UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF OREGON

LOCAL RULES OF BANKRUPTCY PROCEDURE
EFFECTIVE DECEMBER 1, 2026

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UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF OREGON

LOCAL RULES OF BANKRUPTCY PROCEDURE
EFFECTIVE DECEMBER 1, 2026

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

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

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

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

(d) Effective Date. These LBRs supersede all prior LBRs and general orders of the court pertaining to local rules and take effect on December 1, 2026.

Cross-references:

- Rules of Construction & Definitions – LBR 9001-1.
- Exceptions – LBR 9029-1(c).
- Local Rules—District Court – LBR 9029-3.

Rule 1002-1. Petition—General.

(a) Authority to File.

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

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

(3) Voluntary Petition by Attorney in Fact.

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

(i) the debtor is an individual;

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

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

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

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

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

(ii) The court will issue an order that the attorney in fact and the debtor show cause why the case should not be dismissed. Within 14 days after entry of the order, the debtor must file a statement, signed under penalty of perjury, either ratifying the filing of the petition and all statements in it or stating why the debtor cannot do so.

(iii) The attorney in fact may take no other action in the bankruptcy case on behalf of the debtor.

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

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

Cross-references:

- Caption – LBR 1005-1.
- Corporate Authorization – LBR 1074-1(b).
- Involuntary Petition – LBR 1010-1.
- Filing Location – LBR 1073-1.
- Representation of an Organization – LBR 9010-1(c).
- Petition—Infant or Incompetent Person – LBR 1004.1-1.

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

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

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

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

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

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

(A) the movant's name, address, and relationship to the debtor;

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

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

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

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

(F) the information that would be required by ORS 125.055(2)(d) and (e) if the movant as petitioner were to petition in a protective proceeding in Oregon for the appointment of a fiduciary for the debtor as respondent;

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

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

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

(J) the names and addresses of all persons who would be entitled to notice under ORS 125.060(2) if a petition were filed in Oregon for the appointment of the movant as a fiduciary for the debtor as respondent; and

(K) whether the debtor can provide some or all of the other information required by this (b)(1), either by live or telephone or video testimony or declaration and, if not, an explanation why not.

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

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

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

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

(3) The motion and declaration must be served under FRBP 7004 on the debtor, and notice thereof must be provided to the trustee, all creditors, the UST, and all persons who would be entitled to notice under ORS 125.060(2) of the filing of a petition in Oregon for the appointment of the movant as a fiduciary for the debtor as respondent.

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

(5) The movant must inform the court of events of which ORS 125.210 would require reporting if the movant were nominated or appointed in Oregon as a fiduciary for the debtor.

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

Rule 1005-1. Petition—Caption.

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

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

Rule 1006-1. Fees—General.

(a) **Installment Payment Request.** A debtor must file LBF 110 (or OF 103A) to request authority to pay the petition filing fee in installments.

(b) **Dishonored Check.** If a check or draft is returned for nonsufficient funds or another valid reason, the clerk may thereafter require that fee payments on behalf of a party be made in a form other than personal check.

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

(d) **Child Support Creditor Exemption From Certain Filing Fees.** OF 2810 must be filed.

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

(a) Chapter 12. LBR 2002-1(a)(1) applies.

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

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

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

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

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

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

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

(1) General. A debtor must not file a copy of any document required to be given to either the trustee or UST supporting any item in a statement of current monthly income. When the debtor files a statement of current monthly income, the debtor must contemporaneously give copies of any required supporting document to either the UST in a chapter 7 case, or to the trustee in a chapter 13 case. Despite any instruction to the contrary under OF 122A1, a copy of any document supporting an item listed on the form, other than a payment advice, must be given only to the UST and need not be given to the trustee unless the trustee requests a copy.

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

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

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

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

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

(A) Comply with the U.S. Court's Administrative Office *Director's Guidance Regarding Tax Information Under § 521* available at www.uscourts.gov/rules-policies/judiciary-policies/bankruptcy-case-policies.

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

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

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

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

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

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

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

Cross-reference: Temporary Exclusion From Means Testing – Interim Rule 1007-I.

Rule 1007-2. Mailing—List or Matrix.

(a) General.

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

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

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

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

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

(b) Amendment. LBR 1009-1 applies.

Cross-references:

- Mandatory ECF Filing – LBR 5005-4(b).
- Addresses of Federal and State Governmental Units and Certain Taxing Authorities – LBR 5003-1.

Rule 1007-3. Statement of Intention.

An individual chapter 7 debtor must file proof of service on the creditors and lessors identified in OF 108.

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.

(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.

Rule 1009-1. Amendment—Voluntary Petition, Lists, or Schedules.

(a) Amendment to a Voluntary Petition. An amendment to a voluntary petition must be filed with a certificate of service stating that the notice required by FRBP 1009(a) was served on the trustee and any entity that may be affected by the amendment. If the notice was given other than by serving the amended petition itself, the notice must be attached to the certificate of service.

(b) Amendment to a List or Schedule of Creditors, Equity Security Holders, Codebtors, or Other Interested Entities. An amendment to a list or schedule of creditors, equity security holders, codebtors, or other interested entities must be filed under LBF 728.

Cross-references:

- Document—Amendment – LBR 9004-1(d).

- Proof of Claim—Amendment – LBR 3001-1(a).

Rule 1010-1. Petition—Involuntary.

(a) Summons. LBR 7001-1(c)(3) applies.

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

Cross-reference:

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

Rule 1014-1. Transfer of Cases.

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

Rule 1014-2. Venue—Change of.

A motion to change the venue of a case or adversary proceeding must be filed with the movant's first pleading or motion or later upon a showing of good cause.

Rule 1015-1. Joint Administration.

(a) Motion for Joint Administration.

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

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

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

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

(1) specify

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

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

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

(2) state whether

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

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

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

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

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

Rule 1016-1. Death of a Debtor or Party.

(a) In the event of the death of an individual debtor or party in an open case, a joint debtor or attorney for the decedent must file a notice of the death as soon as practicable and include a redacted copy of the death certificate, if available. Any interested person, including the personal representative of the decedent's estate, may file a notice of death. In a case under chapter 11, 12, or 13, the decedent's case may be dismissed after notice and an opportunity for a hearing unless an interested person files a motion to continue the case, supported by a declaration, seeking appropriate findings under FRBP 1016 and any appropriate waiver of the decedent's obligations to file LBF 525 and proof of completion of the financial-management course required by § 1328(g). If the movant requests a waiver of the requirement to file LBF 525, the movant must either file an LBF 525 signed by the movant or other person providing the information for that form or the portion of that information known to the signer, or the movant must state in the declaration that, after making reasonable inquiry, the movant lacks that information and does not know that any other person, including any surviving spouse, former spouse, or adult child of the decedent, has that information.

(b) The declaration required by (a) must discuss how plan payments will be made and how parties will be affected by allowing the case to proceed.

(c) In the event of the death of an individual debtor in an open case, a surviving debtor or personal representative must file a notice of the initiation of any probate proceeding.

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

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

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

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

Cross-references:

- Final Report/Account – LBR 2015-1.
- Motion Practice – Contested Matters – LBR 9013-1.

Rule 1017-2. Dismissal—Case.

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

(b) **Chapter 7 or 13—Motion to Vacate Dismissal.** The motion must be filed on LBF 1367.92 and signed by the debtor.

Cross-references:

- Final Report/Account – LBR 2015-1.
- Reopening Case – LBR 5010-1.
- Motion Practice—Contested Matters – LBR 9013-1.

Rule 1019-1. Conversion—Procedure After.

(a) **Notice of Conversion.** LBR 2002-1(a)(1) applies.

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

Cross-references:

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

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

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

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

Rule 1073-1. Assignment of Cases to Offices.

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

Rule 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.

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

(a) Entity Responsible for Giving Notice.

(1) General. The clerk may direct an entity to serve any notice that an FRBP requires be given by the clerk or some other person as the court may direct.

(2) Chapter 7. The entity, other than a trustee, proposing an action of which notice is required by FRBPs 2002(a)(2)-(4) must give the notice. An entity giving a notice required by FRBP 2002(a)(6) must do so under LBR 2016-1.

(3) Chapter 11.

(A) General. The entity making a request for relief or proposing an action of which notice is required by FRBP 2002 must give the notice, unless the notice is required by FRBP 2002(a)(1), (a)(7), (d)(1), (f)(1)(A), (f)(1)(B) or (f)(1)(G).

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

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

(ii) FRBP 2002(a)(5), (b)(2), (d)(6) or (d)(7), together with the documents required by FRBP 3017(d)(1), using the order approving disclosure statement prepared by the court.

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

(4) Chapter 12. The entity making a request for relief or proposing an action of which notice is required by FRBP 2002 must give the notice, unless the notice is required by FRBP 2002(a)(1), (a)(7), (f)(1)(A), (f)(1)(B), (f)(1)(C), (f)(1)(D), (f)(1)(F) or (f)(1)(G).

(5) Chapter 13. The entity making a request for relief or proposing an action of which notice is required by FRBP 2002(a)(2), (a)(3), or (a)(6) must give the notice.

(6) Chapter 15. A foreign representative filing a petition for recognition must serve the notices required under FRBP 2002(q).

(b) Notice of Intent to Take Proposed Action.

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

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF OREGON

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

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

[Insert a brief description of the proposed action and the reasons for it; a summary of the effects; names of insiders to the transaction; and any other information required under (2), (3), or (4).]

YOU ARE NOTIFIED that unless you file an objection to this notice no later than [insert number of days in objection period, excluding any additional time provided by FRBP 9006] days after the service date [if notice time has been shortened under LBR 2002-1(b)(2), add "per order shortening notice period docketed as docket # (insert number)"], and set forth the specific grounds for the objection and your relation to the case, with the clerk of court at 1050 SW 6th Ave #700, Portland, OR 97204 or 405 E 8th Ave #2600, Eugene, OR 97401 and serve it on [insert name, address and phone number of party proposing the action], the undersigned will proceed to take the proposed action without further notice or a hearing.

[Signature and, if attorney, OSB#]
[PRINT OR TYPE NAME if not filed by ECF]
[ATTORNEY FOR _____, TRUSTEE, ETC.]

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

[Signature]
[PRINT OR TYPE NAME if not filed by ECF]

**The case number consists of a seven-digit number: the first two digits represent the year the case was filed, followed by a hyphen, then five digits followed by another hyphen, the three initials of the assigned judge (in lower case letters), and then the number of the Code chapter under which the case is currently being administered.

(2) Shortened Notice Period or Limited Notice. LBR 9013-1(b)(3) applies to a notice governed by FRBP 2002.

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

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

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

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

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

(i) The method and manner of submitting bids.

(ii) Conditions imposed on other bidders.

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

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

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

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

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

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

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

(c) Notice of Hearing Template. A notice of hearing prepared by a party may be single-spaced and must begin at least 1" from the top of the page, be placed in front of the motion or other document that is the subject of the hearing, and be in substantially the following form:

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF OREGON

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

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

WILL BE HELD ON [hearing date] AT [hearing time] [insert either: (1) "in [hearing room number and street address]," (2) "by telephone at [telephone number and access code]; LBF 888 is provided," or (3) "by video (to connect, see www.orb.uscourts.gov/video-hearings)"]. [NOTE: Unless provided on the court's website at www.orb.uscourts.gov/hearings, or when using ECF, this information must be obtained from the judge's calendaring clerk at the telephone number identified on the court's website.]

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

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

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

(Signature)
[PRINT OR TYPE NAME if not filed by ECF]

**The case number consists of a seven-digit number: the first two digits represent the year the case was filed, followed by a hyphen, then five digits followed by another hyphen, the three initials of the assigned judge (in lower case letters), and then the number of the Code chapter under which the case is currently being administered.

***The adversary proceeding number consists of a six-digit number: the first two digits represent the year the adversary proceeding was filed, followed by a hyphen, then four digits followed by another hyphen, and the three initials (in lower case letters) of the assigned judge.

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

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

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

(g) Change of Mailing Address and Returned Document.

(1) Duty to Notify Clerk of Mailing Address Change. An entity must file a notice of the entity's address change on LBF 101C or LBF 101D, or provide the debtor's name, the case number, the entity's name, the entity's current address in the case record, and the new service address.

(2) Returned Document. The clerk must use the address of debtor's attorney or of a self-represented debtor as the return address on a notice the clerk sends unless documents from different cases are sent in a single envelope. Except as provided in (f), the debtor must file LBF 101C, LBF 101D, or the BNC Bypass Notice to correct any address errors regarding entities that were listed on the mailing list. The clerk will neither maintain a permanent record of nor retain a document returned to the clerk.

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

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

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

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

(j) Limited Notice to Creditors Whose Claims are Filed. If an LBF allows for limited notice under this rule, the court directs that notice may be limited to each entity listed in FRBP 2002(h) if the applicable time period described in FRBP 2002(h) has passed.

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

Cross-references:

- Application for Compensation or Expenses – LBR 2016-1.
- Chapter 13—Plan; Form, Notice, and Service – LBR 3015-1(b)(1).
- Filing and Lodging by ECF – LBR 5005-4.
- Lien Avoidance Under § 522(f) – LBR 4003-2.
- Motion for a Chapter 11, 12, or 13 "Hardship" Discharge - LBR 4004-1.
- Motion for Redemption – LBR 6008-1.
- Motion for Relief From Stay, Use of Cash Collateral, or Obtaining Credit – LBR 4001-1.
- Motion for Removal or Remand – LBR 9027-1.
- Motion to Compel Abandonment – LBR 6007-1.
- Motion to Convert Case – LBR 1017-1.
- Motion to Dismiss Case – LBR 1017-2(a).
- Objection to Claim – LBR 3007-1.
- Proposed Order or Judgment – LBR 9021-1.

- Service & Certificate of Service – LBR 7005-1.
- Valuation of Collateral (§§ 506(d) and 1322) – LBR 3012-1.

Rule 2003-1. Meeting of Creditors.

(a) General. The clerk will give notice of the meeting using the mailing list filed under FRBP 1007(a)(1). In a converted case, the clerk will also give notice to all entities added before entry of the conversion order. In an involuntary case, the clerk will give notice using any list timely filed under FRBP 1007(a)(2). For all other entities entitled to notice of the meeting of creditors, the debtor must give notice under LBF 728.

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

(c) Changes to Meeting of Creditors. Any requests 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.

Cross-reference: Transcript—Meeting of Creditors – LBR 5077-1(d).

Rule 2004-1. Depositions & Examinations.

(a) General. LBR 7030-1(b)–(e) apply. The clerk will not provide or store an electronic recording of an FRBP 2004 examination. No transcript of FRBP 2004 testimony or a deposition may be filed, although relevant parts of a transcript may be offered in evidence.

(b) Setting Procedure.

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

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

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

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

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

Rule 2010-1. Trustee—Bond or Surety.

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

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

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

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

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

(b) Chapter 11 Professional Employment Application.

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

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

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

(a) Chapter 7.

(1) Inventory and Report of Assets.

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

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

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

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

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

(C) If a distribution order on LBF 740.3 has been entered, provide a final account to the UST on the appropriate UST form no later than 14 days after receiving all initial bank statements indicating

a zero balance from each of the trustee's depositaries in which a deposit account was maintained in the case. The UST must file the final account no later than 30 days after its receipt from the trustee. After the UST files the final account, the clerk may close the case without further notice.

(b) Chapter 11.

(1) 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.

(2) Cases of Debtors Who Are Not Small Business Debtors.

(A) 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) 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).

(3) Final Account.

(A) General.

(i) In a case other than one in which the plan has been confirmed under § 1191(b), the entity who has the primary responsibility for performing the plan must complete and file an LBF 1195 final account and application for final decree and closing order. If an LBF 1195 is not filed within 120 days after entry of the confirmation order, the entity must file a status report no later than 120 days after entry of the confirmation order and every 180 days thereafter until the LBF 1195 is filed. The status report must explain why the LBF 1195 has not yet been filed and what needs to occur before it will be filed, and the report must estimate when it will be filed.

(ii) In a case in which the plan has been confirmed under § 1191(b), the trustee must file a status report no later than 120 days after entry of the confirmation order and every 180 days thereafter until the discharge of the trustee. The status report must explain why the trustee has not yet been discharged and what needs to occur before the trustee will be discharged and estimate when the trustee will be discharged.

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

(c) Chapter 12.

(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. Operating reports pursuant to § 704(a)(8) 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.

(d) Chapter 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.

(e) Trustee's Destruction of Case Records.

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

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

Cross-reference: Chapter 11—Discharge for Individual – LBR 4004-1(b).

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

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

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

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

(a) General.

(1) Nonprofessional Administrative Expenses. If a trustee fails to promptly pay an administrative expense, the claimant may request reimbursement of the expense by filing a proof of administrative expense. LBF B10A is an optional form of proof of administrative expense. An administrative expense, proof of which is filed, is deemed allowed, unless a party in interest objects. A claimant may move the court for an order allowing immediate payment of the administrative expense. The motion must have a copy of the proof of claim attached and be served on the debtor and any creditors' committee.

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

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

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

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

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

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

(C) Travel.

(i) Travel Time Compensation.

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

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

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

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

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

(iv) Hotels, Meals, Per Diem, and Miscellaneous Charges. Actual cost of hotels and meals, with a maximum of two times the government per diem rate. The government per diem rate charts are available at www.gsa.gov.

(D) Secretarial, Clerical, Word Processing, and Other Staff Charges. Secretarial, clerical, word processing, and other staff charges are part of overhead, and not reimbursable unless the

applicant demonstrates extraordinary circumstances. If reimbursable, services are reimbursed at the applicant's cost of employing the individual performing the services billed (i.e., salary plus benefits), but not any additional amount for overhead.

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

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

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

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

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

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

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

(5) Revision of Certain Dollar Amounts. In each year in which dollar amounts change under § 104, the amounts listed in LBF 1305 for Schedule 1 (life-of-the-case fixed fee) and Schedule 2.(a) (fixed fee through confirmation and initial audit of claims) will be adjusted to reflect the same percentage change, rounded to the nearest $25. The adjustments will apply only to cases filed on or after the December 1 adjustment date.

(c) Chapter 7 or 11.

(1) Interim Application.

(A) General. An application for interim compensation must be preceded by the filing of an interim report prepared by the trustee on either LBF 753 (for chapter 7) or LBF 1153 (for chapter 11). The applicant may contemporaneously file a motion (including a certificate of service on the trustee), and a proposed order, requiring an interim report be filed within 30 days.

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

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

(D) Notice of Intent to Compensate Professional.

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

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

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

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

(2) Final Application.

(A) General. A final application for compensation or reimbursement of expenses must be filed 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 an application. The requirements of (b) apply to the reimbursement of expenses or travel time.

(B) Form.

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

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

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

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

(C) Timely Filing.

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

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

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

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

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

(E) Order in Chapter 11. Promptly after expiration of the notice period with respect to LBF 1190, the proponent of the confirmed plan must lodge an order awarding final compensation and reimbursement to professionals on LBF 1193, and include in that LBF all professional fee or expense reimbursement applications noticed on LBF 1190 for which no objection was timely filed.

(d) Chapter 12.

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

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

(e) Chapter 13 Debtor's Attorney.

(1) Chapter 13 Debtor's Attorney's Compensation Disclosure and Application on LBF 1305.

(A) An attorney representing a chapter 13 debtor in or in connection with the chapter 13 case must file an LBF 1305 no later than 14 days after the later of the petition date or the date the attorney first provides services—unless the attorney is not required by § 329(a) to make a disclosure or by FRBP 2016(b) to make a statement.

(B) An attorney whose LBF 1305 is due more than seven days before the final confirmation hearing must file any required amended LBF 1305 no later than seven days before the final plan-confirmation hearing.

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

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

and expenses incurred through 14 days before the final confirmation hearing exceeds the amount of compensation and expense reimbursement allowed in the confirmation order.

(B) Plan confirmation after the filing of an LBF 1306 does not constitute allowance of fees and expenses exceeding the amounts allowed in the confirmation order. Allowance of any excess will be considered in connection with the first LBF 1307.

(3) Chapter 13 Debtor's Supplemental-Compensation Application on LBF 1307.

(A) No LBF 1307 may be filed (i) if Schedule 1 was selected on LBF 1305, (ii) to request fees and expenses less than $500 on a nonfinal LBF 1307, (iii) sooner than six months after the last to be filed of the LBF 1305 and any prior LBF 1307, (iv) after filing a final LBF 1307, or (v) after 28 days after service of the trustee's notice of plan completion.

(B) If Schedule 2.(b) was selected—and even if an LBF 1306 was filed—the first LBF 1307 must include an itemized statement of all services rendered and expenses incurred in contemplation of or in connection with the case, both before and after the petition date, and it must reflect the paid amounts listed in the LBF 1305 and amounts allowed in the confirmation order.

(C) The presumptively reasonable compensation for preparation of each LBF 1307 is $100.

(D) If allowance of the compensation requested in an LBF 1307 will require a plan modification, the debtor must, within 28 days after allowance of this LBF 1307, file either a Notice of Postconfirmation Amendment of Plan on LBF 1355.10 and a proposed amended plan on the appropriate LBF or a statement why none has been filed.

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

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

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

(1) Chapter 7 or 11.

(A) General.

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

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

(I) The declarant requests allowance of compensation for professional services of $_____ and expenses of $_____ for a total of $_____. Expenses claimed were actually charged to the declarant.

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

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

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

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

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

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

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

(C) Notice of Claim or Amended Claim.

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

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

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

(II) If a secured creditor seeks payment of expenses from the proceeds of sale of collateral, and the creditor informs the trustee of the amount of the requested expenses no later than three business days after being notified in writing by the trustee of the proposed sale, the trustee must include notice of the claimed expenses in the

notice of proposed sale. The creditor must also file or amend a proof of claim for those expenses no later than 14 days before the deadline for timely objection to the sale.

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

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

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

(2) Chapter 12 or 13.

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

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

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

(iii) Postpetition and Preconfirmation. Except for expenses incurred in connection with a claim described in FRBP 3002.1(a), either: (I) include postpetition, but preconfirmation, expenses in an initial or amended proof of claim, or (II) no later than 30 days after entry of the confirmation order, file an initial or amended proof of claim. The part of the claim attributable to postpetition and preconfirmation expenses must be clearly identified. If the creditor incurs the requested expense in connection with a claim described in FRBP 3002.1(a), the creditor must comply with FRBP 3002.1.

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

(B) Disclosure of Preservation of Expense Claim After Discharge. Except for expenses incurred in connection with a claim described in FRBP 3002.1(a), a creditor that asserts a right to expenses as part of its secured claim, but does not request payment of those expenses by the trustee, must disclose its claimed entitlement to payment of the expenses either by filing and serving on the debtor a notice of the expense claim, or by including the expense claim in the creditor's proof of claim. A secured creditor may elect to include some expenses in its proof of claim, and other expenses in a notice. If the creditor incurs the requested expense in connection with a claim described in FRBP 3002.1(a), the creditor must comply with FRBP 3002.1.

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

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

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

(D) Deadline for Objection to Claim for Expenses. Except for expenses incurred in connection with a claim described in FRBP 3002.1(a), an objection to a secured creditor's expenses must be filed no later than 60 days before the final plan payment is due under the plan. If the creditor incurs the requested expense in connection with a claim described in FRBP 3002.1(a), an objection to the expenses must be filed within the time limits provided by FRBP 3002.1.

(i) Trustee Expenses.

(1) Payment of Certain Expenses Up to $1,000. A trustee may pay from estate funds, or reimburse the trustee from estate funds, up to $1,000 in the aggregate after expiration without objection of the objection period set forth in a served OFT, Order and Notice of Time to File Claims and Notice of Trustee's Intent to Incur and Pay Certain Expenses, for the following actual and necessary expenses to preserve or protect the estate: bond premiums, bank fees, court fees, UCC search fees, property title search fees, and locksmith or security charges.

(2) Payment of Other Expenses. To request authority to use estate funds to pay administrative expenses that either (i) exceed $1,000 in the aggregate or (ii) are not listed as expenses under (1) above, the trustee must file a motion on LBF 759.5.

Cross-references:

- Chapter 12 or 13—Amended Proof of Claim – LBR 3001-1(c)(1).

- Chapter 11—Confirmation; Report of Administrative Expenses – LBR 3020-1.
- Service Costs—Reimbursement – LBR 2002-1(e).

Rule 3001-1. Claims—General.

(a) Asset Chapter 7.

(1) Tardy Proof of Claim. If a tardily filed nonpriority unsecured claim does not otherwise state a reason for being considered timely under § 726(a)(2)(C), the trustee must treat the claim under § 726(a)(3) unless the court orders that the claim be considered timely.

(2) Amended Proof of Claim. A claimant filing an amended claim after the claim deadline must mark the claim "Amended," and file the claim no later than the deadline in (3).

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

(4) Surplus Assets. If a trustee determines that estate assets might exceed all timely allowed claims, the trustee may file a request that a notice of surplus assets be given to creditors. If a notice of surplus assets is sent after expiration of the filing deadline for tardy claims in (3), the deadline for filing tardy claims will be extended as set forth in the notice.

(b) Chapter 11.

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

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

(c) Chapter 12 or 13.

(1) Amended Proof of Claim.

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

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

(C) Distribution. The trustee must not make any distribution on an amended claim filed after the initial deadline for filing the claim until the later of either: (i) 21 days after it was filed or (ii) the resolution of an objection filed under (B).

(2) Motion by Debtor for Payment of Untimely Filed Claim. A debtor seeking to have a claim filed by the debtor on behalf of a creditor treated as timely must file a motion on LBF 1365.

Cross-references:

- Compensation for Services Rendered & Reimbursement of Expenses – LBR 2016-1.
- Copy—Claim – LBR 5078-1.
- Representation of an Organization – LBR 9010-1(c).

Rule 3007-1. Claim—Objection.

(a) Objection to Allowance or Classification of Claim.

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

(2) LBF for Objection. Except for an omnibus claim objection, an objection must be filed on LBF 763. Any proposed order arising from an objection must be lodged on LBF 763.5.

(3) Notice of omnibus claim objection. An omnibus claim objection under FRBP 3007(d)-(e) must include a notice that substantially conforms to the notice portion of LBF 763.

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

Cross-reference:

- Service – LBR 7005-1, LBR 9013-1(a)(3).

Rule 3009-1. Chapter 7—Distributions.

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

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

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

Rule 3010-1. Small Dividends and Payments.

(a) Chapter 7 Cases. In a chapter 7 case, the trustee is authorized to distribute dividends to any creditor in amounts less than five dollars ($5.00).

(b) Chapter 12 and Chapter 13 Cases. In a chapter 12 or 13 case, the trustee is authorized to distribute payments to any creditor in amounts less than fifteen dollars ($15.00).

Rule 3011-1. Unclaimed Funds.

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

Rule 3012-1. Valuation of Collateral.

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

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

(a) Chapter 12.

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

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

(3) Preconfirmation Adequate Protection Payments.

(A) The debtor may make adequate-protection payments required by a proposed or confirmed plan through the trustee or directly. If adequate-protection payments required by a proposed or confirmed plan are made through the trustee and not directly, the debtor must pay the trustee an amount sufficient to cover the payments and the trustee's percentage fee, which the trustee is authorized to deduct from funds received.

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

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

(b) Chapter 13.

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

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

(A) The debtor must, no later than seven days after the meeting of creditors, either (i) file a proposed wage order on the version of LBF 1351 that applies to the trustee administering the case or (ii) enroll to make electronic payments using the trustee's approved electronic payment vendor. The trustee may waive this requirement.

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

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

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

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

(6) Preconfirmation Adequate Protection Payments.

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

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

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

(7) Payment of Certain Claims Secured by Real Property. If a debtor and the trustee agree, the debtor may pay mortgage arrearages and other claims secured by real property upon a sale or refinance of

the property directly to the creditor. The trustee may, upon demand, be paid the trustee's authorized fee based upon those payments either by the debtor or the escrow agent.

(8) Motions for Approval to Buy, Sell, Encumber Interests, Use, Lease, or Dispose of Interest in Property.

(A) Debtor Motions. Any motions by chapter 13 debtors for approval to buy, sell, or encumber interests in property (including by refinancing a lien or modifying a loan) must be filed on LBF 1301, and any motions by chapter 13 debtors for approval to use, lease, or dispose of an interest in property must be filed on LBF 1302. Proposed orders on these motions must be lodged on LBF 1301.5 and LBF 1302.5, respectively.

(B) Creditor Motions. Motions by creditors for approval of loan modifications must be filed on LBF 1301, and proposed orders thereon must be lodged on LBF 1301.5.

Cross-references:

- Chapter 7 or 13—Motion to Reopen Case or Vacate Dismissal – LBR 5010-1.
- Chapter 13—Confirmation – LBR 3015-3(c).
- Notice of Plan Completion – LBR 2015-1(c) & (d).

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

(a) General. Any proposed amendment must be:

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

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

(3) Signed and dated by the proponent or proponent's attorney.

(b) Preconfirmation. Any amended plan must be filed at least 28 days before the then-pending confirmation hearing, and the proponent must attach the amended plan to LBF 1355.05 and serve it under that form.

(c) Postconfirmation.

(1) The proponent must use the same version of the local form plan as the prior confirmed plan and attach a proposed amendment to LBF 1355.10.

(2) The proponent must give the notice required by FRBP 3015(h).

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

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

(b) Chapter 12.

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

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

(c) Chapter 13.

(1) Except as set forth in (4) or in LBF 1355.05, a confirmation objection must be filed and served on the debtor within 14 days after the meeting of creditors concludes.

(2) The debtor must submit to the trustee a proposed confirmation order on the version of LBF 1350 prescribed by the court's website at https://www.orb.uscourts.gov/forms/all-local-forms. If no objection to the proposed plan is timely filed, the debtor must submit the proposed order no later than 21 days after the meeting of creditors concludes. The trustee must review, approve if appropriate, and lodge the proposed order no later than seven days before the date set for the confirmation hearing. The court will review and consider entering an approved proposed order without a hearing.

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

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

Rule 3016-1. Chapter 11.

(a) [Reserved]

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

Cross-references:

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

- Chapter 11—Small Business; Creditors' Committee – LBR 1020-1.
- Chapter 11—Small Business; Disclosure Statement – LBR 3017.1-1.

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

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

Cross-references:

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

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

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

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

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

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

(d) If no timely objection under (a) remains unresolved, the court may determine that a separate disclosure statement is not necessary or may conditionally approve the disclosure statement. The court will prepare an order regarding the disclosure statement and notice of a confirmation hearing and deliver it to the debtor for service.

Cross-references:

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

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

(a) Ballot. 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.

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

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

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

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

LBR 2002-1(a)(1) applies to requests under FRBP 3019(b) or (c).

Cross-reference: Documents—Requirements of Form – LBR 9004-1(d).

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

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

(b) Confirmation Order.

(1) General. A proposed confirmation order must:

(A) Be prepared by the plan's proponent.

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

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

(D) In a subchapter V case, identify the subsection of § 1191 under which the plan will be confirmed in both the caption and body.

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

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

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

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

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

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

(b) Motion for Authority to Use Cash Collateral, or for Authority to Obtain Credit. A motion must be filed under LBF 541.5.

(c) Debtor's Consent to Relief From Stay re Property to be Surrendered. Checking the "Surrender the property" box on a debtor's chapter 7 statement of intention form (OF 108) as to any property constitutes the debtor's consent to relief from the automatic stay with regard to that property. Relief from stay will be effective at the earliest of the following: (1) the granting of relief from stay, (2) physical surrender of the property by the debtor, or (3) expiration of the time deadlines in § 521.

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

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

(2) Deposit Requirements. The deposit must:

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

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

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

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

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

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

(f) Chapter 7 Trustee's Motion for Continuation of Stay re Personal Property. A motion under either § 362(h)(2) or § 521(a)(6) must: (1) clearly identify in the title the Code section relied on for the motion, either § 362(h)(2) or § 521(a)(6), and (2) include the name and service address for any affected creditor.

Cross-references:

- Motion Practice—Contested Matters – LBR 9013-1.
- Postconfirmation Motions to Buy, Sell, Encumber Interests, Use, Lease, or Dispose of Interest in Property – LBR 3015-1(b)(8).
- Proposed Order if No Objection Filed Timely – LBR 2002-1(h).
- Proposed Order or Judgment – LBR 9021-1(b).
- Voluntary Modification of Debt Secured by Debtor's Residence in Chapter 13 Cases – LBR 4008-2.

Rule 4003-2. Lien Avoidance Under § 522(f).

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

(b) Other Liens. A motion to avoid under § 522(f) a lien other than a judicial lien on real property, if not made as part of a chapter 12 or 13 plan, must be in writing and state—

(1) The name and address of the lienholder whose lien is to be avoided,

(2) The subsection of § 522(f) under which relief is requested,

(3) The nature of the lien to be avoided,

(4) The date upon which the lien was perfected,

(5) A description of the property sufficient for identification,

(6) The fair-market value of the property,

(7) A description of and the amounts due upon any security interests or other liens on the property,

(8) A description of the nature and amount of exemptions impaired by the lien to be avoided,

(9) The present balance owing on all security interests or liens on the property excluding any precomputed interest or other unearned charges,

(10) The extent to which the lien should be avoided, and

(11) Any other facts relevant to determining whether the motion should be granted.

Rule 4004-1. Grant or Denial of Discharge.

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

(b) Chapter 11 Discharge under §§ 1141(d)(5) or 1192. To obtain a discharge, a debtor must file a motion for entry of discharge on LBF 1191.3 for discharge under § 1141(d)(5) or LBF 1191.5 for discharge under § 1192. If the case is closed, the debtor must contemporaneously file a motion to reopen the case and pay the required reopening fee.

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

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

Cross-references:

- Chapter 13—Deadline for Certification of Completion of Financial Management Course – LBR 1007-1(e).
- Chapter 12 or 13—Deadline for Certification of Payment of Domestic Support Obligations and Statement re § 522(q)(1) Applicability – LBR 1007-1(f).
- Reaffirmation Agreements – LBR 4008-1.

Rule 4008-1. Reaffirmation Agreements.

(a) General. A debtor who wants to reaffirm a debt under § 524(c) must file an agreement on OF 2400A (preferred by the court) or OF 2400 A/B Alt no later than 60 days after the first date set for the meeting of creditors.

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

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

(a) Chapter 7. A mortgage creditor may negotiate a modification of its secured claim with the debtor and the debtor's attorney at any time during the pendency of a chapter 7 case. A modification is voluntary on the part of the secured creditor and the debtor and is subject to procedures set forth in LBF 751.7. The court will not consider a mortgage creditor's contact with the debtor or the debtor's attorney and any negotiation or implementation of a modification, by themselves, to violate the automatic stay of § 362 or the discharge injunction of § 524. A modification becomes effective when the trustee abandons the encumbered real property.

(b) Chapter 13. A mortgage creditor may negotiate a modification of its secured claim with the debtor and the debtor's attorney at any time during the pendency of a chapter 13 case. A modification is voluntary on the part of the secured creditor and the debtor. The court will not consider a mortgage creditor's contact with the debtor and the debtor's attorney and any negotiation to effect a modification, by themselves, to violate the automatic stay of § 362. A modification becomes effective when the trustee consents in writing or the court approves the modification.

(c) Approval of modification. If a modification agreement becomes effective under this rule, no separate motion or order for approval of it is necessary.

Cross-references:

- Trustee's Abandonment of Debtor's Residence in Chapter 7 Cases – LBR 6007-1(b).
- Definition of "Mortgage Creditor" – LBR 9001-1(v).
- Agreement Relating to Relief From the Automatic Stay – LBR 4001-1.

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

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

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

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

Rule 5005-1. Filing Papers—Requirements.

(a) Self-Represented Party Filing Methods.

(1) Chapter 7.

(A) Petition and Certain Case-Opening Documents. A petition, OF 101A, OF 103B, OF 106 Declaration, and any required schedules may be filed only by eSR, PDU, fax, mail, or delivery.

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

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

(2) Other Chapters.

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

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

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

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

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

Cross-references:

- Adversary Proceedings—General – LBR 7001-1.
- Caption—Document – LBR 9004-2.
- Filing and Lodging by ECF – LBR 5005-4.
- Filing Location – LBR 5001-2.
- Involuntary Petition – LBR 1010-1.
- Lists, Schedules, and Statements – LBRs 1007-1, 1007-2 & -3, and 1009-1.
- Requirements of Form – LBR 9004-1.
- Voluntary Petition – LBRs 1002-1 and 1005-1.

Rule 5005-4. Filing and Lodging by ECF.

(a) Administrative Procedures. LBF 125, *Administrative Procedures for Submitting Case Documents Using the Court's Electronic Case Files System (ECF)*, governs ECF and its use.

(b) Mandatory ECF Filing.

(1) A creditor who has filed more than 10 documents in any calendar year and any attorney or trustee must register to become an ECF Participant and file or lodge documents by ECF.

(2) An attorney, trustee, or creditor unable to file or lodge by ECF may apply for a waiver of the requirement to do so either for a limited time or for the duration of a specific case or adversary proceeding. A request must be made by letter addressed to the clerk showing good cause to file and serve documents using one of the methods listed in LBR 5005-1(a). The request must explain why the attorney, trustee, or creditor is unable to comply, the steps being taken to be able to comply, and how long those steps will take. The chief judge or a designee will act upon the request.

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

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

(5) In the event of an unanticipated inability to use ECF, the ECF Participant must prepare and submit a certification regarding inability with each document filed or lodged using one of the methods listed in LBR 5005-1(a).

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

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

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

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

(e) **Retention.** A document described in FRBP 1008 filed by ECF or a properly completed, signed, and filed LBF 5005 with respect to the document and a scanned electronic replica of the signed document must be obtained and retained by the filing ECF Participant or the firm representing the party on whose behalf the document was filed in accordance with LBR 9011-4(c)(2) until the later of the closing of the case or the fifth anniversary of the filing of the document, except as otherwise provided for trustees by the U.S. Department of Justice. The filing ECF Participant or firm retaining the document must produce it for review upon receipt of a written request.

(f) **Filing Deadline for a Document Filed or Lodged by ECF.**

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

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

(g) **ECF Event.** A document filed or lodged by ECF must be filed or lodged using the applicable ECF event, if any. The failure to do so is cause for the court to strike the document.

Cross-reference: Document Filed by ECF – LBR 9011-4(c).

Rule 5007-1. Record of Proceeding.

Cross-reference: Transcript – LBR 5077-1.

Rule 5009-1. Final Report/Account.

LBR 2015-1 applies.

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

Rule 5009-2. Closing Case.

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

(a) Entry of all dispositive orders.

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

Rule 5010-1. Reopening Case.

(a) 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. A motion filed by a debtor to reopen a chapter 7 or 13 case must be on LBF 1367.92 and signed by the debtor.

(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 any required fee for filing the motion.

Rule 5011-1. Withdrawal of Referral.

A motion for withdrawal of the district court's referral to the bankruptcy court of a case or proceeding must be filed with the party's first pleading or other motion or later upon a showing of good cause.

Rule 5011-2. Abstention.

A motion for abstention must be filed with the party's first pleading or motion or later upon a showing of good cause.

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

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

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

(a) Photography/Recording/Broadcasting. The taking of photographs, audio or video taping in, or live broadcasting from, the clerk's office, any judge's chambers, or a courtroom area as defined in LBR 5072-2 is prohibited. Unless specifically authorized by a judge, photographic, recording, taping, or broadcasting equipment not constituting "wireless communication devices" as defined in (b) must not be brought into the clerk's office, any judge's chambers, or a courtroom area as defined in LBR 5072-2.

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

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

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

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

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

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

Rule 5077-1. Transcript.

(a) Redaction.

(1) General. Each party, including any attorney for the party, must review a transcript subject to FRBP 9037(a) and not exempted by FRBP 9037(b) for the following information, which should be redacted under the Judicial Conference's privacy policy: SSNs and ITINs should be redacted to show only the last four digits; birth dates should contain only the year of birth; individuals known to be minors should be referred to only with initials; and financial-account numbers should be redacted to show only the last four digits. A party is responsible for reviewing the opening and closing statements made on behalf of that party, any statements made by that party, and the testimony of any witness called by that party.

(2) Notice of Intent to Request Redaction. No later than seven days after a transcript is filed, a party may file a notice of its intent to request redaction of information from the transcript.

(3) Redaction Request/Completion. After a party has filed a notice of intent to request redaction, that party must, no later than 21 days after the transcript was filed, submit to the court reporter or transcriptionist a list of items to be redacted, including the transcript page and line numbers where the personal data appears and the manner in which each is to be redacted. No later than 31 days after the transcript was filed, the court reporter or transcriptionist must redact the identifiers as directed and file the redacted transcript. Also during this time, a party may move that additional information be redacted. No remote electronic public access to the transcript will be allowed until the court has ruled on any motion regarding its redaction, all redaction deadlines have expired, and all redaction has occurred.

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

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

(2) Hearing Audio File. A request for an audio file of a hearing must be made in ECF or on LBF 335.5.

(c) Transcripts Offered into Evidence. A party offering into evidence a transcript, other than for impeachment, must produce the transcript to opposing parties at least 14 days before the hearing. A transcript offered into evidence must not have been prepared by an individual who is a party or any party's relative, employee, or attorney; who is related to or employed by any party's attorney; or who is financially interested in the matter. A list of transcriptionists is available on the court's website.

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

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

Rule 5078-1. Copy—Document.

A conventional, certified, or exemplified paper copy of a document may be obtained at the clerk's office. An appropriately sized self-addressed, stamped envelope must accompany each request unless the requesting party picks up the document at the clerk's office.

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

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

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

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

Cross-reference: Postconfirmation Motions to Buy, Sell, Encumber Interests, Use, Lease, or Dispose of Interest in Property – LBR 3015-1(b)(8).

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

Cross-references:

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

Rule 6006-1. Executory Contracts or Unexpired Lease.

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

Rule 6007-1. Abandonment.

(a) Trustee Abandonment/Motion to Compel Abandonment. Except as provided in (b), a trustee must use LBF 751 when giving notice of a proposed abandonment. A motion to compel abandonment by anyone other than the debtor must describe the movant's interest in the property to be abandoned, including documentation of any creation or perfection of a security interest.

(b) Trustee's Abandonment of Debtor's Residence in Chapter 7 Cases. As early as practicable in a chapter 7 case, the clerk must give notice to all creditors that the trustee may abandon real property that is the debtor's residence unless, no later than seven days before the first date set for the meeting of creditors, a creditor files an objection to abandonment and serves its objection on the debtor. Absent a timely objection and on request of the debtor or a creditor with an interest in the real property, the trustee may abandon the real property by filing LBF 751.5.

Cross-references:

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

Rule 6008-1. Redemption.

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

Rule 7001-1. Adversary Proceedings—General.

(a) Application of LBRs to adversary proceedings. LBRs 7001-1 through 7067-1 apply to adversary proceedings.

(b) Filing Fee. The complaint filing fee must accompany an adversary complaint, except one filed by an exempt plaintiff, such as a debtor who is not a DIP, the UST, a child-support creditor or its representative who files an OF 2810, or a trustee who files a certification that estate funds are insufficient to pay the filing fee.

(c) Documents.

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

(2) Cover Sheet. An adversary proceeding cover sheet on OF 1040 must be filed with a complaint, stipulated judgment in lieu of a complaint, or notice of removal filed by PDU, fax, mail, or delivery.

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

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

(1) Deadlines established by a scheduling order.

(2) Court hearing date.

(3) Pretrial order lodging deadline.

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

(5) Trial date.

Cross-references:

- Jury Trial – LBR 9015-1 and LR 2100-6.
- Removal or Remand – LBR 9027-1.
- Sanctions & Remedies – LBR 9011-3.
- Settlement & Compromise – LBR 9019-1.

Rule 7003-1. Cover Sheet.

LBR 7001-1 applies.

Rule 7004-1. Service of Process.

(a) This rule and LBR 7005-1 apply to service under FRBP 7004 of a complaint in an adversary proceeding or of a document initiating a contested matter.

(b) If service is made other than by mailing or delivery to an individual party, the certificate—and the address to which any service is made by mailing—must state the relationship of the recipient to the party served. For example, if service on a corporation is made by mailing to a registered agent, the address of the recipient must include the words "Registered Agent," as well as the party's name and the registered agent's name and mailing address.

(c) LBF 305 may be used as a certificate of service of summons and a complaint in an adversary proceeding.

(d) On the day of the first filing by a party in an adversary proceeding, the party must also file an LBF ADV-A. If the party's address changes, the party must file an updated LBF ADV-A.

Cross-reference: Service & Certificate of Service – LBR 7005-1.

Rule 7004-2. Summons.

LBR 7001-1(c) applies.

Rule 7005-1. Service & Certificate of Service.

(a) Applicability. This rule applies to service under FRBPs 7004 and 7005.

(b) Service Requirements.

(1) When service of a document prepared and filed by an entity is required by FRCP 5(b), the service must be made on the day the document is filed.

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

(c) Certificate of Service.

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

(2) Content. A certificate of service must include a clearly identified list of the names, addresses, and methods for service on all parties served using paper.

Cross-reference: Service of Process – LBR 7004-1.

Rule 7005-2. Nonfiling of Discovery Documents.

Cross-reference: Nonfiling of discovery documents **–** LBR 7026-1(b).

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:

(A) The parties made a good-faith effort to resolve the dispute and have been unable to do so, including a description of the efforts made;

(B) The movant made reasonable efforts to confer and the opposing party either refused to confer or did not respond to movant's request(s), including a description of the efforts made;

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

(D) The movant conferred with the opposing party and the opposing party does not object to the relief sought in the motion.

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

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

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

(1) General. A brief must:

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

(B) Not have substantive argument in a footnote.

(C) Be accompanied by one or more separate affidavits or declarations, not exceeding a total of 20 pages in length for nondiscovery briefs or ten pages in length for discovery briefs, exclusive of exhibits, supporting factual contentions.

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

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

(3) Timing Requirements.

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

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

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

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

(1) An explanation why it is necessary.

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

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

with the opposing party regarding the need for an expedited hearing and any response of the opposing party.

(d) Oral Argument/Telephone Appearance.

(1) Hearing. The court may decide a motion without oral argument. If the court elects to hear oral argument, the court will notify the parties of the hearing date and time. A party may not issue a notice of hearing on a motion unless authorized or directed to do so by another rule or LBF or the court.

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

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

Cross-references:

- Discovery Motion – LBR 7037-1.
- Documents—Requirements of Form – LBR 9004-1.
- Exhibits – LBRs 9004-1(a)(7) and 9017-1.
- Objection to Cost Bill – LBR 9021-1(d)(3)(A).
- Claim—Objection – LBR 3007-1.

Rule 7015-1. Amended Pleading.

LBR 9004-1 applies.

Rule 7016-1. Pretrial Order.

(a) When Pretrial Order Required. If the court determines that a pretrial order is required, the court will include in the scheduling order a deadline for lodging the pretrial order.

(b) Contents. The pretrial order must contain—

(1) A concise statement of the nature of the action, including whether trial will be by jury and, if it will, whether the parties have consented to a jury trial being conducted by the bankruptcy judge.

(2) A concise statement of each basis for bankruptcy jurisdiction and the facts relevant to jurisdiction.

(3) All agreed facts, with an asterisk (*) by those where relevance is disputed.

(4) A statement of each claim and defense to that claim with the contentions of the parties. Contentions must not recite the evidence to be offered at trial but must be sufficient to frame the issues presented by each claim and defense.

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

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

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

(c) Time for Service and Lodging.

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

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

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

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

Rule 7024-2. Unconstitutionality, Claim of.

LBR 9005.1-1 applies.

Rule 7026-1. Discovery—General.

(a) Timing.

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

(2) Initial pretrial conference. At the initial pretrial conference, the parties should be prepared to address whether (1) they should be required to make the disclosures required by FRCP 26(a)(1) and conduct the discovery-planning conference and file the report required by FRCP 26(f) and (2) any other modifications should be made to the application of FRCP 26.

(3) Completion. The scheduling order will set the deadline to complete discovery.

(A) By that deadline—

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

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

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

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

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

(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.

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

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

(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.

Cross-references:

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

Rule 7030-1. Depositions.

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

(b) Conduct at Depositions.

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

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

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

(c) Motions Relating to Depositions.

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

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

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

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

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

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

(2) Receives court approval, and

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

Rule 7033-1. Interrogatories.

(a) General Requirements.

(1) Each interrogatory must state in concise language the information requested. In no case may an interrogatory refer to a definition not contained within the interrogatory or the preamble. Only terms used in a set of interrogatories may be defined.

(2) Broad general interrogatories, such as those that ask a party to "state all facts on which a claim or defense is based" or to "apply law to facts," are not permitted.

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

(b) Answers to Interrogatories.

(1) Answers and objections to interrogatories must set forth each question in full before each answer or objection. Each objection must be followed by a statement of reasons.

(2) When an objection is made to part of an interrogatory, the remainder of the interrogatory must be answered when the objection is made or within the period of any extension of time to answer, whichever is later.

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

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

(a) General Requirements.

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

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

(b) Responses to Requests for Production.

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

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

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

Rule 7036-1. Requests for Admission.

(a) Generally.

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

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

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

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

Rule 7037-1. Discovery Motion.

(a) General. LBR 7007-1 applies.

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

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

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

Cross-references:

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

Rule 7052-1. Findings & Conclusions.

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

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

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

Rule 7055-1. Default—Failure to Prosecute.

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

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

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

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

Rule 7067-1. Registry Fund.

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

(1) Motion. A motion must include (A) the amount of money to be deposited, (B) the name and address of each entity that may have a claim to the money, and (C) the name and address of any attorney for such entity.

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

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

(b) Investment of Registry Funds.

(1) Funds on deposit with the Court are to be placed in the Court Registry Investment System ("CRIS"), an interest-bearing account administered by the Administrative Office of the United States Courts under 28 U.S.C. § 2045.

(2) Interpleader funds deposited under 28 U.S.C. § 1335 meet the IRS definition of a "Disputed Ownership Fund" (DOF), a taxable entity that requires tax administration. Interpleader funds must be deposited in the DOF established within the CRIS and administered by the Administrative Office of the United States Courts, which shall be responsible for meeting all DOF tax administration requirements.

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

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

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

(6) For each interpleader case, an account shall be established in the CRIS Disputed Ownership Fund, titled in the name of the case giving rise to the deposit invested in the fund. Income generated from fund investments will be distributed to each case after the DOF fee has been applied and tax withholdings have been deducted from the fund. Reports showing the interest earned and the principal amounts contributed in each case will be available through the FedInvest/CMS application for each court participating in the CRIS and made available to litigants and/or their counsel. On appointment of an administrator authorized to incur expenses on behalf of the DOF in a case, the case DOF funds should be transferred to another investment account as directed by court order.

(c) Deductions of Fees.

(1) The custodian is authorized and directed by this Rule to deduct the CRIS fee of an annualized 10 basis points on assets on deposit for all CRIS funds, excluding the case funds held in the DOF, for the management of investments in the CRIS. According to the Court's Miscellaneous Fee Schedule, the CRIS fee is assessed from interest earnings to the pool before a pro rata distribution of earnings is made to court cases.

(2) The custodian is authorized and directed by this Rule to deduct the DOF fee of an annualized 20 basis points on assets on deposit in the DOF for management of investments and tax administration. According to the Court's Miscellaneous Fee Schedule, the DOF fee is assessed from interest earnings to the pool before a pro rata distribution of earnings is made to court cases. The custodian is further authorized and directed by this Rule to withhold and pay federal taxes due on behalf of the DOF.

(d) Procedure for Withdrawing Deposited Funds.

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

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

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

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

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

Rule 8009-1. Record on Appeal.

LBR 5077-1 applies.

Rule 9001-1. Rules of Construction & Definitions.

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

(a) "§" means section of the Code.

(b) "Attorney of record" has the meaning given in LBR 9010-1(f)(1).

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

(d) "Code" means title 11 of the United States Code, the Bankruptcy Code.

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

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

(2) If an attorney of record does not represent the committee, then any chairperson and any co-, alternate, or vice chairperson of any committee appointed by the UST listed in the UST's filed notice of appointment;

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

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

(f) "DIP" (debtor in possession) means (1) the debtor in a nonsubchapter V chapter 11 case in which no trustee has been appointed and is serving, (2) the debtor in a subchapter V chapter 11 case in which the debtor has not been removed under § 1185 without reinstatement, or (3) the debtor in a chapter 12 case in which the debtor has not been removed under § 1204 without reinstatement.

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

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

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

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

(k) "ePOC" means the court's Electronic Proof of Claim system.

(l) "eSR" means the court's Electronic Self-Representation Bankruptcy Petition Preparation System (see the court's website at https://www.orb.uscourts.gov/electronic-self-representation-esr-bankruptcy-petition-preparation-system-chapter-7-only).

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

(n) "FRBP" means a Federal Rule of Bankruptcy Procedure.

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

(p) "Generally admitted" has the meaning given in LBR 9010-1(a)(1).

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

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

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

(t) "Lodge," when used as a verb, means to upload, but not to file with the clerk, a proposed order or judgment.

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

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

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

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

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

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

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

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

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

Rule 9004-1. Documents—Requirements of Form.

(a) General Requirements.

(1) Size.

(A) Page Size. Each page of a document must be 8 ½" x 11".

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

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

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

(4) Spacing.

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

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

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

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

(7) Exhibits.

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

(B) Pagination. An exhibit to a document must be consecutively marked in the lower-left margin using the exhibit letter or number, page number of the exhibit, and total number of pages in the exhibit (for example, Ex. A - pg. 1 of 3).

(C) Exhibits for Use in a Hearing or Trial. LBR 9017-1(b) applies.

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

(9) Required Information.

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

(B) OSB#. A document filed by a generally admitted attorney must include the attorney's OSB#. A document filed by an attorney specially admitted under LBR 9010-1(a)(2) must include the name and OSB# of local counsel, and a document filed by a law student specially admitted under LBR 9010-1(a)(4) must include the name and OSB# of the supervising attorney.

(C) Signatures. LBR 9011-4 applies.

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

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

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

(d) Amendment.

An amended document not prepared on an LBF or OF must —

(1) Be entitled a "[insert First, Second, etc.] Amended [insert Title]."

(2) Include an attachment containing either the old and new language set out separately in different forms, for example by striking through deleted language and underlining new language, or, if the document is not a plan or disclosure statement, a narrative explanation of the changes.

(3) Be complete, including exhibits, without reference to any part of any prior document—but, under LBR 1009-1, LBF 728 applies to a list of creditors, equity security holders, or other interested entities.

(4) Be attached as an exhibit to any motion to amend.

Cross-references:

- Caption—Document – LBR 9004-2.
- Caption—Petition – LBR 1005-1.
- Document to be Signed by a Judge – LBR 9021-1.
- Exhibits – LBRs 7007-1(b) and 9017-1.
- Order or Judgment—Proposed – LBR 9021-1(b)(4)(D).
- Plan—Chapter 11 – LBR 3019-1.
- Plan—Chapter 12 and 13 – LBR 3015-2.
- Service & Certificate of Service – LBR 7005-1.

Rule 9004-2. Document—Captions.

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

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

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF OREGON

In re	) Case No.** [Insert case number]
[NOTE: Insertion of the "other names used" included on the petition under LBR 1005-1 is not required, except on notices under FRBP 2002]	) TITLE [Insert description of the document]
	) [NOTE: Add the following if filed in response to a noticed hearing:]
Debtor(s).	) DATE OF HEARING: _____) TIME OF HEARING: _____
	) [NOTE: Add the following if the proceeding or matter is on appeal:]
	) ON APPEAL
	) [NOTE: Add the following to first pleading if demanding jury trial:]
	) DEMAND FOR JURY TRIAL

**The case number consists of a seven-digit number: the first two digits represent the year the case was filed, followed by a hyphen, then five digits followed by another hyphen, the three initials of the assigned judge (in lower case letters), and then the number of the Code chapter under which the case is currently being administered.

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

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF OREGON

In re [NOTE: Insertion of the "other names used" included on the petition under LBR 1005-1 is not required, except on notices under FRBP 2002] Debtor(s). [Insert plaintiff names] Plaintiff(s). v. [Insert defendant names] Defendant(s).	Case No. [Insert case number] Adv. Proc. No.*** [Insert Adv. Proc. No.] TITLE [Insert description of the document] [NOTE: Add the following if filed in response to a noticed hearing:] DATE OF HEARING: _____ TIME OF HEARING: _____ [NOTE: Add the following if the proceeding or matter is on appeal:] ON APPEAL [NOTE: Add the following to first pleading if demanding jury trial:] DEMAND FOR JURY TRIAL

***The adversary proceeding number consists of a six-digit number: the first two digits represent the year the adversary proceeding was filed, followed by a hyphen, then four digits followed by another hyphen, and the three initials (in lower case letters) of the assigned judge.

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

Rule 9005.1-1. Constitutional Challenge to a Statute.

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

Rule 9006-1. Time Periods.

(a) Request for Extension of a Time Limit or Continuance of Evidentiary Hearing. A request for extension of a time limit or for continuance of any evidentiary hearing must be by motion supported by a certification demonstrating good cause, appropriate use of prior time, and that the continuance is being requested at the earliest time practical. The motion must state the number of prior continuances, that the moving party has consulted with the opposing counsel regarding the request, and whether the opposing

counsel consents or objects to the requested continuance. This subdivision applies even if all parties stipulate to the continuance.

(b) Request for Continuance of Nonevidentiary Hearing.

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

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

Cross-references:

- Shortened Notice Period or Limited Notice – LBR 2002-1(b)(2).
- Shortened Notice Period or Limited Notice – LBR 9013-1(b)(3).

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

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

(b) Applicable Version. When a form is filed, it must be on the most current version available at the time of filing. If a trustee is specifically identified in an LBF's preprinted text as the filer, the trustee must use that LBF and, if applicable, lodge any proposed order on the corresponding LBF.

(c) Preparation. If a form is prepared other than using the form available on the court's website, the document must be identical in both format and text to the most current version of the form available on the applicable court website when the form is filed. In completing a form, the filer may add language that changes the effect of the form text, but the addition must be conspicuous, such as by making it in bold or underlined typeface, by using highlighting or an alternate color, or by adding pages to the form. A form may not be altered except as permitted by this rule.

(d) Contents; Instructions; Certifications. A form must contain all information and attach all documents called for by the form. The filer must comply with all the form's instructions and ensure that all statements in a form's certifications are true.

Rule 9010-1. Attorney—Notice of Appearance; Withdrawal.

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

(1) General Admission. An attorney is generally admitted if generally admitted to practice before the district court of this district.

(2) Special Admission—Attorneys Admitted to Practice in Courts Outside this District. Using LBF 120, an attorney may apply to be specially admitted for a particular case or adversary proceeding if the attorney is admitted to practice generally before any United States court or the highest court of any state, territory, or insular possession of the United States and the attorney and associates with local counsel generally admitted in this district who will meaningfully participate in the case or proceeding, including in the preparation and trial of any contested matter or adversary proceeding.

(3) Special Admission—Government Attorney. An attorney who is admitted to practice generally before any United States court or the highest court of any state, territory, or insular possession of the United States and who represents in a case or proceeding in this court the United States, an Indian treaty tribe, a state, or any agency of those sovereigns is automatically specially admitted for the case or proceeding.

(4) Special Admission—Law Student.

(A) A generally admitted attorney may apply for a law student's special admission to practice before this court in a particular case or proceeding if the attorney is the attorney of record for the client in the case or proceeding in which the student will represent the client, the student satisfies the Rules for Admission of Attorneys of the Supreme Court of the State of Oregon (Oregon Admission Rules), the student's law school dean has made and filed with the Oregon State Court Administrator the certification described in the Oregon Admission Rules, the attorney has explained to the client the nature and extent of the student's participation, the attorney has obtained and filed the client's written consent to the participation, and the attorney agrees to supervise the student as required by the Oregon Admission Rules.

(B) If the student is specially admitted, the attorney has the supervisory responsibilities prescribed by the Oregon Admission Rules and must appear when the student appears before this court.

(C) The student's special admission terminates automatically when the certification expires or is withdrawn or terminated under the Oregon Admission Rules, at which time the attorney or the student must file notice of the expiration, withdrawal, or termination if the case or proceeding then remains pending.

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

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

(1) entered any admission status before the Oregon State Bar other than active status, including changing to inactive status for any reason,

(2) been suspended or disbarred from practice by any court,

(3) been convicted of a felony in a state or federal court,

(4) resigned from the bar of any court while an investigation was pending into allegations of misconduct warranting suspension or disbarment, or

(5) been notified of a change in admission status in any jurisdiction that would affect the attorney's eligibility for special admission in this court.

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

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

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

(f) Attorney of Record.

(1) If a party is represented by one admitted attorney, the attorney is the attorney of record. If a party is represented by more than one admitted attorney, the attorney of record is the attorney designated as such in the first document filed on behalf of the party or, if no designation is made, the first attorney named in that document. As used in this rule, and notwithstanding § 101(4), an attorney of record is an individual, not a law firm.

(2) The name of the attorney of record must appear on each document filed on behalf of the party, but the document may be signed or filed by another attorney in the attorney of record's firm.

(3) An attorney of record may be replaced as such by another admitted attorney—including one specially admitted—without leave of court. The new attorney of record must file a notice of substitution of attorney of record. If the substitution affects more than one case or proceeding, the notice may list all affected cases or proceedings but must be filed in each.

(4) Service on a party's attorney that is permitted or required by FRBP 7004(g) or (h)(1) or 7005 or by these rules must be made on the party's attorney of record.

(g) Change of Address, Email Address, or Telephone Number. If an attorney of record's address, email address, or telephone number changes, the attorney must change that information in ECF. If the attorney has received a waiver of the obligation to file or lodge by ECF under LBR 5005-4(b)(2), the attorney must file a notice of the change including the attorney's OSB# (if any), new information, and the effective date of the change. A change notice must be served on other parties to any pending matter or proceeding in which the attorney is an attorney of record.

(h) Attorney's Withdrawal from Representation.

(1) When Leave of Court not Required.

(A) An attorney who is not currently the attorney of record for a client, or who is the attorney of record for a client who is neither a debtor nor a party to a pending contested matter or adversary proceeding, may withdraw from the representation without leave of court, but if the attorney filed a notice of appearance, the withdrawing attorney must file notice of withdrawal.

(B) The attorney of record for a debtor or for a party to a pending contested matter or adversary proceeding may withdraw in conjunction with or after a substitution of attorney of record by which the attorney ceases to be attorney of record.

(2) When Leave of Court Required. Except as permitted by (1), an attorney of record may withdraw only with leave of court. A motion for leave to withdraw must be supported by the attorney's declaration, and the motion and declaration must be served on the client and other parties to any pending contested matter or adversary proceeding to which the attorney's client is a party.

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

(i) the reasons withdrawal is sought,

(ii) the status of all pending contested matters and adversary proceedings to which the attorney's client is a party, including any future hearing dates and deadlines,

(iii) whether the client has provided informed consent to the withdrawal under the Oregon Rules of Professional Conduct (ORPC) and if the client has not done so, summarize the efforts made to communicate with the client,

(iv) the client's last-known contact information, including mailing address, phone number, and, if authorized by the client, an email address, and

(v) which, if any, disclosures required by (i), (iii), or (iv) above are omitted because the disclosure is prohibited by the ORPC.

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

(i) whether the attorney holds an unapplied retainer or received payment for services not yet performed and how the attorney will handle the retainer or payment.

(ii) if the attorney represents both individual debtors in a joint case, which, if either, of the debtors the attorney will continue to represent.

(iii) if the attorney represents a debtor in a chapter 7 case—

(I) and received a fixed fee for performing specified services, the agreed services and any services not yet performed, and state whether the fee is reasonable for the services performed.

(II) and made a limited-scope representation agreement with an individual debtor, whether the attorney has complied with (h) and performed all services required by the agreement.

(iv) if the attorney represents a debtor in a chapter 13 case and received from the debtor or was awarded by the court a fixed fee for the life of the case—

(I) the amount of the fee that has been paid,

(II) any amount awarded that has not yet been paid,

(III) whether the attorney requests payment of any remaining awarded-but-unpaid fee, and

(IV) whether retention of the paid fee and any additional fee the attorney requests would be reasonable despite the attorney's withdrawal before case completion.

(i) Limited-scope Representation of Individual Chapter 7 Debtor. An attorney who agrees to file or assist a debtor in filing a bankruptcy petition, but not to represent the debtor in all matters relating to a case, must make a written fee agreement with the debtor that includes a detailed description of all services that the attorney will perform on behalf of the debtor. Adversary proceedings may be specifically excluded from the agreement. Before the debtor signs the agreement, the attorney must clearly explain to the debtor in writing the duties that the debtor may be required to perform without the attorney's assistance and the associated risks, and the debtor must sign and date an acknowledgment of receipt of the disclosures. The agreement must require the attorney to do at least the following:

(1) Counsel the debtor about all bankruptcy and nonbankruptcy options and the potential benefits and detriments of each.

(2) Assist the debtor with all aspects of the preparation of the petition, schedules, statement of financial affairs, and other documents required by FRBP 1007, including educational requirements.

(3) Explain the effects of a discharge.

(4) File the petition, schedules, statement of financial affairs, and other documents required by FRBP 1007.

(5) Assist with all matters through conclusion of the meeting of creditors, including informing the debtor of key deadlines, such as objecting to discharge, which may occur after the meeting.

(6) Represent and counsel the debtor with respect to the reaffirmation, redemption, surrender, or retention of consumer goods securing obligations to creditors.

(A) The attorney is not required by this rule to sign the attorney certification that is part of the reaffirmation agreement or appear at a hearing for court approval of a reaffirmation agreement.

(B) The attorney must advise and assist the debtor to complete any reaffirmation agreement completely, accurately, and internally consistently, including by reporting the debtor's income and expenses as of the time of the reaffirmation agreement and, where required, expenses excluding payments on the debt proposed for reaffirmation.

(7) Assist and respond to requests for information and documents from the chapter 7 case trustee, including responding to motions for turnover.

Cross-references:

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

Rule 9011-2. Law Student Appearance Program.

(a) **General.** Except as limited by this rule, a law student specially admitted under LBR 9010-1(a)(4) may appear in court and at meetings of creditors.

(b) **Supervising Attorney.** Notwithstanding the Oregon Admission Rules, the supervising attorney must be present with the law student at a meeting of creditors. A document may be filed only by the supervising attorney.

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

(d) **Notice Regarding Appearance.** The supervising attorney must file a notice at least seven days before the first hearing or trial at which the student will appear. The notice must include (i) a statement that the supervising attorney has on file a copy of the student-eligibility certification and (ii) the written and signed consent of the client to student representation. A timely filed notice constitutes this court's consent under the Oregon Admission Rules to the student's appearance.

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

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

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

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

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

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

(4) Any other appropriate sanction or remedy.

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

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

Cross-reference: Sanctions—Settlement & Compromise – LBR 9019-1(e)(2)(D).

Rule 9011-4. Signatures.

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

(b) Document Submitted Via Fax or the Court's Public Document Upload System. A document is signed either if it bears the image of a handwritten signature and complies with (a) or if it bears a typed signature in the "/s/ [name]" format.

(c) Document Filed by ECF.

(1) A document filed by ECF must contain, in each location a signature is required, the electronic signature of the filer and of any other signer of the document as follows: "/s/ [signer's name]."

(2) A petition, another document described in FRBP 1008, or an OF 121 required by LBR 1007-5(a) filed by ECF must be signed by affixing the "/s/ [signer's name]" of another signer, which constitutes the filing ECF Participant's certification that, when filing the document, the filer possesses (A) a

counterpart of the document bearing an original signature for each signer, (B) both an image of the document, such as a scan, photocopy, or fax of it, and the debtor's confirmation of the signature, either in person or by telephone or other electronic means, (C) the debtor's written authorization for the attorney to sign the document on behalf of the debtor, or (D) the document bearing a signature that is an electronic signature under ORS chapter 84 or similar law.

(3) An affidavit, a sworn verification, or unsworn declaration (other than with respect to a document described in FRBP 1008) must be signed by affixing the "/s/ [signer's name]" of another signer, which constitutes the filing ECF Participant's certification that the filer possesses the ink signature of the signer, an image of the ink signature (such as a photocopy, fax, or scanned image), or an electronic signature.

(4) All documents not described above must be signed by affixing the "/s/ [signer's name]" of another signer, which constitutes the filing ECF Participant's certification that, when filing the document, the filer possesses the ink signature of the signer, an image of the ink signature, an electronic signature, or a writing (including electronic communication) from the other signer authorizing the filer to affix the "/s/ [signer's name]" of the other signer.

Cross-references:

- Attorney of Record – LBR 9010-1(f).
- Effect of Filing or Lodging by ECF – LBR 5005-4(c).
- Retention of Original Document – LBR 5005-4(e).

Rule 9013-1. Motion Practice—Contested Matters.

(a) Adversary Proceeding LBRs Applicable to Contested Matters. The following LBRs apply to contested matters.

(1) Amendments. LBR 7015-1 applies.

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

(3) Service. LBRs 7004-1 and 7005-1 apply.

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

(5) Stipulations to Change Hearing or Trial Dates or Court-Established Deadlines. LBR 7001-1(d) applies.

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

(7) Nonfiling of Discovery Documents. LBR 7026-1(b) applies.

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

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

(10) Protective Order. LBR 7026-1(e) applies.

(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 (which may be abbreviated) and the motion's ECF number.

(2) Notice of Motion. Each motion must include a notice of motion unless (A) the motion is filed using an LBF or OF, (B) another LBR directs otherwise, (C) the motion seeks to convert or dismiss a bankruptcy case unless filed by a chapter 13 trustee, (D) the motion is filed under FRBP 3002.1, (E) the motion is unopposed, joint, or stipulated, (F) the motion seeks relief that the court can grant without notice and a hearing (for example, a motion to extend or shorten time or for FRBP 2004 examination), or (G) the motion requests expedited consideration. The notice must precede the substantive motion and must be in substantially the following form:

Notice. If you oppose the relief sought in this motion, you must file a written objection with the bankruptcy court no later than [insert number of days in objection period, excluding any additional time provided by FRBP 9006 (see LBR 9013-1(c)(1)(A))] days after the date listed in the certificate of service below. If you do not file an objection, the court may grant the motion without further notice. Your objection must set forth the specific grounds for objection and your relation to the case. The objection must be received by the clerk of court at 1050 SW 6th Ave #700, Portland, OR 97204 or 405 E 8th Ave #2600, Eugene, OR 97401 by the deadline specified above. [Include the following sentence only if motion is not filed by an ECF Participant] You must also serve the objection on [insert name, address, and phone number of movant] within that same time.

(3) Shortened Notice Period or Limited Notice. To request a shortened notice period for, or limitation of the entities who must receive, any notice governed by FRBP 2002 or any motion, a filer must—

(A) before filing the notice or motion, file a separate motion to shorten time or limit notice and attach as an exhibit the proposed notice or motion;

(B) for a motion in a pending adversary proceeding or contested matter, state whether the requested time-shortening or notice-limiting is opposed by any other party;

(C) for a motion that will initiate a contested matter, state whether the requested time-shortening or notice-limiting is opposed by any of (i) the parties, if any, against whom the motion requests specific relief, (ii) any standing or other appointed trustee, (iii) any appointed committee of creditors or equity security holders, (iv) and the UST;

(D) immediately lodge a proposed order granting the motion to shorten time or limit notice; and

(E) if the motion to shorten time or limit notice is granted, refer to the order shortening time or limiting notice in the notice of intent or motion.

(4) Motion for Emergency Order. If moving for entry of an emergency order, the movant must immediately notify the chambers of the assigned judge after filing the emergency matter.

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

(1) Objection in All Chapters.

(A) Filing Deadline to Object. Any objection to a motion, other than one described in LBR 9021-1(b)(2), must be filed no later than 14 days after the service of the motion. But if the motion requests a type of relief for which an FRBP specifies a notice period other than 14 days before a hearing, an objection to the motion must be filed within that number of days after service of the motion. For example, an objection to relief of a type described in FRBP 2002(a)(3) or (4) must be filed within 21 days after service of the motion.

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

(2) Replies.

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

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

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

(d) Disclosure of Expert Testimony. The court directs that FRCP 26(a)(2) apply in contested matters, except the disclosure required by FRCP 26(a)(2) is due 14 days before an evidentiary hearing and only if the hearing is set more than 14 days after the petition date.

(e) Testimony at Contested Matter Hearings.

(1) A hearing on a contested matter will be an evidentiary hearing at which witnesses may testify only if the notice of hearing so states.

(2) A notice of hearing on a contested matter must state whether the hearing will be an evidentiary hearing at which witnesses may testify. An evidentiary hearing not set by an LBF may not be held by telephone without the court's approval.

(f) Definition of "Motion". In this rule, "motion" means motion or application initiating a contested matter, but not one that is made within a contested matter or adversary proceeding.

Cross-references:

- Abandonment – LBR 6007-1.
- Abstention – LBR 5011-2.
- Automatic Stay—Relief From – LBR 4001-1(a).
- Cash Collateral Use – LBRs 4001-1(b).
- Chapter 7 Trustee's Motion for Continuance of Stay re Personal Property – LBR 4001-1(g).
- Claim—Objection – LBR 3007-1.
- Compensation or Expense Application – LBR 2016-1.
- Conversion—Case – LBRs 1017-1 and 2016-1(f).
- Credit (Obtaining) – LBRs 4001-1(b).
- Deposit Into Court's Registry Fund – LBR 7067-1.
- Dismissal—Case – LBR 1017-2.
- Documents—Requirements of Form – LBR 9004-1.
- Exhibits – LBRs 9004-1(a)(7) and 9017-1.
- Extend or Impose Automatic Stay – LBR 4001-1(f).
- Hardship Discharge – LBR 4004-1.
- Lien Avoidance Under § 522(f) – LBR 4003-2.
- Objection to Cost Bill – LBR 9021-1(d)(3)(A).
- Property Use, Sale (Including Free and Clear of Liens), or Lease – LBR 6004-1.
- Proposed Order if No Objection Timely Filed – LBR 2002-1(h).
- Proposed Order or Judgment – LBR 9021-1(b).
- Redemption – LBR 6008-1.
- Removal or Remand – LBR 9027-1.

- Sanctions & Remedies – LBR 9011-3.
- Valuation of Collateral (§§ 506(d) and 1322) – LBR 3012-1.
- Withdrawal of Referral (28 U.S.C. § 157(d)) – LBR 5011-1.

Rule 9015-1. Jury Trials—Procedures.

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

Cross-reference: Jury Trial – LR 2100-6.

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

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

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

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

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

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

(c) Audio/Visual Equipment.

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

(2) Court Equipment. The court has a limited variety of audio and visual equipment available for use at trial. A party must notify the court and courtroom deputy clerk no later than 14 days before the hearing

of a need to use the court's equipment and meet with the courtroom deputy clerk before the hearing to learn how to operate the equipment. The court may, in the interest of fairness and efficiency, limit the use of audio or visual equipment, or condition its use on its availability to all parties.

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

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

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

(a) General. The court will seal only an entire document; it will not seal parts of a document.

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

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

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

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

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

(c) Filing a Sealed Document.

(1) A document must not be filed under seal until an order has been entered allowing the sealing.

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

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

(d) Sealed Proposed Order or Judgment Submitted by an ECF Participant. To avoid unauthorized access, an ECF Participant must submit a proposed order or judgment that the judge has authorized be sealed using the ECF event for filing a sealed document, not the ECF event for lodging an order.

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

Rule 9019-1. Settlement & Compromise.

(a) Notification of Settlement.

(1) A movant or plaintiff must promptly inform the judge's chambers or courtroom deputy when a contested matter or adversary proceeding is settled.

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

(b) Private Mediation. The parties may agree to mediation with a private mediator. The parties must select and compensate the mediator and, in conjunction with the mediator, agree to the time, place, and duration of the mediation.

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

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

(c) Judge-Hosted Settlement Conferences.

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

(2) Process for Appointment. Any request for a judge-hosted settlement conference must first be proposed to the assigned judge.

(3) Judicial Immunity and Other Protections. Any active or recall-status bankruptcy judge appointed as a settlement judge will be so appointed because of a judicial position as, and to act in the specific capacity as, a United States Bankruptcy Judge. Any other federal judge appointed as a settlement judge will be so appointed because of a judicial position, and to act in the specific capacity, as such other federal judge may have. By serving as a settlement judge, such judge performs judicial duties. Accordingly, such judge and all persons assisting a settlement judge will have full, unqualified judicial immunity, as well as all other privileges, immunities, and protections of a United States Bankruptcy Judge or other federal judge, as applicable, and judiciary employees regarding any matters arising from or related to such judge's role as settlement judge.

(4) Waiver. All parties participating in a judge-hosted settlement conference will automatically—

(A) waive and be unable to assert any claims or causes of action against the settlement judge or any court employees assisting with the settlement process that arise from or relate to the settlement process; and

(B) except as may be required by otherwise applicable disclosure law, waive and be unable to seek to compel from the settlement judge or from any court employees assisting with the settlement process any oral or written testimony, document production (including, without limitation, regarding any records, reports, summaries, notes, communications, or other documents received or made by the settlement judge or any court employees while serving in such capacity), or other participation whatsoever in any litigation, judicial, arbitral, or other proceeding of any kind.

(5) Disqualification. No judge may serve as a settlement judge if that judge would be disqualified (a) under 28 U.S.C. § 144 if that judge were a district judge before whom the matter or proceeding is pending or (b) under 28 U.S.C. § 455 if that judge were a justice, judge, or other judicial officer before whom the matter or proceeding is pending, in each case unless the parties consent in writing after disclosure.

(d) Procedure Applicable to All Forms of Settlement Negotiations.

(1) No Stay of Action. Unless ordered by the assigned judge, the deadlines or event dates, including trial, in a matter or proceeding will not be stayed or changed by the occurrence or scheduling of settlement discussions, private mediation, or a judge-hosted settlement conference.

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

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

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

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

(2) Participation by Counsel and Parties.

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

(i) all liability issues,

(ii) all damage issues, and

(iii) the position and interests of the attorney's client regarding settlement.

(B) Unless excused by the mediator or settlement judge, a person with complete settlement authority for each party must attend the mediation or judge-hosted settlement conference in person. But the United States may be represented by the trial attorney.

(C) Where a party's defense is provided by a liability insurer, a representative of the insurer, unless excused by the mediator or settlement judge, must attend the mediation or judge-hosted settlement conference and have full authority to bind the insurer to a settlement.

(D) Unless excused from attendance by the mediator or settlement judge, an attorney's or party's willful failure to attend the mediation or judge-hosted settlement conference when required must be reported to the assigned judge by the mediator or settlement judge and may result in the imposition of sanctions.

(3) Settlement. Unless otherwise agreed by all parties and the mediator or settlement judge in writing, no party will be bound by anything done or said in any mediation or judge-hosted settlement conference unless a settlement is reached, in which event the agreement will be recited orally and recorded or reduced to writing and will be binding on all parties. In any dispute regarding the terms of the settlement, the terms of the settlement as communicated by the mediator or settlement judge and accepted by the parties are not privileged.

(4) Postmediation Notification to Assigned Judge.

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

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

(5) Termination of Mediation or Judge-Hosted Settlement Conference. The assigned judge may withdraw any matter from court-ordered private mediation or a judge-hosted settlement conference on the assigned judge's own order or upon request of any party, the UST, the mediator, or the settlement judge. Unless the parties and mediator or settlement judge agree otherwise in writing, any and all duties and responsibilities of the mediator or settlement judge terminate upon the filing of the report by the mediator or settlement judge required in (4) above.

Rule 9020-1. Contempt.

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

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

(a) Circulation of Proposed Order or Judgment.

(1) When Required. The proponent of an order or judgment must circulate it to all responding parties before lodging it with the court unless the proposed order or judgment:

(A) may be lodged concurrently with the motion or application under (b)(1)(C) below,

(B) includes the signed statement of each responding party or its attorney that the party stipulates to entry of the order, agrees that it correctly reflects the court's ruling, or waives circulation of it, or

(C) is approved by the court at a hearing on the motion, application, or complaint.

(2) Method. A proposed order or judgment may be circulated as follows:

(A) by attaching the proposed order or judgment to and filing and serving it with the motion, application, or complaint that it would grant, if the court determines to grant the requested relief without modification; or

(B) after the court announces its ruling, by hand-delivering, faxing, or e-mailing the proposed order or judgment no later than three business days before lodging it, or mailing it no later than six business days before lodging it.

(3) Certificate of Compliance; Notice to Chambers of Unresolved Dispute. Unless the proposed order is on an LBF, the proponent of an order or judgment for which circulation is required must certify that the proponent has complied with (2) above and that any applicable circulation period has expired or all responding parties have affirmatively approved the form of order or judgment. If a responding party timely objects to a proposed order or judgment and the objection is not resolved before the order or judgment is lodged, the proponent must so notify the court in writing, either in a certification of compliance required by this (3) or otherwise.

(b) Lodging of Proposed Order or Judgment.

(1) When Permitted. A proposed order or judgment may be lodged when it is appropriate for the court to sign it.

(A) An order or judgment that must be circulated may not be lodged until the proponent has complied with (a) above.

(B) Except as provided in (C) and (D) below, no order may be lodged unless—

(i) the court has announced a decision and requested that an order or judgment be lodged; or

(ii) the time for filing an objection has expired and no objection has been filed.

(C) The proponent may lodge an order concurrently with the motion or application if—

(i) the proponent seeks entry of the order that may be entered without notice and a hearing;

(ii) the motion or application contains a certification that it is stipulated, agreed, or unopposed; or

(iii) the motion is for entry of default in an adversary proceeding.

(D) An order or judgment that is stipulated, agreed, or unopposed may be lodged at any time.

(2) Orders Not to be Lodged. No party need lodge a proposed order of the types listed in LBF 9021.

(3) Separate Document. Except for an order or judgment which is stipulated or submitted on an LBF, a proposed order or judgment must be lodged as a document separate from any other document.

(4) Form.

(A) General. The top margin on the first page of any order or judgment must be 4", and devoid of all text except for optional line numbers, which must not be more than 3/4" from the left edge. All other pages must have a top and bottom margin of 1". A proposed order or judgment must:

(i) Contain a brief description of the subject and content in the title if the document is an order.

(ii) State the name and docket number, if available, of any predicate motion or application.

(iii) State in simple and direct terms the ruling of the court.

(iv) Include a street address, and include or attach a legal description, of any real property to which it pertains.

(v) Unless on an LBF, have the three-pound (###) symbol centered on the line immediately after the last line of the order or judgment text.

(vi) Not include a "Dated" line.

(vii) Not have a judge's signature line unless one is included by the court on an LBF.

(viii) Include the following after the three-pound (###) symbol:

(I) On the left side of the last page, the signature of the individual presenting it, preceded by the words "Presented by" and followed by the presenter's name, address, telephone number, and capacity.

(II) A list of names and addresses of all contesting parties who are not, and whose attorneys are not, ECF Participants or a statement that there are no such parties.

(B) Default Order in Adversary Proceeding. In addition to the requirements in (A), a proposed default order under FRBP 7055 must state whether the matter is core or noncore, state the name and docket number, if available, of the motion for default order, and be filed on a document separate from the proposed judgment.

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

(i) General. A statement that the order or judgment is a stipulation, and signatures, must only be placed below the three-pound (###) symbol denoting the end of the order or judgment text.

(ii) Document Filed by ECF Intended to Delay or Stop Entry of an Imminent Order (for example, Discharge, Dismissal). If the filer wishes a stipulated order or judgment to delay or stop the imminent entry of another order, the filer must both:

(I) File the proposed order or judgment by ECF as though it were an objection or a motion, using the ECF event that would have been used if a stipulation had not been reached. Examples of documents that should be filed in this manner include a proposed stipulated order when there has been no previously filed objection to dismissal for failure timely to comply with legal requirements, or no previously filed motion to delay entry of discharge, extend time to file § 727 complaints, or extend time to file documents.

(II) Lodge that document again using the "Upload Order on Previously Filed Motion" ECF event under the Order Upload category, and link it to the document filed under (I).

(D) A lodged order or judgment that differs from the version attached to the motion, application, or complaint as permitted by (a)(2)(A) must comply with LBR 9004-1(d), except that the separate version showing the old and new language must be filed as correspondence and not attached to the lodged version.

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

(d) Costs and Fees.

(1) General. Allowed costs will be taxed by the judge under FRBP 7054(b) and this LBR. Time deadlines in (2) and (3) relating to filing, or objecting to, a cost bill also apply to filing, or objecting to, a request for attorney fees in a contested matter or adversary proceeding in which judgment is sought for the prevailing party's attorney fees.

(2) Filing of Cost Bill. A cost bill must itemize claimed costs, be verified under 28 U.S.C. § 1924, and be filed and served on all adverse parties no later than 14 days after entry of the order or judgment to which it relates.

(3) Objection to Cost Bill.

(A) An objection to a cost bill must be filed and served no later than 14 days after the cost bill is served. The objection may be supported by a brief, and any statement of fact must be supported by an affidavit. No later than seven days after service of an objection and notwithstanding LBRs 7007-1(b)(3)(B) and 9013-1(c)(2)(A), the party filing the cost bill may file and serve a reply.

(B) In the absence of any objection, any item listed in the cost bill may be taxed.

Cross-references:

- Proposed Order or Judgment in Noncore Matters that Require Review, Determination, and Signing by a District Judge – LR 2100-5(a)(2).
- Proposed Order if No Objection Timely Filed – LBR 2002-1(h).

Rule 9027-1. Removal or Remand—Noticing.

(a) General. No later than seven days after filing a notice of removal, the removing party must file evidence of compliance with the notice requirements of FRBP 9027(b).

(b) If Hearing Set. If a hearing has been set by the court from which an adversary proceeding is removed, the removing party must promptly send notice of the removal to the clerk of that court and any judge assigned to the adversary proceeding in that court.

Cross-references:

- Documents—Requirements of Form – LBR 9004-1.
- Jury Trial Demand – LBR 9015-1.

Rule 9029-1. Local Rules.

(a) General. LBR 1001-1 applies.

(b) Cross-references. Cross-references are provided in these LBRs for user convenience. The court does not intend for the cross-references to preclude a user's consideration and use of any other LBR that may be applicable.

(c) Exceptions. The court may excuse a party from complying with any LBR to avoid injustice or to expedite the administration of a case or adversary proceeding.

Rule 9029-3. Local Rules—District Court.

LRs 2100-2200 apply to cases and adversary proceedings in this court. The other LRs do not apply unless specifically referred to in an LBR. If an LBR references a specific LR, the reference incorporates any other LR cross-references within that LR unless stated otherwise.

Rule 9070-1. Exhibits.

LBRs 7007-1(b), 9004-1(a)(7), and 9017-1 apply.