

**UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF OREGON**

In Re:)
)
CH. 11 FINANCIAL REPORTS; DOCUMENT)
PREPARATION; HEARING NOTICES;)
MOTIONS FOR RELIEF FROM STAY; §341(a)) GENERAL ORDER NO. 03-1
MEETING AND FRBP 2004 TRANSCRIPTS;)
AND TECHNICAL AMENDMENTS RE:)
COURT PREPARED AND OBSOLETE LBFs)
)

IT IS ORDERED that effective immediately:

1. To promote a more timely review of financial reports in Chapter 11 cases, the second sentence of LBR 2015-2.A. will be modified and such subsection will read as follows:

A financial report shall be filed each month in every Chapter 11 case by the DIP (or trustee if one has been appointed). The report for any given calendar month shall be filed no later than the 15th day of the succeeding month. The filing of a full, complete and accurate report in the form described herein shall constitute compliance with FRBP 2015(a).

2. To allow for use of the most effective financial report in a Chapter 11 case, LBR 2015-2.B. will be modified to read as follows:

The form of financial report required by this LBR shall be designated by the U.S. Trustee.

3. To ensure accurate electronic scanning of documents:

a. LBRs 1001-1.F.4. & 9004-1.A.12. will be amended to read as follows:

No document shall be submitted having text on both sides of the paper.

b. LBRs 9004-1.A.4. & 8. will be amended to read as follows:

4. Ink. Only black ink shall be used on the original and copies of paper documents (including their exhibits), and on only one side of the paper.

8. Signatures. Names shall be typed or legibly printed under signature lines, and signatures shall not obscure any text.

4. To ensure compliance with FRBP 9014(e), effective immediately all applicable LBRs (e.g., 2002-1.B., C. & H. and 9013-1.C. & D.) are supplemented as follows regarding Notice Re: Presentation of Testimony at Hearings in Contested Matters:

a. The notice of each hearing on a contested matter shall state whether or not testimony may be received at the hearing unless the hearing is set to be heard via telephone or unless the hearing is specifically designated as a “preliminary” hearing such as a pretrial conference or status conference.

b. No testimony may be offered or received at hearings conducted via telephone or hearings designated as a preliminary hearing or a status conference unless agreed to by all essential parties and the presiding judge or provided for in a notice of hearing from the court.

5. For administrative efficiency and overall clarity regarding procedures for Motions for Relief from the Automatic Stay, and Responses thereto, LBR 4001-1.C. shall be modified to read as follows:

1. General. Motions for Relief from the Automatic Stay shall not be combined with any other motion or alternative relief request. §362; FRBPs 4001, 9013 and 9014; and LBRs 4001-1. and 9013-1. apply.

2. Motion Content, Notice of Motion, and Responses. Motions for Relief from the Automatic Stay as to either a debtor or codebtor, and Responses thereto, shall conform to the requirements of LBF #720.50.

3. Sanctions for an Improper Notice of Hearing. The court may refuse to consider any timely response to a Motion for Relief from Stay filed in a chapter 7 or 13 case, or impose other sanctions, if a complete Notice of Hearing (using the appropriate LBF) is not simultaneously filed with such response.

6. Transcripts of testimony given at either a §341(a) meeting or FRBP 2004 examination shall not be routinely filed with the clerk. The last sentence of LBR 2004-1.A. (as amended by pt. 1. of G.O. No. 98-1) shall be stricken. Relevant portions of any such transcript prepared pursuant to these LBRs may be offered into evidence at a court hearing.

7. The court now fully prepares LBF #1165 (see LBRs 2002-1.A.3.b.(1) and 3017-1.A.), #1175 (see LBRs 2002-1.A.3.b.(2) and 3018-2.A.) and #1190 (see LBRs 2002-1.A.3.b.(3), 3020-1.B.2. and G.O. No. 97-1 at pt. 4.(a)(2)) for service by the plan proponent.

8. The reference to LBF #767 in LBR 3007-1.A.3. is stricken as that form is obsolete.

DATED: June 3, 2003

/s/

Albert E. Radcliffe
Chief Bankruptcy Judge