

PROPOSED REVISIONS TO LOCAL BANKRUPTCY RULES AND FORMS

September 5, 2025

This document contains proposed revisions to the December 1, 2024, version of the Local Bankruptcy Rules (LBRs) for the District of Oregon and proposed revisions to various Local Bankruptcy Forms (LBFs). Some of the proposed revisions were recommended to the court by the Oregon State Bar Debtor-Creditor Section Local Bankruptcy Rules and Forms Committee. Comments intended to explain the proposals follow each proposed change.

Text proposed to be added is double-underlined, and text proposed to be deleted is ~~struck through~~.

Please [click here](#) and select “Local Rules and Forms Comments” from the “Category” dropdown list to submit comments concerning the proposed revisions, or e-mail comments to LBRcomments@orb.uscourts.gov. Any comments must be received on or before October 6, 2025, to be considered. After reviewing any comments, the court will post the final revised rules and forms which will take effect on December 1, 2025, unless otherwise noted.

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PROPOSED LOCAL BANKRUPTCY RULES REVISIONS

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

[...]

- (d) **Effective Date.** These LBRs supersede all prior LBRs and general orders of the court pertaining to local rules and take effect on December 1, 202~~4~~5.

[...]

Comment. Revision updates the effective date for the 2025 rules.

Rule 1004-1. Petition—Partnership. [Reserved]

Cross-reference: Representation of an Organization – LBR 9010-1(c).

Comment. See the proposed revisions to LBR 9010-1 below.

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

[...]

~~(e) — Documents in Cases Filed On or After 10/17/05.~~

~~(1c)~~ § 521(a) Payment Advices. [...]

~~(A1)~~ **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.

~~(B2)~~ **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.

~~(2d)~~ **Documents Supporting Items in Statement of Current Monthly Income (OFs 122A and 122C).**

[...]

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

Comment. 10/17/05 is the effective date of BAPCPA which, by the time this proposal goes into effect if adopted, will be over two decades ago. “A-J” proposed for deletion because this range covers all schedules and there is no longer a separate A schedule.

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.** [...]

(3) **Federal Agencies.** [...]

[...]

Cross-references:

[...]

• ~~Mailing Address—Federal Governmental Units—LBR 2002-2. Addresses of Federal and State Governmental Units and Certain Taxing Authorities – LBR 5003-1.~~

Comment. Under this proposal, the current (a)(1) requirement to use methods described in LBF 104 for creditor mailing lists will be moved to [LBR 5005-1](#)—see the comment under that proposal below for more information.

See proposed revisions to [LBR 2002-2](#) and [LBR 5003-1](#) for the cross-reference change.

Rule 1007-5. Statement of Social Security Number (Privacy).

The following provisions apply to a Social Security Number (SSN) or Individual Taxpayer Identification Number (ITIN):

- (a) ~~Electronically Filed~~ **Petition Filed by ECF**. An OF 121 must be prepared, signed by the debtor, obtained and retained by the debtor's attorney under LBRs 5005-4(e) and 9011-4(c)(~~12~~), and filed separately with an ~~electronically filed~~ voluntary petition **filed by ECF**.

[...]

Comment. The rules currently use “electronically” and “on paper” to differentiate between attorney or trustee e-filing through ECF and self-represented party filing methods. The use of these terms is potentially confusing now that self-represented parties have access to several methods of electronic filing which may not involve use of paper documents (ePOC, Public Document Upload ([PDU](#)), Electronic Self-Representation Bankruptcy Petition Preparation System ([eSR](#)), fax, and, for authorized parties, use of ECF events under the *Creditor Claimant* menu).

Under this and related proposals in this document, “electronically filed” and variations thereof will be replaced “filed by ECF” or some variation, and “on paper” will be replaced by applicable methods of filing or lodging available to self-represented parties.

The following rules use “electronically” or “paper” but will not be revised in this regard because those uses are appropriate regardless of differences between ECF Participant and self-represented filing methods:

- LBR 5077-1(b)(1)
- LBR 7005-1(c)
- LBR 9001-1(g)
- LBR 9004-1(a)(7)(A)
- LBR 9004-1(c)

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

(a) ~~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. A debtor must use LBF 348 to file a notice of conversion from chapter 12 or 13 to chapter 7.~~

(b) ~~If a case has not previously been converted, a debtor must use LBF 348 to file a motion to convert a case from chapter 7 to chapter 11, 12, or 13.~~

- (c)** If a case has previously been converted, a debtor must use LBF 348.1 to file a motion to convert a case from chapter 7 to chapter 11, 12, or 13.

[...]

Comment. The current content of LBR 1017-1 is proposed for deletion because, for chapter 13 cases, it is duplicative of a non-debtor movant's duty under FRBPs 1017(f), 9013, and 9014 to serve the motion on the debtor and, for other cases, it is duplicative of the duty to give notice under FRBP 2002(a)(4) which is delegated to the movant by LBR 2002-1(a).

See comment under the [LBF 348](#) proposal below for discussion of the new content.

Rule 1019-1. Conversion—Procedure After.

- (a)** **Notice of Conversion.** LBR 2002-1(a)(1) applies.
- (b)** **Small Business Designation or Subchapter V Election.** If the debtor is a small business debtor, within two days after the entry of an order converting a voluntary case to chapter 11, the debtor must file an amended petition and state in the petition whether the debtor is a small business debtor and, if it is, whether debtor elects to have subchapter V apply, and, within two days after entry of an order for relief in an involuntary chapter 11 case, the debtor must file the statement required by FRBP 1020(a).

Comment. New subsection (b) will require a small business debtor, after conversion to chapter 11, to file an amended petition or statement stating that it is a small business debtor and whether it elects for subchapter V to apply.

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

[...]

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

- (1)** **Template.** [...]

(Signature) (OSB# if atty)
[PRINT OR TYPE NAME if not filed by ECF ~~on paper~~]
[ATTORNEY FOR _____, TRUSTEE, ETC.]

On [insert date] copies of the above notice were served on: [list the entities served using the format required by LBR 7005-1].

[Signature]

[PRINT OR TYPE NAME if not filed by ECF ~~on paper~~]

[...]

- (c) **Notice of Hearing Template.** A notice of hearing prepared by a party may be single-spaced and must begin at least 1" from the top of the page and be in the following form:

[...]

WILL BE HELD ON [hearing date] AT [hearing time] ~~IN [or BY]~~ [insert either: (1) “in [the hearing room number and street address].” or (2) if “by telephone ~~hearing~~, at [the telephone number, and access code]; ~~and the statement that~~ LBF 888 is ~~also~~ provided”]. [NOTE: Unless provided on the court’s website at www.orb.uscourts.gov/hearings, 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.]

[State whether the hearing will be an evidentiary hearing at which witnesses may testify.]

(Signature) (OSB# if atty)

[PRINT OR TYPE NAME if not filed by ECF ~~on paper~~]

[ATTORNEY FOR _____, TRUSTEE, ETC.]

On [insert date] copies of the above notice were served on: [list the entities served using the format required by LBR 7005-1].

(Signature)

[PRINT OR TYPE NAME if not filed by ECF ~~on paper~~]

[...]

- (d) ~~**Reserved**~~ **Notice of Hearing. Unless filed on an LBF, a notice of hearing must not be combined with another document (for example, a notice of hearing and a motion must be filed as separate documents), and an ECF Participant must file a notice of hearing using an ECF event intended for that purpose. This requirement does not apply to the notice of motion required by LBR 9013-1(b)(2).**

[...]

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

[...]

- (2) **Preferred Address Under § 342(f)(1).** An entity's registration with ~~requesting an address be used for all notices must make the request directly to~~ the Bankruptcy Noticing Center at <https://bankruptcynotices.uscourts.gov> to receive all notices electronically or by U.S. Mail at a specified mail address will be treated as the filing with this court of a notice address to be used by this court in chapter 7 and 13 cases, as permitted by § 342(f)(1).

[...]

- (k) **Certificate of Service.** Any notice not in or on an LBF, including any notice of motion in a motion, that is required by FRBP 2002 must comply with the certificate-of-service requirement of LBR 7005-1(c).

[...]

Cross-references:

[...]

- ~~• LBFs—LBRs 9001-1(p) and 9009-1.~~

[...]

- ~~• Motion for Lien Avoidance (§§ 506(d)/1322 or § 522(f))—LBR 4003-2. Valuation of Collateral (§§ 506(d) and 1322) – LBR 3012-1.~~

[...]

Comment. Subsection (b) and (c):

See the [LBR 1007-5](#) comment above for proposed revisions to signature template instructions.

Subsection (c):

This revision changes the URL to the court's hearings website page in an effort to make the inclusion of a URL more helpful. Other changes are stylistic.

Subsection (i):

Section 342(f)(1) permits a preferred notice request to be filed with a particular court. Under this revision, registration with the Bankruptcy Noticing Center will be treated as filing with this court.

Subsection (d):

Most ECF events for hearing notices are designed to populate docket text with hearing information, and the events generally interact with the court's hearing systems including CHAP.

Subsection (k):

There should be a certificate of service for any required notice, but the rules currently only expressly require a certificate of service for documents in adversary proceedings (LBR 7005-1(c), 7001-1) and contested matters (LBR 9013-1(a)(3)).

Cross-references:

The "LBFs" cross-reference is proposed for removal because "LBF" is an acronym defined in the rules and it would not be practical to include a cross-reference in all of the many rules that use the term. See proposed new [LBR 3012-1](#) and proposed revisions to [LBR 4003-2](#) for the "Motion for Lien Avoidance" cross-reference revision.

~~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.~~

Comment. Except with respect to the FRBP 5003(e) register of addresses requested by governmental units (see LBR 5003-1), the local rules should not mandate use of particular addresses.

Rule 2003-1. Meeting of Creditors.

[...]

(c) **Changes to Meeting of Creditors.** Any requests to change the date, time, location, or means of conducting the meeting of creditors must be directed to the UST.

~~**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, motion to convert, or list timely filed under FRBP 1007(a)(2), the meeting may be relocated if the proposed new location is the closest available 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 7 or 13, and signed by the debtor), 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.~~

[...]

Comment. The scheduling of meetings of creditors is under the purview of the office of the United States trustee (UST), and, although the court has authority to compel the UST to hold a meeting, it lacks the authority to mandate specific scheduling details of the meeting. Requests to change the time or place of the meetings should be directed to the UST.

Moreover, as most meetings of creditors are being transitioned to video, the information in current LBR 2003-1(c) regarding physical locations will be inapplicable in most cases.

Rule 2004-1. Depositions & Examinations.

- (a) **General.** ~~LBR 30 applies.~~ LBR 7030-1(b)–(e) 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.

[...]

Comment. Subsection (a)—

The purpose of this proposed revision and, at least in part, the proposed revisions to the following rules is to eliminate as many of the references to the Oregon District Court Local Rules (LRs) in the bankruptcy court’s local rules as reasonably possible:

- [LBR 7016-1](#)
- [LBR 7026-1](#)
- [LBR 7030-1](#)
- [LBR 7033-1](#)
- [LBR 7034-1](#)
- [LBR 7036-1](#)
- [LBR 9010-1](#)

There is much in the LRs presently incorporated into the LBRs that is duplicative or different than what is otherwise required in the LBRs, which can cause confusion.

All LR references in the LBRs are addressed in this document. The terms of the LRs (with stylistic and organizational changes to match LBR style and format) are incorporated without substantive change in this proposal and those listed above. LRs that are duplicative of our LBRs were not incorporated.

Incorporating the substance of applicable rules and eliminating duplicative and inapplicable rules reduces the number of rules outside of the LBRs to which people must refer to know how to properly practice or file with this court.

The LR references in the following rules will be retained under these proposed changes—

- LBR 9015-1 (LRs relating to jury trials): Most, if not all, of jury trials in the bankruptcy court’s cases will go to the district court to be tried under its rules. For any jury trials that are tried in bankruptcy court, the district court’s rules would still apply unless otherwise ordered by the bankruptcy court.
- LBR 9029-3 (LRs 2100-2200): A reference to these rules must be retained in the LBRs. All cross-references to these rules will likewise be retained.

Regarding the proposed change to LBR 2004-1(a) specifically, the substance of LR 30 is being moved to [LBR 7030-1](#), which is a better fit.

Subsection (b)(1)—

As revised, the requirement to confer or make a good-faith attempt to confer applies to a party requesting an order for an FRBP 2004 examination regardless of whether the request is made ex parte.

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

[...]

(b) Chapter 11 Professional Employment Application.

(1) LBF 1114 must be attached to an application.

(2) An application for approval of the debtor’s employment of an attorney must be signed by the debtor.

[...]

Comment. Because debtor’s attorney has not yet been formally employed at the time the application is filed, the court believes that requiring a debtor’s signature on an application for approval of the debtor’s employment of an attorney in a chapter 11 case is both appropriate and good policy. It demonstrates that the debtor is aware of the terms of the employment.

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

[...]

(b) Chapter 11.

(1) Preconfirmation Reports. Monthly Financial Report. ~~For each month or portion thereof after the order for relief, the DIP or, if the debtor is not in possession, the trustee must file the financial report required by FRBP 2015(a)(3) in the form prescribed by the UST by the 21st day of the next month.~~

(A) The debtor or, if the debtor is not in possession, the trustee must file a monthly financial report for each calendar month or portion thereof for the period from the date of the order for relief through the day before the confirmed plan's effective date.

(B) If the case is neither a small business case nor a subchapter V case, the report must be filed on the form for periodic reporting prescribed by 28 C.F.R. § 58.8(b) with required supporting documentation, including bank statements for all bank accounts used by the debtor in possession or trustee. The report must be filed no later than 21 days after the last day of the last month or portion thereof covered by the report.

(C) If the case is either a small business case or a subchapter V case, the report must be filed on OF 425C by the deadlines in FRBP 2015(a)(6).

(2) Postconfirmation Reports.

(A) If the case is neither a small business case nor a subchapter V case, the party designated in the plan as the responsible party, such as the reorganized debtor, liquidating trustee, plan proponent, or plan administrator, must file a postconfirmation report for each calendar quarter or portion thereof for the period from the plan's effective date through the date of entry of the final decree. Each report must be filed no later than 21 days after the last day of the last month or portion thereof covered by the report. The report must be filed on the form for periodic reporting prescribed by 28 C.F.R. § 58.8(f).

(B) In a small business or subchapter V case, the requirements for any postconfirmation reporting must be in the plan.

(23) Final Account.

[...]

- (B) **Upon Order of Confirmation, Conversion, Transfer, or Dismissal.** The chapter 11 trustee must file ~~an LBF 1198~~ final account ~~re in a~~ confirmed, converted, dismissed, or transferred case no later than 35 days after entry of the order. Except in a subchapter V case, this report must be filed on LBF 1198.

[...]

Comment. “Preconfirmation Reports” and “Postconfirmation Reports” subsections:

These revisions address the lack of distinction between chapter 11 case types (standard chapter 11 cases, small business cases, and subchapter V cases). As revised, the rule distinguishes form requirements and deadlines by case type.

“Final Account” subsection:

The U.S. trustee directs use of non-LBF 1198 forms for subchapter V trustees’ final reports. These revisions are intended to clarify the distinction between form requirements for subchapter V trustees and court-appointed trustees in this matter.

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

[...]

(e) Chapter 13 Debtor’s Attorney.

(2) Chapter 13 Debtor’s Attorney’s Schedule 2.(b) Itemization on LBF 1306.

- (A) If the attorney selects LBF 1305 Schedule 2.(b) and (i) the LBF 1305 estimate, before credit for payments, exceeds ~~\$3,750~~ 4,250 or (ii) the actual value of services rendered and reimbursable expenses incurred by the attorney through 14 days before the final confirmation hearing exceeds ~~\$3,750~~ 4,250, the attorney must complete and file a Chapter 13 Debtor’s Attorney’s Schedule 2.(b) Itemization on LBF 1306 no later than seven days before the final confirmation hearing. Any Chapter 13 Debtor’s Attorney’s Supplemental-Compensation Application on LBF 1307 by an attorney who has not timely filed an LBF 1306 may not include any amount by which the total amount of fees and expenses incurred through 14 days before the final confirmation hearing exceeds the amount of compensation and expense reimbursement allowed in the confirmation order.

[...]

Comment. Revision in conformance with proposed revision to [LBF 1305](#) below.

Rule 3001-1. Claims—General.

[...]

Cross-references:

[...]

- ~~Proof of Claim and Stipulation~~ Representation of an Organization – LBR 9010-1(~~ac~~)(2)(D).

Comment. See the proposed revision to [LBR 9010-1](#) below.

Rule 3011-1. Unclaimed Funds.

An application for payment of unclaimed funds must be on LBF B1340. Instructions for submitting unclaimed funds applications are available on the court’s website (www.orb.uscourts.gov/unclaimed-funds).

Comment. This revision changes the URL to the court’s unclaimed funds website page in an effort to make the inclusion of a URL more helpful.

Rule 3012-1. Valuation of Collateral.

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

Comment. This rule is renumbered content of the current LBR 4003-2(a). The content is being moved to new LBR 3012-1 because it didn’t fit well under LBR 4003-2. The revision also removes the reference to a default order, and it allows LBF 1317.5 to be used after a hearing. See also the [LBF 1317](#) and [LBF 1317.5](#) proposals below.

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

(a) Chapter 12.

(1) Plan. A plan must be filed on LBF 1200.05.

(2) 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.

(3) Preconfirmation Adequate Protection Payments.

(A) The debtor may make adequate-protection payments required by a proposed or confirmed plan through the trustee or directly. If adequate-protection payments required by a proposed or confirmed plan are made through the trustee and not directly, 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 proof of secured claim.

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

[...]

(b) Chapter 13.

(1) Plan. In any case commenced on or after December 1, 2017, a single local plan form is adopted for this district, and, pursuant to FRBP 3015.1, the court opts out of the national chapter 13 plan form. A plan must be filed on the version of LBF 1300 prescribed on the court's website at www.orb.uscourts.gov/forms/all-local-forms. A plan must be signed and dated with the date signed by the debtor.

[...]

(5) Payment of Personal Property Lease. [...] 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.

[...]

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

[...]

Comment. As revised, subsection (a) authorizes the payment of preconfirmation adequate protection payments in chapter 12 cases. The revisions also make current LBR 3015-1(b)(4) and LBR 3015-1(b)(6)(A) applicable in chapter 12 cases except that, for the latter, the provision is changed to be permissive as opposed to mandatory because chapter 12 debtors routinely make adequate protection payments directly as part of a cash collateral order—this retains the usual flexibility of chapter 12 pre-confirmation operations.

The (b)(1) revision changes the URL to the court’s local forms website page in an effort to make the inclusion of a URL more helpful. Other changes are non-substantive clarifications.

Other changes are stylistic.

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

[...]

(c) Chapter 13.

- (1) The debtor must submit to the trustee a proposed confirmation order on the version of LBF 1350 prescribed on the court’s website at www.orb.uscourts.gov/forms/all-local-forms. If no objection to the proposed plan is timely filed, the debtor must submit the proposed order 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.

[...]

Comment. This revision changes the URL to the court’s local forms website page in an effort to make the inclusion of a URL more helpful.

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

[...]

(d) 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~~ by mail or delivery. The deposit must be submitted under (2). However, documents that are not required to be filed with the petition (~~e.g. for example~~, schedules or statements) must be filed by ECF ~~electronically~~ if the filer is an ECF Participant.

[...]

Comment. See the [LBR 1007-5](#) comment above.

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

~~(a) — Lien Avoidance under §§ 506(d) and 1322. 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) — Lien Avoidance under § 522(f).~~

- (~~4a~~) Judicial Liens on Real Property.** If not made as part of a chapter 12 or 13 plan, a motion to avoid under § 522(f)(1)(A) a judicial lien on real property must be filed on LBF 717, and any proposed order must be lodged on LBF 717.07.

(~~2b~~) Other Liens. [...]

(~~A1~~) [and so on to (~~K11~~)]

Comment. See the [LBR 3012-1](#) proposal above.

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

[...]

Cross-references:

[...]

- Definition of “Mortgage Creditor” – LBR 9001-1(~~tv~~).

[...]

Comment. See the [LBR 9001-1](#) proposal below.

Rule 5003-1. Addresses of Federal and State Governmental Units and Certain Taxing Authorities.

The register of mailing addresses of the United States, states, and territories and the register of taxing authorities’ addresses for serving requests under § 505(b) required by FRBP 5003(e) are on the court’s website at www.orb.uscourts.gov/registers-addresses-federal-and-state-governmental-units-and-certain-taxing-authorities.

Comment. The intent of this new rule is to provide guidance for anyone looking for the registers of addresses FRBP 5003(e)(2) requires the clerk to keep.

Rule 5005-1. Filing Papers—Requirements.

(a) Self-Represented Party Filing Methods.

(1) Chapter 7.

(A) Petition and Certain Case-Opening Documents. ~~A party without an attorney must file a petition, OF 101A, OF 103B, OF 106 Declaration, and any required schedules may be filed only and other documents via by eSR, PDU, the court’s Public Document Upload system at~~

~~<https://www.orb.uscourts.gov/webform/public-document-upload>~~, or by fax, mail, or delivery.

(B) Creditor Mailing List. The list of names and addresses of entities included in certain schedules required by FRBP 1007(a)(1) and FRBP 1007(a)(2) may only be filed by eSR or a method prescribed by LBF 104.

(C) Other Documents. Other documents may only be filed or lodged by PDU, fax, mail, delivery, ePOC or, if authorized by a court ECF registrar, an ECF event under the “Creditor Claimant” menu.

(2) Other Chapters.

(A) Creditor Mailing List. The list of names and addresses of entities included in certain schedules required by FRBP 1007(a)(1) and FRBP 1007(a)(2) may only be filed as prescribed by LBF 104.

(B) Other Documents. Other documents may only be filed or lodged by PDU, fax, mail, delivery, ePOC or, if authorized by a court ECF registrar, an ECF event under the “Creditor Claimant” menu.

(b) Fax Requirements. A document filed by fax must be accompanied by a cover page including the filer’s telephone number and email address, and the fax must be sent to 1-213-401-1577.

(c) Receipt of Case Number by a Debtor. A self-represented debtor who files a petition ~~by mail or delivery~~ may provide an email address and request that the case number be emailed to the debtor, or the debtor may telephone the clerk at (503) 326-1500 or (541) 431-4000 to request the case number.

(d) Effect of Filing or Lodging a Document by Mail or Delivery. A paper document permitted to be filed or lodged will be scanned, entered into ECF, and then promptly destroyed unless filed with a self-addressed, stamped envelope for return to the filer after entry. A filed paper document is the official record of its filing until the document has been electronically entered into ECF.

Comment. See also proposed revisions to [LBR 9001-1](#) below for definitions of “eSR” and “PDU” and “ECF event.”

These revisions introduce eSR into the list of permissible filing methods for self-represented parties. Because eSR is only available for chapter 7 debtors and for certain documents, the proposed new additions break up the rule by chapter and document type.

Currently, FRBP 1007(a)(1) and (2) creditor mailing lists are addressed under a separate rule, [LBR 1007-2](#). Because these lists may be filed using eSR, the requirements to use methods prescribed by LBR 104 will be moved from that rule to this one. The second sentence of LBR 1007-2 is omitted because “electronic media” is a holdover from when debtors regularly submitted creditor mailing lists in CD and thumb drive formats. LBR 104 now directs submission by the court’s website, paper copy, or, for attorneys, ECF, and no certification of inability to use CDs or thumb drives is required.

Subsection (c) has been revised to expand the rule to all self-represented filing methods.

New subsection (d) is the content from current LBR 5005-4(c)(1). It is more appropriate in this rule because attorneys are generally not allowed to file or lodge paper documents.

Rule 5005-4. ~~Electronic~~ Filing and Lodging by ECF.

- (a) **Administrative Procedures.** ~~The LBR 125, Administrative Procedures for *Electronically Filing Submitting* Case Documents *Using the Court’s Electronic Case Files System (ECF)* (Administrative Procedures) (LBR 125),~~ governs ECF and its use.
- (b) **Mandatory ECF~~Electronic~~ Filing.**
 - (1) ~~Creditor Who Has Filed More than 10 Documents in Any Calendar Year, Attorney, or Trustee.~~ A creditor who has filed more than 10 documents in any calendar year and any attorney or trustee must register to become an ECF Participant and file or lodge documents by ECF ~~electronically~~.
 - (2) An attorney, trustee, or creditor unable to file or lodge by ECF ~~electronically~~ may apply for a waiver of the requirement to do so ~~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 using one of the methods listed in LBR 5005-1(a),~~ and The request must 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.
- [...]
- (4) Unless local counsel is an ECF Participant who will be responsible for filing and lodging documents, ~~an~~ electronically admitted 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 inability~~ with each document filed or lodged ~~on paper using one of the methods listed in LBR 5005-1(a)~~.

~~(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 or Lodging by ECF.**

~~(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 filed or lodged by ECF 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., that is,~~ that is, as opposed to an ECF Participant attorney for that party).

- (e) **Retention of Original Document.** An ~~electronically filed~~ document described in FRBP 1008 filed by ECF 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 obtained and retained by the filing ECF Participant or the firm representing the party on whose behalf the document was filed in accordance with LBR 9011-4(c)(1) 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 document must produce it for review upon receipt of a written request.
- (f) **Filing Deadline for Electronically a Document Filed or Lodged by ECF ~~Document or Docket Entry~~.**
- (1) Filing or lodging electronically by ECF does not alter the filing deadline. ~~Electronic~~ Filing or lodging by ECF must be completed before midnight Pacific time to be considered filed on that day.
- (2) An ECF Participant whose filing or lodging is untimely due to a technical failure of a court-controlled aspect of the ECF system may seek appropriate relief from the court.
- (g) **ECF Event.** A document filed or lodged by ECF must be filed or lodged using the applicable ECF event, if any. The failure to do so is cause for the court to strike the document.

Comment. The proposed revision of the title breaks with the suggested title in the Uniform Numbering System, but, given that self-represented parties have numerous methods of filing electronically, the revision more accurately reflects the content of the rule which is specific to filing and lodging via ECF.

The subsection (a) revision is a proposal to change the title of LBR 125 in conformance with related proposals in this document.

The heading of LBR 5005-4(b)(1) will be removed to be consistent with the other entries of the same level. The added phrase alerts the reader that filing and lodging documents electronically requires the clerk's issuance of an ECF login and password to the filer.

LBR 5005-4(b)(4) would be amended to substitute "specially admitted" for "pro hac vice," consistent with the other proposed amendments to LBR 9010-1. It would also delete "authorized" as a redundant modifier of "ECF Participant."

Subsections (b)(5) and (b)(6) are being combined in this proposal. Inability to e-file is not a common occurrence, and, regardless of whether that inability stems from a court issue or

something on an ECF Participant's end, the ECF Participant must file a certification which essentially make the subsections a distinction without difference.

See the comment under [LBR 5005-1](#) above for the removal of subsection (c)(1).

As to proposed new LBR 5005-4(g), the ECF menu tree includes filing events for many specific events and document types, including LBFs. ECF also provides a "Search Events" function that takes text input to find whether there exists an ECF event for a specific event or document. Several miscellaneous events are available for use in the absence of a specific ECF event (including *Adversary Events > Motions > Miscellaneous Motion*, *Bankruptcy Events > Motions/Applications > Miscellaneous Motion*, and *Bankruptcy > Notices > Notice*). Under LBR 5005-4(a), LBF 125, setting forth ECF administrative procedures, "governs ECF and its use." In LBF 125, parts 8 through 10 address "electronic documents filed in error." Among the filing-error types listed in part 9 is "selecting the wrong document type from the menu." Part 10 is a set of procedures to follow to correct a filing error. The second sentence of part 10.B refers to refileing an erroneously filed document when "advised to do so by the court." Taken together, the LBF 125 procedures require use of the correct ECF event and correction of any erroneous filing in the incorrect event. New (g) would clarify an ECF filer's obligation to use the correct ECF event, the failure of which can lead to striking a misfiled document.

The remaining revisions replace "electronically" with "by ECF" (see the [LBF 1007-5](#) comment) or are stylistic.

Rule 5077-1. Transcript.

[...]

(b) Requests for Transcripts and Audio Files of Court Hearings.

- (1) Transcript.** A request for a transcript of a hearing electronically recorded by court personnel must be made by submitting a transcript order directly to an approved transcriptionist listed on the court's website at www.orb.uscourts.gov/transcript-ordering-information. A request for a transcript of a hearing recorded by a court reporter must be made by contacting the court reporter.

[...]

Comment. This revision changes the URL to the court's transcript ordering information website page in an effort to make the inclusion of a URL more helpful.

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 self-addressed, stamped envelope 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 self-addressed, stamped envelope. A declaration may be a separate document or a signed notation on the first page of the copy.~~

Comment. Subsection (a):

Removal of “electronically filed”—

The clerk's office will provide copies regardless of what filing method was used.

Removal of “no later than...”—

Although encouraged to pick up copies as soon as possible, a party may pick up properly requested copies any time they are available and the court is open.

Subsection (b):

Conformed copies are unnecessary now that copies can be obtained on PACER.

Rule 6006-1. Executory Contracts or Unexpired Lease.

~~Except for an omnibus motion under FRBP 6006(f), a motion A DIP must use LBF 765 to move for authority to reject an unexpired lease or executory contract must be filed on LBF 765. and must use Any proposed order arising from a motion must be lodged on LBF 765.5 ~~to lodge proposed orders thereon.~~ An omnibus motion under FRBP 6006(f) must include a notice that substantially conforms to the notice portion of LBF 765.~~

Comment. As revised, omnibus motions filed under FRBP 6006(f) are not required to be filed using LBF 765 and LBF 765.5 with respect to rejection motions. However, such a motion must substantially conform to the notice portion of LBF 765.

Rule 6007-1. Abandonment.

[...]

Cross-references:

[...]

- Definition of “Mortgage Creditor” – LBR 9001-1(~~tv~~).

[...]

Comment. See the [LBR 9001-1](#) proposal below.

Rule 7001-1. Adversary Proceedings—General.

[...]

(c) Documents.

[...]

- (2) **Cover Sheet ~~on Paper~~.** An adversary proceeding cover sheet on OF 1040 must be filed ~~on paper~~ with a complaint, stipulated judgment in lieu of a complaint, or notice of removal filed ~~on paper~~ by PDU, fax, mail, or delivery.
- (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 or other means to notify the plaintiff when an electronic summons has been issued for service.

[...]

Comment. See comment under [LBR 1007-5](#) for subsection (c)(2).

Subsection (c)(3) is revised to reflect that the clerk may issue a summons electronically regardless of how the complaint was filed.

Rule 7004-1. Service of Process.

- (a) This rule and LBR 7005-1 apply to service under FRBP 7004 of a complaint in an adversary proceeding or of a document initiating a contested matter.
- (b) If service is made other than by mailing or delivery to an individual party, the certificate—and the address to which any service is made by mailing—must state the relationship of the recipient to the party served. For example, if service on a corporation is made by mailing to a registered agent, the address of the recipient must include the words “Registered Agent,” as well as the party’s name and the registered agent’s name and mailing address. ~~A certificate of service may be made on LBF 305.~~
- (c) LBF 305 may be used as a certificate of service of summons and a complaint in an adversary proceeding.
- (d) On the day of the first filing [...]

Comment. LBF 305 is for use only with a summons and complaint in an adversary proceeding.

Rule 7016-1. ~~Pretrial Procedure~~ **Proposed** Pretrial Order.

~~If the court requires a pretrial order, then LR 16-2, and LRs 16-5(b), (c), and (d) apply, except that magistrate judge means bankruptcy judge.~~

- (a) **When Pretrial Order Required.** If the court determines that a pretrial order is required, the court will include in the scheduling order a deadline for lodging the pretrial order.
- (b) **Contents.** The pretrial order must contain—
 - (1) A concise statement of the nature of the action, including whether trial will be by jury and, if it will, whether the parties have consented to a jury trial being conducted by the bankruptcy judge.
 - (2) A concise statement of each basis for bankruptcy jurisdiction and the facts relevant to jurisdiction.
 - (3) All agreed facts, with an asterisk (*) by those where relevance is disputed.
 - (4) A statement of each claim and defense to that claim with the contentions of the parties. Contentions must not recite the evidence to be offered at trial but must be sufficient to frame the issues presented by each claim and defense.

(5) Other legal issues not stated under either claims or defenses and designating those appropriate for decision before trial.

(6) A statement indicating proposed amendments to the pleadings, if any.

(7) The same format should be used in the order for any counterclaim or crossclaims, followed by any affirmative defenses to each of those claims.

(c) Time for Service and Lodging.

(1) The plaintiff must prepare and serve on all parties a proposed pretrial order at least 30 days before the deadline in the scheduling order.

(2) Within 14 days after service of the proposed pretrial order, each other party must serve on all parties the objections, additions, and changes the party believes should be made to the plaintiff's proposed pretrial order.

(3) All areas of disagreement must be shown in the proposed pretrial order, but the parties must make every effort to resolve such disagreements.

(4) The proposed pretrial order must be signed by the parties, and the plaintiff must lodge it.

Comment. Most of LR 16-2 was not included in this revision because it essentially duplicates a process that already occurs at initial pretrial conferences. The basic substance of LR 16-5(b), (c), and (d) have been included with revisions that are mostly stylistic and organizational.

Generally, a pretrial order isn't required unless the adversary proceeding is going to be tried at the district court, so the district court's requirements for what should be in a pretrial order has been retained without substantive change. The requirement for the parties to email the draft pretrial order has been removed; the judges do not wish to receive an email copy.

See also [LBR 2004-1](#) for general comments on the incorporation of the content of LRs into the LBRs.

Rule 7026-1. Discovery—General.

(a) Timing.

[...]

- (3) **Completion.** ~~The LR regarding completion of discovery (currently LR 16-2(e)) applies. The scheduling order will set the deadline to complete discovery.~~

(A) By that deadline—

(i) All depositions must be taken, including depositions to preserve testimony for trial.

(ii) All interrogatories or other discovery requests must be answered.

(iii) All documents must be produced in response to requests for production.

(B) The court will not require a response to a discovery request made with insufficient time for a party to respond before the deadline to complete discovery.

(C) Expert depositions under FRCP 26(b)(4)(A) need not be completed by the discovery deadline.

[...]

Comment. The proposed new language is the basic substance of LR 16-2(e) with stylistic and organizational revisions. See also [LBR 2004-1](#) for general comments on the incorporation of the content of LRs into the LBRs.

Rule 7030-1. Depositions.

~~LBR 2004-1 applies.~~

(a) **Notice of Deposition.** Counsel must not serve a notice of deposition until they have made a good faith effort to confer with all other counsel regarding a mutually convenient date, time, and place for the deposition.

(b) **Conduct at Depositions.**

(1) Counsel present at a deposition must not engage in any conduct that would not otherwise be allowed in the presence of a judge.

(2) No argument in response to an objection or an instruction not to answer is permitted.

- (3) If a question is pending, it must be answered before a recess is taken unless the question involves a matter of privacy right, privilege, or an area protected by a constitution, statute, or work product.

(c) **Motions Relating to Depositions.**

- (1) If the parties have a dispute at a deposition that may be resolved with assistance from the court, or if unreasonable or bad faith deposition techniques are being used, the deposition may be suspended so that a motion may be made immediately and heard by an available judge. The parties may request a telephone conference with the court for this purpose.

- (2) Alternatively, a written motion relating to the deposition may be filed after a transcript is available.

- (3) The court may impose costs, including attorney fees, on any person responsible for unreasonable or bad faith deposition techniques or behavior.

(d) **Transcripts.** Deposition transcripts must be maintained and made available to parties in accordance with FRCP 30(b).

(e) **Availability of Copies of Deposition to Nonparties.** With leave of court during the pendency of an adversary proceeding or contested matter, any person may obtain a copy of a deposition transcript not on file if the person—

- (1) Serves notice of the request and proposed order on all parties,

- (2) Receives court approval, and

- (3) Pays the cost for a copy of the deposition.

Comment. The proposed new language is the basic substance of LR 30 with revisions that are mostly stylistic and organizational. Previously, the incorporation of LR 30 was part of [LBR 2004-1](#), and the substance of the rule is being moved to this rule. See also [LBR 2004-1](#) for general comments on the incorporation of the content of LRs into the LBRs.

Rule 7033-1. Interrogatories.

~~LR 33 applies, but any reference to LR 7-1(a) must be read as a reference to LBR 7007-1(a).~~

(a) General Requirements.

- (1) Each interrogatory must state in concise language the information requested. In no case may an interrogatory refer to a definition not contained within the interrogatory or the preamble. Only terms used in a set of interrogatories may be defined.**
- (2) Broad general interrogatories, such as those that ask a party to "state all facts on which a claim or defense is based" or to "apply law to facts," are not permitted.**
- (3) To facilitate responding, a courtesy copy of the interrogatories must be emailed to the responding counsel or self-represented person concurrently with service of the interrogatories in an agreed upon word-processing format.**

(b) Answers to Interrogatories.

- (1) Answers and objections to interrogatories must set forth each question in full before each answer or objection. Each objection must be followed by a statement of reasons.**
- (2) When an objection is made to part of an interrogatory, the remainder of the interrogatory must be answered when the objection is made or within the period of any extension of time to answer, whichever is later.**

(c) Retention. Interrogatories, objections, and answers must be maintained by counsel or self-represented parties and made available to parties upon request.

Comment. The proposed new language is the basic substance of LR 33 with revisions that are mostly stylistic and organizational. Parts of the LR that were essentially duplicative of LBRs 7007-1, 7026-1(b), and 7037-1 have been omitted. See also [LBR 2004-1](#) for general comments on the incorporation of the content of LRs into the LBRs.

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

~~LR 34 applies.~~

(a) General Requirements.

- (1) Each request for production must state in concise language the information requested. In no case may a request for production refer to a definition not**

contained within the request or the preamble. Only terms used in the request for production may be defined.

- (2) To facilitate responding, a courtesy copy of the requests for production must be emailed to the responding counsel or self-represented person concurrently with service of the requests for production in an agreed upon word-processing format.

(b) Responses to Requests for Production.

- (1) Responses must set forth each request for production in full before each response or objection.

- (2) When an objection is made to part of a request for production, a response must be made to the remainder of the request when the objection is made or within the period of any extension of time to respond, whichever is later.

- (c) Retention.** Requests for production, objections, and responses must be maintained by counsel or self-represented parties and made available to parties upon request.

Comment. The proposed new language is the basic substance of LR 34 with revisions that are mostly stylistic and organizational. Parts of the LR that were essentially duplicative of LBR 7026-1(b) have been omitted. See also [LBR 2004-1](#) for general comments on the incorporation of the content of LRs into the LBRs.

Rule 7036-1. Requests for Admission.

~~LR 36 applies.~~

(a) Generally.

- (1) Each request must state in concise language the admission requested. In no case may a request for admission refer to a definition not contained within the request for admission or preamble. Only terms used in the request for admission may be defined.

- (2) To facilitate responding, a courtesy copy of the requests for admission must be emailed to the responding counsel or self-represented person concurrently with service of the requests for admission in an agreed upon word-processing format.

- (b) Responses to Requests for Admission.** Every response, denial, or objection must set forth each request in full, followed by the admission, denial, or objection.

(c) Retention. Requests for admission, objections, and responses must be maintained by counsel or self-represented parties and made available to parties upon request.

Comment. The proposed new language is the basic substance of LR 36 with revisions that are mostly stylistic and organizational. Parts of the LR that were essentially duplicative of LBR 7026-1(b) have been omitted. See also [LBR 2004-1](#) for general comments on the incorporation of the content of LRs into the LBRs.

Rule 7055-1. Default—Failure to Prosecute.

To request the clerk’s entry of default, a party must file LBF 7055.

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

Comment. This rule content and new [LBF 7055](#) below address FRCP 55 requests for clerk’s entry of default made applicable to adversary proceedings through FRBP 7055.

Filers may still move for judge-signed orders of default. There is no form required for motions for judge-signed orders of default, and current processes and ECF events for filing these motions will be unchanged.

Rule 9001-1. Rules of Construction & Definitions.

[...]

(b) “Attorney of record” ~~and “lead attorney” have~~ has the meanings given in LBR 9010-1~~(b)(f)(1)~~.

[...]

(i) “ECF event” means a filing option in the ECF menu used to file or lodge documents.

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

(j) ~~“Electronically,” when referring to a manner of filing, lodging, or serving a document, means electronically by ECF or ePOC.~~

- (k) “ePOC” means the court’s Electronic Proof of Claim system.
- ~~(l)~~ “eSR” means the court’s Electronic Self-Representation Bankruptcy Petition Preparation System (see the court’s website at <https://www.orb.uscourts.gov/electronic-self-representation-esr-bankruptcy-petition-preparation-system-chapter-7-only>).
- ~~(lm)~~ “Filing agent” means an individual to whom an ECF Participant has assigned a login and password to file and lodge documents ~~electronically~~ in the name of the ECF Participant.
- ~~(mn)~~ “FRBP” means a Federal Rule of Bankruptcy Procedure.
- ~~(no)~~ “FRCP” means a Federal Rule of Civil Procedure.
- ~~(p)~~ “Generally admitted” has the meaning given in LBR 9010-1(a)(1).
- ~~(oq)~~ “GO” means a general order promulgated by the court.
- ~~(pr)~~ “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.
- ~~(qs)~~ “LBR” means a local rule of the court.
- ~~(rt)~~ “LR” means a local rule of the United States District Court for the District of Oregon.
- ~~(su)~~ “Lodge,” when used as a verb, means to upload, but not to file with the clerk, a proposed order or judgment.
- ~~(tv)~~ “Mortgage creditor” means a 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.
- ~~(uw)~~ “OF” 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.
- ~~(vx)~~ “OSB” means the Oregon State Bar.
- ~~(wy)~~ “Party” means an entity requesting or opposing relief in a contested matter or adversary proceeding.
- ~~(x)~~ ~~“PDF” means a Portable Document Format document not 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~~

(z) “PDU” means the court’s Public Document Upload system available at the court’s website at <https://www.orb.uscourts.gov/webform/public-document-upload>.

~~(yaa)~~ “Request,” when used in reference to a request for the court to take some action, means a requirement to file a formal motion.

(bb) “Specially admitted” has the meaning given in LBR 9010-1(a)(2)–(4).

~~(zcc)~~ “UST” means the United States trustee.

Comment. The addition of a definition for “ECF event” is proposed because the word “event” is not intuitive when used to describe a filing method.

The removal of the definition of “electronically” removes ECF Participants’ authorization to file via ePOC. There are no events in ePOC not available in ECF, and ECF is preferable because, unlike ePOC, it links filings with attorneys’ and trustees’ PACER accounts. Under the [LBR 9010-1\(c\)](#) proposal below, nonadmitted attorneys representing creditors would still be allowed to use ePOC.

See comment under [LBR 1007-5](#) for the addition of definitions for “eSR” and “PDU.”

[LBF 125](#) is a more appropriate location for the definition of PDF. See that proposal below for more information.

See the [LBR 9010-1](#) proposed revisions and comment for information on the other proposed revisions.

Rule 9004-1. Documents—Requirements of Form.

(a) General Requirements.

[...]

(9) Required Information.

[...]

- (B) **OSB#.** A document filed by a generally admitted attorney must include the attorney’s OSB#. A document filed by an attorney specially admitted under LBR 9010-1(a)(2) must include ~~the attorney’s OSB# or~~ the name and OSB#

of local counsel ~~for, and a document filed by a law student specially admitted under LBR 9010-1(a)(4) must include the name and OSB# of the supervising attorney an attorney admitted pro hac vice.~~

[...]

Cross-references:

[...]

~~• Forms—LBF & OF—LBRs 9001-1(p) and (u) and 9009-1.~~

[...]

Comment. Subsection (a)(9)(B):

See the [LBR 9010-1](#) proposed revisions and comment.

Cross-references:

The “LBF & OF” cross-reference is proposed for removal because “LBF” and “OF” are acronyms defined in the rules and it would not be practical to include a cross-reference in all of the rules that use those terms.

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

- (a) **Availability.** The LBFs and OFs (forms) are available on the court’s website at www.orb.uscourts.gov/forms. In response to a written request at a clerk’s office location, accompanied by a 9"x12" self-addressed stamped envelope bearing 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.

[...]

Comment. This revision changes the URL to the court’s forms website page in an effort to make the inclusion of a URL more helpful.

Rule 9010-1. Attorneys—Notice of Appearance.

- (a) **General and Special Admission.** To practice before this court, an attorney must be generally or specially admitted.

 - (1) **General Admission.** An attorney is generally admitted if generally admitted to practice before the district court of this district.
 - (2) **Special Admission—Attorneys Admitted to Practice in Courts Outside this District.** Using LBF 120, an attorney may apply to be specially admitted for a particular case or adversary proceeding if the attorney is admitted to practice generally before any United States court or the highest court of any state, territory, or insular possession of the United States and the attorney and associates with local counsel generally admitted in this district who will meaningfully participate in the case or proceeding, including in the preparation and trial of any contested matter or adversary proceeding.
 - (3) **Special Admission—Government Attorney.** An attorney who is admitted to practice generally before any United States court or the highest court of any state, territory, or insular possession of the United States and who represents in a case or proceeding in this court the United States, an Indian treaty tribe, a state, or any agency of those sovereigns is automatically specially admitted for the case or proceeding.
 - (4) **Special Admission—Law Student**

 - (A) A generally admitted attorney may apply for a law student’s special admission to practice before this court in a particular case or proceeding if the attorney is the attorney of record for the client in the case or proceeding in which the student will represent the client, the student satisfies the Rules for Admission of Attorneys of the Supreme Court of the State of Oregon (Oregon Admission Rules), the student’s law school dean has made and filed with the Oregon State Court Administrator the certification described in the Oregon Admission Rules, the attorney has explained to the client the nature and extent of the student’s participation, the attorney has obtained and filed the client’s written consent to the participation, and the attorney agrees to supervise the student as required by the Oregon Admission Rules.
 - (B) If the student is specially admitted, the attorney has the supervisory responsibilities prescribed by the Oregon Admission Rules and must appear when the student appears before this court.
 - (C) The student’s special admission terminates automatically when the certification expires or is withdrawn or terminated under the Oregon Admission Rules, at which time the attorney or the student must file notice

of the expiration, withdrawal, or termination if the case or proceeding then remains pending.

- (D) Except as otherwise set forth in this (4), the provisions of this rule applicable to a specially admitted attorney apply to a specially admitted student.

(b) **Change of Status of Attorney.** A generally or specially admitted attorney must notify the clerk and the chief judge of this court within 14 days after the attorney has—

- (1) entered any admission status before the Oregon State Bar other than active status, including changing to inactive status for any reason,
- (2) been suspended or disbarred from practice by any court,
- (3) been convicted of a felony in a state or federal court,
- (4) resigned from the bar of any court while an investigation was pending into allegations of misconduct warranting suspension or disbarment, or
- (5) been notified of a change in admission status in any jurisdiction that would affect the attorney’s eligibility for special admission in this court.

(c) **Representation of an Organization.** Except as permitted by (d) and except for child-support creditors or their representatives appearing in accordance with Section 304(g) of the Bankruptcy Reform Act of 1994, Pub. L. No. 103-394, 108 Stat. 4134 (1994), any entity that is not an individual, including a corporation, partnership, association, limited liability company, or limited liability partnership, may file documents or appear before this court only through an admitted attorney.

(d) **Self-Represented Creditor and Creditor Represented by Nonadmitted Attorney.** A creditor, acting without an attorney or through a nonadmitted attorney, may file and amend a proof of claim; sign a stipulation allowing, modifying, or disallowing a proof of claim; or file a document via ePOC or, if authorized by a court ECF registrar, an ECF event under the “Creditor Claimant” menu.

(e) **Action by Represented Party.** A party represented by an attorney in this court may not file documents in or appear before this court except through the attorney.

(f) **Attorney of Record.**

- (1) If a party is represented by one admitted attorney, the attorney is the attorney of record. If a party is represented by more than one admitted attorney, the attorney of record is the attorney designated as such in the first document filed on behalf of the party or, if no designation is made, the first attorney named in that document. As

used in this rule, and notwithstanding § 101(4), an attorney of record is an individual, not a law firm.

- (2) The name of the attorney of record must appear on each document filed on behalf of the party, but the document may be signed or filed by another attorney in the attorney of record's firm.
 - (3) An attorney of record may be replaced as such by another admitted attorney—including one specially admitted—without leave of court. The new attorney of record must file a notice of substitution of attorney of record. If the substitution affects more than one case or proceeding, the notice may list all affected cases or proceedings but must be filed in each.
 - (4) Service on a party's attorney that is permitted or required by FRBP 7004(g) or (h)(1) or 7005 or by these rules must be made on the party's attorney of record.
- (g) **Change of Address, Email Address, or Telephone Number.** If an attorney of record's address, email address, or telephone number changes, the attorney must change that information in ECF. If the attorney has received a waiver of the obligation to file or lodge by ECF under LBR 5005-4(b)(2), the attorney must file a notice of the change including the attorney's OSB# (if any), new information, and the effective date of the change. A change notice must be served on other parties to any pending matter or proceeding in which the attorney is an attorney of record.
- (h) **Attorney's Withdrawal from Representation.**
- (1) **When Leave of Court not Required.**
 - (A) An attorney who is not currently the attorney of record for a client, or who is the attorney of record for a client who is neither a debtor nor a party to a pending contested matter or adversary proceeding, may withdraw from the representation without leave of court, but if the attorney filed a notice of appearance, the withdrawing attorney must file notice of withdrawal.
 - (B) The attorney of record for a debtor or for a party to a pending contested matter or adversary proceeding may withdraw in conjunction with or after a substitution of attorney of record by which the attorney ceases to be attorney of record.
 - (2) **When Leave of Court Required.** Except as permitted by (1), an attorney of record may withdraw only with leave of court. A motion for leave to withdraw must be supported by the attorney's declaration, and the motion and declaration must be

served on the client and other parties to any pending contested matter or adversary proceeding to which the attorney's client is a party.

(A) Withdrawal by Attorney for Any Party. The motion must state—

- (i)** the reasons withdrawal is sought,
- (ii)** the status of all pending contested matters and adversary proceedings to which the attorney's client is a party, including any future hearing dates and deadlines,
- (iii)** whether the client has provided informed consent to the withdrawal under Oregon Rules of Professional Conduct (ORPC) and, if the client has not done so, summarize the efforts made to communicate with the client,
- (iv)** the client's last-known contact information, including mailing address, phone number, and, if authorized by the client, an email address, and
- (v)** which, if any, disclosures required by (i), (iii), or (iv) above are omitted because the disclosure is prohibited by the ORPCs.

(B) Withdrawal by Attorney for Debtor. In addition to the requirements of (A), a withdrawal motion by an attorney for a debtor must state—

- (i)** whether the attorney holds an unapplied retainer or received payment for services not yet performed and how the attorney will handle the retainer or payment.
- (ii)** if the attorney represents both individual debtors in a joint case, which, if either, of the debtors the attorney will continue to represent.
- (iii)** if the attorney represents a debtor in a chapter 7 case—
 - (I)** and received a fixed fee for performing specified services, the agreed services and any services not yet performed, and state whether the fee is reasonable for the services performed.
 - (II)** and made a limited-scope representation agreement with an individual debtor, whether the attorney has complied with (h) and performed all services required by the agreement.

- (iv) if the attorney represents a debtor in a chapter 13 case and received from the debtor or was awarded by the court a fixed fee for the life of the case–
 - (I) the amount of the fee that has been paid,
 - (II) any amount awarded that has not yet been paid,
 - (III) whether the attorney requests payment of any remaining awarded-but-unpaid fee, and
 - (IV) whether retention of the paid fee and any additional fee the attorney requests would be reasonable despite the attorney’s withdrawal before case completion.
- (i) **Limited-scope Representation of Individual Chapter 7 Debtor.** An attorney who agrees to file or assist a debtor in filing a bankruptcy petition, but not to represent the debtor in all matters relating to a case, must make a written fee agreement with the debtor that includes a detailed description of all services that the attorney will perform on behalf of the debtor. Adversary proceedings may be specifically excluded from the agreement. Before the debtor signs the agreement, the attorney must clearly explain to the debtor in writing the duties that the debtor may be required to perform without the attorney’s assistance and the associated risks, and the debtor must sign and date an acknowledgment of receipt of the disclosures. The agreement must require the attorney to do at least the following:
 - (1) Counsel the debtor about all bankruptcy and nonbankruptcy options and the potential benefits and detriments of each.
 - (2) Assist the debtor with all aspects of the preparation of the petition, schedules, statement of financial affairs, and other documents required by FRBP 1007, including educational requirements.
 - (3) Explain the effects of a discharge.
 - (4) File the petition, schedules, statement of financial affairs, and other documents required by FRBP 1007.
 - (5) Assist with all matters through conclusion of the meeting of creditors, including informing the debtor of key deadlines, such as objecting to discharge, which may occur after the meeting.
 - (6) Represent and counsel the debtor with respect to the reaffirmation, redemption, surrender, or retention of consumer goods securing obligations to creditors.

- (A) The attorney is not required by this rule to sign the attorney certification that is part of the reaffirmation agreement or appear at a hearing for court approval of a reaffirmation agreement.
 - (B) The attorney must advise and assist the debtor to complete any reaffirmation agreement completely, accurately, and internally consistently, including by reporting the debtor's income and expenses as of the time of the reaffirmation agreement and, where required, expenses excluding payments on the debt proposed for reaffirmation.
- (7) Assist and respond to requests for information and documents from the chapter 7 case trustee, including responding to motions for turnover.

Cross-references:

- Documents—Requirements of Form – LBR 9004-1.
- Law Student Appearance Program – LBR 9011-2.
- Mandatory Electronic Filing—LBR 5005-4(b)(4).
- Motion Practice—Adversary Proceedings – LBR 7007-1.
- Motion Practice—Contested Matters – LBR 9013-1.
- Rules of Construction & Definitions – LBR 9001-1.
- Voluntary Petition by Attorney in Fact – LBR 1002-1(a)(3).

Comment. Because the revisions proposed to this rule are substantial enough that a redline version would likely not be helpful, the proposed new version of the rule is presented in a clean format.

In general, the proposed revisions are intended to do the following:

- Add applicable language from the Oregon District Court Local Rules rather than incorporating those rules by reference in order to eliminate the necessity of checking two sets of local rules in order to ascertain the extent of this court's rules.
- Assign attorney-of-record status and consequence.
- Clarify the procedures for an attorney's withdrawal from representation of a client.

Additionally, subsection (c) adds an applicable exception for child support creditors to the prohibition against nonindividual entities appearing before the court without an attorney. The

exception is not codified; it is in a statutory note to 11 U.S.C. § 501 that applies specifically to child support and not DSO.

Under the proposals in this document regarding electronic filing, ECF Participants are not allowed to file using ePOC. Subsections (c) and (d), however, allow for the use of ePOC or the “Creditor Claimant” menu in ECF by out-of-state attorneys representing creditors, both individual and nonindividual.

Other changes—such as changing the title to match the Uniform Numbering System and replacing the Latinism “pro hac vice admission” with “special admission”—are stylistic.

Rule 9011-2. Law Student Appearance Program.

- (a) **General.** Except as limited by this LBR rule, 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~~ specially admitted under LBR 9010-1(a)(4) may appear in court ~~in cases and adversary proceedings~~ and at meetings of creditors ~~under § 341(a)~~.
- (b) **Supervising Attorney.** Notwithstanding ~~the RFA Oregon Admission Rules 13.10(3)~~, the supervising attorney must ~~be present~~ appear 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 at~~ at which ~~a law~~ the student will appear. The notice must include (i) a statement that the supervising attorney has on file a copy of the student-eligibility certification ~~issued under RFA 13.25~~, and (ii) the written and signed consent of the client to student representation. A timely filed notice constitutes ~~the this~~ this court’s consent under ~~RFA Oregon Admission Rules 13.10(6) to the student’s appearance~~.

Cross-reference: Special Admission—Law Student – LBR 9010-1(a)(4).

Comment. Proposed changes reflect proposed revised LBR 9010-1(a)(4), remove references to specific Oregon Admission Rules to prevent references to those rules from becoming outdated, and are otherwise stylistic.

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 applicable 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:

[...]

Comment. Revised to clarify that only applicable rules are enforced.

Rule 9011-4. Signatures.

- (a) ~~Paper~~ Document Submitted by Delivery or Mail. A signer's name must be typed or legibly printed under a signature line, and a signature must not obscure any text.
- (b) Document Submitted Via Fax or the Court's Public Document Upload System. A document is signed either if it bears the image of a handwritten signature and complies with (a) or if it bears a typed signature in the "/s/ [name]" format.
- (~~bc~~) Document Filed Electronically by ECF.
- (1) A document filed ~~electronically by ECF~~ 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)."
- (e) Electronic Signature Requirements.
- (12) An ~~electronically-filed~~ petition, another document described in FRBP 1008, or an OF 121 required by LBR 1007-5(a) filed by ECF must be signed by affixing the "/s/ [~~{signer's Nname}~~]" of another signer, which constitutes the filing ECF Participant's certification that, when filing the document, the filer possesses (A) a counterpart of the document bearing an original signature for each signer, (B) both an image of the document, such as a scan, photocopy, or fax of it, and the debtor's confirmation of the signature, either in person or by telephone or other electronic means, (C) the debtor's written authorization for the attorney to sign the document on behalf of the debtor, or (D) the document bearing a signature that is an electronic signature under ORS chapter 84 or similar law.

- (~~23~~) An affidavit, a sworn verification, or unsworn declaration (other than with respect to a document described in FRBP 1008) must be signed by affixing the “/s/ [~~signer’s~~ ~~Nname~~]” of another signer, which constitutes the filing ECF Participant’s certification that the filer possesses the ink signature of the signer, an image of the ink signature (such as a photocopy, fax, or scanned image), or an electronic signature.
- (~~34~~) All documents not described above must be signed by affixing the “/s/ [~~signer’s~~ ~~Nname~~]” of another signer, which constitutes the filing ECF Participant’s certification that, when filing the document, the filer possesses the ink signature of the signer, an image of the ink signature, an electronic signature, or a writing (including electronic communication) from the other signer authorizing the filer to affix the “/s/ [~~signer’s~~ ~~Nname~~]” of the other signer.

Cross-references:

- Attorney of Record – LBR 9010-1(~~bf~~).

[...]

Comment. Proposed new subsection (b), if adopted, will provide signature requirements for documents submitted by fax or the court’s [public document upload](#) system.

Revision of the descriptive text for electronic signatures and the removal of the heading for current subsection (c) are stylistic.

For the cross-reference, see the proposed revision to [LBR 9010-1](#) above.

See comment under [LBR 1007-5](#) for the other proposed revisions.

Rule 9013-1. Motion Practice—Contested Matters.

[...]

Cross-references:

[...]

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

[...]

• Valuation of Collateral – LBR 3012-1.

[...]

Comment. See proposed new [LBR 3012-1](#) and proposed revisions to [LBR 4003-2](#).

Rule 9015-1. Jury Trials—Procedures.

LRs 16-5(b) and (c), 47, 48, and 51-1(c), (d)(1), and (d)(3–6) apply to contested matters and adversary proceedings in which a party is entitled to a jury trial.

Comment. Revision is for clarity.

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

[...]

(b) Preparation of Exhibits for a Hearing or Trial.

(1) 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 exhibits must be consecutively lettered beginning with an "A." The page number of the exhibit, and the total number of pages in the exhibit, must follow the exhibit number or letter on each page of the exhibit (for example, "Ex. A - pg. 1 of 3" for a defendant's/respondent's first exhibit that has three pages). If there are more than two parties, contact the courtroom deputy for exhibit-label assignments.

(2) Unless the court directs otherwise, each ~~party~~ ECF Participant must file its exhibits electronically by ECF and each non-ECF Participant must file its exhibits by PDU, accompanied by an exhibit list, ~~and not deliver any paper exhibits to the court but a party need not electronically file by ECF or PDU demonstrative exhibits, physical objects, or oversized exhibits that would not be legible if reduced to 8.5 inches by 11 inches. Unless all witnesses will testify only remotely and not in a courtroom, each party must bring a paper set of its exhibits for the witness, and if there are more than 10 exhibits, the paper exhibits must be tabbed and presented in a three-ring binder. The parties should not deliver any other paper exhibits to the court.~~

- (3)** The court may exclude or limit the use of any exhibit not prepared or presented in compliance with this **LBR rule**.

[...]

Comment. The introduction of the subsection numbers is intended to increase readability, and the revision to new subsection (b)(2) is partially based on LR 5-6(a).

See comment under [LBR 1007-5](#) for the other proposed revisions.

Rule 9018-1. Documents Filed Under Seal or Submitted Unfiled for Review in Chambers.

- (a) 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.~~

(b) Motion to File a Sealed Document and Proposed Order Thereon.

(1) A motion to seal a filed document must address the application of FRBP 9018.

(2) An ECF Participant must file a motion to file a document under seal before filing a document under seal.

(3) A proposed order must state the names of all individuals authorized to view the document.

(4) A party seeking to place under seal a previously filed document that is currently in the public record must file and serve a motion. The motion may request that access to the document be restricted temporarily pending hearing on the motion.

- (b)** **Filing a Sealed Documents.** ~~A motion to seal a filed document must address the application of FRBP 9018.~~

(1) A document must not be filed under seal ~~or submitted to the clerk for filing under seal~~ until an order has been entered allowing the sealing. ~~A proposed order must state the names of all individuals authorized to view the document without prior written approval.~~

(2) A document authorized to be filed under seal must have the words “AUTHORIZED TO BE FILED UNDER SEAL” typed immediately below the document title.

(3) To file a document under seal, an ECF Participant must use the “Sealed Document” ECF event under the “Miscellaneous” menu.

(ed) **Sealed Proposed Orders or Judgment Submitted by an ECF Participant.** To avoid unauthorized access, an ECF Participant must submit a proposed order or judgment approved for sealing upon entry must be submitted by filing it as a that the judge has authorized be sealed document using the ECF event for filing a sealed document, not the event for lodging an order or judgment.

(de) **Unfiled Documents for Review in Chambers.** A party may not submit an unfiled document to a judge unless the judge specifically authorizes the submission.

Comment. The sentence proposed for deletion in subsection (a) is duplicative of LBR 5005-1(c)(1).

The word “electronically” in (b)(2) is unnecessary because, under LBR 5005-4, ECF Participants must file all documents via ECF except when granted a waiver. And, if granted a waiver, they would not be required to file a motion to file a document under seal by ECF.

The third sentence, addressing the order’s contents, would be moved to subsection (b)(3), which deals with orders and “without prior written approval” would be deleted as confusing and inconsistent with the notion that the rules for viewing a sealed document should be unambiguously stated only in the sealing order. Any adjustment to the permitted viewers should be made by an amended sealing order.

In the second sentence of subsection (c)(1), the phrase “or submitted to the clerk for filing under seal” would be deleted as redundant of “filed under seal”; submitting a paper document to a clerk for filing, where permitted, is itself filing of the document. FRCP 5(b)(2)(A).

The proposed new subsection (c)(2) is the substance of LR 5-1(e)(3).

Subsection (c)(3) is proposed for relocation from [LBF 125](#). See that proposal below for more information.

Subsection (d) is revised to account for the possibility that a party may wish to lodge a sealed judgment.

Other revisions are to allow for the filing of sealed documents by self-represented parties and to address the issues addressed in comment under [LBR 1007-5](#).

Rule 9019-1. Settlement & Compromise.

(a) Notice of Settlement.

- (1) A movant or plaintiff must promptly inform the judge's chambers or courtroom deputy when a contested matter or adversary proceeding is settled.
- (2) If a trustee is a party to the settlement, the trustee must use the appropriate LBF if one is available.

~~(a) **Mediation Options.** This LBR applies to any court-ordered or voluntary mediation among parties to a contested matter or adversary proceeding. "Mediation" means judicial settlement conference, court-sponsored mediation, or private mediation.~~

~~(b) **Judicial Settlement Conference.** The assigned judge may, at the request of a party or on the court's motion, order parties to participate in a settlement conference with another sitting or retired federal judicial officer at any time. Under this LBR, a judicial officer serving in that capacity is a mediator.~~

~~(e**b**) **Private Mediation.** The parties may agree to mediation with a private mediator. The parties may seek an order from the court permitting private mediation and must select and compensate the mediator and, in conjunction with the mediator, agree to the time, place, and duration of the mediation.~~

(1) **Mediation Agreement.** A private mediator may, in the mediator's sole discretion, require the parties to sign a mediation agreement containing such terms as are reasonable and appropriate.

(2) **Court-Ordered Private Mediation.** The parties may seek an order from the court establishing the terms of private mediation in accordance with (e) below. A party seeking court appointment of the mediator must disclose the terms of any mediation agreement and whether the mediator has any connections to the parties.

(c) Judge-Hosted Settlement Conferences.

(1) **Appointment Order.** Upon a motion, oral request, stipulation, or the judge's own motion, the judge presiding over a particular adversary proceeding, bankruptcy case, or other bankruptcy-related matter may appoint another available active or recall-status United States Bankruptcy Judge from any judicial district, or any other available federal judge, to act as settlement judge to assist in possible resolution of disputes via a judge-hosted settlement conference. The details regarding the appointment of a particular settlement judge will be specified in an appointment order issued by the presiding judge.

- (2) **Process for Appointment.** Any request for a judge-hosted settlement conference must first be proposed to the presiding judge.
- (3) **Judicial Immunity and Other Protections.** Any active or recall-status bankruptcy judge appointed as a settlement judge will be so appointed because of a judicial position as, and to act in the specific capacity as, a United States Bankruptcy Judge. Any other federal judge appointed as a settlement judge will be so appointed because of a judicial position, and to act in the specific capacity, as such other federal judge may have. By serving as a settlement judge, such judge performs judicial duties. Accordingly, such judge and all persons assisting a settlement judge will have full, unqualified judicial immunity, as well as all other privileges, immunities, and protections of a United States Bankruptcy Judge or other federal judge, as applicable, and judiciary employees regarding any matters arising from or related to such judge's role as settlement judge.
- (4) **Waiver.** All parties participating in a judge-hosted settlement conference will automatically—
- (A) waive and be unable to assert any claims or causes of action against the settlement judge or any court employees assisting with the settlement process that arise from or relate to the settlement process; and
- (B) except as may be required by otherwise applicable disclosure law, waive and be unable to seek to compel from the settlement judge or from any court employees assisting with the settlement process any oral or written testimony, document production (including, without limitation, regarding any records, reports, summaries, notes, communications, or other documents received or made by the settlement judge or any court employees while serving in such capacity), or other participation whatsoever in any litigation, judicial, arbitral, or other proceeding of any kind.
- (5) **Disqualification.** No judge may serve as a settlement judge if that judge would be disqualified (a) under 28 U.S.C. § 144 if that judge were a district judge presiding over the matter or proceeding or (b) under 28 U.S.C. § 455 if that judge were a justice, judge, or other judicial officer presiding over the matter or proceeding, in each case unless the parties consent in writing after disclosure.
- (d) **Procedure Applicable to All Forms of ~~Mediation~~ Settlement Negotiations.** ~~This subsection applies to all mediation proceedings and to each person serving as a mediator:~~
- (1) **No Stay of Action.** Unless ordered by the ~~presiding assigned~~ judge, ~~the deadlines or event dates, including trial, in a matter or proceeding will not be stayed or changed by the occurrence or scheduling of settlement discussions, private~~

~~mediation, or a judge-hosted settlement conference mediation will neither stay nor change any deadlines or event dates, including trial, in a matter or proceeding.~~

~~(2) **Judicial Immunity.** From entry of the order appointing the mediator through conclusion of the mediation, the mediator acts as an officer of this court and has derived judicial immunity.~~

~~(32) **Orders.** The A mediator or settlement judge has no authority to enter any order regarding the mediation. If the mediator or settlement judge desires entry of an order with respect to the mediation, the mediator or settlement judge must apply to the presiding assigned judge with notice to the parties.~~

~~(3) **Privilege.** Unless otherwise agreed by all parties (and, if applicable, any mediator or settlement judge) in writing, settlement negotiations (including all statements made by a party, attorney, or other participant, and any memorandum or written submission provided to a mediator or settlement judge) are privileged and, unless otherwise authorized by the Federal Rules of Evidence, will not be reported, recorded, or otherwise placed in evidence, made known to the presiding judge, or construed for any purpose as an admission against interest.~~

~~(e) **Procedure Applicable to Private Mediation Ordered by the Court and Judge-Hosted Settlement Conferences.**~~

~~(4) **Disqualification.** No person may serve as a mediator if the person would be disqualified (a) under 28 U.S.C. § 144 if the person were a district judge presiding over the matter or proceeding or (b) under 28 U.S.C. § 455 if the person were a justice, judge, or other judicial officer presiding over the matter or proceeding, unless the parties consent in writing after disclosure.~~

~~(51) **Information; Scheduling.** After entry of an order referring a case to private mediation or a judge-hosted settlement conference, the parties must provide any information requested by the mediator or settlement judge. The mediator or settlement judge may schedule a preliminary conference before the mediation or judge-hosted settlement conference and may also require the parties to participate in the preliminary conference along with their attorneys.~~

~~(62) **Participation by Counsel and Parties.**~~

~~(A) Unless otherwise approved by the court mediator or settlement judge, the responsible attorney for each party must attend any mediation proceeding or judge-hosted settlement conference in person, including any additional sessions, and must be prepared to discuss in good faith—~~

- (i) all liability issues,
 - (ii) all damage issues, and
 - (iii) the position and interests of the attorney's client regarding settlement.
- (B) Unless excused by the mediator or settlement judge, a person with complete settlement authority for each party must attend the mediation ~~proceeding or~~ judge-hosted settlement conference in person. But the United States may be represented by the trial attorney.
- (C) Where a party's defense is provided by a liability insurer, a representative of the insurer, unless excused by the mediator or settlement judge, must attend the mediation ~~proceeding or~~ judge-hosted settlement conference and have full authority to bind the insurer to a settlement.
- (D) Unless excused from attendance by the mediator or settlement judge, an attorney's or party's willful failure to attend the mediation or judge-hosted settlement conference when required must be reported to the ~~court~~ presiding judge by the mediator or settlement judge and may result in the imposition of sanctions.
- ~~(73) **Privilege.** Unless otherwise agreed by all parties and the mediator in writing—~~
- ~~(A) Mediation proceedings (including all statements made by a party, attorney, or other participant, and any memorandum or written submission provided to the mediator) are privileged and, unless otherwise authorized by the Federal Rules of Evidence, will not be reported, recorded, or otherwise placed in evidence, made known to the assigned judge, or construed for any purpose as an admission against interest.~~
- ~~(B) **Settlement.** Unless otherwise agreed by all parties and the mediator or settlement judge in writing, No~~ party will be bound by anything done or said in any mediation ~~proceeding or~~ judge-hosted settlement conference unless a settlement is reached, in which event the agreement will be recited orally and recorded or reduced to writing and will be binding on all parties. In any dispute regarding the terms of the settlement, the terms of the settlement as communicated by the mediator or settlement judge and accepted by the parties are not privileged.

(84) Postmediation Notification to Presiding Judge Court by Mediator.

(A) Private Mediation. As soon as reasonably practicable, and in no event later than the earlier of 14 days after the mediation has concluded or 7 days before any hearing or trial date, the mediator must notify the court presiding judge in writing (which notice must not be filed, but must be ~~mailed or~~ e-mailed as requested by the assigned presiding judge) whether the mediation proceeding was held and whether the matter has been settled or additional time is needed to reach or implement a settlement. The mediator must also disclose any willful failure to attend or participate in the mediation proceeding by any party or their counsel. The mediator ~~shall~~ must provide copies of the communication to the court presiding judge to all participants or, if represented, to their counsel.

(B) Judge-Hosted Settlement Conferences. As soon as reasonably practicable, the settlement judge must notify the presiding judge whether the mediation proceeding was held and whether the matter has been settled or additional time is needed to reach or implement a settlement. The settlement judge must also notify the presiding judge of any willful failure to attend or participate in the judge-hosted settlement conference by any party or their counsel.

(95) Termination of Mediation or Judge-Hosted Settlement Conference Withdrawal of Mediator. ~~A court~~ The presiding judge may withdraw any matter from court-ordered private mediation or a judge-hosted settlement conference on ~~its~~ the presiding judge's own order or upon request of any party, the UST United States trustee, or the mediator, or the settlement judge. Unless the parties and mediator or settlement judge agree otherwise in writing, any and all duties and responsibilities of the mediator or settlement judge terminate upon the filing of the report by the mediator or settlement judge required in (84) above.

~~(c) — Notice of Settlement.~~

~~(1) — If a trustee is a party to the settlement, the trustee must use the appropriate LBF if one is available.~~

~~(2) — A movant or plaintiff must promptly inform the court when a contested matter or adversary proceeding is settled.~~

Comment. As revised, this rule is expanded to address judge-hosted settlement conferences.

Rule 9021-1. Order or Judgment—Entry of; Costs.

[...]

(b) Lodging of Proposed Order or Judgment.

[...]

(4) Form.

[...]

(C) Stipulated Order or Judgment. In addition to the requirements in (A), the following form requirements apply:

[...]

(ii) ~~Electronically Filed~~ Document Filed by ECF Intended to Delay or Stop Entry of an Imminent Order (~~e.g. for example~~, 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 by ECF as though it were an objection or a motion, using the ECF 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” ECF event under the Order Upload category, and link it to the document filed under (I).

[...]

(c) “Text-Only” Entry. An order or judgment ~~electronically~~ entered by court personnel in ECF as a text-only docket entry is as official and binding as if the judge or clerk had signed a document containing that text.

Comment. See comment under [LBR 1007-5](#).

PROPOSED LOCAL BANKRUPTCY FORM REVISIONS

LBF 120, *Application for Special Admission ~~pro hac vice~~, and Order Thereon*

1. _____ [enter applicant attorney's name], hereby applies under Local Bankruptcy Rule 9010-1(a)(2) to be specially admitted to represent _____ [enter party's name] in this case. If this application is filed in the main case, "this case" means the main case and each associated adversary proceeding. If this application is filed in an adversary proceeding, "this case" means this adversary proceeding and not the main case.
2. Applicant's firm or business affiliation (if any), mailing address, telephone number, fax number (if any), and email address are:
3. Applicant certifies that applicant is a member of good standing of the following state bars [enter all applicable state bars and include standing status, admission date, and bar number for each]:
4. Applicant certifies that applicant has been admitted to practice before the following federal courts [enter name of court, admission date, and standing status for each]:
5. Applicant certifies the following [check one]:
 - ☐ Applicant is not now and never has been subject to any disciplinary action by any state bar, federal court, or administrative agency.
 - ☐ Applicant is or has been subject to disciplinary action by a state bar, federal court, or administrative agency. A letter of explanation is attached.

6. Applicant certifies that applicant has a current professional-liability insurance policy that will apply and remain in effect during this case.
7. Applicant's associated local counsel certifies that local counsel—
 - a. is generally admitted to practice before the district court of this district, is in good standing, and will serve as designated local counsel in this case,
 - b. has verified applicant's bar status described in paragraph 3, and
 - c. will meaningfully participate in this case, including in the preparation and trial of any contested matter or adversary proceeding in this case.
8. Local counsel's name, OSB#, firm or business affiliation (if any), mailing address, telephone number, fax number (if any), and email address are:

Applicant's signature

Local counsel's signature

Date

Date

Comment. Because there are enough changes from the current form that redline would likely be unhelpful, this revision is presented in a clean format, except that the form title is marked to show changes.

The proposed revisions to the form correspond with the proposed change in [LBR 9010-1](#) to use the term “specially admitted” instead of “pro hac vice.” Other changes are stylistic.

**LBF 125, *Administrative Procedures for ~~Electronically Filing Submitting~~ Case Documents
Using the Court's Electronic Case Files System (ECF)***

Introduction

These procedures apply to the electronic submission of documents in the court's Electronic Case Files (ECF) system. They supplement Local Bankruptcy Rules (LBRs) and instructions in Local Bankruptcy Forms (LBFs).

“Submit” means to lodge a proposed order or judgment or to file another document.

ECF registration

1. Registration application
 - A. Use the PACER system (<https://pacer.uscourts.gov>) to apply for assignment of a login and password to submit documents electronically by ECF.
 - B. An email will be sent to the applicant upon activation of the login or denial of the application.
 - C. See the contact lists for the Eugene and Portland offices on the court's website for court staff to contact with questions about ECF registration and training.
2. Participants
 - A. The clerk will issue an ECF login and password to an applicant who is—
 - i. an attorney admitted to practice before the district court of this district,
 - ii. a specially admitted attorney (e-filing privileges in this scenario will be limited to a single case),
 - iii. a standing or case trustee serving in a case in this district or appointed to a panel for this district,
 - iv. a regional U.S. trustee or employee of the U.S. Trustee Program, or
 - v. a creditor or equity security holder in a case in this district.
 - B. The application of any other person will be considered by the chief bankruptcy judge.
3. The participant must keep the participant's email address current.
4. To withdraw ECF registration, a participant must submit a deactivation request through PACER.

Submission of documents

5. General
 - A. Portable Document Format (PDF)
 - i. Except as provided in LBR 4001-1(d), each document must be submitted as a PDF.

- ii. A PDF may not be created by scanning a paper document—even if scanning makes the PDF text-searchable—unless the submitter cannot otherwise create a PDF of the document.
 - iii. Before submission, the submitter must verify that a scanned document is legible.
 - B. An adversary proceeding cover sheet must not be filed with an electronically filed complaint.
- 6. Exhibits and attachments
 - A. Documents other than trial exhibits: All documents other than trial exhibits (for example, exhibits to a pleading and a response filed with a notice of hearing) must be combined into a single PDF and filed as a single document under one docket entry except to comply with maximum file-size requirements or if otherwise instructed by the court.
 - B. Trial exhibits: All exhibit lists and exhibits to be offered in evidence at a hearing or trial must be electronically filed using the ECF event *Exhibit List and Exhibits for Hearing or Trial*. Multiple trial exhibits may be combined as a single PDF. See LBR 9017-1(b) for exhibit labeling. Bookmarking documents in a single PDF is encouraged.

Electronic Documents Filed in Error

- 7. Once a document is electronically entered into the ECF system, it becomes part of the permanent case record. *See* LBR 5005-4.
- 8. Correcting Errors
 - A. Immediately call the court after an error is discovered and have the case or adversary proceeding number and the document name and number for which the correction is being requested.
 - B. Refile an erroneously filed document only if it was initially filed in the wrong case or adversary proceeding or the court instructs you to refile it.
 - C. ECF will not permit participants to make changes to the document or docket entry once the transaction has been accepted. If appropriate, the court will indicate on the docket that a document was filed in error.

Data Required to be Entered into ECF by Participant

- 9. The participant who files a document is solely responsible for the entry and accuracy of any data on that document that is also required to be entered in ECF. The clerk will not

compare data provided on an electronically filed document with data from that document which is required to be entered into ECF by the filer.

10. A participant who enters data into ECF incorrectly must notify the court and take all steps necessary to notify interested parties of the error (for example, if hearing information in a notice was incorrect, notify recipients of the notice to inform them of the error).

Comment. Because there are enough changes from the current form that redline would likely be unhelpful this revision is presented as a clean format, except that the form title is marked to show changes.

The form has been revised to remove items that are substantive or duplicative of the rules.

[new] LBF 341, *Trustee’s (1) Report of Debtor’s Failure to Attend Meeting of Creditors, (2) Notice of Continued Meeting of Creditors, and (3) Notice of Motion and Motion to Compel Debtor to Appear at Continued Meeting of Creditors*

“Debtor” means both debtors if this is a joint case and debtor’s representative if debtor is not an individual.

Trustee’s Report of Meeting of Creditors

Debtor did not attend, or attended and did not complete, the meeting of creditors on _____
[date] at _____ [time].

The trustee does not now move to dismiss this case.

Notice of Continued Meeting of Creditors

The trustee has continued the meeting of creditors to _____ [date] at _____ [time].
The meeting will be conducted—

- By video as follows [*enter access information (for example, URL and security code)*]:
- By telephone at _____ [*enter phone number*].
- In-person at [*enter address*]:

Debtor must attend the continued meeting to be questioned under oath. Photo ID is required. Debtor's failure to attend and complete the meeting may result in denial of debtor's discharge.

Creditors may attend, but they are not required to do so.

Notice of Trustee's Motion to Compel Debtor to Attend Continued Meeting of Creditors

If you oppose the relief sought in this motion, you must file a written objection with the bankruptcy court no later than 14 days after the date listed in the certificate of service below. If you do not file an objection, the court may grant the motion without further notice. Your objection must set forth the specific grounds for objection and your relation to the case. The objection must be received by the clerk of court at 1050 SW 6th Ave #700, Portland, OR 97204 or 405 E 8th Ave #2600, Eugene, OR 97401 by the deadline specified above.

Motion to Compel Debtor to Attend Continued Meeting of Creditors

Trustee moves to compel debtor to attend the continued meeting of creditors at the time and location listed above to be questioned under oath. The ground for this motion is that debtor without justification or excuse failed to attend, or attended but failed to complete, the meeting of creditors at the previously scheduled time and location.

Date	Trustee's or Trustee's Attorney's Signature	OSB#, if attorney
------	---	-------------------

Comment. This form and the corresponding [LBF 341.5](#) are intended to replace LBF 750.3 which is proposed for retirement for the following reasons:

- The form is oddly positioned in the structure of the case. It is used by a trustee to request abeyance of dismissal in a situation where the case would only be dismissed on that same trustee's motion to dismiss.
- It doesn't allow for the possibility the trustee may wish to report that the debtor missed the meeting and not continue it.
- It contains unnecessary language listing assets available for administration.

[new] LBF 341.5, *Order Compelling Debtor to Appear at Continued Meeting of Creditors*

"Debtor" means both debtors if this is a joint case and debtor's representative if debtor is not an individual.

Based on trustee's motion to compel debtor to appear at continued meeting of creditors, ECF No. _____ the court—

ORDERS that debtor attend the continued meeting of creditors to be questioned under oath, which the trustee has continued as follows:

- Date: _____
- Time: _____
- In the following manner [*enter whether hearing will be by video, phone, or in-person and provide the necessary information to join*]:

The failure of debtor to comply with this order may result in denial of debtor's discharge.

###

Court Internal Comment. See the comment for [LBF 341](#) above.

[new] LBF 348, *Debtor's Motion to Convert Case from Chapter 7 to Chapter 11, 12, or 13 (Case Not Previously Converted) or Notice of Conversion of Case from Chapter 12 or 13 to Chapter 7*

[*Select one*]

☐ Debtor moves to convert this case from chapter 7 to chapter ____ [*specify 11, 12, or 13*]. This case has not previously been converted from another chapter.

☐ Debtor gives notice of conversion of this case from chapter 12 or 13 to chapter 7.

Date

Filer's signature

Type or print filer's name

Filer's telephone number

Note: Conversion will not automatically set aside any discharge already entered in this case. A debtor who wants to set aside a discharge already entered in this case must file a separate motion, addressing FRCP 60, made applicable by FRBP 9024, and serve all creditors.

Comment. This LBF, [LBF 348.1](#), and revisions to [LBR 1017-1](#) requiring their use cover the most common types of conversions.

As the notes at the bottom of the proposed new forms reflect, the court has ceased its practice of including provisions vacating discharge in orders converting cases. A party who wishes a discharge to be set aside must file a separate motion, addressing FRCP 60, made applicable by FRBP 9024, and serve all creditors. The proposed change to LBR 1017-1 would require use of the new forms for conversion and thus indirectly notify someone considering conversion that conversion will not automatically set aside the discharge.

The new practice of not automatically setting aside discharge upon conversion will apply to all case conversions, including those that cannot be done with the new forms.

As to the rest of the content of the rule and new forms—

- Conversion from chapter 7 to chapter 11, 12, or 13:

Under section 706(a), if a chapter 7 case has not been converted, the debtor may convert it at any time. Under FRBP 1017(f)(2), conversion under section 706(a) must be by motion filed and served as required by FRBP 9013. Under FRBP 9013(b), a motion must be served on the trustee or debtor in possession and those entities specified by other FRBPs or entities designated by the court. Under FRBP 1017(f)(1), FRBP 9014 does not govern a section 706(a) conversion proceeding. Thus, the requirement for FRBP 7004 service, otherwise applicable to contested matters by FRBP 9014(c), does not apply to a section 706(a) conversion proceeding. So, the service obligation imposed by FRBP 1017(f)(2) can only mean service in the sense of notice. All ECF Participants receive all NEFs, which constitute notice of the linked document. All trustees are ECF Participants. So, each section 706(a) conversion notice will automatically be served in the sense required by FRBP 1017(f)(2), and no certificate of service is required for a motion served on LBF 348. The proposed change to LBR 1017-1 would delete the current service requirement.

If a chapter 7 case has previously been converted, the debtor does not have a right to convert, so FRBP 2002(a)(4) and LBR 2002-1(a)(2) require the debtor to serve the motion in the manner prescribed by LBF 348.1's certificate of service.

- Conversion from chapter 12 or 13 to chapter 7:

Under sections 1208(a) and 1307(a), a chapter 12 or 13 debtor may convert to chapter 7 at any time. Under FRBP 1017(f)(3), a chapter 12 or 13 case is converted without court order when the debtor files a notice of conversion under sections 1208(a) or 1307(a).

[new] LBF 348.1, *Debtor's Motion to Convert Previously Converted Case from Chapter 7 to Chapter 11, 12, or 13*

NOTICE

If you oppose the relief sought in this motion, you must file a written objection with the bankruptcy court no later than 21 days after the date listed in the certificate of service below. If you do not file an objection, the court may grant the motion without further notice. Your objection must set forth the specific grounds for objection and your relation to the case. The objection must be received by the clerk of court at 1050 SW 6th Ave #700, Portland, OR 97204 or 405 E 8th Ave #2600, Eugene, OR 97401 by the deadline specified above. Unless this motion is filed by an ECF Participant, you must, by the same deadline, also serve the objection on debtor.

MOTION

Pursuant to 11 U.S.C. § 706(a), debtor moves to convert this case from chapter 7 to chapter ____ [*specify 11, 12, or 13*]. This case has been converted from chapter 11, 12, or 13.

Date

Debtor's or Debtor's Attorney's Signature

OSB#, if attorney

Type or Print Debtor's Name

Debtor's Address and Last 4 Digits of Taxpayer ID#

Debtor's Phone #

Note: Conversion will not automatically set aside any discharge already entered in this case. A debtor who wants to set aside a discharge already entered in this case must file a separate motion, addressing FRCP 60, made applicable by FRBP 9024, and serve all creditors.

CERTIFICATE OF SERVICE

I certify that on _____ this motion was served on debtor, the U.S. trustee, the trustee, and all creditors, and their respective attorneys. This motion was served in compliance with 11 U.S.C. § 342(c)(2), if applicable. Attached is a clearly identified list of the names, addresses, and methods of service on all parties served using paper.

Debtor's or Debtor's Attorney's Signature

OSB#, if attorney

Comment. See comment under the [LBF 348](#) proposal above.

LBF 720.90, Order re: Relief from Debtor/Codebtor Stay

The undersigned, _____, whose address, email address, phone number, and OSB#, if any, are:

is or represents _____

~~presents~~ lodged this order, which [check one] [] relates to the motion for relief from stay filed as ECF No. _____, or [] does not relate to a motion, based ~~up~~on [check all that apply]:

- ☐ The complete stipulation of the parties listed at the end of this document.
- ☐ The oral stipulation of the parties at the hearing held on _____.
- ☐ The ruling of the court at the hearing held on _____.
- ☐ Creditor's certification that any default notice required by paragraph 5 of the order re: relief from stay entered ~~on~~ as ECF No. _____ was mailed, and that debtor failed to comply with the conditions of that order. The dates and amounts of missed cure payments and the date of creditor's notice of default are as follows:

- ☐ Creditor certification that no response to the motion for relief from stay ~~filed on~~ and served on _____ was filed within the response period ~~plus 3 days, including the three days required by FRBP 9006, if applicable.~~

IT IS ORDERED that, except as provided in paragraph 4 below, the stay existing pursuant to 11 U.S.C. § 362(a) remains in effect as to the property described below (hereinafter "the property"):

☐ Personal property described as [*for example, "20~~01~~22 Ford ~~Taurus~~ Mustang"*]:

☐ Real property located at [*enter street address*]:

☐ Exhibit A attached hereto is the legal description of the property [*attaching a legal description is optional unless in rem relief is granted*].

IT IS FURTHER ORDERED that the stay is subject to the conditions marked below:

[...]

☐ 2. **Cure Payment Requirements.** Debtor must cure the post-petition default of \$_____ consisting of [*for example, \$~~500~~_____ in payments and \$~~100~~_____ in late charges for April-June 202~~25~~*]:

as follows:

[...]

☐ 3. **Insurance Requirements.** Debtor must maintain insurance on the property at all times as required by the security agreement, naming _____ as the loss payee.

On or before _____ debtor must provide counsel for creditor with proof of insurance.

☐ 4. **Stay Relief and Codebtor Stay Relief without Cure Opportunity.**

☐ a. ~~Upon~~ default in the conditions in paragraphs _____ creditor may file and serve a certificate of non-compliance specifying the default, together with a proposed order terminating the stay to allow creditor to foreclose on, and obtain possession of, the property to the extent permitted by applicable nonbankruptcy law, which the court may grant without further notice or hearing.

[...]

- ☐ 5. **Stay Relief with Cure Opportunity.** ~~Upon~~ On default in the checked conditions in paragraphs 1–3, creditor must ☐ ~~serve on debtor and~~ ☐ ~~e-mail to attorney for debtor~~ ~~written~~ give notice of the default and give~~ing~~ debtor _____ calendar days after the ~~mailing of~~ the notice is sent to cure the default. Notice must be provided by the following methods [check applicable boxes]:

☐ Send notice to debtor by _____
[for example, email to a particular email address or mailing to a particular street address].

☐ Send a copy of the notice to the attorney for debtor by _____
[for example, email to a particular email address or mailing to a particular street address].

If debtor fails to timely cure the default, then creditor may submit a proposed order terminating the stay, which the court may grant without further notice or hearing.

- ☐ a. The notice of default may require that debtor make any payment that becomes due between the date the notice of default is mailed and before the cure deadline.
- ☐ b. The notice of default may require debtor to pay \$_____ for the fees and costs of sending the notice.
- ☐ c. Only _____ notices of default and opportunity to cure are required per year [calculated from date of entry of this order], ☐ during the remainder of this case, or ☐ [describe]:

[...]

###

Presented and certified by:

It is so stipulated.

Creditor's Attorney:
Signature: _____

Name: _____

OSB#: _____

No objection to order by case trustee.

~~By Trustee's or Trustee's Attorney's~~
Signature: _____

OSB#: _____

Debtor's Attorney:
Signature: _____

Name: _____

OSB#: _____

Codebtor's Attorney:
Signature: _____

Name: _____

OSB#: _____

Comment. Revised to add a checkbox to indicate whether the order entered on a motion and a corresponding blank for an ECF No. Other changes are stylistic or meant to add clarity.

LBF 763, Claim Objection

[...]

2. The undersigned objects to the claim for the following reasons [*check all applicable reasons*]:

☐ Claim duplicates proof of claim no. ____ filed on behalf of _____
_____ (creditor).

☐ Claim fails to assert grounds for priority, or grounds asserted are not valid as described below in "Other."

☐ Claim ~~was~~ is not filed on behalf of the real party in interest.

☐ Claim appears to include interest or charges accrued after the petition date.

☐ Claim is filed as an unsecured claim, but ~~V~~value of collateral exceeds debt.

☐ Claim is filed as a secured claim, but collateral value is not asserted or is incorrect.

☐ Claim arrearage asserted is incorrect.

☐ ~~Claim is a secured claim, but creditor neither (a) specified that any portion of claim should be treated as unsecured nor (b) requested a hearing to determine value of collateral.~~

- ☐ Claim includes taxes assessed against real or personal property, but the interest of the estate in the property against which taxes were assessed has no value because estate has no equity or interest in the property.
- ☐ Claim does not include documentation required by Federal Rule of Bankruptcy Procedure 3001(c) and (d) (for example, a copy of the note or documents establishing secured status or an assignment of the claim to creditor), and another reason for disallowance is stated in this objection.
- ☐ Claim does not require future distribution because (state reason, for example, creditor obtained relief from stay or has been paid in full from another source):

- ☐ Other:

[...]

Comment. The seventh-listed ground for objection in the current form is potentially confusing. It doesn't out-and-out state that the claim is not, in fact, fully secured. And clause (b) incorrectly suggests that the creditor has a duty to request a hearing to determine the value of its collateral.

Claims with a secured component can state that the claim is either partially or fully secured. An objector might object to a partially secured claim to prevent the creditor from receiving distributions on account of the unsecured claim, and an objector might object to a fully secured claim to reduce the amount that must be paid on account of the secured claim and increase the amount paid.

The objection ground "Value of collateral exceeds debt" (the current fifth ground) would be used if a claim were filed as partially secured and the objector believes it should be fully secured (and no part of it unsecured), and the objector would request in the ¶ 3 prayer that the claim be allowed as a secured claim for the full amount of the claim and as an unsecured claim for \$0.

The new ground "Collateral value asserted is incorrect" would be used if either (1) a claim was filed as partially secured and the objector believes it should be partially secured but in a different amount or (2) a claim was filed as fully secured and the objector believes it should be only partially secured. In either case, the objector would specify in the prayer the amounts by which the claim should be allowed as secured and unsecured.

Other changes are stylistic.

LBF 1114, *Verified Statement in support of Employment Application*

[...]

5. Connections

I have no business, professional, personal, financial, or other connections with the debtor, affiliates, creditors, any party in interest, their respective attorneys and accountants, the United States trustee, ~~or~~ any person employed in the office of the United States trustee, or the judge except:

[...]

Comment. The addition of the reference to the judge is intended to prompt filers to call the attention of the proposed professional to the name of the judge when asking the proposed professional to confirm the absence of connections.

LBF 1305, Chapter 13 Debtor's Attorney's Compensation Disclosure and Application

[...]

4. Schedule [*select Schedule 1, 2.(a), 2.(b), or 3, and complete corresponding blanks*]

a. ☐ Schedule 1 (life-of-the-case fixed fee):

- i. Applicant has agreed to perform all legal services to debtor that are reasonably necessary in or in connection with this case for the entire life of the case, including contested matter litigation, but excluding adversary proceedings and appeals for the fixed fee of \$ _____ [~~\$5,500~~ 6,225 maximum] plus expenses of \$ _____ [~~\$600~~ 675 maximum], for a total of \$ _____.
- ii. The unpaid agreed fee and expense amount is \$ _____ [*amount in paragraph 4.a.i. less the amount in paragraph 3.a.*].

b. ☐ Schedule 2.(a) (fixed fee through confirmation and initial audit of claims):

- i. Applicant has agreed to perform all legal services to debtor that are reasonably necessary in or in connection with this case through confirmation of the plan and the initial audit of claims, including prepetition services in contemplation of the case, for the fixed total amount of \$ _____ [~~\$3,750~~ 4,250 maximum].

[...]

Instructions

[...]

If applicant selects Schedule 2.(b) and the agreed estimated total compensation, before credit for payments, exceeds \$~~3,750~~ 4,250, applicant must file a Chapter 13 Debtor's Attorney's Schedule 2.(b) Itemization on LBF 1306 no later than seven days before the final plan confirmation hearing (see LBR 2016-1(e)(2)(A)).

[...]

Comment. On April 1, 2025, certain dollar amounts in the code were adjusted to reflect a 13.2004% increase, rounded to the nearest \$25 (see the [Federal Register notice](#)). Per LBR 2016-1(b)(5), "the amounts listed in LBF 1305 for Schedule 1 (life-of-the-case fixed fee) and Schedule 2.(a) (fixed fee through confirmation and initial audit of claims) will be adjusted to reflect the same percentage change, rounded to the nearest \$25" effective on December 1, 2025, with the rest of the rule and form changes.

LBF 1306, Chapter 13 Debtor's Attorney's Schedule 2.(b) Itemization

[...]

Instructions

If applicant selected Schedule 2.(b) in LBF 1305 and the agreed total amount of compensation and expense reimbursement for all services through confirmation of the plan and the initial audit of claims, before credit for payments, exceeds \$~~3,750~~ 4,250, applicant must complete and file an LBF 1306 no later than seven days before the final plan-confirmation hearing (Local Bankruptcy Rule (LBR) 2016-1(e)(2)(A)).

[...]

Comment. Revision in conformance with proposed revision to [LBF 1305](#) above.

**LBF 1317, Notice of Motion and Chapter 13 Debtor's Motion to Value Property and Avoid
Wholly Secured Lien**

Notice of Motion

If you oppose the relief sought in this motion, you must file a written objection with the bankruptcy court no later than 14 days after the date listed in the certificate of service below. If you do not file an objection, the court may grant the motion without further notice. Your objection must set forth the specific grounds for objection and your relation to the case. The objection must be received by the clerk of court at 1050 SW 6th Ave #700, Portland, OR 97204 or 405 E 8th Ave #2600, Eugene, OR 97401 by the deadline specified above or it may not be considered.

[*Check one*]:

☐ Within that same time, you must also serve the objection on [*insert name, address, and phone number of movant*]:

☐ You need not serve the objection because movant's counsel is an ECF participant and will receive notice electronically.

If you file a timely response and the court requires a hearing, all parties will be given notice of the hearing date, time, and location.

Motion

1. Debtor moves the court to value property and avoid wholly unsecured liens in this chapter 13 case under 11 U.S.C. §§ 506(d) and 1322. The liens to be avoided secure claims of the following creditors [*insert name and address of each creditor whose lien is to be avoided*]:

2. Description of property subject to the liens [*for real property, include address and legal description; for personal property include VIN or serial number if applicable*]:

Additional property description attached? ☐ Yes ☐ No

3. Information about perfection of liens to be avoided:

[For real property, include name or nature of recorded document, recording date, county and state of recording, and all recording reference numbers.]

[For personal property, include means of perfection (filing/recording, possession, or otherwise) and any reference information for the means of perfection (location of filing office, type of form filed, date filed, and all reference numbers).]

Additional perfection information attached? ☐ Yes ☐ No

4. Date petition filed:
5. Value of property on petition date: \$ _____
6. Name of each holder of a lien senior to the liens to be avoided:
7. Balance owing to each senior lienholder on petition date, excluding any precomputed interest or other unearned charges:
8. Due to the senior liens, each lien to be avoided has no value in the collateral, so under § 506(a), each such lien is entirely an unsecured claim, and under § 506(d), each such lien is void.
9. Based on the foregoing and under §§ 506(d) and 1322, debtor is entitled to avoid the liens to be avoided so that they are no longer liens against the property.

Signature OSB#, if attorney

Debtor's address and last four digits of taxpayer ID#

Phone #

Certificate of Service

I certify that on _____, I served this notice and motion under Federal Rule of Bankruptcy Procedure (FRBP) 7004 on the following parties as follows--

- a) For each party who is not an insured depository institution (see FRBP 7004(b)), I served by first-class mail to the party at the name and address exactly as follows:

- b) For each party who is an insured depository institution (see FRBP 7004(h)), I served by certified mail or by other authorized means specified below at the name and address exactly as follows:

Signature OSB#, if attorney

Comment. Because the revisions to this form are extensive enough that redline would likely not be helpful, this proposal is presented in a clean, revised format.

This form and [LBF 1317.5](#) are being revised so that they are equally applicable to both personal and real property liens. Additionally, this form is being revised to combine the current motion form (LBF 1317) with the separate notice of motion form (LBF 1317.3).

**LBF 1317.5, Order on Chapter 13 Debtor's Motion to Value Property and Avoid Wholly
Unsecured Lien**

This matter having come before the court on *Chapter 13 Debtor's Motion to Value Property and Avoid Wholly Unsecured Lien* (ECF No. _____), and the court finding good cause, therefore,

IT IS ORDERED that the following liens [*for each lien, insert lienholder name and means of lien perfection*]-

on the following property-

Additional property description attached? ☐ Yes ☐ No

are wholly unsecured, avoided, and no longer liens on the property.

IT IS FURTHER ORDERED that if this case is dismissed or converted to one under chapter 7, the liens avoided by this order will automatically be reinstated.

IT IS FURTHER ORDERED that any claim formerly secured by the avoided liens will be treated as secured claims to the extent previously paid by the chapter 13 trustee and as unsecured claims for the remainder, without prejudice to any other objections to the claims.

###

Comment. See the [LBF 1317](#) proposal above.

**LBF 1367.92, Debtor's Motion to Reopen Chapter 7 or 13 Case and, if Applicable, to Vacate
Dismissal**

[...]

1. ~~The d~~Debtor moves ~~the court~~ for an order reopening the case and, if applicable, vacating dismissal of the case for the following reason ~~[(check each reason that applies)]~~:

[...]

Comment. The form title correctly treats the case reopening and the dismissal vacatur as separate events, but the body of the motion doesn't mention dismissal vacatur.

[new] LBF 7055, *Request for Clerk's Entry of Default and Supporting Declaration*

Request

_____ [enter name of party requesting entry of default] (requestor) requests that the clerk enter the default of _____ [party alleged to be in default].

[Select one]

☐ The requestor is a plaintiff, and the party alleged to be in default is a defendant.

The summons was issued on _____ [date].

The summons fixed the deadline for the party alleged to be in default to file an answer or motion under Federal Rule of Bankruptcy Procedures (FRBP) 7012 as [select one]—

☐ 30 days after the issuance of the summons because the party alleged to be in default is not the United States or its officer or agency.

☐ 35 days after the issuance of the summons because the party alleged to be in default is the United States or its officer or agency.

☐ _____ [date].

The certificate of service of summons was filed as ECF No. _____ and states that the summons and complaint were served on the party alleged to be in default on _____ [date], a date not more than seven days after the summons was issued.

☐ The requestor is a defendant, and the party alleged to be in default is a counterclaim or crossclaim defendant.

The pleading containing the counterclaim or crossclaim was filed as ECF No. _____ and contains a certificate of service stating that it was served on the party alleged to be in default on _____ [date].

The deadline to answer or file a motion under FRBP 7012 was [*select one*]—

- ☐ 21 days after service of the counterclaim or crossclaim because the party alleged to be in default is not the United States or its officer or agency.
- ☐ 35 days after the service of the counterclaim or crossclaim because the party alleged to be in default is the United States or its officer or agency.

The party alleged to be in default has failed timely to answer or file a motion under FRBP 7012.

_____	_____	_____
Date	Signature	OSB#, if attorney

Type of Print Name		

Declaration

Having personal knowledge of the facts set forth above, I, the undersigned, declare under penalty of perjury that the foregoing is true and correct and that the date below is the date on which I executed this declaration.

_____	_____	_____
Date	Signature	OSB#, if attorney

Type of Print Name		

Comment. See the comment for [LBR 7055-1](#) above.