

(D) Assist with all matters up to and through conclusion of the meeting of creditors. Adversary proceedings, however, may be specifically excluded from the agreement.

(E) Represent and counsel the debtor with respect to the reaffirmation, redemption, surrender, or retention of consumer goods securing obligations to creditors. The attorney is not required to sign the attorney certification that is part of the reaffirmation agreement or appear at a hearing for court approval of a reaffirmation agreement.

(2) **Motion to Withdraw Upon Completion of All Services.** The motion must include: (A) a certification that the attorney has performed all services required by the fee agreement, and (B) copies of the fee agreement and the written disclosures that were provided to the debtor before the debtor signed the fee agreement.

Cross-reference: Voluntary Petition by Attorney in Fact– LBR 1002-1(a)(3).

Rule 9011-1. Attorney—Duties.

(a) **Notice of Settlement.** A movant or plaintiff must promptly inform the court when a contested matter or adversary proceeding is settled.

(b) **Request for Extension or Continuance.**

(1) **Evidentiary Hearing.** A request for extension of a time limit or for continuance of any evidentiary hearing must be by motion supported by a certification demonstrating good cause, appropriate use of prior time, and that the continuance is being requested at the earliest time practical. The motion must state the number of prior continuances, that the moving party has consulted with the opposing counsel regarding the request, and whether the opposing counsel consents or objects to the requested continuance. This subdivision applies even if all parties stipulate to the continuance.

(2) **Nonevidentiary Hearing or Conference.**

(A) A request must state each affected party's response to the request or attempts that have been made to gain each party's consent.

(B) If the continuance request is granted, the movant must serve notice of the date, time, and location of the continued hearing on all affected parties, and file a certification of that service within two business days after receiving the information from the court.

(c) **Reminders to the Court of Matter Under Advisement for More Than 60 Days.**

(1) **Initial Reminder.** In the event a judge has under advisement any matter, including a motion or decision in a bench trial, more than 60 days, each party affected by the

matter must send the judge a letter particularly describing the matter and stating the date the matter was taken under advisement.

(2) **Continuing Reminders.** If a matter remains under advisement for more than 105 days, each affected party must send a letter similar to the one required in (1) to the judge and to the chief judge of the court promptly, and at intervals of 45 days thereafter.

Rule 9011-2. Law Student Appearance Program.

(a) **General.** Except as limited by this LBR, a law student certified under the Oregon Supreme Court's Law Student Appearance Program in Rules for Admission of Attorneys ("RFA") 13.05-13.30 may appear in court in cases and adversary proceedings and at meetings of creditors under §341(a).

(b) **Supervising Attorney.** Notwithstanding RFA 13.10(3), the supervising attorney must be present with the law student at a meeting of creditors. Any document that this LBR requires or permits be filed or that a law student prepares may be filed only by the supervising attorney.

(c) **Meeting of Creditors.** A law student may appear at a meeting of creditors only with the consent of the client, the supervising attorney, and the trustee.

(d) **Notice Regarding Appearance.** The supervising attorney seeking consent for a law student to appear in court must file a notice at least seven days before the first hearing or trial in which a law student will appear. The notice must include (i) a statement that the supervising attorney has on file a copy of the eligibility certification issued under RFA 13.25, and (ii) the written and signed consent of the client to student representation. Unless the court orders otherwise, a timely filed notice constitutes the court's consent under RFA 13.10(6).

Rule 9011-3. Sanctions, Remedies, & Suspension/Disbarment.

(a) **General Sanctions and Remedies.** A party or attorney who without just cause fails to comply with any provision of an LBR, FRCP, FRBP, LR, statute, or order; fails timely to notify the court of withdrawal, lack of opposition, settlement or proposed continuance of any matter; presents to the court unnecessary contested matters or adversary proceedings, motions, or unwarranted opposition; fails to appear or prepare for presentation to the court; or otherwise multiplies the proceedings in a case to increase costs unreasonably or vexatiously, may be subject to one or more of the following remedies:

(1) Entry of an order or judgment of default on a specific issue or the entire matter.

(2) Payment of any expense, including filing fees, attorney fees, or reporter fees incurred by any party or the court because of the violation.

(3) Entry of an order of dismissal for lack of prosecution.

(4) Any other appropriate sanction or remedy.

(b) **Failure to Appear or Properly Prepare.** The failure of a party to file any required document, appear at a preliminary hearing or pretrial conference, complete necessary preparations, meet and confer as required, appear or be prepared for trial or a hearing on a contested matter on the date assigned, or make other appearances or preparations the court deems necessary for appropriate and timely case administration, may be considered an abandonment of the party's position or a failure to prosecute or defend diligently.

(c) **Suspension/Disbarment.** An attorney suspended or barred from the practice of law before any court may be served with an order to show cause why the attorney should not similarly be suspended or barred from practice before this court until the attorney is reinstated as an active member in good standing of that other court.

Cross-reference: Sanctions—Mediation - LBR 9019-2(c)(2).

Rule 9011-4. Signatures.

(a) **Paper Document.** A signer's name must be typed or legibly printed under a signature line, and a signature must not obscure any text.

(b) **Document Filed Electronically.** A document filed electronically must contain, in each location a signature is required, the electronic signature of the filer and of any other signer of the document as follows: "/s/ (*Name*)." By affixing the "*/s/ (Name)*" of another signer to an electronically filed petition or other document described in FRBP 1008, the filing ECF Participant certifies under FRBP 9011 that, when filing the document, the filer possesses a counterpart of the document bearing an original signature for each signer. However with respect to the signature of another signer on other documents, including an affidavit or a sworn verification or an unsworn declaration other than with respect to a document described in FRBP 1008, the filer need not possess the ink signature of the signer, but must at least possess an image of the ink signature such as a photocopy, fax, or scanned image, or an electronic signature. A document may be signed in counterparts.

Cross-references:

- Attorney of Record - LBR 9010-1(b).
- ECF Participant Signature - LBR 5005-4(c).

- Retention of Electronically Filed Documents - LBR 5005-4(e).

Rule 9013-1. Motion Practice—Contested Matters.

(a) Adversary Proceeding LBRs Applicable to Contested Matters.

(1) Briefs. Except as provided in LBR 9013-1(d), LBRs 7007-1(b)(1) and (2) apply.

(2) Certificate of Service. LBR 7005-1 applies.

(3) Expedited Hearing. LBR 7007-1(c) applies.

(4) Impermissible Stipulations. LBR 7001-1(c) applies.

(5) Injunctions—Application for Temporary Restraining Order or Preliminary Injunction. LBR 7065-1 applies.

(6) Oral Argument/Telephone Appearance. LBR 7007-1(d) applies.

(7) Prefiling Conference Certification. LBR 7007-1(a) applies to a motion relating to a pending contested matter, but it does not apply to one initiating a contested matter.

(8) Summary Judgment. LBR 7056-1 applies.

(b) Service/Notice of Motion. LBRs 2002-1 and 7005-1 apply. A notice of motion will be required only when specified under an LBR.

(c) Objection/Response and Reply. An objection or other response to a motion or application must identify the filer and state with particularity the grounds for the objection or other response. Unless an FRBP, LBR, order, or notice of a motion or application sets a different deadline, the following deadlines apply to an objection or other response and a reply in connection with a motion or application.

(1) Objection/Response in All Chapters.

(A) Filing Deadline to Object or Otherwise Respond. Unless the court orders otherwise, any objection or other response to a motion other than one described in 9021-1(a)(2)(C) must be filed no later than 14 days after the filing of the motion.

(B) Failure to Object. A motion or application to which no timely objection or other response has been filed may be decided on the moving documents without a hearing and without further notice.

(2) Replies

(A) Chapter 7, 12, and 13 Cases: No reply may be filed without the court's prior written permission.

(B) Chapter 9, 11, and 15 Cases: Any reply must be filed no later than three business days before the date set for hearing, or in the case of a motion or application to be heard less than 14 days after service of the hearing notice, no later than 4:30 p.m. on the business day before the date set for hearing.

(3) Required Telephone Call to Judge's Chambers. LBR 9004-1(b) applies to a document filed within three business days before the date set for a hearing.

(d) Discovery.

(1) General. A party must disclose, no later than 14 days before trial, the identity of any individual who may offer expert testimony at trial. An expert's written report must be served on each opposing party as soon as the report is available, but no later than one business day before trial.

(2) Timing. The presumptive stay of discovery under FRCP 26(d) does not apply to a contested matter. Discovery may begin at any time.

Cross-references:

- Abandonment - LBR 6007-1.
- Abstention - LBR 5011-2.
- Automatic Stay—Relief From - LBRs 4001-1(a) and (b).
- Cash Collateral Use - LBRs 4001-1(c) and (d).
- Chapter 7 Trustee's Motion for Continuance of Stay re Personal Property - LBR 4001-1(i).
- Claim—Objection - LBR 3007-1.
- Compensation or Expense Application - LBR 2016-1.
- Confirming Stay Not in Effect - LBR 4001-1(h).
- Conversion—Case - LBRs 1017-1 and 2016-1(f).

- Credit (Obtaining) - LBRs 4001-1(c) and (d).
- Deposit Into Court's Registry Fund - LBR 7067-1.
- Dismissal—Case - LBR 1017-2.
- Documents—Requirements of Form - LBR 9004-1.
- Executory Contracts & Unexpired Leases (Assume, Reject or Assign) - LBR 6006-1.
- Exhibits - LBRs 9004-1(a)(7) and 9017-1.
- Extend or Impose Automatic Stay - LBR 4001-1(g).
- Hardship Discharge - LBR 4004-1.
- Lien Avoidance Under §§506(d)/1322 or §522(f) - LBR 4003-2.
- Property Use, Sale (Including Free and Clear of Liens), or Lease - LBR 6004-1.
- Proposed Order if No Objection Timely Filed - LBR 2002-1(h).
- Proposed Order or Judgment - LBR 9021-1(a).
- Redemption - LBR 6008-1.
- Removal or Remand - LBR 9027-1.
- Sanctions & Remedies - LBR 9011-3.
- Use of Electronically Recorded Testimony - LBR 9017-1(f).
- Withdrawal of Reference (28 U.S.C. §157(d)) - LBR 9033-1.

Rule 9015-1. Jury Trials—Procedures.

(a) **LR Applicability.** LRs 47, 48, and 51-1(c) and (d) apply to contested matters and adversary proceedings.

(b) **Consent to Have Trial Conducted by Bankruptcy Judge.** If a party has the right to, and has timely demanded, a jury trial, the parties may consent to have a jury trial conducted by a bankruptcy judge under 28 U.S.C. §157(e) by jointly or separately filing either a statement

of consent no later than the date the pretrial order is lodged, or by consenting on the record in court.

(c) **Pretrial Procedures.** LRs 2100-8 and 16-5(b) and (c) apply.

Cross-references:

- Referral of Case or Adversary Proceeding - LR 2100.

Rule 9017-1. Exhibits and Equipment; Use of Electronically Recorded Testimony.

(a) **General.** This LBR applies to an exhibit to be offered in evidence, and equipment to be used at a hearing or trial.

(b) **Preparation of Exhibits for a Hearing or Trial.** An exhibit must be marked before the commencement of any hearing or trial. A plaintiff's or movant's exhibit must be consecutively numbered beginning with a "1." A defendant's or respondent's exhibit must be consecutively lettered beginning with an "A." The page number of the exhibit, and total number of pages in the exhibit, must follow the exhibit number or letter on each page of each exhibit (*e.g.*, "Ex. A - pg. 1 of 3" for a defendant's/respondent's first exhibit that has three pages). Unless otherwise provided in a scheduling order, each party must provide the original and three copies of its exhibits, plus an additional copy for each party participating in the hearing. Each set of exhibits must be accompanied by an exhibit list. The court may exclude or limit the use of any exhibit not prepared or presented in compliance with this LBR.

(c) **Audio/Visual Equipment.**

(1) **General.** Each party must provide all audio or video equipment for use in a court proceeding except to the extent the court can make equipment available under (2). A party or the party's attorney must make arrangements before the hearing or trial with the courtroom deputy clerk to move the equipment through security and position it in the courtroom.

(2) **Court Equipment.** The court has a limited variety of audio and visual equipment available for use at trial. A party must notify the court and courtroom deputy clerk at the pretrial conference of a need to use the court's equipment and meet with the courtroom deputy clerk before the trial to learn how to operate the equipment. A party must assist the courtroom deputy clerk in returning the equipment to the storage location at the conclusion of the trial. The court may, in the interest of fairness and efficiency, limit the use of audio or visual equipment, or condition its use on its availability to all parties.

(d) **Large Exhibit.** A large exhibit unsuitable for storage by the court may be returned to the party introducing it for retention until the matter is no longer subject to appellate review. A party storing an exhibit under this LBR must produce it if required for an appellate record.

(e) **Return or Disposal of Exhibits upon Finality.** Thirty days after a matter is no longer subject to appellate review, the party that offered an exhibit may have it returned without order upon a written request stating that no appeal is pending and the case or proceeding is final. The requestor must furnish the clerk with a SASE or make other appropriate arrangements for delivery of the exhibit. If a party does not request that an exhibit be returned within 60 days after a matter is no longer subject to appellate review, the clerk may destroy or otherwise dispose of it without further notice.

(f) **Use of Electronically Recorded Testimony.**

(1) **Recorded Testimony from Non-Court Proceedings.** A party must not offer the audio recording of any non-court proceeding (*e.g.*, meeting of creditors, deposition, or FRBP 2004 examination) as evidence; instead, the party must offer a transcript of that testimony prepared under this LBR.

(2) **Recorded Testimony from Court Proceedings.** A party offering a certified sound recording into evidence must also offer a transcript prepared under this LBR of the pertinent portions of the recording.

(3) **Preparation of Transcript.** A party may arrange with the clerk (or UST for meeting of creditors testimony) for the timely preparation and filing of, and payment for, a transcript prepared by an authorized independent transcriptionist. The transcript must be of the entire proceeding unless the opposing party has been given two weeks written notice that specifies what parts of the transcript will be offered. The transcriptionist may require an advance deposit of the estimated transcription cost. To be used in a hearing or trial, a copy of a transcript required to be filed by a transcriptionist must be filed electronically or, if necessary, on an authorized electronic medium (*e.g.*, a CD).

Cross-references:

- Exhibits - LBR 9004-1(a)(7).
- Transcript - LBR 5077-1.

Rule 9018-1. Sealed or *In Camera* Document.

(a) Filing.

(1) General. The court will seal only an entire document; it will not seal parts of a document. Documents permitted to be filed on paper will be scanned, entered into ECF, and then promptly destroyed unless filed with a SASE for return to the filer after entry.

(2) Order Allowing. A document must not be filed for sealing, or lodged for *in camera* review, until an order has been entered allowing the filing or lodging. The form of proposed order must state:

(A) The names of all individuals authorized to review, copy, photograph or inspect the document without prior written approval.

(B) If filed, the length of time the document will be sealed.

(b) Review or Reproduction. An individual may not review or reproduce any sealed document, or document lodged for *in camera* review, unless authorized by order.

(c) Large Document. A large document ordered to be sealed, or filed for *in camera* review, that the clerk is unable to store must be returned to the filing party for retention until the matter with respect to which the document was considered is finally determined by the court and no longer subject to appellate review. A party receiving the document must produce it if required under an order or for an appellate review.

Rule 9019-1. Settlement & Compromise.

(a) Settlement Conference. A judge may order or a party may request a conference at any time.

(b) Notice. The party requesting approval of a compromise or settlement must give notice under LBR 2002-1(b) of its intent to submit a proposed order to that effect, except that a chapter 7, 12, or 13 trustee must use the appropriate LBF (*e.g.*, #761 or #761.2).

Rule 9019-2. Alternative Dispute Resolution (ADR)—Mediation.

(a) Assignment of Matter to Mediation.

(1) Order.

(A) **General.** The court may assign a matter to mediation on its own motion or on motion of a party or the UST on LBF #202 or LBF #202.5, whichever applies. Notwithstanding assignment of a matter to mediation, the matter will be set on the court's next available hearing date.

(B) **Stipulation.** The court may refer any matter to mediation by entering a stipulated order lodged on LBF #204 or LBF #204.5, whichever applies.

(2) **Mediation Procedure.** Upon assignment of a matter to mediation, this LBR becomes binding on all parties to the mediation.

(b) **Appointment of Mediator.**

(1) If the parties cannot agree on a mediator within seven days after assignment to mediation, each party must submit to the judge—but not file—and serve on the other mediation parties a list of four acceptable mediators. The judge must appoint a mediator and an alternate mediator from the parties' lists.

(2) If the selected mediator is unable to serve, the selected mediator must file a notice of inability to accept appointment within seven days after receiving the notice of appointment and immediately serve it on the alternate mediator. The alternate mediator becomes the mediator if the alternate mediator fails to file a notice of inability to accept appointment within seven days after the original mediator's inability notice was filed. If neither mediator can serve, the judge will appoint another mediator and alternate mediator from the parties' lists.

(3) A mediator may be disqualified for bias or prejudice under 28 U.S.C. §144, or if not disinterested under §101. A mediator must be disqualified in any matter to which 28 U.S.C. §455 would apply if the mediator were a justice, judge, or magistrate unless disqualification is waived by the parties in writing following disclosure.

(4) Any judicial officer may be appointed mediator under these LBRs. A judicial officer appointed as a mediator is subject to each LBR, FRCP, FRBP, and Federal Rule of Evidence (FRE) pertaining to alternative dispute resolution and mediation.

(c) **Mediation.**

(1) **Time and Place.** After consulting with all parties, the mediator must set a reasonable time and place for the mediation conference and promptly give the parties notice of the conference. The conference must be set as soon after entry of the mediation order and as far in advance of the court's final evidentiary hearing on the matter as is practicable. To ensure prompt dispute resolution, the mediator must establish the time for all mediation activities, including a deadline for the parties to act on a settlement or recommendation.

(2) **Mediation Conference.** Each mediation party, or an individual representing a nonindividual mediation party, must attend the conference and must have full authority to negotiate all disputed amounts and issues. The mediator may determine when the parties must be present in the conference room. The mediator must report to the judge a willful failure to attend or participate in the mediation process or conference in good faith, and that failure may result in the imposition of sanctions.

(3) **Orders.** The mediator has no authority to enter any order regarding the mediation. If the mediator desires entry of an order with respect to the mediation, the mediator must apply to the judge with notice to the parties.

(4) **Recommendations of the Mediator.** The mediator need not make any written comments or recommendations, but the mediator may furnish the parties with a written settlement recommendation, which must not be filed.

(5) **Postmediation Procedures.** Promptly after conclusion of the mediation conference, and in any event no later than 3:00 p.m. two business days before the date set for trial or hearing on the mediation matter, the mediator must file a final report on LBF #210 or LBF #210.5, whichever applies, showing compliance or noncompliance by the parties and the mediation results. If in the mediation the parties settle the matter, they must determine who must prepare and submit to the court a stipulated order or judgment under LBR 9021-1(a)(3)(C), or joint motion for approval of compromise of controversy, within 21 days after the conference concludes. Failure to timely file a stipulated order or judgment, or motion, will be a basis for the court to impose appropriate sanctions. Absent a stipulated order or judgment, or joint motion, no party will be bound by any statement made or action taken at the mediation conference. If the conference ends in an impasse, the matter will be heard or tried as scheduled.

(6) **Termination of Mediation.** When the mediator's final report on LBF #210 or LBF #210.5 is filed, the mediation will be complete and the mediator excused and relieved from further responsibilities in the matter without further order.

(7) **Withdrawal from Mediation.** A matter referred under this LBR may be withdrawn from mediation by the judge assigned to the matter. A party in interest, the UST, or the mediator may file a motion to withdraw a matter from mediation for cause.

(d) **Mediator Compensation.** The mediator's compensation will be on terms satisfactory to the mediator and the parties, and subject to court approval if the estate is to be charged with the expense. A request for compensation or reimbursement payments from the estate must be made in the form of a proof of claim under LBR 2016-1(a)(1). The claim must include separate itemizations of all time spent on premediation activity, mediation activity, and postmediation activity.

(e) Confidentiality.

(1) Mediator. Confidential information disclosed by a party or by a witness in the course of the mediation must not be disclosed by the mediator. Except for the mediator's final report, all records, reports, or other documents received or made by a mediator while serving in that capacity are confidential.

(2) Mediation Effort. FRE 408 applies to mediation. Except as permitted under FRE 408, no party may rely on or introduce as evidence in connection with any arbitration, judicial, or other proceeding the existence of or any aspect of the mediation effort, including, but not limited to:

(A) Views expressed or suggestions made by another party regarding settlement of the dispute.

(B) Admissions made by another party in the course of the mediation.

(C) Proposals made or views expressed by the mediator.

(f) Compliance with Orders, FRBPs, LBRs, and the Code. Nothing in this LBR relieves any party from complying with any order, FRBP, LBR, or the Code, including times set for discovery or preparation for a hearing pending on a mediation matter.

Rule 9020-1. Contempt.

A motion for an order of contempt must include allegations of the facts supporting the motion with reasonable detail and state the damages and other relief that the movant requests.

Rule 9021-1. Order or Judgment—Entry of; Costs.

(a) Circulation of Proposed Order or Judgment.

(1) When Required. The proponent of an order or judgment must circulate it to all responding parties before lodging it with the court unless the proposed order or judgment:

(A) may be lodged concurrently with the motion or application under (b)(2) below,

(B) includes the signed statement of each responding party or its attorney that the party stipulates to entry of the order, agrees that it correctly reflects the court's ruling, or waives circulation of it, or

(C) is approved by the court at a hearing on the motion, application, or complaint.

(2) **Method.** A proposed order or judgment may be circulated as follows:

(A) by attaching the proposed order or judgment to and filing and serving it with the motion, application, or complaint that it would grant, if the court determines to grant the requested relief without modification; or

(B) after the court announces its ruling, by hand-delivering, faxing, or e-mailing the proposed order or judgment no later than three business days before lodging it, or mailing it no later than six business days before lodging it.

(3) **Certificate of Compliance; Notice to Chambers of Unresolved Dispute.** Unless the proposed order is on an LBF, the proponent of an order or judgment for which circulation is required must certify that the proponent has complied with (2) above and that any applicable circulation period has expired or all responding parties have affirmatively approved the form of order or judgment. If a responding party timely objects to a proposed order or judgment and the objection is not resolved before the order or judgment is lodged, the proponent must so notify the court in writing, either in a certification of compliance required by this (3) or otherwise.

(b) **Lodging of Proposed Order or Judgment.**

(1) **When Permitted.** A proposed order or judgment that must be circulated may not be lodged until it is appropriate for the court to sign it, i.e., the proponent has complied with (a) above.

(2) **Orders to be Lodged with Motion or Application.**

(A) When requested by motion, substitution of attorney.

(B) FRBP 2004 examination.

(C) Requiring an interim report be filed to allow the filing of an interim compensation application.

(D) If the motion is accompanied by a certificate of consent by all parties, then the following:

(i) Extension or shortening of time.

(ii) Extension of §523/§727 deadline.

(iii) Amendment of pleading.

(iv) Expedited hearing.

(3) **Orders Not to be Lodged.** No party need lodge a proposed order of the types listed in LBF #9021.

(4) **Separate Document.** Except for an order or judgment which is stipulated or submitted on an LBF, a proposed order or judgment must be lodged as a document separate from any other document.

(5) **Form.**

(A) **General.** The top margin on the first page of any order or judgment must be 4", and devoid of all text except for optional line numbers, which must not be more than 3/4" from the left edge. All other pages must have a top and bottom margin of 1". A proposed order or judgment must:

(i) Contain a brief description of the subject and content in the title if the document is an order.

(ii) State the name and docket number, if available, of any predicate motion or application.

(iii) State in simple and direct terms the ruling of the court.

(iv) Include a street address, and include or attach a legal description, of any real property to which it pertains.

(v) Unless on an LBF, have three pound (###) symbols centered on the line immediately after the last line of the order or judgment text.

(vi) Not include a "Dated" line.

(vii) Not have a judge's signature line unless one is included by the court on an LBF.

(viii) Include the following after the three pound (###) symbols:

(I) On the left side of the last page, the signature of the individual presenting it, preceded by the words "Presented by" and followed by the presenter's name, address, telephone number, and capacity.

(II) A list of names and addresses of all contesting parties who are not, and whose attorneys are not, ECF Participants.

(B) **Default Order in Adversary Proceeding.** In addition to the requirements in (A), a proposed default order under FRBP 7055 must state whether the matter is core or noncore, state the name and docket number, if available, of the motion for default order, and be filed on a document separate from the proposed judgment.

(C) **Stipulated Order or Judgment.** In addition to the requirements in (A), the following form requirements apply:

(i) **General.** A statement that the order or judgment is a stipulation, and signatures, must only be placed below the three pound signs (###) denoting the end of the order or judgment text.

(ii) **Electronically Filed Document Intended to Delay or Stop Entry of an Imminent Order (*e.g.*, Discharge, Dismissal).** If the filer wishes a stipulated order or judgment to delay or stop the imminent entry of another order, the filer must both:

(I) Electronically file the proposed order or judgment as though it were an objection or a motion, using the event that would have been used if a stipulation had not been reached. Examples of documents that should be filed in this manner include a proposed stipulated order when there has been no previously filed objection to dismissal for failure timely to comply with legal requirements, or no previously filed motion to delay entry of discharge, extend time to file §727 complaints, or extend time to file documents.

(II) Lodge that document again using the "Upload Order on Previously Filed Motion" event under the Order Upload category, and link it to the document filed under (I).

(6) **Service.** The court may delegate to the party lodging a proposed order or judgment, or such other party specifically designated by the court, the clerk's obligation under FRBP 9022(a) to serve an order or judgment to the contesting parties immediately after entry of the order or judgment.

(c) **"Text-Only" Entry.** An order or judgment electronically entered by court personnel as a text-only docket entry is as official and binding as if the judge or clerk had signed a document containing that text.

(d) Costs and Fees.

(1) General. Allowed costs will be taxed by the judge under FRBP 7054(b) and this LBR. Time deadlines in (2) and (3) relating to filing, or objecting to, a cost bill also apply to filing, or objecting to, a request for attorney fees in a contested matter or adversary proceeding in which judgment is sought for the prevailing party's attorney fees.

(2) Filing of Cost Bill. A cost bill must itemize claimed costs, be verified under 28 U.S.C. §1924, and be filed and served on all adverse parties no later than 14 days after entry of the order or judgment to which it relates.

(3) Objection to Cost Bill.

(A) An objection to a cost bill must be filed and served no later than 14 days after the cost bill is served. The objection may be supported by a brief, and any statement of fact must be supported by an affidavit. No later than seven days after service of an objection, the party filing the cost bill may file and serve a reply.

(B) In the absence of any objection, any item listed in the cost bill may be taxed.

Cross-references:

- Judgment—Execution - LBR 7069-1.
- Proposed Order or Judgment in Noncore Matters that Require Review, Determination, and Signing by a District Judge - LR 2100.
- Proposed Order if No Objection Timely Filed - LBR 2002-1(h).
- Reminders to the Court of Matter Under Advisement for More Than 60 Days - LBR 9011-1(c).

Rule 9027-1. Removal or Remand—Noticing.

(a) General. No later than seven days after filing a notice of removal, the removing party must file evidence of compliance with the notice requirements of FRBP 9027(b).

(b) If Hearing Set. If a hearing has been set by the court from which an adversary proceeding is removed, the removing party must promptly send notice of the removal to the clerk of that court and any judge assigned to the adversary proceeding in that court.

Cross-references:

- Documents—Requirements of Form - LBR 9004-1.
- Jury Trial Demand - LBR 9015-1.

Rule 9029-1. Local Rules.

(a) **General.** LBR 1001-1 applies.

(b) **Cross-References.** Cross-references are provided in these LBRs for user convenience. The court does not intend for the cross-references to preclude a user's consideration and use of any other LBR that may be applicable.

(c) **Exceptions.** The court may excuse a party from complying with any LBR to avoid injustice or to expedite the administration of a case or adversary proceeding.

Rule 9029-2. [Reserved]

Rule 9029-3. Local Rules—District Court.

LRs 2100-2300 apply to cases and adversary proceedings in this court. The other LRs do not apply unless specifically referred to in an LBR.

Rule 9033-1. Final District Court Determination of Motion to Withdraw Reference or Change Venue Based on Proposed Findings of Fact and Conclusions of Law in Noncore Adversary Proceedings, and on Reports and Recommendations.

LBR 9021-1(a) regarding the format of a proposed order or judgment also applies to proposed findings of fact and conclusions of law, or a proposed report and recommendations.

Cross-reference: General re Referral of Bankruptcy Cases and Adversary Proceedings - LR 2100.

Rule 9037-1. Privacy Protection.

(a) **Social-Security (SSN)/Individual Taxpayer-Identification (ITIN) Numbers.** The following provisions apply to an SSN or ITIN:

(1) **Electronically Filed Petition.** An OBF #B21 must be prepared, signed, and retained by the debtor's attorney under LBR 5005-4(e), but must not be filed with an electronically filed voluntary petition.

(2) **Amendment.** To amend a debtor's SSN or ITIN, the debtor must file an amended OBF #B21 with an attached certificate of service stating that a copy of the amended OBF #B21 (including all nine digits of the number) was served on all interested parties.

(b) **Redaction in Electronically Filed Transcript.** The following procedures apply:

(1) **General.** Each party, including any attorney for the party, must review a transcript subject to FRBP 9037(a) and not exempted by FRBP 9037(b) for the following information that should be redacted under the Judicial Conference's privacy policy: SSNs and ITINs should be redacted to show only the last four digits; birth dates should contain only the year of birth; individuals known to be minors should be referred to only with initials; and financial account numbers should be redacted to show only the last four digits. [**NOTE:** This LBR is adopted under a privacy policy promulgated and required for use by the Judicial Conference of the United States. See the accompanying Policy Note provided by the Judicial Conference.]

(2) **Notice of Intent to Request Redaction.** No later than seven days after a transcript is filed, a party must file a notice of that party's intent to request redaction of information from the transcript. A party is responsible for reviewing the opening and closing statements made on behalf of that party, any statements made by that party, and the testimony of any witness called by that party. If no notice is timely filed, the court will presume that redaction of personal data is not necessary.

(3) **Redaction Request/Completion.** Once a party has filed a notice of intent to request redaction, that party must, no later than 21 days after the transcript was filed, submit to the court reporter or transcriptionist a list of items to be redacted including the transcript page, paragraph, and line in which the personal data appears, and the manner in which each is to be redacted. No later than 31 days after the transcript was filed, the court reporter or transcriptionist must redact the identifiers as directed, and file the redacted transcript. Also during this time period a party may, by motion, request that additional information be redacted. No remote electronic public access to the transcript will be allowed until the court has ruled on any motion regarding its redaction, all redaction deadlines have expired, and all redaction has occurred.

Rule 9070-1. Exhibits.

LBRs 7007-1(b), 9004-1(a)(7), and 9017-1 apply.