UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN

LOCAL RULES

Effective February 1, 2016

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Rule 1002-1 Bankruptcy Petition and Cover Sheet

(a) Number of Copies. When a Paper Filing has been authorized under the ECF Procedures, only the original must be filed, except that the debtor must file an original and one copy of a chapter 9 petition or a chapter 11 petition.

(b) Cover Sheet. A petition must be accompanied by a completed form "Bankruptcy Petition Cover Sheet," available on the court's website.

Rule 1007-1 Schedules and Other Initial Papers

(a) Failure to Timely File Initially Required Documents. If the debtor fails to timely file the schedules, statement of financial affairs or other required documents and fails to timely move for an extension of time under Local Rule 9006-1(a) before the deadline for filing those documents, the debtor's voluntary petition may be dismissed without a hearing unless, within 21 days after the petition is filed, a party files a request for a hearing. If a party files a timely request for a hearing, the court will schedule a hearing with notice to any party who requested it, the debtor, the trustee and the United States trustee.

(b) Pro Se Declarations. In a case in which the debtor is not represented by an attorney, the debtor must file a completed form "Declaration Under Penalty of Perjury for Debtor(s) Without An Attorney," available on the court's website. The deadline to file the declaration form is 14 days after the petition is filed.

(c) Payment Order in a Chapter 13 Case.

(1) Within 14 days after filing a chapter 13 petition or converting a case to chapter 13, the debtor must submit for entry one or more proposed initial payment orders, as necessary to make plan payments, using the following forms available on the court's website:

(A) "Third Party Payment Order" or

(B) "Electronic Transfer of Funds Payment Order," but only if a Third Party Payment Order cannot be effectuated.

(2) The initial Third Party Payment Order must be submitted on an *ex parte* basis and need not be submitted to the trustee for concurrence. An Electronic Transfer of Funds Payment

Order may only be submitted for entry upon a filed stipulation with the trustee. Upon entry, the trustee must serve a copy of the payment order(s) as appropriate.

(3) By the deadline under subpart (c)(1), the debtor may instead file a motion under Local Rule 9014-1, supported by an affidavit, or a stipulation with the trustee, for an order excusing the requirement of a payment order, for good cause.

(4) A payment order may be amended only by:

(A) an order entered upon a motion under Local Rule 9014-1;

(B) an order entered upon a stipulation with the trustee; or

(C) a provision in an order confirming the plan.

(5) This rule does not affect a debtor's duty to commence or continue plan payments.

(d) Service of the Plan in a Chapter 13 Case. The debtor must promptly serve a copy of the plan on all creditors and other parties in interest and file a certificate of service. The debtor need not serve a copy of the plan on the trustee.

(e) Application to Pay the Filing Fee in Installments. The deadline to file an application and a proposed order authorizing payment of the filing fee in installments is 14 days after the petition is filed.

(f) Section 521(a)(1)(B)(iv) Material. The debtor need not file the material identified in § 521(a)(1)(B)(iv) - "copies of all payment advices or other evidence of payment received within 60 days before the date of the filing of the petition, by the debtor from any employer of the debtor." Instead, if the debtor is represented by an attorney, the debtor's attorney must transmit this material to the trustee in PDF format by email at least seven days prior to the first date set for the meeting of creditors, but not later than 45 days after the date of the filing of the petition. If the debtor is not represented by counsel, the debtor must mail or deliver this material to the trustee at least seven days before the first date set for the meeting of creditors, but not later than 45 days after the petition was filed.

(g) Schedule C in a Joint Case. Each debtor in a joint case must file a separate schedule C.

Rule 1007-2 The List of Creditors and the Matrix

(a) When a Matrix of Creditors and Matrix of Equity Security Holders Are Required; Contents. The requirements of this subpart (a) apply when a voluntary bankruptcy petition is filed by a Paper Filing as authorized under ECF Procedures. The petition must be accompanied by (1) a matrix listing the names, addresses and zip codes in alphabetical order, of all creditors; and (2) in a chapter 11 case, a separately labeled matrix listing the names, addresses and zip codes of equity security holders. These matrices must comply with the "Guidelines for a Paper Filing Matrix," available on the court's website. A debtor with more than 100 creditors must, instead of filing a printed matrix, provide the matrix to the clerk by electronic media prepared using the guidelines available on the court's website.

(b) ECF Filed Petition. When a petition is filed by ECF, the matrices described in subpart (a) must be uploaded.

(c) Requirements for Listing Government Agencies. This subpart (c) applies to the list of creditors uploaded in ECF when a petition is filed and to the creditor matrix when a petition is filed by a Paper Filing. When any department or agency of the United States is listed in the matrix, the list of creditors must also include the United States Attorney for the Eastern District of Michigan (Attention: Civil Division). The address for the office of the United States Attorney must correspond to the court location where the petition is assigned and all subsequent service on the United States Attorney must be at that address. When an agency or department of the United States is listed, the proper address must be obtained from the United States Attorney's Office and must be included. The United States trustee's office need not be included.

Rule 1007-3 Credit Counseling Compliance

(a) Certification Procedures. A debtor who files a certification under § 109(h)(3)(A) must also file a motion for approval of the certification. The debtor must file the certification and the motion with the petition, serve it on all parties and file a certificate of service. The deadline to file a response is 14 days after service. If no timely response is filed, the certification will be deemed satisfactory under § 109(h)(3)(A)(iii) without a hearing or further order. The motion must be accompanied by a notice that the deadline to file a response is 14 days after service and

that if no response is filed, the court will deem the certification satisfactory under § 109(h)(3)(A)(iii) without a hearing.

(b) Additional Extension of Time. A motion for an extension of time under § 109(h)(3)(B) must be served on all parties and may be accompanied by an *ex parte* motion for an expedited hearing. If the court grants an expedited hearing, the debtor must promptly serve a notice of the hearing on all parties and file a certificate of service.

(c) Motion to Excuse Credit Counseling. A motion seeking relief under § 109(h)(4) must be filed under Local Rule 9014-1.

Rule 1007-4 Lists, Schedules, Statements and Other Documents; Time Limits

(a) Schedules, Statements and Other Documents Required. Unless either (A) § 707(b)(2)(D)(i) applies, or (B) § 707(b)(2)(D)(ii) applies and the exclusion from means testing granted therein extends beyond the period specified by F.R.Bankr.P. 1017(e), an individual debtor in a chapter 7 case must file a statement of current monthly income prepared as prescribed by the appropriate Official Form, and, if the current monthly income exceeds the median family income for the applicable state and household size, the information, including calculations, required by § 707(b), prepared as prescribed by the appropriate Official Form.

(b) Time Limits. In a voluntary case, the schedules, statements and other documents required by F.R.Bankr.P. 1007(b)(1), (4), (5) and (6) must be filed with the petition or within 14 days thereafter, except as otherwise provided in F.R.Bankr.P. 1007(d), (e), (f) and (h) or in subpart (c) of this rule. In an involuntary case, the list in F.R.Bankr.P. 1007(a)(2), and the schedules, statements and other documents required by F.R.Bankr.P. 1007(b)(1) must be filed by the debtor within 14 days of the entry of the order for relief. In a voluntary case, the documents required by subparts (A), (C) and (D) of F.R.Bankr.P. 1007(b)(3) must be filed with the petition. Unless the court orders otherwise, a debtor who has filed a statement under F.R.Bankr.P. 1007(b)(3)(B), must file the documents required by F.R.Bankr.P. 1007(b)(3)(A) within 14 days of the order for relief. In a chapter 7 case, the debtor must file the statement required by F.R.Bankr.P. 1007(b)(7) within 45 days after the first date set for the meeting of creditors under § 341 of the Code, and in a chapter 11 or 13 case no later than the date when the last payment

was made by the debtor as required by the plan or the filing of a motion for a discharge under § 1141(d)(5)(B) or § 1328(b) of the Code. The court may, at any time and in its discretion, enlarge the time to file the statement required by F.R.Bankr.P. 1007(b)(7). The debtor must file the statement required by F.R.Bankr.P. 1007(b)(8) no earlier than the date of the last payment made under the plan or the date of the filing of a motion for a discharge under §§ 1141(d)(5)(B), 1228(b), or 1328(b) of the Code. Lists, schedules, statements and other documents filed prior to the conversion of a case to another chapter will be deemed filed in the converted case unless the court directs otherwise. Except as provided in § 1116(3), any extension of time to file schedules, statements and other documents required under this rule may be granted only on motion for cause shown and on notice to the United States trustee, any committee elected under § 705 or appointed under § 1102 of the Code, trustee, examiner or other party as the court may direct. Notice of an extension must be given to the United States trustee and to any committee, trustee or other party as the court may direct.

(c) Time Limits For, and Notice To, Debtors Temporarily Excluded from Means Testing.

(1) An individual debtor who is temporarily excluded from means testing pursuant to § 707(b)(2)(D)(ii) of the Code must file any statement and calculations required by F.R.Bankr.P. 1007(b)(4) no later than 14 days after the expiration of the temporary exclusion if the expiration occurs within the time specified by F.R.Bankr.P. 1017(e) for filing a motion pursuant to § 707(b)(2).

(2) If the temporary exclusion from means testing under § 707(b)(2)(D)(ii) terminates due to the circumstances specified in subpart (c)(1) of this rule, and if the debtor has not previously filed a statement and calculations required by F.R.Bankr.P. 1007(b)(4), the clerk must promptly notify the debtor that the required statement and calculations must be filed within the time specified in subpart (c)(1) of this rule.

Rule 1007-5 Identification Request

The clerk of the court must require any individual presenting a bankruptcy petition for filing at intake to produce a government-issued photo identification and must refuse such filing if such

identification is not produced upon request. The court may grant relief from this requirement upon request in a specific case.

Rule 1009-1 Amendment of Initial Papers

(a) Procedure. An amended petition, schedule, statement of financial affairs or matrix must be accompanied by a completed form "Cover Sheet for Amendments," available on the court's website. The amended paper must be signed by the amending party. If several papers are contemporaneously amended, the amending party may file one signed affirmation relating to all of the amended papers in the same form as required on the original documents. The amended paper must completely disclose all information required by the form. A "supplemental" paper that merely provides additional information may not be filed.

(b) Service of Amendment. The debtor must serve a copy of the amendment and the "Cover Sheet for Amendments" on all entities affected by the amendment and file a certificate of service.

(c) Adding an Omitted Creditor More Than 14 Days Prior to the Meeting of Creditors. A debtor who, more than 14 days prior to the commencement of the meeting of creditors, amends a schedule to add a creditor not previously listed, must comply with subparts (a) and (b).

(d) Adding an Omitted Creditor After 14 Days Prior to the Meeting of Creditors. If an amendment adding a creditor is filed after 14 days prior to the commencement of the meeting of creditors:

(1) the deadlines under F.R.Bankr.P. 4007 and F.R.Bankr.P. 4004 for the filing of complaints under § 523 or § 727, respectively, and the deadline under F.R.Bankr.P. 4003(b) to object to the debtor's claim of exemptions are extended to allow the added creditor the same number of days in which to file such a complaint or objection as the creditor would have had if the creditor had been properly scheduled when the order for relief was entered;

(2) the creditor added by the amendment is entitled to examine the debtor under oath with any reasonable expense to be borne by the debtor; and

(3) the debtor must serve the amended document, a notice containing a copy of subpart (d) of this rule and a copy of the notice of commencement on the added creditor and file a certificate of service.

Rule 1015-1 Joint Administration of Cases of Affiliated Debtors

(a) The Motion. A motion for joint administration of affiliated debtors filed under F.R.Bankr.P. 1015(b) and (c) must contain detailed information concerning:

(1) the disclosure required by F.R.Bankr.P. 1007(a)(3);

(2) any inter-debtor claims and whether they are disputed or undisputed;

(3) any guaranties or co-obligations among the debtors and non-debtor equity holders;

(4) whether any of the debtors is a publicly traded entity; and

(5) inter-company transfers within one year before the order for relief.

(b) The Proposed Order. The proposed order attached to the motion must include a paragraph identifying the proposed caption to be used for the jointly administered cases. The caption must use the name of a publicly traded entity, if any, with the other debtors indicated by the phrase, "et al." If there is no publicly traded entity, the name of the debtor to be used must be the name of the debtor with the first filed case. The case number to be used for the jointly administered cases must be the lowest number of the cases. There must also be a footnote to the caption stating that the case is jointly administered with the cases of other debtors, identifying the names and case numbers of the cases of the other debtors.

(c) Service of the Motion. A motion requesting joint administration must be served on the United States trustee, the members and counsel of any official committees (or, if no official committee is yet formed, the list of creditors filed by the debtors under F.R.Bankr.P. 1007(d)), secured creditors, taxing authorities and any other persons as directed by the court.

(d) Service of the Order. The debtors must serve the joint administration order on all of the creditors in each of the jointly administered cases and file a certificate of service.

(e) Subsequent Filings. Except as provided in subpart (f), if the motion for joint administration is granted, then thereafter all papers must be filed only in the lead case and must include the footnote described in subpart (b).

(f) Proof of Claim. Unless the court orders otherwise, a proof of claim in a jointly administered case must be filed in the case of the specific debtor against whom the claim is asserted. Unless the court orders otherwise, all objections to any proof of claim filed in a jointly administered case must be filed only in the lead case.

(g) Joint Cases. Unless the court orders otherwise, the estates in a joint case filed by a husband and wife under § 302(a) will be jointly administered, but in such circumstances there is no lead case for purposes of this rule.

Rule 1017-1 Conversion from Chapter 13 to a Different Chapter

(a) Requirements for the Debtor After Conversion to Chapter 7. When a debtor whose debts are primarily consumer debts converts a chapter 13 case to a chapter 7 case, the debtor must file Official Form 122A-1 within 14 days after filing the notice of conversion or the entry of an order converting the case. If the case is dismissed because the debtor failed to timely file the statement in the converted case, this dismissal is without prejudice to the debtor's right to move to reinstate the case under Local Rule 9024-1(c) within 14 days after entry of the dismissal order.

(b) Chapter 13 Trustee's Final Report. In a case converted from chapter 13 to a different chapter, the chapter 13 trustee must file a final report within 45 days of all checks clearing in the debtor's chapter 13 case.

(c) Service on the Chapter 13 Trustee After Conversion. After conversion of a chapter 13 case to a different chapter, the chapter 13 trustee must be served by first class mail with any paper that relates to the chapter 13 case or which may require action by the chapter 13 trustee.

Rule 1017-2 Dismissal for Failure to Furnish Tax Returns Under § 521(e)(2)(B) or (C)

Immediately after filing a motion under § 521(e)(2)(B) or (C), the movant must contact the judge's courtroom deputy clerk to obtain a hearing date. The clerk will cause a notice of the hearing to be served on all parties in interest. Any party in interest may be heard at the hearing. Written objections are permitted but not required. If the movant seeks a hearing on the motion

before the meeting of creditors, the movant must file the motion no later than three days after the expiration of the deadline in § 521(e)(2)(A)(i).

Rule 1020-1 Procedures for a Small Business Chapter 11 Case

(a) Objection to Designation. An objection to the debtor's designation as a small business debtor under F.R.Bankr.P. 1020(b) must be made by motion under Local Rule 9014-1 served on all parties in interest.

(b) Request for F.R.Bankr.P. 1020(c) Determination. A request for a determination under F.R.Bankr.P. 1020(c) must be made by motion under Local Rule 9014-1 served on all parties in interest.

Rule 1071-1 Court Divisions and the Transfer of a Case or Proceeding

(a) Court Locations. The work of the court is divided by county among court locations as follows:

Detroit: Jackson, Lenawee, Macomb, Monroe, Oakland, St. Clair, Sanilac, Washtenaw and Wayne Counties;

Flint: Genesee, Lapeer, Livingston and Shiawassee Counties;

Bay City: Alcona, Alpena, Arenac, Bay, Cheboygan, Clare, Crawford, Gladwin, Gratiot, Huron, Iosco, Isabella, Midland, Montmorency, Ogemaw, Oscoda, Otsego, Presque Isle, Roscommon, Saginaw and Tuscola Counties.

(b) Identifying the Appropriate County. A petition initiating a bankruptcy case must identify the county in which the domicile, residence, principal place of business or principal assets of the person or entity that is the subject of such case has been located for the 180 days immediately preceding such commencement, or for a longer portion of such 180-day period than the domicile, residence, principal place of business, or principal assets of such person were located in any other court location.

(c) Transfer of Case or Proceeding.

(1) Upon notice and hearing, a judge may, in the interest of justice or for the convenience of the parties, transfer a case or proceeding filed in a proper location to any other court location within the district.

(2) If a case is filed in an improper court location, a judge may transfer it to a proper court location on stipulation of the debtor and the United States trustee or upon motion of the United States trustee or any party in interest.

Rule 1073-1 Assignments of Cases

(a) Assignments to Judges.

(1) A petition from a county assigned or transferred to the Detroit location under Local Rule 1071-1 will be assigned to a judge by a blind draw system adopted by the court except that a companion case will be assigned to the judge to whom the first companion case was assigned or to the judge who is appointed to fill the vacancy of that judge.

(2) A petition from a county assigned or transferred to the Bay City or Flint locations under Local Rule 1071-1 will be assigned to the judge responsible for those court locations.

(3) All adversary proceedings arising in a case will be assigned to the judge to whom the case is assigned. If the case in which the adversary proceeding arose is pending in another district, the adversary proceeding will be assigned in accordance with the assignment practices of the court location where the adversary proceeding is filed.

(4) When a judge enters an order for recusal with respect to a case, a particular matter arising therein or an adversary proceeding, reassignment will be by blind draw to a judge at Detroit.

(5) If any matter requires urgent or immediate attention and the judge to whom the matter has been assigned is not or will not be available, then the clerk will assign the matter to another judge available at Detroit by blind draw.

(b) Companion Cases. Companion cases are cases involving:

(1) identical individuals or entities;

(2) a corporation and any majority shareholder thereof;

(3) affiliated corporations;

(4) a partnership and any of its general partners;

(5) an individual and his or her general partner;

(6) an individual and his or her spouse; or

(7) any substantial identity of financial interest or assets.

(c) Reassignment of a Case or a Proceeding.

(1) Consolidated cases or jointly administered cases under F.R.Bankr.P. 1015 will normally be reassigned to the judge to whom the case with the lowest filing number is assigned.

(2) To facilitate the administration of the court's docket and for good cause shown, a case or proceeding may be reassigned by the chief judge from one judge to another judge with the consent of the judges involved.

Rule 1074-1 Filing Authorization for a Corporation, a Partnership or an Entity Other Than an Individual

In a case commenced by a voluntary petition, filed by a corporation, partnership or any other entity other than an individual, the debtor must file a copy of the duly attested resolution or other appropriate document authorizing the bankruptcy filing. The deadline to file this paper is 14 days after the filing of the petition.

Rule 2002-1 Authorization for a Special Service List

(a) Order for Special Service List. In a Large Bankruptcy Case, counsel for the debtor may submit a proposed order for a Special Service List, as described in subpart (b). In any other case, such an order may be entered upon the filing of a motion for cause shown, served on all parties designated in subpart (b) and the 20 largest unsecured creditors. Upon entry of the order, counsel for the movant must serve the order on all parties on the matrix and file a certificate of service.

(b) The List. For matters requiring notice under F.R.Bankr.P. 2002(a)(2)-(6), the Special Service List must include, at a minimum:

(1) the United States trustee;

(2) the debtor;

(3) the debtor's general and local bankruptcy counsel;

(4) general and local counsel for each committee;

(5) any secured creditors and their counsel;

(6) all taxing authorities; and

(7) parties added to the Special Service List under subpart (c).

(c) Additions and Deletions. Parties may seek to be added to or deleted from the Special Service List by filing a written request and serving it on the parties designated in subpart (b).

(d) Maintaining the List. At least every 14 days during the first 56 days of the case and thereafter at least every 28 days, the debtor's counsel (or counsel for the trustee, if one is appointed) must maintain and update the Special Service List by:

(1) making any requested additions and deletions;

(2) filing the updated Special Service List;

(3) serving the updated Special Service List on the parties listed thereon who are not ECF participants; and

(4) filing a certificate of service.

(e) Claims and Noticing Agents. Unless otherwise ordered by the court, in any case where an individual or entity is appointed as a claims and/or noticing agent under 28 U.S.C. § 156(c), the order approving appointment of the claims and/or noticing agent must contain the following language:

"Upon completion of administration of the bankruptcy case, the claims and/or noticing agent must:

(1) deliver to the clerk of the court electronic images of the claims register maintained by the claims agent and electronic images of all claims and supporting documentation for such claims received by the claims agent;

(2) file in the bankruptcy case in which the claims agent was appointed, an affidavit:

(A) attesting that the electronic images delivered to the clerk of the court are true and correct copies of the claims register, claims and supporting documentation; and

(B) stating the location and the contact information of the individual or entity in possession of the claims register, claims and supporting documentation; and

(3) retain the claims register, claims and supporting documentation, and must not deliver them to the clerk or destroy them, unless and until specifically authorized to do so by the court in the case in which the claims agent was appointed."

Rule 2002-2 Service in a Chapter 7 Case After the Claims Filing Deadline

Under F.R.Bankr.P. 2002(h), after the claims filing deadline in a chapter 7 case, a notice required by F.R.Bankr.P. 2002(a) needs to be served on only the debtor, the trustee, all indenture trustees, creditors that hold claims for which proofs of claim have been filed and creditors that may still file timely claims. If the trustee determines that additional assets will be available for distribution after distributions under § 726(a)(1)-(5) are made, the trustee must give notice to that effect to all parties on the matrix, so that additional late filed claims may be filed and distributions made under § 726(a)(3) prior to making distributions under § 726(a)(6).

Rule 2002-3 Request to be Added to the Electronic Notice List

To receive notice in a case, an ECF Filer must file an appearance.

Rule 2002-4 Notice to Equity Security Holders

The debtor must serve all notices under F.R.Bankr.P. 2002(d) and file a certificate of service.

Rule 2003-1 Debtor's Failure to Appear at the Meeting of Creditors in a Chapter 7, Chapter 12 or Chapter 13 Case

(a) When the Debtor Fails to Appear. If a debtor in a voluntary Chapter 7, Chapter 12 or Chapter 13 case fails to appear at a meeting of creditors, the trustee may give notice to creditors

of the trustee's intent to file a motion to dismiss the case by an announcement at the meeting of creditors. The announcement must advise that:

(1) the trustee intends to file a motion to dismiss the case for the debtor's failure to attend the meeting;

(2) the deadline for a creditor to file an objection to dismissal is 14 days after the motion is filed; and

(3) if an objection is not timely filed, the court may enter an order dismissing the case without a hearing.

The trustee must promptly file a proof of such oral notice with the motion to dismiss.

(b) Response to Motion to Dismiss. The deadline to file a response to the motion is 14 days after the motion is filed. The debtor's response must include affidavits or declarations of persons with actual knowledge of any facts explaining or justifying the debtor's failure to appear at the meeting of creditors together with any documentary corroborating evidence.

(c) Upon a Failure to Respond. If no party files a timely response, the trustee may file a certification of non-response. The court may thereafter enter an order dismissing the case without a hearing.

(d) Upon a Timely Response. If a timely response is filed, the court will schedule a hearing with notice to the trustee, the debtor and any creditor that filed a timely objection.

(e) A New Date for a Meeting of Creditors. When a debtor fails to appear at a meeting of creditors and subsequently a new date for a meeting of creditors is established, then:

(1) the new date must be stated in an order entered upon either a motion or a stipulation between the trustee and the debtor, with the proposed order attached;

(2) the deadlines under F.R.Bankr.P. 4007 and F.R.Bankr.P. 4004 for filing a complaint under § 523 or § 727, respectively, are extended as if the new date for the meeting of creditors is the first date scheduled;

(3) in a chapter 13 case that is dismissed and then reinstated, the clerk will issue a notice of the new date for the meeting of creditors, the new deadlines under subpart (e)(2) and, if established, the new date for the hearing on confirmation of the chapter 13 plan; and

(4) in all other cases, the debtor must serve notice of the new date for the meeting of creditors and the new deadlines under subpart (e)(2), except that the clerk will serve the notice if the debtor is pro se.

Rule 2003-2 Debtor's Documents at the Meeting of Creditors

(a) In a case under chapter 7, 12 or 13, or in an individual case under chapter 11, to the extent they are in the debtor's possession or are readily available, the debtor must have available at the meeting of creditors, neatly arranged, all of the following:

(1) documents for one year pre-petition to support all entries on schedule I, other than previously provided payment advices and tax returns;

(2) documents for one year pre-petition to support all entries on schedule J, including canceled checks, paid bills or other proof of expenses;

(3) copies of life insurance policies either owned by the debtor or insuring the debtor's life;

(4) keys to non-exempt buildings and vehicles;

(5) divorce judgments and property settlement agreements;

(6) documents establishing the scheduled amounts of joint debts, if the debtor claims an entireties exemption;

(7) the name, address and telephone number of each holder of a domestic support obligation; and

(8) any other specific document requested by the trustee relating to the schedules or statement of financial affairs, if requested in writing at least seven days before the first meeting of creditors.

(b) In a case under chapter 7, 12 or in an individual case under chapter 11, to the extent they are in the debtor's possession or are readily available, the debtor must provide to the trustee or, in a chapter 11 case to the United States trustee, no later than seven days prior to the meeting of creditors, neatly arranged, all of the following:

(1) certificate of title (originals if available, otherwise copies) for currently owned titled assets, including vehicles, boats and mobile homes (regardless of when acquired);

(2) a current statement from each secured creditor stating the amount owed;

(3) originals of bank books, check registers, other financial accounts, bonds, stock certificates and bank, brokerage and credit card statements for one year pre-petition;

(4) copies of leases, recorded mortgages, recorded and unrecorded deeds and recorded land contracts for the time period six years pre-petition;

(5) current property tax statements;

(6) asset appraisals;

(7) casualty insurance policies; and

(8) if the debtor owns a business, business financial statements and business tax returns for the past three years, and business bank statements for the past six months.

(c) In a case under chapter 13, to the extent they are in the debtor's possession or are readily available, the debtor must provide to the trustee no later than 14 days prior to the meeting of creditors, neatly arranged, all of the following:

(1) tax returns for the last two years pre-petition;

(2) payment advices or other proof of current income for the 60 days pre-petition;

(3) proof of all income for one year pre-petition stated on schedule I, including year to date profit and loss statements if the debtor is self employed or engaged in business;

(4) if the debtor owns a business, business financial statements and business tax returns for the past three years, and business bank statements for the past six months; and

(5) any other specific document requested in writing by the trustee relating to the schedules or statement of financial affairs.

Rule 2003-3 Information for the Appointment of a Committee

In all chapter 11 cases, the debtor must immediately provide to the United States trustee the email address and contact person for each entity listed on the debtor's filing under F.R.Bankr.P. 1007(d). If an email address is not available, the debtor must immediately provide to the United States trustee the name of the contact person, address and telephone number of each entity listed on the debtor's filing under F.R.Bankr.P. 1007(d).

Rule 2003-4 Duties of a Committee Regarding Creditor Access to Information

Any committee appointed under § 1102 must serve a notice of the appointment of the committee on all creditors holding claims of the kind represented by that committee and file a certificate of service. The deadline to serve this notice is 45 days after appointment of the committee. This notice must also provide for a procedure for creditors and their attorneys to be placed on a service list, maintained by the committee, of those who elect to receive information under § 1102(b)(3). This notice must also provide for a procedure for creditors to provide comments to the committee.

Rule 2004-1 Motion to Examine Under F.R.Bankr.P. 2004

(a) Motion to Examine the Debtor. Any person who seeks to examine the debtor under F.R.Bankr.P. 2004 must contact the debtor's attorney to arrange a mutually convenient date, time and place before filing a motion. If agreed, a stipulation for an order must be filed, stating the date, time and place for the examination, and the documents to be produced. If the debtor's attorney does not agree, after the requesting party has made all reasonable efforts, a motion for examination of the debtor may be filed under Local Rule 9014-1, stating specifically the efforts that were made, the proposed date, time and place of the examination, and the documents sought.

(b) Motion to Examine Any Other Person. Any other motion under F.R.Bankr.P. 2004 must be filed under Local Rule 9014-1. The moving party must serve the motion on the party proposed to be examined.

Rule 2014-1 Application for Court Approval of the Employment of a Professional

(a) Disclosing Connections. An application for the approval of the employment of a professional must include or be accompanied by a statement of the professional that the employment complies with § 327(a). This statement must also disclose all of the connections of the professional and associates of the professional with the debtor, creditors or any other party in interest, and their respective attorneys and accountants as required by F.R.Bankr.P. 2014. The

term “connection” as used herein is defined also to include any family relationship as defined in § 101(45).

(b) United States Trustee Concurrence. If the United States trustee concurs in an application for the approval of the employment of a professional, the concurrence must be indicated by the signature of the United States trustee on a statement of concurrence to the proposed order appointing the professional, which must be filed. If a statement of concurrence is filed, the proposed order approving the employment may be submitted for entry. If the United States trustee does not concur within seven days, the applicant may contact the judge’s courtroom deputy clerk and obtain a hearing date on the application. The order will be deemed effective as of the date of the filing of the application, unless the court orders otherwise.

(c) Appointing Chapter 7 Trustee As Attorney. Unless the trustee is also a creditor in the case, whenever a chapter 7 panel trustee seeks to be appointed as trustee’s attorney, an order appointing that person as attorney will be deemed to have been entered without the formal entry of an order, effective upon the filing of the verified statement required by the last sentence in F.R.Bankr.P. 2014(a).

(d) Other Appointments. An application for the appointment of an auctioneer, appraiser or real estate sales agent must also contain a statement of the fee or commission proposed to be paid. With respect to the appointment of an auctioneer or an appraiser, the application must further contain a statement as to the amount of expenses and the number of hours of labor anticipated.

(e) Using Local Rule 9014-1. Nothing herein precludes a party from utilizing Local Rule 9014-1 to seek an order approving the employment of a professional.

Rule 2014-2 Prohibited Conduct in Connection with the Appointment of an Attorney, Accountant or Agent for an Official Committee

Neither the debtor, nor an attorney or accountant for, or insider of, the debtor may attempt directly or indirectly to influence the selection of attorneys, accountants or other agents by any official committee. It is the affirmative duty of any member of the bar of the court to inform the United States trustee in writing of any conduct in violation of this rule.

Rule 2015-1 Trustee's Report of Undisclosed Assets

If a trustee discovers an asset that the debtor failed to disclose and the trustee's discovery of the asset occurs after the debtor has testified at the meeting of creditors that the schedules are accurate, then the trustee must, as promptly as practicable after the discovery, file a completed form "Trustee's Report of Undisclosed Asset," available on the court's website.

Rule 2015-2 Quarterly Income and Expense Statement in a Business Chapter 13 Case

Within 28 days of the close of each calendar quarter, a chapter 13 debtor engaged in business must file a statement of income and expenses for that quarter.

Rule 2015-3 Trustee's Procedures Upon Chapter 13 Plan Completion

(a) Procedure Leading to Entry of the Debtor's Discharge. Within 30 days after the completion of plan payments by the debtor to the trustee, the trustee must file and serve on the debtor and all holders of allowed claims a notice stating that:

(1) the debtor's payments to the trustee under the plan have been completed;

(2) the order of discharge will include findings that:

(A) all allowed claims have been paid in accordance with the plan; and

(B) with respect to any secured claim that continues beyond the term of the plan, any pre-petition or post-petition defaults have been cured;

(3) the order of discharge will direct that:

(A) any creditor who held a secured claim that was fully paid must execute and deliver to the debtor a release, termination statement, discharge of mortgage or other appropriate certificate suitable for recording; and

(B) any creditor who holds a secured claim that continues beyond the term of the plan must take no action inconsistent with the above findings;

(4) in addition to the requirements for holders of claims governed by F.R.Bankr.P. 3002.1, any party may file with the court an objection to the trustee's notice under

subpart (a)(1); to assert that the debtor is not current in the payments that the debtor was authorized to make directly to a creditor; to the proposed findings as stated in subpart (a)(2); or to the proposed terms of the order of discharge as stated in subpart (a)(3). (The provisions of this subpart (a)(4) do not apply to a creditor with respect to whom the automatic stay has been terminated.);

(5) the deadline to file an objection is 21 days after service of the notice. If no objection is timely filed with the court under this rule, and no statement disagreeing with the notice of final cure payment is timely filed under F.R.Bankr.P. 3002.1(g), the court may enter an order of discharge containing the provisions of subparts (a)(2) and (a)(3) without a hearing. If either a timely objection is filed with the court under this rule, or a timely statement disagreeing with the notice of final cure payment is filed under F.R.Bankr.P. 3002.1(g), the court will delay entry of the order of discharge until it resolves such objection or statement, after a hearing that will be scheduled by the court upon the filing of such objection or statement with notice to the party filing such objection or statement, the debtor and the trustee;

(6) to avoid defaulting on any continuing secured debt obligation, the debtor must immediately begin making the required payments on that obligation; and

(7) the chapter 13 discharge does not discharge the debtor from any obligation on any continuing secured debt payments that are due after the last contractually due payment to which the trustee's last disbursement is applied.

The trustee must file a certificate of service of this notice.

(b) Additional Notice. The notice under subpart (a) must also state that unless a party timely objects under subpart (a)(4), the court may find without a hearing that there is no reasonable cause to believe that:

(1) § 522(q)(1) may be applicable to the debtor; and

(2) there is pending any proceeding in which the debtor may be found guilty of a felony of the kind specified in § 522(q)(1)(A) or liable for a debt of the kind described in § 522(q)(1)(B).

(c) Application. Subparts (a)(2)(B) and (a)(3)(B) will not apply to the extent that the court has entered an order providing otherwise.

(d) Trustee's Final Report and Account. Within 120 days after the trustee files the notice required under subpart (a), the trustee must file the final report and account and serve it or a summary thereof on all holders of allowed claims and file a certificate of service.

(1) The final report must state the allowed amount of each claim and the amount paid thereon.

(2) The report and any summary thereof that is served must also state that the deadline to file an objection to the trustee's final report and account is 30 days after service of the final report; that if no objection is timely filed, the trustee may be discharged and the case may be closed without a hearing; and that if a timely objection is filed, a hearing will be scheduled with notice to the objecting party, the debtor and the trustee.

Rule 2016-1 Approval of Fees

(a) An Application by an Attorney or Accountant. An application by an attorney or an accountant for compensation and reimbursement under § 330 or § 331 must contain the disclosures required by F.R.Bankr.P. 2016(a), must comply with the following subparts (1)-(10), numbered as such, and must include the exhibits described in subparts (11)-(17).

(1) State separately:

(A) the total amount of compensation sought to be approved;

(B) the amount of expenses sought to be approved; and

(C) the balance of any retainer on deposit with the applicant that remains after the payment of prior fee awards.

This statement must be incorporated into the notice of the fee application served on all parties in interest.

(2) Identify the time period during which the services for which the award is sought were rendered.

(3) Provide a narrative summary explaining the services performed and how the services benefitted the estate. In addition, in a chapter 13 case, a pre-confirmation or post-confirmation fee application that requests approval of fees and expenses totaling more than $3,500.00 in that

application must specifically identify the circumstances of the case that make the amount requested reasonable.

(4) Unless unduly burdensome, with respect to each adversary proceeding, state or other federal litigation or administrative proceeding in which the applicant is or was involved, describe:

(A) the nature of the action instituted;

(B) the relief requested;

(C) the dollar amount directly or indirectly involved;

(D) the issues, both factual and legal, in sufficient detail to permit the court to evaluate the problems confronting the attorney; and

(E) the results obtained since the prior fee application, if any.

(5) Describe the current status of the bankruptcy case. In addition:

(A) in a chapter 7 case, provide a summary of the administration of the case, including all money received and disbursed in the case, the total amount of funds in the estate, the date the case is expected to close, and whether it is appropriate to make an interim disbursement to creditors without prejudicing the rights of any creditors;

(B) in a chapter 11 case, state whether all monthly operating reports have been timely filed and whether a plan has been or will be timely filed; and

(C) in a chapter 13 case, state the impact on the plan resulting from approval of the fee application.

(6) Describe the nature of any professional services to be provided in the future.

(7) State the amount and nature of accrued unpaid administrative expenses.

(8) Identify each specific instance in which an award is sought for the services of more than one professional and paraprofessional and the justification for each such specific instance.

(9) State the amount of compensation sought in prior applications in the case by the applicant and the court's disposition of each application.

(10) State that:

(A) the party on whose behalf the applicant is employed was given the opportunity to review the application at least seven days before filing and state the substance of the party's response; or

(B) the applicant has obtained the written approval of the application from the party on whose behalf the applicant is employed prior to filing the application.

(11) Exhibit 1 must be the proposed order granting the application.

(12) Exhibit 2 must be a copy of the order approving the employment of the applicant.

(13) Exhibit 3 must be a copy of the applicant's statement under F.R.Bankr.P. 2016(b) or if none was filed, a copy of the applicant's retention agreement.

(14) Exhibit 4 must be a summary statement of the number of hours of service rendered by each professional and paraprofessional, the hourly rate of each and the blended hourly rate of the professionals not including the paraprofessionals.

(15) Exhibit 5 must be in the format required by either subpart (A) or subpart (B).

(A) This subpart (A) applies if the cumulative amount of the fee application and the applicant's prior interim fee applications is equal to or less than the following:

$15,000 for an attorney or an accountant for a chapter 7 trustee;

$20,000 for an attorney or an accountant for a chapter 11 debtor in possession or a chapter 11 trustee; or

$5,000 for an attorney for a chapter 13 debtor.

These amounts may be amended from time to time by administrative order. Exhibit 5 must be an itemized time record in chronological order, of each specific service for which an award of compensation is sought. This itemized time record must:

(i) state the date each service was rendered;

(ii) identify the attorney or paralegal who performed the service;

(iii) describe with particularity the services rendered; and

(iv) state the time spent performing the service in increments of a tenth of an hour.

(B) This subpart (B) applies if the cumulative amount of the fee application and the applicant's prior interim applications is greater than the applicable amount in subpart (A). Unless otherwise ordered by the court, exhibit 5 must comply with the United States Trustee Guidelines for Reviewing Applications for Compensation and Reimbursement of Expenses, 28 C.F.R. Part 58 Appendix A. The United States Trustee Fee Guidelines are available on the

court's website. In a chapter 13 case, the project categories in the "List of Chapter 13 Project Categories for Fee Applications," available on the court's website, must be used.

(16) Exhibit 6 must be a brief biographical statement of the professional experience of each professional for whom an award of compensation is sought. This statement must include a list of all continuing professional education programs taught or attended by each professional in the two years before the application, specifying for each program the dates, the number of hours attended, the organizer and the subject or title of the program. The applicant is also encouraged to disclose for each professional any published articles and books, and any professional memberships, positions, activities, honors and board certifications.

(17) Exhibit 7 must be an itemized statement of expenses for which reimbursement is sought. For each expense, this statement must disclose its date and a description of the nature and purpose of the expense. For example, a request for mileage must include the date, the destination, the number of miles, the mileage rate and the reason for the trip.

(b) An Application Filed by a Chapter 7 Trustee or by Any Other Professional. This subpart applies to an application for compensation and reimbursement filed by a chapter 7 trustee or by a professional other than one addressed in subpart (a), including an appraiser, auctioneer, real or personal property sales broker, investment advisor or consultant. In addition to the requirements of F.R.Bankr.P. 2016(a), the application must state the manner by which the requested compensation was computed and sufficient facts for the court to determine reasonable compensation under § 330. A request for reimbursement of expenses must be supported by a statement disclosing for each expense its date and a description of the nature and purpose of the expense. Vouchers and invoices must be made available for review by the United States trustee.

(c) Compensation for a Chapter 13 Debtor's Attorney Without a Fee Application. Notwithstanding subpart (a), an order confirming plan in a chapter 13 case may award the debtor's attorney fees and expenses up to $3,500.00 in total for pre-confirmation services.

(d) Compensation for a Chapter 13 Debtor's Attorney Under a Fixed Amount. Notwithstanding subpart (a), the debtor's attorney in a chapter 13 case may file an *ex parte* application that seeks allowance of fees and expenses that does not exceed the amount identified in F.R.Bankr.P. 2002(a)(6) if it has the endorsed approval of the debtor and the chapter 13 trustee. If the application lacks the endorsements, the applicant must utilize Local Rule 9014-1

but notice needs to be sent only to the trustee and the debtor. The debtor's endorsement must state as follows:

"I, the debtor, understand that:
I do not have to sign this document unless I agree with it;
I signed this document on the date stated below;
When I signed this document, all the blanks were filled in;
I agree that the fees and expenses requested should be allowed.
Date signed: _____ Debtor signature: _____"

Rule 2016-2 Interim Payment of Fees

(a) Motion for Interim Fee Payments. In a chapter 11 case, for cause shown, any professional appointed under § 327 or any official committee may move for an order authorizing interim payments of fees and expenses pending a formal fee application. A motion seeking interim payment of fees or expenses pending a formal fee application must address the following factors and any other relevant factors:

(1) whether a large amount of fees will accrue each month;

(2) whether a failure to allow interim payments would cause an undue hardship; and

(3) whether the professional or committee will be able to disgorge the interim payments if required.

In determining whether to permit an interim fee procedure, the court will consider all the facts and circumstances.

(b) Interim Fee Procedure. When the court enters an order granting a motion for interim fee payments to a professional or committee:

(1) that professional or committee may file an itemized monthly fee and expense statement in compliance with the provisions of these Local Rules and, when applicable, the United States Trustee Fee Guidelines, setting forth in detail the fees and expenses for which payment is sought for the preceding month, and must serve a copy of the statement on the debtor and such additional parties as the court may designate and file a certificate of service;

(2) each statement must include, as an exhibit, records that itemize services and expenses in conformity with the Federal Rules of Bankruptcy Procedure, these Local Rules and the United States Trustee Fee Guidelines;

(3) the deadline to file an objection to the interim fee statement is 14 days from the date of service of the interim statement. If no objection is timely filed, the debtor is authorized to pay in the ordinary course of business: (A) 80% of the professional fees; (B) 100% of the expenses incurred by the professional; and (C) 100% of the expenses incurred by committee members. The 20% professional fee hold back will be paid only in accordance with the Federal Rules of Bankruptcy Procedure, Local Rule 2016-1 and the Bankruptcy Code sections governing the award of fees;

(4) any objection to any interim statement must be filed and served on the affected professional or committee. The objection must specify in detail the nature and basis of the objection and the amount not disputed. Pending resolution of the objection, the debtor is authorized to pay the professional or committee the amount requested in the particular monthly statement less the greater of: (A) the amount in dispute, or (B) the professional fee hold back provided in subpart (3) above. The parties must endeavor to resolve any objection within 5 days. If a resolution is not achieved, the professional or committee may request a hearing; and

(5) the failure of any party to object to an interim fee statement within the objection period does not constitute a waiver of the right to object to any interim or final fee application filed by any professional or committee or preclude any disgorgement of fees or expenses paid.

(c) Interim Fee Applications Required. If the court permits interim fee payments under this rule, the professional must file interim fee applications every 120 days under § 331 and committee members must file requests for allowance of administrative expenses every 120 days under § 503(b)(3)(F).

Rule 2018-1 Intervention

When the court has entered an order allowing a party to intervene in a case, the intervening party must file an appearance to request that the clerk add its name to the case.

Rule 2019-1 Disclosures

Any group, committee or entity required to file a disclosure under F.R.Bankr.P. 2019 must file such disclosure at the same time as the group, committee or entity's first paper is filed.

Rule 3001-1 Transfer of Claim

Any assignments or other evidence of a transfer of claim filed after the proof of claim has been filed must include the claim number of the claim to be transferred.

Rule 3001-2 Adjustment in a Periodic Payment on a Secured Claim in Chapter 13

(a) Creditor's Notice. A creditor with a claim under § 1322(b)(5) or (b)(7) that is not governed by F.R.Bankr.P. 3002.1 must file and serve on the debtor, debtor's counsel and the trustee, a notice of any proposed increase or decrease of periodic payments and file a certificate of service. The deadline to file this notice is 21 days before the effective date of the adjustment of the payment amount. The notice must fully disclose the calculations on which the adjustment is based.

(b) Objection. The deadline to file an objection to a creditor's notice under subpart (a) or to a notice of mortgage payment change filed under F.R.Bankr.P. 3002.1(b) is 21 days after service of the notice. If an objection is filed, the court will schedule a hearing with notice to the debtor, the creditor and the trustee.

(c) Effective Date of Proposed Change. A proposed payment change under subpart (a) or under F.R.Bankr.P. 3002.1(b) will be effective 21 days after service of the notice, unless the court orders otherwise.

(d) Notice of Inability to Comply with Timing Requirements. This subpart (d) applies to a creditor whose claim is secured by a mortgage for which the amount of the debtor's payment obligations is subject to change more frequently than once every 60 days. Such a creditor may file a "Notice of Inability To Comply With Local Rule 3001-2(a) Deadline" as an attachment to any statement of proposed payment change filed under subpart (a) of this Local Rule. Upon the

filing of a notice under this subpart (d), unless there is an objection filed within 14 days or the court orders otherwise, the trustee must effectuate the payment change stated in the notice of payment change.

Rule 3003-1 Deadline to File a Proof of Claim, a Proof of Interest or a § 503(b)(9) Motion in a Chapter 11 Case

In a chapter 11 case, unless the court orders otherwise, the deadline for filing a required proof of claim or equity interest or a motion for the allowance of a claim under § 503(b)(9) is 90 days after the first date set for the meeting of creditors.

Rule 3007-1 Objection to a Claim

(a) Procedure. An objection to claim must be filed with a completed form "Notice of Hearing on Objection to Claim," available on the court's website, and a certificate of service. The date and time for the hearing stated on the notice of hearing must be obtained from the schedule of available hearing dates for claims objections on the court's website. The date of the hearing must be at least 30 days after the date of service of the hearing notice. The notice of hearing must state that if the creditor does not file a response by seven days before the date set for the hearing on the objection, the court may cancel the hearing and enter an order sustaining the objection.

(b) Deadline for Response. The deadline for a creditor whose proof of claim is subject to an objection to file a response to the objection is seven days before the date set for the hearing on the objection.

(c) No Response. If a response is not timely filed, the objecting party may file a certificate to that effect and submit a proposed order sustaining the objection. If the court decides to proceed with the scheduled hearing, the court will notify the objecting party.

(d) Initial Hearing. Unless the court orders otherwise, the initial hearing on an objection to claim will not be an evidentiary hearing. If the court determines that an evidentiary hearing is necessary, the court will schedule a separate evidentiary hearing.

Rule 3013-1 Classification of Claims in a Chapter 11 Plan

Unless unduly burdensome due to the large number involved, the disclosure statement must identify by name the entities who hold a claim or equity interest within each class and the amount of each entity's claim or equity interest within each class. However, specific identification is not required for convenience classes or for a class of unsecured nonpriority claims when there is only one such class.

Rule 3014-1 Election Under § 1111(b)

When the court has entered an order requiring a combined plan and disclosure statement, the deadline to file an election under § 1111(b) is seven days before the first scheduled date of the confirmation hearing.

Rule 3015-1 The Chapter 13 Plan

(a) Plan Contents. In addition to the requirements of § 1322(a), a plan must contain:

(1) a statement of the value of each item of encumbered property;

(2) the time within which the debtor proposes to cure any default on any secured claim;

(3) a direction to the trustee to either assume or reject any executory contracts or unexpired leases; and if the plan proposes an assumption of a contract or lease that is in default, then a statement as to the method and time to cure the default and an explanation of how to satisfy each of the other § 365(b) requirements for assumption of a defaulted contract or lease;

(4) a method by which the trustee can determine the point at which the plan is completed;

(5) a statement of the order in which claims are to be paid;

(6) a statement of the rate of interest to be paid with respect to each secured claim, articulated as a number and not in formula fashion;

(7) a statement of whether all tax returns due have been filed and if not, which returns were not filed;

(8) a statement of whether the debtor, if self-employed, incurs trade credit;

(9) if the plan provides for the payment of a claim governed by § 1322(b)(5) or (b)(7), a provision that payments by the debtor to the trustee and by the trustee to the creditor on such claim will be adjusted as provided in Local Rule 3001-2;

(10) if the plan provides for a surrender of real property to a secured creditor, a statement that the requirements of Local Rule 3001-2 are terminated as to that creditor upon confirmation of the plan; and

(11) if the plan provides for a surrender of property to a secured creditor, a statement that the automatic stay, and any applicable co-debtor automatic stay, are terminated as to that creditor upon confirmation of the plan.

(b) Plan Attachments. The debtor must attach to the plan:

(1) an analysis of what creditors would receive if the case were a chapter 7 case; and

(2) a completed form "Chapter 13 Worksheet," available on the court's website, estimating the total amount of non-priority unsecured claims and the anticipated dividend to non-priority unsecured creditors if the debtor successfully performs the plan.

Rule 3015-2 Modification of Plan in a Chapter 13 Case

(a) Pre-Confirmation Modification of Plan.

(1) In a chapter 13 case, a pre-confirmation modification of a proposed plan that does not materially and adversely affect any party in interest may be incorporated in the proposed order confirming the plan.

(2) A pre-confirmation modification to a proposed plan that materially and adversely affects any party in interest:

(A) may be incorporated in the proposed order confirming the plan that is executed by the adversely affected party; or in the alternative,

(B) must be incorporated into a completely restated plan that must be dated and identified as "First Modified Plan," "Second Modified Plan," etc., as the case may be. The debtor must serve a copy of the modified plan on all creditors and parties in interest that are

adversely affected by the modification and file a certificate of service. The debtor must attach to the plan the papers required under Local Rule 3015-1(b).

(3) All amended schedules that are necessary for confirmation of a modified plan must be filed prior to or contemporaneously with the modified plan.

(b) Post-Confirmation Plan Modification.

(1) The proponent of a post-confirmation plan modification must:

(A) serve the modification as required by F.R.Bankr.P. 3015(g) and file a certificate of service;

(B) comply with Local Rule 3015-1(b);

(C) state with specificity the impact of the proposed plan modification on each class of creditors;

(D) file the form "Notice of Deadline to Object to Chapter 13 Plan Modification," available on the court's website; and

(E) file the post-confirmation plan modification using the ECF event, "Chapter 13 Post-Confirmation Plan Modification."

(2) If a timely objection is filed, the court will schedule a hearing with notice of such hearing given to the debtor, the proponent of the plan modification, the trustee and any objecting parties.

(3) A post-confirmation plan modification may not be proposed by motion. If a post-confirmation plan modification is proposed by motion, the court will enter an order denying it without prejudice to the proponent's right to properly file a proposed post-confirmation plan modification.

(4) If the post-confirmation plan modification is proposed by the debtor, the debtor must file, either prior to or contemporaneously with the modified plan, all amended schedules that are necessary for the approval of the plan modification, and a proposed order modifying the plan.

(5) If no timely responses are filed to a proposed post-confirmation plan modification, the proponent may file a certificate of no response and request entry of an order approving the plan modification.

(6) A post-confirmation plan modification will only become effective when the court enters an order approving the plan modification, either upon the filing of a certificate of no response or after ruling on all objections to the plan modification.

(7) If the post-confirmation plan modification provides for a surrender of real property to a secured creditor, the requirements of Local Rule 3001-2 are terminated as to that creditor upon entry of an order approving the plan modification.

(8) If the post-confirmation plan modification provides for a surrender of property to a secured creditor, the automatic stay, and any applicable co-debtor automatic stay, are terminated as to that creditor upon entry of an order approving the plan modification.

(c) Payment of a § 1305(a) Post-Petition Claim.

(1) The debtor must serve a notice of the filing of a § 1305(a) post-petition claim on all creditors whose claims are allowed and file a certificate of service. The notice must state: the name of the post-petition creditor; the amount of the claim; the nature of the debt; the impact that allowance of the claim would have upon disbursements to other creditors; and the following procedural information:

> "If no objection to paying the post-petition claim as provided for in the plan is filed within 14 days, the trustee may pay the claim in the manner provided in the plan. If you have any objection to the claim itself or to the effect that payment of the claim will have on your dividend, then you must file a written objection within 14 days or the objection will be deemed waived."

The debtor must file a certificate of service of such notice.

(2) If no party files an objection, the chapter 13 trustee may disburse payments to a creditor that has filed a post-petition proof of claim commencing 18 days after the notice is served. If a party timely files an objection, the court will schedule a hearing with notice to the debtor, the creditor and the trustee.

Rule 3015-3 Confirmation of a Chapter 13 Plan

(a) Objection to Confirmation of a Plan.

(1) In a chapter 13 case, an objection to confirmation of the plan must be filed by the deadline established in the notice of the commencement of the case.

(2) A party who fails to file an objection to confirmation may be deemed to have consented to confirmation of the plan and if the party is a secured creditor, the party may be deemed to have accepted the plan for purposes of § 1325(a)(5)(A).

(3) A secured creditor who disputes the value ascribed to collateral that the debtor proposes to retain under the terms of the plan must file an objection to confirmation of the plan. The debtor must forthwith make the collateral available to the creditor for examination and appraisal. The resulting hearing under F.R.Bankr.P. 3012 must be conducted as part of the plan confirmation hearing.

(4) The deadline to file an objection to the confirmation of a modified plan is 28 days after service of the modified plan.

(5) An objection to confirmation of a plan need not be refiled with respect to a subsequently filed pre-confirmation modified plan that does not cure such objection.

(6) Unless announced on the record at the confirmation hearing, a withdrawal of an objection to confirmation of a plan must be evidenced by a filed withdrawal of the objection or by the signature of the objecting party or its counsel on the proposed order confirming the plan.

(b) Hearing on Confirmation of Plan.

(1) Neither the debtor nor debtor's counsel need appear at the confirmation hearing if:

(A) either no timely objection to confirmation has been filed or all timely objections have been withdrawn or resolved; and

(B) the chapter 13 trustee has approved the proposed order confirming the plan.

(2) If the court declines to confirm the plan or if a party appears at the confirmation hearing and is permitted for cause to argue an untimely objection, the court will reschedule the hearing with notice to the debtor, debtor's counsel, the trustee and the objecting creditor.

Rule 3016-1 A Prepackaged Chapter 11 Plan

(a) Definition. A prepackaged chapter 11 plan is a plan for which the debtor has solicited acceptances before filing the petition.

(b) Procedure. Immediately upon filing a prepackaged chapter 11 plan, the debtor must file a motion to set a deadline to object to confirmation of the plan and to schedule a confirmation hearing not more than 90 days following the petition date. The motion must be accompanied by a copy of the plan and the disclosure statement or other solicitation document.

Rule 3017-1 Obtaining Approval of a Disclosure Statement

(a) When Applicable. Subparts (b)-(d) of this Local Rule apply only when the court has not entered an order requiring a combined plan and disclosure statement.

(b) Requirements Upon Filing. The filing of a disclosure statement will be deemed to include a motion for its approval, to which Local Rule 9014-1 applies.

(c) Service of Notice. When a disclosure statement is filed, the movant must obtain a form of notice from the court's website and promptly serve the notice on all parties entitled to notice under F.R.Bankr.P. 2002(b). In addition, the proponent must serve a copy of the disclosure statement and the notice on the United States trustee and the chairperson and counsel for each official committee. The proponent must file a certificate of service.

(d) Approval on No Objection. Upon a certification by the movant that no timely objection to the approval of the disclosure statement was filed, the court may enter an order approving the disclosure statement without a hearing.

Rule 3018-1 The Duties of a Plan Proponent After Disclosure Statement Approval

Within seven days after the entry of the order approving the disclosure statement, the plan proponent must cause that order, the plan, the disclosure statement, any statement approved by the court under F.R.Bankr.P. 3017(d) and a ballot to be served. The court may approve the service of these papers in electronic format with such conditions as the court deems appropriate. The plan proponent must file a certificate of service. Unless the court orders otherwise, ballots

must be returned to the attorney for the plan proponent. At least two Business Days before the confirmation hearing, the plan proponent must file a verified summary of the ballot count under § 1126(c) and (d) with a copy of all original ballots attached. The proponent must have the originals of the ballots available at the confirmation hearing and the originals must be retained by the plan proponent under the ECF Procedures.

Rule 3020-1 Proofs at an Uncontested Confirmation Hearing in a Chapter 11 Case

At the hearing on the confirmation of a chapter 11 plan, if no objection to confirmation has been filed or if all filed objections have been resolved, and if no class of claims or equity interests has rejected the plan, upon consent of all parties present, the court may dispense with an evidentiary hearing and based on the lack of objection and the consents, may find that each of the elements necessary for confirmation under § 1129(a) has been established.

Rule 3021-1 Post-Confirmation Procedures in a Large Bankruptcy Case

(a) Unless the court orders otherwise, within 14 days after the entry of an order confirming a chapter 11 plan in a Large Bankruptcy Case, the plan proponent or other responsible person under the plan must file with the court a statement that contains a timetable with the steps proposed for achieving substantial consummation of the plan and entry of a final decree, including resolution of claims and resolution of avoidance and other bankruptcy court litigation outstanding or contemplated. Any law firm or individual responsible for safeguarding and accounting for the proceeds of all recoveries on behalf of the estate must be identified.

(b) Unless the court orders otherwise, the plan proponent or other responsible person under the plan must file with the court a report whenever necessary, but no less frequently than every six months after the entry of the order issued in accordance with subpart (a) of this Local Rule, identifying the actions taken under the order, location of and steps taken to protect any funds or other property recovered on behalf of the estate, and any necessary revisions to the timetable.

Rule 3070-1 Claims to be Paid by the Chapter 13 Trustee

In a chapter 13 case, all claims must be paid by and through the chapter 13 trustee unless the debtor's plan establishes cause for remitting payments on a claim directly to the creditor. Any timely objection to such a plan provision will be heard at the confirmation hearing.

Rule 4001-1 Motion for Relief from the Stay or Stipulation to Approve Agreement for Relief from the Stay

(a) Parties to be Served. A party seeking relief from the stay must file a motion under Local Rule 9014-1, or a stipulation providing for entry of an order approving an agreement regarding relief from the stay. A motion seeking relief from the stay must be served upon the parties required to be served under F.R.Bankr.P. 4001, the debtor, any trustee, any other parties asserting an interest in the property that is the subject of the motion, and on any other party who has requested notice, and file a certificate of service. A stipulation providing for entry of an order approving an agreement regarding relief from the stay must be signed by the debtor, any trustee, and any other parties asserting an interest in the property that is the subject of the agreement.

(b) Contents of the Motion. If applicable, the motion under subpart (a) must identify the property, state the names and purported interests of all parties that are known or discoverable upon a reasonable investigation to claim an interest in the property, state the amount of the outstanding indebtedness, and state the fair market value of the property. The motion must have attached a legible and complete copy of any relevant agreements and documents establishing perfection, including notes, assignments of instruments, mortgages and UCC-1 financing statements. All exhibits must be redacted as necessary to comply with F.R.Bankr.P. 9037. A motion for relief from the stay must be so entitled.

(c) The Preliminary Hearing. Unless the court notifies the parties in or contemporaneously with the notice of the preliminary hearing, the preliminary hearing will not be an evidentiary hearing and the court will determine whether to schedule a final hearing based on the parties' papers and arguments. At the preliminary hearing, the court may decide issues of law or define the factual or legal issues to be determined at the final hearing and may issue appropriate

scheduling orders. The parties may request or the court may order that the preliminary hearing be treated as the final hearing.

Rule 4001-2 Motion for Use of Cash Collateral or to Obtain Financing

(a) Contents of the Motion. In addition to the requirements of F.R.Bankr.P. 4001(b)(1)(B) and F.R.Bankr.P. 4001(c)(1)(B), a motion for use of cash collateral under § 363(c)(2) or to obtain credit under § 364(c) or (d) must explicitly state the moving party's position as to the value of each of the secured interests to be protected. Pertinent appraisals and projections must be summarized in the motion.

(b) Cover Sheet.

(1) The motion must be filed with a completed form "Cover Sheet for Motion to Use Cash Collateral or to Obtain Financing," available on the court's website. When a cover sheet is not filed, the court may enter an order striking or denying the motion without prejudice to the movant's right to re-file the motion in compliance with this rule.

(2) If any proposed order granting interim or final relief would alter any information given in the initial cover sheet, then the movant must file an amended cover sheet concurrently with the submission of the proposed order indicating where appropriate all changes from the original proposed order.

(c) Motion to Approve Agreement. A motion for the entry of an order approving an agreement for the use of cash collateral or to obtain credit on an expedited basis may be granted without a hearing if the motion complies with F.R.Bankr.P. 4001(d)(1)(B) and if:

(1) the proposed order is approved by all creditors who may have an interest in the cash collateral to be used or the credit to be extended, by the chairperson or attorney for each official committee and by the United States trustee;

(2) the proposed order provides for the debtor to use cash collateral or to obtain credit in a maximum specified dollar amount necessary to avoid immediate and irreparable harm only until the earlier of the date of the final hearing or the date that the order would become a final order;

(3) the proposed order provides for a final hearing, the date and time for which will be filled in by the court when the proposed order is entered;

(4) the proposed order provides that the debtor must, within 24 hours of its entry, serve a copy of the motion with its attachments and the entered order on all parties who are required to be served under F.R.Bankr.P. 4001(d);

(5) the proposed order provides that:

(A) the deadline to file an objection to the proposed order is 14 days from the entry of the order, except that an official committee may file objections within 14 days after it is served with the entered order;

(B) if an objection is timely filed, the final hearing will be held; and

(C) if no objection is timely filed, the interim or preliminary order may become a final order; and

(6) the motion is accompanied by an affidavit or declaration of the debtor or a principal of the debtor stating the facts upon which the debtor relies in seeking the entry of the proposed order on an expedited basis and the amount of money needed to avoid immediate and irreparable harm.

(d) Interim Order on Expedited Basis. If a debtor files a motion for authority to use cash collateral or to obtain post-petition financing but the debtor's pre-petition secured creditors have not consented to the relief sought in the motion, the court may enter an interim order granting the relief requested on an expedited basis if:

(1) the debtor has served a copy of the motion, a proposed order and a notice of the hearing on the motion on the non-consenting secured creditors in the manner set forth in Local Rule 9013-1;

(2) the court has held a hearing on the motion at which the non-consenting secured creditors were given an opportunity to be heard;

(3) the proposed order complies with each of the requirements of subparts (c)(2)-(c)(6) of this rule; and

(4) the court makes a specific finding of fact that the protection offered to the non-consenting secured creditors is adequate and such adequate protection is incorporated into the proposed order.

(e) Effect of Interim Order. If the court enters an interim order under subpart (d) of this rule over the objection of a secured creditor or if a secured creditor does not appear at the hearing or object to the motion, such secured creditor retains the right to object to the interim order as provided in subpart (c)(5)(A) of this rule.

(f) Reducing or Enlarging Time for Objections. On timely motion, the court may enlarge or reduce the time within which an objection must be filed, except that the court may not reduce the time within which a non-consenting secured creditor must file an objection under subpart (c)(5)(A) of this rule. In its discretion, the court may schedule a hearing on the debtor's motion at any time, with such notice as it deems appropriate, provided such notice and hearing are consistent with subpart (d) of this rule.

Rule 4001-3 Motion for Payment of Pre-Petition Claims of Critical Vendors

(a) Contents of Motion. A motion requesting the authority to pay the pre-petition claims of creditors that a debtor deems critical to its operations or to the preservation of the estate (a "Critical Vendor") must, at a minimum, include the following information:

(1) the aggregate amount to be paid to all Critical Vendors;

(2) the names of, and the amount proposed to be paid to, each Critical Vendor;

(3) the reasons why each of the subject creditors is a Critical Vendor;

(4) the potential loss of economic advantage to the estate or to the debtor's going concern value by the nonpayment of the pre-petition claim of each of the Critical Vendors;

(5) the steps taken or to be taken by which the debtor might deal with the Critical Vendors, other than by payment of the pre-petition claim, and whether it is necessary to pay 100% of the pre-petition claim of the Critical Vendors to obtain the required post-petition goods or services;

(6) the extent to which the claims of the Critical Vendors may be entitled to payment as administrative priority or secured claim;

(7) the terms by which the debtor will seek to do business with the Critical Vendors post-petition, including the terms of any post-petition credit; and

(8) the impact of granting the requested relief on the creditors deemed not to be Critical Vendors.

(b) Not First Day Motion. Consistent with F.R.Bankr.P. 6003(b), a Critical Vendor motion will not be considered a First Day Motion.

(c) Service of Motion. The motion must be served on all creditors.

Rule 4001-4 Additional Procedures to Extend Stay and to Order Stay to Take Effect

(a) Motion to Extend the Stay. The deadline to file and serve a motion to extend the stay under § 362(c)(3)(B) and to file a certificate of service is seven days after the petition is filed. When such a motion is filed, the court will schedule a hearing with a notice to all parties in interest. If the movant has not received a notice of hearing within seven days after filing the motion, the movant may contact the judge's courtroom deputy clerk to obtain a hearing date within the time limit established by law. Any party in interest may be heard at the hearing. Written objections are permitted but not required.

(b) Motion to Order the Stay to Take Effect. A motion to order the stay to take effect under § 362(c)(4)(B) may be accompanied by an *ex parte* motion for an expedited hearing. Otherwise, the court will schedule a hearing in due course. In either event, the court will cause a notice of the hearing to be served on all parties in interest. If the movant has not filed a motion for an expedited hearing and has not received a notice of hearing within seven days after filing the motion, the movant may contact the judge's courtroom clerk to obtain a hearing date. Any party in interest may be heard at the hearing. Written objections are permitted but not required.

(c) Objection Under § 362(l)(3)(A). When an objection under § 362(l)(3)(A) is filed, the court will schedule a hearing with notice to all parties in interest. If the objecting party has not received a notice of hearing within three Business Days after filing the objection, the objecting party must contact the judge's courtroom deputy clerk to obtain a hearing date; otherwise, the requirement to hold a hearing within 10 days under § 362(l)(3)(A) is waived.

(d) Objection Under § 362(m)(2)(B). When an objection under § 362(m)(2)(B) is filed, the court will schedule a hearing with notice to all parties in interest. If the debtor has not received a notice of hearing within three Business Days after filing the objection, the debtor must contact

the judge's courtroom deputy clerk to obtain a hearing date; otherwise, the debtor's objection is deemed waived and the 15 day period of § 362(m)(1) will continue to run.

(e) Order Regarding the Existence of the Stay. A party seeking relief under either § 362(c)(4)(A)(ii), § 362(j) or § 521(a)(6) must file a motion under Local Rule 9014-1. The motion must be titled, "Motion for an Order Confirming That No Stay Is in Effect," or "Motion for an Order Confirming That the Stay Has Been Terminated." The moving party must serve the debtor and the trustee and file a certificate of service. The motion may be accompanied by an *ex parte* motion for an expedited hearing.

Rule 4001-5 Pre-Confirmation Payments in a Chapter 13 Case

(a) Payment by the Trustee.

(1) Conditions of Disbursements. Without a court order, the trustee must disburse pre-confirmation payments under § 1326(a)(1) to a creditor holding a purchase money security interest in personal property and to a lessor of personal property if:

(A) funds are available;

(B) the creditor or lessor has, by the 14th day of the month prior to the trustee's next regularly scheduled disbursement, filed a proof of claim with adequate proof of a security interest attached setting forth the amount of the debtor's contractual monthly payment obligation;

(C) either the plan proposes that the claim will be paid by the trustee or the debtor was not current in the debtor's contractual monthly payment obligation when the petition was filed;

(D) the plan proposes that the debtor will retain possession of the secured or leased property; and

(E) a stay is in effect as to the secured or leased property.

If any objection to the proof of claim is filed, the trustee must escrow the amount of distributions on such proof of claim until further order of the court.

(2) Timing of Disbursement. The trustee's disbursements must be made monthly until an order of confirmation is entered.

(3) Amount of Disbursement. Unless the court orders otherwise for good cause shown under § 1326(a)(3), the disbursements must be 30% of the debtor's contractual monthly payment obligation to each secured creditor and 100% of the debtor's contractual monthly payment obligation to each personal property lessor. If the trustee does not have sufficient funds on hand to make all of the required disbursements, the disbursements must be made pro rata based on the monthly payments required.

(4) Dismissal. Upon dismissal of the case, the trustee must make the required pre-confirmation disbursements before disbursing any funds to the debtor.

(5) Trustee's Statutory Fee. For all pre-confirmation disbursements, the trustee will be awarded and paid a fee equal to the applicable percentage fee established by the United States trustee.

(b) Direct Payment by the Debtor.

(1) Conditions of Payment. Without a court order, the debtor must make pre-confirmation payments under § 1326(a)(1) to a creditor holding purchase money security interests in personal property and to a lessor of personal property if:

(A) the creditor or lessor has filed a proof of claim with adequate proof of a security interest attached setting forth the amount of the debtor's contractual monthly payment obligation;

(B) the debtor was current in the contractual monthly payment obligation when the petition was filed;

(C) the plan proposes that the claim will be paid directly by the debtor;

(D) the plan proposes that the debtor will retain possession of the secured or leased property; and

(E) a stay is in effect as to the secured or leased property.

(2) Timing and Amount of Payment by the Debtor. The debtor's payments must be made as required by the debtor's contract.

(c) Amended Proof of Claim. Within 28 days after confirmation, a creditor receiving any pre-confirmation payments must file an amended proof of claim clearly showing the application of the pre-confirmation payments.

Rule 4002-1 Continued Pre-Petition Cash Management

A motion in a chapter 11 case to continue using pre-petition bank accounts or pre-petition cash management systems for good cause must contain the following information:

(a) identification of the accounts by name of bank, description or title of the accounts and purpose of the accounts;

(b) a thorough explanation of the cash management system, including, if applicable, the relationship between parent and subsidiaries and other entities that participate in the cash management system;

(c) the reason for continuing to use the pre-petition accounts or system, including the costs and inconvenience of compliance with the guidelines requiring closure of pre-petition accounts;

(d) the mechanism and steps to be taken to ensure that unauthorized pre-petition checks will not clear the bank accounts post-petition;

(e) the steps that will be taken to have the face of each check and bank statement identify the payer as a debtor in possession; and

(f) the steps that will be taken to ensure compliance with § 345.

Rule 4003-1 Entireties Exemption

A married debtor not filing a joint petition who claims property as exempt under tenants by the entireties law must state whether each debt listed on schedules D and E/F is a joint debt with the non-filing spouse or is the sole debt of the debtor. For purposes of determining whether the debtor's claim of exemption under state entireties law should be allowed, there will be a rebuttable presumption that any debt listed on schedule D or E/F that is not clearly disclosed as the sole debt of the filing spouse is the joint debt of both spouses.

Rule 4004-1 Domestic Support Certification in a Chapter 13 Case

In a chapter 13 case, within 28 days after the trustee files a notice of the completion of all payments under the plan under Local Rule 2015-3(a), the debtor must file a completed form

"Certification Regarding Domestic Support Obligations," available on the court's website. This certification must state whether the debtor has been the subject of any domestic support obligation and if so, whether the debtor is current in that obligation as required by § 1328(a) to obtain a discharge. The debtor must serve the certification on any domestic support obligation creditor and file a certificate of service. If the debtor fails to file this certification, the case may be closed without a discharge, without prejudice to the debtor's right to file a motion to reopen under Local Rule 5010-1 to file the certification in order to obtain a discharge.

Rule 4008-1 Reaffirmation Agreements and the Presumption of Undue Hardship

(a) Reaffirmation with Attorney Certification. If the debtor's attorney certifies that a reaffirmation agreement does not impose an undue hardship on the debtor, neither a motion nor court action is required. This subpart (a) applies even if it appears that a presumption of undue hardship may apply. The court may in its discretion schedule a hearing regarding any reaffirmation agreement, even if the debtor's attorney certifies that the reaffirmation agreement does not impose an undue hardship on the debtor.

(b) Reaffirmation without Attorney Certification. If a presumption of undue hardship under § 524(m) applies and the debtor's attorney has not certified that the agreement does not impose an undue hardship, either the debtor or the creditor must file a separate motion for approval of the reaffirmation agreement. The motion must be accompanied by the papers specified in § 524(k)(1) and F.R.Bankr.P. 4008. The motion must be titled and filed in the ECF event, "Motion for Approval of Reaffirmation - Presumption of Undue Hardship Applies." The court will schedule a hearing with notice to the debtor and the creditor.

(c) Reaffirmation by a Debtor Not Represented by an Attorney in the Case. If a reaffirmation agreement is filed and the debtor is not represented by an attorney in the bankruptcy case, the debtor must sign a motion for approval of the reaffirmation agreement under § 524(k)(7), attached as Part E. The reaffirmation agreement, including Parts A - E, must be filed in ECF with the event "Reaffirmation Agreement by Debtor Not Represented by An Attorney." The court will schedule a hearing with notice to the debtor and the creditor. The creditor may file the motion even though the motion is signed by the debtor.

(d) Reaffirmation by a Debtor Represented by an Attorney Who Did Not Negotiate the Agreement. The requirements and procedures of subpart (c) of this rule apply to a reaffirmation agreement by a debtor represented by an attorney who did not negotiate the agreement.

Rule 5005-1 Electronic Filing

All papers must be filed using the ECF Procedures. Paper Filings may be authorized only as provided in those procedures.

Rule 5010-1 Motion to Reopen a Bankruptcy Case

(a) A motion to reopen a closed bankruptcy case may be filed *ex parte*.

(b) After a case is closed, a debtor seeking to file either a Certification About Financial Management Course or a Certification Regarding Domestic Support Obligations must first file a motion to reopen the case. When a case is reopened to permit a debtor to file a missing paper, the debtor must file the missing paper within 14 days after entry of the order reopening the case. If the missing paper is not timely filed, the case will be closed again.

Rule 5011-1 Motion to Withdraw the Reference

When filing a motion to withdraw the reference, the filing party must also file contemporaneously the form "Bankruptcy Matter Civil Case Cover Sheet," available on the court's website.

Rule 5071-1 Adjournment of a Pretrial Conference, Hearing or Trial

Each judge's adjournment procedures are available on the court's website and must be followed as posted. If a judge has not posted adjournment procedures, the following procedures apply:

(a) Pretrial Conferences and Oral Arguments on Motions. The court will normally grant one adjournment of a pretrial conference or oral arguments on a motion upon a written stipulation of

all interested parties. Where the interested parties stipulate, the court will consider further adjournments only upon a showing of good cause. Where the interested parties do not stipulate, a party requesting an adjournment must file a motion establishing good cause.

(b) Evidentiary Hearings or Trials. The court will consider an adjournment of an evidentiary hearing or a trial only on a motion or a stipulation of all interested parties, establishing good cause, submitted at least three Business Days before the hearing or trial. A motion must state whether opposing counsel objects to the requested adjournment.

(c) Submission of an Order. A proposed order adjourning the conference, the hearing or the trial must be submitted and must provide a blank space for the new date and time.

(d) Procedure Upon Adjournment. After entry, the movant must immediately serve the order on all interested parties whose counsel are not ECF Filers and file a certificate of service. If there is insufficient time for mailing notice of the order of adjournment, the moving party must personally or telephonically provide any required notice of the adjournment order.

Rule 5072-1 Conduct in Court

Except as otherwise provided in these Local Rules, E. D. Mich. LR 83.31, entitled "Conduct in Federal Court Facilities," applies in the bankruptcy court facilities in this district.

Rule 5073-1 Electronic Devices

Subject to security screening, the following may be carried into the bankruptcy court facilities: laptop or notebook computers, cellular telephones or tablets, personal digital assistants, pagers, calculators and portable dictating devices. These devices must be turned off in all courtrooms and chambers, except that: (1) computers may be used with the volume muted; (2) calculators may be used; and (3) personal digital assistants, cellular telephones, tablets and paging devices may be used only in the vibration or silent mode. Telephone communication in a courtroom is prohibited. In the Theodore Levin United States Courthouse in Detroit, the rules of the United States District Court for the Eastern District of Michigan relating to electronic devices will apply.

Rule 5077-1 Request for a Court Transcript

A request for the preparation of a court transcript must be filed on a completed form "Transcript Order Form," available on the court's website.

Rule 5081-1 Transactions Requiring the Payment of Money

ECF Filers must pay fees to the clerk by using the internet payment service authorized by the court. Payment of fees to the clerk by others must be in one of the following forms:

(a) cash (exact change only);

(b) cashier's check;

(c) money order;

(d) from attorneys and non-debtor businesses only-business checks; or

(e) credit card in accordance with the clerk's guidelines.

Personal checks will not be accepted. Checks must be made payable to "Clerk, U.S. Bankruptcy Court."

Rule 6004-1 Use, Sale or Lease of Estate Property Other Than Cash Collateral

(a) Use, Sale or Lease By Notice. Except for the use of cash collateral, use, sale or lease of property of the estate must be effected in accordance with § 363, F.R.Bankr.P. 2002 and F.R.Bankr.P. 6004. The notice of use, sale or lease must be served by the trustee or debtor in possession as the case may be. The notice must include a statement that the deadline for filing an objection is 14 days from the date the notice is served. Neither a court proceeding nor an order is necessary to authorize the transactions set forth in the notice unless an objection is timely filed and is not formally withdrawn. The 14 day period in this subpart begins to run contemporaneously with the 21 day notice in F.R.Bankr. P. 2002(a)(2).

(b) Sale By Motion. A motion for authority to sell property free and clear of liens and other interests under F.R.Bankr.P. 6004(c), with liens and interests transferred to the proceeds of the

sale, must be filed under Local Rule 9014-1 with service to all parties required under F.R.Bankr.P. 2002 and to all parties who have an interest in the property that is proposed to be sold. The movant must file a certificate of service.

(c) Approval of Sale Procedures. A motion for approval of procedures for the sale of assets must be filed with a completed form "Cover Sheet for Motion to Approve Sale Procedures," available on the court's website. If a cover sheet is not filed as required, the court may enter an order striking or denying the motion without prejudice to the movant's right to refile the motion in compliance with this rule.

Rule 6004-2 Request for Incentive Compensation

If the debtor files a motion for entry of an order allowing incentive compensation for executives, employees or groups of employees, the motion must detail for each employee:

(a) the name of employee;

(b) the present position and responsibilities;

(c) whether the employee is an equity holder, creditor, debtor or guarantor of the debtor;

(d) the employee's work experience, with emphasis on how this experience qualifies or impacts the employee in the present position;

(e) the length of service with the debtor;

(f) the present compensation, including contractual bonuses and benefits, monetary and otherwise (any written employment agreement must be attached to the motion);

(g) the requested compensation (including benefits, monetary and otherwise);

(h) how the requested increase in compensation (or the amount requested) will benefit and impact the debtor;

(i) the consequences to the debtor of denying the request;

(j) the timing of the payment of the compensation and any conditions precedent;

(k) the terms of any job offer that the employee has received;

(l) if the requested payment is a severance payment to an insider, facts establishing that the requirements of § 503(c)(2) are met; and

(m) any other information relevant under § 503(c).

Rule 6007-1 Disposition of the Books and Records of a Chapter 7 Debtor

Unless otherwise ordered by the court or required by the Executive Office for United States Trustees, a chapter 7 trustee may dispose of the debtor's books and records in the trustee's possession 60 days after the entry of the order closing the estate. Notice of the proposed disposition of the debtor's books and records must be provided in the trustee's final report.

Rule 6007-2 Federal Tax Refund in a Chapter 7 Case

Unless directed otherwise in writing by the trustee, the Internal Revenue Service may in the ordinary course of business make an income tax refund to a debtor in a chapter 7 case 60 days after the first date set for the meeting of creditors.

Rule 7004-1 Service on an Insured Depository Institution

Unless one of the exceptions set forth in F.R.Bankr.P. 7004(h)(1)-(3) is applicable, service on an insured depository institution will be presumed proper if the summons and complaint in an adversary proceeding or a motion governed by F.R.Bankr.P. 9014 is made by serving a copy of the paper by certified mail addressed to either (a) an officer of the institution in care of the resident agent of the institution, or (b) the chief executive officer of the institution at the institution's principal place of business.

Rule 7007.1-1 Corporate Ownership Statement in an Adversary Proceeding

A corporate ownership statement required by F.R.Bankr.P. 7007.1 must be filed as a separate paper, not as an attachment to another paper.

Rule 7016-1 The Joint Final Pretrial Order and the Preparation of Exhibits

(a) Duty to Prepare Proposed Joint Final Pretrial Order. If the court orders the parties to prepare a proposed joint final pretrial order, it must be prepared in accordance with this rule. In a contested matter, the movant will be considered the plaintiff for purposes of this rule and the court will designate the other parties responsible to participate. Counsel for plaintiff must:

(1) convene a conference for all parties to confer and collaborate in formulating a concise proposed joint final pretrial order;

(2) compile and submit the proposed order; and

(3) file a stipulation to the entry of the proposed order signed by all parties.

If the plaintiff is without counsel, the defendant's counsel must perform these obligations. Unless the court orders otherwise, the deadline to file the stipulation and to submit the proposed order is seven days before the final pretrial conference or, if no final pretrial conference is scheduled, seven days before the hearing or trial. When entered, the order supersedes the pleadings and governs the course of trial unless modified by further order. The pretrial order must not be a vehicle for adding claims or defenses.

(b) Contents of Order. The proposed joint final pretrial order must contain, under the following numbered and captioned headings, the following:

(1) Jurisdiction. The parties must state the basis for bankruptcy court jurisdiction, whether the matter is core and whether jurisdiction is contested by any party.

(2) Plaintiff's Claims. The statement of the claim or claims of plaintiff must include legal theories.

(3) Defendant's Claims. The statement of the claim or claims of defendants or third parties must include legal theories.

(4) Stipulation of Facts and Law. The parties must state, in separately numbered paragraphs, all uncontested facts and all undisputed points of law.

(5) Issues of Fact to be Litigated.

(6) Issues of Law to be Litigated.

(7) Evidence Problems Likely to Arise at Trial. Each party must state its objections to exhibits and to the use of deposition testimony, including the objections required under F.R.Civ.P. 26(a)(3)(B).

(8) Witnesses. Each party must separately list all witnesses whom that party will call and all witnesses whom that party may call. A party may, without further notice, call a witness listed by another party as a "will call" witness. The list must state whether the witness is an expert and whether testimony will be offered by deposition. Only listed witnesses will be permitted to testify at trial, except for rebuttal witnesses whose testimony could not be reasonably anticipated before trial, or except for good cause shown.

(9) Exhibits. Each party must number and list each exhibit with appropriate identification according to subpart (e), below. Only listed exhibits will be considered for admission, except for rebuttal exhibits that could not be reasonably anticipated before trial, or except for good cause shown. The parties are encouraged to agree upon a joint list of exhibits, without duplicates, to be admitted.

(10) Objections to Exhibits. Each party must state its objections to the other party's listed exhibits. Objections not stated in the proposed order may be deemed waived and exhibits not objected to may be admitted into evidence.

(11) Damages. The parties must itemize all claimed damages and must specify damages that can be calculated from objective data. The parties must stipulate to those damages not in dispute.

(12) Trial.

(A) Jury or non-jury.

(B) Estimated length of trial.

(13) Settlement or Mediation. Counsel or a party without counsel must state that they have conferred and considered the possibility of settlement, giving the most recent place and date, and state the current status of negotiations and any plans for further discussions. They may request the court to schedule a settlement conference or mediation.

(14) Filing of Trial Briefs, Proposed Findings of Fact and Requests for Jury Instructions. Unless the court otherwise orders, at least three Business Days before trial, the parties must file trial briefs, proposed findings of fact and conclusions of law in a non-jury case or requests for instructions in a jury case.

(15) Additional Requirements. A judge, in an appropriate case, may add requirements to the proposed joint final pretrial order or may suspend application of this rule in whole or in part.

(16) Juror Costs Attributable to Parties. The court may assess juror expenses under E. D. Mich. LR 38.2.

(c) Failure to Cooperate. For failure to comply with the requirements of this rule or with the terms of the joint final pretrial order, the court may dismiss claims, enter a default judgment, refuse to permit witnesses to testify or to admit exhibits, assess costs and expenses including attorney fees or impose other appropriate sanctions.

(d) Pre-marking and Exchange of Documentary Exhibits. If there has been no final pretrial conference and at least one week's notice of the trial or the evidentiary hearing has been provided to counsel, then at least one Business Day prior to the trial or evidentiary hearing, counsel must arrange with the judge's chambers staff to have all documentary exhibits marked and must provide copies of all exhibits to opposing counsel. In any event, all proposed exhibits and an exhibit list must be provided to the court at the start of the trial or hearing and an extra copy of each exhibit must be available for witnesses' use during testimony. Unless the court orders otherwise, each party will be responsible for the care and custody of the party's own exhibits.

(e) Exhibit Identification. Exhibits must be marked using numbers for the plaintiff or movant and letters for the defendant or respondent. If the defendant has more than 26 exhibits, the defendant may use exhibit numbers starting, for example, with 101 or 1001. Each separate document must be separately marked. Grouping exhibits is strongly discouraged.

Rule 7016-2 Mediation

(a) The Mediation Process. Upon its own initiative, the stipulation of the parties or a motion filed under Local Rule 9014-1, the court may order the parties to engage in mediation. If the court orders mediation on its own initiative, a party may within seven days file a motion under Local Rule 9014-1 objecting to mediation.

(1) If mediation is stipulated or ordered, the parties must choose one mediator from the court's panel of mediators. If that mediator is not available or has a conflict that the parties do not waive, the parties must choose another mediator. The parties may request the court's assistance in selecting a mediator if they cannot agree.

(2) When a mediator is chosen, the parties must submit a proposed mediation order for entry, unless the court has already entered a mediation order. If a mediation order has not been entered by the time of the mediation, the mediator must submit a proposed mediation order. A form "Mediation Order" is available on the court's website.

(3) Mediation may be ordered at any time during the case. Mediation must be completed within 14 days after the entry of the mediation order or within such other time as the court has fixed in the mediation order.

(4) Unless otherwise ordered by the court, each of the parties to the mediation process must pay $200.00 to the mediator before or at the commencement of the mediation session. The mediator, with the consent of the parties, may retain professionals to assist the mediator. The expenses of such professionals must be equally paid by all parties to the mediation and may not exceed $2,000.00, unless otherwise ordered by the court.

(5) All proceedings and writings incident to the mediation will be privileged and confidential, and must not be reported or placed in evidence. No party will be bound by mediation unless a settlement is reached. If a settlement is reached, the agreement must be reduced to writing. If necessary, the parties must file a motion for approval of the settlement under F.R.Bankr.P. 9019 within 14 days after the agreement is fully executed.

(6) The mediator will have the duty and authority to establish the mediation process, including the submission of documents, the attendance of parties with authority to settle, the procedure governing the mediation and a schedule for the parties to act upon the mediator's recommendation. The mediator will have no obligation to make any written recommendation, but may provide the attorneys for the parties or unrepresented parties with a written settlement memorandum. Such memorandum will be governed by the first sentence of subpart (a)(5) and must not be filed or made available to the court. The mediator must not be called as a witness.

(7) Within seven days after the conclusion of the mediation, the mediator must file a certification (A) demonstrating that there has been compliance with the mediation requirements

of this rule, and (B) stating whether a settlement was achieved, without referring to any substantive matters involved in the mediation.

(b) The Mediation Panel.

(1) The court will appoint mediators to the mediation panel as necessary from time to time. The court may select one or more chairpersons to assist the court with the administration of the mediation panel.

(2) Before serving as a mediator, a professional must have participated in a court-approved training seminar in alternative dispute resolution and must provide to the court a certificate of such training. The clerk will maintain a list of such seminars.

(3) A list of the mediators on the panel is maintained by the clerk and is available on the court's website.

(4) Individuals who wish to serve on the mediation panel must inform the clerk in writing and must provide the clerk with information that the applicant or the court deems pertinent.

(5) The court may meet periodically with the panel of mediators or its chairpersons as necessary to discuss improving the mediation process.

Rule 7026-1 Filing Discovery

(a) Discovery to be Filed. The following must be filed: deposition notices; interrogatories; requests for the production of documents, and the responses thereto; and requests for admissions and the responses thereto.

(b) Discovery Not to be Filed. Except to the extent necessary in support or defense of a contested matter or an adversary proceeding, the following must not be filed: deposition transcripts; answers to interrogatories; and documents produced in response to a request for the production of documents.

Rule 7026-2 Furnishing an Electronic Formatted Discovery Request

Upon the request of a party responding to interrogatories, a request for documents or a request for admissions, the party serving the discovery request must, if feasible, furnish the discovery

request in Word or WordPerfect format (not PDF format), as designated by the responding party, so that the responding party need not re-type these discovery requests to prepare a response.

Rule 7026-3 Discovery in a Contested Matter

Discovery in a contested matter is permitted only upon a court order for cause shown.

Rule 7026-4 Discovery of Electronically Stored Information

Unless the court orders otherwise, in any adversary proceeding or contested matter where discovery involves the exchange of electronically stored information, the Model Order Relating To The Discovery Of Electronically Stored Information approved by the United States District Court for the Eastern District of Michigan on September 20, 2013, subject to any amendments or revisions made to such Model Order by the United States District Court for the Eastern District of Michigan, will apply.

Rule 7041-1 Dismissal of a Complaint Objecting to the Discharge of the Debtor

When the parties to an action under § 727 propose to dismiss the action, they must file a joint statement of the consideration received or to be received by the plaintiff. The plaintiff must then serve the joint statement on all creditors and the trustee, with a notice stating that the deadline to file objections is 14 days after service, and file a certificate of service. If no timely objection is filed, the plaintiff must promptly file a certificate of no response and submit the agreed proposed dismissal order. If a timely response is filed, the court will set the matter for hearing. An original signature from a pro se party is not necessary to authorize the filing of a joint statement under this rule; a fax, email or written signature or consent is sufficient.

Rule 7054-1 Procedure to Obtain Fees and Costs Under F.R.Bankr.P. 7054

(a) Unless the court orders otherwise, a party who has been awarded attorney fees and related nontaxable costs under F.R.Bankr.P. 7054(b) must, within 14 days after the award, file an application for allowance of the fees and costs with the following information stated separately:

(1) the total amount of fees sought to be awarded;

(2) the amount of expenses to be awarded;

(3) the time period during which the services for which the award is sought were rendered;

(4) a summary statement of the number of hours of service rendered by each professional and paraprofessional and the hourly rates of each;

(5) an itemized time record in chronological order of each specific service for which an award is sought. This itemized time record must:

(i) state the date each service was rendered;

(ii) identify the professional or paraprofessional who performed the service; and

(iii) describe with particularity the services rendered; and

(6) an itemized statement of expenses for which reimbursement is sought.

In addition, the application must include a proposed order awarding and ordering payment of the fees and costs, and a certificate of service.

(b) Any party opposing the allowance or payment of the fees and costs will have 14 days from service of the application to object.

(c) If no objection is timely filed, the court may grant the application without a hearing.

(d) Any objection must specify in detail the nature and basis of the objection and the amount, if any, that is not disputed. Pending resolution of the objection, the court may enter an order awarding and ordering the payment of any undisputed fees and costs.

(e) The initial hearing on the application will not be an evidentiary hearing. If the court determines that an evidentiary hearing is needed, the court will schedule a separate evidentiary hearing.

Rule 7055-1 Default Judgment

The deadline to file an application for the entry of a default judgment and submit a proposed default judgment is 14 days after the clerk has entered the opposing party's default. The application for the default judgment need not be served on the party in default unless the court orders otherwise or unless service is required by F.R.Civ.P. 55(b).

Rule 7067-1 Deposit, Withdrawal and Investment of Funds in the Court Registry Investment System

(a) Deposit Order. A proposed order for deposit of funds into the Court Registry Investment System ("CRIS") must state:

(1) the amount to be deposited;

(2) that the deposit is being made pursuant to 28 U.S.C. § 2041;

(3) that funds on deposit in CRIS are administered by the Administrative Office of the United States Court ("AOUSC") pursuant to 28 U.S.C. § 2045;

(4) that an account for the case, including case name and number, will be established in the CRIS titled in the name of the case giving rise to the investment, and if applicable, that disputed ownership funds ("DOF") deposited in an interpleader case under 28 U.S.C. § 1335 will be invested in the CRIS Disputed Ownership Fund;

(5) that the director of AOUSC, as custodian for CRIS, is authorized and directed to:

(i) deduct the CRIS fee for management of the Liquidity Fund (or other Alternative Fund);

(ii) deduct the DOF fee for management and tax administration of the CRIS Disputed Ownership Fund;

(iii) provide tax administration services for the CRIS Disputed Ownership Fund, including the withholding and payment of federal taxes on behalf of the CRIS Disputed Ownership Fund;

(6) that on appointment of an administrator in a case authorized to incur expenses to be paid from statutory interpleader funds held in the CRIS Disputed Ownership Fund, the court will order transfer of the funds to another investment account.

(b) Order for Withdrawal of Funds. A proposed order for withdrawal of funds held in CRIS must state:

(1) the names, addresses and last four digits of the social security or full employer identification numbers of the recipients of the funds;

(2) the amount of any fee payable to the United States in accordance with the CRIS fee schedule; and

(3) the amount of principal and interest to be paid to each recipient.

The proposed order must be submitted to the clerk or to the clerk's designee for approval as to form before it is submitted to the judge. After entry, the moving party must deliver the order to the clerk.

(c) Receipt of Funds.

(1) Money must not be sent to the court or its officers for deposit in the court's registry without an order signed by the presiding judge in the case.

(2) The party making the deposit or transferring the funds to the court's registry must serve the order permitting the deposit or transfer on the clerk of the court.

(d) Investment of Registry Funds. Where, by order of the court, funds on deposit with the court are to be placed in some form of interest-bearing account, the CRIS, administered by the AOUSC under 28 U.S.C. § 2045 will be the only investment mechanism authorized.

(e) Transition from Former Investment Procedures. Parties not wishing to transfer certain existing registry deposits into the CRIS may seek leave to transfer them to the litigants or their designees on motion for approval of the judge assigned to the specific case.

(This local rule was changed to its current version by Administrative Order 16-08 entered on December 5, 2016.)

Rule 8001-1 Transmitting a Bankruptcy Matter to the District Court

When filing a notice of appeal or a motion for leave to appeal, the filing party must also file with the bankruptcy court the form "District Court Bankruptcy Matter Civil Case Cover Sheet," available on the court's website.

Rule 9001-1 Definitions

(a) Large Bankruptcy Cases. Upon a motion or the court's own initiative, the court may enter an order without a hearing designating a chapter 11 case as a "Large Bankruptcy Case."

(b) First Day Motion. A "First Day Motion" is a motion filed within the first 14 days after an order for relief in a chapter 11 case and designated as such under Local Rule 9013-1. It is a motion that the debtor believes is so important to the initial stages of the case that the best interests of the bankruptcy estate warrant granting a hearing on the motion upon shortened or limited notice.

(c) ECF Terms. The terms defined in the court's ECF Procedures have the same meanings herein.

(d) Business Day. A Business Day is a day when the court is open for business. A Business Day does not include a Saturday, a Sunday, a legal holiday such as New Year's Day, Birthday of Martin Luther King, Jr., Washington's Birthday, Memorial Day, Independence Day, Labor Day, Columbus Day, Veterans Day, Thanksgiving Day, Christmas Day, any other day appointed as a holiday by the President or the Congress of the United States, or by the State of Michigan, or a day on which weather or other conditions have made the Clerk's Office inaccessible.

Rule 9004-1 The Caption and Filing of Papers

(a) Caption. The caption on a paper must substantially conform to the applicable official form (if any) and must also state:

(1) the chapter number under which the petition is pending;

(2) the judge to whom the case is assigned;

(3) a concise statement of the nature of the document and:

(A) for a motion, identification of the movant and specific relief sought; and

(B) for a response, identification of the respondent and the title of the motion to which the response is directed, including the name of the movant and the specific relief sought.

(b) Paper Filings. When a Paper Filing is filed with the clerk of the court, such filing may only be made in accordance with the ECF Procedures. The paper, other than a proof of claim, may use only one side of a page and under the signature line must state any attorney's name, mailing

address and telephone number and the name of the client. The pages, excluding exhibits, must be numbered.

(c) Use of Forms. The use of a form pleading that contains extraneous factual allegations or legal arguments not applicable to the matter before the court may subject the individual who submits it to sanctions under F.R.Bankr.P. 9011. Factual allegations in pleadings must be made with the proper respect for the applicable rules regarding relevance, specificity and accuracy.

Rule 9006-1 Reduction or Enlargement of Time

(a) Motion for Extension of Time Under F.R.Bankr.P. 1007(c) or F.R.Bankr.P. 3015(b).

(1) Before filing a motion for extension of time to file papers under F.R.Bankr.P. 1007(c) or to file a chapter 13 plan under F.R.Bankr.P. 3015(b), the movant must request the concurrence of the trustee, if any, or if no trustee has been appointed, the United States trustee.

(2) The motion must state:

(A) the date set for the meeting of creditors;

(B) the date on which the movant intends to file the papers;

(C) the grounds establishing good cause for the relief sought;

(D) that an objection to the relief requested in the motion must be filed within three Business Days of filing of the motion; and

(E) the efforts made by the moving party to obtain concurrence.

(3) The deadline to file an objection is three Business Days after the motion is filed. Upon the filing of an objection, the court will schedule an expedited hearing with notice to the movant and the objecting party.

(4) The movant may submit a proposed order granting the relief requested after the movant files a certification that no response was timely filed.

(5) If the movant obtains concurrence under subpart (1), the movant may file a stipulation for the entry of a proposed order and submit a proposed order for entry by the court.

(b) Any Other Reduction or Enlargement of Time. Unless prohibited by F.R.Bankr.P. 9006 and to the extent otherwise permitted by the Code and the Federal Rules of Bankruptcy Procedure, a party may file a motion for an *ex parte* order reducing or enlarging the time for a

party to take any action or file any paper. Prior to making the motion, if the motion is made in an adversary proceeding or a contested matter, the movant must attempt to obtain the acquiescence of opposing counsel, unless unduly burdensome. The movant must also immediately notify opposing counsel personally or by telephone of the entry of the order and must serve the order on any opposing counsel who does not receive service by ECF and file a certificate of service. A party aggrieved by such an order may move for a dissolution of the order.

Rule 9010-1 Appearance Before the Court and at a Meeting of Creditors

(a) Appearance by Attorney.

(1) Except as otherwise provided by law, appearance before the court on behalf of a person or entity may be made only by an attorney admitted to the bar of, or permitted to practice before, the United States District Court for the Eastern District of Michigan, under E. D. Mich. LR 83.20. A corporation, partnership or other entity other than an individual may not file a petition or other paper, nor appear as a debtor, plaintiff, defendant or other party in an adversary proceeding, unless it is represented by an attorney duly admitted to, and in good standing with, the bar of the United States District Court for this district. The following do not constitute the practice of law for purposes of these rules:

(A) the signing or filing of a request for notice;

(B) the signing or filing of a proof of claim or a ballot;

(C) the attendance and participation at a meeting of creditors or of an official committee;

(D) the signing or filing of a pleading or paper resolving an objection to a proof of claim;

(E) the signing or filing of a stipulation adjourning a hearing or extending a deadline; or

(F) the filing of an appearance under Local Rule 2002-3.

(2) An attorney appearing before the court is expected to have read and to be familiar with the Federal Rules of Bankruptcy Procedure, these rules, the ECF Procedures, the rules of

the United States District Court for the Eastern District of Michigan and the Civility Principles. Unless otherwise instructed by the court, counsel must:

(A) at the onset of the hearing, place the attorney's name on the record and state the name of the party that the attorney represents;

(B) stand when speaking or when addressed by the judge;

(C) speak in the vicinity of a microphone;

(D) refrain from confrontation or colloquy with opposing counsel;

(E) address all persons by their surnames;

(F) state all objections concisely and with specificity; and

(G) be fully prepared and knowledgeable of the issues and matters to be addressed.

(b) Required Appearance by Debtor's Attorney or Firm of Record. The debtor's attorney or firm of record must, except as provided in subpart (c) below, attend and represent the debtor at the meeting of creditors, any hearing on any reaffirmation agreement and all hearings within the scope of representation. The appearing attorney must have sufficient familiarity and knowledge of the case and its prior proceedings as to permit informed discussion and argument.

(c) Attorney Appearing on Behalf of Attorney of Record. An attorney whose appearance in a particular hearing or a meeting of creditors is made at the request of the debtor's attorney of record must file prior to such appearance a written notice of special appearance and a completed form "Statement of Attorney for Debtor(s) Under F.R.Bankr.P. 2016(b)," available on the court's website. At the time of appearance, the attorney must furnish, on request, a copy of the notice of appearance that evidences the fact of filing. An attorney making a special appearance will be accountable for adequately representing the interests of the person or entity on whose behalf the appearance is made.

(d) Disclosure of Scope of Representation of Debtor's Attorney. The attorney for a debtor must file a completed form "Statement of Attorney for Debtor(s) Under F.R.Bankr.P. 2016(b)," available on the court's website, in which the scope of the attorney's appearance and representation must be accurately stated. The "Statement of Attorney for Debtor(s) Under F.R.Bankr.P. 2016(b)" must be countersigned by the debtor.

(e) Scope of Appearance of Debtor's Attorney in a Chapter 9, 11, 12 or 13 Case. The attorney for a debtor under chapter 9, 11, 12 or 13, is presumed to appear for the case and all proceedings in the case, unless otherwise ordered by the court, and has a continuing duty to represent the debtor in all proceedings in the bankruptcy court, including relief from automatic stay motions, hearings on claims or adversary proceedings, until the occurrence of the earliest of:

(1) dismissal of the case;

(2) closing of the case; or

(3) the entry of an order allowing the attorney to withdraw from further representation of the debtor.

(f) Scope of Appearance of Debtor's Attorney in a Chapter 7 Case. In a case filed under or converted to chapter 7, the scope of appearance of the debtor's attorney will be as disclosed in the F.R.Bankr.P. 2016(b) statement, as may be amended from time to time.

(g) Withdrawal of Attorney.

(1) An attorney who has appeared on behalf of a party may not withdraw without permission of the court. A request for permission to withdraw may be made by stipulation between the attorney and the party or upon motion filed under Local Rule 9014-1. Immediately upon the entry of an order permitting the attorney's withdrawal, the attorney must serve it on parties in interest, file a certificate of service, and to the extent available, provide the parties' contact information and telephone number to opposing counsel upon withdrawal in an adversary proceeding, and to the trustee upon withdrawal in a bankruptcy case.

(2) Except as required under subpart (g)(1), no order is required for a consensual substitution of attorney that is signed by the represented party, the withdrawing attorney and the substituting attorney. A notice of substitution of attorney must be filed and served on the trustee and any interested parties involved in pending litigation.

(h) Required Approval for Employment. If an order approving the employment of the withdrawing attorney under § 327 or § 1103 was required, any new attorney must also comply with F.R.Bankr.P. 2014; the employment will not be deemed approved merely by filing a notice of substitution of attorney.

(i) Appearance for Settlement Purposes Only. Local counsel need not appear solely to sign and file a paper resolving a contested matter or an adversary proceeding.

Rule 9010-2 Restriction on the Law Practice of a Former Law Clerk

(a) A Former Law Clerk for a Specific Bankruptcy Judge. A former law clerk for a judge in this district may not appear before that judge for two years after such service or participate in any capacity in any case that was pending before that judge during the clerkship.

(b) A Former Law Clerk for the Court. A former law clerk for the court, such as a shared law clerk, may not appear before any judge in the district for six months after such service or participate in any capacity in any case that was pending during the clerkship.

(c) A Former Law Clerk's Firm. The prohibitions of subparts (a) and (b) do not extend to an individual or entity that employs a former law clerk, nor to its partners, members or associates.

Rule 9011-1 Sanctions

For failure to comply with any applicable rules, sanctions may be imposed upon: (1) any counsel appearing before the court; (2) any person appearing without counsel; (3) any person acting in a fiduciary capacity in a case or proceeding; and (4) other professional persons whose employment was approved by the court. Sanctions in the form of an admonition, the assessment of costs or any other sanction deemed appropriate may be imposed upon notice and opportunity for hearing when it is determined that such non-compliance has obstructed the effective conduct of the business of the court. These sanctions are in addition to the sanctions that the court may impose upon counsel under E. D. Mich. LR 11.1, the Federal Rules of Bankruptcy Procedure or the Federal Rules of Civil Procedure.

Rule 9013-1 First Day Motions

(a) Filing Requirements. The title of each First Day Motion and of each proposed order granting a First Day Motion must contain the words "First Day." When filing the motion through ECF, the debtor's counsel must select the prefix "First Day." The debtor's counsel must promptly notify the judge's courtroom deputy clerk that First Day Motions have been filed. The

term “First Day Motion” must also be included on all exhibits, budgets, proposed orders, affidavits and all other papers that the debtor files in support of a First Day Motion.

(b) Service of Motion. A First Day Motion and all related papers must be served on the United States trustee, all secured creditors, the creditors included on the list filed under F.R.Bankr.P. 1007(d) and any adverse party relative to the relief requested in the First Day Motion. This service must be completed within 24 hours after the First Day Motion is filed even if the hearing on the First Day Motion has not yet been scheduled by the court. First Day Motions must also be served by:

(1) transmission to a Registered Filer or User consistent with F.R.Bankr.P. 9036 and ECF Procedure 4(e);

(2) hand delivery;

(3) delivery by overnight delivery service;

(4) facsimile transmission to the extent that facsimile number(s) are available; or

(5) email to the extent that email addresses are available.

The movant must promptly file a certificate of service.

(c) Scheduling a Hearing. The movant is not required to file a separate motion for an expedited hearing on a First Day Motion. The movant must submit a proposed order scheduling the First Day Motions for hearing, leaving blank the hearing date and time. As expeditiously as possible, the court will determine whether each motion qualifies as a First Day Motion and will enter an order scheduling a prompt hearing on those that do. The order may specify the means and deadline for service of the notice of hearing. The movant must serve the order scheduling the hearing on the parties and by the means identified in subpart (b) and file a certificate of service.

Rule 9013-2 Fixed Hearing Dates in a Large Bankruptcy Case

(a) Motion to Establish Fixed Hearing Dates. Upon motion of the debtor, the court may enter an order establishing fixed dates and times as the scheduled hearing date and time for consideration of all motions and contested matters in a Large Bankruptcy Case.

(b) Procedure for Fixed Hearing Dates. If the court establishes fixed dates, the following procedures will apply unless the court orders otherwise:

(1) any notice of an opportunity to object must conspicuously contain above the title of the notice the date and time that the hearing will be held in the event that an objection is filed in accordance with applicable rules;

(2) any motion or contested matter filed and properly served in accordance with applicable rules and as to which the applicable response time will elapse at least three Business Days before a fixed hearing date, may be set for hearing on such a fixed date;

(3) if the requisite time period set forth in Local Rule 9014-1(b)(1) has passed, the movant may file a certificate of no response and then must submit a proposed order and promptly notify the court that a hearing on the motion is unnecessary;

(4) debtor's counsel must file and serve on all affected parties at least seven days before the hearing a list of all matters scheduled to be considered by the court and file a certificate of service. The list must set forth all motions and responses and whether the matter is resolved, disputed or adjourned;

(5) if a party intends to present a proposed order at the hearing different from the proposed order attached to the motion, debtor's counsel must state on the list filed in accordance with subpart (b)(4) above that a different proposed order will be presented for entry;

(6) debtor's counsel together with any affected party or parties may, without leave of the court, unless the court orders otherwise, adjourn any matter to a subsequent fixed hearing date. If a matter is adjourned, debtor's counsel must immediately update the list filed in accordance with subpart (b)(4) above; and

(7) upon request, the court may allow counsel to participate in any hearing by telephone.

(c) Other Hearing Dates. The establishment of fixed dates for hearings does not preclude any party in interest from requesting and obtaining a different date for a hearing on a particular matter.

Rule 9013-3 Corporate Ownership Statement in a Contested Matter

A corporation that is a party to a contested matter must file, contemporaneous with the filing of its first paper in such contested matter, a statement of corporate ownership that contains the information required by F.R.Bankr.P. 7007.1 for a corporation that is a party to an adversary

proceeding. The corporate ownership statement must be filed as a separate paper, not as an attachment to another paper. A party subject to this rule must file a supplemental statement promptly upon any change in circumstances that this rule requires the party to identify or disclose.

Rule 9014-1 Motion Procedure Generally

(a) Motion Required. Unless permitted otherwise by applicable rule, a party seeking relief must file a motion. This rule also applies to a fee application under Local Rule 2016-1(a) or (b). For purposes of this rule, an objection to a claim of exemption will be deemed to be a motion.

(b) Deadline for Response. Except as otherwise ordered by the court or applicable rule, the deadline to respond to any motion is 14 days after service (21 days after service for matters covered by F.R.Bankr.P. 2002(a)).

(c) Attachments. The moving party must attach the following to the motion:

(1) a copy of the proposed order, labeled as Exhibit 1;

(2) a completed form "Notice of Motion and Opportunity to Object," available on the court's website, labeled as Exhibit 2, stating that: the deadline to file an objection to the motion is within 14 days (21 days for matters covered by F.R.Bankr.P. 2002(a)) after service; objections must comply with F.R.Civ.P. 8(b), (c) and (e); and if an objection is not timely filed, the court may grant the motion without a hearing;

(3) a brief, when required under subpart (e), labeled as Exhibit 3;

(4) a certificate of service showing service on those parties entitled to service under ECF Procedure 12(b), labeled as Exhibit 4;

(5) affidavits, labeled as Exhibit 5; and

(6) documentary exhibits, labeled as Exhibit 6.

(d) No Timely Response. If a response is not timely filed, the movant may file a certification of no response so stating, attaching thereto a copy of the original certificate of service, and may submit the proposed order. The movant may file a certification of no response only after the deadline for response has passed, including the addition of days to the deadline in order to comply with F.R.Bankr.P. 9006(a) and (f). The court may enter the submitted proposed order

without a hearing. If the court decides not to enter the proposed order, the court will schedule a hearing with notice to the movant and the other parties that are entitled to notice, unless the court determines that a hearing is unnecessary to resolve the motion.

(e) Timely Response. If a response is timely filed, the court will schedule a hearing with notice to the movant and all respondents, unless the court determines that a hearing is unnecessary to resolve the motion.

(f) Briefing Requirements. A brief, not more than 25 pages in length, including footnotes and signatures, must be filed in support of and in opposition to the following:

(1) a motion in an adversary proceeding;

(2) a motion for relief from stay or abandonment in a chapter 11 case;

(3) a motion for the appointment of a trustee or examiner in a chapter 11 case;

(4) an objection to a claim of exemptions; or

(5) a motion for payment of pre-petition claims.

Unless otherwise ordered by the court, there is no requirement to file a brief in support of or in opposition to other types of motions. A reply brief of not more than seven pages in length, including footnotes and signatures, may be filed and served not less than three Business Days before the hearing on the motion. A party seeking to file a brief in excess of the page length in this rule, must file an *ex parte* motion requesting permission to do so, setting forth the reasons to do so and specifying the page length for such brief.

(g) Rule Not Applicable. This rule does not apply to:

(1) an objection to claim under Local Rule 3007-1;

(2) a motion for reconsideration under Local Rule 9024-1(a);

(3) a motion to amend an order or judgment under Local Rule 9024-1(b);

(4) a motion to reinstate a dismissed case under Local Rule 9024-1(c);

(5) a motion to reduce or enlarge time under Local Rule 9006-1, including a motion for extension of time to file papers under Local Rule 9006-1(a);

(6) a motion to withdraw the reference under F.R.Bankr.P. 5011(a);

(7) a motion for leave to appeal under F.R.Bankr.P. 8004;

(8) a motion to dismiss under Local Rule 2003-1;

(9) a motion to dismiss under Local Rule 1017-2;

(10) a matter covered by Local Rule 1007-3(a) and (b), relating to credit counseling compliance;

(11) a motion seeking approval of a reaffirmation agreement under Local Rule 4008-1;

(12) an application to waive the filing fee;

(13) an application to pay the filing fee in installments;

(14) a motion to extend the stay under Local Rule 4001-4(a);

(15) a motion to order the stay to take effect under Local Rule 4001-4(b);

(16) a motion to reopen a case to file missing papers under Local Rule 5010-1;

(17) a motion for a default judgment under Local Rule 7055-1;

(18) a motion to file by Paper Filing under ECF Procedure 3(b); or

(19) a motion for an order restricting public access to a paper that contains unredacted information in violation of F.R.Bankr.P. 9037(a).

(h) Statement of Concurrence Sought. In an adversary proceeding, or in a bankruptcy case unless it is unduly burdensome, the motion must affirmatively state that concurrence of opposing counsel in the relief sought has been requested on a specified date and that the concurrence was denied.

(i) Discovery Motions. With respect to a matter relating to discovery to which F.R.Bankr.P. 7026 through 7037 apply, counsel for each of the parties must meet and confer in advance of the hearing in a good faith effort to narrow the areas of disagreement. The conference must be held a sufficient time in advance of the hearing so as to enable the parties to narrow the areas of disagreement to the greatest extent possible. It is the responsibility of counsel for the movant to arrange for the conference and, in the absence of an agreement to the contrary, the conference must be held in the office of the attorney nearest to the court in which the motion is pending.

(j) Withdrawal of a Motion. After a response has been filed, a motion may be withdrawn only upon stipulation of the moving and responding parties or a court order.

(k) Evidentiary hearings. Unless the court orders otherwise, the initial hearing on a contested matter will not be an evidentiary hearing. The court may determine at the initial hearing whether an evidentiary hearing is necessary and, if so, will schedule it at that initial hearing. No further notice of the evidentiary hearing need be served.

Rule 9015-1 Jury Trial Demand and Consent

(a) In a Contested Matter or Adversary Proceeding Initiated in Bankruptcy Court. A party who demands a jury trial in a contested matter or adversary proceeding initiated in the bankruptcy court must indicate in its jury trial demand whether it consents to the bankruptcy judge conducting the jury trial. Any other party has until 14 days after the later of (a) the service of a jury demand, or (b) the deadline to file an answer or other responsive pleading, to file a statement indicating whether it consents to the bankruptcy judge conducting the jury trial. Any party that does not timely file a statement indicating that it does not consent to the bankruptcy judge conducting the jury trial, will be deemed to have consented to the bankruptcy judge conducting the jury trial.

(b) In an Adversary Proceeding Removed from State Court in Which a Jury Trial Demand Was Timely Filed. In an adversary proceeding removed from state court in which a jury trial demand was timely filed, the jury demand need not be re-filed in this court to be effective. A party will be deemed to have consented to the bankruptcy judge conducting the jury trial unless, within 28 days after the removal, the party files a statement indicating that it does not consent to the bankruptcy judge conducting the jury trial.

(c) In an Adversary Proceeding Removed from State Court in Which a Jury Trial Demand Was Not Filed And the Time to File Has Not Yet Expired. In an adversary proceeding removed from state court in which a jury trial demand was not filed and the time to file a jury demand under applicable state law has not expired, the deadline to file a jury demand is 28 days after the removal. If a jury trial demand is filed, the parties' consents to the bankruptcy judge conducting the jury trial will be determined under the provisions of subpart (a).

(d) Motion to Withdraw the Reference or Motion to Strike Jury Demand. With respect to subparts (a), (b) and (c) of this rule, if all parties do not consent to the bankruptcy judge conducting a jury trial, at the initial hearing on a contested matter, or at the initial status conference held in an adversary proceeding, the court may consider setting a deadline for the filing of a motion to withdraw the reference or a motion to strike the jury demand.

Rule 9019-1 Settlement

Counsel must notify the court immediately upon the settlement of an adversary proceeding or contested matter. If, by the date set for the trial or hearing, the attorneys have not submitted a proposed order disposing of the matter, then the attorneys must appear and state the settlement on the record, and must submit a proposed order within 14 days. Failure to submit a proposed order within 14 days is cause for dismissal.

Rule 9021-1 Entry of an Order or Judgment in a Contested Matter or Adversary Proceeding

(a) Procedure for the Entry of an Order or Judgment. An order or judgment may be entered by one of the following methods:

(1) upon notice to the parties, the court may prepare and enter an order or a Text Order;

(2) the court may at the hearing excuse presentment of a proposed order or judgment for approval;

(3) the court may enter a proposed order or judgment when a stipulation to its form is filed and if, in the court's determination, it conforms with the court's decision; or

(4) unless the court has excused presentment for approval, the prevailing party must file a proposed order or judgment with a notice that it will be submitted for entry if written objections are not filed within seven days.

(A) If a written objection is not timely filed and served, the prevailing party must file a certification that no objections have been filed and must submit the proposed judgment or order. If the proposed judgment or order conforms with the decision, the court may then enter it. If the proposed judgment or order does not conform with the decision, the court may schedule a hearing with notice to the parties.

(B) If an objection is filed, a proposed order must be attached. The court will schedule a hearing with notice to the parties, unless the court determines that a hearing is unnecessary to resolve the matter.

(C) If all filed objections to a proposed order are withdrawn, then the court may enter the proposed order or judgment under subpart (a)(4)(A).

(5) If the prevailing party fails to act within a reasonable time, any other party may prepare the proposed order or judgment and follow the appropriate steps for entry.

(b) Costs. The court may impose costs upon any party or attorney who:

(1) unreasonably withholds approval as to form;

(2) files a frivolous objection under this rule; or

(3) submits a proposed order that does not reasonably conform with the court's decision.

(c) Order Granting Different Relief. When the court enters an order granting relief different from that requested, the court may require the prevailing party to serve a copy of the order on all parties who are not served through ECF and who might be materially and adversely affected by the difference. In such case, the party serving the order must include, with the copy of the order, a notice that a request for a rehearing must be filed and served within a time period that will be fixed by the court. Unless the court orders otherwise, until such period is concluded, the order will be stayed insofar as it affects parties not present at the hearing of the underlying motion.

Rule 9024-1 Post-Judgment Motions

(a) A Motion for Reconsideration.

(1) Deadline. The deadline to file a motion for reconsideration of an order or judgment on the grounds that it was erroneous in fact or law is 14 days after the entry of the order or judgment.

(2) No Response and No Hearing Allowed. No response to the motion and no oral argument thereon will be allowed unless the court otherwise orders.

(3) Grounds. Generally, and without restricting the discretion of the court, a motion for reconsideration that merely presents the same issues ruled upon by the court, either expressly or by reasonable implication, will not be granted. The movant must not only demonstrate a palpable defect by which the court and the parties have been misled but also show that a different disposition of the case must result from a correction thereof.

(4) Brief. The movant must file a brief in support of the motion not exceeding 25 pages in length.

(5) Application. Subparts (a)(1)-(4) do not apply to a motion to reconsider an order disallowing a claim under F.R.Bankr.P. 3008.

(b) A Motion to Amend an Order or Judgment. If a motion is filed to amend an order or a judgment under F.R.Civ.P. 59(e), no response may be filed and no oral argument will be scheduled unless the court so orders.

(c) A Motion to Reinstate a Dismissed Case. If a motion is filed to reinstate a dismissed case on the grounds that the default that caused the dismissal has been or can be cured, no response may be filed and no oral argument will be scheduled unless the court so orders. A motion to reopen a closed case to file missing papers is covered by Local Rule 5010-1.

(d) Other Post-Judgment Motions. The following post-judgment motions must be filed under Local Rule 9014-1:

(1) a motion for relief from an order due to mistake, inadvertence, excusable neglect, newly discovered evidence, fraud, etc., under F.R.Civ.P. 60(b);

(2) a motion for a new or reopened evidentiary hearing or trial under F.R.Civ.P. 59(a)-(c);

(3) a motion to reopen a closed bankruptcy case under § 350, except as provided in Local Rule 5010-1; and

(4) a motion to reconsider an order disallowing a claim under F.R.Bankr.P. 3008.

Rule 9029-1 Rules of Procedure

(a) Rules of General Applicability. The rules of procedure in cases and proceedings in this court will be as prescribed by the laws of the United States, the rules promulgated by the Supreme Court of the United States, any applicable rules of the United States Court of Appeals for the Sixth Circuit, any applicable Local Rules of the United States District Court for the Eastern District of Michigan, these rules and the court's ECF Procedures.

(b) Title and Authority. These rules are promulgated under F.R.Bankr.P. 9029 and are referred to as the Local Rules of the Bankruptcy Court for the Eastern District of Michigan, cited as E. D. Mich. LBR ____-_.

(c) References in These Rules. In these rules the United States Bankruptcy Code, 11 U.S.C. § 101 et seq., is referred to as the "Code." References in these rules to any specific section of the Code are "§ _____." References in these rules to the Local Rules for the United States District Court for the Eastern District of Michigan are "E. D. Mich. LR ____." References in these rules to the Federal Rules of Bankruptcy Procedure are "F.R.Bankr.P. _____." References in these rules to the Federal Rules of Civil Procedure are "F.R.Civ.P. _____." Within these rules, these rules are referred to as "Local Rule ____." In these rules, the court's Administrative Procedures for Electronic Case Filing are referred to as the "ECF Procedures." References in these rules to any particular section of the ECF Procedures are "ECF Procedure __." Undefined capitalized terms in these rules that are defined in the ECF Procedures have the meanings set forth in the ECF Procedures.

(d) Procedural Orders in a Specific Case or Proceeding. A judge may issue orders governing matters of procedure not addressed by these rules.

(e) Suspension of the Local Rules. Upon notice and for cause in a particular case or proceeding, a judge may temporarily suspend the applicability of any of these rules.

(f) Prior Rules Superseded. These rules supersede all prior local rules and all prior administrative orders on the matters covered in these rules.

(g) References to Other Rules or Statutes. When these rules refer to F.R.Bankr.P., the rules of the United States District Court for the Eastern District of Michigan or sections of the Code, they refer to such as they existed on the effective date of the last amendments to these rules. If the statute or rule referred to is re-codified, the reference in these rules will be deemed to be amended to track the re-codification. If these rules refer to an interim rule promulgated by the Judicial Conference of the United States and adopted by this court and that interim rule is subsequently adopted as part of the Federal Rules of Bankruptcy Procedure, the reference will then be deemed to that rule in the Federal Rules of Bankruptcy Procedure.

(h) Format and Type Size. All papers filed with the court must be on 8-1/2 inch x 11 inch white paper of good quality, plainly typewritten, printed or prepared by a clearly legible duplication process, and double-spaced, except for quoted material and footnotes. Margins must be at least 1 inch on the top, sides and bottom. Each page must be numbered consecutively. Except for standard preprinted forms that are in general use, type size of all text and footnotes

must be no smaller than 10-1/2 characters per inch (non-proportional) or 14 point (proportional). This subpart applies to attached exhibits consisting of materials that are created for filing with the court but does not apply to attached exhibits consisting of previously printed materials that are only copied as attachments to a paper filed with the court.

Rule 9029-2 Administrative Orders of General Scope

When authorized by the court, the chief judge may issue administrative orders of general scope. The orders will be transmitted to the clerk, who will arrange for their appropriate publication and will maintain a public file containing copies of all such orders currently in effect.

Rule 9029-3 Civility Principles

The Civility Principles as adopted and amended by the United States District Court for the Eastern District of Michigan are adopted and are available on the court's website.

Rule 9029-4 Applicability of Amendments

Amendments to these rules will apply to pending cases and proceedings, except to the extent that in the opinion of the court their application in a particular case or proceeding would not be feasible or would result in an injustice.

Rule 9037-1 Procedure for Restricting Access to Documents Containing Protected Private Information

If a document contains unredacted information in violation of F.R.Bankr.P. 9037(a), a party seeking to restrict access to such document may file an *ex parte* motion or a stipulation signed by the party that filed such document, requesting the entry of an order restricting public access to such document. If an order is entered upon such motion or stipulation, a redacted copy of the document must be filed within seven days from the date of the order.

Items Available on the Court's Website

Form - Bankruptcy Petition Cover Sheet

Form - Declaration Under Penalty of Perjury for Debtor(s) Without An Attorney

Guidelines for a Traditional Filing Matrix

Guidelines for a Computer Disk Matrix

Form - Cover Sheet for Amendments

Form - Trustee's Report of Undisclosed Asset

Form - Notice of Hearing on Objection to Claim

United States Trustee Fee Guidelines

List of Chapter 13 Project Categories for Fee Applications

Form - Chapter 13 Worksheet

Form - Chapter 13 Debtor's Certification Regarding Domestic Support Obligations

Form - Cover Sheet for Motion to Use Cash Collateral or to Obtain Financing

Form - Transcript Order Form

Form - Cover Sheet for Motion to Approve Sale Procedures

Form - Adversary Proceeding Cover Sheet

Form - Order Regarding Mediation

List of Mediators

Form - District Court Bankruptcy Matter Civil Cover Sheet

Form - Statement of Attorney for Debtor(s) Under F.R.Bankr.P. 2016(b)

Form - Notice of Motion and Opportunity to Object

The Civility Principles

Available Dates for Hearings on Objections to Claims

Individual Judge's Adjournment Procedures

Guidelines

Guideline 1 Notifying the United States Trustee and the Clerk of First Day Motions

Before filing a chapter 11 case that is accompanied by First Day Motions, counsel for the debtor is encouraged to communicate with the United States trustee's office and the clerk's office. With respect to contact with the clerk's office, counsel should contact the clerk of the court. If the clerk is not available, contact may be made with the chief deputy clerk or the operations manager of the clerk's office. Counsel for the debtor may discuss any relevant issues in the case with the United States trustee and the clerk of the court.

The court strongly encourages the parties to discuss the following with the United States trustee's office:

(1) The nature of the first day relief to be requested.

(2) The debt structure of the business, including the public and trade debt.

(3) Description of the debtor's cash management system and issues under § 345.

(4) Issues that may be resolved by consent (*e.g.*, extensions of time to file schedules, adequate assurances of utility payments, wage and benefit payments up to statutory limitation(s), joint administration, necessity doctrine payments, professional employment issues, including conflicts and indemnification requests).

(5) Corporate governance issues.

(6) Collateral issues including Federal Trade Commission issues, taxing authority issues, Security and Exchange Commission issues, pension and other Department of Labor issues, Environmental Protection Agency and Michigan Department of Environmental Quality issues and insurance issues.

(7) The status of any attempted out-of-court workout, including perceived impediments to a successful reorganization and whether there was an unofficial pre-petition committee.

(8) The number of creditors and any special needs due to the size of the case.

(9) The need for a noticing vendor for the notice of the meeting of creditors and any other notice requirement.

The court strongly encourages the parties to discuss the following with the clerk:

(1) The number of creditors and any special needs due to the size of the case.

(2) The need for a noticing vendor for the notice of the meeting of creditors and any other notice requirement.

(3) The need for the availability of the clerk or staff outside of ordinary business hours.

Guideline 2 Expedited Formation of Committee in a Large Bankruptcy Case

In Large Bankruptcy Cases, the United States trustee's office is encouraged to appoint a committee of creditors within three Business Days after receiving the information from the debtor required by Local Rule 2003-3, provided that creditors are willing to serve in accordance with § 1102.

Guideline 3 Missing Papers

The clerk will not issue a discharge if the debtor has not filed:

(a) A Debtor's Certification of Completion of Instructional Course Concerning Personal Financial Management, as required by F.R.Bankr.P. 1007(b)(7) and (c), and

(b) in a chapter 13 case, a Certification Regarding Domestic Support Obligations, as required by Local Rule 4004-1.

Guideline 4 Waiver of Filing Fee

An application to waive the filing fee must be filed on the official form. The court will review all such applications in chambers. The court may deny an application without a hearing. If the court schedules a hearing, the court will give notice to the debtor and the trustee.

Guideline 5 Tax Return Compliance

A motion under §§ 521(j), 1307(e) or 1308 must be filed under Local Rule 9014-1.

Guideline 6 Chapter 13 Post-Confirmation Motions to Excuse Plan Payments or Tax Refunds in Chapter 13 Cases and Plan Modifications

Because post-confirmation motions to excuse plan payments or tax refunds in chapter 13 cases are actually plan modifications, for which the national and local rules establish a

procedure, the court will no longer consider such motions. Upon the filing of such a post-confirmation motion, the court will enter an order denying it without prejudice to the debtor's right to file a proposed plan modification.

Guideline 7 Motion Cover Sheet Compliance

Several local rules require the filing of a cover sheet with certain motions. When a cover sheet is not filed as required, the court may enter an order striking or denying the motion without prejudice to the movant's right to file the motion in compliance with the applicable local rule.

Guideline 8 Entry of a Discharge in an Individual Chapter 11 Case

11 U.S.C. § 1141(d)(5) provides that in an individual chapter 11 case, a discharge is entered after the completion of all payments under the confirmed plan and after the court makes the findings required by § 1141(d)(5)(C). Rather than await those events to close the case, which may take several years, the court will close such a case upon plan confirmation and resolution of all post-confirmation litigation. To request the entry of a discharge upon the completion of plan payments, the debtor must file a motion to reopen for that purpose. The court will waive any applicable reopening fee for such a motion. The motion must request the findings required by § 1141(d)(5)(C) and must be filed under LBR 9014-1 with notice to all parties in interest.

Guideline 9 Procedure for Lien Strip of a Junior Mortgage in Chapter 13

This guideline applies to any chapter 13 case in which a debtor proposes to strip a junior lien on real property under §§ 1322(b)(2) and 506(a) of the Code. If the lien strip is agreed upon by the debtor and the lien holder, the debtor and the lien holder may file a stipulation in the bankruptcy case and submit a proposed order accomplishing the lien strip. If the debtor does not have the agreement of the lien holder to the lien strip, the debtor must file an adversary proceeding contemporaneous with the debtor's chapter 13 plan. In such case, the plan must contain a provision informing the lien holder that an adversary proceeding to strip the lien has been filed under §§ 1322(b)(2) and 506(a) of the Code. A chapter 13 debtor filing such adversary proceeding is exempt from payment of the adversary proceeding filing fee. Any lien

strip default judgment entered in such adversary proceeding must include the following language:

> IT IS ORDERED that upon completion of the debtor's Chapter 13 plan and the entry of a Chapter 13 discharge order in bankruptcy case number _____, the mortgage ("Mortgage") dated _____, covering the following described property ("Property") situated in the City of _____, County of _____, State of _____, and further described as follows:
>
> [legal description]
>
> recorded in the _____ County Register of Deeds on _____, Liber _____, Page _____, will be stripped from the Property and discharged.
>
> IT IS FURTHER ORDERED that upon completion of the debtor's Chapter 13 plan and the entry of a Chapter 13 discharge order in bankruptcy case number _____, the debtor may record a certified copy of this order, with a copy of the debtor's Chapter 13 discharge order attached, with the _____ County Register of Deeds, which will constitute and effectuate the discharge of the Mortgage.
>
> IT IS FURTHER ORDERED that if the debtor fails to complete the debtor's Chapter 13 plan and obtain a Chapter 13 discharge order in bankruptcy case number _____, this order does not affect the validity or enforceability of the Mortgage and may not be used in any subsequent bankruptcy case of the debtor either to compel the holder of the Mortgage to execute a discharge of the Mortgage, or to otherwise act as a discharge of the Mortgage.

Guideline 10 Responsibilities of Debtor's Counsel Relating to a Reaffirmation Agreement

As a matter of fulfilling the obligations of counsel for a debtor in a chapter 7 case:

(1) Counsel may not exclude from representation services relating to a reaffirmation agreement; and

(2) Counsel must appear and represent the debtor at any hearing on any reaffirmation agreement.

Guideline 11 New Chapter 13 Model Plan

All chapter 13 plans filed in the Eastern District of Michigan must be in the form and contain the content of the new model plan that is available on the court's website, www.mieb.uscourts.gov, and on www.13edm.com. This guideline applies only to chapter 13 cases filed on or after January 1, 2013, and not to chapter 13 cases filed before such date.

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