

PROPOSED REVISIONS TO LOCAL BANKRUPTCY RULES AND FORMS

September 28, 2026

This document contains proposed revisions to the December 1, 2025, 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 26, 2026, to be considered. After reviewing any comments, the court will post the final revised rules and forms which will take effect on December 1, 2026, 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~~5~~6.

[...]

Comment. Revision updates the effective date for the 2026 rules.

Rule 1002-1. Petition—General.

[...]

Cross-references:

- Caption – LBR 1005-1.
- Corporate Authorization — LBR 1074-1(b).

[...]

Comment. Under LBR 1002-1(a)(1), the deadline to object to the filing of a voluntary petition based on the debtor's lack of authority to file is 14 days after completion of the meeting of creditors. A cross-reference would be added to proposed new [LBR 1074-1\(a\)](#), which would require evidence of the authorization by a nonindividual debtor to file a voluntary petition.

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) **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)(2), and filed separately with a voluntary petition filed by ECF.

(b) OF 121 Filed After Date of Petition Filing. If an OF 121 is filed after the date the petition was filed, it must be filed with an attached certificate of service stating that a copy including all nine digits of the number was served on all creditors and interested parties.

(b)c **Amendment.** To amend a debtor’s SSN or ITIN, the debtor must file an amended OF 121 with an attached certificate of service stating that a copy of the amended OF 121 ~~(including all nine digits of the number)~~ was served on all creditors and interested parties.

Comment.

- Addition of new subsection (b):

If a debtor fails to file an OF 121, *Statement About Your Social Security Numbers*, with their petition, the notice of bankruptcy case for that case will be issued without the tax identification numbers that can be instrumental in a creditor identifying the debtor. New subsection (b) will require such a debtor to serve their late-filed OF 121 on all creditors—which will assist creditors who received the initial notice of bankruptcy—and include a certificate of service with the filing indicating they have done so.

- Revision to current subsection (b):

The phrase “all interested parties” in the current LBR 2015-1(b) includes creditors. This revision is intended to make it clear that an amended OF 121 must be served on all creditors.

Rule 1010-1. Petition—Involuntary.

[...]

Cross-references:

- Corporate Authorization — LBR 1074-1(b).
- Filing Location – LBR 1073-1.

[...]

Comment. Under LBR 1010-1(b), the deadline to object to a nonindividual debtor’s consent to an order for relief in involuntary case is the first date and time set for the meeting of creditors. A cross-reference would be added to proposed new LBR 1074-1(a), which would require evidence of the authorization of a nonindividual debtor to consent to entry of an order for relief.

[new] Rule 1074-1. Corporations.

- (a) **Authorizing Resolution.** A voluntary petition by, or consent to entry of an order for relief in response to an involuntary petition against, a nonindividual debtor must be accompanied by a copy of a resolution by the persons entitled to manage the debtor or other writing evidencing the authorization of the debtor's action under nonbankruptcy law.
- (b) **Individual Designated to Perform Duties of Nonindividual Debtor.**
- (1) **Voluntary Case.** After a nonindividual debtor files a voluntary petition, the court may designate the individual who signed the petition on behalf of the debtor to fulfill the duties of the debtor.
- (2) **Involuntary Case.** An involuntary petition against a nonindividual debtor must be accompanied by a statement of the name, title, relationship to the debtor, and mailing address of an individual who has a relationship to the debtor listed in FRBP 9001(b)(5) and whom the petitioners nominate to be designated to fulfill the duties of the debtor. In any answer, the debtor must provide the same information about the debtor's nominee to be the designee. The court may designate the individual nominated in the petition or, if an answer was filed, the individual identified in the nominee.

Comment. Because the entire rule would be new, this proposal is presented in a clean format rather than redline.

Whether a nonindividual debtor is authorized to file a voluntary petition or resist an involuntary petition turns on nonbankruptcy law. *Sino Clean Energy, Inc. v. Seiden (In re Sino Clean Energy, Inc.)*, 901 F.3d 1139, 1141 (9th Cir. 2018).

If the debtor is not an individual, FRBP 9001(b)(5) permits the court to designate as responsible for performing the duties of the debtor an individual having a relationship to the debtor of a type listed in that rule. When a petition is voluntary, the court will ordinarily designate the individual who signs the petition for the debtor (not the lawyer) to perform the debtor's duties. When the petition is involuntary, it must be accompanied by the petitioners' nomination of a designee, and the debtors' answer must also nominate a designee.

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

[...]

- (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, not be attached to the back of another document, and be in substantially the following form:

[...]

Comment. To ensure that a notice of hearing, especially when received by mail with related documents, is not overlooked, amended LBR 2002-1(c) would instruct that the notice not be attached behind another document.

Rule 2003-1. Meeting of Creditors.

[...]

- (c) **Changes to Meeting of Creditors.** Any request to change the date, time, location, or means of conducting the meeting of creditors in a chapter 7, 12, or 13 case must be directed to the case trustee. For chapter 11 cases, the request must be directed to the UST.

Comment. It is the UST’s preference that requests to alter 341(a) meetings go directly to the case trustee rather than the UST. This should be more convenient and expedient for all involved.

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

[...]

(b) Chapter 11.

- (1) ~~**Preconfirmation Reports Cases of Small Business Debtors.** The court has not set a schedule for the preconfirmation reports on OF 425C required by FRBP 2015(a)(6) different than the schedule required by that rule.~~

~~(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 Cases of Debtors Who Are Not Small Business Debtors.

~~(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 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). The court has not set a schedule for the preconfirmation monthly operating reports on UST Form 11-MOR required by 28 C.F.R. § 58.8(b) different than the schedule required by 28 C.F.R. § 58.8(e).~~

~~(B) In a small business or subchapter V case, the requirements for any postconfirmation reporting must be in the plan. The court has not set a schedule for the postconfirmation reports on UST Form 11-PCR required by 28 C.F.R. § 58.8(f) different than the schedule required by that rule 28 C.F.R. § 58.8(g).~~

[...]

(c) Chapter 12 ~~or 13~~—

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

(2) **Operating Reports.** 11 U.S.C. § 704(a)(8) operating reports must be filed monthly, and each report must be filed no later 21 days after the last day of the last month or portion thereof covered by the report.

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

(de) **Trustee’s Destruction of Case Records.**

[...]

Comment. Subsection (b):

LBR 2015-1(b) regulates chapter 11 periodic reports. In a case of a small business debtor (whether or not the debtor has elected to have subchapter V of chapter 11 apply), the form on which preconfirmation reports must be filed and the schedule for filing them are prescribed by FRBP 2015(a)(6) (applicable to small business debtors who have not elected subchapter V) and FRBP 2015(b) (applicable to subchapter V debtors). The form is OF 425C, found on the U.S. Courts website. The rule does not require postconfirmation reports.

For a debtor who is not a small business debtor (and thus not a subchapter V debtor), the forms on which the reports must be filed and the schedule for filing them are prescribed by 28 C.F.R. § 58.8, a regulation promulgated by the Attorney General under 28 U.S.C. § 589b(a)(2). 85 Fed. Reg. 82913 (Dec. 21, 2020). Through plan confirmation, the required form is UST Form 11-MOR, and after confirmation, the form is UST Form 11-PCR. The preconfirmation reports must be filed monthly, and the postconfirmation reports must be filed quarterly.

Subsection (c):

Proposed new subsection (c)(2) would impose specific deadlines for the filing of § 704(a)(8) operating reports in chapter 12 cases.

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

[...]

(b) ~~Deposit Accounts.~~ ~~The DIP or trustee must promptly withdraw all monies from all prepetition deposit accounts and open new deposit accounts, including general, payroll, and tax accounts. New signature cards or account agreements, and checks, must state that~~

~~the owner is either a DIP or a trustee, and the chapter of the case (e.g., “Ch. 11 Debtor in Possession”).~~

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

[...]

Comment. The requirements in the current second sentence of LBR 2015-2 also appear in the chapter 11 operating guidelines for some U.S. trustee regions—but not for Region 18, of which the District of Oregon is part. Compare Region 18 Chapter 11 Guidelines¹ with Region 13 Chapter 11 Guidelines.² Whether those requirements should be imposed on a DIP or trustee should be determined by law other than local court rules.

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

[...]

(c) Chapter 7 or 11.

(1) Interim Application.

[...]

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

[...]

(2) Final Application.

(A) General. A final application for compensation or reimbursement of expenses must be filed in the case, not as a proof of claim. An applicant must file a final application even if an interim application by the applicant is pending~~;~~ or the court has awarded interim compensation that remains unpaid. An attorney’s disclosure statement filed under FRBP 2016(b) is not

¹www.justice.gov/ust/ust-regions-r18/file/ch11_guidelines_seattle.pdf/dl, at 3.

²www.justice.gov/ust/media/1427211/dl?inline#:~:text=“DIP”%20ACCOUNTS&text=Upon%20consultation%20with%20the%20United,an%20interest%2Dbearing%20DIP%20Account, at 3.

an application. The requirements of (b) apply to the reimbursement of expenses or travel time.

[...]

Comment. The requirement for final compensation applications in chapter 7 and 11 cases to be filed as proofs of claim stems from pre-ECF clerk's office practices regarding tabbing and storing paper documents. Now that filing is mostly done electronically and all filings are saved electronically, there is no longer a need for this requirement.

Moreover, final applications are not like other claims on the claims register. They are administrative expenses, not pre-petition debts, and they fit awkwardly with the pre-petition debt claims filed on the claims register.

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

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

[...]

Comment. Revised in accordance with upcoming changes to FRBP 3018.³

Rule 5010-1. Reopening Case.

- (a) **Motion to Reopen—Generally.** A motion to reopen a case must include the debtor's current mailing address and must be accompanied by the applicable filing fee.
- (b) **Debtor's Motion to Reopen.**
- (1) Chapter 7 or 13—Motion to Reopen Case or Vacate Dismissal.** A motion filed by a debtor to reopen a chapter 7 or chapter 13 case must be on LBF 1367.92; and signed by the debtor, and accompanied by the applicable filing fee.

³ See <https://www.uscourts.gov/forms-rules/pending-rules-and-forms-amendments> for more information.

- (2) Pending Petition Filing Fees.** A debtor still owing installment payments authorized under FRBP 1006(b) must pay the remaining balance owed when a motion to reopen is filed with the required fee for filing the motion.

Comment. In addition to stylistic changes and the removal of language duplicative of the national rules, the proposal is to add new subsection (b)(2) that reflects the court’s policy of not entertaining a motion to reopen from a debtor who fails to pay outstanding installment fees when they file their motion to reopen.

Rule 7007-1. Motion Practice—Adversary Proceedings.

(a) Prefiling Conference Certification.

- (1)** The first paragraph of a motion, except one for a temporary restraining order or to dismiss for lack of subject-matter jurisdiction, must certify that one of the following is true:

[...]

Comment. Conferral before filing a motion serves the interests of the parties and the court only if conferral is likely to result in an agreed resolution of a dispute that would otherwise be contested before the court.

Current LBR 7007-1(a)(1) excuses conferral before filing one type of motion: one for temporary restraining order. The amendment would add one other type of motion that is unlikely to be resolved by conferral: one to dismiss for lack of subject-matter jurisdiction. If the movant concludes that the effort of conferral is nonetheless justified by the possibility of agreement, the movant can elect to confer even when not required.

Rule 7026-1. Discovery—General.

[...]

- (b) Nonfiling of Discovery Documents.** Discovery documents must not be filed. A discovery document is one that is the subject of any of FRCPs 26 through 36 and 45 and is not required by any rule to be filed. Not filing a discovery document does not preclude its use as an exhibit or as evidence.

[...]

(e) **Protective Order.** A party seeking the entry of a protective order to protect confidential information pursuant to FRCP 26(c), made applicable by FRBP 7026, must lodge the proposed order on LBF 7026.

Comment. Subsection (b):

A subpoena, which is the subject of FRCP 45, is a type of discovery document that should not be filed.

Subsection (e):

This new subsection would require the use of proposed new LBF 7026 for proposed protective orders. See also the proposal for that new form [below](#).

Rule 9013-1. Motion Practice—Contested Matters.

[...]

(b) General.

- (1) Title.** Each motion that is not prepared on an LBF must include in the title of the document the names of the parties, if any, against whom the motion requests specific relief. If there is insufficient room to include the names of all those parties in the title, the title must refer to the location in the document where their names appear. Each subsequent document relating to a motion initiating a contested matter must include the name of the motion and the motion's ECF number.

[...]

Comment. Documents relating to a contested matter appear on the main-case docket among other, unrelated documents. To enable a reader to more easily associate documents filed after initiation of a contested matter with the initiating motion, LBR 9013-1(b)(1) would require that related documents include the name of the initiating motion and its ECF number.

PROPOSED LOCAL BANKRUPTCY FORM REVISIONS

**LBF 100.3, *Debtor's Motion for Either (1) Extension of Time to ~~File a Certificate of Receive~~
Briefing from an Approved Credit Counseling Agency; or (2) Exemption from Credit
Counseling Briefing and Financial Management Course Requirements***

UNITED STATES BANKRUPTCY COURT
DISTRICT OF OREGON

In re

Case No. _____
Amended

**DEBTOR'S MOTION FOR EITHER
(1) EXTENSION OF TIME TO ~~FILE A~~
~~CERTIFICATE OF RECEIPT OF RECEIVE~~
BRIEFING FROM AN APPROVED CREDIT
COUNSELING AGENCY; OR
(2) EXEMPTION FROM CREDIT
COUNSELING BRIEFING AND FINANCIAL
MANAGEMENT COURSE REQUIREMENTS**

Debtor

Instructions ~~for~~ to filer:

- Check the box for the type of motion being filed. Only the information for the type of motion checked need be provided.
- This motion may be denied and your case may be dismissed if you do not provide information in all the blanks for the motion type selected (using the motion for extension for example, this means a date in (1) and a full description in (2)).

☐ Motion for extension of time to file a certificate of receipt of briefing from an approved credit counseling agency.

~~The~~ Debtor moves for an extension of time to file a certificate of receipt of credit counseling briefing services from an approved nonprofit budget and credit counseling agency and certifies that: _____

(1) ~~On~~ _____ the briefing services referred to in 11 U.S.C. § 109(h)(1) were requested but could not be obtained during the following seven days, and

~~(2) An appointment to obtain those briefing services is scheduled, and~~

(32) The following exigent circumstances support the extension *[describe fully]*:

☐ Motion for exemption from credit counseling and financial management course requirements.

The debtor moves for an exemption from the requirements to receive credit counseling briefing services from an approved nonprofit budget and credit counseling agency and complete a financial management instructional course because the debtor is unable to receive the briefing or take the course and certifies that *[check the box for the applicable basis for exemption]*:

☐ The debtor is incapacitated or disabled as defined in 11 U.S.C. § 109(h)(4) *[describe incapacity or disability]*:

☐ The debtor is on active military duty in a military combat zone.

Date	Signature of Debtor's Attorney, if any
------	--

I declare under penalty of perjury that the foregoing is true and correct.

Date	Signature of Debtor
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Date	Signature of Joint Debtor (if applicable)
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Comment. These revisions are intended to do the following:

- re-stylize the form as a motion for more time to receive credit counseling briefing rather than more time to file a certificate showing such briefing occurred (§ 109(h)(3)(A), whence the authority for an extension of time arises, provides an exception to § 109(h)(1) establishing the briefing requirement rather than an exception from § 521(b) which establishes the requirement to file the certificate),
- provide instructions to filers stressing the importance of completing all required fields in the motion for extension, and
- remove the second enumerated certification in the motion for extension section—having a scheduled appointment at the time the motion is filed is not a requirement under § 109(h)(3)(A).

LBF 525, Debtor's Certification Regarding Payment of Domestic Support Obligations in a Chapter 12 or 13 Case and ~~Statement re:~~ 11 U.S.C. § 522(q)(1) Applicability

UNITED STATES BANKRUPTCY COURT
DISTRICT OF OREGON

In re

Case No. _____
Amended

Debtor~~(s)~~

**DEBTOR'S CERTIFICATIONS
REGARDING PAYMENT OF DOMESTIC
SUPPORT OBLIGATIONS IN A
CHAPTER 12 OR 13 CASE AND
~~STATEMENT RE:~~ 11 U.S.C. § 522(q)(1)
APPLICABILITY**

Notice

If paragraph 1.b. is checked below and you wish to object, you must file a written objection no later than 14 days from the date listed in the certificate of service below. The objection must be filed with the clerk at 1050 SW 6th Ave. #700, Portland, OR 97204 or 405 E 8th Ave. #2600, Eugene, OR 97401.

You must also serve the objection on debtor.

- If debtor is represented by an attorney, that attorney will receive automated, electronic service when the objection is filed and no further service is required.

- If debtor is not represented by an attorney, you must serve a paper copy of the objection on debtor at the address listed in the certificate of service below.

Certifications

1. Certification regarding domestic support obligations pursuant to 11 U.S.C. § 1228(a) or § 1328(a)

I certify that *[check one]*:

- ☐ a. I owed no domestic support obligation when I filed my bankruptcy petition, and I have not been required to pay any such obligation since then.
- ☐ b. I am or have been required to pay a one or more domestic support obligations. I have paid ~~all such amounts that my plan required me to pay. I have also paid all such amounts that became due between the filing of my bankruptcy petition and today~~ in full all domestic support obligation payments that became due on or before the date of this certification.

2. Certification regarding § 522(q) pursuant to § 1228(f) or § 1328(h)

I certify that I ☐ have ☐ have not claimed an exemption in property pursuant to § 522(b)(3) and state or local law that (1) I or a dependent of mine uses as a residence, claims as a homestead, or acquired as a burial plot, as specified in § 522(p)(1), and (2) exceeds in aggregate value the amount specified in § 522(q)(1).

I certify under penalty of perjury that the information provided in these certifications is true and correct to the best of my knowledge and belief.

Date _____ Signature of Debtor _____

Date _____ Signature of Joint Debtor _____

Certificate of Service

If paragraph 1.b. was checked above, I certify that on _____ this document was served on the person to whom the payments were due and on any agency collecting the payments. A list of the names, addresses, and methods for service on all parties served using paper is attached.

Signature	OSB#
Print or Type Signer's Name and Phone #	
Signer's Address	

<u>Debtor's or Debtor's Attorney's Signature</u>	<u>OSB#, if attorney</u>
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Printed or Typed Signer's Name and Phone Number

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

Comment. Proposed revisions add a 14-day objection period and simplify the certifications regarding domestic support obligations.

LBF 720, Notice of Motion for Relief From: Debtor Automatic Stay ~~in a Chapter 7/13 Case,~~
~~Chapter 13~~ or Codebtor Automatic Stay in a Chapter 12 or Chapter 13 Case

UNITED STATES BANKRUPTCY COURT
DISTRICT OF OREGON

In re

Debtor

Case No. _____
Amended

NOTICE OF MOTION FOR RELIEF FROM
[check all that apply]

☐ **DEBTOR AUTOMATIC STAY**

☐ **CODEBTOR AUTOMATIC STAY IN A
CHAPTER 12 OR CHAPTER 13 CASE**

Notice

YOU ARE NOTIFIED THAT:

1. The attached motion was filed by _____
for [*check all that apply*]:

☐ Relief from the automatic stay protecting debtor and debtor's property, as provided by 11 U.S.C. § 362.

☐ Relief from the automatic stay protecting the codebtor and codebtor's property as provided by 11 U.S.C. §§ 1201 or 1301. The codebtor's name and service address are:

2. The motion

☐ does

☐ does not

include a request for relief pursuant to 11 U.S.C. § 362(d)(4).

3. The name, service address, and phone number of the movant's attorney or, if self-represented, the movant are:

4. If you wish to resist the motion:

You must, within 14 days of the service date shown below, file a written objection with the clerk at 1050 SW 6th Ave. #700, Portland, OR 97204 or 405 E 8th Ave. #2600, Eugene, OR 97401. The objection must be filed according to the procedures provided by [Local Bankruptcy Form \(LBF\) 720.50](#) (for example, if the motion was filed on [LBF 720.80](#), the objection must be written in the applicable "OBJECTION" portions of a copy of the original motion) and be filed and served with a fully completed notice of hearing.

- If this is a chapter 7 or 13 case:
 - The notice of hearing must be filed using [LBF 721](#).
 - Hearing dates and times to use in completing this form are available on the court's website at www.orb.uscourts.gov/ch-713-relief-stay-hearing. If you do not have internet access, call the court at (503) 326-1500 or (541) 431-4000.

- If this is a chapter 11 or 12 case:
 - The notice of hearing must be filed using [LBF 1124](#).
 - For a hearing date and time, contact the courtroom deputy for the judge assigned to the case. Courtroom deputies' phone numbers are available on the website at www.orb.uscourts.gov/judges. If you do not have internet access, call the court at (503) 326-1500 or (541) 431-4000.

You must also serve the objection and hearing notice on the movant, the codebtor (if one is listed above), the U.S. trustee, the case trustee, and if this is a chapter 11 case, any committee elected pursuant to 11 U.S.C. § 705 or its authorized agent (or, if no committee, on all creditors included on the list filed pursuant to Federal Rule of Bankruptcy Procedure (FRBP)1007(d) as follows:

- The U.S. trustee, case trustee, and any party represented by an attorney will receive automated, electronic service when the objection is filed. *[Note to objector: This means that no action beyond filing the objection and hearing notice is required for service.]*
 - For any other party (that is, a movant, debtor, codebtor, creditor, or committee not represented by an attorney), you must serve a paper copy of the objection on the party at the applicable address listed in paragraph 1 or 3 above. *[See FRBP 7004 for acceptable methods of service, including first class mail.]*
5. If you fail to file a timely objection and notice of hearing, then the stay may expire as to debtor pursuant to 11 U.S.C. § 362(e), the stay protecting the codebtor may expire pursuant to 11 U.S.C. §§ 1201(d) or 1301(d), or the court may sign an order granting relief from the stay without further notice.

Certificate of Service

I certify that (1) the motion was prepared using the fillable PDF version of [LBF 720.80](#) and, (2) on _____, (a) this notice, (b) [LBF 720.50](#) if this notice was served on paper, and (c) the motion were served pursuant to FRBP 4001 and FRBP 7004 on debtor, co-debtor (if any), U.S. trustee, trustee, members of any committee elected pursuant to 11 U.S.C. § 705 or its authorized agent (or, if no committee, on all creditors included on the list filed pursuant to FRBP 1007(d)), and their respective attorneys. A list of the names, addresses, and methods for service on all parties served using paper is attached.

Signature

OSB #, if attorney

Typed Name and Relation to Movant

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.

This revision is part of a larger proposal to revise the court's forms related to motions for relief from stay with the exception of LBF 720.90 and all court forms related to motions to impose or extend the stay. In addition to formatting and stylistic improvements, the revisions to these forms are meant to do the following:

- Add checkboxes for motions for relief from stay to indicate whether the motion seeks *in rem* relief pursuant to 11 U.S.C. § 362(d)(4).
- Discontinue the practice of having motions to extend or impose stay filed in chapter 11 or 12 cases heard on the [rotating duty judge docket](#). These motions will be heard instead by the case judges.
- Make the following changes to relief from stay forms:
 - LBF 720 will be required for notices of motion in all chapters rather than chapters 7 and 13 only.
 - LBF 720.80 will be available for motions for relief from stay in chapter 11 and 12 cases, though it will not be required for those chapters. It will continue to be required in chapter 7 and 13 cases. Regardless of chapter, if the form is used for the motion, objections must likewise be filed on the form.
 - LBF 1124 will be required for notices of objection and hearing on chapter 11 or 12 motions rather than notices of motion.
 - LBF 1220 and LBF 1220.5 will be retired; the need for special forms in chapter 12 will be eliminated.
- Set a hearing on a motion for relief from stay in any chapter only if there is an objection to the motion.

If these changes are adopted, corresponding changes will be made to ECF events and the court's website.

UNITED STATES BANKRUPTCY COURT
DISTRICT OF OREGON

**PROCEDURES FOR MOTIONS FOR RELIEF FROM STAY
AND OBJECTIONS THERETO**

1. Motion

To request relief from the stay provided by 11 U.S.C. §§ 362(a), 1201, or 1301, the movant must file a motion and notice of motion as follows:

a. Filing Fee

- I. The movant must pay the applicable filing fee if the motion seeks relief from the stay provided by 11 U.S.C. § 362(a). See the [Court Fees](#) page of the court's website for more information.
- II. No filing fee is required for a motion that seeks only relief from codebtor stay provided by 11 U.S.C. §§ 1201 or 1301.

b. Motion

- I. Chapter 7 and 13 cases: Use [Local Bankruptcy Form \(LBF\) 720.80](#).⁴
- II. Chapter 11 and 12 cases:
 - A. Use of [LBF 720.80](#) is optional.
 - B. If not using [LBF 720.80](#), prepare a unique motion which states—
 - i. the present balance owing to the movant excluding any precomputed interest or other unearned charges,
 - ii. the date upon which the debt was incurred,
 - iii. whether the movant holds a security interest or lien upon debtor's property,

⁴ For a copy of this form or other forms referenced in this document, click the links or go to the court's website at www.orb.uscourts.gov/forms/all-local-forms. If you do not have internet access, contact the court for copies using one of the following phone numbers: (503) 326-1500 or (541) 431-4000.

- iv. the nature of the security interest or lien, the date upon which the security interest or lien was obtained, and if applicable, the date upon which the security interest or lien was perfected,
- v. a description of the collateral sufficient for identification (for example, street address),
- vi. the fair market value of the collateral,
- vii. a description of, and the amounts due upon, any other security interest or liens which have priority over that of the movant,
- viii. whether debtor is in default and, if so, the number of defaulted installments and the total sums in default,
- ix. the subsection of § 362(d) under which relief is requested,
- x. whether relief pursuant to 11 U.S.C. § 362(d)(4) is sought, and
- xi. any other facts which are relevant in determining whether relief should be granted.

c. Notice of Motion

The movant must file a notice of motion with the motion using [LBF 720](#).

d. Filing and Service of Motion and Notice of Motion

- I. The movant must serve the motion and notice of motion on all parties named in the certificate of service on the form and file them with the clerk.
- II. If filing electronically, combine the notice of motion and the motion in a single PDF with the notice of motion on top.

2. **Objection**

To object to the motion, a party must file and serve a written objection and notice of hearing as follows:

a. Objection

- I. The objection must state the specific grounds for the objection and be filed and served within 14 days of the notice of motion's service date.
- II. If the motion was filed on [LBF 720.80](#), the objection must be completed in the "OBJECTION" portions of the filed motion.

III. If the motion was not filed on [LBF 720.80](#), the objecting party must prepare their objection.

b. Notice of Hearing

The objecting party must serve the objection with a notice of hearing as follows:

I. Chapter 7 or 13 case:

Use [LBF 721](#) with a hearing date are selected from the court's website (www.orb.uscourts.gov/ch-713-relief-stay-hearing).

If you do not have internet access call the court for available dates using one of the following phone numbers: (503) 326-1500 or (541) 431-4000.

II. Chapter 11 or 12 case:

A. Use [LBF 1124](#) with a hearing date, time, and location obtained from the case judge's courtroom deputy before service. Courtroom deputies can be reached at the following numbers:

Case Judge	Courtroom Deputy's Contact Number
Judge Kathryn F. Evans	(541) 431-4026
Judge David W. Hercher	(503) 326-1527
Judge Peter C. McKittrick	(503) 326-1522
Judge Teresa H. Pearson	(503) 326-1553

B. Serve the motion within 2 business days after obtaining the hearing date.

3. Failure to Object or Serve Notice of Hearing

If a timely objection and notice of hearing are not filed and properly served, the court may sign an order, lodged by the movant, granting the relief.

4. Orders

a. If the motion was filed using [LBF 720.80](#), a proposed order must be submitted using [LBF 720.90](#).

b. If the motion was not filed using [LBF 720.80](#), no form is required and use of [LBF 720.90](#) is optional.

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. See [LBF 720](#) comment above for more information.

LBF 720.80, Motion for Relief from Debtor or Codebtor Stay Chapter 7/13 Motion for Relief from Debtor/Chapter 13 Codebtor Stay or Objection Thereto

UNITED STATES BANKRUPTCY COURT
DISTRICT OF OREGON

In re

Case No. _____
Amended

[Check all applicable boxes]

☐ **MOTION FOR RELIEF FROM**

☐ **DEBTOR**

☐ **CODEBTOR**

STAY FILED BY MOVANT:

☐ **OBJECTION TO MOTION FOR RELIEF
FROM STAY FILED BY OBJECTOR:**

Debtor

Instructions to movant:

Complete all relevant sections of this form, do not enter text in the "OBJECTION" fields, and file this motion with a notice of motion on [Local Bankruptcy Form \(LBF\) 720](#).

Instructions to objector:

Include the bases for the objection in each applicable "OBJECTION" portion of this motion and file along with a Notice of Hearing on [LBF 721](#) or [LBF 1124](#), as applicable.

See [LBF 720.50](#), *Procedures re: Motions for Relief from Stay*, for more information.

1. Debt, Default, Other Encumbrances, Description and Value of Collateral

a. Collateral description [*for example, property address or car model, year, and VIN*]:

b. Debt amount is \$_____, consisting of [*check box and complete for each that applies*]—

☐ Principal of \$_____

☐ Interest of \$_____

☐ Other [*enter amount and explain*]:

c. Description, amount, and priority of other encumbrances on collateral [*if not known, include applicable information from debtor's schedules if available on PACER*]:

d. Total debt secured by collateral (1.b. + 1.c.): \$_____.

e. Value of collateral: \$_____.

f. Equity in collateral: \$_____ after deducting \$_____ in liquidation costs.

g. Current monthly payment: \$_____.

h. Default amount

I. Chapter 7

Total amount of default: \$_____.

II. Chapter 11, 12, or 13

A. \$_____ postpetition default consisting of [*for example, "\$100 in payments, \$80 in late charges, and \$50 in fees*"]:

B. \$_____ prepetition default consisting of—

☐ amounts specified in proof of claim.

☐ [specify; for example, “six payments due 7/1/26–11/1/26”]:

OBJECTION *[identify specific items disputed and specify what you contend are the pertinent facts, including why there is a postpetition default, if applicable]:*

2. Basis for Relief from Stay

Relief from stay should be granted because *[check all that apply]*:

☐ Lack of insurance on collateral.

☐ No equity in the collateral and the property is not necessary for an effective reorganization.

☐ Failure of debtor to make chapter 12 or 13 plan payments to the trustee.

☐ Failure of debtor to make direct payments required by chapter 11, 12, or 13 plan.

☐ Other *[describe]*:

OBJECTION *[specify why relief from stay should be denied; if objector proposes to cure a postpetition default, detail the cure by attaching a proposed order using [LBF 720.90](#) available on the forms page of the court’s website, www.orb.uscourts.gov]:*

3. Background

a. Date petition filed: _____

b. Case status:

I. Chapter 7

Debtor [*check one*]

☐ has

☐ has not

stated on Official Form B 108 that debtor intends to surrender the collateral.

II. Chapter 11, 12, or 13

A. The current plan, dated _____, [*check one*]—

☐ has been confirmed.

☐ has not been confirmed.

B. Movant's prepetition claim is treated as follows in the current plan:

c. Movant has a lien on the collateral by virtue of [*check all applicable sections, see also paragraph 6 below*]:

☐ Security agreement, trust deed, or land sale contract dated _____ and any assignment of that interest to movant. The security interest was perfected as required by applicable law on _____.

☐ Retail installment contract dated _____ and any assignment of that interest to movant. The security interest was perfected on the certificate of title on _____.

☐ Other [*describe*]:

OBJECTION [*identify any disputed items and specify the pertinent facts*]:

4. Request for Relief from Chapter 12 or 13 Codebtor Stay

- a. If there is a codebtor on the obligation described above who is not a debtor in this bankruptcy, that codebtor's name and service address are:
- b. Relief from the codebtor stay should be granted because *[check all that apply]*:
- ☐ Codebtor received the consideration for the claim held by movant.
 - ☐ Debtor's plan does not propose to pay movant's claim in full.
 - ☐ Movant's interest would be irreparably harmed by continuation of the codebtor stay as a result of the default described above.
 - ☐ Other *[describe]*:

OBJECTION *[identify any disputed items and specify the pertinent facts]:*

5. Other Pertinent Information

OBJECTION *[identify any disputed items and specify the pertinent facts]:*

6. Relief Requested

Movant requests the following relief *[check all applicable boxes]*:

- ☐ Movant requests relief from the automatic stay to allow it to foreclose its lien on the collateral and to take any necessary action to obtain possession of the collateral.

☐ Movant has a security interest in real property and requests relief from stay of an act against the collateral and that the relief be binding in any other bankruptcy case purporting to affect the collateral filed not later than 2 years after the date of the entry of an order granting this motion. *[If you check this box, you must complete paragraph 5 above to support this request. If you do not do so, the court will not grant relief binding in any other bankruptcy case.]*

☐ Movant requests that the 14-day stay provided by Federal Rule of Bankruptcy Procedure 4001(a)(4) be waived based on the following cause:

☐ Other *[describe and explain cause]*:

OBJECTION *[identify any disputed items and specify the pertinent facts; if objector agrees to some relief, attach a proposed order using [LBF 720.90](#) available on the forms page of the court's website, www.orb.uscourts.gov]:*

7. Additional Documents

Documents filed with this motion by movant include:

- If movant claims to be secured in paragraph 3.c. above, movant has attached to and filed with this motion a copy of the documents creating and perfecting the security interest, if not previously attached to a proof of claim.
- If this case is a chapter 11, 12, or 13 case and the collateral is real property, movant has attached to and filed with this motion a postpetition payment history current to a date not more than 30 days before this motion is filed, showing for each payment the amount due, the date the payment was received, the amount of the payment, and how movant applied the payment.

OBJECTION – Objector requests movant provide objector with the following documents pertinent to the objection, if any:

- ☐ Postpetition payment history, if not required above.
- ☐ Documents establishing that movant owns the debt described in paragraph 1 or is otherwise a proper party to bring this motion.
- ☐ Other [*describe*]:

8. Signatures

Movant or Movant's Attorney

Signature: _____

Typed Name and, if attorney, OSB#: _____

Service address, email address, and phone number:

Objector or Objector's Attorney

By signing, the objector also certifies that the objector has not altered the information completed by movant.

Signature: _____

Typed Name and, if attorney, OSB#: _____

Service address, email address, and phone number:

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. See [LBF 720](#) comment above for more information.

**LBF 721, Notice of Objection and Hearing on Motion for Relief from Debtor's Automatic Stay
in a Chapter 7 ~~or Chapter~~ 13 Case or Codebtor's Automatic Stay in a Chapter 13 Case**

UNITED STATES BANKRUPTCY COURT
DISTRICT OF OREGON

In re

Case No. _____
Amended

**NOTICE OF OBJECTION AND HEARING
ON MOTION FOR RELIEF FROM
[check all that apply]**

☐ **DEBTOR'S AUTOMATIC STAY IN A
CHAPTER 7 OR CHAPTER 13 CASE;
AND/OR**

☐ **CODEBTOR'S AUTOMATIC STAY IN A
CHAPTER 13 CASE**

Debtor

Notice

YOU ARE NOTIFIED THAT:

1. The attached objection, filed by completing the "~~objection~~ OBJECTION" portions of the ~~original~~ motion, was filed by for the ~~objector~~ respondent, [enter objector's name and role in case (debtor, codebtor, trustee, etc.)]—

 , ~~who is the (for example, debtor, codebtor, or trustee)~~, is in response to the motion for relief from stay filed on behalf of ~~movant~~ . [enter movant's name and role in case (for example, "creditor")]—

2. The name, phone number, and service address of the ~~respondent~~ objector's attorney (or, if self-represented, the objector, ~~respondent~~, if no attorney) are:

(If debtor is ~~respondent~~ objector), ~~The debtor's~~ address and the last four digits of the debtor's Taxpayer ID#(s) (last 4 digits) are:

NOTICE IS GIVEN that:

3. A telephone hearing on the motion, at which witnesses may not testify, will be held as follows:

Date:

Time:

Call In Number: (855) 244-8681

Access Code: 2316 376 3280

If you have problems connecting, call the court at (503) 326-1500 or (541) 431-4000.

TELEPHONE HEARING REQUIREMENTS

Telephone Hearing Requirements

1. You must call in and connect to the telephone hearing line or personally appear in the judge's courtroom no later than your scheduled hearing time. The court will not call you.
2. You may be asked to call again from another phone if your connection is weak or creates static or disruptive noise.
3. Please mute your phone when you are not speaking. If you do not have a mute function on your phone, press *6 to mute and *6 again to unmute if you need to speak. Do not put the court on hold if it will result in music or other noise. If available, set the phone to "Do Not Disturb" so it will not ring during the hearing.
4. When it is time for you to speak, take your phone off the "speaker" option or headset to minimize background noise and improve sound quality. Position the telephone to minimize paper rustling. Do not use a keyboard or talk with others in the room. Be aware that telephone hearings may be amplified throughout the courtroom.
5. Do not announce your presence until the court calls your case. Simply stay on the line, even if there is only silence, until the judge starts the hearings, and then continue to listen quietly until your case is called.
6. Whenever speaking, first identify yourself.
7. Be on time. The judge may handle late calls the same as a late appearance in the courtroom.

Signature

Certificate of Service

I certify ~~that~~ the following:

- (1) ~~that~~ The objection was prepared on a copy of the ~~original~~ motion; and
- (2) ~~if~~ if the objection was electronically filed, it was prepared using the fillable PDF version of the motion unless the motion was filed on paper and could not be otherwise electronically obtained from the movant; and
- (3) ~~that on~~ that on _____; The objection and this notice ~~and the objection~~ were served as follows: on the movant's attorney (or movant, if no attorney) at the address shown in the notice of motion.

- The movant, if represented by an attorney; debtor, if represented by an attorney; codebtor (if any), if represented by an attorney; the U.S. trustee; and the case trustee were served electronically upon the filing of the objection and this notice on _____ [date].

[Note to objector: For service on these parties, you needn't take any action in addition to filing the objection and this notice—automated, electronic notice will be issued by the court when you file the objection.]

- On _____ [date], the movant, if not represented by an attorney; debtor, if not represented by an attorney; and codebtor (if any), if not represented by an attorney, were served with paper copies at the addresses listed in the notice of motion filed by the movant on Local Bankruptcy Form 720. A list of the names, addresses, and methods for service on all parties served using paper is attached.

[Note to objector: See Federal Rule of Bankruptcy Procedure 7004 for acceptable methods of service of paper copies, including first class mail.]

Signature

OSB#, if attorney

Typed Name and Relation to Objector Respondent

Comment. See comment under the [LBF 720](#) proposal above.

**LBF 721.3, Procedures ~~re: for~~ Motions to Extend or Impose Stay
Under 11 U.S.C. § 362(c) or § 362(n)**

1. ~~Timing re:~~ Deadline for Filing a ~~Motions~~ to Extend or! Impose Automatic Stay Under § 362(c)

a. Motion to Extend

A motion to extend the automatic stay under § 362(c)(3) must be filed no later than 7 days after the ~~order for relief,~~ petition date with a hearing to be held within 30 days from ~~filing of~~ the petition date.

b. Motion to Impose

A motion to impose the automatic stay under § 362(c)(4) must be filed no later than 30 days after the filing of the petition.

2. ~~Content of Motion Filed Under § 362(c)~~

The motion must be supported by an affidavit or declaration and include:

- a. the case number, date of filing, date of dismissal, and reason for dismissal of each of ~~the~~ debtor's bankruptcy cases that were dismissed within the year prior to the filing of the current case;
- b. specific information as to why the ~~moving party~~ movant contends the current case was filed in good faith;
- c. specific identification of the applicable presumptions that the case is not filed in good faith under § 362(c)(3)(C) or § 362(c)(4)(D); and
- d. the basis for ~~moving party~~ movant's contention that the presumptions should be rebutted.

3. ~~Content of Motion Filed Under § 362(n)(2)~~

The motion must be supported by an affidavit or declaration and include:

- a. the case number, date of filing, date and reason for dismissal (if applicable) of any prior bankruptcy cases described in § 362(n)(1)(A) - (D);
- b. specific information as to why the ~~moving party~~ movant contends that the filing of the petition resulted from circumstances beyond the control of ~~the~~ debtor not foreseeable at the time the prior case was filed; and

- c. specific information as to why the ~~moving party~~ movant contends that it is more likely than not that the court will confirm a feasible plan, but not a liquidating plan, within a reasonable period of time.

4. Filing of Motion and Notice of Hearing-

The ~~moving party~~ movant must timely file with the clerk at 1050 SW 6th Ave. #700, Portland, OR 97204 or 405 E 8th Ave. #2600, Eugene, OR 97401, and contemporaneously serve ~~the following:~~ the following:

- a. a written motion complying with the requirements of paragraph 2 or paragraph 3 above; and
- b. a notice of motion and hearing using the appropriate form depending on the chapter as follows:

= Chapter 7 or 13: [Local Bankruptcy Form \(LBF\) 721.5](#) ~~that~~

When completing this form, use a ~~includes the~~ date and time of the hearing obtained from the court's website (under the Hearings heading, see [Motion re: Imposing/Extending Sec. 362 Stay](#) ~~)~~ under the "Hearings" heading.

= Chapter 11 or 12: LBF 1125

Obtain a date, time and location for the hearing from the courtroom deputy before completing, filing, and serving the form.

5. Required Attendance at Hearing-

The ~~moving party~~ movant must be present at the hearing. The ~~moving party~~ movant may appear via telephone.

Comment. See comment under the [LBF 720](#) proposal above.

LBF 721.5, Notice of Motion and Hearing on Motion to Extend/Impose Stay Per § 362(c) or Debtor's Motion to Impose Stay Per § 362(n) in a Chapter 7 or Chapter 13 Case

UNITED STATES BANKRUPTCY COURT
DISTRICT OF OREGON

In re

Case No. _____
Amended

**NOTICE OF MOTION AND HEARING ON
~~[(Check One)]~~**

☐ **MOTION TO EXTEND/IMPOSE
STAY PER § 362(Cc)**

☐ **DEBTOR'S MOTION TO IMPOSE
STAY PER § 362(Nn)**

Debtor

IN A CHAPTER 7 OR CHAPTER 13 CASE

Instructions to Filer: See [Local Bankruptcy Form \(LBF\) 721.3](#), Procedures re: Motions to Extend or Impose Stay Under 11 U.S.C. § 362(c) or § 362(n).

Notice

YOU ARE NOTIFIED that:

1. ~~t~~The attached motion was filed by _____.
2. The name, and service address, and phone number of the movant's attorney or, if self-represented, the movant (or movant, if no attorney) are:

(If debtor is the movant) ~~The d~~Debtor's address and Taxpayer ID#(s) (last 4 digits) are:

NOTICE IS GIVEN that:

3. If you wish to resist the motion, you must either appear at the hearing on the motion—see below for date, time, and other hearing information—or file a written objection in time for it to be received by the court before the hearing is held. The objection must be filed with the clerk at 1050 SW 6th Ave. #700, Portland, OR 97204 or 405 E 8th Ave. #2600, Eugene, OR 97401.

A filed objection must include a certificate of service showing that the objection was served on the movant, the U.S. trustee, and the case trustee as follows:

- The U.S. trustee, case trustee, and, if represented by an attorney, the movant received automated, electronic service when the objection is filed. [Note to objector: For service on these parties, you needn't take any action in addition to filing the objection and this notice—automated, electronic notice will be issued by the court when you file the objection.]
- For any other party (that is, a movant not represented by an attorney), you must serve a paper copy of the objection on the party at the applicable address listed in paragraph 2 above. See Federal Rule of Bankruptcy Procedure (FRBP) 7004 for acceptable methods of service, including first class mail.

4. An evidentiary hearing by telephone on the motion, at which witnesses may testify and at which the movant must be present, will be held as follows:

Date:

Time:

Call In Number: (855) 244-8681

Access Code: 2316 376 3280

~~The movant must be present at the hearing.~~

Certificate of Service

I certify that on _____ this notice and the motion were served on debtor, members of any committee appointed pursuant to 11 U.S.C. § 705 or its authorized agent (or, if no committee, on all creditors included on the list filed pursuant to FRBP 1007(d)), and their respective attorneys. A list of the names, addresses, and methods for service on all parties served using paper is attached.

Signature

OSB#, if attorney

Typed Name and Relation to Movant

TELEPHONE HEARING REQUIREMENTS

Telephone Hearing Requirements

1. You must call in and connect to the telephone hearing line or personally appear in the judge's courtroom no later than your scheduled hearing time. The court will not call you. If you have problems connecting, call the court at (503) 326-1500 or (541) 431-4000.

2. You may be asked to call again from another phone if your connection is weak or creates static or disruptive noise.
3. Please mute your phone when you are not speaking. If you do not have a mute function on your phone, press *6 to mute and *6 again to unmute if you need to speak. Do not put the court on hold if it will result in music or other noise. If available, set the phone to “Do Not Disturb” so it will not ring during the hearing.
4. When it is time for you to speak, take your phone off the “speaker” option or headset to minimize background noise and improve sound quality. Position the telephone to minimize paper rustling. Do not use a keyboard or talk with others in the room. Be aware that telephone hearings may be amplified throughout the courtroom.
5. Do not announce your presence until the court calls your case. Simply stay on the line, even if there is only silence, until the judge starts the hearings, and then continue to listen quietly until your case is called.
6. Whenever speaking, first identify yourself.
7. Be on time. The judge may handle late calls the same as a late appearance in the courtroom.

Signature

~~I certify that on _____ this notice and the motion were served on the debtor(s), all creditors, any creditors’ committee chairperson, and their respective attorneys.~~

Signature

Relation to Moving Party

Comment. See comment under the [LBF 720](#) proposal above.

***LBF 762, Notice of Motion and Motion for Authority to Assume Unexpired Lease
or Executory Contract***

[...]

~~3. State whether the counterparty to the lease or contract to be assumed, or any holder of an equity security interest in the counterparty, is an insider, and describe the relationships of the insider to debtor and the counterparty:~~

34. The facts and law supporting the trustee's authority to assume executory contract or unexpired lease are:

[...]

Comment. In a chapter 11 case, a motion for sale of substantially all assets and any related sale procedures must comply with the procedure in LBF 363. If the buyer is an insider, the motion must provide information about the buyer. LBF 363, Sale Motions ¶ B(2).

By contrast, LBFs 762 and 765, motions for authority to assume or reject an unexpired lease or executory contract, do not ask the filer to state whether the counterparty is an insider. Both forms would be amended to add a paragraph asking whether the counterparty, or an equity security holder in the counterparty, is an insider and, if so, to describe the relationships of the insider to the debtor and the counterparty.

***LBF 765, Notice of Motion and Motion for Authority to Reject Unexpired Lease
or Executory Contract***

[...]

3. State whether the counterparty to the lease or contract to be rejected, or any holder of an equity security interest in the counterparty, is an insider, and describe the relationships of the insider to debtor and the counterparty:

34. The facts and law supporting the movant's authority to reject the unexpired lease or executory contract:

[...]

Comment. Because rejection of an executory contract or unexpired lease can result in a benefit to the counterparty, disclosure of an insider connection is as important in a motion to reject as it is in a motion to assume. See also comment to [LBF 762](#) above.

LBF 1124, Notice of Objection and Hearing on Motion for Relief from Debtor's Automatic Stay in a Chapter 11 or Chapter 12 Case or Codebtor's Automatic Stay in a Chapter 12 Case and Notice of Hearing Thereon

UNITED STATES BANKRUPTCY COURT
DISTRICT OF OREGON

In re

Case No. _____
Amended

**NOTICE OF OBJECTION AND HEARING
ON MOTION FOR RELIEF FROM**
[check all that apply]

☐ **DEBTOR'S AUTOMATIC STAY IN A
CHAPTER 11 OR CHAPTER 12 CASE**

☐ **CODEBTOR'S AUTOMATIC STAY IN A
CHAPTER 12 CASE**

Debtor

Notice

YOU ARE NOTIFIED THAT:

1. The attached objection was filed by the objector, [enter objector's name and role in case (debtor, codebtor, trustee, etc.)]—

in response to the motion for relief from stay filed on behalf of [enter movant's name and role in case (for example, "creditor")]—

2. The name, phone number, and service address of the objector's attorney or, if self-represented, the objector, are:

If debtor is objector, debtor's address and the last four digits of debtor's taxpayer ID#(s) are:

3. A hearing on the motion, which

☐ is [*check this box only if directed to do so by the court*]

☐ is not

an evidentiary hearing at which witnesses may testify, will be held as follows:

Date: _____ **Time:** _____

Location: Courtroom # _____, _____

Video Hearing. To connect, see www.orb.uscourts.gov/video-hearings.

Telephone Hearing

Call-In Number: (855) 244-8681

Access Code: 2319 199 8338 for Judge David W. Hercher (dwh)

2311 562 9438 for Judge Peter C. McKittrick (pcm)

2303 266 1826 for Judge Teresa H. Pearson (thp)

2318 130 5070 for Judge Kathryn F. Evans (kfe)

Other _____

Telephone Hearing Requirements

1. You must call in and connect to the telephone hearing line or personally appear in the judge's courtroom no later than your scheduled hearing time. The court will not call you.
2. You may be asked to call again from another phone if your connection is weak or creates static or disruptive noise.
3. Please mute your phone when you are not speaking. If you do not have a mute function on your phone, press *6 to mute and *6 again to unmute if you need to speak. Do not put the court on hold if it will result in music or other noise. If available, set the phone to "Do Not Disturb" so it will not ring during the hearing.
4. When it is time for you to speak, take your phone off the "speaker" option or headset to minimize background noise and improve sound quality. Position the telephone to minimize paper rustling. Do not use a keyboard or talk with others in the room. Be aware that telephone hearings may be amplified throughout the courtroom.

5. Do not announce your presence until the court calls your case. Simply stay on the line, even if there is only silence, until the judge starts the hearings, and then continue to listen quietly until your case is called.
6. Whenever speaking, first identify yourself.
7. Be on time. The judge may handle late calls the same as a late appearance in the courtroom.

Certificate of Service

I certify the following:

- (1) If the motion was filed on LBF 720.80, the objection was (a) prepared on a copy of the motion, and (b) if the objection was electronically filed, it was prepared using the fillable PDF version of the motion unless the motion was filed on paper and could not be otherwise electronically obtained from the movant,
- (2) The objection and this notice were served as follows:
 - The movant, if represented by an attorney; debtor, if represented by an attorney, codebtor (if any), if represented by an attorney; the U.S. trustee; the case trustee (if any), and, if this motion seeks relief from the automatic debtor stay, the committee appointed pursuant to 11 U.S.C. § 1102 or its authorized agent (if any), if represented by an attorney, were served electronically upon the filing of the objection and this notice on _____ [date].

[Note to objector: For service on these parties, you needn't take any action in addition to filing the objection and this notice—automated, electronic notice will be issued by the court when you file the objection.]

- On _____ [date], the movant, if not represented by an attorney; the codebtor (if any), if not represented by an attorney; and, if this motion seeks relief from the automatic debtor stay, the committee appointed pursuant to 11 U.S.C. § 1102 or its authorized agent (if any), if not represented by an attorney, or, if no committee, on all creditors included on the list filed pursuant to Federal Rule of Bankruptcy Procedure (FRBP) 1007(d), were served with paper copies at the addresses listed in the notice of motion filed by the movant on [Local Bankruptcy Form 720](#).

[Note to objector: See FRBP 7004 for acceptable methods of service of paper copies, including first class mail.]

A list of the names, addresses, and methods for service on all parties served using paper is attached.

Signature of Objector or Attorney

OSB#, if attorney

Typed Name and Relation to Objector

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. See [LBF 720](#) comment above for more information.

[new] LBF 1125, *Notice of Motion to Extend/Impose Stay Per § 362(c) or Debtor's Motion to Impose Stay Per § 362(n) in a Chapter 11 or Chapter 12 Case and Notice of Hearing Thereon*

UNITED STATES BANKRUPTCY COURT
DISTRICT OF OREGON

In re

Case No. _____
Amended

NOTICE OF [check one]

☐ **MOTION TO EXTEND OR IMPOSE STAY
PER § 362(c)**

☐ **DEBTOR'S MOTION TO IMPOSE
STAY PER § 362(n)**

**IN A CHAPTER 11 OR CHAPTER 12 CASE
AND NOTICE OF HEARING THEREON**

Debtor

Instructions to Filer: See [Local Bankruptcy Form \(LBF\) 721.3](#), Procedures re: Motions to Extend or Impose Stay Under 11 U.S.C. § 362(c) or § 362(n).

Notice

YOU ARE NOTIFIED that:

1. The attached motion was filed by _____.
2. The name, service address, and phone number of the movant's attorney or, if self-represented, the movant are:

Debtor's service address and taxpayer ID# (last 4 digits) are *[this information only need be included if the movant is the debtor]*:

3. If you wish to resist the motion, you must either appear at the hearing on the motion—see below for date, time, and other hearing information—or file a written objection in time for it to be received by the court before the hearing is held. The objection must be filed with the clerk at 1050 SW 6th Ave. #700, Portland, OR 97204 or 405 E 8th Ave. #2600, Eugene, OR 97401.

A filed objection must include a certificate of service showing that the objection was served on the movant, the U.S. trustee, and the case trustee as follows:

- The U.S. trustee, case trustee, and, if represented by an attorney, the movant received automated, electronic service when the objection is filed. *[Note to objector: For service on these parties, you needn't take any action in addition to filing the objection and this notice—automated, electronic notice will be issued by the court when you file the objection.]*
 - For any other party (that is, a movant not represented by an attorney), you must serve a paper copy of the objection on the party at the applicable address listed in paragraph 2 above. See Federal Rule of Bankruptcy Procedure (FRBP) 7004 for acceptable methods of service, including first class mail.
4. A hearing on the motion, which is an evidentiary hearing at which witnesses may testify, will be held as follows:

Date: _____ **Time:** _____

Location: ☐ Courtroom #_____, _____

☐ Video Hearing. To connect, see www.orb.uscourts.gov/video-hearings.

☐ Telephone Hearing

Call-In Number: (855) 244-8681

Access Code: ☐ 2319 199 8338 for Judge David W. Hercher (dwh)

☐ 2311 562 9438 for Judge Peter C. McKittrick (pcm)

☐ 2303 266 1826 for Judge Teresa H. Pearson (thp)

☐ 2318 130 5070 for Judge Kathryn F. Evans (kfe)

☐ Other _____

5. If no timely objection is filed, the hearing may be canceled and the court may sign an order without further notice, submitted by the movant, granting the motion. Parties are encouraged to check the hearing calendar at <https://www.orb.uscourts.gov> after the objection deadline has passed.

Telephone Hearing Requirements

1. You must call in and connect to the telephone hearing line or personally appear in the judge's courtroom no later than your scheduled hearing time. The court will not call you.
2. You may be asked to call again from another phone if your connection is weak or creates static or disruptive noise.
3. Please mute your phone when you are not speaking. If you do not have a mute function on your phone, press *6 to mute and *6 again to unmute if you need to speak. Do not put the court on hold if it will result in music or other noise. If available, set the phone to "Do Not Disturb" so it will not ring during the hearing.
4. When it is time for you to speak, take your phone off the "speaker" option or headset to minimize background noise and improve sound quality. Position the telephone to minimize paper rustling. Do not use a keyboard or talk with others in the room. Be aware that telephone hearings may be amplified throughout the courtroom.
5. Do not announce your presence until the court calls your case. Simply stay on the line, even if there is only silence, until the judge starts the hearings, and then continue to listen quietly until your case is called.
6. Whenever speaking, first identify yourself.
7. Be on time. The judge may handle late calls the same as a late appearance in the courtroom.

Certificate of Service

I certify that, on _____, this notice and the attached motion were served on debtor, members of any committee appointed pursuant to 11 U.S.C. § 1102 or its authorized agent (or, if no committee, on all creditors included on the list filed pursuant to FRBP 1007(d)), and their respective attorneys. A list of the names, addresses, and methods for service on all parties served using paper is attached.

Signature

OSB #, if attorney

Typed Name and Relation to Movant

Comment. Because the entire form is new, it is presented in a clean format instead of redline. See comment under the [LBF 720](#) proposal above for more information.

LBF 1181, *Summary of Acceptances and Rejections*

[...]

Instructions to Filer: The summary must reflect all classes designated in the plan, whether or not ~~ballots~~ acceptances or rejections were received in each class. If there are no votes in an impaired class, you must be prepared to discuss cramdown as to that class at the confirmation hearing.

Class	<u>Brief Description of Class</u>	Impaired or Unimpaired*	Total Number # of <u>Ballots Filed Acceptances and Rejections Received</u>	% of Dollar Amount Accepting**	% of Number Accepting**

*If any class is designated as unimpaired, explain on an attached sheet why the class is unimpaired, or refer to the portion of the disclosure statement that provides that explanation.

**Complete these percentages only if a class is impaired or there are any rejecting ballots in an unimpaired class. The latter is required so the judge can determine the vote outcome if the judge disagrees with your conclusion that the class is unimpaired. When compiling the amount figures, use the allowed amount of each creditor's claim rather than any amount shown on ~~the~~ a ballot. If the class is unimpaired and there are no rejecting ballots, enter "No rejecting ballots" in the last three columns of the form.

This summary consists of _____ pages.

I certify under penalty of perjury that—

- this summary completely and accurately reflects all ~~ballots~~ acceptances and rejections received,
- the tabulations are correct to the best of my knowledge,
- all ~~ballots~~ acceptances and rejections received are separated and assembled by ~~acceptances and rejections~~ by class,
- I have retained the originals,
- I will provide copies upon written request,
- upon objection to the accuracy of this summary, I will introduce the originals at the hearing on the objection for possible admission to the official court record, and
- this summary was served on any creditors' committee and the U.S. trustee on the date below.

Date

Signature

(OSB# if attorney)

Type or Print Signer's Name

Comment. Revised in accordance with upcoming changes to FRBP 3018 and to add a column to the table for description of class.

***LBF 1301, Notice of Motion and Motion to Buy, Sell, or Encumber Interest in Property
in a Chapter 13 Case***

[...]

MOTION

Information About the Property

[Movant must complete this entire section]

[...]

- 2. Description of Existing Liens and Encumbrances on the Property, Listed in Priority Order** *[for property debtor is purchasing, do not include liens and encumbrances of the existing owner that will be satisfied at the closing of the purchase]:*

Name of Holder	Approximate Amount	Interest Rate	Maturity Date	Proposed Treatment (fully paid, partially paid, or not paid)

Additional information on existing liens and encumbrances attached? ☐ Yes ☐ No

Note: This motion does not request authorization to sell property free and clear of nonestate interests under 11 U.S.C. § 363(f), and an interest-holder's disagreement with the information in the foregoing table is not a ground for objection to this motion.

[...]

Comment. A sale of estate property can affect an interest of an entity other than the estate only if the sale is free and clear of interests other than the estate. § 363(f). Property may be sold free and clear only after court authorization obtained by motion. FRBP 6004(c).

A motion for authorization to sell free and clear must be prepared on LBF 760.5, unless the motion seeks to sell personally identifiable information or is filed in a chapter 11 case. The phrase “motion for authority to sell property free and clear of liens” is in the form’s title, and the motion expressly requests authority to sell “free and clear of liens under § 363(f).” A motion in a chapter 11 case need not be on the form, but it must include all information required by the form.

By contrast, LBF 1301 must be used by a chapter 13 debtor to sell property after plan confirmation. LBR 3015-1(b)(8)(A). Because LBF 1301 does not include a request to authorize the sale free and clear of any nonestate interest, a sale under the authority of any order granting the motion cannot affect liens or other nonestate interests. The same is true of a notice of intent to sell property under FRBP 6004(a), which, absent timely objection, authorizes a sale out of the ordinary course of business—but not free and clear.

For that reason, a lienor’s disagreement with the lien amount in ¶ 2 table in LBF 1301 or in a notice of intent to sell is not a ground for objection to the motion or notice.

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

UNITED STATES BANKRUPTCY COURT
DISTRICT OF OREGON

In re

Case No. _____
Amended

Debtor

**DEBTOR'S MOTION TO REOPEN
CHAPTER 7 OR CHAPTER 13 CASE AND,
IF APPLICABLE, TO VACATE DISMISSAL**

Instructions to Filer:

- File this motion with the applicable motion-to-reopen fee, if required (exceptions are noted below), and per Local Bankruptcy Rule 5010-1, any unpaid balance of the original petition filing fee. Fees are found at www.orb.uscourts.gov/court-fees. Self-represented debtors must pay the fee by cashier's check or signed money order (if by mail) or cash, money order, cashier's check, ACH direct deposit, credit card, or debit card (if in-person at the clerk's office).
 - The court will not reopen a case solely for the purpose of (a) accepting or acting upon a reaffirmation agreement if discharge has been entered or (b) adding a creditor in a no-asset case.
 - The bankruptcy case does not need to be reopened to file—
 - = an adversary proceeding complaint.
 - = a motion to redact per Federal Rule of Bankruptcy Procedure (FRBP) 9037, or
 - = an application for unclaimed funds (Local Bankruptcy Form B1340).
1. ~~The debtor~~ Debtor moves for an order reopening the case and, if applicable, vacating the dismissal of the case for the following reason [*check box for each reason that applies*]:
- ☐ To pay overdue petition filing fees ~~in order to receive a discharge and proceed with the case.~~ This payment is included with the filing fee submitted for this motion.
 - ☐ To file documents necessary for discharge [*for example, certificate of completion of personal financial-management course*] or to otherwise proceed with the case [for example, documents listed in an Order and Notice Regarding

~~Time to File Documents; and Notice of Proposed Dismissal~~. ~~☐ To file documents listed on an Order and Notice of Time to File Document(s) so the case may proceed. The d~~Debtor must file the documents within 14 days of entry of an order to reopen.

- ☐ To file a complaint or motion based upon an alleged violation ~~of the terms~~ of the discharge under 11 U.S.C. § 524. No motion to reopen fee is required for a motion to reopen a case for this purpose.
- ☐ To move to redact a record already filed in the case pursuant to ~~Federal Rule of Bankruptcy Procedure (FRBP)~~ 9037. If redaction is the only reason for reopening, no motion to reopen fee is required for a motion to reopen a case for this purpose.

~~☐ To file an amended chapter 13 plan.~~

☐ Other:

~~Note that the court will not reopen (a) a case in which a discharge has been entered to accept or act upon a reaffirmation agreement or (b) a no-asset case in order to add a creditor.~~

2. The following grounds exist under FRBP 9024 for entry of an order reopening and, if applicable, an order vacating the dismissal [*check at least one and provide details in paragraph 3*]:

- ☐ Mistake, inadvertence, surprise, or excusable neglect.
- ☐ Newly discovered evidence that, with reasonable diligence, could not have been discovered in time to move for a new trial.
- ☐ Fraud, misrepresentation, or misconduct by an opposing party.
- ☐ Other:

3. ~~The~~ Debtor offers evidence to support a finding that grounds exist as indicated above ~~(check one)~~:

☐ in an affidavit or declaration attached to this motion.

☐ As follows:

Date Debtor's or Debtor's Attorney's Signature OSB#, if attorney

Print Debtor's Name

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

Movant's Phone # and Email Address

Signature of Debtor's Attorney, if any Date

I declare under penalty of perjury that the foregoing is true and correct.

Signature of Debtor (required) Date

Signature of Joint Debtor (if applicable) Date

Debtor's Current Service Address

Comment. These revisions are intended to do the following:

- Add a reference to [proposed new LBR 5010-1\(b\)\(2\)](#).

- Add a list of filings the court regularly accepts without the case being reopened (AP complaints, motions to redact, and applications for unclaimed funds). Motions to reopen for these purposes will still be accepted, but this note may save some of the time it takes to deal with unnecessary motions for debtors, attorneys, and the court.
- Replace “in order to receive a discharge” with “and proceed with the case” in the first reason listed in ¶1 to make the reason applicable to situations in which failure to have paid the fee is not the only barrier to immediate discharge.
- Combine the second and third reasons listed in ¶1. Any of these types of documents should be filed within 14 days of reopening.
- Solicit more information in the signature block. This information is valuable in any motion and is especially relevant for this form because information could have changed while the case was closed.

[new] LBF 7026, *Protective Order*

UNITED STATES BANKRUPTCY COURT
DISTRICT OF OREGON

In re Debtor _____, Plaintiff, v. _____, Defendant.	Case No. _____ Adv. Proc. No. _____ ☐ Amended PROTECTIVE ORDER
---	---

Based on the [check one]—

☐ stipulation of the parties filed at ECF No. ____ ,

☐ motion filed by movant _____ [insert name of movant], filed at ECF No. ____ ,

and the court finding that—

- A. discovery in this action may involve production of confidential, proprietary, or private information that one or more of the parties may request be treated as confidential information subject to protection under Federal Rule of Civil Procedure 26(c), Federal Rule of Bankruptcy Procedure (FRBP) 2018, and Local Bankruptcy Rule (LBR) 9018-1 and

- B. good cause exists to provide for protection of such information consistent with the requirements of 11 U.S.C. § 107,

and the court being duly advised, it is **HEREBY ORDERED** as follows:

1. **Confidential Material Defined.** As used in this order, the term “confidential material” includes the following documents and tangible things produced or otherwise exchanged *[include a list of specific categories such as “bank records,” “customer lists” or “medical records;” do not list broad categories such as “sensitive business material”]*:
2. **Scope.** The protections conferred by this order cover not only confidential material but also (1) any information copied or extracted from confidential material; (2) all copies, excerpts, summaries, or compilations of confidential material; and (3) any testimony, conversations, or presentations by parties or their counsel that might reveal confidential material. They do not cover information that is in the public domain or becomes part of the public domain through trial or otherwise.
3. **Access to and Use of Confidential Material.**
 - a. A receiving party may use confidential material that is disclosed or produced by another party or by a non-party in connection with this case only for prosecuting, defending, or attempting to settle this litigation. Confidential material may be disclosed only to the categories of persons and under the conditions described in this order. Confidential material must be stored and maintained by a receiving party at a location and in a secure manner that ensures that access is limited to the persons authorized under this order.
 - b. Unless otherwise ordered by the court or permitted in writing by the designating party, a receiving party may disclose any confidential material only to—
 - i. the receiving party’s counsel in this action, as well as employees of counsel to whom it is reasonably necessary to disclose the information for this litigation;
 - ii. the officers, directors, and employees (including in-house counsel) of the receiving party to whom disclosure is reasonably necessary for this litigation, unless the parties agree that a particular document or material produced is for “Attorney’s Eyes Only” and is so designated;

- iii. experts and consultants to whom disclosure is reasonably necessary for this litigation and who have signed an “Acknowledgment and Agreement to Be Bound” in the form attached as an appendix to this order;
- iv. the court, court personnel, and court reporters and their staff;
- v. copy or imaging services retained by counsel to assist in the duplication of confidential material, provided that counsel for the party retaining the copy or imaging service instructs the service not to disclose any confidential material to third parties and to immediately return all originals and copies of any confidential material;
- vi. during their depositions, witnesses in this litigation to whom disclosure is reasonably necessary and who have signed an “Acknowledgment and Agreement to Be Bound” in the form attached as an appendix to this order; and
- vii. the author or recipient of a document containing the information or a custodian or other person who otherwise possessed or knew the information.

4. Designating Protected Material.

- a. Blanket designations of confidentiality are prohibited.
 - i. Each party or non-party that designates information or items for protection under this order must take care to limit any such designation to specific material that qualifies under the appropriate standards. The designating party must designate for protection only those parts of material, documents, items, or oral or written communications that qualify, so that other portions of the material, documents, items, or communications for which protection is not warranted are not swept unjustifiably within the ambit of this order.
 - ii. Mass, indiscriminate, or routine designations are prohibited. Designations that are shown to be clearly unjustified or that have been made for an improper purpose (for example, to delay the case or impose unnecessary expenses and burdens on other parties) may expose the designating party to sanctions.
- b. Except as otherwise provided in paragraph (c) below, discovery material that qualifies for protection under this order must be clearly so designated before or when the material is disclosed or produced.

- i. Information in documentary form *[for example, paper or electronic documents and deposition exhibits, but excluding transcripts of depositions or other pretrial or trial proceedings]:*

The designating party must affix the word “CONFIDENTIAL” to each page that contains confidential material. If only a portion or portions of the material on a page qualifies for protection, the producing party also must clearly identify the protected portions (for example, by making appropriate markings in the margins).

- ii. Testimony given in deposition or in other pretrial proceedings:

The parties and any participating non-parties must identify on the record, during the deposition, or other pretrial proceeding, all protected testimony, without prejudice to their right to so designate other testimony after reviewing the transcript. Any party or non-party may, within 14 days after receiving the transcript of the deposition or other pretrial proceeding, designate portions of the transcript, or exhibits thereto, as confidential.

- iii. Other tangible items:

The producing party must affix in a prominent place on the exterior of the container or containers in which the information or item is stored the word “CONFIDENTIAL.” If only a portion or portions of the information or item warrant protection, the producing party, to the extent practicable, shall identify the protected portions.

- c. Pages of transcribed deposition testimony or exhibits to depositions that reveal confidential material must be separately bound by the court reporter and may not be disclosed to anyone except as permitted under this order.
- d. If timely corrected, an inadvertent failure to designate qualified information or items does not, standing alone, waive the designating party’s right to secure protection under this order for such material. Upon timely correction of a designation, the receiving party must make reasonable efforts to ensure that the material is treated in accordance with this order.
- e. If it comes to a designating party’s attention that information or items that it designated for protection do not qualify or no longer qualify for protection, the designating party must promptly provide notice to everyone that has received the confidential information that it is withdrawing the confidential designation.

5. Challenging Confidentiality Designations.

- a. Any party or non-party may challenge a designation of confidentiality at any time. Unless a prompt challenge to a designating party's confidentiality designation is necessary to avoid foreseeable, substantial unfairness, unnecessary economic burdens, or a significant disruption or delay of this litigation, a party does not waive its right to challenge a confidentiality designation by electing not to mount a challenge promptly after the original designation is disclosed.
- b. The parties must make every attempt to resolve any dispute regarding confidential designations without court involvement, including engaging in a good faith conference with other affected parties to try to resolve the dispute without court action.
- c. If the parties cannot resolve a challenge to confidentiality without court intervention, the designating party may file and serve a motion to retain confidentiality. The burden of persuasion in any such motion shall be on the designating party. Frivolous challenges and those made for an improper purpose may expose the challenging party to sanctions. All parties shall continue to maintain the material in question as confidential until the court rules on the challenge.

6. Protected Material Subpoenaed or Ordered Produced in Other Litigation. If a party is served with a subpoena or a court order issued in other litigation that compels disclosure of any information or items designated in this action as confidential, that party must--

- a. promptly notify the designating party in writing and include a copy of the subpoena or court order;
- b. promptly notify, in writing with a copy of this order included, the party who caused the subpoena or order to issue in the other litigation that some or all of the material covered by the subpoena or order is subject to this order; and
- c. cooperate with respect to all reasonable procedures sought to be pursued by the designating party whose confidential material may be affected.

7. Unauthorized Disclosure of Protected Material. If a receiving party learns that, by inadvertence or otherwise, it has disclosed confidential material to any person or in any circumstance not authorized under this order, the receiving party must immediately notify in writing the designating party of the unauthorized disclosures, use its best efforts to retrieve all unauthorized copies of the protected material, inform the person or persons to whom unauthorized disclosures were made of all the terms of this order, and request that such person or persons execute an

“Acknowledgment and Agreement to Be Bound” in the form attached as an appendix to this order.

8. **Non-Termination and Return of Documents.** The confidentiality obligations imposed by this order shall remain in effect until the designating party agrees otherwise in writing or the court orders otherwise.
 - a. Within 60 days after the termination of this action, including all appeals, each receiving party must return all confidential material to the producing party, including all copies, extracts, and summaries thereof. Alternatively, the parties may agree upon appropriate methods of destruction.
 - b. Notwithstanding this provision, counsel are entitled to retain one archival copy of all documents filed with the court, trial, deposition, and hearing transcripts, correspondence, deposition and trial exhibits, expert reports, attorney work product, and consultant and expert work product, even if such materials contain confidential material.
9. **Filing Confidential Material.** This order does not presumptively entitle parties to file confidential information under seal.
 - a. Before filing confidential material or discussing or referencing such material in court filings, the filing party shall confer with the designating party to determine whether the designating party will remove the confidential designation, whether the document can be redacted, or whether a motion to seal is warranted. During the conferring process, if the designating party wants the document filed under seal, the designating party must identify the basis for sealing the specific confidential information at issue, and the filing party shall include this basis in its motion to seal, along with any objection to sealing the information.
 - b. FRBP 9018 and LBR 9018-1 set forth the standards that will be applied and the procedures that must be followed when a party seeks permission from the court to file material under seal. A party who seeks to maintain the confidentiality of its information must satisfy the requirements of FRBP 9018, even if it is not the party filing the motion to seal. Failure to satisfy this requirement will result in the motion to seal being denied in accordance with the strong presumption of public access to the court’s files.
10. **Use of Confidential Material at Trial.** If a party or non-party desires to protect confidential information at trial, the issue should be addressed during a pre-trial or status conference.
11. **Additional Provisions.** The following additional provisions or revisions to the preceding provisions apply:

###

PRESENTED BY:

Signature of Debtor or Debtor's Attorney OSB#, if attorney

Typed Name

Appendix

ACKNOWLEDGMENT AND AGREEMENT TO BE BOUND

I, _____ *[enter full name]*
declare under penalty of perjury that I have read in its entirety and understand the
Protective Order that was issued by the United States Bankruptcy Court for the District of
Oregon as ECF No. _____, entered on _____ *[date]* in the case of
_____, case no. _____.

I agree to comply with and to be bound by all the terms of the Protective Order.

I solemnly promise that I will not disclose in any manner any information or item that is
subject to the Protective Order to any person or entity except in strict compliance with the
provisions of the Protective Order. I understand and acknowledge that failure to so comply
could expose me to sanctions and punishment for contempt.

I further agree to submit to the jurisdiction of the United States Bankruptcy Court for the
District of Oregon for the purpose of enforcing the terms of the Protective Order, even if
such enforcement proceedings occur after termination of this action.

Signature: _____

Printed name: _____

Date: _____

City and state where sworn and signed: _____

Coent. If adopted, this form will be required for proposed protective orders by proposed new
LBR 7026-1(e) (see [above](#)). Standardizing protective orders will aid judges in their review of
proposed protective orders which, in turn, should make the process of having protective orders
more efficient.