

# LOCAL RULES

OF THE

UNITED STATES BANKRUPTCY  
COURT FOR THE  
DISTRICT OF COLUMBIA



IN EFFECT AS OF ~~JULY 1, 2011~~                     , 2018.

These Rules are in effect as of the above date, but are subject to change; amendments will appear on the Court's website([www.dcb.uscourts.gov](http://www.dcb.uscourts.gov)).

|

|

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

**PRESIDING BANKRUPTCY JUDGES**

S. Martin Teel, Jr.

~~Paul Mannes~~ Wendelin I. Lipp, Judge,  
U.S. Bankruptcy Court for the District of Maryland  
(Sitting by Designation)

**CLERK OF COURT**

Angela Caesar

**ADVISORY COMMITTEE  
ON LOCAL BANKRUPTCY RULES**

As Constituted ~~December 1, 2010~~ DATE

*Members:*

Marc E. Albert, Esq., Chairman

Nancy Alper, Esq.

Nelson C. Cohen, Esq.

~~Martha L. Davis, Esq.~~ Mary Joanne

Dowd, Esq. ~~Glen D. Gillett~~

Nancy Spencer Grigsby

Joseph Guzinski, Esq.

Rebecca Herr, Esq.

Bradley Jones, Esq.

Kevin D. Judd, Esq.

David Lynn, Esq. ~~Cynthia A. Niklas, Esq.~~

~~Paul D. Pearlstein, Esq.~~

Jeffrey M. Sherman, Esq.

Honorable S. Martin Teel, Jr.

~~William Douglas White, Esq.~~

*Representatives from Clerk's Office:*

Angela Caesar, Clerk

~~Gregory Hughes~~Nwamaka Anowi, Chief Deputy Clerk for Operations~~David Scott~~

Michael Wint, Assistant Chief Deputy Clerk for Operations~~Michael Wint~~,

Renee Jackson, CM/ECF Analyst

Spencer Hallett, Chief Deputy Clerk ~~in Charge of Bankruptcy~~

~~Patti Meador, Management Analyst~~CLERK'S for Administrative

Services

Anjanie Desai, Operations Supervisor

## **CLERK'S OFFICE**

Room 1225  
E. Barrett Prettyman United States Courthouse  
333 Constitution Avenue, N.W.  
Washington, D.C. -20001

Open to Public: 9:00 a.m. – 4:00 p.m., Monday – Friday (except holidays)

### **Clerk's**

### **Clerk's Office Telephone Numbers<sup>1</sup>**

<del>Voice Case Information System</del>	<del>(202) 208-1365</del>
<del>CM-ECF Help Desk &amp; CM-ECF Training</del>	<del>(202) 354-3281</del>
<del>Main Clerk's Office Number</del>	<del>(202) 354-3280</del>

### **Individual Listings**

<del>Angela Caesar, Clerk of Court</del>	<del>(202) 354-3050</del>
<del>Greg Hughes, Chief Deputy Clerk for Operations</del>	<del>(202) 354-3191</del>
<del>David Scott, Assistant Chief Deputy Clerk for Operations</del>	<del>(202) 354-3012</del>
<del>Michael Wint, Deputy Clerk in Charge of Bankruptcy</del>	<del>(202) 354-3188</del>
<del>Patti Meador, Management Analyst</del>	<del>(424) 228-4336</del>
<del>Sally Myers, Courtroom Deputy Clerk</del>	<del>(202) 354-3148</del>

### **Case Administrators:**

<del>Renee Jackson, Sr. Case Admin.</del>	<del>(202) 354-3149</del>
<del>Aimee Mathewes</del>	<del>(202) 354-3178</del>
<del>Elizabeth Nelson</del>	<del>(202) 354-3106</del>
<del>Michelle Ryan</del>	<del>(202) 354-3024</del>
<del>Robert Cavello</del>	<del>(202) 354-3287</del>

---

<sup>1</sup> Telephone numbers may change. For updated telephone numbers, go to the Court's website, [www.dcb.uscourts.gov](http://www.dcb.uscourts.gov).

---

<sup>4</sup> ~~Telephone numbers may change. For updated telephone numbers, go to the Court's website,~~

Multi-Court Voice Case Information System (866) 222-8079

CM/ECF Help Desk & CM/ECF Training (202) 354-3281

Main Clerk's Office Number (202) 354-3280

**Individual Listings**

Angela Caesar, Clerk of Court (202) 354-3510

Nwamaka Anowi,  
Chief Deputy Clerk for Operations (202) 354-3151

Michael Wint,  
Assistant Chief Deputy Clerk for Operations (202) 354-3188

Renee Jackson, CM/ECF Analyst (202) 354-3149

Aimee Mathewes, Courtroom Deputy Clerk (202) 354-3178

**Case Administrators:**

Freddie Brown, III, Sr. Case Admin. (202) 354-3404

Brittany Bryant (202) 354-3142

Vamira Ragland (202) 354-3177

Shanna Wyche (202) 354-3167

### **Telephone Numbers for Related Services**

<del>Pacer Registration &amp; Billing</del>	<del>(800) 676-6856</del>
<del>Admission to the Bar – Room 1825B</del>	<del>(202) 354-3107</del>
<del>Alternative Dispute Resolution Programs (Mediation)</del>	<del>(202) 216-7350</del>

### **Other Telephone Numbers**

<del>Cynthia A. Niklas, Esq. (Standing Chapter 13 Trustee)</del>	<del>(202) 362-8500</del>
<del>United States Trustee's Office</del>	<del>(703) 557-7183</del>
<del>U.S. Court of Appeals for the D.C. Circuit Information</del>	<del>(202) 216-7000</del>
<del>U.S. District Court Information</del>	<del>(202) 354-3000</del>
<del>Marshal's Office Information</del>	<del>(202) 353-0600</del>
<del>D.C. Superior Court</del>	<del>(202) 879-1010</del>
<del>Greenbelt, MD U.S. Bankruptcy Court</del>	<del>(301) 344-8018</del>
<del>Alexandria, VA U.S. Bankruptcy Court</del>	<del>(703) 258-1200</del>

<u>PACER Registration &amp; Billing</u>	<u>(800) 676-6856</u>
<u>Admission to the Bar - Room 1825B</u>	<u>(202) 354-3107</u>
<u>Court Alternative Dispute Resolution Programs (Mediation)</u>	<u>(202) 216-7350</u>

### **Other Telephone Numbers**

<u>Nancy Spencer Grigsby (Standing Chapter 13 Trustee)</u>	<u>(301) 805-4700</u>
<u>U.S. Trustee's Office</u>	<u>(703) 557-7183</u>
<u>U.S. Court of Appeals for the D.C. Circuit Information</u>	<u>(202) 216-7000</u>
<u>U.S. District Court for D.C. Information</u>	<u>(202) 354-3000</u>

U.S. District Court Attorney Admissions (202) 354-1110

U.S. Marshal's Office Information (202) 353-0600

D.C. Superior Court (202) 879-1010

U.S. Bankruptcy Court for D.Md. –  
Greenbelt, MD (301) 344-8018

U.S. Bankruptcy Court for E.D.Va. –  
Alexandria, VA (703) 258-1200

**LOCAL BANKRUPTCY RULES FOR THE  
UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF COLUMBIA**

**TABLE OF CONTENTS**

<b>RULE 1001-1.</b>	<b>SCOPE OF RULES; TITLE.....</b>	<b>13</b>
---------------------	-----------------------------------	-----------

**PART I  
COMMENCEMENT OF CASE; PROCEEDINGS  
RELATING TO PETITION AND ORDER FOR RELIEF**

<b>RULE 1002-1.</b>	<b>PETITION—GENERAL .....</b>	<b>14</b>
<b>RULE 1004-1.</b>	<b>PETITION—PARTNERSHIP .....</b>	<b>16</b>
<b>RULE 1006-1.</b>	<b>FILING FEE AND OTHER FEES AND AMOUNTS REQUIRED TO BE PAID TO CLERK.....</b>	<b>16</b>
<b>RULE 1007-1.</b>	<b>INITIAL LIST OF CREDITORS AND MAILING MATRIX; OBLIGATION TO AMEND .....</b>	<b>17</b>
<b>RULE 1007-2.</b>	<b>SCHEDULE OR AMENDED SCHEDULE FILED AFTER FILING OF INITIAL LIST OF CREDITORS AND MAILING MATRIX.....</b>	<b>19</b>
<b>RULE 1007-3.</b>	<b>NOTICE REQUIRED IN A CHAPTER 11 CASE WHEN A CREDITOR’S CLAIM IS SCHEDULED AS DISPUTED, CONTINGENT, OR UNLIQUIDATED.....</b>	<b>19</b>
<b>RULE 1007-4.</b>	<b>MAILING MATRIX FOR EQUITY SECURITY HOLDERS IN A CHAPTER 11 CASE .....</b>	<b>20</b>

<b>RULE 1007-5.</b>	<b>FILING OF PAYMENT ADVICES (OR OTHER EVIDENCE OF PAYMENT) OR STATEMENT THAT NO SUCH DOCUMENTS EXIST.....</b>	<b>20</b>
<b>RULE 1007-6.</b>	<b>ADOPTION OF INTERIM RULE 1007-I .....</b>	<b>22</b>
<b>RULE 1009-1.</b>	<b>AMENDED SCHEDULES.....</b>	<b>22</b>
<b>RULE 1009-2.</b>	<b>AMENDMENT TO LIST OF CREDITORS AND MAILING MATRIX .....</b>	<b>23</b>
<b>RULE 1009-3.</b>	<b>AMENDED CHAPTER 11 LIST OF EQUITY SECURITY HOLDERS .....</b>	<b>25</b>
<b>RULE 1013-1.</b>	<b>DISPOSITION OF INVOLUNTARY PETITION .....</b>	<b>26</b>
<b>RULE 1017-1.</b>	<b>CONVERSION UNDER § 706(A) OF THE BANKRUPTCY CODE .....</b>	<b>26</b>
<b>RULE 1017-2.</b>	<b>DISMISSAL OF CASE .....</b>	<b>26</b>
<b>RULE 1019-1.</b>	<b>CONVERSION OF CASE TO CHAPTER 7.....</b>	<b>27</b>

**PART II**  
**OFFICERS AND ADMINISTRATION; NOTICES; MEETINGS;**  
**EXAMINATIONS; ATTORNEYS AND ACCOUNTANTS**

<b>RULE 2002-1.</b>	<b>NOTICE TO CREDITORS AND OTHER INTERESTED PARTIES .....</b>	<b>29</b>
<b>RULE 2002-2.</b>	<b>MAILING LIST .....</b>	<b>33</b>
<b>RULE 2002-3.</b>	<b>FILING OF DESIGNATION UNDER § 342(F) OF THE BANKRUPTCY CODE OF A CREDITOR'S PREFERRED ADDRESS .....</b>	<b>33</b>
<b>RULE 2003-1.</b>	<b>MEETING OF CREDITORS AND EQUITY SECURITY HOLDERS .....</b>	<b>34</b>
<b>RULE 2004-1.</b>	<b>EXAMINATIONS.....</b>	<b>35</b>

<b>RULE 2014-1.</b>	<b>APPLICATIONS TO EMPLOY PROFESSIONALS.....</b>	<b>35</b>
<b>RULE 2015-1.</b>	<b>MONTHLY OPERATING REPORTS .....</b>	<b>36</b>
<b>RULE 2016-1.</b>	<b>COMPENSATION OF PROFESSIONALS.....</b>	<b>36</b>
<b>RULE 2016-2.</b>	<b>RULE 2016(B) DISCLOSURES AND TREATMENT OF PAYMENTS FROM PROPERTY OF THE ESTATE.....</b>	<b>38</b>
<b>RULE 2016-3.</b>	<b>COMPENSATION OF DEBTOR OR DEBTOR'S OFFICERS, PARTNERS, AND DIRECTORS IN CHAPTER 11 .....</b>	<b>39</b>
<b>RULE 2016-4.</b>	<b>ADMINISTRATIVE CLAIMS OF ENTITIES OTHER THAN PROFESSIONALS .....</b>	<b>40</b>
<b>RULE 2072-1.</b>	<b>NOTICE TO OTHER COURTS WITH PENDING ACTIONS.....</b>	<b>41</b>
<b>RULE 2090-1.</b>	<b>ADMISSION OF ATTORNEYS TO PRACTICE .....</b>	<b>41</b>
<b>RULE 2090-2.</b>	<b>COURT-APPOINTED REPRESENTATION .....</b>	<b>43</b>
<b>RULE 2090-3.</b>	<b>ATTORNEYS REPRESENTING INDIGENT PARTIES.....</b>	<b>43</b>
<b>RULE 2090-4.</b>	<b>BANKRUPTCY PRO BONO PANEL.....</b>	<b>44</b>
<b>RULE 2091-1.</b>	<b>WITHDRAWAL OF AN ATTORNEY’S APPEARANCE.....</b>	<b>49</b>

**PART III  
CLAIMS AND DISTRIBUTION TO CREDITORS  
AND EQUITY INTEREST HOLDERS; PLANS**

<b>RULE 3003-1.</b>	<b>NOTICE REQUIRED IN A CHAPTER 11 CASE WHEN A CREDITOR'S CLAIM IS SCHEDULED AS DISPUTED, CONTINGENT, OR UNLIQUIDATED.....</b>	<b>50</b>
<b>RULE 3007-1.</b>	<b>OBJECTIONS TO CLAIMS .....</b>	<b>50</b>
<b>RULE 3015-1.</b>	<b>CHAPTER 13—PLAN .....</b>	<b>52</b>
<b>RULE 3015-2.</b>	<b>CHAPTER 13—AMENDMENTS TO PROPOSED PLAN .....</b>	<b>53</b>

<b>RULE 3015-3.</b>	<b>CHAPTER 13—CONFIRMATION HEARING AND NOTICE OF CONFIRMATION OF PLAN .....</b>	<b>53</b>
<b>RULE 3015-4.</b>	<b>CHAPTER 13—MODIFICATION OF CONFIRMED PLAN .....</b>	<b>54</b>
<b>RULE 3015-5.</b>	<b>CHAPTER 13—DISTRIBUTIONS UNDER CHAPTER 13 PLAN .....</b>	<b>55</b>
<b>RULE 3018-1.</b>	<b>CHAPTER 11 PLANS—BALLOTS AND TALLY OF BALLOTS .....</b>	<b>56</b>
<b>RULE 3022-1.</b>	<b>FINAL REPORT/DECREE IN A CHAPTER 11 CASE .....</b>	<b>56</b>
<b>RULE 3022-2.</b>	<b>CLOSING AN INDIVIDUAL DEBTOR CHAPTER 11 CASE.....</b>	<b>57</b>

#### **PART IV THE DEBTOR: DUTIES AND BENEFITS**

<b>RULE 4001-1.</b>	<b>RELIEF FROM THE AUTOMATIC STAY .....</b>	<b>58</b>
<b>RULE 4003-1.</b>	<b>OBJECTIONS TO EXEMPTIONS .....</b>	<b>60</b>
<b>RULE 4004-2.</b>	<b>OBJECTIONS TO DISCHARGE.....</b>	<b>61</b>
<b>RULE 4004-3.</b>	<b>CHAPTER 13 MOTION FOR ENTRY OF DISCHARGE UNDER BANKRUPTCY CODE § 1328(A).....</b>	<b>62</b>
<b>RULE 4004-4.</b>	<b>CHAPTER 11 INDIVIDUAL DEBTOR’S MOTION FOR ENTRY OF DISCHARGE .....</b>	<b>62</b>

#### **PART V COURT AND CLERK**

<b>RULE 5005-1.</b>	<b>FILING PAPERS—MECHANICS OF FILING; PAYING FEES.....</b>	<b>63</b>
<b>RULE 5005-2.</b>	<b>FORMATTING AND STYLE OF PAPERS.....</b>	<b>65</b>
<b>RULE 5005-3.</b>	<b>CERTIFICATE OF SERVICE .....</b>	<b>67</b>

<b>RULE 5005-4.</b>	<b>ELECTRONIC FILING .....</b>	<b>68</b>
<b>RULE 5005-5.</b>	<b>DOCUMENTS ISSUED BY JUDGE OR CLERK AND FILED ELECTRONICALLY.....</b>	<b>69</b>
<b>RULE 5070-1.</b>	<b>CALENDARS AND SCHEDULING .....</b>	<b>69</b>
<b>RULE 5071-1.</b>	<b>CONTINUANCES .....</b>	<b>70</b>

## PART VI COLLECTION AND LIQUIDATION OF THE ESTATE

<b>RULE 6004-1.</b>	<b>USE, SALE, OR LEASE OF ESTATE PROPERTY .....</b>	<b>73</b>
<b>RULE 6004-2.</b>	<b>SALE OR REFINANCE OF PROPERTY BY CHAPTER 13 DEBTOR .....</b>	<b>74</b>
<b>RULE 6004-3.</b>	<b>MORTGAGE LOAN MODIFICATION BY CHAPTER 13 DEBTOR .....</b>	<b>75</b>
<b>RULE 6005-1.</b>	<b>AUCTIONEERS .....</b>	<b>75</b>
<b>RULE 6006-1.</b>	<b>EXECUTORY CONTRACTS AND UNEXPIRED LEASES .....</b>	<b>75</b>
<b>RULE 6007-1.</b>	<b>ABANDONMENT .....</b>	<b>76</b>
<b>RULE 6070-1.</b>	<b>TAX REFUNDS .....</b>	<b>77</b>

## PART VII ADVERSARY PROCEEDINGS

<b>RULE 7003-1.</b>	<b>ADVERSARY PROCEEDING COVER SHEET.....</b>	<b>78</b>
<b>RULE 7004 -1.</b>	<b>SERVICE ON DEBTOR’S COUNSEL .....</b>	<b>78</b>
<b>RULE 7005-1.</b>	<b>ADDRESSES FOR SERVICE OF PAPERS.....</b>	<b>78</b>
<b>RULE 7015-1.</b>	<b>AMENDED PLEADINGS.....</b>	<b>78</b>
<b>RULE 7024-1.</b>	<b>INTERVENTION .....</b>	<b>79</b>

<b>RULE 7026-1.</b>	<b>DISCOVERY—GENERAL.....</b>	<b>79</b>
<b>RULE 7030-1.</b>	<b>DEPOSITIONS .....</b>	<b>81</b>
<b>RULE 7041-1.</b>	<b>DISMISSAL OF ADVERSARY PROCEEDING.....</b>	<b>82</b>
<b>RULE 7054-1.</b>	<b>ALLOWANCE OF COSTS .....</b>	<b>82</b>
<b>RULE 7054-2.</b>	<b>ATTORNEY'S FEES AND NONTAXABLE EXPENSES .....</b>	<b>83</b>
<b>RULE 7055-1.</b>	<b>DEFAULT—FAILURE TO PROSECUTE .....</b>	<b>83</b>
<b>RULE 7056-1.</b>	<b>SUMMARY JUDGMENT .....</b>	<b>84</b>
<b>RULE 7056-2.</b>	<b>WHERE SUMMARY JUDGMENT IS REQUESTED AGAINST PARTY WITHOUT COUNSEL .....</b>	<b>85</b>
<b>RULE 7062-1.</b>	<b>STAYS OF APPEALS: EXEMPTION FROM APPEAL BOND .....</b>	<b>85</b>
<b>RULE 7065-1.</b>	<b>INJUNCTIONS .....</b>	<b>85</b>
<b>RULE 7067-1.</b>	<b>REGISTRY FUND.....</b>	<b>87</b>

## PART VIII APPEALS TO DISTRICT COURT

<b>RULE 8001-1.</b>	<b>APPEALS IN GENERAL; DESIGNATION OF RECORD .....</b>	<b>88</b>
---------------------	--	-----------

## PART IX GENERAL PROVISIONS

<b>RULE 9001-1.</b>	<b>DEFINITIONS .....</b>	<b>89</b>
<b>RULE 9006-1.</b>	<b>COMPUTING AND EXTENDING TIME.....</b>	<b>89</b>
<b>RULE 9008-1.</b>	<b>PUBLICATION .....</b>	<b>90</b>
<b>RULE 9010-1.</b>	<b>ENTRY OF ATTORNEY’S APPEARANCE .....</b>	<b>90</b>
<b>RULE 9010-2.</b>	<b>WITHDRAWAL OF AN ATTORNEY'S APPEARANCE .....</b>	<b>92</b>

<b>RULE 9010-3.</b>	<b>REPRESENTATION OF A DEBTOR .....</b>	<b>94</b>
<b>RULE 9010-4.</b>	<b>OBLIGATION OF ATTORNEY TO ATTEND HEARINGS .....</b>	<b>95</b>
<b>RULE 9010-5.</b>	<b>CURRENT INFORMATION .....</b>	<b>97</b>
<b>RULE 9011-1.</b>	<b>ATTORNEY CONTACT INFORMATION .....</b>	<b>97</b>
<b>RULE 9013-1.</b>	<b>MOTION PRACTICE.....</b>	<b>97</b>
<b>RULE 9014-1.</b>	<b>CONTESTED MATTERS .....</b>	<b>101</b>
<b>RULE 9015-1.</b>	<b>JURY TRIAL .....</b>	<b>102</b>
<b>RULE 9027-1.</b>	<b>REMOVAL OF CIVIL ACTION; REMAND OF SAME .....</b>	<b>102</b>
<b>RULE 9029-1.</b>	<b>SUSPENSION OF LOCAL RULES .....</b>	<b>103</b>
<b>RULE 9029-2.</b>	<b>STANDING ORDERS.....</b>	<b>103</b>
<b>RULE 9029-3.</b>	<b>DISTRICT COURT LOCAL CIVIL RULES.....</b>	<b>103</b>
<b>RULE 9070-1.</b>	<b>EXHIBITS AND WITNESSES .....</b>	<b>107</b>
<b>RULE 9071-1.</b>	<b>STIPULATIONS.....</b>	<b>109</b>
<b>RULE 9072-1.</b>	<b>PROPOSED ORDERS .....</b>	<b>109</b>
<b>RULE 9073-1.</b>	<b>HEARINGS .....</b>	<b>110</b>

## **APPENDICES**

### **APPENDIX A: LOCAL OFFICIAL FORMS**

### **APPENDIX B: DISTRICT COURT LOCAL BANKRUPTCY RULES**

## RULE 1001-1. SCOPE OF RULES; TITLE

- (a) Scope of Rules and Title. These Rules govern practice and procedure in the United States Bankruptcy Court for the District of Columbia, referred to in these Rules as the "Court". These Rules supplement the Federal Rules of Bankruptcy Procedure. They may be cited as the "Local Bankruptcy Rules" or "LBRs" and an individual rule may be cited as "LBR" (or, to distinguish the Rule from other districts' rules, "D.C. LBR"). The rules governing bankruptcy proceedings in the District Court are set forth in the D. Ct. LBRs found in Appendix B~~districts' rules, "D.C. LBR"~~.
- (b) Cross-References. Local Bankruptcy Rule 5005-4 (Electronic Filing); LBR 9029-1 (Suspension of Local Rules); LBR 9029-2 (Standing Orders); LBR 9029-3 (Local Rules—District Court).

*Note:* These Rules follow the Uniform Numbering System for Local Bankruptcy Court Rules (Revised May 2003~~, found~~ and January 2012), available at [http://www.uscourts.gov/sites/default/files/ulrn\\_system\\_0.pdf](http://www.uscourts.gov/sites/default/files/ulrn_system_0.pdf)~~(under Rules Committee Publications)~~. Accordingly, what may be perceived as gaps in the numbering of these Rules merely ~~reflects~~reflect that these Rules do not cover every topic for which a uniform national number exists and that the uniform national numbers themselves intentionally have gaps.

*These Rules have been drafted with reliance placed on Bryan A. Garner, Guidelines for Drafting and Editing Court Rules (1996), available at [http://www.uscourts.gov/sites/default/files/guide\\_1.pdf](http://www.uscourts.gov/sites/default/files/guide_1.pdf) and also at <http://www.uscourts.gov/file/document/guidelines-drafting-and-editing-court-rules>~~found at (under Administrative Office Publications)~~. ~~The rules governing bankruptcy proceedings in the District Court are set forth in the D. Ct. LBRs. found in~~*

## PART I

### COMMENCEMENT OF CASE; PROCEEDINGS RELATING TO PETITION AND ORDER FOR RELIEF

#### RULE 1002-1. PETITION—GENERAL

~~(a) — Verification of Authority to File.~~

~~(1) — Corporations. In the case of a corporate debtor (including, but not limited to, a limited liability company or professional corporation) there must be filed with any voluntary petition, or any consent to an involuntary petition, a copy of the corporate resolution authorizing such filing.~~

~~(2) — Partnerships. governs the certificate required to accompany the petition of a partnership.~~

~~(a) Rejection of Petition Bearing No Signatures. The Clerk shall not accept for filing a petition that lacks either a signature of, or on behalf of, the debtor, or a signature of a purported attorney for the debtor. The clerk shall issue a notice (attaching the rejected petition as an exhibit) that the petition is not accepted for filing, and shall docket the notice as a miscellaneous proceeding titled “Rejected Petition.”~~

~~(a)(b) Requirement of Filing Fee. A The Clerk must not accept a petition is not deemed filed as to a debtor for filing, and must be returned by return the Clerk petition to the filer if the petition is not accompanied by payment of the required fee, tendered in an acceptable form, as set forth in LBR 1006-1, unless:~~

(1) the case is one in which:

(A) the petition is a voluntary petition filed by a debtor who is an individual (or filed by spouses in a joint case); and

(B) the petition is accompanied by an application, conforming to the form prescribed by the Clerk and posted on the Court's website (or conforming to the Official Form), signed by the debtor, and stating that the debtor is unable to pay the filing fee except in installments; or

(2) the case is one in which:

- (A) the petition is a voluntary ~~chapter~~Chapter 7 petition filed by a debtor who is an individual (or filed by spouses in a joint case); and
- (B) the petition is accompanied by an application, signed by the debtor, on the appropriate Official Form for waiver of the filing fee.

~~(b)(c)~~ Cross References. Local Bankruptcy Rule 1007-1 Mailing Matrix. For the requirements regarding governs the mailing matrix which that must accompany the petition, and Fed. R. Bankr. P. see 1007 addresses other documents that must accompany the petition.

~~(e)(d)~~ Requirement to Utilize Current Official Form B1 (of Petition). A petition must be submitted on the current ~~applicable~~ Official Form.

(e) Alteration of Standard Bar Date Set by Court. If a party seeks to alter the standard bar date for filing proofs of claims in a Chapter 11 case (see Standing Order § 15 Note: This Rule 1002-1 sets forth certain documents that must be filed, available on the court's website), a party shall with the their petition. There are additional documents, however, file a motion to alter the standard bar date.

*Note: Paragraph (a) addresses the problem of a petition bearing no signatures whatsoever. Without a signature signifying that ~~a~~ there is an intent to vouch for the document as being an authorized filing, there effectively has been no filing by the debtor or an attorney on behalf of the debtor. The rule recognizes that sometimes a petition is filed bearing a signature of someone else on behalf of the debtor, but does not address whether such a petition should be allowed to stand. The rule leaves to a case by case determination whether such a petition should be allowed to remain pending. For example, the courts are divided over whether an individual may file a petition that the individual signs on behalf of the debtor pursuant to a power of attorney. If an attorney signs the petition but the debtor does not sign the petition, Fed. R. Bankr. P. must file under, and some of 9011 applies regarding curing the lack of the debtor's signature.*

*Paragraph (c) serves as a reminder regarding those ~~must~~ documents required to be filed with the petition. Lists of all of the documents a debtor is required to file are available—on the Court's website (<http://www.dcb.uscourts.gov> ~~under~~) under “Parties Who Have No Attorney, What Do I Need to File” (available at <http://www.dcb.uscourts.gov/what-do-i-need-file>).*

**RULE 1004-1. PETITION—PARTNERSHIP**

In the case of a debtor that is a partnership, there must be filed with any voluntary petition or any consent to an involuntary petition:

- (1) a statement signed by a general partner stating that all general partners have consented to such filing; and
- (2) a notice to all general partners who have not signed the petition (or the consent to the involuntary petition):
  - (A) giving notice of the date on which the voluntary petition or the consent is being filed;
  - (B) attaching a copy of the voluntary petition (or of the consent to the involuntary petition); and
  - (C) bearing a certificate certifying that a copy of the notice has been mailed to all general partners who have not signed the petition (or the consent to the involuntary petition).

**RULE 1006-1. FILING FEE AND OTHER FEES AND AMOUNTS REQUIRED TO BE PAID TO CLERK**

- (a) Acceptable Forms of Tendering Payment. A fee required to be paid to the Clerk, pursuant to 28 U.S.C. § 1930(a) and the Appendix to § 1930 (Bankruptcy Court Miscellaneous Fee Schedule) ~~(28 U.S.C. § 1930)~~, and any other amount required to be paid to the Clerk, may be paid only:
  - (1) in cash;
  - (2) by cashier's check, certified check, or negotiable money order:
    - (A) issued by an FDIC-insured entity, or a credit union (as defined in ~~section~~ § 19(b)(1)(A)(iv) of the Federal Reserve Act), or other entity recognized by the Clerk's Office to be a financially sound issuer; and
    - (B) made payable to "Clerk, United States Bankruptcy Court";

- (3) by a member of the bar of the Court using a credit card in the electronic case filing system; or
- (4) by a check made payable to "Clerk, United States Bankruptcy Court" drawn on the account of an attorney who is a member of the bar of the Court (or of the law firm of which such an attorney is a member, partner, associate, or of counsel), but the fee may not be paid by such a check if the Clerk refuses the check because a prior check or prior checks of that attorney or law firm have been dishonored.

(b) Attorney Required to Pay Filing Fee Triggered by Filing of a Paper. Unless the attorney's client obtains a waiver or deferral of the fee or authorization to pay the fee in installments, an attorney (subject to any right of reimbursement from his client or the estate) is liable for any fee triggered by the filing of a paper.

(c) Applications to Pay the Filing Fee in Installments. The Clerk is authorized to deny an application to pay the filing fee in installments that fails to comply with the minimum payments required by the court's standing order (or future revised standing order).

Note: Under the court's current [Standing Order §§ 5 and 6](#)

, available on the Court's website, an application to pay the filing fee in installments will be denied (and the case may be dismissed) unless: (1) the initial installment is at least \$61.00 for a Chapter 7 or 13 case and \$365.00 for a Chapter 11 case; (2) the first installment is paid with the Application; (3) the time span between each individual payment does not exceed 45 days, with the last payment due no later than 120 days after filing the petition; and (4) the proposed installments total the full amount of fees incurred upon filing the petition.

**RULE 1007-1. INITIAL LIST OF CREDITORS AND MAILING MATRIX;  
OBLIGATION TO AMEND**

~~(a)~~ Requirement to File List of Creditors and Mailing Matrix. The debtor must file a List of Creditors and Mailing Matrix (which will serve as both the list required by Fed. R. Bankr.

(a) P. 1007(a)(1) or 1007(a)(2), and a mailing matrix):

- (1) with the petition in a voluntary case; or
- (2) within 14 days after entry of the order for relief in an involuntary case.

- (b) Coversheet. \_An initial List of Creditors and Mailing Matrix must include a signed coversheet conforming to the form coversheet prescribed by the Clerk and posted on the Court's website. \_The coversheet must be dated and must contain a signed verification or declaration under 28 U.S.C. § 1746 establishing that the appended list is an accurate and complete listing of all entities required to be listed under Rule 1007(a)(1) or 1007(a)(2).
- (c) Contents of List. \_The list appended to the coversheet must:
- (1) list all entities required to be included on the list required by Fed. R. Bankr. P. 1007(a)(1) ~~(or 1007(a)(2))~~ (the entities required to be listed on ~~→~~Schedules D, E/F, G, and H, as prescribed by the Official Forms);
  - (2) list the entities in alphabetical order of the names of the entities; and
  - (3) include, after the name of each entity, the address of the entity, including the postal ZIP Code.
- (d) Format of List. \_The list appended to the coversheet must be submitted in the format (regarding font and so forth) set by the Clerk and posted on the Court's website.
- (e) Obligation to File an Amendment to List of Creditors and Mailing Matrix. If the debtor discovers that an entity required to be listed under Fed. R. Bankr. P. Rule 1007(a)(1) ~~(or 1007(a)(2))~~ was omitted from the List of Creditors and Mailing Matrix (as amended by any amendment), or an entity was incorrectly listed thereon, the debtor must promptly file the appropriate type of amendment specified by LBR 1009-2.
- (f) Cross-Reference. \_For the mailing list to be used for notices required to be sent to all creditors, and the right of a creditor to request to be added to that list, see LBR 2002-2 (Mailing List) ~~(Mailing List)~~.

*Note:* \_The Court posts the Clerk's mailing matrix format instructions and matrix coversheet forms on its website ~~([www.dcb.uscourts.gov](http://www.dcb.uscourts.gov))~~ under "Court's Forms and the sub-category of Local Forms" ([www.dcb.uscourts.gov/local-forms](http://www.dcb.uscourts.gov/local-forms)) ~~(found under "Statutes, Rules, Forms, Guides, etc.")~~.

). \_The List of Creditors and Mailing Matrix is used to prepare the LBR 2002-2 mailing list for notices to creditors, but that mailing list can differ because, for example, it uses creditors' preferred addresses.

**RULE 1007-2. SCHEDULE OR AMENDED SCHEDULE FILED AFTER FILING OF INITIAL LIST OF CREDITORS AND MAILING MATRIX**

When a Schedule D, E, ~~F~~, G, or H (or an amended Schedule D, E, ~~F~~, G, or H) is filed after the date of filing of the initial List of Creditors and Mailing Matrix, the debtor must simultaneously file either:

- (a) an Amendment to the List of Creditors and Mailing Matrix complying with [LBR 1009-2](#), or
- (b) a statement conforming with [Local Official Form No. 12](#)~~Local Official Form No. 12~~ that the schedule:
  - (1) does not add any entity not included on the existing List of Creditors and Mailing Matrix (as amended by any amendments that have been made thereto); and
  - (2) does not change the name or address of any entity as listed on the existing List of Creditors and Mailing Matrix (as amended by any amendments that have been made thereto).

**RULE 1007-3. NOTICE REQUIRED IN A CHAPTER 11 CASE WHEN A CREDITOR'S CLAIM IS SCHEDULED AS DISPUTED, CONTINGENT, OR UNLIQUIDATED**

If a creditor's claim is listed on a schedule or amended schedule as disputed, contingent, or unliquidated, and the case is pending in ~~chapter~~[Chapter](#) 11, then:

- (a) within 14 days after the filing of the first schedule or amended schedule that so lists the creditor's claim (or within 14 days after the case was converted to ~~chapter~~[Chapter](#) 11, if later), the debtor must file and serve on the creditor a notice of the listing and a certificate of service complying with [LBR 5005-3](#)~~3~~ and
- (b) the notice must state that the creditor has a right to file a proof of claim by the later of the bar date that would otherwise apply or 28 days after the date of mailing of the notice, and that the creditor's failure timely to do so may prevent the creditor from voting upon the plan or participating in any distribution thereunder.

**RULE 1007-4. MAILING MATRIX FOR EQUITY SECURITY HOLDERS IN ~~A~~ CHAPTER 11 CASE**

- (a) General Requirement. Except as provided in paragraph (b), the debtor in a ~~chapter~~Chapter 11 case must file with the list required by Fed. R. Bankr. P. 1007(a)(3) a separate mailing matrix listing the names and addresses of the equity security holders, identified as a mailing matrix of equity security holders, utilizing the format specified by the Clerk for the mailing matrix required by LBR 1007-1(a)~~LBR 1007-1,~~ and accompanied by a coversheet attesting to the accuracy of the mailing matrix.
- (b) Exception. If there are no more than 10 equity security holders in the case, the debtor may include those entities on the mailing matrix required by LBR 1007-1(a)~~(a)~~ with an appropriate modification to the LBR 1007-1(b)~~LBR 1007-1(b)~~ coversheet indicating that the mailing matrix also includes on it the names and addresses of the equity security holders required by Fed. R. Bankr. P. 1007(a)(3) to be included on the separate list of equity security holders.

*Note:* The exception in paragraph (b) does not relieve the debtor of ~~filing~~the requirement to file a "list of equity security holders of each class showing the number and kind of interests registered in the name of each holder," etc., as required by Fed. R. Bankr. P. ~~Rule~~ 1007(a)(3). This LBR recognizes that in cases in which there are many equity security holders, it could impose significantly increased noticing costs if equity security holders were added to the LBR 2002-2 mailing list (which includes creditors derived from the LBR 1007-1(a)~~(a)~~ mailing matrix and which is utilized for sending notices to all creditors under Fed. R. Bankr. P. 2002). Not all notices required to be sent to creditors under Rule 2002 are required to be sent to equity security holders under Fed. R. Bankr. P. 2002(d).

**RULE 1007-5. FILING OF PAYMENT ADVICES (OR OTHER EVIDENCE OF PAYMENT)~~, 1~~ OR STATEMENT THAT NO SUCH DOCUMENTS EXIST**

- (a) At least 7 days before the date of the meeting of creditors under 11 U.S.C. § 341, the debtor must:
- (1) separately file, with a cover sheet conforming with Local Official Form No. 9~~Local Official Form No. 9,~~ copies of all payment advices or other evidence of payment

received by the debtor from any employer within 60 days before the filing of the petition; and

- (2) mail copies of the filed documents to any creditor who, at least 14 days before the date of the meeting of creditors under 11 U.S.C. § 341, has filed a request to receive such copies.
- (b) The debtor must redact from the copies filed under paragraph (a)(1) any information entitled to privacy protection under Fed. R. Bankr. P. 9037.
- (c) To protect against disclosure to the general public of information entitled to privacy protection under Fed. R. Bankr. P. 9037, the Court's electronic case filing system, upon the filing being docketed using the correct docketing event, will permit the documents filed under paragraph (a)(1) to be viewed by only:
- (1) the trustee (if any);
  - (2) the Office of the United States Trustee;
  - (3) the debtor;
  - (4) the debtor's attorney; and
  - (5) the Court and Court staff,
- but the docket entry will be a matter of public record and reflect the filing of the documents.
- (d) If the debtor has received no payment advices or other evidence of payment from any employer within 60 days before the filing of the petition, the debtor must, by the deadline set forth in paragraph (a)(1), file a statement (utilizing Local Official Form No. 9~~Local Official Form No. 9~~) that the debtor received no such statements.

**RULE 1007-6.            ~~STATEMENT REGARDING INTEREST IN ACCOUNT OR PROGRAM~~ADOPTION OF THE TYPE DESCRIBED BY § 521(C)  
~~OF THE BANKRUPTCY CODE~~INTERIM RULE 1007-I<sup>2</sup>**

Interim Rule 1007-I (available at <http://www.uscourts.gov/sites/default/files/interim-bankruptcy-rule-1007-i.pdf>) Within 14 days after the filing of a voluntary petition, or within 14 days after an involuntary petition is granted, an individual debtor must file a statement complying with Local Official Form No. 10, either appending thereto a record of any interest the debtor has in an account or program of the type described in 11 U.S.C. § 521(c) or certifying that the debtor has no such interest.

) is adopted as a Local Bankruptcy Rule.

**RULE 1009-1.            AMENDED SCHEDULES**

- (a) Requirement to Amend Schedules. A debtor must promptly file an amended schedule whenever the existing schedule is materially inaccurate or whenever the debtor adds or changes the name or address of an entity required to be on the [LBR 1007-1\(a\)](#)~~LBR 1007-1~~ mailing matrix.
- (b) Requirement of Amended Summary of Schedules and Signed Declaration Page When Schedules Are Amended. When a debtor amends schedules, the debtor must include:
  - (1) an Amended Summary of Schedules that:
    - (A) indicates as to each required schedule whether an amendment is attached and indicates as to each amended schedule the number of sheets attached; and
    - (B) sets forth the dollar amounts on the debtor's schedules as amended by the attached amendments to the schedules; and
  - (2) a signed declaration under penalty of perjury, attesting to the number of sheets of amended schedules, and attesting that the Summary and the schedules, as amended, are true and correct to the best of the debtor's knowledge, information, and belief.

---

<sup>2</sup> Interim Rule 1007-I implements the National Guard and Reservists Debt Relief Act of 2008, Public Law No. 110-438, as amended by Public Law No. 114-107. The amended Act, which provides a temporary exclusion from the application of the means test for certain members of the National Guard and reserve components of the Armed Forces, applies to bankruptcy cases commenced in the 11-year period beginning December 19, 2008.

- (c) Amendments to Schedule D, E, ~~F~~, G, or H. When a debtor amends Schedule D, E, ~~F~~, G, or H, the debtor must comply with [LBR 1007-2](#) (requiring the filing of a [LBR 1009-2](#) amendment to the mailing matrix or a statement explaining why no amendment is needed).
- (d) Amended Schedules in a Chapter 11 Case That Treat Creditor's Claim as Disputed, Contingent, or Unliquidated. [Local Bankruptcy Rule 1007-3](#) governs an amended schedule in a ~~chapter~~Chapter 11 case that lists a creditor's claim as disputed, contingent, or unliquidated.

**RULE 1009-2. AMENDMENT TO LIST OF CREDITORS AND MAILING MATRIX**

- (a) Requirement to File Separate and Distinct Amendments for the Four Different Types of Amendments to List of Creditors and Mailing Matrix. When a debtor amends the [LBR 1007-1\(a\)](#)~~LBR 1007(a)(1)~~ List of Creditors and Mailing Matrix, the four different types of amendment (which must be filed separately and distinctly from one another) are:
  - (1) to add entities;
  - (2) to delete entities;
  - (3) to change the address of an entity; and
  - (4) to change the name of an entity.
- (b) Coversheet. An Amendment must include the form of [coversheet](#) (prescribed by the Clerk and posted on the ~~court's~~Court's website) that applies to the particular type of Amendment to the List of Creditors and Mailing Matrix being filed. The coversheet must be dated and must contain a signed verification or declaration under 28 U.S.C. § 1746 establishing that the mailing matrix, as amended by the attached list, is an accurate and complete listing of all entities required to be listed under [Fed. R. Bankr. P. Rule 1007\(a\)\(1\)](#) or [Fed. R. Bankr. P. Rule 1007\(a\)\(2\)](#) (and, additionally, ~~under Rule 1019~~ in a case converted to ~~chapter~~Chapter 7, [under Fed. R. Bankr. P. 1019](#)).
- (c) Contents of List Appended to an Amendment's Coversheet. The list appended to the coversheet to the Amendment must:
  - (1) list the entities who, as the case may be, are being added, deleted, having an address changed, or having a name changed;

- (2) list the entities in alphabetical order of the names of the entities; and
- (3) include after the name of each entity, the address of the entity, including postal ZIP Code.

An ~~-Amendment~~ ~~-that~~ ~~-deletes~~ ~~-an~~ ~~-entity~~ ~~-must~~ ~~-list~~ ~~-the~~ ~~-entity-to-be-deleted~~ ~~-as~~ ~~-it~~ ~~-was~~ previously listed.

- (d) Format of List. The list appended to the Amendment's coversheet must be submitted in the ~~same~~ format (regarding font and so forth) set by the Clerk and posted on the Court's website for the list to be appended to an initial List of Creditors and Mailing Matrix under LBR 1007-1(a)~~LBR 1007-1(a).~~
- (e) Notice to Entities Affected by an Amendment (Other Than Entities Being Deleted from the List of Creditors and Mailing Matrix). The party filing the Amendment must file, separate from the Amendment, a certificate of service complying with Local Official Form No. 13~~Local Official Form No. 13~~ reciting that the party has mailed by first class mail, to ~~each entity~~all entities affected by the Amendment (other than ~~an entity~~entities being deleted from the List of Creditors and Mailing Matrix):
  - (1) the notice of the commencement of the bankruptcy case;
  - (2) any notice from the clerk regarding conversion of the case;
  - (3) any notice of the meeting of creditors;
  - (4) any notice sent to all creditors regarding a deadline for opposing any motion not yet decided or any hearing not yet held;
  - (5) any notice to creditors of the deadline for filing any of the following:
    - (A) a proof of claim; and
    - (B) an objection to a disclosure statement not yet approved or to a plan not yet confirmed; and
  - (6) any currently proposed plan served on creditors or any already confirmed plan ~~affecting the entities~~ and ~~any~~the order confirming the plan, but the party need not mail a copy of the certificate of service of the plan to the affected entities.
- (f) Requirement Either to Pay Fee Triggered by Filing of an Amendment or to File Certification That the Amendment Did Not Trigger a Fee. When an Amendment of the List of Creditors

and Mailing Matrix, other than an Amendment changing only the addresses of previously listed entities, is filed, the filer must either:

- ~~(1) —~~ pay the fee ~~(standing at \$26 as of the adoption of these LBRs)~~ imposed by the Bankruptcy ~~Court~~ ~~Miscellaneous~~ ~~Fee~~ ~~Schedule~~ ~~(an appendix to 28 U.S.C.~~
  - (1) ~~§ 1930-)~~ (which is available on the Court's website under "Fees"), but need pay only one such fee for multiple documents filed on the same date to make amendments to the List of Creditors and Mailing Matrix or to the debtor's Schedules; or
  - (2) file a certification that no fee is owed because the Amendment:
    - (A) only changed the address of a creditor or an attorney for a creditor listed on the debtor's schedules;
    - (B) only adds the name or address of an attorney for a creditor listed on the schedules; or
    - (C) ~~(B)~~ only relates to the ~~debtor's~~ debtor's initial schedule filed to comply with Fed. R. Bankr. P. 1019(5)(A)(i), (B)(i), (C)(ii), or (C)(iii) upon the conversion of a case to ~~chapter~~ Chapter 7.

### **RULE 1009-3. AMENDED CHAPTER 11 LIST OF EQUITY SECURITY HOLDERS**

When an amended list of equity security holders adds, deletes, or changes the name or address of an equity security holder:

- (1) the debtor must file with the amendment an amendment to the [LBR 1007-4](#) mailing matrix for equity security holders in a Chapter 11 case (or to the [LBR 1007-1\(a\)](#) mailing matrix if equity security holders were included on that mailing matrix), accompanied by a coversheet (as in the case of an amendment under [LBR 1009-2](#)) that addresses the particular type of change; and
- (2) the debtor must additionally mail to the equity security holder a copy of the amendment and copies of any notices that were mailed to equity security holders in the case.

## **RULE 1013-1. DISPOSITION OF INVOLUNTARY PETITION**

Dismissal of an involuntary petition is governed by [LBR 1017-2\(a\)](#). Consents to an involuntary petition against a partnership are governed ~~in the case of corporations and partnerships, respectively,~~ by [LBR 1004-1](#) ~~and~~.

## **RULE 1017-1. CONVERSION UNDER § 706(a) OF THE BANKRUPTCY CODE**

- (a) Unless otherwise ordered by the Court, a motion to convert a case under ~~chapter~~Chapter 7 to a case under ~~chapter~~Chapter 11, 12, or 13 pursuant to § 706(a) of the Bankruptcy Code requires no notice and opportunity for a hearing under ~~Fed. R. Bankr. P. Federal Rule of Bankruptcy Procedure~~ 9014 and no corresponding notice of opportunity to object under [LBR 9013-1\(b\)\(3\)](#).
- (b) A motion to convert under § 706(a) must be served by first class mail on the Chapter 7 Trustee and the ~~Office of the~~ United States Trustee.
- (c) The Court may enter an order converting a case on the motion of the debtor filed pursuant to § 706(a) without the necessity of a hearing if the following conditions are met:
  - (1) no opposition to the motion is filed within 7 days of its entry on the docket; and
  - (2) the Court determines based on the information available to it on the docket that there is no reason to believe the conversion is being undertaken in bad faith or, for a motion to convert to ~~chapter~~Chapter 13, that the debtor would be ineligible under 11 U.S.C. § 109(e) to be a debtor in ~~chapter~~Chapter 13 ~~under § 109(e)~~.

*Note: This LBR implements the holding of In re Pricer, [2001 No. 09-00452](#), 2009 WL 2855801 (Bankr. D.D.C. June 29, 2009).*

## **RULE 1017-2. DISMISSAL OF CASE**

- (a) Dismissal of Involuntary Petition. Prior to dismissal of an involuntary petition on motion of a petitioner or on consent of all petitioners and the debtor, or for want of prosecution, the debtor must prepare and file a list of all creditors. Notice under [LBR 2002-1](#) ~~LBR~~ on a petitioner's motion to dismiss, or on a motion to dismiss on consent of all petitioners and the

debtor, or on a motion to dismiss for want of prosecution, must contain the following additional information:

- (1) A disclosure by the moving party of the reasons dismissal is sought;
  - (2) The terms of any settlement reached with the debtor, including any consideration received; and
  - (3) A notice that any creditor may file objections or may join in the petition under 11 [U.S.C. § 303\(c\)](#).  
~~U.S.C. § 303(e).~~
- (b) Automatic Dismissal Under 11 U.S.C. § 521(i). To dismiss a case under the automatic dismissal provisions of 11 U.S.C. § 521(i), a motion is required, and the notice of the motion may set a deadline for opposing the motion of 3 days after the filing of the notice. Unless the court orders otherwise, the motion must be filed within 21 days after the date on which the case became subject to automatic dismissal under § 521(i).
- (c) Cross-Reference. ~~For the rejection of a petition for failure to pay the filing fee, see~~ For the effect of a motion to dismiss for failure to attend the meeting of creditors on certain bar dates, including the [Fed. R. Bankr. Rule P. 1017\(e\)\(1\)](#) bar date for motions to dismiss for substantial abuse, see [LBR 2003-1\(b\)](#).

*Note: ~~LBR Local Bankruptcy Rule~~ 1017-2(a) supplements 11 U.S.C. § 303(j) and imposes requirements suggested by Collier. [Local Bankruptcy Rule 9013-1](#) governs motions generally, and [LBR 2002-1](#)~~LBR~~ governs notice to creditors of the opportunity to oppose a motion to dismiss.*

## **RULE 1019-1. CONVERSION OF CASE TO CHAPTER 7**

- (a) Form of Schedule Filed Under Fed. R. Bankr. P. 1019(5) Listing Unpaid Debt. A schedule filed under Fed. R. Bankr. P. 1019(5) that lists an unpaid debt must:
- (1) list the name and address of the entity to whom the unpaid debt is owed; and
  - (2) state the nature and amount of the debt.
- (b) Form of Schedule Filed Under Fed. R. Bankr. P. 1019(5)(C)(iii) of Executory Contracts or Unexpired Leases. A schedule filed under Fed. R. Bankr. P. 1019(5)(C)(iii) must:

- (1) list the name and address (including ZIP Code) of each of the other parties to the executory contract or unexpired lease; and
  - (2) describe the contract or lease.
- (c) Adding to Mailing Matrix Entities Scheduled Under Fed. R. Bankr. P. 1019(5). Upon filing a schedule (or amended schedule) of post-petition debts or post-petition executory contracts or post-petition unexpired leases under Fed. R. Bankr. P. 1019(5):
- (1) the filer must file on the same date an amendment to the mailing matrix complying with LBR 1009-2(a)(1) (consisting of a coversheet under LBR 1009- 2(b)~~LBR 1009- 2(b)~~ and an attached list complying with LBR 1009-2(c) and (d)~~LBR 1009-2(e) and (d)~~) in order to add to the mailing matrix the entities listed on the schedule; and
  - (2) if after conversion of the case and prior to docketing of the amendment to the mailing matrix required by the preceding paragraph (1), the Clerk has issued any notice under Fed. R. Bankr. P. 2002(f), then by the date of the filing of the supplemental mailing matrix, the debtor shall mail, by first class mail, to each entity listed on the schedule a copy of each such notice, and file a certificate of mailing.
- (d) Statement That There Are No Unpaid Debts, Executory Contracts, Unexpired Leases, or Property ~~To~~to Schedule Under Rule 1019(5). If there are no unpaid debts, executory contracts, unexpired leases, or property to schedule under Fed. R. Bankr. P. 1019(5), then by the deadline for filing a schedule of such matters under Fed. R. Bankr. P. 1019(5), the debtor must file a verified statement or declaration under 28 U.S.C. § 1746 attesting to that fact.

## PART II

### OFFICERS AND ADMINISTRATION; NOTICES; MEETINGS; EXAMINATIONS; ATTORNEYS AND ACCOUNTANTS

#### RULE 2002-1. NOTICE TO CREDITORS AND OTHER INTERESTED PARTIES

- (a) Scope of Rule. This Rule governs notices required under Fed. R. Bankr. P. 2002(a) regarding certain motions, applications, or proposed acts.
- (b) Rule 2002(a) Notice of Period for Objections. Unless otherwise ordered by the court:
  - (1) General Requirement of 21-Day Deadline. Except as provided in paragraphs (2) and (3), a notice under Rule 2002(a) must conspicuously give the recipient notice that by the date (calculated by the movant) that is 21 days after the later of the date of filing or the date of service of the notice, the recipient must file an objection to the relief sought or the relief may be authorized without an actual hearing. **The add-three-days rule of Fed. R. Bankr. P. 9006(f) does not apply to computation of the 21-day period because the notice is of a specific deadline date.**
  - (2) Shortening Deadline for Opposition
    - (A) When a party files a notice (such as a notice of a proposed sale that does not require a motion under LBR 6004-1(c)), an application, or a motion to which Fed. R. Bankr. P. 2002(a) applies (a “Rule 2002(a) matter”), the party may file a motion seeking an order, for cause, to shorten the deadline for objecting to the relief sought.
    - (B) Unless the Court orders otherwise, the motion to shorten time must be served on any trustee in the case; the debtor; any party upon whom the movant was required to serve a Rule 2002(a) motion (such as a lienor who will be affected by a motion to sell property free and clear of liens); and, in Chapter 11, the United States Trustee.
    - (C) The notice of the opportunity to object to relief sought by the Rule 2002(a) matter must include:

- (i) notice that the movant has filed a motion to shorten the time to object to the relief sought by the Rule 2002(a) matter (describing the Rule 2002(a) matter, the relief sought, and the new deadline requested);
- (ii) notice that if the requested shortening of the deadline to object is granted, any opposition to the relief sought by the Rule 2002(a) matter must be filed by [the date that is the requested new deadline]; and
- (iii) notice that, if the requested shortening of the deadline is denied, any opposition to the relief sought by the Rule 2002(a) matter must be filed by [the date that is the deadline that will otherwise apply] or such other date as the court may fix.

~~(2)~~(3) Optional Exception for Notice Under Fed. ~~R. Bankr. P. 6004(b)~~. When Fed. R. Bankr. P. 6004(b) (regarding a proposed use, sale, or lease of property, other than cash collateral) applies, a party may instead give notice that any objection, as provided by that Rule, "shall be filed and served not less than seven days before the date set for the proposed action," with notice of a hearing date (if one proves necessary) that is a date that is at least 21 days after the later of the date of filing or the date of service of the notice. **The add-three-days rule of Fed. R. Bankr. P. 9006(f) does not apply to computation of the 21-day period because the notice is of a specific deadline date.**

~~(3)~~(4) Optional Exception for Notice Under Fed. R. Bankr. P. 6004(d). When Fed. R. Bankr. P. 6004(d) (regarding sales of property under \$2,500) applies, a party may instead give notice that any objection to the sale must be filed and served within 14 days of the mailing of the notice.

~~(1) — Inapplicability of Three-Days-Added Provision of Fed. ~~R. Bankr. P. 9006(f)~~ to paragraphs (1) and (2). The add-three-days provision of Fed. ~~R. Bankr. P. 9006(f)~~ shall not apply to the computation of the deadline under paragraph (1) above or the 21-day notice of the hearing date under paragraph (2) above, but shall apply to computation of the 14-day deadline under paragraph (3) above.~~

- (c) Content of Notice. The notice must substantially conform to Official Form No. 20A420A, and, in addition to the information required ~~by~~for specific notices, a notice:

- (1) may state that if the Court determines that as a matter of law the explanation for an objection does not establish a valid basis for objection, the Court may proceed to dispose of the objection without a hearing;
- (2) must contain sufficient information to enable a party in interest to make a reasonably well-informed decision whether to object to the action proposed in the notice;
- (3) must state the address, telephone number, and email address of the party to be contacted if parties in interest have questions regarding the subject of the notice; and
- (4) may not state that an objecting party must attend a Court hearing in support of any objection made.

Notice is sufficient under this paragraph if it is substantially in the form of [Local Official Form No. 4](#)~~Local Official Form No. 4.~~

- (d) Service of ~~Notices~~Notice—General. A party serving a notice under this Rule must serve it based on the current mailing list maintained by the Clerk under [LBR 2002-2](#).
- (e) Limitation of Notice—Chapter 7. Unless otherwise directed by the Court, in a ~~chapter~~Chapter 7 case service of a notice to creditors under Fed. R. Bankr. P. 2002(a) is limited, as set forth in Fed. R. Bankr. P. 2002(h), to (1) creditors that hold claims for which proofs of claim have been filed, and (2) such other creditors who may file timely claims.
- (f) Limitation of Notice—Chapter 11. In a ~~chapter~~Chapter 11 case, if an official committee of unsecured creditors has been appointed and the number of creditors exceeds 30, service of a notice under Fed. R. Bankr. P. 2002(a)(2), (3), or (7) may, at the option of the party giving notice, be limited to the debtor, any trustee, the ~~U.S.~~United States Trustee, the members of all official committees (or committee counsel, if appointed), and to those creditors and equity security holders who have served on the debtor in possession (or the trustee when a trustee has been appointed) and filed a request under [LBR 2002-1\(j\)](#)~~LBR 2002-1(k)~~ that all notices be mailed to them.
- (g) Limitation of Notice—Chapter 13. In a ~~chapter~~Chapter 13 case, notice of a professional's application for approval of compensation and reimbursement of expenses need only be sent to the Chapter 13 Trustee, the debtor, the debtor's attorney (if different from the applicant), and creditors who have filed and served on the trustee a request under [LBR 2002-1\(j\)](#)~~LBR 2002-1(k)~~ to receive all notices in the case.

- (h) Proponent to Give Notice. Except as stated elsewhere in the Bankruptcy Code, the Federal Rules of Bankruptcy Procedure, these Local Rules, or by order of the Court, the proponent of any action requiring notice governed by this Rule must transmit the notice, unless the Clerk determines to give the notice.
- (i) Certificate of Service. Within 2 days after completion of service of a Rule 2002(a) notice, the entity that made service must file a certificate of service complying with [LBR 5005-3](#).
- (j) Entities Requesting to Receive All Notices. Any entity entitled generally to receive notices in the case who wishes to receive all notices under Fed. R. Bankr. P. 2002 must file a document styled "Request to Receive All Notices Under Rule 2002 in Case" which the Clerk must docket. The request must be served on the trustee or debtor in possession. The Clerk shall add the entity to the mailing list under [LBR 2002-2](#) if it is not already on that mailing list.
- (k) Hearing. In a proceeding to which this Rule applies, the Court may set a hearing if timely objection is filed to the proposed action or the Court otherwise deems a hearing appropriate. Other procedures governing the setting of a hearing are set forth in [LBR 5070-1](#). The conduct of a hearing is governed by [LBR 9073-1](#).
- (l) Cross-References. [Local Bankruptcy Rule 9013-1\(c\)](#) governs the entities to be served with a motion itself as distinct from the entities to be given notice of the motion.

*Note: Pursuant to 11 U.S.C. §§ 102, an act may be authorized without an actual hearing if no hearing is timely requested after notice of an opportunity to oppose the act. Except where a Fed. R. Bankr. P. such as Fed. R. Bankr. P. [6004\(d\)](#) and 6007 specifies a deadline "after mailing of the notice," paragraph (b) authorizes notice to object by a set date, instead of, for example, a deadline of 21 days after the service of the notice, thereby avoiding the requirement of Fed. R. Bankr. P. 9006(f) of adding 3 days to the response time when the time to act is measured from the date of mailing.*

**RULE 2002-2. MAILING LIST**

- (a) Mailing List for Notice to Creditors. \_The Clerk maintains in the Court's ~~Case Management/Electronic Case Filing~~CM/ECF system (or such other entity as the Court shall direct shall maintain) a mailing list to be utilized whenever notice is required to be sent to all creditors. \_That mailing list consists of the names and addresses of entities listed on the [LBR 1007-1\(a\)](#) mailing matrix, as modified by any supplemental mailing matrix, and as further adjusted by the Clerk to take into account, for example, preferred addresses (as under 11 U.S.C. § 342(f) or Fed. R. Bankr. P. 2002(g)(1)) that have been submitted, and addresses that result in mail being undeliverable.
- (b) Mailing List for Notices to Equity Security Holders. \_In a ~~chapter~~Chapter 11 case, the Clerk maintains in the Court's ~~Case Management/Electronic Case Filing~~CM/ECF system a separate mailing list for equity security holders unless the equity security holders were listed on the mailing matrix required by [LBR 1007-1\(a\)](#).
- (c) Request to be Added to the Mailing List. An entity having an interest in the case may file a request to the Clerk to be added to the mailing list under paragraph (a) or (b) above, as the case may be. \_If the entity is a creditor, an equity security holder, or an attorney for any of the foregoing, the Clerk must add that entity to the mailing list, but otherwise the Clerk may exercise discretion whether to add the entity to the mailing list. \_A request under this [LBR 2002-2\(c\)](#)~~LBR~~ shall not suffice to comply with [LBR 2002-1\(j\)](#) regarding a creditor's request to receive all notices.
- (d) Request to Change Address on the Mailing List. \_An entity may file a request directing how notices under Rule 2002 must be addressed to it and requesting that the list under [LBR 2002-2\(a\)](#) or [LBR 2002-2\(b\)](#), as the case may be, be changed accordingly.

**RULE 2002-3. FILING OF DESIGNATION UNDER § 342(f) OF THE  
BANKRUPTCY CODE OF A CREDITOR'S PREFERRED  
ADDRESS**

Under 11 U.S.C. § 342(f), an entity may file with any bankruptcy court a notice of address, to be used by all bankruptcy courts or by a particular bankruptcy courts, to provide notice to such entity in ~~chapter~~Chapter 7 and 13 cases in which the entity is a creditor. \_ Any § 342(f) notice of a preferred

address must be filed with the National Creditor Registration Service (NCRS). Forms for registration of a preferred address are available at <https://ncrs.uscourts.gov/>.

#### **RULE 2003-1. MEETING OF CREDITORS AND EQUITY SECURITY HOLDERS**

- (a) A request ~~by the debtor or the debtor's attorney~~ to continue a meeting of creditors must, except in extraordinary circumstances, be made in advance or at the meeting of creditors, and made as follows: in ~~chapter~~Chapter 13 cases to the standing Chapter 13 Trustee; in ~~chapter~~Chapter 7 cases to the interim Chapter 7 Trustee; and in ~~chapter~~Chapter 11 cases to the ~~Office of the U.S.~~United States Trustee:
- (1) Upon denial of or a failure to act upon the request, a motion may be filed with the Court.
  - (2) If the request is granted, ~~prior to the meeting of creditors,~~ then within 3 days of receiving the new date and time for the meeting of creditors, the ~~attorney for the debtor (or party obtaining the debtor if the debtor is not represented by counsel)~~continuance must serve written notice of the rescheduled meeting of creditors on all creditors and other parties in interest and file a certificate of such service complying with LBR 5005-3. Notice must be given in the form, if any, approved by the Clerk and posted on the Court's website.
- (b) In cases under ~~chapter~~Chapter 7 or 11, if the debtor fails to appear at a meeting of creditors:
- (1) any motion to dismiss on that basis is deemed to include a motion to enlarge the time, if not already expired, for objecting to discharge or moving to dismiss the case on other grounds, until the later of 60 days after resolution of the motion to dismiss or 60 days after resolution of any motion to vacate an order granting the motion to dismiss; and
  - (2) an order acting on the motion, unless it indicates otherwise, is deemed to grant such enlargement of time.
- ~~(a)~~ — If the debtor does not appear as required at the meeting of creditors under 11 U.S.C.
- (c) § 341 or at a continuation of that meeting of creditors, the meeting is deemed not to have been concluded for purposes of Fed. R. Bankr. P. 4003(b).

## **RULE 2004-1. EXAMINATIONS**

A motion under Fed. R. Bankr. P. 2004 for an examination of or the production of documents by an entity other than the debtor (or for permission to issue a subpoena to the debtor for such an examination or production) need not include the notice required by [LBR 9013-1\(b\)\(3\)](#) to accompany motions commencing contested matters and the movant may submit a praecipe requesting the Clerk to bring the motion to the Court for a ruling without awaiting a response. Unless special cause is shown, the court will defer acting on the motion for 7 days.

*Note: This Rule is designed to expedite the granting of orders allowing examinations under Fed.*

*R. Bankr. P. 2004 of entities other than the debtor. Such an order must be enforced by service of a subpoena, such that any defenses to the examination can be raised in response to the subpoena under Fed. R. Civ. P. 45 (made applicable by Fed. R. Bankr. P. 9016). When a motion seeks to compel the debtor to appear for an examination and to produce records, any defenses to the examination of the debtor or to the production of the debtor's records should be raised in response to the motion because the order will adjudicate the parties' rights and will be subject to enforcement by the Court's contempt powers, with the propriety of the order no longer at issue except on appeal. This would not be the case when the motion only seeks permission to issue a subpoena to the debtor for an examination or production of records (as opposed to an order requiring the debtor, whether subpoenaed or not, to appear for examination or to produce records).*

## **RULE 2014-1. APPLICATIONS TO EMPLOY PROFESSIONALS**

Unless otherwise ordered by the Court, when a debtor in possession in a ~~chapter~~[Chapter](#) 11 case or a trustee in any case files an application to employ a professional, the application must include:

- (1) a notice of opportunity to object to the application by the later of 21 days after the filing of the petition and 14 days after the date of filing of the application; and
- (2) a certificate of service reflecting that the application was mailed to:
  - (A) the Office of the United States Trustee;
  - (B) any committee appointed in the case (or its counsel); and

- (C) if no committee of unsecured creditors has been appointed in a ~~chapter~~Chapter 11 case, the creditors listed under Fed. R. Bankr. P. 1007(d).

*Note: The limitation that oppositions to the application are due no earlier than 21 days after the filing of the petition is derived from Fed. R. Bankr. P. 6003(a).*

#### **RULE 2015-1. MONTHLY OPERATING REPORTS**

In a ~~chapter~~Chapter 11 case, the debtor in possession or the trustee must file with the Court all monthly operating reports that are transmitted to the United States Trustee.

#### **RULE 2016-1. COMPENSATION OF PROFESSIONALS**

- (a) Applications of Professionals for Compensation and Reimbursement—Contents. \_Any professional seeking interim or final compensation for services and reimbursement of expenses under 11 U.S.C. §§ 330, 331, or 503(b)(2) or (4) must file an application for compensation and reimbursement. \_In addition to the information specifically required by Fed. R. Bankr. P. 2016(a), the application must also include:
- (1) the time period during which the services were performed;
  - (2) the date of any order authorizing the employment;
  - (3) the date and amount of any pending fee application, of any prior fee allowance, and of any retainer or payment;
  - (4) a brief narrative statement concerning the services performed, the total time spent performing the services, and the results achieved, including, in the case of an attorney, how the attorney's efforts have contributed to the estate (in light of its present status and the anticipated additional time and fees that will be necessary to conclude the case);
  - (5) if the applicant intends to seek compensation as both attorney and trustee, a recitation that fees are not being sought by the individual as attorney for work which is the responsibility of the trustee (it being advisable separately to list time spent as trustee);

- (6) when the fees sought exceed \$50,000, a summary or cover sheet that provides a synopsis of the following information:
  - (A) total compensation and expenses requested and any amount(s) previously requested;
  - (B) total compensation and expenses previously awarded by the Court;
  - (C) name and applicable billing rate for each person who billed time during the period, and date of bar admission for each attorney;
  - (D) total hours billed and total amount of billing for each person who billed time during the billing period; and
  - (E) computation of blended hourly rate for persons who billed time during period, excluding paralegal or other paraprofessional time;
- (7) a chronological itemization of services performed which includes the date each service was performed, the amount of time spent in performing each service, and a narrative description of each service performed. If the itemization of services is extensive or complex, as in the case of multiple adversary proceedings or substantial contested matters, the chronological itemization must be done by project, dispute, or subject matter and include a summary setting forth the information required by paragraphs (6)(D) and (6)(E) above with respect to the time spent on such project, dispute or subject matter. Such "project billing" is presumptively required when the application seeks in excess of \$50,000;
- (8) a separate document styled "List of Each Day on Which an Employee Spent More Than 12 Hours" listing each employee who is ~~being billed~~billing for more than 12 hours in a given day, the amount of time the employee is billing and the tasks performed for that day;
- (9) an itemization of actual, necessary expenses incurred:
  - (A) stating that, except for expenses listed in the amount charged by- the vendor of the service or item to the applicant, each charge is in an amount reflecting the applicant's ordinary rate of charge and indicating what the ordinary unit rate of charge is for each separate category of service (e.g., photocopying and facsimile transmission or receipt charges); and

- (B) when charges are made for travel and related expenses, itemizing each travel expense (including the class of travel), with each hotel and meal expense separately stated and limited to an amount that is charged for a class other than luxury, deluxe, or first class; and
- (10) when an attorney seeking interim compensation was employed by the Chapter 7 Trustee, the application must additionally include the following:
  - (A) a summary of the status of the case, including, to the best of the applicant's knowledge, the projected date for the trustee's final report;
  - (B) an estimate of the funds that will be available to unsecured creditors; and
  - (C) the amount of funds then on hand in the ~~chapter~~Chapter 7 case.
- (b) Notice. Notice of an application for compensation and reimbursement of expenses is governed by [LBR 2002-1](#). When Fed. R. Bankr. P. 2002(a) does not require service on creditors (because of the small amount applied for), a notice as described in [LBR 2002-1](#) must be served on the debtor, the debtor's attorney (if different from the applicant), the trustee, and, in cases under ~~chapter~~Chapter 7 or 11, the ~~Office of the U.S. United States~~ Trustee.

**RULE 2016-2.            ~~RULE~~ ~~2016(b)~~ ~~DISCLOSURES~~ ~~AND~~ ~~TREATMENT~~**  
**~~OF PAYMENTS FROM PROPERTY OF THE ESTATE~~**

- ~~(a)~~ Supplemental Disclosure. An attorney shall attach a supplemental disclosure ([Local Form No. 10](#)) to Official Form B 2030 regarding the services to be provided and details regarding the services covered by a flat fee versus those covered by an hourly rate.
- ~~(a)(b)~~ Sanctions for Failure to Make Timely Fed. R. Bankr. P. 2016(b) Disclosure. Failure to make timely disclosure under Fed. R. Bankr. P. 2016(b) may lead to disallowance of compensation and disgorgement of fees.
- ~~(b)(c)~~ Disclosing Payment Received From a Source Already Disclosed or a Deposit for Payment of Fees. The requirement under Fed. R. Bankr. P. 2016(b) that an attorney disclose any payment of fees or arrangement for payment of fees extends to:
  - (1) any payment received even if the initial Fed. R. Bankr. P. 2016(b) statement disclosed the source of future payment of fees; and

- (e)(d) Collection of Fees Out of Payment From Property of the Estate Requires a Court Order. An attorney may not collect a fee from property of the estate without an order of the Court authorizing the payment.

*Note: This Rule implements In re Taylor, [No. 03-01393](#), 2004 WL 1746112 (Bankr. D.D.C. Aug. 4, 2004) (available on Court's website), and In re Williams, [No. 08-00116](#), 2008 WL 2890933 (Bankr. D.D.C. July 21, 2008) (available on Court's website). Paragraph (d) has particular relevance in ~~chapter~~[Chapter](#) 13 cases. In this District, the order confirming a ~~chapter~~[Chapter](#) 13 plan usually provides that property of the estate remains property of the estate and thus such property does not revert in the debtor notwithstanding 11 U.S.C. § 1327(b). Payment of fees from estate funds requires a court order. An attorney may not accept a deposit of estate funds for possible payment of attorney's fees unless the debtor and the attorney have agreed in writing that, until the Court orders otherwise, the funds are to remain subject to the debtor's direction and control, and the attorney discloses the deposit.*

## PARTNERS, AND DIRECTORS IN CHAPTER 11

- (a) Unless otherwise ordered by the Court, the rate of compensation paid in a ~~chapter~~Chapter 11 case ~~to members of each member~~ of a debtor partnership, or to an officer or director of a debtor corporation, or to ~~an individual debtor after the filing of the petition must not exceed the rate of compensation paid to of~~ those persons 90 days prior to the filing of the petition.

(b) Within 21 days after the date of filing of the petition, the debtor must file and serve on the ~~U.S.~~United States Trustee and any committee of unsecured creditors (or, if no such committee has been appointed, the creditors listed under Fed. R. Bankr. P. 1007(d)) a statement:

- (1) listing the names of the individual(s) who, depending on the type of debtor involved, are:
  - (A) the debtor, if the debtor is an individual;
  - (B) members of the debtor partnership;
  - (C) the officers and directors of the debtor corporation; and
  - (D) other insiders drawing compensation from the debtor; and
- (2) listing as to each individual listed in paragraph (1);
  - (A) the position and duties of the individual; and
  - (B) the rates of compensation of the individual:
    - (i) at the point of 90 days prior to the filing of the petition;
    - (ii) at the time of the filing of the petition; and
    - (iii) as of the time the statement is filed.

**RULE 2016-4. ADMINISTRATIVE~~\_\_\_\_\_~~ CLAIMS~~\_\_\_\_\_~~ OF~~\_\_\_\_\_~~ ENTITIES~~\_\_\_\_\_~~ OTHER~~\_\_\_\_\_~~ THAN PROFESSIONALS**

Except for fees and expenses subject to 11 U.S.C. § 330, a Chapter 7 Trustee has authority, prior to approval of the final report, without further order of the Court, to pay:

- (1) reasonable and necessary administrative expenses (other than administrative taxes) in an aggregate amount not exceeding the amount that is double the permissible exemption amount, as of the date of the last payment, under 11 U.S.C. ~~§ 522(d)(6);~~ and ~~§ 522(d)(6); and~~
- (2) administrative taxes.

*Note: As of March 2011, the § 522(d)(6) exemption amount is \$2,175, and under this Rule permissible aggregate expenses as of March 2011 would be \$4,350. But the*  
*Note: The § 522(d)(6) exemption amount is adjusted under 11 U.S.C. § 104(b)(1) every three years commencing April 1, 1998.*

#### **RULE 2072-1. NOTICE TO OTHER COURTS WITH PENDING ACTIONS**

The Debtor, petitioning creditor(s), or other party filing a bankruptcy case must promptly send notice of the bankruptcy filing to the following persons:

- (1) the clerk of any court where the debtor is a party to a pending civil action and all parties of record;
- (2) chambers of any judge specially assigned to a pending civil action in which the debtor is a party;
- (3) the clerk of an appellate court considering an appeal regarding a civil action; and
- (4) parties handling a non-judicial foreclosure, including where applicable any auction company and any trustee on the deed of trust.

*Note: The failure to provide notice under this Rule is not intended to exclude a showing that a party received notice by other means.*

#### **RULE 2090-1. ATTORNEYS—ADMISSION OF ATTORNEYS TO PRACTICE**

- (a) Attorneys Authorized to Practice Pursuant to DCt.LCvR 83.2. Attorneys may practice before this Court, as a unit of the District Court, in accordance with DCt.LCvR 83.2 (Practice By Attorneys) (with any certificate regarding appearance as sole or lead counsel in a contested evidentiary hearing or trial on the merits required by DCt.LCvR 83.2(b) to be filed with the Clerk of the District Court in a form prescribed by that Clerk), but:
- (1) DCt.LCvR 83.2(h) (Entry and Withdrawal of Appearance) is supplanted by LBR 9010-1 ~~LBR 9010-1, 9010-2, 9010-2~~ and 9010-3 ~~9010-3~~; and
  - (2) DCt.LCvR 83.2(j) (Certification by Non-Members of Bar of this Court) does not apply (but all counsel are nevertheless required to be familiar with the Local Rules of this Court).

- (b) Other District Court Local Rules Applicable to Practice of Attorneys in Bankruptcy Court. The following District Court Local Civil Rules apply to attorneys practicing in this Court as a unit of the District Court, ~~and attorneys practicing before this Court will be subject to the disciplinary procedures of those rules:~~ 16.2; 83.3; 83.5; 83.8 through 83.9; 83.12 through 83.15 (with any notification under Rule 83.15(b) to be filed with the Clerk of the District Court); and 83.16 through 83.20.

~~(1) — DCt.LCvR 16.2 (Avoidance and Resolution of Conflicts in Engagements);~~

~~(2) — DCt.LCvR 83.2(b) (Appearance as Sole or Lead Counsel in a Contested Evidentiary Hearing or Trial on the Merits) (with any certificate required by DCt.LCvR 83.2(b) to be filed with the Clerk of the District Court in a form prescribed by that Clerk);~~

~~(3) — DCt.LCvR 83.3 (Number of Counsel);~~

~~(4) — DCt.LCvR 83.5 (Practice by Law Clerks and Court Employees);~~

~~(5) — DCt.LCvRs 83.8 (Admission to the Bar) and 83.9 (Renewal of Membership);~~

~~(6) — DCt.LCvR 83.15 (Obligations of Attorneys) (with any notification under Rule 83.15(b) to be filed with the Clerk of the District Court); and~~

~~(7) — DCt.LCvRs 83.12 through 83.14 and 83.16 through 83.20 (relating principally to discipline of attorneys).~~

- (c) Entry of Appearance; Scope of Duties Imposed by Entry of Appearance. The entry of appearance of counsel and the duties arising from such entry are governed by [LBRs 9010-1 through 9010-5](#).

- (d) Law Students. Law students may practice before this Court in accordance with DCt.LCvR 83.4, with the following modifications:

(1) ~~Subsection~~subsection (b)(1)(ii) is modified to read: "Have completed at least 2 semesters of legal studies, or the equivalent, and have completed or are in the midst of completing three semester hours, or the equivalent, in bankruptcy law or a clinic specializing or concentrating in the handling of bankruptcy cases";

~~(8) — Subsection~~subsection (b)(1)(iii) is modified to strike the words "and Criminal" and have

(2) added after the words "Professional Responsibility" the following: "and have knowledge of the Bankruptcy Code, the Federal Rules of Bankruptcy Procedure, the

Local Bankruptcy Rules, and such other statutes or rules that may be or become applicable to bankruptcy cases and proceedings";

- (3) ~~Subsection~~subsection (b)(3)(vi) is modified to read: "Supervise concurrently no more than twenty-five (25) students carrying clinical practice in bankruptcy as part of their academic program, with a total of not more than five (5) students per semester, or equivalent, being certified and practicing under this Rule".

*~~Note: LBR 2090-1(d) is changed to permit second year law students engaged in a bankruptcy course or bankruptcy clinic to practice in this Court under the guidance of a supervising attorney.~~*

*Note: This rule adopts the District Court's Civil Local Rules regarding attorneys (such matters as membership; avoidance and resolution of conflicts in engagements; and disciplinary procedures of attorneys) with no or minor modifications.*

#### **RULE 2090-2. COURT-~~APPOINTED~~ REPRESENTATION**

Attorneys who are members in good standing of the Bar of the United States District Court for the District of Columbia are urged whenever requested by the Court to assist or represent parties who cannot afford to retain counsel to represent them in bankruptcy matters before this Court and, if necessary, without compensation unless exempted by rule or statute.

#### **RULE 2090-3. ATTORNEYS REPRESENTING INDIGENT PARTIES**

An attorney who is a member in good standing of the District of Columbia Bar or who is a member in good standing of the bar of any United States Court or of the highest court of any State may appear, file papers, and practice in any case handled without a fee on behalf of indigent parties upon filing a certificate that the attorney is providing representation without compensation.

**RULE 2090-4.                    BANKRUPTCY PRO BONO PANEL**

- (a) Attorneys who are members in good standing of the Bar of the United States District Court for the District of Columbia are urged whenever requested by the Court under [LBR 2090-2](#) to assist or represent litigants who cannot afford to retain counsel to represent them in bankruptcy matters before this Court and, if necessary, without compensation unless exempted by rule or statute. As one way to assist attorneys in meeting this request, and in light of the need for attorneys to represent indigent pro se litigants in bankruptcy matters before this Court, the Court hereby establishes a Bankruptcy Pro Bono Panel (the "Panel") of attorneys who are members in good standing of the Bar of the United States District Court for the District of Columbia ~~or~~(and of attorneys who are otherwise eligible to practice before this Court pursuant to [LBR 2090-3](#)), and who have agreed to accept pro bono appointments to represent indigent parties in bankruptcy matters before this Court. Members of the Bar of the United States District Court for the District of Columbia are urged to volunteer to serve on this Panel.
- (b) The following procedures shall govern the assignment of attorneys from the Bankruptcy Pro Bono Panel to represent pro se parties who cannot obtain counsel by any other means:
  - (1) Bankruptcy Task Force. The Bankruptcy Court shall appoint a Bankruptcy Task Force, which shall include private practitioners and government attorneys who are members of the District of Columbia Bar and who practice in this Court, to oversee the Bankruptcy Pro Bono Panel established herein and annually report to the Court and to the D.C. Circuit Judicial Conference Standing Committee on Pro Bono Legal Services on the operation of the Panel.
  - (2) Bankruptcy Pro Bono Panel.
    - (A) Attorneys, law firms, and clinical legal education programs ("Clinics") at law schools accredited by the American Bar Association that are willing to accept appointment to represent indigent pro se parties in bankruptcy matters may apply to join the Panel. Application forms shall be available from the Clerk. Each application must set forth, among other things:
      - (i) in the case of a law firm, the name of an attorney in the firm designated as the Panel Liaison, to whom orders of appointment may be directed;

- (ii) that the individual attorney, Panel Liaison, or supervisor of the Clinic is a member in good standing of the Bar of the United States District Court for the District of Columbia or eligible to practice pursuant to [LBR 2090-3](#);
  - (iii) the attorney's prior bankruptcy representation and/or trial experience;
  - (iv) whether the attorney, law firm, or Clinic has the ability to consult and advise in languages other than English;
  - (v) the number of cases per calendar year that the applicant is willing to accept; and
  - (vi) any particular experience or interest of the applicant that should be considered when assigning bankruptcy matters, as well as -any types of bankruptcy matters to which the applicant desires not to be assigned.
- (B) Information on an application may be amended at any time by letter to the Clerk. An attorney, law firm, or Clinic may by letter withdraw from the Panel at any time.
- (3) Appointment of Counsel. When documentation or other evidence is submitted certifying that a pro se party cannot afford to retain counsel by other means, the ~~judge to whom the case is assigned~~Court may, whether by application of the pro se party, or otherwise, refer such party to an attorney from the Panel for representation. The referral should be made taking into account:
  - (A) whether the party is a party (or prospective party) in an adversary proceeding or a contested matter;
  - (B) the nature and complexity of the action;
  - (C) the potential merit of the pro se party's claims or defenses;
  - (D) the degree to which the interests of justice will be served by appointment of counsel, including the benefit that the Court may derive from the assistance of the appointed counsel; and
  - (E) any other relevant factors.

(4) Appointment Procedure.

- (A) Whenever the ~~presiding judge~~Court concludes that the services of pro bono counsel are warranted, the ~~judge~~Court shall issue a referral ("Referral Form") to the Clerk requesting an assignment from the Panel to represent the pro se party. The judge may suggest a specific attorney from the Panel to receive the referral or may advise the Clerk to attempt to select an attorney with particular expertise or experience.
- (B) Upon receiving the Referral Form, the Clerk shall select a member of the Panel. In making the selection, the Clerk shall take into consideration the experience and preferences of Panel members regarding specific types of cases and the equitable distribution of cases among Panel members.
- (C) The Clerk shall contact the Panel attorney and, if that attorney is interested and available, so advise the Court. The Court will then enter an order (the "Appointment Order") directing the appointment of the attorney, subject to the attorney's right under paragraph (5)(B)(ii), below, and directing the Clerk to send a copy to the Panel attorney of the Appointment Order, this Rule and any pleadings, relevant correspondence or other documents not readily accessible from the Court's electronic docket.

(5) Acceptance of Appointment by Appointed Attorney.

- (A) Upon receiving the Appointment Order, and unless a conflict of interest is apparent from the materials obtained through the Court's electronic docket or sent by the Clerk under paragraph (b)(4) above, the appointed attorney shall promptly communicate with the pro se party regarding the proceeding. Such communication shall include exploration of any actual or potential conflicts of interest and, if the absence of any conflicts can be established, whether the party has meritorious claims and/or defenses to raise, and whether the dispute can be resolved more appropriately in other forums or by other means.
- (B) After any such consultation with the pro se party, the appointed attorney shall, within 14 days of entry of the order of appointment or within such other time ordered by the Court for good cause shown, file either:

- (i) a notice of appearance by the appointed attorney (and by any other attorney in the appointed attorney's law firm or Clinic who will also represent the party) pursuant to [LBR 9010-1\(d\)](#); or
- (ii) a notice declining representation and, to the extent possible, the justification.

(C) If a notice of appearance is filed pursuant to paragraph (5)(B)(i) above, each attorney entering an appearance shall represent the party in the proceeding from the date that the attorney files an appearance until ~~(i)~~

(i) the attorney has been relieved of the assignment by the Court according to the provisions of this Rule and [LBR 9010-2](#) ~~LBRs~~ ~~(ii)~~;

(ii) the proceeding has been dismissed, ~~(iii)~~;

(iii) the proceeding has been transferred (other than by way of withdrawal of the reference under 28 U.S.C. § 157(d)) to another Court; or

(iv) a final appealable judgment or order has been entered in the proceeding by the Court.

The notice of appearance shall state with respect to each attorney making an appearance whether that attorney agrees to file a notice of appeal on behalf of the party (but not necessarily to further pursue the appeal on the party's behalf) should an adverse final appealable judgment or order be entered by the Court.

~~(C)~~ (D) Limits of Representation.

- (i) Notwithstanding [LBR 9010-3](#), an attorney accepting an appointment pursuant to this Rule shall not be required to represent the party in any other matter or proceeding.
- (ii) However, the appointed attorney may upon agreement with the party submit a proposed order amending the earlier appointment order to reflect an expansion of the proceedings for which representation is being provided.

~~(i)~~ — The appointed attorney is not required to pursue an appeal on behalf of the party from any adverse order or judgment of the Court, but, pursuant

to paragraph (ii) above, the Court may expand the attorney's representation to include representation of the party with respect to part or all of the pursuit of an appeal. By way of

- (iii) illustration and not limitation, the Court may, upon the submission of a proposed order by the party's attorney, expand the appointment to include (1) the filing of a notice of appeal only; (2) the filing of a notice of appeal and the designation of the record and statement of issues presented on appeal required by ~~Federal Rule of Bankruptcy Procedure~~ Fed. R. Bankr. P. 8006, but not the appeal itself; or (3) the entire appeal, including representation of the party before the appellate court.

~~(3) the entire appeal, including representation of the party before the District Court.~~

(6) Relief from Appointment.

- (A) An appointed attorney may be relieved of an order of appointment, after acceptance of that appointment, only as provided in LBR 9010-2 ~~LBR~~ or, where the appointment is with regards to a proceeding that is transferred to the District Court for the District of Columbia pursuant to an order withdrawing the reference to this Court, as provided in DCt.LCvR 83.11(b)(6).
- (B) If an appointed attorney is relieved from an order of appointment, the Court may issue an order directing appointment of another attorney to represent the party, or may issue such other orders as may be deemed appropriate.

(7) Discharge of Appointment.

- (A) A party for whom an attorney has been appointed shall be permitted to request the Court to discharge the attorney from ~~the~~ representation and either ~~to~~ attempt to appoint another attorney or allow the party to proceed pro se.
- (B) When such a request is made, the Court may, in its discretion, forthwith issue an order discharging the attorney from further representation of the party in the action and may, in its discretion, refer the party to another attorney to undertake the representation pursuant to paragraph (b)(4). If a party requests

discharge of a second attorney, no additional referrals shall ordinarily be made.

(8) Attorney Fees.

~~(B)~~—The attorney shall represent the party without receiving a fee, except upon order of the Court (i) where a party makes material misrepresentations regarding assets or the ability to afford counsel, or where there is a material change in the financial circumstances of the party, or it is otherwise determined by the Court that the circumstances of the party are such that the payment of a fee is reasonable, or (ii) where a fee or expenses may be recoverable by a litigant under an applicable rule, statute or other law.

(A)   The appointed attorney shall advise the party of the possibility of such a fee.

(B) Any recovery of attorney fees pursuant to subpart (8)(A) of this Rule shall be permitted only if the retainer agreement provides for the recovery of such fees.

(9) Training Sessions.   The Bankruptcy Task Force may, in cooperation with the District of Columbia Bar, organize and conduct educational programs to train and advise attorneys on the Panel in the preparation for and representation of the most common types of bankruptcy matters involving pro se parties brought before this Court.

(10) Appointment of Non-Panel Attorneys or Legal Organizations.   Nothing in this Rule shall be interpreted to preclude ~~a judge~~the Court from requesting an attorney, law firm, Clinic, or legal organization that is not on the Panel to represent a party who is otherwise proceeding pro se in this Court.   In addition, nothing in this Rule shall be interpreted to preclude an attorney who is not a member of the Bar of the United States District Court for the District of Columbia, but who qualifies under [LBR 2090-3](#) to practice before this Court, from representing an indigent party subject to the conditions of [LBR 2090-3](#)~~LBR~~.

**RULE 2091-1. ~~WITHDRAWALS~~WITHDRAWAL OF AN ATTORNEY'S APPEARANCE**

Rules governing ~~withdrawals~~withdrawal of an attorney's appearance are contained in [LBR 9010-2](#).

## PART III

### CLAIMS AND DISTRIBUTION TO CREDITORS AND EQUITY INTEREST HOLDERS; PLANS

#### **RULE 3003-1. NOTICE REQUIRED IN A CHAPTER 11 CASE WHEN A CREDITOR'S CLAIM IS SCHEDULED AS DISPUTED, CONTINGENT, OR UNLIQUIDATED**

~~Cross-Reference.~~ Local Bankruptcy Rule 1007-3 governs the required notice when a creditor's claim is scheduled as disputed, contingent, or unliquidated in a ~~chapter~~Chapter 11 case.

#### **RULE 3007-1. ~~CLAIMS~~—OBJECTIONS TO CLAIMS**

~~(a) — Inapplicability of Rule When the Objection to Claim is Asserted in an Adversary Proceeding. This Rule does not apply when an objection to a claim is joined with a request for relief of a kind specified in Fed. ~~R. Bankr. P.~~ 7001 and is thereby filed as part of a complaint in an adversary proceeding, or the objection to claim is asserted in a counterclaim or other pleading in an adversary proceeding.~~

(a) General Requirements. An objection to claim must:

- (1) state with particularity the grounds of the objection;
- (2) set forth the relief requested;
- (3) attach any affidavit (or 28 U.S.C. § 1746 declaration under penalty of perjury) or memorandum filed in support of the objection;
- (4) attach a notice complying with paragraph (~~dc~~);
- (5) include the proposed order required by LBR 9072-1; and
- (6) include a certificate of service complying with LBR 5005-3~~LBR~~ and reflecting service as required by paragraph (~~f~~)e below.

- (b) Hearing When Objection Is Unopposed. When the creditor fails to respond to an objection to its claim and the claim constitutes prima facie evidence of the validity and amount of the claim under Fed. R. Bankr. P. 3001(f), the Court may set a hearing to take evidence to rebut the prima facie validity and amount of the claim unless the party filing the objection to claim has attached an affidavit or affidavits to the objection that suffice to rebut the prima facie validity of the claim or its amount.
- (c) Notice. An objection to claim must include a notice, substantially conforming to Official Form ~~20B420B~~ with the following modifications:
- (1) the notice shall not include the paragraph in Official Form ~~20B420B~~ directing the creditor to "Attend the hearing . . . .";
  - (2) the notice must advise that the creditor may attach any affidavits, documents, and other evidence the creditor wishes to attach in support of its claim; and
  - (3) the notice must advise the creditor that if as a matter of law, the response fails to set forth an adequate defense to the objection to the claim, the Court may rule on the objection without a hearing.
- (d) Local Form of Notice. A notice complies with this Rule if it is ~~in~~ substantially in the form of Local Official Form No. 6~~Local Official Form No. 6.~~
- ~~(b) —~~ Service. The objecting party must serve ~~copies of the objection to claim and the papers that must accompany it under paragraph (b) by mailing the copies to the creditor at the address for notices that appears on the proof of claim, in compliance with Fed. R. Bankr. P. 3007(a)(2), and additionally:~~
- ~~(1) — in the case of a creditor which is an insured depository institution to whom Fed. R. Bankr. P. 7004(h) applies, by complying with Fed. R. Bankr. P. 7004(h);~~
  - ~~(2) — in the case of a creditor which is the United States or an agency of the United States, by mailing copies to the Attorney General and the United States Attorney; and~~
- (e) ~~in the case of a creditor which that is the District of Columbia or an agency, by mailing a copy by first class mail to the Office of the Attorney General of the District of Columbia, by mailing copies with the envelope addressed to the attention of "Office of Attorney General of the District of Columbia, Bankruptcy Counsel."~~
- ~~(c) — Inapplicability of Rule When the Objection to Claim is Asserted in an Adversary Proceeding. This Rule does not apply when an objection to a claim is joined with a~~

~~request for relief of a kind specified in Fed. R. Bankr. P. 7001 and is thereby filed as part of a complaint in an adversary proceeding, or the objection to claim is asserted in a counterclaim or other pleading in an adversary proceeding.~~

- (f) Cross-References. ~~LBRs~~ Local Bankruptcy Rules 5070-1, 5071-1, and 9073-1 govern hearings. Local Bankruptcy Rule 9014-1 makes certain Part VII (Adversary Proceedings) ~~Part VII (Adversary Proceedings)~~ rules applicable to an objection to claim.

## **RULE 3015-1. CHAPTER 13—PLAN**

- (a) Requirement for use of Local Chapter 13 Plan Form. In a case commenced on or after December 1, 2017, the required Chapter 13 Plan (Local Official Form 14) ~~Chapter 13 Plan (Local Official Form 14)~~ must be used without alteration, except as otherwise provided in these rules; or in instructions issued by the Court ~~for the Form~~. (The Form may be used in a case commenced before December 1, 2017.) The Form may be modified to permit minor changes not affecting wording or the order of presenting information, including changes that:
- (1) expand the prescribed areas for responses in order to permit complete responses;
  - (2) delete space not needed for responses; or
  - (3) delete items requiring detail in a question or category if the filer indicates—either by checking “no” or “none” or by stating in words—that there is nothing to report on that question or category.
- (b) Service. In a ~~chapter~~ Chapter 13 case, the debtor or the attorney for the debtor must mail a copy of the debtor's plan, on the date of the plan, to all creditors and the additional entities specified on the required Local Official Form 14 ~~Local Official Form 14~~, and complete the certificate of service that accompanies Local Official Form 14 ~~Local Official Form 14~~.
- (c) Notice of Deadline for Objections. The plan must include a conspicuous notice of the deadline for filing and serving an objection to confirmation of the plan ~~and serving the objection enupon~~ the debtor, the debtor's attorney, and the Chapter 13 Trustee. Unless the Court approves notice of a different deadline, the deadline for a creditor to file and serve an objection to a plan is 21 days after the date of the plan.

**RULE 3015-2. CHAPTER 13—AMENDMENTS TO PROPOSED PLAN**

- (a) General. The requirements of [LBR 3015-1](#) apply to any amended ~~chapter~~Chapter 13 plan except that:
- (1) a plan that only increases payments to the trustee need be served only on the trustee; and
  - (2) the Court, when the Court deems it appropriate, may allow the debtor to amend the plan by a praecipe not served on creditors or by oral amendment at the confirmation hearing, in which event the order of confirmation must reflect any such amendments.
- (b) Confirmation of Amended Plan When It Does Not Materially Adversely Affect Any Creditor. The Court may confirm an amended ~~chapter~~Chapter 13 plan without awaiting the expiration of the time for objections thereto if:
- (1) there was a prior plan as to which the time to object expired before any amended plan was filed;
  - (2) any entity that objected to that prior plan consents to confirmation of the amended plan or the amended plan moots that entity's objections;
  - (3) no other entities timely objected to that prior plan and the changes proposed by the amended plan do not adversely affect such other entities; and
  - (4) the Court determines that the plan otherwise meets the requirements for confirmation.

*Note: LBR 3015-2(a)(2) allows amendments to be made at the confirmation hearing when the Court deems it appropriate (for example, when the amendments are not adverse to any creditor or when all adversely affected creditors consent).*

**RULE 3015-3. CHAPTER 13—CONFIRMATION HEARING AND NOTICE OF CONFIRMATION OF PLAN.**

- (a) Attendance of Debtor and Counsel at Confirmation Hearing. Neither the debtor nor the debtor's counsel need attend the confirmation hearing if:

- (1) the Chapter 13 Trustee has recommended confirmation of the ~~chapter~~Chapter 13 plan, and either no objections to confirmation of that plan have been timely filed, or any that were timely filed, have been withdrawn; or
  - (2) the Chapter 13 Trustee has objected to confirmation of the plan, and the trustee and any other entity who timely objected to confirmation of the plan have agreed to a continuance.
- (b) Notice of Confirmation of Plan. When a ~~chapter~~Chapter 13 plan is confirmed, the Clerk will transmit to all entities on the mailing list under [LBR 2002-2](#):
- (1) a copy of the confirmation order; or
  - (2) a notice of entry of the order confirming the plan, specifying which plan was confirmed and, if there were any amendments thereto, giving notice that there were amendments ~~thereto~~ reflected in the order of confirmation.

*Note: [LBR 3015-2\(a\)](#) allows certain amendments to be made orally ~~or at the confirmation hearing~~, by praecipe not served on creditors. ~~In addition, when, or by the filing of an amended plan that is served on only the trustee. As a result, multiple plans are may be~~ filed in a case and a creditor may not have received the ~~latest~~newest version. Accordingly, [LBR 3015-3\(b\)](#) assures that when creditors begin receiving payments they will know ~~what~~which plan is controlling in the event that ~~something different~~a plan differing from the original plan was confirmed.*

#### **RULE 3015-4. CHAPTER 13—MODIFICATION OF CONFIRMED PLAN**

- (a) A request to modify a confirmed plan shall be made by a motion that includes (1) conspicuous notice that objections to the motion must be filed and served within 21 days after the date of the motion, and (2) a proposed order that lists as recipients “all entities on the Bankruptcy Noticing Center mailing list.”
- (b) Unless the proposed modification ~~is to increase~~solely increases or ~~decreased~~decreases monthly payments, the motion must attach the proposed modified plan,
- (c) When a modified plan is attached to the motion, the proposed modified plan shall comply with [LBR 3015-1](#)~~LBR 3015-1~~, but the proposed modified plan need not be served on entities not adversely affected by the proposed modified plan.

**RULE 3015-5.                    ~~CHAPTER 13~~ DISTRIBUTIONS UNDER CHAPTER 13  
PLAN**

- (a) Order of Distribution on Allowed Claims in Chapter 13 Cases. Unless otherwise stated in Section ~~9~~10, entitled Non-Standard Provisions, of a confirmed Plan, the Chapter 13 Trustee shall make distributions in the order listed below:
- (1) Trustee commission under 11 U.S.C. § 1326(b)(2).
  - (2) At the same time and pro rata, allowed unsecured claims for: ~~(iA)~~ any domestic support obligations and other claims described under 11 U.S.C. § 507(a)(1); and ~~(iiB)~~ any administrative claims and other claims described under 11 U.S.C. § 507(a)(2), including any Debtor's counsel fee allowed by Bankruptcy Court order following an application by Debtor's counsel.
  - (3) Claims payable to any former Chapter 7 Trustee under 11 U.S.C. § 1326(b)(3).
  - (4) Other priority claims defined by 11 U.S.C. § 507(a)(3) – (10).
  - (5) At the same time and pro rata with payments on priority claims under paragraph 4 above, allowed secured claims as follows:
    - (A) Allowed secured claims for pre-petition arrears, designated to be paid under the Plan, in equal monthly amounts.
    - (B) Allowed secured claims, designated to be paid in full under the Plan, in equal monthly amounts at any specified interest rate.
  - (6) After payment of both allowed priority claims and allowed secured claims that are to be paid under the Plan, allowed general unsecured claims, meaning unsecured claims not entitled to priority.
- (b) Alteration of Order of Distribution if Necessary to Assure Payment of Allowed Secured Claims Within a Reasonable Time. If compliance with this rule will cause unreasonable delay under 11 U.S.C. § 1322(a)(5) or § 1325(a)(5)(B)(iii)(I) in the commencement of or completion of payments on an allowed secured claim, the Trustee may adjust the payments, or the secured creditor may apply for an order to alter the payment scheme.

**RULE 3018-1. CHAPTER 11 PLANS: ~~\_\_\_~~ BALLOTS AND TALLY OF BALLOTS**

- (a) Filing of Ballots. The ballots must be filed prior to the confirmation hearing. Unless the court directs otherwise, (1) ballots must be filed electronically, and (2) the ballots shall be available at the confirmation hearing (unless the ballots have been filed electronically with a scanned image of the original signatures).
- ~~(a)~~(b) Filing Tally of Ballots. The tally of ballots voting on a plan in a ~~chapter~~Chapter 11 case must be filed ~~with the Clerk no later than 3 business days prior to the confirmation hearing. It must substantially conform prior to any format prescribed by the~~ confirmation hearing. Unless the Court directs otherwise, the tally must be filed electronically. The tally must include as to each impaired class entitled to vote on a plan, (1) the respective dollar amounts of claims in the class (A) accepting the plan and (B) rejecting the plan, and the resulting percentage (based on dollar amounts) of claims accepting the plan; and (2) the respective numbers of claims in the class (A) accepting the plan, and (B) rejecting the plan, and the resulting percentage (based on the aggregate number of claims voting) that accepted the plan). A copy must be brought to the confirmation hearing.
- (c) Retention of Ballots. ~~The~~ Unless the ballots have been filed electronically with a scanned image of the original signatures, the ballots must be retained by the proponent of the plan; including for a period of five years after being received into evidence at the confirmation hearing as an exhibit (with the disposition of the exhibit being controlled by the filing of the ballots.

Note: The retention requirements regarding ballots is consistent with section II(B)(4) of the Administrative Order Relating to Electronic Case Filing, available at <http://www.dcb.uscourts.gov/sites/dcb/files/AdministrativeOrder.pdf>).

**RULE 3022-1. FINAL REPORT/DECREE IN A CHAPTER 11 CASE**

Within 6 months of confirmation or such other time as the Court orders, the entity responsible for making distributions under a confirmed ~~chapter~~Chapter 11 plan must file a Final Report and Motion for Final Decree in accordance with the form available in the Clerk's Office.

**RULE 3022-2. CLOSING AN INDIVIDUAL DEBTOR CHAPTER 11 CASE**

- (a) For good cause, an individual debtor may move for the closing of a Chapter 11 case prior to the entry of a Chapter 11 discharge if the estate has been fully administered and any Chapter 11 Trustee has been discharged. If the estate has reverted in the debtor or another entity and there has been substantial consummation under 11 U.S.C. § 1101(2), that may count as fully administered. Upon completion of all plan payments, the individual debtor may then move to reopen the case to seek the entry of a discharge under 11 U.S.C. § 1141(d)(5), except that:
- (1) the disclosure statement and plan must clearly set out that the debtor may seek to close the case before the discharge and estimate when the case might be reopened for the grant of a discharge; and
- (2) at the time the motion to reopen is filed, the debtor will be required to pay the required fee for filing a motion to reopen a Chapter 11 case.
- (b) Pursuant to Fed. R. Bankr. P. 4006, at the time the case is closed, the clerk will give notice to all parties in interest that the individual debtor's case is closed without the entry of an order of discharge.

*Note: Item 11 of the Miscellaneous Bankruptcy Fee Schedule recites that "[t]he reopening fee must be charged when a case has been closed without a discharge being entered," and LBR 3022-2(a)(2) serves as a reminder in that regard.*

## PART IV

### THE DEBTOR: DUTIES AND BENEFITS

#### RULE 4001-1. RELIEF FROM THE AUTOMATIC STAY—~~RELIEF FROM~~

- (a) Title; Requirement of Separate Motion. In addition to complying with Fed. R. Bankr. P. 4001(a), each motion under 11 U.S.C. § 362(d) for relief from the automatic stay:
- (1) must be filed separately from any other motion (other than a motion for relief from the co-debtor stay);
  - (2) must bear a title clearly identifying it as a motion for relief from the automatic stay;
  - (3) must bear a title that identifies any property involved, with (A) the street address of real property or (B) the make and model of motor vehicle or other tangible personal property;
  - (4) must be submitted with a proposed order that identifies any property involved as in the case of the motion itself; ~~and,~~
- ~~(1) — in a chapter 7 case, must include a conspicuous statement regarding whether the movant has provided to the Chapter 7 Trustee (or included as part of the motion) the information specified by LBR 4001-1(e)(1) unless the Chapter 7 Trustee has consented to the motion or has filed a report of no distribution.~~
- (b) Discovery in Automatic Stay Litigation. The time to respond to a motion to shorten the time for responses to discovery requests shall be 7 days after the filing of ~~thea~~ motion to shorten time, but conspicuous notice of that response time must be included with ~~theany such~~ motion.
- (c) Obtaining a Hearing Date for § 362(d) Motion.
- (1) General. Prior to filing a motion for relief from the stay, the moving party must contact the Courtroom Deputy Clerk or consult the Court's website to obtain a date and time for the hearing from the dates that are available.

- (2) Preserving Right to Insist That Hearing Date be Within 30 Days of Filing of Motion. If the moving party believes that a hearing date within 30 days of the intended date of the filing of the motion is not being made available, and the moving party will not consent to the hearing date being held on an available date that is beyond that 30 days, then:
- (A) the moving party must file and serve with its motion for relief from the automatic stay a notice certifying (subject to the requirements of Fed. R. Bankr. P. 9011(a)) that the Clerk failed to make available a hearing date within the 30-day period specified by 11 U.S.C. § 362(e) and demanding that the Court make available a hearing date, of the Court's choosing, that is within 30 days of the date on which such motion for relief from stay is filed;
  - (B) the Clerk must, on such written notice being filed, make available at least one hearing date and time of the Clerk's choosing that is within the indicated 30-day period; and
  - (C) upon the Clerk's issuing notice of the hearing date and time chosen by the Clerk, the moving party must within 1 day thereafter file and serve on the other parties to the motion a notice that the hearing on its motion will be held on the date and at the time specified by the Clerk.
- (d) Filing of Notice of § 362(d) Hearing with Motion. Except as provided in paragraph (c)(2) above, the moving party must file and serve, with the motion, a notice of the hearing (in addition to the notice required by [LBR 9013-1](#)). The moving party will be deemed to have waived the 30-day automatic termination rule of 11 U.S.C. § 362(e) if the hearing date chosen by the moving party is more than 30 days after the motion is filed with the Court or if the moving party fails to file the required notice of hearing.
- (e) Conditions to Granting Motion as Unopposed in a Chapter 7 Case. In a ~~chapter~~Chapter 7 case, when the movant seeks to enforce a security interest in collateral, and the Chapter 7 Trustee has not consented to the motion or filed a report of no distribution, the motion will not be granted against the Chapter 7 Trustee as not timely opposed by the Chapter 7 Trustee unless the movant has ~~at least 7 days beforehand~~included proof of perfection with the motion.
- ~~(2) —served on the Chapter 7 Trustee evidence of perfection of the security interest and an explanation of the value of the collateral; and~~

~~(3) — filed a certificate of such service, which may be included in the certificate of service of the motion.~~

- (f) Obligation to Disclose Payment History. If a motion seeking relief from the automatic stay includes as a ground for relief failure to make post-petition payments, then at least 7 days prior to the hearing, the movant shall file and serve upon the debtor's counsel (or the debtor, if pro se) a statement showing a history of payments received post-petition.
- (g) Inapplicability of Rule 55 and the ~~Soldiers' and Sailors'~~ Servicemember's Civil Relief Act. Unless the Court otherwise directs, neither Rule 55 nor the ~~Soldiers' and Sailors'~~ Servicemember's Civil Relief Act of ~~1940~~2003 applies with respect to the granting of an unopposed motion for relief from the automatic stay.
- (h) Cross-References. [Local Bankruptcy Rule 9013-1](#) sets forth the general requirements for motions, which are applicable as well to motions under Fed. R. Bankr. P. 4001(a) (and other motions under Fed. R. Bankr. P. 4001). [Local Bankruptcy Rules 5070-1](#), [5071-1](#), [9070-1](#), and [9073-1](#) govern hearings. [Local Bankruptcy Rule 9014-1](#) makes certain [Part VII \(Adversary Proceedings\)](#) ~~Part VII (Adversary Proceedings)~~ rules applicable.

*Note: ~~Paragraph (e) governs unopposed lift stay motions: in Chapter 7. It contemplates that the movant will provide the Chapter 7 Trustee with (1) a title report or some other evidence of a perfected security interest and (2) an explanation of the property's value. With respect to explaining value, the movant might rely on a tax assessment, a debtor's own valuation of the property, a real estate agent's market analysis, or an actual appraisal.~~ Paragraph (g) recognizes that the automatic stay is akin to a preliminary injunction having been granted against certain entities. Accordingly, the party seeking relief from the automatic stay is akin to an entity against whom a judgment has been imposed, and ordinarily is not viewed as akin to a plaintiff to whom Rule 55 and other provisions regarding default judgments apply when seeking to have the motion for relief from the automatic stay granted as unopposed.*

## **RULE 4003-1. OBJECTIONS TO EXEMPTIONS**

- (a) Any party objecting to exemptions must file a certificate of service reflecting service of a copy of the objection to exemptions and memorandum in support, if any, and the proposed order required by [LBR 9072-1](#) upon the debtor, the debtor's counsel, the trustee, and, in a case under ~~chapter~~Chapter 7 or 11, the ~~Office of the U.S. United States~~ Trustee. The

objection must include a notice substantially conforming to Official Form ~~20A~~420A, advising the debtor conspicuously that:

- (1) within 21 days of filing of the objection, the debtor must file and serve an opposition to the objection, which may include supporting documents and other evidence, together with the proposed order required by [LBR 9072-1](#);
  - (2) an interested party may request a hearing, which may be held in the Court's discretion; and
  - (3) if no opposition is filed, the Court may sustain the objection.
- (b) Notice is sufficient if substantially in the form of [Local Official Form No. 7](#) ~~Local Official Form No. 7.~~
- ~~(c)~~ A reply to an opposition may be filed within 7 days after the filing of the opposition.
- ~~(e)~~(d) Cross-References. For the effect of the debtor's failure to attend a meeting of creditors on ~~computing the computation of~~ the bar date for objecting to exemptions, see [LBR 2003-1\(c\)](#). ~~Local Bankruptcy Rules 5070-1, 5071-1, 9070-1, and 9073-1~~ govern hearings. [Local Bankruptcy Rule 9014-1](#) makes certain [Part VII \(Adversary Proceedings\)](#) ~~Part VII (Adversary Proceedings)~~ rules applicable.

*Note: Effective December 1, 2016, **Form B20A** was amended to conform to the numbering scheme of the Forms Modernization Project and is now known as **Form 420**.*

## **RULE 4004-2. OBJECTIONS TO DISCHARGE**

- (a) Dismissals. ~~Dismissals~~ The dismissal of an adversary ~~proceedings~~proceeding in which there has been an objection to discharge ~~are~~is governed by [LBR 7041-1](#).
- (b) Cross-Reference. For the effect of a debtor's failure to appear at the meeting of creditors on the computation of the bar date for filing a complaint objecting to discharge, see [LBR 2003-1\(b\)](#).

**RULE ~~4008-14~~4004-3. CHAPTER 13 MOTION FOR ENTRY OF DISCHARGE UNDER  
BANKRUPTCY CODE § 1328(A)**

~~Within 49 days of the filing by~~ Pursuant to § 1328(a), when the ~~Chapter 13~~ Debtor has completed all payments required to be paid to the Trustee under the terms of a Final Report and Account indicating the debtor's completion of Chapter 13 the confirmed plan payments, the debtor, the Trustee shall file a Notice of Plan Completion with the Court, and serve it upon the Debtor and Debtor's Counsel. The Debtor must file a Motion for Entry of

~~§ 1328(a) Chapter 13 Discharge and Notice of Deadline, and Opportunity to Object within 90 days as of the filing of the Notice. Local Official Form No. 11~~ utilizing Local Official Form No. 11, may be used for that purpose. Failure to timely file the Motion may result in the case being closed without entry of discharge.

**RULE 4004-4. CHAPTER 11 INDIVIDUAL DEBTOR'S MOTION FOR ENTRY OF  
DISCHARGE**

If the debtor is an individual, the debtor must file a motion for entry of discharge showing that the debtor is entitled to a discharge under 11 U.S.C. § 1141(d)(5), with notice to any committee of unsecured creditors (or, if there is no committee, the creditors listed under Fed. R. Bankr. P. 1007(d)) and the U. S. Trustee of a 21-day opportunity to oppose the motion.

## PART V

### COURT AND CLERK

#### **RULE 5005-1. FILING PAPERS—MECHANICS OF FILING; PAYING FEES**

- (a) Requirement of Filing Fee. This paragraph governs papers that require a filing fee:
- (1) [LBR 1006-1](#) governs the permissible forms of payment of any required filing fee;
  - (2) [LBR 1002-1\(b\)](#) governs the Clerk's rejection of a petition for filing when it is unaccompanied by the filing fee; and
  - (3) the Court may strike any other filing if, after notice of failure to pay the filing fee, the required filing fee is not paid in the proper form.
- (b) Filing in Clerk's Office. Unless otherwise directed by the Court, if an entity is not required under [LBR 5005-4](#) to file a paper electronically and is filing the paper in paper form, the paper must be filed with the Clerk in the Clerk's Office (or in the ~~speedy filing~~overnight drop box ~~after hours~~ as set forth in paragraph (d)), and no paper may be (1) submitted to the Courtroom Deputy Clerk in open court for filing or (2) delivered or mailed to the judge for filing.
- (c) Filing Documents Under Seal.
- (1) Absent statutory authority, no paper may be filed under seal without an order of the Court. Any paper filed with the intention of it being sealed must be accompanied by a motion to seal. The document will be treated as -sealed, pending the outcome of the ruling on the motion. If a motion to seal is denied, and unless the filer consented to the paper being filed in the event that the Court denied the motion to seal, the Clerk will return the paper by mail to the entity that filed the motion to seal. Failure to file a motion to seal will result in the paper being placed in the public record.
  - (2) Unless otherwise ordered or otherwise specifically provided in these Rules, all documents which are submitted for a confidential in camera inspection by the Court, which are the subject of a Protective Order, which are subject to an existing order that they be sealed, or which are the subject of a motion for such orders, must be submitted to the Clerk securely sealed in an envelope or box ~~needed—to~~

~~accommodate~~that accommodates the documents. The envelope or box containing such documents must contain a conspicuous notation that ~~carries~~reads "DOCUMENT UNDER SEAL" or "DOCUMENTS SUBJECT TO PROTECTIVE ORDER" or the equivalent.

- (3) The face of the envelope or box must also contain the number of the case~~—or,~~ adversary proceeding or miscellaneous matter in which the paper is being filed; the title of the Court; a descriptive title of the document; and the caption for the case or adversary proceeding or miscellaneous matter caption, unless such information is to be or has been included among the information ordered sealed. The face of the envelope/box must also contain the date of any order, or the reference to any statute permitting the item to be sealed.
  - (4) Filings of sealed materials must be made in the Clerk's Office during the business hours of 9:00 a.m. to 4:00 p.m. daily except Saturdays, Sundays, and legal holidays. No one may file sealed materials using the ~~speedy filing~~overnight drop box at the Third Street entrance to the Courthouse.
- (d) Filing a Paper Using ~~Speedy Filing~~Overnight Drop Box. Subject to paragraph (a) regarding a petition that may be rejected for filing, and unless the paper is being filed under seal (or is sought to be filed under seal), a paper that is authorized to be filed in paper form may be filed, when the Clerk's Office is closed, by using the Bankruptcy Court's ~~special filing~~overnight drop box at the Third Street entrance to the Courthouse (~~when that~~which entrance is open ~~to the public~~24/7) subject to the following provisions:
- (1) the back of the last page of the document must be time-stamped using the Bankruptcy Court's time-stamp machine that is next to the ~~speedy filing~~overnight drop box;
  - (2) the document must be deposited in the ~~speedy filing~~overnight drop box in accordance with instructions of the Clerk of the Bankruptcy Court that are posted on the front of the ~~speedy filing~~overnight drop box;
  - (3) the document will be presumed filed as of the date and time~~—~~stamped on the back of the last page of the document (and the Clerk shall include a copy of that page showing a date and time~~—~~stamp as part of the document as filed electronically in the Electronic Case Filing system); and

- (4) in the absence of a date and time ~~stamped~~stamp on the back of the last page of the document pursuant to paragraph (1) above, the document will be treated as filed when the Clerk retrieves the document from the ~~speedy filing~~overnight drop box and marks the document as filed.
- (e) Correspondence With the Court. Except when requested by a judge, correspondence must not be directed by the parties or their attorneys to a judge, nor shall papers be left with or mailed to a judge for filing.
- (f) Filings Made Shortly Before a Hearing. When a filing is made less than one full business day prior to a hearing, counsel must have two extra copies of the filing available for the Court's use at the hearing or deliver the two copies to chambers before the hearing.
- (g) Cross-References. For the non-filing of discovery materials, see [LBR 7026-1\(b\)](#). For the requirement of filing a proposed order with papers, see [LBR 9072-1](#). For special filing requirements relating to the petition and to the lists, schedules and statements, see [LBRs 1002-1](#), [1007-1](#), and [1009-1](#). For special requirements regarding the captioning of motions for relief from the automatic stay, see [LBR 4001-1\(a\)](#). For the prohibition against combining multiple motions in the same document, see [LBR 9013-1\(a\)](#).

~~*Note: Providing a copy of a filing for the judge should be in rare instances and attorneys should use their common sense as to when a chambers copy would be helpful for the judge—in routine cases, an unnecessary chambers copy can be a nuisance.*~~

## **RULE 5005-2.            FORMATTING AND STYLE OF PAPERS**

- (a) Size of Papers; Print; Margins. Any paper filed:
- (1) must be in black typographical print (doubled spaced except for notice or quotations);
  - (2) must be on opaque white paper, 8-1/2 inches wide by 11 inches long,
  - (3) must have a top margin of not less than 1 1/2 inches, except in the case of the first page of a proposed order (which requires a 4 inch top margin); and
  - (4) if filed in paper form:
    - (A) must be unfolded, without back or cover, and fastened at the top left corner only; and

- (B) must include on any exhibit or attachment to the paper the number of the case or, if applicable, the adversary proceeding in which the paper is filed.
- (b) Style. All papers filed must bear the caption required by the Official Bankruptcy Forms. Under the caption, the paper must contain a heading describing the nature of the pleading, motion, or other paper. Local Bankruptcy Rule 9072-1~~LBK 9072-1~~ governs the format of proposed orders.
- (c) Notation of Date of Hearing. When a paper relates to a matter for which a hearing has been scheduled, the date and time of the hearing, if known, must be noted in the caption underneath the adversary proceeding number or (if not an adversary proceeding) underneath the case number. See, e.g., Local Official Forms Nos. 1~~Local Official Forms No. 1~~ and 22.~~22.~~
- (d) Names, Addresses, and Telephone Numbers of Entities and Attorneys. Papers filed by an entity not represented by counsel must contain the name, full residence or business address, and telephone number of the entity filing the paper. If an entity is represented by an attorney, ~~all papers~~any paper signed by the attorney must include the name, office address, email address, and telephone number, ~~and of the attorney.~~ For each attorney listed on the paper as representing the entity, the attorney's D.C. Bar identification number of the attorney must be listed if the attorney is a member of the D.C. Bar regardless of whether the attorney signs the paper.
- ~~(e) Applicability of DCt.LCvR 5.1(c)(2). District Court Local Civil Rule 5.1(c)(2) applies to any paper signed by an attorney and presented to the Court.~~
- ~~(f) Change of Address. Unless changed by notice filed with the clerk, the address of a party or an attorney noted on the first filing by that entity in an adversary proceeding or contested matter shall be conclusively taken as the last known address of the party or attorney, but if another party or the clerk utilizes an address for the entity appearing on a later filing, that shall constitute a proper address.~~

*Note:* Paragraph (c) assists the court when a paper is filed shortly before a hearing. The Rule enhances the chances that the Clerk may be able to alert the judge to the filing (and docket any paper filed in paper form) before the hearing. New paragraph (f) is modeled on DCt.LCvR (e)(1). DCt.LCvR 5.1(c)(2) provides: "By signing a document that is presented to the Court, an attorney is certifying that the attorney, and all other attorneys appearing with the attorney on the document, are members of, or have a pending application for admission to, the Bar of this Court, or have complied with LCvR 83.2(c) or (d), or are covered by LCvR 83.2(e) as counsel for the United States."

**RULE 5005-3. CERTIFICATE OF SERVICE**

- (a) Requirement of Filing of Certificate of Service. Proof of service of papers required or permitted to be served, other than those for which a different method of proof is prescribed by these Rules, by the Federal Rules of Bankruptcy Procedure, or by statute, must be filed in the form of a certificate of service either attached to the paper served or docketed separately.
- (b) Recitation of Manner of Service. The proof must show the date and manner of service on each entity served. Care must be taken that when the paper commences a contested matter that service of the papers complies with the Federal Rules of Bankruptcy Procedure: electronic service is not good service when a paper commences a contested matter.
- (c) Recitation of List of Entities Served. The proof must list the names and addresses of persons served, including, where applicable, whom they represent, except that:
  - (i) when the paper has been served on all entities on the mailing list maintained by the Court, it suffices as to those entities to recite that those served included "all entities on the mailing list maintained by the Court on the Case Management, Electronic Case Filing system as that list appeared at —: \_\_\_.m. on [insert date]";
  - (ii) in an adversary proceeding, it suffices with respect to parties who have already entered an appearance on the record to recite that service was made on all counsel (including pro se parties) who have entered an appearance of record as of the date of service; and
  - (iii) in a contested matter, after the contested matter has already been commenced, the proof may recite with respect to attorneys who have registered to receive electronic notification that the paper was served on the attorney by electronic transmission (for example, by reciting that the paper was served "on the following via electronic notification through the Court's ~~Case Management/Electronic Case Filing~~CM/ECF system: John Jones, Esq. (counsel for Debtor); . . .").
- (d) Execution of Certificate of Service. The certification of service must be made by:

- (i) a certificate of an identified attorney of record (including an attorney filing papers under DCt.LCvR 83.2(c));
  - (ii) a certificate of a named member in good standing of the bar of this Court (with an indication of the attorney's bar identification number); or
  - (iii) an affidavit or a certificate under penalty of perjury pursuant to 28 U.S.C. § 1746 which identifies the signer.
- (e) Effect of Failure to File a Certificate of Service. Failure to file a certificate of service does not affect the validity of service. The Court may at any time allow the proof to be amended or supplied, unless to do so would unfairly prejudice a party.

*Note: Paragraph (d)(3) specifies how someone other than an attorney of record (or an attorney who is a member in good standing of the bar of the District Court) may certify service of a paper. With respect to documents executed within the United States, 28 U.S.C. § 1746 provides that in lieu of an affidavit, it suffices to submit a writing subscribed by the person as true under penalty of perjury, and dated, in substantially the following form:*

*I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct. Executed on (date).*

*(Signature)*

*~~In the case of documents executed outside the United States, the form is: "~~*

*I declare (or certify, verify, or state) under penalty of perjury under the ~~laws~~laws of the United States of America that the foregoing is true and correct. Executed on (date)~~" followed by the~~*

*~~(signature-)~~*

#### **RULE 5005-4. ELECTRONIC FILING**

Unless the Court orders otherwise, an attorney filing a paper on behalf of a client must file the paper electronically in compliance with the Court's Administrative Order Relating to Electronic Case Filing (available on the Court's website). Documents that are being filed under seal must be filed in the Clerk's Office during business hours.

**RULE 5005-5. DOCUMENTS ISSUED BY JUDGE OR CLERK AND FILED ELECTRONICALLY**

- (a) Original Signature Not Required; Electronic Docketing Constitutes Entry of Document. Each order, decree, judgment, notice, and other document filed electronically by the Clerk on the Court's electronic docket that bears a representation of signing by the judge, or by the Clerk, has the same force and effect as if the judge or the Clerk had signed a paper version of the document with an original signature. The electronic docketing of such a document constitutes entry on the docket kept by the Clerk under Fed. R. Bankr. P. 5003 and 9021.
- (b) Text-Only Entries as Orders. Orders may also be issued as "text-only" entries on the docket, without an attached document. Such orders are official and binding.
- (c) Summonses. The Clerk may sign, place a seal upon, and issue a summons electronically, although a summons may not be served electronically.

**RULE 5070-1. CALENDARS AND SCHEDULING**

- (a) Optional Scheduling of Motion, Application, or Objection for Hearing. Instead of awaiting the setting of a hearing by the Court, a party may obtain and set a hearing date on a motion, application, or objection, subject to the power of the Court to decide the matter on the papers in advance if:

  - (1) the movant (A) submits to the Clerk a request for a hearing on [Local Official Form No. 1](#) ~~Local Official Form No. 1~~ and obtains a hearing date from the Clerk's Office, or (B) the movant obtains a hearing date provided by the Clerk either on the Court's website or through contacting the Courtroom Deputy Clerk; and
  - (2) within 3 days of notification of the hearing date, and by any deadline set by the Federal Rules of Bankruptcy Procedure or these Rules, the movant files a separate notice of ~~said~~the scheduled hearing and a certificate of service, complying with [LBR 5005-3](#) ~~LBR-~~, regarding service of the notice; and

- (3) any required notice of ~~an~~ opportunity to file an opposition to the matter is filed and served sufficiently in advance of the hearing that the deadline for filing an opposition expires prior to the date of the hearing.
- (b) Emergency Matters. When any motion~~or~~, application or objection requires the Court's immediate attention ~~or~~ ~~an~~ immediate hearing, the movant must file ~~a~~ separate one-sentence Praecipe Re Emergency Matter stating "The attached motion [or application or objection] requires a ruling by the Court no later than [insert date] for reasons set forth in [insert name of document explaining reasons]" or "The attached motion [or application or objection] requires a hearing before [insert date] for reasons set forth in [insert name of document explaining reasons]." The movant must explain the reasons an emergency exists in the motion~~or~~, application or objection itself or in a motion for an emergency hearing or ruling. Frivolous assertions of an emergency may result in sanctions under Fed. R. Bankr. P. 9011.
- (c) Section 362(d) Motions. ~~LBR 4004-1(e)~~ Local Bankruptcy Rule 4001-1(c) governs scheduling a hearing on a motion for relief from the automatic stay, and sets deadlines for giving notice of the hearing.

#### **RULE 5071-1. CONTINUANCES**

- (a) Motions for Continuances. Motions for continuances, except when made in open Court, must be in writing, and:
  - (1) must include a recital that the party has attempted to contact all other interested parties for their consent; and if a party does not consent, the lack of consent and the reasons therefor shall be noted in the motion(s);
  - (2) must state whether any previous requests for continuance have been made or granted and for what date the hearing was first scheduled;
  - (3) must state, if known, the dates on which the parties will be unavailable for a continued hearing; and
  - (4) must contain a certificate of service indicating service on the interested parties on or before the date of filing.

[LBR 5070-1\(b\)](#) governs obtaining an emergency ruling on the motion prior to the scheduled hearing.

- (b) Matters That Will Be Automatically Continued by Stipulation. Unless the Court has previously directed that further continuances will not be automatic, the following matters will be continued, but not for more than 120 days, to a date suitable to the Court, when all parties who have appeared in the matter stipulate to the continuance:
  - (1) a motion for relief from the automatic stay;
  - (2) a hearing on confirmation of a ~~chapter~~Chapter 13 plan (and only the debtor and all parties who have timely objected to the plan need to have agreed to the continuance);
  - (3) a ~~chapter~~Chapter 13 motion to dismiss; and
  - (4) a scheduling conference or pretrial conference in an adversary proceeding or contested matter.
- (c) Manner of Communicating Stipulation for Continuance. A stipulation for a continuance under paragraph (b) may be communicated to the Court:
  - (1) by filing a written stipulation continuing the matter and fixing a continued hearing date and time that has been obtained from the Courtroom Deputy Clerk;
  - (2) by filing a written stipulation that requests the Clerk to issue notice of a continued hearing date;
  - (3) by one of the attorneys contacting the Courtroom Deputy Clerk to advise the parties have agreed to a continuance, in which event, at the time of the scheduled hearing, the failure of any parties to appear in the courtroom will be taken as verifying that there was a stipulation, and the Courtroom Deputy Clerk will either issue a notice continuing the matter or will prepare a case hearing summary continuing the matter (with the filing of that case hearing summary constituting notice of the continued hearing date and time);
  - (4) by an oral statement by one of the attorneys at the hearing on the matter; or
  - (5) by the Chapter 13 ~~Trustee's~~Trustee filing a notice of a continued hearing on confirmation of a plan or on a motion to dismiss.

- (d) Appearance at Hearing Required Unless Continuance Granted. Except as provided in paragraphs (b) and (c), and in [LBR 3015-3\(a\)](#)~~LBR 3015-3(a)~~ (regarding Chapter 13 confirmation hearings), the pendency of a motion to continue does not excuse the obligations of counsel under [LBR 9010-4](#)~~LBRs~~ regarding appearing at hearings.
- (e) Continuances Based on Settlements. A matter may in the Court's discretion be taken off the Court's calendar because a settlement has been reached, but only:
  - (1) on written motion under paragraph (a) reciting that a written settlement signed by all parties and resolving all issues has been reached; or
  - (2) by representations of all counsel and any pro se parties in open Court at the time of the scheduled hearing.

If the continuance is granted, a stipulation of settlement or proposed consent order must be submitted within 14 days after the previously scheduled hearing date, or such other time as the Court allows.

- (f) Counsel's Availability on Possible Continued Hearing Dates. Whenever an attorney appears at a hearing in the Court, the attorney must have a calendar of future engagements in order to assist the Court in fixing any continued hearing date.
- (g) Meeting of Creditors. Continuance of a meeting of creditors is governed by [LBR 2003-1\(a\)](#).

## PART VI

### COLLECTION AND LIQUIDATION OF THE ESTATE

#### RULE 6004-1. USE, SALE, OR LEASE OF ESTATE PROPERTY

- (a) Notice of Sale. In addition to the information required by Fed. R. Bankr. P. 2002(c) and [LBR 2002-1](#) (concerning notices in general) a notice of a private sale ~~out-of~~not in the ordinary course of business must include:
- (1) if an appraisal has been performed, the appraised value of the asset proposed to be sold, the date of the appraisal, and the name and address of the appraiser;
  - (2) if no appraisal has been performed, the scheduled value of the asset proposed to be sold;
  - (3) the purchaser's identity;
  - (4) the relationship, if any, between the purchaser and the debtor, the trustee, or any other party in interest; and
  - (5) all consideration paid and to be paid by the purchaser and the terms of payment.
- (b) Notice of Use or Lease. Notice of a proposed agreement ~~out-of~~not in the ordinary course of business for the lease or use of estate property must include information similar to that required by paragraph (a).
- (c) Uses, Sales, or Leases Authorized Without Court Order. Uses, sales, or leases ~~out-of~~not in the ordinary course of business that do not require a motion shall be deemed automatically authorized upon expiration of the notice period if no written objections have been filed with the Clerk. Notice of such a use, sale, or lease is sufficient if substantially as set out in [Local Official Form No. 5](#)~~Local Official Form No. 5.~~ Any party in interest may request a certification by the Clerk that no objections to the notice have been filed, for which a certification fee shall be charged.
- (d) Buyer's Premium. Any buyer's premium, break-up fee, topping fee, or similar arrangement is prohibited, unless Court approval is obtained.

- (e) Report of Sale. Upon completion of a ~~private sale out-of~~not in the ordinary course of business, the trustee, debtor in possession, or ~~chapter~~Chapter 13 debtor, as the case may be, must file with the court an itemized statement complying with the requirements of Fed. R. Bankr. P. 6004(f).

**RULE 6004-2. SALE OR REFINANCE OF PROPERTY BY CHAPTER 13 DEBTOR**

- (a) Even if the property of the estate has reverted in the debtor in a Chapter 13 case, the debtor must seek court approval of a modification of a sale of property or refinancing of real property that is to be made prior to completion of plan payments.
- (b) A debtor seeking approval for the sale or refinance of real property shall provide the Chapter 13 Trustee and all creditors who serve on the trustee and file a request that all notice be mailed to them at least 21 days' notice of the motion seeking such approval unless the notice period has been shortened or enlarged by the Court for cause shown.
- (c) In addition to setting forth the information required by Fed. R. Bankr. P. 2002(c)(1), the notice shall state:
- (1) the total proposed sale price or maximum amount to be secured by the refinancing, as the case may be, and, in the case of refinancing, the amount of existing secured debt to be paid thereby;
  - (2) the amount of the sale or loan proceeds to be applied to the debtor's obligations under the confirmed plan;
  - (3) whether such payment will result in full payment of all allowed claims; and
  - (4) if all allowed claims will not be paid in full, the amount of the sale or loan proceeds that will be paid to the debtor.
- (d) If no opposition is timely filed, the court, in its discretion, may enter an order endorsed by the Chapter 13 Trustee approving the sale or refinancing without holding a hearing.

**RULE 6004-3. MORTGAGE LOAN MODIFICATION BY CHAPTER 13 DEBTOR**

- (a) Even if the property of the estate has reverted in the debtor, the debtor must seek court approval of a mortgage on real property to be made prior to completion of plan payments, unless such modification is provided in a Consent Order resolving a Motion for Relief from Stay.
- (b) A debtor seeking approval for the modification of a mortgage on real property shall provide the Chapter 13 Trustee and any creditor who has filed a request for all notice in the case at least 21 days' notice of the motion seeking such approval unless the notice period has been shortened or enlarged by the Court for cause shown.
- (c) The notice shall state:
  - (1) all terms of the modification including the term, principal, interest rate and any future payment changes or balloon payments that will occur during the term of the Chapter 13 plan;
  - (2) the current mortgage payment and the new payment after the loan modification;
  - (3) if the modification results in a higher monthly payment, the source of the funds to be used to make that payment; and
  - (4) if the modification results in a lower monthly payment, whether the debtor intends to increase the amount of his plan payments.
- (d) If no opposition is timely filed, the court, in its discretion, may enter an order endorsed by the Chapter 13 Trustee approving the loan modification.

**RULE 6005-1. AUCTIONEERS**

[LBR 2016-1](#) governs compensation of auctioneers.

**RULE 6006-1. EXECUTORY CONTRACTS AND UNEXPIRED LEASES**

- (a) Notice Required. A notice of a motion under Fed. R. Bankr. P. 6006(c) shall be served on the entities specified by that rule and on:
  - (1) any committees elected under § 705 or appointed under § 1102 of the Code or to their authorized agents, or, if the case is a Chapter 11 case and not committee or

unsecured creditors has been appointed under § 1102, on the creditors included on the list filed under Rule 1007(d);

(2) the District of Columbia government by delivering or mailing notice to the Mayor of the District of Columbia and the Attorney General of the District of Columbia, Bankruptcy Counsel;

(3) unless otherwise ordered, creditors and equity security holders who serve on the trustee or debtor in possession and file a request that all notices be mailed to them;

(4) the debtor or the debtor's attorney.

(b) Form of Notice; Means of Service. The notice under this rule must comply with [LBR 9013-1\(b\)\(3\)](#), and the motion and the notice may be served electronically, via electronic notice in the court's electronic filing system, on entities who receive electronic notices of filings in the case in that system, except that the motion and notice must be served on the other parties to the executory contract or unexpired lease in the manner otherwise specified by these Local Bankruptcy Rules.

## **RULE 6007-1. ABANDONMENT**

(a) Abandonment - Generally. A notice of a proposed abandonment or disposition given pursuant to Fed. R. Bankr. P. 6007(a), or a motion requiring the trustee or debtor-in-possession to abandon property of the estate, must describe the property with specificity and state the justification for the abandonment.

(b) Abandonment by Notice.

(1) Notice. ~~LBR 2002-1~~ [Local Bankruptcy Rule 2002-1](#) governs the form of a notice of a proposed abandonment or disposition given pursuant to Fed. R. Bankr. P. 6007(a) except that the notice ~~may give notice of~~ shall set forth the ~~shorter~~ deadline set by Rule 6007(a) for filing objections to the proposed abandonment.

~~(1)~~ Effect of Lack of Objection. If no objection is timely filed under Fed. R. Bankr.

(2) P. 6007(a) to a notice of a proposed abandonment (or disposition) of property of the estate, the property shall be deemed abandoned (or the disposition authorized) without the necessity of court order. On motion of a party in interest, accompanied by a proposed order and without the necessity of notice under [LBR 9013-1](#)~~LBR~~

~~9013-1,~~ the court shall enter an order confirming that property has been abandoned when property has been abandoned by notice.

(c) ~~Motion to Compel~~ Abandonment.

(1) A motion to require abandonment filed pursuant to Fed. R. Bankr. P. 6007(b) must be served ~~by~~on the trustee, in compliance with LBR 9013-1.

~~(3)~~(2) Notice describing the motion and giving notice of the opportunity to oppose the motion within the deadline set by LBR 9013-1~~movant must be served~~ upon all parties entitled to notice under Fed. R. Bankr. P. 6007(a-), which notice may be served electronically, via electronic notice in the court's electronic filing system, on entities who receive electronic notice of filings in the case in that system.

~~(e)~~(d) Cross-References. Local Bankruptcy Rules 5070-1, 5071-1, ~~9070-1,~~ and 9073-1 govern hearings. Local Bankruptcy Rule 9013-1 sets forth requirements applicable to all motions. Local Bankruptcy Rule 9014-1 makes certain Part VII (Adversary Proceedings)~~Part VII (Adversary Proceedings)~~ rules applicable.

## **RULE 6070-1. TAX REFUNDS**

Unless otherwise directed by the trustee or ordered by the Court, Federal and state and local tax authorities are authorized to make income tax refunds, in the ordinary course of business, directly to debtors in ~~chapter~~Chapter 7, 11, 12, and 13 cases, except that in ~~chapter~~Chapter 7 cases no refunds may be made to a debtor within the first 60 days after a petition has been filed.

*Note:* The purpose of LBR 6070-1 is to avoid the burden on both the bankruptcy system and the tax system of constant filings concerning tax refunds.

## PART VII

### ADVERSARY PROCEEDINGS

#### **RULE 7003-1. ADVERSARY PROCEEDING COVER SHEET**

Any complaint or other document initiating an adversary proceeding that is not electronically filed shall be accompanied by a completed adversary cover sheet conforming to ~~Procedural~~Director's Bankruptcy Form ~~B104~~B1040.

#### **RULE 7004 -1. SERVICE ON DEBTOR'S COUNSEL**

If an attorney who entered a general appearance for the debtor has placed limits on the extent of representation of the debtor pursuant to LBR 9010-3(b)(2)(A), service on that attorney is nevertheless required under Fed. R. Bankr. P. 7004(g) whenever service on the debtor is required.

#### **RULE 7005-1. ADDRESSES FOR SERVICE OF PAPERS**

##### LBR 5005-2(d)

governs the address for serving papers on an entity after serving on that entity the complaint commencing the adversary proceeding (or, in a contested matter, the paper commencing the contested matter).

#### **RULE 7015-1. AMENDED PLEADINGS**

DCt.LCvR 15.1 applies in the Bankruptcy Court.

*Note: DCt.LCvR 15.1 (Motions to Amend Pleadings) provides:*

*A motion for leave to file an amended pleading shall be accompanied by an original of the proposed pleading as amended. The amended pleading shall be deemed to have been filed and served by mail on the date on which the order granting the motion is entered.*

## **RULE 7024-1. INTERVENTION**

DCt.LCvR 7(j) applies in the Bankruptcy Court.

*Note: DCt.LCvR 7(j) (Motion to Intervene) provides:*

*A motion to intervene as a party pursuant to Fed. R. Civ. ~~Rule P.~~ 24(c), ~~Federal Rules of Civil Procedure, must~~shall be accompanied by an original of the pleading setting forth the claim or defense for which intervention is sought. ~~The pleading will-~~ be deemed to have been filed and served by mail on the date on which the order granting the motion is entered.*

## **RULE 7026-1. DISCOVERY—GENERAL**

~~(a) Form of Responses to Written Discovery. DCt.LCvR 26.2(d) applies to discovery.~~

(a) ~~Non-Filing of Certain~~ Discovery Materials. –DCt.LCvR 5.2~~(a)~~ applies to all contested matters and adversary proceedings.

(b) ~~Form of Responses to Written Discovery.~~ DCt.LCvR 26.2(d) applies to discovery. Upon request, the party propounding written discovery shall provide the opposing party, by email, a wordprocessing or (if specified) a PDF copy of the discovery.

~~(b)~~ Motions to Compel Discovery and Other Discovery Disputes: Conference of Counsel Required. Counsel (including any pro se party) must confer with one another concerning a discovery dispute (other than a failure to respond at all to written discovery or a failure to appear for deposition) and make sincere attempts to resolve the differences between

~~(b)(c)~~ them. The Court will not consider any discovery motion unless the moving party has filed a certificate reciting (1) the date and time of the discovery conference, the names of all persons participating therein, and any issues remaining to be resolved, or (2) the moving party's attempts to hold such a conference without success.

~~(e)(d)~~ Application of Provisions of Fed. R. Civ. P. 26(a). Unless otherwise ordered by the Court, all bankruptcy contested matters and adversary proceedings are exempted from the provisions set out in Fed. R. Civ. P. 26(a)(1) and 26(d), and contested matters are exempted from the provisions set out in Fed. R. Civ. P. 26(a)(2) and 26(a)(3).

~~(d)~~(e) Application of Provisions of Fed. R. Civ. P. 26(f). The requirement ~~for~~ of a meeting conference of the parties set out in Fed. R. Civ. P. 26(f) applies, ~~but the parties may confer by telephone.~~

~~(e)~~(f) Cross-Reference. For the shortening of discovery response times with respect to motions for relief from the automatic stay, see [LBR 4001-1\(b\)](#).

*Note: ~~DCt.LCvR 26.2(d) (Form of Responses to Interrogatories and Requests or Production of Documents) provides:~~*

~~*Answers, responses and objections to interrogatories and requests for admissions or for production of documents and motions to compel answers or responses, shall identify and quote each interrogatory or request in full immediately preceding the answer, response or objection thereto.*~~

*DCt.LCvR 5.2~~(a)~~ (Filing of Discovery Requests and Responses) provides:*

**(a) ~~NONFILING OF DISCOVERY MATERIALS.~~**

*Except as otherwise provided by this Rule, interrogatories, depositions, requests for documents, requests for admissions, and answers and responses thereto shall be served upon other counsel and parties but shall not be filed with the Clerk until they are used in the proceeding or upon order of the Court as required below. The party responsible for service of the discovery material shall retain the original and become its custodian and, with respect to depositions, the deposing party shall retain the original deposition and become its custodian and shall make it available for inspection by any party to the action upon request. The Court may in its discretion order that all or any portion of discovery materials in a particular case be filed with the Clerk.*

**(b) ~~FILING OF DISCOVERY MATERIALS WITH MOTIONS AND AT TRIAL.~~**

*Any motion concerning discovery matters shall be accompanied by a copy of, or shall set forth verbatim, the relevant portion of any ~~non-filed~~nonfiled discovery materials to which the motion is addressed. Discovery materials may be used and filed as exhibits or evidence in support of any motion or at a trial or evidentiary hearing in accordance with the Federal Rules of Evidence.*

**(c) FILING FOR PURPOSE OF APPEAL.**

*When discovery materials not previously in the record are needed for the purpose of an appeal, they may be filed with the Clerk by stipulation of counsel or upon application to and order of the Court.*

DCt.LCvR 26.2(d) (Form of Responses to Interrogatories and Requests or Production of Documents) provides:

Answers, responses and objections to interrogatories and requests for admissions or for production of documents and motions to compel answers or responses, shall identify and quote each interrogatory or request in full immediately preceding the answer, response or objection thereto.

**RULE 7030-1. DEPOSITIONS**

DCt.LCvR 30.1 (Service of Notice of Deposition) applies to the Bankruptcy Court.

*Note: DCt.LCvR 30.1 (Service of Notice of Deposition) provides:*

*Service of a notice of deposition seven days in advance of the date set for taking the deposition shall constitute "reasonable notice" to a party as required by Rule Fed. R. Civ. P. 30(b), ~~Federal Rules of Civil Procedure~~, unless the deposition is to be taken at a place more than 50 miles from the District of Columbia, in which case 14 days shall constitute reasonable notice. The computation of time under this Rule shall be governed by Rule Fed. R. Civ. P. 6, ~~Federal Rule of Civil Procedure~~. The ~~court~~Court may enlarge or shorten the time on application of a party for good cause shown. Nothing in this Rule modifies the provision in Rule Fed. R. Civ. P. 32(a), ~~Federal Rules of Civil Procedure~~, prohibiting the use of depositions against certain parties who with due diligence are unable to obtain counsel to represent them, or against parties with less than 14 days' notice who file a motion for protective order.*

*Ordinarily, however, the Court expects counsel to have first attempted to schedule an agreeable date.*

## **RULE 7041-1. DISMISSAL OF ADVERSARY PROCEEDING**

- (a) Dismissal of Complaint Objecting to Debtor's Discharge. An adversary proceeding initiated by a complaint objecting to the discharge of the debtor shall be dismissed at the plaintiff's instance only by motion and not by stipulation or notice and only if (1) the debtor and the debtor's attorney, or the plaintiff and the plaintiff's attorney, file affidavits stating any consideration promised in any way to the plaintiff in exchange for the withdrawal of the objection to discharge and (2) the plaintiff has mailed a notice to all creditors and other parties in interest in the bankruptcy case giving them an opportunity to object within 21 days of the mailing of such notice.
- (b) Dismissal for Failure to Prosecute. DCt.LCvR 83.23 applies to adversary proceedings in the Bankruptcy Court.

*Note: This Rule contemplates notice similar to the notice required in Mac Services of Baton Rouge, Inc. v. Short (In re Short), 60 B.R. 951 (Bankr. M.D. La. 1986), except that no notice is to be given suggesting that a creditor has an automatic right to be substituted as the plaintiff. For example, the trustee may have settled the objection to discharge and if the Court determines that the settlement is in the best interest of creditors, a creditor's request to be substituted as the plaintiff would not be granted. The Rule also preserves for adjudication in the adversary proceeding itself, instead of by local rule, any argument by the debtor that the bar date for objecting to discharge precludes a creditor from being substituted as the plaintiff.*

*DCt.LCvR 83.23 (Dismissal for Failure to Prosecute) provides:*

*A dismissal for failure to prosecute may be ordered by the Court upon motion by an adverse party, or upon the Court's own motion. An order dismissing a claim for failure to prosecute shall specify that the dismissal is without prejudice, unless the Court determines that the delay in prosecution of the claim has resulted in prejudice to an opposing party.*

## **RULE 7054-1. ALLOWANCE OF COSTS**

~~No costs will be allowed in adversary proceedings unless the entitled~~A party ~~files~~seeking an allowance of costs ~~must file~~ a bill of costs within 21 days after the entry of a final judgment ~~or final~~, order, or decree in favor of the ~~entitled~~ party. ~~Any opposition to a bill of costs must be filed within 14 days after the filing of the bill of costs.~~

**RULE 7054-2. ATTORNEY'S FEES AND NONTAXABLE EXPENSES**

Unless a longer period is fixed by statute or by the Court, any motion ~~by a prevailing party under~~ Fed. R. Civ. P. 54(d)(2) for an award of attorney's fees and expenses not taxable as costs must be filed within 21 days after the entry of a judgment or final order in favor of the prevailing party. ~~Any opposition to a motion for an award of attorney's fees must be filed within 14 days after the filing of the motion.~~

**RULE 7055-1. DEFAULT—FAILURE TO PROSECUTE**

(a) Entry of Default. A party seeking a default judgment must first seek entry of default by the Clerk unless excused by the Court.

~~(a)~~(b) Motions to Vacate Default. DCt.LCvR 7(g) applies to a motion to vacate a default.

~~(b)~~(c) Requirements for Default Motion. All motions for default judgment must recite whether the opponent has appeared, either informally or formally, and be accompanied by any notice required by paragraph ~~(e)~~, and must in the case of an individual be accompanied by a non-conclusory affidavit complying with the ~~Soldiers' and Sailors'~~ Servicemember's Civil Relief Act of ~~1940 § 200~~ 2003 § 201, 50 U.S.C. ~~Appendix, § 520~~ § 3931.

~~(e)~~(d) Time for Response to Default Motion. When a party seeks default judgment against an entity who has ~~made an appearance~~ appeared, either formally or informally, conspicuous notice must be given that an opposition may be filed within 7 days of service of the motion. When an opponent has not appeared, no notice need be provided and the movant may request the Clerk to bring the motion to the Court's immediate attention.  
~~the Court's immediate attention.~~

~~(d)~~(e) Cross-References. Local Bankruptcy Rules 4001-1 and 9014-1 contain exceptions making this Rule 7055-1 inapplicable in certain instances.

*Note:* DCt.LCvR 7(g) (*Motions to Vacate Default; Verified Answer*) provides:

*A motion to vacate an entry of default, or a judgment by default, or both, shall be accompanied by a verified answer presenting a defense sufficient to bar the claim in whole or in part.*

*Under Fed. R. Civ. P. 55(b)(~~12~~) a party has "appeared" if the party has engaged in settlement negotiations or has mailed an acknowledgment of service. H.F. Livermore Corp. v. Aktiengesellschaft Gebruder Loepfe, 432 F.2d 689 (D.C. Cir. ~~1987~~;1970); see also Practical Concepts, Inc. v. Republic of Bolivia, 811 F.2d 1543, 1546 n.6 (D.C. Cir. 1987) (dictum). Affidavits under § ~~200~~201 of the ~~Soldiers' and Sailors'~~Servicemember's Civil Relief Act should be non-conclusory, reciting facts showing that the opponent is not in the military service, as defined in 50 U.S.C. Appendix § 511(~~12~~). Government offices will apprise the public whether an individual identified by Social Security Number is in the military service.*

#### **RULE 7056-1. SUMMARY JUDGMENT**

DCt.LCvR 7(h)(~~1~~) applies in the Bankruptcy Court except that the third sentence thereof ("Each such motion . . .") shall be read as requiring compliance with the requirements of [LBR 9013-1](#).

*Note: DCt.LCvR 7(h)(~~1~~) (Motions for Summary Judgment) provides:*

*Each motion for summary judgment shall be accompanied by a statement of material facts as to which the moving party contends there is no genuine issue, which shall include references to the parts of the record relied on to support the statement. An opposition to such a motion shall be accompanied by a separate concise statement of genuine issues setting forth all material facts as to which it is contended there exists a genuine issue necessary to be litigated, which shall include references to the parts of the record relied on to support the statement. Each such motion and opposition must also contain or be accompanied by a memorandum of points and authorities and proposed order as required by LCvR 7(a), (b) and (c). In determining a motion for summary judgment, the ~~court~~Court may assume that facts identified by the moving party in its statement of material facts are admitted, unless such a fact is controverted in the statement of genuine issues filed in opposition to the motion.*

**RULE 7056-2. WHERE SUMMARY JUDGMENT IS REQUESTED AGAINST  
PARTY WITHOUT COUNSEL**

Any motion seeking summary judgment when the non-moving party is without counsel shall include a notice conforming substantially to Official Form 420A regarding filing an opposition and, in addition, the notice shall

(1) state that the opposition to the motion shall comply with Fed. R. Civ. P. 56 and LBR 7056-1, including, among other requirements, accompanying the opposition with a separate concise statement of genuine issues setting forth all material facts as to which it is contended there exists a genuine issue necessary to be litigated, which shall include references to the parts of the record relied on to support the statement, and

(2) then quote F.R. Civ. P. 56 and LBR 7056-1 (and DCt.LCvR 56 which is incorporated by LBR 7056-1).

*Note: An example of appropriate notice quoting the rules current at the time of publication of these local rules can be found on the Court's website at <http://www.dcb.uscourts.gov/local-forms>*

.

**RULE 7062-1. STAYS OF APPEALS: EXEMPTION FROM APPEAL BOND**

The District of Columbia Government, or any political subdivision or any officer or agent thereof sued or suing in an official capacity, shall not be required, unless otherwise ordered by the Court, to post a supersedeas bond or other undertaking which includes security for the payment of costs on appeal.

**RULE 7065-1. INJUNCTIONS**

The following rules of the District Court apply in this Court: DCt.LCvR 65.1(a) (Applications for Temporary Restraining Orders); DCt.LCvR 65.1(c) (Applications for Preliminary Injunctions); DCt.LCvR 65.1(d) (Hearings on Applications for Preliminary Injunctions).

*Note: DCt.LCvRs 65.1(a), (c) and (d) provide:*

**(a) APPLICATIONS FOR TEMPORARY RESTRAINING ORDERS.**

*An application for a temporary restraining order shall be made in a motion separate from the complaint. The application shall be accompanied by a certificate of counsel, or other proof satisfactory to the Court, stating (1) that actual notice of the time of making the application, and copies of all pleadings and papers filed in the action to date or to be presented to the Court at the hearing, have been furnished to the adverse party; or (2) the efforts made by the applicant to give such notice and furnish such copies. Except in an emergency, the Court will not consider an ex parte application for a temporary restraining order.*

\* \* \*

**(c) APPLICATIONS FOR PRELIMINARY INJUNCTIONS.**

*An application for a preliminary injunction shall be made in a document separate from the complaint. The application shall be supported by affidavits on which the plaintiff intends to rely. The opposition shall be served and filed within seven days after service of the application for preliminary injunction, and shall be accompanied by all affidavits on which the defendant intends to rely. Supplemental affidavits either to the application or the opposition may be filed only with permission of the Court.*

**(d) ~~HEARINGS ON APPLICATIONS FOR PRELIMINARY~~  
INJUNCTIONS.**

*On request of the moving party together with a statement of the facts which make expedition essential, a hearing on an application for preliminary injunction shall be set by the Court no later than 21 days after its filing, unless the Court earlier decides the motion on the papers or makes a finding that a later hearing date will not prejudice the parties. The practice -in -this -jurisdiction -is -to -decide -preliminary injunction motions without live testimony where possible. Accordingly, any party who wishes to offer live testimony or cross-examine an affiant at the hearing shall so request in writing 72 hours before the hearing and shall provide the Court and all other parties a list of the witnesses to be examined and an estimate of the time required. The Court may decline to hear witnesses at the hearing where the need for live testimony is outweighed by considerations of undue delay, waste of time, or needless presentation of cumulative evidence. If practicable, the Court shall notify*

*all parties of its ruling on the request to adduce live testimony one business day before the hearing.*

**RULE 7067-1.            REGISTRY FUND**

- (a) All monies paid into the Court or received by the Clerk in any case or proceeding must be deposited by the Clerk in the registry of the Court. Except when the Clerk determines in the case of an unclaimed distribution that the small amount of the distribution does not warrant it, all deposits in the registry of the Court are subject to the provisions of DCt.LCvR 67.1 (Court Registry Investment System) as though the reference in that Rule 67.1 to "Court" and "Clerk" are to the Bankruptcy Court and its Clerk.  
~~67.1 to "Court" and "Clerk" are to the Bankruptcy Court and its Clerk.~~
- (b) Any claimant entitled to withdraw such monies from the registry of the Court may, on motion filed and served on the United States Attorney and the U.S. Trustee and full proof of the right thereto, including in the case of unclaimed distributions deposited under 11 U.S.C. § 347(a) notarized proof of identity, obtain an order directing payment to the claim.  
~~U.S.C. § 347(a) notarized proof of identity, obtain an order directing payment to the claim.~~

*Note: DCt.LCvR 67.1 opts into the Court Registry Investment System, a vehicle for earning interest on registry deposits, subject to a fee equal to 10% of the interest earned. It additionally imposes an obligation of an order for the receipt of funds "unless the statute requires deposit of funds without leave of court." Because 11 U.S.C. § 347(a) requires deposits of unclaimed distributions by Chapter 7 and 13 Trustees without leave of Court, the requirement of an order does not apply to such deposits.*

## PART VIII

### APPEALS TO DISTRICT COURT

#### **RULE 8001-1. APPEALS IN GENERAL; DESIGNATION OF RECORD**

Rules governing appeals to the District Court are contained in the DCt.LBRs.

#### ~~**RULE 8014-1. COSTS OF AN APPEAL**~~

~~If the Court is to rule on a bill of costs incurred in the appeal, the procedures regarding a bill of costs set forth in apply.~~

## PART IX

### GENERAL PROVISIONS

#### **RULE 9001-1. DEFINITIONS**

The term “Clerk” refers to the Clerk of the Court, all members of the Clerk’s office, and other Court personnel authorized to act on behalf of the Clerk (including chambers staff authorized to act on behalf of the Clerk in entering orders).

#### **RULE 9006-1. COMPUTING AND EXTENDING TIME**

~~(a) —~~ Computing Time When Deadline is a Specific Date. Unless the Court directs that this [LBR 9006-1\(a\)](#)~~LBR 9006-1(a)~~ does not apply, if an order or notice sets a specific date for performing an act, and

(a) if the date set (by the notice, ~~or~~ order, ~~or by reason of paragraph (2) below~~) is a Saturday, Sunday, ~~or~~ legal holiday, or day on which the Clerk’s Office is inaccessible, the date set for performing the act becomes the next day on which the Clerk's Office is accessible and that is not a Saturday, Sunday, or legal holiday.

~~Sunday, or legal holiday; and~~

~~(1) — if the date set is a date on which the Clerk's Office is inaccessible, the date set for performing the act becomes the first accessible day that is not a Saturday, Sunday, or legal holiday.~~

(b) "Last Day" Defined. The "last day" set for filing a paper ends at midnight in the Court's time zone, unless otherwise specified, whether the filing is an electronic filing or a filing in paper form.

~~(c) Motion to Shorten Time to Oppose Relief Sought Via a Matter Described in Fed. R. Bankr. P. 2002(a). When a party requests to shorten the time to oppose relief sought via a matter to which Fed. R. Bankr. P. 2002(a) applies, [LBR 2002-1\(b\)\(2\)](#) governs optional procedures regarding such a request and the notice procedure that the party may utilize to give notice to creditors of the deadline to oppose the Rule 2002(a) relief sought by the Rule 2002(a) matter.~~

~~(d) Court’s Authority to Shorten Time. Pursuant to Fed. R. Bankr. P. 9006(c)(1) (and subject to the limitations of that rule), the Court, in its discretion, may order for cause shown, with~~

or without motion or notice, that the period for opposing a motion (or an objection to exemptions, objection to claim, or application) be reduced, and may approve (implicitly or expressly) a notice that gave notice of a deadline to file an opposition that differs from the deadline that would otherwise apply.

*Note: LBR 9006-1(b) alters the default rule of Fed. R. Bankr. P. 9006(a)(4) because the Court has a "speedy filing an "overnight drop box" under LBR 5005-1(d) that can be utilized for filing a paper document when the Clerk's office is closed. LBR 9006-1(d) recognizes the court's authority to authorize a shortening of the time to respond to a motion, objection to exemptions, objection to claim, or application (a "matter") without the necessity that a motion to shorten time include a notice under LBR 9013-1(b)(3) of an opportunity to oppose the motion to shorten time. If the Court shortens the time, and an unreasonably short time was allowed by the court to respond to the matter, a party may move under Fed. R. Bankr. P. 9006(b)(1) for an enlargement of time to respond to the matter and may move under Fed. R. Bankr. P. 9023 to vacate an order acting on the matter.*

#### **RULE 9008-1. PUBLICATION**

DCt.LCvR 83.22 applies in the Court.

*Note: DCt.LCvR 83.22 (Publication and Proof Thereof) provides:*

*A notice relating to a proceeding that requires publication shall be published in The Daily Washington Law Reporter for the time fixed by statute or directed by the Court, in addition to any newspaper or periodical specifically designated by the Court. Publication shall be proved by affidavit of an officer or agent of the publisher, stating the dates of publication with an attached copy of the notice as published.*

#### **RULE 9010-1. ~~ATTORNEYS~~—ENTRY OF ATTORNEY'S APPEARANCE**

(a) Appearance. Except as provided in paragraphs (c) and (d), an attorney eligible under LBR 2090-1 to practice in this Court enters an appearance in a case or proceeding by filing a paper or a notice of appearance signed by the attorney. ~~Such~~As with all filings, such paper or notice of appearance must list the attorney's:

(1) mailing address;

- (2) telephone number;
- (3) bar identification number; and
- (4) e-mail address.

An attorney whose authorization to appear requires an order of the Court is deemed to have entered an appearance upon the Court's entry of an order granting a motion to authorize the attorney to appear in the case or proceeding.

- (b) Appearance on Behalf of Debtor in Meeting of Creditors, Rule 2004 Examination, or Deposition. If an attorney represents the debtor at a meeting of creditors, Rule 2004 examination, or deposition, and no other attorney has entered an appearance on behalf of the debtor, that representation shall constitute an entry of appearance and the attorney must file a notice of appearance prior to the meeting, examination, or deposition.
- (c) Acts Not Constituting an Appearance. The following acts do not constitute an appearance by an attorney:
  - (1) filing a proof of claim;
  - (2) filing a Fed. R. Bankr. P. 2002(g) request;
  - (3) casting a ballot accepting or rejecting a plan;
  - (4) casting a ballot in an election of a trustee under §§ 702 or 1104(b)(1);
  - (5) except as provided in paragraph (b), participating in a meeting of creditors on behalf of a party other than the debtor or in a meeting of a committee of creditors or a committee of equity security holders; ~~or~~
  - (6) filing a § 1111(b) election; ~~;~~
  - (7) filing a rule 2016(b) statement when the attorney has provided service to the debtor but does not intend to enter an appearance for the debtor; or
  - (8) making a bid at an auction sale held in a case.
- (d) Notice of Appearance of Counsel. ~~For~~ When an attorney ~~to enter~~enters an appearance in a proceeding for a party who previously has been represented by another attorney (or by the party pro se), that new attorney must file a notice of appearance.

- (e) Appearance at a Hearing. An attorney who has not entered an appearance may not participate in a hearing on behalf of a client until the attorney files with the Courtroom Deputy Clerk at the hearing a notice of appearance.
- ~~(a)~~ Effect of Appearance on Requirements Regarding Service on Client in Other Contested Matters or Adversary Proceedings. Except as provided by [LBR 9010-3](#) (representation of a debtor), an appearance by an attorney does not alter, or impose additional requirements
- (f) with respect to, service of papers under Fed. R. Bankr. P. 7004 and 9014. The attorney may, however, apply for an order imposing additional requirements regarding such service.

*Note: Requirement of **Separate** Notice of Appearance. Paragraphs (d) and (e) of this Rule are intended to insure that the Clerk will note an attorney's appearance for purposes of receiving notices of electronic filings in a proceeding when another attorney previously represented or also represents the client or when the attorney first appears at a hearing in the proceeding.*

*Note: Effect of Entry of Appearance on Service Requirements Regarding Future Adversary Proceedings or Contested Matters. Paragraph (f) of this Rule is adopted to clarify that a so-called general appearance in a case does not modify the requirements regarding making service on the attorney's client when a new adversary proceeding or contested matter is commenced.*

## **RULE 9010-2. WITHDRAWAL OF AN ATTORNEY'S APPEARANCE**

- (a) Withdrawal of Appearance by Notice of Substitution of Attorney. An attorney may withdraw an appearance in the specified matter(s) by filing a notice of withdrawal signed by the attorney and the party represented if:
- (1) no -trial -date -has -been -set -with -respect -to -the -specific -matter(s) -for- which withdrawal is to be effected; and
  - (2) another attorney has previously or contemporaneously entered an appearance on behalf of the client.
- (b) Withdrawal of Appearance by Motion. DCt.LCvR 83.6(c) governs withdrawal of an appearance by motion except that:
- (1) the motion must identify the specific matter(s) as to which withdrawal is sought; and
  - (2) the requirement of service "upon all parties to the case" means:

- (A) all parties to the contested matter or adversary proceeding or other specific matter involved; and
- (B) in the case of an attorney representing the debtor or debtor-in-possession or trustee, means additionally the debtor, the U.S. United States Trustee and any trustee in the case.
- (c) Requirement of Separate Withdrawal in Each Adversary Proceeding. When an attorney seeks to withdraw as counsel in an adversary proceeding, the withdrawal papers must be filed in the adversary proceeding itself. An order in the main case authorizing the attorney's withdrawal does not constitute a withdrawal in the adversary proceeding.
- (d) Ruling on Motion to Withdraw Appearance. DCt.LCvR- Rule 83.6(d) (Ruling on Motion to Withdraw Appearance) applies to motions for leave to withdraw.

Note: DCt.LCvR 83.6(c) and 83.6(d) ~~(Ruling on Motion provide:~~

**(c) WITHDRAWAL OF APPEARANCE BY MOTION.**

*If a trial date has been set, or if a party's written consent is not obtained, or if the party is not represented by another attorney, an attorney may withdraw an appearance for a party only by order of the Court upon motion by the attorney served upon all parties to Withdraw Appearance) provides: the case. Unless the party is represented by another attorney or the motion is made in open court in the party's presence, a motion to withdraw an appearance shall be accompanied by a certificate of service listing the party's last known address and stating that the attorney has served upon the party a copy of the motion and a notice advising the party to obtain other counsel, or, if the party intends to conduct the case pro se or to object to the withdrawal, to so notify the Clerk in writing within seven days of service of the motion.*

**(d) RULING ON MOTION TO WITHDRAW APPEARANCE**

*The court may deny an attorney's motion for leave to withdraw if the withdrawal would unduly delay trial of the case, or be unfairly prejudicial to any party, or otherwise not be in the interest of justice. The Clerk shall mail to the affected party a copy of the order granting or denying the motion for leave to withdraw.*

**RULE 9010-3. REPRESENTATION OF A DEBTOR**

- (a) Effect of Entry of Appearance as Counsel for Debtor on Requirements Regarding Service Upon the Debtor. When an attorney is deemed under paragraph (b)(1) of this Rule to be representing the debtor generally in the case, and without regard to any limits on representation under paragraph (b)(2)(A), the attorney is deemed to be the debtor's attorney for purposes of Fed. R. Bankr. P. 7004(b)(9g).
- (b) Extent of Representation of Debtor Required by Entry of Appearance. This Rule governs how long an attorney must continue to represent a debtor or debtor-in-possession.
  - (1) General Rule. Except as provided in subparagraph (2) below, the filing of a petition in bankruptcy by an attorney on behalf of a debtor, or the subsequent entry of an appearance on behalf of the debtor by an attorney, constitutes an entry of an appearance on behalf of the debtor in all matters arising during the administration of the case until the case is closed, including adversary proceedings, contested matters, the meeting of creditors, Fed. R. Bankr. P. 2004 examinations, and disclosure statement and confirmation hearings.
  - (2) Exceptions. The following exceptions apply to paragraph (1).
    - ~~(A)~~ Allowable Limitation of Representation by Agreement. An attorney may reduce the scope of representation of the debtor (thereby limiting the extent of counsel's appearance) by filing a statement under Fed. R. Bankr.
    - (A) P. 2016(b) disclosing a written agreement with the debtor to such limitation as long as the agreement meets the minimum scope of representation set forth below:
      - (i) In a case under ~~chapter~~Chapter 7, representation of an individual debtor must continue until the date of discharge (or denial of discharge) and continue as to any matter pending at the time of the discharge, except that representation may exclude adversary proceedings if counsel's Fed. R. Bankr. P 2016(b) Statement discloses an agreement with the debtor to exclude adversary proceedings and the debtor has consented in writing to that limitation.
      - (ii) In a case under ~~chapter~~Chapter 7, representation of a non-individual debtor continues until closing of the case.

- (iii) In a case under ~~chapter~~Chapter 11, representation of a debtor continues until entry of a Final Decree.
- (iv) In a case under ~~chapter~~Chapter 12 or 13, representation of a debtor continues until the earlier of: 120 days after entry of an order confirming the debtor's plan, or dismissal of the case and expiration of the time for seeking an enlargement of the time for taking an appeal.
- (v) If a case is converted to a case under another chapter, the Rule under the latter chapter governs.

- (B) Withdrawal by Notice When Substitute Counsel Has Entered Appearance. An attorney for a debtor may file a notice of withdrawal under [LBR 9010-2\(a\)](#).
- (C) Withdrawal by Motion for Cause. An attorney for a debtor may file a motion to withdraw for cause under [LBR 9010-2\(b\)](#).
- (D) Limited Appearance When Another Attorney Is Already Representing Debtor Generally. When one attorney has already entered an appearance for the debtor and is representing the debtor as to all matters, another attorney may limit representation to specific matters.

*Note: Debtor's Counsel's Limitations on the Scope of Representation. Paragraph (b)(2)(A) governs all retainer agreements for representation of a debtor and makes ineffective any inconsistent provision therein unless otherwise ordered by the Court for cause.*

#### **RULE 9010-4. OBLIGATION OF ATTORNEY TO ATTEND HEARINGS**

- (a) General Requirement. Except as provided in paragraph (b):
  - (1) an attorney who has entered an appearance in a case or an adversary proceeding on behalf of a client must attend all hearings relating to the matter for which an appearance has been entered (and not withdrawn under [LBR 9010-2](#)); and
  - (2) an attorney for a debtor (whose appearance has not been withdrawn under [LBR 9010-2](#)~~LBR 9010-2~~) must attend all hearings relating to matters affecting the debtor.

- (b) Exceptions. An attorney need not attend a hearing if:
- (1) the client has expressly instructed the attorney not to appear and the attorney so notifies the Court and other counsel in writing before the hearing;
  - ~~(1)~~ the attorney has filed a paper stating that the client has no objection to, or does not oppose, the relief requested, or the attorney has endorsed without objection a
  - (2) proposed order (or a stipulation such as a stipulation of dismissal) that has been docketed and that would resolve the matter without the necessity of a motion or notice regarding approval of the proposed order;
  - (3) the attorney has been excused by the Court;
  - (4) the hearing is only a scheduling conference and the attorney has provided another counsel appearing at the scheduling conference with the attorney's views regarding the topics set forth in Fed. R. Civ. P. 16(b), together with available dates for any further conferences before trial and for trial;
  - (5) the attorney has arranged with the Courtroom Deputy Clerk's consent to be available by telephone and appears by telephone;
  - (6) the hearing is being automatically continued by stipulation under [LBR 5071-1\(b\)](#) via a stipulation communicated to the Court, under [LBR 5071-1\(c\)](#), before or at the hearing;
  - (7) a motion for approval of a proposed settlement of the matter has been filed; or
  - (8) another attorney represents the party at the hearing.

*Note: Cause for Not Appearing. An attorney may be excused from appearing for cause. Such cause might include a showing that the client has not authorized counsel to take a position at the hearing despite a good faith effort by counsel to contact the client concerning the hearing. A motion to be excused may be filed on an emergency basis, and by alerting the Clerk to the emergency nature of the motion. See [LBR 5070-1\(b\)](#).*

~~(a)~~

## **RULE 9010-5. CURRENT INFORMATION**

- (a) Duty to Keep Current Information on File. Counsel and parties appearing without counsel must file and maintain a statement of current address and telephone number in every case in which such person appears. This obligation continues until the case is closed.
- (b) Excusable Neglect. Should any person fail to maintain a current address with the Clerk and as a result, either for lack of response or lack of an appearance, the court enters an order dismissing any affirmative claim for relief or enters a judgment by default or otherwise against such person or such person's client, the failure to maintain a current address shall not be considered excusable neglect.

## **RULE 9011-1. ATTORNEY CONTACT INFORMATION**

In addition to including an attorney's signature, address, and telephone number as required by Fed. R. Bankr. P. 9011(a), all attorneys must also include their email address, if they have one, on every document they file.

## **RULE 9013-1. MOTION PRACTICE**

- (a) Multiple Requests for Relief in Same Motion Paper. Multiple requests for unrelated relief must not be sought in the same written motion. When a motion requests multiple forms of related relief: (1) the title of the motion must clearly identify the requested relief, (2) a separate proposed order must be submitted for each form of relief, and (3) each form of relief must be docketed separately.
- (b) General Procedure for Motions.
  - (1) Grounds and Proposed Order. All motions must state with particularity the grounds therefor, must set forth the relief or order sought, and must be accompanied by a proposed order conforming with [LBR 9072-1](#) and a certificate of service complying with [LBR 5005-3](#)~~LBR~~.
  - (2) Optional Supporting Materials. A memorandum of facts and law may be filed with or combined with a motion. Supporting affidavits or documents entitling the movant to the relief requested may be filed with a motion.
  - (3) Required Notice When Motion Commences A Contested Matter. ~~Unless—applies to the motion,~~ Except as provided in paragraph (E), a motion commencing a

contested matter (but not a motion filed within the contested matter after the filing of the motion that commenced the contested matter or a motion filed within an adversary proceeding) must include or be accompanied by a conspicuous notice of the opportunity to oppose the motion:

- (A) Content of Notice. The notice must conform substantially to Official Form 20A420A and state:
  - (i) that a party may append to its ~~objection~~opposition an opposing memorandum and supporting affidavits or documents; and
  - (ii) that if the ~~objection~~opposition states inadequate grounds for denial, the Court may grant the motion without a hearing.
- (B) When the notice is included in the motion, either the title of the motion must include a reference to the notice as in Local Official Form No. 3~~Local Official Form No. 3~~ or the notice must appear immediately following the title of the motion.
- (C) Impermissible Content of Notice. Unless otherwise ordered by the Court, a notice may not compel an ~~objecting~~opposing party to attend a Court hearing in support of the ~~objection~~opposition.
- (D) Suggested Form of Notice. Notice is sufficient if in substantially the form of Local Official Form No. 3~~Local Official Form No. 3~~.
- (E) Exceptions to Requirement of Notice. No notice is required under this LBR 9013-1(b)(3) when the motion is :
  - (i) a motion governed by the notice rules of LBR 2002-1(b);
  - (ii) a debtor's motion;
    - (I) to extend the time to file papers required under Fed. R. Bankr. P. 1007;
    - (II) to extend the time for objecting to discharge or filing complaints to determine the nondischargeability of a debt or for filing a reaffirmation agreement;
    - (III) to reopen the case in order to file a financial management certificate and obtain issuance of a discharge; or

(IV) to reopen the case to pursue obtaining relief in aid of the debtor's discharge;

(iii) a motion seeking conversion under 11 U.S.C. § 1112(a);

(iv) a motion seeking a shortening of time to respond to a motion; and

(v) any motion or application of a nature that would ordinarily not be of concern to other parties in the case.

(4) Deadline For Opposition. Unless LBR 2002-1(b) ~~Objection~~. Within 14 applies to the motion, within 17 days of service of the motion (or such other time as provided by the Fed. R. Bankr. P.), or by order, the party upon whom the motion is served must file and serve:

~~(E)(A)~~ an ~~objection~~ opposition containing a complete specification of the factual and legal grounds upon which the motion is opposed, ~~together with a proposed order setting forth the requested disposition.~~

(B) a proposed order setting forth the requested disposition.

~~(4)(5)~~ Default. If no ~~objection~~ opposition is timely filed, the Court may grant the motion without a hearing. If the motion is one commencing a contested matter, default is governed by Fed. R. Bankr. P. 7055 and LBR 7055-1 (and in the case of "lift stay motions," LBR 4001-1(e)).

~~(5)(6)~~ Reply Memorandum. A reply memorandum may be filed within 7 days after the date of filing of the ~~objection~~ opposition to the motion.

~~(6)(7)~~ Action On Motion If Grounds Inadequate. Except as otherwise provided by the Bankruptcy Code and the Fed. R. Bankr. P., the Court may grant or deny a motion on the papers without a hearing if the motion sets forth inadequate grounds for relief or if the ~~objection~~ opposition sets forth inadequate grounds for denying the motion.

(8) Shortening Time to Oppose an Application, Motion, Objection to Claim, or Objection to Exemption. Local Bankruptcy Rule 9006-1(c) through (d) govern the shortening of time to oppose a motion.

(c) Entities to be Served.

(1) In an adversary proceeding and in a contested matter already commenced, every motion must be served as provided by Fed. R. Bankr. P. 7005.

(2) Every motion commencing a contested matter must be served upon the parties against whom relief is sought as provided by Fed. R. Bankr. P. 9014 and 7004, the parties specified by Fed. R. Bankr. P. 9013, the U.S. United States Trustee when required by Fed. R. Bankr. P. 9034, and any other parties specified in the Fed. R. Bankr. P. (such as in Fed. R. Bankr. P. 4001). In addition, unless the Court orders otherwise, copies of the motion must be transmitted to ~~(A)~~:

(A) the debtor, ~~(B)~~;

(B) the debtor's attorney (if any), ~~(C)~~;

(C) the U.S. United States Trustee in chapters 7 and 11, ~~(D)~~;

~~(A)(D)~~ all parties that to the movant's actual knowledge have asserted any concern as to or would be directly adversely affected by the outcome of the particular motion or have or claim any interest in (as opposed to an unsecured claim against) any property that is the subject of the motion; ~~(E) counsel who has to the movant's actual knowledge been representing any party described in part (D); (F) chair and counsel for any appointed committees; and (G) the creditors or equity security holders who have served on the trustee or debtor in possession and filed with the Clerk a request that all notices be mailed to them.~~

(E) counsel who has to the movant's actual knowledge been representing any party described in part (D); and

(F) chair and counsel for any appointed committees.

~~(4)~~ Motions under 11 U.S.C. § 1121(d) to reduce or extend the periods of 11 U.S.C.

~~(2)(3)~~ § 1121(b) and (c) (the exclusivity periods for filing a plan and gaining acceptances) must be served on the persons specified in paragraph (2) above and if no committee of unsecured creditors has been appointed, the creditors listed on the list filed under Fed. R. Bankr. P. 1007(d).

- (d) Cross-References. Special rules for motions for relief from the automatic stay are set forth in LBR 4001-1. Local Bankruptcy Rules 5070-1, 5071-1, 9070-1, and 9073-1 govern hearings. Emergency motions requiring the Court's immediate attention or an emergency hearing are governed by LBR 5070-1(b). Proposed orders must be submitted with motions and ~~objections~~oppositions as provided by LBR 9072-1~~LBR 9072-1.~~ Exceptions to certain parts of this Rule apply under LBR 2004-1— to motions for Fed. R. Bankr. P. 2004

examinations. Local Bankruptcy Rule 9014-1 makes certain Part VII (Adversary Proceedings) ~~Part VII (Adversary Proceedings)~~ Rules applicable.

*Note: LBR 9013-1(a) contemplates that motions seeking relief in the alternative, as in the case of a motion to dismiss or convert, may be filed in a single document. But motions for different forms of relief that are not in the alternative ought not be combined in a single document. This will better facilitate the Court's docketing and disposing of such motions.*

*The notice requirement of LBR 9013-1(b)(3) does not apply to a motion filed within an adversary proceeding or a motion filed within a pending contested matter.*

*With respect to LBR 9013-1(b)(3)(E)(v), among the motions the court routinely hears without requiring LBR 9013-1(b)(3) notice are an application to waive the filing fee (because the Chapter 7 Trustee is well aware that the trustee may file an opposition if the application is objectionable or file a motion to vacate if the debtor was not eligible for a waiver); a motion of an attorney to waive the electronic filing requirement; a motion for pro hac vice admission; a motion to refund a filing fee; a motion to exempt the debtor from credit counseling requirements; and a motion to seal documents.*

*Under the Court's current Administrative Order Relating to Electronic Case Filing, attorneys who register for e-filing do not consent to service electronically of a document commencing a contested matter. Accordingly, not only that attorney's client but the attorney as well must be served with a paper copy of the document commencing the contested matter.*

## **RULE 9014-1. CONTESTED MATTERS**

- (a) ~~(a)~~ — Local Bankruptcy Rules 7004-1, 7005-1, 7026-1, 7030-1, 7041-1(b), 7054-1, 7054-2, 7056-1, 7056-2, 7062-1, and 7067-1 apply in contested matters. ~~Fed.~~ Federal Rule Bankruptcy Procedure ~~R. Bankr. P.~~ 7007.1 applies to any contested matter.
- (b) When the motion or objection commencing the contested matter is not timely opposed and seeks relief against a debtor who has already subjected the debtor to the jurisdiction of the Court by filing a petition commencing a case, the provisions of LBR 7055-1 and the ~~Soldiers' and Sailors'~~ Servicemember's Civil Relief Act of ~~1940~~ 2003 will be deemed inapplicable unless the Court orders otherwise.
- (c) The other Rules of Part VII ~~Part VII~~ of these Rules apply to contested matters when directed by the Court.

**RULE 9015-1. JURY TRIAL**

- (a) Voir Dire Examination. Counsel desiring questions propounded to the jury on voir dire examination must submit the same in writing to the Court, with copies to opposing counsel, prior to the commencement of the trial or at such earlier date as may be directed by the Court.
- (b) Jury Selection; Communication With a Juror. DCt.LCvRs 47.1 (Jury) and 47.2 (Communication With a Juror) apply in the Court, with the Court drawing upon the District Court's jury selection plan and Jury Office.

**RULE 9027-1. REMOVAL OF CIVIL ACTION; REMAND OF SAME**

- (a) Notice of Removal to Be Filed With Clerk of This Court. A party desiring to remove a civil action or proceeding under 28 U.S.C. § 1441 or § 1452 on the basis that the district court has subject matter jurisdiction under 28 U.S.C. § 1334 must file the notice of removal with the clerk of the bankruptcy court.
- (b) Copy of Record to Be Filed With the Notice of Removal. With the notice of removal, the party filing the notice of removal must file with the clerk a copy of the docket sheet of the court from which the matter is being removed and a copy of all papers filed in that court, in chronological order. For cause shown by motion, the court may enlarge the time for doing so.
- (c) Remand. A motion for remand must be filed with the clerk of the bankruptcy court not later than 30 days after the date of filing of the notice of removal.

## **RULE 9029-1. SUSPENSION OF LOCAL RULES**

For good cause shown, the Court may suspend the requirements or provisions of any of these Rules in a particular case or proceeding, on the motion of a party or upon its own motion, and may enter such other orders as are appropriate.

## **RULE 9029-2. STANDING ORDERS**

The Court may issue standing orders to the Clerk's Office affecting procedures which that ~~office~~Office must follow generally unless ordered otherwise. Such standing orders will be available for public inspection.

*Note: LBR 9029-2 reflects a long-standing practice of issuance of standing orders to the Clerk to act in a set fashion on certain procedural matters arising in cases. Such standing orders are in the nature of internal directives and do not impose obligations on parties. But pursuant to such standing orders, the Clerk may, on behalf of the Court, issue notices or orders which do fix rights or obligations. For example, one standing order instructs the Clerk to give creditors in ~~chapter~~Chapter 11 cases notice that the bar date for filing proofs of claim is the date that is 100 days after the first date set for the meeting of creditors under 11 U.S.C. § 341.*

## **RULE 9029-3. ~~LOCAL RULES—DISTRICT COURT~~ LOCAL CIVIL RULES**

- (a) Non-Applicability of Local Bankruptcy Rules to District Court. These Local Bankruptcy Rules do not govern proceedings pending in the District Court except as may be expressly provided by the District Court by rule or directive.
- (b) Effect of Amendment of ~~Local~~-District Court Local Civil Rules. The ~~Local~~-District Court Local Civil Rules made applicable by these Rules are the ~~Local~~-District Court Local Civil Rules in effect on the effective date of these Rules and as thereafter amended, unless otherwise provided by such amendment or by these Rules.
- (c) ~~Local~~-District Court Local Civil Rules Applicable to Bankruptcy Court. In addition to ~~Local~~-District Court Local Civil Rules made applicable to the Court by other provisions of these Rules, the following ~~Local~~-District Court Local Civil Rules apply to bankruptcy cases and proceedings in the Court:

(1) Rule 40.10 (Complaints Against Judges);

(+)(2) Rule 83.1 (Photography, tape recording and broadcasting in the courthouse); and

(2)(3) Rule 83.5 (Practice by law clerks and court employees); and)

(1) — Rule 40.10 (Complaints Against Judges);

- (d) Meanings of Words in the ~~Local~~-District Court ~~Local Civil~~ Rules When Applicable to these Rules. Unless the context otherwise indicates, references in the ~~Local~~-District Court ~~Local Civil~~ Rules, other than Title VI, made applicable to this Court to "action" or "civil action" mean case or proceeding (including contested matters and adversary proceedings), to "Clerk" mean Clerk of the Bankruptcy Court, to "Judge" mean Bankruptcy Judge, and to "Court" mean Bankruptcy Court.

*Note: LBR 9029-3(a) reflects that these Rules do not attempt to decide which of these Rules the District Court ought to make applicable after the District Court withdraws from the Bankruptcy Court the reference of a bankruptcy case or proceeding or when the District Court reviews a matter de novo. Such matters remain subject to the Federal Rules of Bankruptcy Procedure. See Fed. R. Civ. P. 81(a) and Fed. R. Bankr. P. 1001. The ~~Local~~-District Court ~~Local Bankruptcy~~ Rules provide any further rules applicable to the withdrawn matter and the District Court can invoke Fed. R. Bankr. P. 9029(b) to regulate practice in the matter in a manner not inconsistent with any federal rules or local rules that ~~do~~ apply. The same applies to the handling of appeals in the District Court. See Fed. R. Bankr. P. ~~8018~~. LBR8026. Local Bankruptcy Rule 9029-3(c) reflects a philosophy followed in promulgating these Rules. As a unit of the District Court, the Bankruptcy Court has the same bar as the District Court, subject generally to the same rules of practice and discipline of attorneys. These Rules accordingly attempt to minimize the differences in practice between the District Court and the Bankruptcy Court.*

*These Rules reprint many of the incorporated ~~Local~~-District Court ~~Local Civil~~ Rules as they read on the effective date of these Local Bankruptcy Rules, and the District Court's website's ~~—Local Rules page~~ should be consulted regarding any changes to those rules. Bankruptcy cases and proceedings are subject to ~~Title VI of the Local~~-District Court ~~Local Bankruptcy~~ Rules (~~relating to administration of the bankruptcy system~~), and to ~~Title VII of those rules (relating to admission and discipline of attorneys)~~. ~~Title VI is reprinted in Appendix Bas~~ Appendix B hereto.)*

*~~Local~~Some of the District Court ~~Rules incorporated into these Rules with no or only minor changes include:~~*

*Local ~~District Court Rule~~ ~~—————~~ ~~LBR Analog~~*

<i>Rule LCvR83.2 (Practice by attorneys)</i>	
<i>Rule LCvR83.3 (Number of Counsel)</i>	<i>Rule</i>
<i>LCvR5.2(a)(Filing of Discovery</i>	
<i>Requests and Responses)</i>	<i>Rule</i>
<i>LCvR7(g)(Motions to Vacate</i>	
<i>Default; Verified Answer)</i>	<i>Rule</i>
<i>LCvR7(h)</i>	
<i>(Motions for Summary Judgment)</i>	
<i>Rule LCvR7(i)</i>	
<i>(Motions to Amend Pleadings)</i>	<i>7015-1</i>
<i>Rule LCvR7(j) (Motion to Intervene)</i>	<i>7024-1</i>
<i>Rule LCvR7.1 (Disclosure of</i>	
<i>Corporate Affiliations, etc.)</i>	<i>5004-1</i>
<i>Rule LCvR16.6(Stipulations)</i>	<i>9071-1</i>
<i>Rule LCvR83.22(Publication and</i>	
<i>Proof Thereof)</i>	<i>9008-1</i>
<i>Rule LCvR47.1 (Jury)</i>	<i>9015-1(e)</i>
<i>Rule LCvR47.2</i>	
<i>(Communication with Juror)</i>	<i>9015-1(e)</i>
<i>Rule LCvR16.2 (Avoidance of conflicts</i>	
<i>in engagements of counsel)</i>	<i>Rule</i>
<i>LCvR83.6(c) (Withdrawal of</i>	
<i>Appearances by Motion)</i>	<i>Rule</i>
<i>LCvR65.1(a) (Applications for</i>	
<i>Temporary Restraining Orders)</i>	
<i>Rule LCvR65.1(c) (Applications for</i>	
<i>Preliminary Injunctions)</i>	
<i>Rule LCvR65.1(d) (Hearings on</i>	
<i>Applications re Prelim. Injns.)</i>	
<i>Rule LCvR26.2(d) (Form of</i>	
<i>Interrogatories and Requests for</i>	
<i>Admissions or Production of</i>	
<i>Documents)</i>	
<i>Rule LCvR30.1 (Service of Notice of</i>	

~~Deposition)~~  
~~Rule LCvR83.23 (Dismissal for Failure  
to Prosecute)~~  
~~Rule LCvR79.2 (Custody of Exhibits)~~  
~~Rule LCvR54.1 (Taxation of Costs)~~  
~~Rule LCvR54.2 (Determination of  
Attorneys Fees)~~  
~~Rule LCvR67.1 (Court Registry  
Investment System)~~

~~Local District Court Rules not incorporated which nevertheless have analogs in these Rules,  
sometimes with significant differences, include:~~

<del>Local District Court Rule</del>	<del>LBR</del>
<del>Analog Rule LCvR79.1 (Clerk's Office; Custody and Removal of Records)</del>	<del>; 5003-2 Rule</del>
<del>LCvR5.1 (Form and Filing of Pleadings and Other Papers)</del>	
<del>(a) Place and Manner of Filing</del>	
<del>(b) Correspondence With Court</del>	
<del>(d) Electronic Transmission</del>	
<del>(e) Name and Address of Parties and Attorneys</del>	
<del>(f) Form of Papers</del>	
<del>(g) Attachments to Pleadings</del>	
<del>(h) Verification</del>	
<del>Rule LCvR7(a), (b), (d), (e) and (f)</del>	
<del>(Motions rules)</del>	<del>9013-1</del>
<del>Rule LCvR7(c) &amp; (k)</del>	
<del>(Proposed Order and Names of Persons to be Served With Proposed Orders, Judgments and Stipulations)</del>	<del>9072-1</del>
<del>Rule LCvR5.3 (Proof of Service)</del>	<del>5005-3</del>
<del>Rule LCvR16.1 (Scheduling and Continuances)</del>	<del>5070-1 &amp; 5071-1</del>
<del>Rule LCvR83.6(a) (Entry of Appearance)</del>	<del>9010-1</del>

*~~Some of the Local District Court~~Civil Rules made applicable to bankruptcy cases by these Rules are not reprinted for the reason that they will seldom be encountered (as in the rare event of a jury trial) or for other obvious reasons.*

*LBR 9029-3(d) is modeled after Fed. R. Bankr. P. 9002 ("Meanings of Words in the Federal Rules of Civil Procedure When Applicable to Cases Under the Code").*

## **RULE 9070-1. EXHIBITS AND WITNESSES**

### **(a) Pre-Numbering, Pre-Marking, and Pre-Listing Exhibits.**

- (1) Prior to any trial (including any hearing at which evidence is to be taken) exhibits to be offered at the trial (other than those created at trial) must be numbered sequentially, with movant or plaintiff to use numbers and the respondent or defendant to use letters (A, B, C, etc., followed by AA, AB, AC, etc., then BA, BB, BC, etc.).
- (2) All exhibits must be marked prior to the trial with an exhibit sticker bearing the exhibit number and the case or adversary proceeding number.
- ~~(4) —~~ Prior to the trial the exhibits must be listed sequentially by exhibit number on a Witness and Exhibit Record in substantially the form of [Local Official Form No. 8](#)~~Local Official Form No. 8~~.
- (3) ~~8.~~ The list must describe each exhibit by title and date.
- (4) Prior to the commencement of a trial or hearing, each party shall furnish to its opponents a copy of the Witness and Exhibit Record and copies of its pre-marked exhibits.

### **(b) Listing Witnesses.** Prior to any trial (including any hearing at which evidence is to be taken), each party must set forth on the party's Witness and Exhibit List the full names of all witnesses the party intends to call if not earlier called by another party; a brief description of the testimony to be elicited from the witness; and an estimate of the time the party will

take in eliciting such testimony. Any expert witness must be designated as such by including the designation "expert witness" after the witness's name.

- (c) Presentation of Witness and Exhibit Record and of Copies of Exhibits. At the commencement of the trial or evidentiary hearing, each party must present to the Courtroom Deputy Clerk (1) the original of the party's Witness and Exhibit Record and ~~(2) two copies of the party's exhibits.~~  
~~(2) two copies of the party's exhibits.~~
- (d) Binding of Numerous Exhibits. Whenever the exhibits in any trial or evidentiary hearing, to be presented by any party, exceed 15, the party intending to offer such exhibits must place them in a binder or notebook, numbered and indexed, unless otherwise ordered by the Court.
- (e) Retention of Witness and Exhibit Record. At the conclusion of the trial or evidentiary hearing, the Clerk must maintain the Witness and Exhibit Record with the sleeve for logs and tapes of electronic recordings for the last day the trial or hearing was conducted.
- (f) Retention by Parties of Exhibits.
  - (1) Requirement of Retention. All exhibits offered by a party in a proceeding, whether or not received as evidence, must be retained after trial by the party or the attorney offering the exhibit, unless otherwise ordered by the Court. The Clerk shall note the return of exhibits on the Witness and Exhibit Record.
  - (2) Appeals. In the event an appeal is prosecuted, each party or attorney retaining exhibits must, upon request of a party to the appeal, make a copy of any exhibit available to that requesting party at the usual and customary photocopying charge of the custodian party or attorney, or allow the requesting party temporarily to take custody of the exhibit to photocopy it. The originals of exhibits must be retained by the parties, who must make them available for use by the appellate court upon request.
  - (3) Period of Retention. After a judgment disposing of the proceeding becomes final, each party or the party's attorney must maintain custody of any exhibits for a period of at least 30 days after the time for appeal has expired, or, in the event an appeal is pursued, for a period of at least 30 days after any judgment not resulting in a remand has become final and the time for seeking further appellate or Supreme Court review has expired.
- (g) Disposition of Exhibits Retained by Clerk.

- (1) Thirty Day Period to Retrieve. \_When the Clerk has kept custody of exhibits, the exhibits must be removed by the parties who offered them within 30 days after the time for appeal has expired, or in the event an appeal is pursued, within 30 days after any judgment not resulting in a remand has become final and the time for seeking further appellate or Supreme Court review has expired.
- (2) Disposition in Case of Apparent Failure Timely to Retrieve. \_If the Clerk believes that a party has failed timely to retrieve exhibits from the Clerk, the Clerk may forward the exhibits to the counsel or party who offered them. \_Alternatively, the Clerk may give the party or attorney notice of a 30-day opportunity to remove the exhibits; if the party or attorney fails to do so within 30 days of the date of such notice, the Clerk may destroy or otherwise dispose of the exhibits.
- (3) Notation of Disposition. \_The Clerk shall make an appropriate notation on the Witness and Exhibit Record reflecting any disposition of exhibits.

#### **RULE 9071-1. STIPULATIONS**

DCt.LCvR 16.6 applies in the Bankruptcy Court (with the clarification that a stipulation is additionally effective if electronically recorded in a Bankruptcy Court hearing).

*Note:* \_ DCt.LCvR 16.6 (Stipulations) provides:

*A stipulation need not be considered by the Court unless it is in writing and signed by the parties thereto or their attorneys, or stenographically recorded in Court or during a deposition.*

#### **RULE 9072-1. ~~ORDERS~~ PROPOSED ORDERS**

(a) Submission of Proposed Orders.

- (1) Each motion, application, objection to claim, objection to exemptions, or other written request for a Court order (other than a complaint in an adversary proceeding), and each opposition thereto (except a responsive pleading under Fed. R. Bankr. P. 7007 in an adversary proceeding) must be accompanied by a proposed order.

~~R. Bankr. P. 7007 in an adversary proceeding) must be accompanied by a proposed order.~~

- (2) Unless the Court directs otherwise, or a sufficient proposed order has already been submitted, an entity that prevails at a hearing must, within 14 days after the Court's oral ruling, submit to the Clerk and serve upon all other parties who appeared or against whom the relief is directed a proposed order in accordance with the ruling.

(b) Form of Proposed Orders. A proposed order must:

- (1) contain a specific title describing the nature and effect of the order, preferably referring to the verbatim name of the motion giving rise to the order;
- (2) include a 4" margin at the top of the first page; and
- (3) include at the foot of the last page (or carried over to a separate additional page) a "Copies to" section listing the full names and complete addresses of all entities that are to receive copies of the Court's order when entered, except that:
  - (A) entities that receive e-notification of orders may be listed as "E-recipients of orders" (or, alternatively, attorneys who are registered e-filers and have entered an appearance in the case or proceeding may be listed by only name or listed as "All attorneys who have entered an appearance and who are registered e-filers";
  - (B) in an adversary proceeding it suffices as to attorneys representing a party in the proceeding to list "Copies to: All of attorneys of record," but for an entity who is not a party (e.g., a witness who is the subject of a motion to compel) the entity's attorney must be listed separately; and
  - (C) if the debtor, the debtor's attorney, the trustee, and all creditors are required to receive notice of the Court order, those entities may be listed as "All entities on court's mailing list."

## **RULE 9073-1. HEARINGS**

- (a) Number of Counsel. DCt.LCvR 83.3 applies to hearings in the Bankruptcy Court.
- (b) Judicial Notice. Unless otherwise ordered by the Court, the Court will not take judicial notice of a paper unless the party both requests the Court to do so before the close of

evidence and either (1) submits as an exhibit a copy of the paper of which judicial notice is sought, or (2) alternatively, in the case of a paper in a case or an adversary proceeding, can identify the document by docket entry number or date. Any copy of such paper to be submitted must be listed on any Witness and Exhibit Record required to be filed.

- (c) Courtroom Decorum. Counsel must direct statements and objections made on the record to the Court and not to other counsel. Unless otherwise directed by the Court, counsel need not ask permission to approach a witness.
- (d) Conflicts in Engagements of Counsel. DCt.LCvR 16.2 (Avoidance and Resolution of Conflicts in Engagement of Counsel Among the Courts in the District of Columbia) applies to the Bankruptcy Court as a unit of the District Court.

~~applies to the Bankruptcy Court as a unit of the District Court.~~

~~(e) Hearings Scheduled in Open Court. When a hearing on a matter is scheduled orally in open court in the presence of counsel for all parties, no further notice of the hearing is required.~~

~~(e)(f)~~ Cross-References. [Local Bankruptcy Rule 9070-1](#) governs exhibits and witnesses. [Local Bankruptcy Rule 5071-1](#) governs continuances (and the duty of counsel to have at any hearing a calendar of future engagements). [Local Bankruptcy Rule 5070-1\(b\)](#) governs emergency hearings. [Local Bankruptcy Rule 9010-1\(e\)](#) governs the obligation of an attorney whose first appearance is at a hearing to file a notice of entry of appearance at the hearing.

*Note: DCt.LCvR 83.3 (Number of Counsel) provides:*

*Except by permission of the Court only one attorney on each side shall examine a witness, address the Court on a question arising in a trial, or address the Court or jury in final argument.*

|

## APPENDIX A:

### LOCAL OFFICIAL FORMS

Local Official Form 1.	Request under LBR 5070-1 for Hearing.
Local Official Form 2.	Notice <del>of Hearing</del> under LBR 5070-1. <u>of Hearing</u>
Local Official Form 3.	Notice of Deadline to Oppose Motion. <u>Commencing Contested Matter</u>
Local Official Form 4.	Notice <del>under LBR 2002-1</del> <u>to Creditor Body and Others</u> of <u>Time Opportunity</u> to <del>Respond</del> <u>Object</u> to <del>Motions</del> <u>Motion</u> or <u>Other Filings</u> . <u>Filing</u>
Local Official Form 5.	Notice under LBR 6004-1 of Proposed Use, Sale, or Lease of <u>Property</u> .
Local Official Form 6.	Notice under LBR 3007-1 of Time to Respond to Objection to <u>Claim</u> .
Local Official Form 7.	Notice under LBR 4003-1 of Time to Respond to Objection <u>to</u> Exemptions.
Local Official Form 8.	Witness and Exhibit <del>List under LBR 9070-1</del> . <u>Record</u>

Local Official Form 9. LBR 1007-5 Declaration of Debtor Regarding Payment  
Advices: Coversheet

Local Official Form 10. ~~LBR 1007-6 Statement Regarding Interest in Account  
or~~  
~~Program of the Type Described by § 521(e)~~Disclosure of the  
~~Bankruptcy Code.~~  
Compensation of Attorney For Debtor

Local Official Form 11. Debtor's Motion for Entry of § 1328(a) Chapter 13 Discharge  
and  
Notice of Deadline and Opportunity to Object

Local Official Form 12. LBR 1007-2(b) Statement of No Alterations

Local Official Form 13. LBR 1009-2(e) Certificate of Service of Papers Required to be  
Mailed to Entities Affected by Amendment of List of Creditors  
and Mailing Matrix  
~~Mailed to Entities Affected by Amendment of List of~~  
~~Creditors and Mailing Matrix~~

**Local Official Form 14 Chapter 13 Plan & Notice of Deadline to Object to Confirmation**

**LOCAL OFFICIAL FORM NO. 1**  
REQUEST UNDER LBR 5070-1 FOR HEARING

**LOCAL OFFICIAL FORM NO. 1**  
REQUEST UNDER LBR 5070-1 FOR HEARING

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF COLUMBIA

In re \_\_\_\_\_,  
Debtor(s). ) Case No. \_\_\_\_\_  
) Chapter \_\_\_\_  
) [Hearing Date: Not yet set]

[If this is an Adversary Proceeding, the Adversary Proceeding caption, Official Form No. ~~16c~~416D, Fed. R. Bankr. ~~P~~ro~~e~~P., should be used with the note regarding the hearing date underneath the Adversary Proceeding Number instead of the Case Number.]

REQUEST FOR HEARING PURSUANT TO LBR 5070-1

1. Pursuant to LBR 5070-1, the undersigned requests that the Clerk assign a hearing date for the following matter: [describe motion or other matter that requires a hearing].
2. It is estimated that the hearing will take [state the estimated time the hearing will take~~+-~~].
- ~~3.~~3. I will need to mail the notice of the hearing at least \_\_\_\_\_ days ahead
- ~~4.~~3. of the hearing.
- ~~5.~~ The following dates should not be used as the hearing date (because of
- ~~6.~~4. unavailability\_\_\_\_\_ of \_\_\_\_\_ counsel\_\_\_\_\_ or \_\_\_\_\_ witnesses\_\_\_\_\_ or \_\_\_\_\_ other\_\_\_\_\_ reasons): \_\_\_\_\_.

\_\_\_\_\_  
\_\_\_\_\_  
7.5. [State any other information which will be useful to the Clerk in deciding what date to assign for the hearing of the matter, including any urgency in the need for a ruling.  
~~any urgency in the need for a ruling.~~]

Dated: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
[Requestor's Name, Address, and Phone No.]

[CERTIFICATE OF SERVICE UNDER LBR 5005-~~1(h)~~3]

NOTES:

~~NOTE:~~

1. *In compliance with LBR 5070-1, the party requesting a hearing must file a notice of the hearing, see Official Form No. 2, within three (3) days after being given notification of the hearing date.*

2. *A party need not request a hearing: if the party's motion or other matter is not ruled upon on the papers, the Court will set a hearing in due course. This form is intended for use when the party knows in advance that a matter will require a hearing or to assure that a hearing is already set if someone files an objection to the action the party proposes. It may also be used when a party desires a hearing on a matter already ripe for a hearing and the Court has not set a hearing.*



**LOCAL OFFICIAL FORM NO. 3**

**NOTICE OF DEADLINE TO OBJECT TO  
MOTION COMMENCING CONTESTED MATTER**

[CAPTION]

NOTICE OF DEADLINE TO FILE AND SERVE OBJECTION TO [NAME OF MOTION]

\_\_\_\_\_ has filed a [insert name of motion] seeking [describe the relief sought in the motion].

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)

If you do not want the Court to [relief sought in motion], or if you want the Court to consider your views on the [motion] then:

on or before [date of deadline], you or your attorney must file with the Court a written objection to the [motion], together with the proposed order required by Local Bankruptcy Rule 9072-1. The objection and proposed order must be filed with the Clerk of the Bankruptcy Court, U.S. Courthouse, 3rd and Constitution Avenue, N.W., —Washington, —D.C. 20001. You may append affidavits and documents in support of your objection.

If you mail your objection to the Court for filing, you must mail it early enough so the Court will receive it on or before the date stated above.

You must also mail a copy of your objection to:

[movant's attorney's name and address]

[names and addresses of others to be served]

If you or your attorney do not take these steps, the Court may decide that you do not oppose the relief sought in the [motion] and may enter an order granting relief. The Court may grant the [motion] without a hearing if the objection filed states inadequate grounds for denial of the [relief sought in motion or other filing].

~~Dated:~~ \_\_\_\_\_

~~[Movant's Attorney's~~ Dated: \_\_\_\_\_

\_\_\_\_\_  
[Movant's Counsel's Name, ~~Addr.~~, Address, E-Mail ~~Addr.~~, Address, and  
Phone No.]

[CERTIFICATE OF SERVICE UNDER LBR 5005-~~1(h)~~13]

NOTES:

~~NOTES:~~

~~1.~~—The Notice of Deadline optionally may appear conspicuously in the Motion, with the title of the Motion to read "MOTION

~~2.1.~~ . . . AND NOTICE OF DEADLINE TO FILE AND SERVE OBJECTION TO MOTION."

~~3.2.~~ When a Rule requires that the deadline be measured from the date of service, instead of from the date of filing, and service is made by mail, Fed. R. Bankr. P. 9006(f) requires that the date of the deadline is changed to three (3) days after the deadline date that would otherwise apply.

~~4.3.~~ Once the paper commencing a contested matter has been served, generally there is no need, when a later motion is filed in the contested matter, to include a notice of the deadline to object to that motion. An exception would be a motion for contempt against a witness (for example, for failing to comply with a subpoena).

~~5.~~ ~~4.~~ Official Local Form No. 4 is substantially similar to this form, but is tailored to be used for such miscellaneous filings as a notice of a proposed abandonment, and ~~it~~ includes Notes pertinent to service on the entire creditor body.

**LOCAL OFFICIAL FORM NO. 4**

**NOTICE TO CREDITOR BODY AND OTHERS  
OF OPPORTUNITY TO OBJECT TO MOTION OR OTHER FILING ~~[CAPTION]~~**

[CAPTION]

**NOTICE OF OPPORTUNITY TO OBJECT TO [NAME OF  
MOTION OR PROPOSED ACTION (E.G., AN ABANDONMENT) TO BE TAKEN]**

\_\_\_\_\_ has filed a [insert name of motion or other filing] seeking [describe the relief sought].

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)

If you do not want the Court to [relief sought in motion or proposed action to be taken], or if you want the Court to consider your views on the matter, then:

on or before [date of deadline], you or your attorney must file with the Court a written objection to the [motion] [proposed action], together with the proposed order required by Local Bankruptcy Rule 9072-1. The objection and proposed order must be filed with the Clerk of the Bankruptcy Court, E. Barrett Prettyman

U.S. Courthouse, 3rd and Constitution Avenue, N.W., Washington, D.C. 20001. You may append affidavits and documents in support of your objection.

If you mail your objection to the Court for filing, you must mail it early enough so the Court will receive it on or before the date stated above.

You must also mail a copy of your objection to:

[movant's attorney's name and address]

[names and addresses of others to be served]

If you or your attorney do not take these steps, the Court may decide that you do not oppose the relief sought in the motion and may enter an order granting relief. The Court may grant the [motion or proposed action] without a hearing if the objection filed states inadequate grounds for denial of the [motion] [proposed action —to be taken]. Parties in interest with questions may contact the undersigned.

~~Dated:~~ \_\_\_\_\_

~~[Movant's Attorney's]~~ ~~Dated:~~ \_\_\_\_\_ -

\_\_\_\_\_  
[Movant's Counsel's Name, ~~Addr.,~~ Address, E-Mail ~~Addr.,~~ Address, and  
Phone No.]

[CERTIFICATE OF SERVICE UNDER LBR 5005-~~1(h)-13~~]

~~NOTES:~~

NOTES:

1. *Matters governed by Fed. R. Bankr. P. 2002(a) provide for 21-day notice, measured under LBR 2002-1 from the date of filing.*
2. *Some rules, such as Fed. R. Bankr. P. 6007, provide for a different period than twenty-one (21) days for objections.*

3. *In addition, some rules, such as Fed. R. Bankr. P. 6007, measure the objection period from the date of the mailing of the notice, with the result that Fed. R. Bankr. P. 9006(f) applies to require that the date of the deadline is changed to three (3) days after the deadline date that would otherwise apply. ~~LB~~ Local Bankruptcy Rule 2002-1 sets forth instances in which notice may be limited.*
4. *Local Official Form 5 applies to a notice of a proposed use, sale, or lease of property.*
5. *Local Official Form 6 applies to an objection to a claim.*
6. *Local Official Form 7 applies to an objection to exemptions.*
- ~~7.~~ *The Notice of Deadline optionally may appear conspicuously in the Motion or other paper<sup>7</sup>, with the title of the paper to read ~~(for example)~~ "MOTION . . . AND NOTICE OF DEADLINE TO FILE AND SERVE OBJECTION TO MOTION."*

**LOCAL OFFICIAL FORM NO. 5**

**NOTICE UNDER LBR 6004-1 OF  
PROPOSED USE, SALE, OR LEASE OF PROPERTY**

[CAPTION]

NOTICE OF PROPOSED [SALE, USE, OR LEASE] OF [DESCRIBE PROPERTY]

PLEASE TAKE NOTICE that [sale, use, or lease] of the following- described property of the estate, not in the ordinary course of business, is proposed in accordance with Fed. R. Bankr. P. 6004(a):

[Detailed Property Description]

It is proposed that the property be [describe sale, use, or lease]. [Insert information required by LBR 6004-1(a) and Fed. R. Bankr. P. 2002(c).]

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)

If you do not want the [sale, use, or lease] to become effective, or if you want the Court to consider your views on the proposed [sale, use, or lease], then:

on or before [deadline] [the 5th day before the date set for the proposed [sale, use, or lease], you or your attorney must file with the Court a written objection to the proposed [sale, use, or lease], together with the proposed order required by Local Bankruptcy Rule 9072-1. —The objection and proposed order must be filed with the Clerk of the Bankruptcy Court, E. Barrett Prettyman U.S. Courthouse, 3rd and Constitution Avenue, N.W., Washington, D.C. 20001. You may append affidavits and documents in support of your objection.

If you or your attorney mail your objection to the Court for filing, you must mail it early enough so the Court will receive it on or before the date stated above.

You or your attorney must also mail a copy of your objection to:

[movant's attorney's name and address]

[names and addresses of others to be served]

IN THE ABSENCE OF A TIMELY OBJECTION, THE [SALE, USE, OR LEASE] WILL BE AUTHORIZED BY THE BANKRUPTCY CODE AND BY THE RULES OF THE COURT WITHOUT THE NECESSITY OF A COURT ORDER. The Court may authorize the [sale, use, or lease] without a hearing if the objection filed states inadequate grounds for denial. Parties in interest with questions may contact the undersigned.

~~Dated:~~ \_\_\_\_\_

~~{Movant's Attorney's~~ ~~Dated:~~ \_\_\_\_\_ -

\_\_\_\_\_  
[Movant's Counsel's Name, ~~Addr.~~, Address, E-Mail ~~Addr.~~, Address, and Phone No.]

[CERTIFICATE OF SERVICE UNDER LBR 5005-~~1(h)-13~~]

*NOTE: This form is to be used when a sale, use, or lease out of the ordinary course of business can be authorized on notice without the necessity of Court order, if there is no objection. A sale free and clear of liens requires a motion and a proposed order.*

**LOCAL OFFICIAL FORM NO. 6**  
**NOTICE UNDER LBR 3007-1 OF TIME TO**  
**RESPOND TO OBJECTION TO CLAIM**

[CAPTION]

NOTICE OF TIME TO RESPOND TO OBJECTION TO CLAIM

\_\_\_\_\_ has filed an objection to your claim in this bankruptcy case.

Your claim may be reduced, modified, or eliminated. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)

If you do not want the Court to [reduce, modify, or eliminate] your claim, or if you want the Court to consider your views on the objection, then:

**on or before [date of deadline] [30 days after the date of the ~~date~~ filing of the objection – see LBR 3007-1], you or your attorney must file with the Court a written opposition to the objection to your claim ~~and~~ together with a proposed order ~~under~~ required by Local Bankruptcy Rule 9072-1.** The opposition and proposed order must be filed with the Clerk of the Bankruptcy Court, E. Barrett Prettyman U.S. Courthouse, 3rd and Constitution Avenue, N.W., Washington, D.C. 20001. You may append affidavits, documents, and other evidence you wish to attach in support of your claim.

If you mail your opposition to the Court for filing, you must mail it early enough so the Court will receive it on or before the date stated above. You must also mail a copy of your opposition to: ~~[movant's attorney's name and address]~~  
~~[names and addresses of others to be served]~~

[movant's attorney's name and address]

[names and addresses of others to be served]

**If you or your attorney do not take these steps, the Court may decide that you do not oppose the relief sought in the objection and may enter an order sustaining the objection.** The Court may sustain the objection without a hearing if the opposition filed states inadequate grounds for overruling the objection.

~~Dated:~~ \_\_\_\_\_

~~[Movant's Attorney's]~~ ~~Dated:~~ \_\_\_\_\_ -

\_\_\_\_\_  
[Movant's Counsel's Name, ~~Addr.,~~ Address, E-Mail ~~Addr.,~~ Address, and  
Phone No.]

[CERTIFICATE OF SERVICE UNDER LBR 5005-~~1(h)-13~~]

*NOTE: See LBR 3007-1 for the rules regarding service of the objection. The Notice of Deadline optionally may appear conspicuously in the Objection to Claim, with the title of the Motion to read "OBJECTION TO CLAIM OF . . . AND NOTICE OF DEADLINE TO FILE AND SERVE OPPOSITION TO OBJECTION."*

**LOCAL OFFICIAL FORM NO. 7**

**NOTICE UNDER LBR 4003-1 OF TIME TO  
RESPOND TO OBJECTION TO EXEMPTIONS**

[CAPTION]

NOTICE OF TIME TO RESPOND TO OBJECTION TO EXEMPTIONS

\_\_\_\_\_ has filed an objection to your claim of exemptions.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)

If you do not want the Court to sustain the objection to your claimed exemptions, or if you want the Court to consider your views on the objection, then:

on or before [deadline] [the date that is ~~15~~21 days after the date of ~~service~~the filing of the objection, adding three (3) days if service is by mail], you or your attorney must file with the Court a written opposition to the objection to your claimed exemptions, together with the proposed order required by Local Bankruptcy Rule 9072-1. The opposition and proposed order must be filed with the Clerk of the Bankruptcy Court, E. Barrett Prettyman U.S. Courthouse, 3rd and Constitution Avenue, N.W., Washington, D.C. 20001. You may append affidavits and documents in support of your opposition.

If you mail your opposition to the Court for filing, you must mail it early enough so the Court will receive it on or before the date stated above. You must also mail a copy of your opposition to: ~~will~~

~~receive it on or before the date stated above.~~

~~You must also mail a copy of your opposition to:~~

[movant's attorney's name and address]

[names and addresses of others to be served]

If you or your attorney do not take these steps, the Court may decide that you do not oppose the relief sought in the objection and may enter an order sustaining the objection. The Court may sustain the objection without a hearing if the opposition filed states inadequate grounds for denial.

~~Dated:~~ \_\_\_\_\_

~~[Movant's Attorney's~~ ~~Dated:~~ \_\_\_\_\_ ~~-~~

\_\_\_\_\_  
[Movant's Counsel's Name, ~~Addr.:~~ Address, E-Mail ~~Addr.:~~ Address, and  
Phone No.]

[CERTIFICATE OF SERVICE UNDER LBR 5005-~~1(h)-13~~]

*NOTE: See LBR 4003-1 for the rules regarding service of the objection. The Notice of Deadline optionally may appear conspicuously in the Objection to Claim, with the title of the Motion to read "OBJECTION TO CLAIM OF . . . AND NOTICE OF DEADLINE TO FILE AND SERVE OPPOSITION TO OBJECTION."*

\_\_\_\_\_

\*For Court Use



LOCAL OFFICIAL FORM NO. 9

LBR 1007-5 DECLARATION OF DEBTOR REGARDING  
PAYMENT ADVICES COVERSHEET

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF COLUMBIA

In re \_\_\_\_\_,  
Debtor(s). )  
Case No. \_\_\_\_\_  
Chapter \_\_\_\_\_

LBR 1007-5 Declaration of Debtor Regarding Payment Advices

Select one of the following:

       pages) ~~represent~~represents  
The attached (consisting of                      complete and

   accurate copies of all payment advices or other evidence of payment I have received from any employer within sixty (60) days before the commencement of this bankruptcy case. (Attach all payment advices received, redacting any information entitled to privacy protection under Fed. —R. —Bankr. —P. —9037~~—~~<sup>±</sup>.  )<sup>3</sup>

       I have received no payment advices or other evidence of payment from any employer within sixty (60) days before the commencement of this bankruptcy case.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on: \_\_\_\_\_ (Signature)  
\_\_\_\_\_ (Printed Name)  
\_\_\_\_\_ (Address)  
\_\_\_\_\_ (Phone No.)

<sup>3</sup> Federal Rule of Bankruptcy Procedure 9037(a) provides that the following personal information must be redacted from any payment advices:

- All but the last four digits of a social-security number or taxpayer- identification number;
- The month and day of the individual's birth (but not the year);
- All but the initials of any minor's name; and

All but the last four digits of any financial account number.

LOCAL OFFICIAL FORM NO. 10

~~LBR 1007-6 STATEMENT REGARDING INTEREST IN ACCOUNT OR  
PROGRAM OF THE TYPE DESCRIBED BY § 521(C) OF THE BANKRUPTCY CODE~~

~~UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF COLUMBIA~~

In re

~~Debtor(s).~~ ~~Case No.~~ ~~Chapter~~

~~STATEMENT OF RECORD OF THE DEBTOR'S INTEREST  
OR LACK OF AN INTEREST UNDER AN ACCOUNT OR  
PROGRAM OF THE TYPE SPECIFIED IN 11 U.S.C. § 521(c)~~

~~I do not have any interest in an education individual  
retirement account (as defined in § 530(b)(1) of the  
Internal Revenue Code of 1986) or under a State tuition  
program (as defined in § 529(b)(1) of the Internal  
Revenue Code of 1986)~~

~~I have the following interest(s) in an education  
individual retirement account (as defined in § 530(b)(1)  
of the Internal Revenue Code of 1986) or under a State  
tuition program (as defined in § 529(b)(1) of the Internal  
Revenue Code of 1986):~~

~~and as to each such interest attached hereto (with all but  
the last four digits of any account number redacted) is a  
record of that interest~~

~~I HEREBY CERTIFY under penalty of perjury that the information on this Certificate including any additional sheets provided, is true, correct, and complete as of the date on which I filed my petition commencing this case.~~

Debtor's Signature: \_\_\_\_\_

Printed name of Debtor: \_\_\_\_\_

Date: \_\_\_\_/\_\_\_\_/\_\_\_\_

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF COLUMBIA

In re _____ )	
_____ )	Case No. _____
_____ )	
_____, _____ )	Chapter _____
_____ )	
_____ Debtor(s). )	

**DISCLOSURE OF COMPENSATION OF ATTORNEY FOR DEBTOR**

Pursuant to 11 U.S.C. § 329(a) and Fed. Bankr. P. 2016(b), I certify that I am the attorney for the above-named debtor(s) and that compensation paid to me within one year before the filing of the petition in bankruptcy, or agreed to be paid to me, for services rendered or to be rendered on behalf of the debtor(s) in contemplation of or in connection with the bankruptcy case is as follows:

☐ **Flat Fee**

For legal services, I have agreed to accept ..... \$ \_\_\_\_\_

Prior to the filing of this statement I have received ..... \$ \_\_\_\_\_

Balance Due..... \$ \_\_\_\_\_

☐ **Hourly Fee**

For legal services, I have agreed to accept and I received a retainer of. .... \$ \_\_\_\_\_

The undersigned shall bill against the retainer at an hourly rate of ..... \$ \_\_\_\_\_  
[Or attach firm hourly rate schedule] as such rate may change over time based on periodic increases.

Debtor has agreed to pay all approved fees and expenses exceeding the amount of the retainer, subject to those fees and expenses being approved by the court (when court approval is required) for work performed in a chapter 11 case or chapter 13 case. Payments of fees and expenses exceeding the retainer, other than payment of amounts approved for payment by court order, will be disclosed by a supplemental Rule 2016(b) statement.

☐ **Pro Bono Representation**

I have agreed to provide services without compensation.

\*\*\*\*\*

The debtor ☐ has ☐ has not agreed to reimburse expenses.

The source of the compensation paid to me was:

☐ Debtor ☐ Other (specify)

The source of compensation to be paid to me is:

☐ Debtor ☐ Other (specify)

With respect to the compensation described herein:

☐ I have not agreed to share the above-disclosed compensation with any other person unless they are members and associates of my law firm.

☐ I have agreed to share the above-disclosed compensation with another person or persons who are not members or associates of my law firm. A copy of the agreement, together with a list of the names of the people sharing in the compensation, is attached.

In return for the above-disclosed fee, I have agreed to render legal service for all aspects of the bankruptcy case (other than services excluded by the paragraph below) including:

Analysis of the debtor's financial situation and rendering advice to the debtor in determining whether to file a petition in bankruptcy;

Preparation and filing of any petition, schedules, statements of affairs and plan which may be required;

Representation of the debtor at the meeting of creditors and confirmation hearing, and any adjourned hearings thereof;

Representation of the debtor in adversary proceedings and other contested bankruptcy matters;

[Other provisions as needed]

By agreement with the debtor(s), the above-disclosed fee does not include the following services:

CERTIFICATION

I certify that the foregoing is a complete statement of any agreement or arrangement for payment to

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Attorney

\_\_\_\_\_  
Name of law firm

LOCAL OFFICIAL FORM NO. 11

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF COLUMBIA

In re \_\_\_\_\_,  
Debtor(s).

)  
)  
)  
)  
)  
)

Case No. \_\_\_\_\_  
Chapter \_\_\_\_

DEBTOR'S MOTION FOR ENTRY OF § 1328(a) CHAPTER 13  
DISCHARGE AND NOTICE OF DEADLINE AND OPPORTUNITY TO OBJECT

Comes now the debtor and respectfully moves this court to enter a Chapter 13 Discharge pursuant to 11 U.S.C. § 1328(a), and in support thereof, states as follows:

1. The debtor has completed in full all plan payments under the confirmed Chapter 13 plan including all modifications thereof and the Trustee has accordingly filed a ~~Final Report and Account~~ Notice of Completion.
2. The debtor has completed, **after the filing of this case**, the required instructional course concerning Personal Financial Management described in 11 U.S.C. § 111 and has filed, no later than the last payment made under the plan, the requisite certification (Official Form 423).
3. The debtor has not received a discharge in a case filed under Chapter 7, 11, or 12 during the 4-year period preceding the date of the order of relief under this Chapter.

4A. ~~—~~ The debtor has not been required by a judicial or administrative order, or by statute to pay any domestic support obligation as defined in 11 U.S.C. § 101(14A) either before this bankruptcy was filed or at any time after the filing of this bankruptcy.

OR

4B. ~~—~~ The debtor has made all pre-petition and post-petition domestic support obligations required by judicial or administrative order or by statute and the name of each holder of a domestic support obligation is as follows:

Name: \_\_\_\_\_ Address: \_\_\_\_\_

---

---

5. The debtor's most recent/current address is:

---

---

6. The name and address of the debtor's most recent/current employer/income source is:

Name: \_\_\_\_\_ Address: \_\_\_\_\_

---

---

---

---

~~7. The debtor's most recent/current address is:~~

---

---

~~5. The name and address of the debtor's most recent/current employer/income source is:~~

~~Name: \_\_\_\_\_ Address: \_\_\_\_\_~~

---

---

The debtor hereby certifies that he has not been found guilty (and there is no action pending in which the debtor may be found guilty) of a felony as described in 11 U.S.C. § 522(q)(1)(A) ~~and that the debtor is not~~ liable (and there is no action pending in which the debtor may be found liable) for a debt as described in 11 U.S.C. § 522(q)(1)(B).

**WHEREFORE**, the debtor respectfully moves this court to enter a Chapter 13 Discharge pursuant to 11 U.S.C. § 1328(a).

      /      /        
DATE

\_\_\_\_\_  
Debtor/Debtor's Attorney

      /      /        
DATE

\_\_\_\_\_  
Debtor/Debtor's Attorney

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**NOTICE OF OPPORTUNITY AND DEADLINE TO OBJECT  
TO MOTION FOR ENTRY OF CHAPTER 13 DISCHARGE**

**\*PLEASE TAKE NOTICE THAT WITHIN TWENTY-ONE (21) DAYS AFTER THE ~~SERVICE~~ DATE OF FILING THIS NOTICE OF THIS NOTICE** you must file and serve a written objection to the motion, together with the proposed order required by Local Bankruptcy Rule 9072-1. The objection and proposed order must be filed with the Clerk of the Bankruptcy Court, U.S. Courthouse, 3rd and Constitution Ave., N.W., Washington, D.C. 20001, and served by mailing a copy to the Debtor/Debtor's Attorney and to the Chapter 13 Trustee.

**\*IF YOU FAIL TO FILE A TIMELY OBJECTION, THE MOTION MAY BE GRANTED BY**

**THE COURT WITHOUT A HEARING.**\_\_\_\_\_The court may grant the motion without a hearing if the objection filed states inadequate grounds for denial.\_\_\_\_\_Parties in interest with questions may contact the Debtor/Debtor's Attorney.

\_\_\_\_\_  
\_\_\_\_\_  
DATE

\_\_\_\_\_  
Debtor/Debtor's Attorney

\_\_\_\_\_  
\_\_\_\_\_  
DATE

\_\_\_\_\_  
Debtor/Debtor's Attorney

**CERTIFICATE OF SERVICE UNDER LBR 5005-3**

I hereby certify that a copy of the Motion for Entry of §1328(a) Chapter 13 Discharge and Notice of Deadline and Opportunity to Object has been mailed, postage pre-paid, on the date that appears below to ~~all scheduled creditors and to:~~

~~Cynthia A. Niklas, Esq., United States Attorney~~

~~Nancy Spencer Grigsby,~~

~~Chapter 13 Trustee~~

~~DC Civ. Div., Fin. Litigation~~

~~4545 42nd St. NW #211~~

~~555 4th St., NW~~

~~Washington, DC 20016-4623~~

~~Washington, DC 20530~~

~~Internal Revenue Service~~

~~D.C. Tax and Revenue~~

~~P.O. Box 7346~~

~~1101 4th St., SW 6th Fl.~~

~~Philadelphia, PA 19101-7346~~

~~Washington, DC 20024~~

~~IRS Chief Counsel~~ ~~Attorney General for D.C.~~  
~~P.O. Box 77085~~ ~~441 4th St. NW~~  
~~Washington, DC 20013~~ 185 Admiral Cochrane Dr.  
Suite 240  
Annapolis, MD 21401  
~~Washington, DC 20001~~

Child Support Serv. Div.  
Office of Attorney General  
441 4th St., NW 5th Fl. ~~Washington, DC 20001~~  
Washington, DC 20001

\_\_\_\_/\_\_\_\_/\_\_\_\_  
DATE

\_\_\_\_\_  
Debtor/Debtor's Attorney

In re \_\_\_\_\_, )  
 )  
 ) Case No. \_\_\_\_\_  
 )  
 \_\_\_\_\_, ) Chapter \_\_\_\_  
 )  
 Debtor(s). )

LBR 1007-2(b) STATEMENT OF NO ALTERATIONS

The schedules filed herewith:

1. do not add any entity not included on the existing List of Creditors and Mailing Matrix (as amended by any amendments that have been made thereto); and
2. do not change the name or address of any entity as listed on the existing List of Creditors and Mailing Matrix (as amended by any amendments that have been made thereto).

I HEREBY CERTIFY under penalty of perjury that the information on this statement is true, correct, and complete.

Debtor's Signature: \_\_\_\_\_

Printed name of Debtor: \_\_\_\_\_

Date: \_\_\_\_\_

LOCAL OFFICIAL FORM ~~NO~~NO. 13

IN THE STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF COLUMBIA

In re \_\_\_\_\_,  
Debtor(s).

)  
)  
)  
)  
)  
)

Case No. \_\_\_\_\_  
Chapter \_\_\_\_\_

LBR 1009-2(e) CERTIFICATE OF SERVICE OF PAPERS  
REQUIRED TO BE MAILED TO ENTITIES AFFECTED BY  
AMENDMENT OF LIST OF CREDITORS AND MAILING MATRIX

In compliance with LBR 1009-2(e), I certify that I have mailed to each entity affected by the amendments, filed this date, to the debtor's list of creditors and mailing matrix (other than entities being deleted by the amendments) copies of the following documents:

1. the notice of the commencement of the bankruptcy case;
2. any notice from the clerk regarding conversion of the case;
3. any notice of the meeting of creditors;
4. any notice sent to all creditors regarding a deadline for opposing any motion not yet decided or any hearing not yet held;
5. any notice to creditors of the deadline for filing any of the following:
  - a. a proof of claim; and
  - b. an objection to a disclosure statement not yet approved or to a plan not yet confirmed; and
6. any currently proposed or already confirmed plan affecting the ~~entities~~entites and any order confirming the plan, but the party need not mail a copy of the certificate of service to the affected ~~entities~~entites.

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

Executed on: \_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_

Signature: \_\_\_\_\_

Type or Print Name: \_\_\_\_\_

In re: \_\_\_\_\_, : Case No. \_\_\_\_\_  
: Chapter 13  
: \_\_\_\_\_, :  
: \_\_\_\_\_, :  
Last 4 digits of Soc. Sec. No. \_\_\_\_\_, and : Hearing Date: \_\_\_\_\_  
: \_\_\_\_\_, :  
: \_\_\_\_\_, : Date of Plan: \_\_\_\_\_  
: \_\_\_\_\_, :  
Last 4 digits of Soc. Sec. No. \_\_\_\_\_ : **Deadline for Filing Objections to Plan**  
: **and Mailing Copies to Trustee, the**  
Debtor(s). : **Debtor(s), and counsel for the Debtor(s):**  
: **21 Days After Date of Plan**

## **CHAPTER 13 PLAN & NOTICE OF DEADLINE TO OBJECT TO CONFIRMATION**

☐ Original Plan      ☐ Amended Plan      ☐ Modified Plan (modifying a confirmed plan)

## 1. GENERAL PLAN PROVISIONS.

The term “Debtor” herein includes both Debtors if this is a joint case. The Debtor proposes the following Chapter 13 Plan (the “Plan”) and makes the following declarations. **WARNING: In order to make this Plan effective, the Debtor must mark one and only one box in each Section A, B and C below.** The check marks in the boxes below will override any contrary provisions in the rest of the Plan. This Plan:

- A. ☐ does not contain any nonstandard provisions. OR  
☐ does contain nonstandard provisions. They are stated in Section 10 below.
- B. ☐ does not limit the amount of a secured claim. OR  
☐ does limit the amount of a secured claim based on the value of the collateral securing the claim as stated in Section 6(A) or 6(B) below. Any such attempt to limit the amount of a secured claim will be pursued by way of a Motion or Objection to Claim as noted in Section 6.
- C. ☐ does not avoid a security interest or lien. OR  
☐ does avoid a security interest or lien as stated in Section 6(A) or 6(B) below. Any such avoidance will be pursued by way of a Motion as noted in Section 6.

## 2. NOTICES.

You should read this Plan carefully and discuss it with your attorney if you have one in this bankruptcy case. If you do not have an attorney, you may wish to consult one.

### A. Notice to Creditors.

**Your rights may be affected by this Plan. Your claim may be reduced, modified, or eliminated. Section 1 above may identify Sections that may be of particular importance.**

**If you oppose this Plan's treatment of your claim or any provision of this Plan, you or your attorney must file an objection to confirmation of the plan within 21 days after the date of the plan, with a certificate of service reflecting mailing of the objection to the Chapter 13 Trustee, the Debtor, and the attorney for the Debtor.**

The Court may confirm this Plan without further notice if no objection to confirmation is filed. **You may need to file a timely proof of claim in order to be paid under the Plan.**

### B. Notice to Debtor.

This form lists options that may be appropriate in some cases, but not all cases. Just because an option is listed on the form does not mean that it is appropriate for you as the Debtor. Plans contrary to the local rules and Court rulings may not be confirmed.

## 3. PLAN TERMS.

### Regular ~~payments~~Payments:

The Debtor's future earnings are submitted to the supervision and control of the Chapter 13 Trustee, and the Debtor will pay as follows (mark and complete one of A or B below).

- ☐ A. \$ \_\_\_\_\_ per month for a term of \_\_\_\_\_ months. OR
- ☐ B. \$ \_\_\_\_\_ per month for \_\_\_\_\_ month(s),  
\$ \_\_\_\_\_ per month for \_\_\_\_\_ month(s), and  
\$ \_\_\_\_\_ per month for \_\_\_\_\_ month(s), for a total term of \_\_\_\_\_ months.

The Debtor must make monthly payments commencing no later than 30 days after the petition date. The Debtor will make payments as follows. (Check **all of the following** that apply.)

- ☐ The Debtor will make payments pursuant to a payroll deduction order. **The Debtor is responsible to make payments to the Trustee until any payroll deduction order is in effect.**
- ☐ The Debtor will make payments directly to the Trustee.
- ☐ Other \_\_\_\_\_

### Income Tax Returns and Refunds:

Unless otherwise directed by the Chapter 13 Trustee, the Debtor will supply to the Chapter 13 Trustee a copy of each income tax return that the Debtor files during the Plan term within 14 days of filing the return.

The Debtor will treat income tax refunds as follows:

- ☐ The Debtor will retain any income tax refunds received during the Plan term.
- ☐ The Debtor will turn over to the Trustee all tax refunds received during the Plan term, not later than 30 days after receipt.

### Additional Payments:

☐ None. ☐ The Debtor will make additional payments to the Trustee from other sources specified below. (Describe the source, estimated amount and date of each anticipated payment.)

---

---

## 4. TREATMENT OF CLAIMS.

**Effect, on Debtor's Right to a Discharge, of Non-Payment of a Claim That the Plan Provides Will be Paid Directly.** The Debtor will not be denied a discharge based on non-payment of a claim (or portion thereof) that the Plan provides is to be paid directly by the Debtor but the claim (or portion thereof) that was to be paid directly will not be discharged.

**Trustee Commission, Domestic Support Obligations, and Administrative Claims: (and Other Claims) Described in 11 U.S.C. § 507(a)(1) and (2):** From the payments made to the Chapter 13 Trustee, the Trustee shall be paid the allowed fee under 11 U.S.C. § 1326(b)(2) and will make distributions in the order listed pursuant to Local Rule 3015-5 unless otherwise ordered by the Court. Any deviation from the order of distribution must be set forth in Section 10, Non-Standard Provisions. Allowed claims entitled to priority under 11 U.S.C.

§ 507(a)(1) and (2) will be paid in full unless a nonstandard provision provides otherwise.<sup>1</sup> Their order of payment is governed by Local Rule 3015-5. Any interest required to be paid on administrative claims for taxes shall be governed by 11 U.S.C. § 511. —

---

<sup>1</sup> Section 1322(a)(2), with exceptions of rare applicability in § 1322(a)(2) itself and 1322(a)(4), requires full payment of claims entitled to priority under § 507(a).

**A. Claims Entitled to Priority Under 11 U.S.C. § 507(a)(3) – (10).**

The following are the anticipated priority claims listed in 11 U.S.C. § 507(a)(3) – (10) in this case:

Priority Creditor

Expected Claim Amount

(Check one box.)

☐ All allowed claims entitled to priority under 11 U.S.C. § 507(a)(3) – (10) will be paid in full unless a non-standard provision in Section 10 provides otherwise.

☐ Unless a non-standard provision in Section 10 provides otherwise, allowed claims entitled to priority under 11 U.S.C. § 507(a)(3) – (10), other than § 507(a)(8), will be paid in full, with post-confirmation interest of \_\_\_% per annum. Unless a non-standard provision in Section 10 provides otherwise, all allowed claims entitled to priority under 11 U.S.C. § 507(a)(8) will be paid in full, with post-confirmation interest at the rate of interest under applicable nonbankruptcy law determined as of the calendar month in which the Plan is confirmed.<sup>22</sup>

**-B. Secured Claims.**

i. **General Provision:** Unless a lien (or right of setoff) is avoided, the holder of a claim secured by such lien (or right of setoff) will, to the extent set forth in Section 4(B)(vii) and Section 5 below, retain its lien (or right of setoff) as to such secured claim notwithstanding 11 U.S.C. § 1327(c).

~~ii. **Adequate Protection Payments for Claims Secured by or Subject to a Lease of Personal Property:** Beginning not later than 30 days after the petition date and until the Plan is confirmed, the Debtor will directly make payments required under 11 U.S.C. § 1326 for claims listed below that are secured by or subject to a lease of personal property. After confirmation of the Plan, the claims will be paid under Section 4(B)(iv). The Debtor must make sure to list the amount of the monthly payment the Debtor will pay before confirmation, and list the last 4 digits only of the account number, if any, the lienholder uses to identify the claim:~~

~~☐ None. OR~~

~~☐ Claims Listed Below:~~

~~Lessor/ \_\_\_\_\_ Property/ \_\_\_\_\_ Pre-Confirmation~~

~~Lienholder \_\_\_\_\_ Collateral \_\_\_\_\_ Acct. No (last 4 digits) \_\_\_\_\_ Monthly Payment~~

<sup>22</sup> See 11 U.S.C. § 511. A non-standard provision in Section 10 of this Plan may be needed if in a ~~chapter~~Chapter 7 case some priority claims would be paid in full but some priority claims of a lower level of priority would not be paid in full in ~~chapter~~Chapter 7.

**iii.ii. Cure of Default and Maintenance of Payments on Claims Secured by the Debtor's Principal Residence.** Arrears on such claims that were owed as of the petition date will be paid through the Plan in equal monthly amounts. The Debtor will directly pay outside of the plan payments that come due after filing of the petition beginning with the first payment due after filing the petition. **The portion of the claim to be paid directly by the Debtor outside the Plan will be governed by Section 4(B)(viiiivii) below.**

☐ None. OR  
☐ Claims Listed Below:

<u>Lienholder</u>	<u>Collateral</u>	<u>Estimated Prepetition Arrears</u>	<u>Estimated Monthly Cure Payment</u>	<u>No. of. Months</u>
-------------------	-------------------	--	---	---------------------------

**iv.iii. Cure of Default and Maintenance of Payments on Allowed Claims Secured by Property OTHER THAN the Debtor's Principal Residence.** Arrears on such claims that were owed as of the petition date will be paid through the Plan in equal monthly amounts. The Debtor will directly pay outside of the plan payments that come due after filing of the petition beginning with the first payment due after filing the petition. **The portion of the claim to be paid directly by the Debtor outside the Plan will be governed by Section 4(B)(viiiivii) below.**

☐ None. OR  
☐ Claims Listed Below:

<u>Lienholder</u>	<u>Collateral</u>	<u>Estimated Prepetition Arrears</u>	<u>Estimated Monthly Cure Payment</u>	<u>No. of. Months</u>
-------------------	-------------------	--	---	---------------------------

**v. — Allowed Claims Described in the Final Paragraph of § 1325(a) of the Bankruptcy Code<sup>3</sup> to be Paid in Full Through the Plan.** The claims listed below are claims described in the final paragraph of § 1325(a) of the Bankruptcy Code<sup>4</sup> ~~will~~ and are to be treated as **follows.**

<sup>3</sup> This so-called "hanging paragraph" applies to (1) debt incurred within 910 days of filing for bankruptcy that is secured by a purchase money security interest in a motor vehicle acquired for personal use of the Debtor, and (2) any debt incurred within one year of filing for bankruptcy that is secured by a security interest in any other collateral.

<sup>4</sup> This so-called "hanging paragraph" applies to (1) debt incurred within 910 days of filing for bankruptcy that is secured by a purchase money security interest in a motor vehicle acquired for personal use of the Debtor, and (2)

☐ ~~None. OR~~  
**vi.iv.** ☐ ~~Claims Listed Below~~ such. The Chapter 13 Trustee will ~~receive~~ pay the full amount of the allowed secured claim ~~(including any allowed pre-confirmation interest owed under nonbankruptcy law)~~ plus post-confirmation interest on the allowed secured claim as indicated below in equal monthly amounts. The Debtor's estimate below of the allowed secured claim (and estimate of the required monthly payments) shall not be controlling. A proof of claim must be filed for the claim to receive that treatment and an untimely proof of claim may be disallowed.

☐ ~~None. OR~~  
☐ ~~Claims Listed Below:~~

<u>Lienholder</u>	<u>Collateral</u>	<u>Estimated Allowed Secured Claim</u>	<u>Post- Confirmation Interest Rate</u> % per annum	<u>Estimated Monthly Payment</u>	<u>No. of. Months</u>
-------------------	-------------------	--	--	--	---------------------------

**vii.v.** Other Allowed Secured Claims to be Paid in Full ~~through~~ Through the Plan. ~~Such claims~~ The Chapter 13 Trustee will ~~be paid through~~ pay the ~~Plan~~ full amount of each allowed secured claim listed below plus post-confirmation interest on the allowed secured claim as indicated below in equal monthly amounts. A proof of claim must be filed for the claim to receive that treatment and an untimely proof of claim may be disallowed. The Debtor's estimate below of the ~~amount of the~~ allowed secured claim (and estimate of the required monthly payments) shall not be controlling. ~~The Debtor A proof of claim must make sure be filed for the claim to list the post-confirmation interest rate to be paid receive that treatment and an untimely proof of claim may be disallowed.~~

☐ ~~None. OR~~  
☐ ~~Claims Listed Below:~~

<u>Lienholder</u>	<u>Collateral</u>	<u>Estimated Amount</u>	<u>Post- Confirmation Interest Rate</u> % per annum	<u>Estimated Monthly Payment</u>	<u>No. of. Months</u>
-------------------	-------------------	-----------------------------	--	--	---------------------------

~~any debt incurred within one year of filing for bankruptcy that is secured by a security interest in any other collateral.~~

Allowed secured claims for taxes shall be paid post-confirmation interest at the rate of interest under applicable nonbankruptcy law determined as of the calendar month in which the plan is confirmed

~~viii.vi.~~ **Surrendered Collateral.** The Debtor will surrender the collateral listed below to the respective lienholder as listed below. To surrender collateral only means that the lienholder will be entitled to exercise its lien rights against the collateral under nonbankruptcy law. Any allowed unsecured claim of the lienholder will be treated as specified in Section 4(~~C~~), ~~below D~~) below (or Section 4(A) below if the allowed unsecured claim is one entitled to priority). Unless the Court orders otherwise, the lienholder may amend a timely filed proof of claim to assert a claim for an unsecured deficiency claim remaining after enforcement of its lien as follows: (a) an amended proof of claim asserting an unsecured deficiency claim for a claim for which the collateral was **real property** shall be filed within \_\_\_\_\_ days (no less than 180 days after entry of the confirmation order); (b) an amended proof of claim asserting an unsecured deficiency claim for a claim for which the collateral was **personal property** (that is, anything other than real estate) shall be filed within \_\_\_\_\_ days (no less than 60 days after entry of the confirmation order). Upon Plan confirmation, the automatic stay and co-debtor stay of 11 U.S.C. §§ 362(a) and 1301 terminate, if not terminated earlier, as to enforcement of the lienholder's lien against the collateral listed:

☐ *None.* OR

☐ *Claims Listed Below:*

Lienholder

Collateral

**ix.vii. Secured Claims That Are to be Paid Outside of the Plan.** Check any applicable boxes:

☐ *None.*

☐ *Claims Listed Below.* The Debtor will pay directly outside of the Plan all secured claims that are listed below, including any unsecured portion of such claims. Any such claim will not be discharged and the holder of the claim shall retain its lien (or right of setoff) after completion of the Plan and entry of any discharge.

Lienholder

Collateral

☐ *Claims Listed Below.* The Debtor will pay directly outside of the plan all secured claims that are listed below, but any unsecured portion of such a claim will be discharged upon the receipt of a discharge unless excepted from discharge under 11 U.S.C. § 1328 or some other statutory provision. The holder of the claim shall retain its lien (or right of setoff) after completion of the plan and entry of any discharge.

Lienholder

Collateral

**x.viii. Trustee's Adjustment of Payments.** If the Trustee is holding more funds than those needed to make the payments under the Plan for any month, the Trustee may pay amounts larger than those listed in Sections 4(B)(~~iii~~), 4(B)(~~iv~~), and 4(B)(~~viii~~) through (v) pro rata.

**C. Payments the Debtor Makes Directly to a Creditor Preconfirmation Under § 1326(a).**

Any preconfirmation payments a debtor makes directly to a creditor under 11 U.S.C. § 1326(a) shall reduce payments to be made to the Trustee under the Plan only if such creditor's claim is to be paid by the Trustee under the Plan.<sup>5</sup>

**D. Unsecured Claims Not Entitled to Priority.**

Such claims (except those that are to be paid directly by the Debtor pursuant to another provision of this Plan) will be paid by the Trustee as follows (mark one box only):

☐

☐ Pro Rata                      ☐ 100%                      ☐ 100% Plus \_\_\_\_% Post-Confirmation Interest.<sup>6</sup>

[If there is more than one class of unsecured claims, list each class and how it is to be treated:-.]

⋮

Class of Unsecured Claims

Treatment

---

<sup>5</sup> Section 1326(a)(1)(B) and (C) deal with the debtor's obligation, unless the court orders otherwise, to make payments "(B) scheduled in a lease of personal property directly to the lessor that portion of the obligation that becomes due after the [commencement of the case]" and "(C) that provide[] adequate protection directly to a creditor holding an allowed claim secured by personal property to the extent the claim is attributable to the purchase of such property by the debtor for that portion of the obligation that becomes due after the [commencement of the case] . . . ." Those provisions contemplate a reduction of Plan payments required to be made to the trustee under § 1326(a) "by the amount so paid" under § 1326(a)(1)(B) or (C) upon "providing the trustee with evidence of such payment, including the amount and date of payment." If the Plan provides that the claim is not to be paid by the Trustee (for example, the claim is to be paid directly by the debtor), there ought not be a reduction of the payments that the Plan provides will be paid to the Trustee.

<sup>6</sup> When the Debtor is not contributing all net disposable income to the Plan, the Trustee or a creditor may request post-confirmation present value interest. In addition, if unsecured claims would be paid in full in ~~chapter~~Chapter 7, post-confirmation present value interest is required.

## 5. RETENTION OF LIENS.

~~Holders~~The holder of an allowed secured ~~claims provided for claim~~ that the Plan provides will be paid by the ~~Plan under Section 4 Chapter 13 Trustee~~ shall retain ~~their liens~~its lien if the holder is not paid the amounts that the Plan provides will be paid to the holder, and the holder shall also retain its lien securing the claim until the ~~earliest~~earlier of when:

- (a) the underlying debt, determined under nonbankruptcy law, is paid; or
- (b) the Debtor is granted a discharge pursuant to 11 U.S.C. § 1328; ~~or~~
- ~~(c) the Trustee files a notice of Plan completion.~~

If the case under Chapter 13 is dismissed or converted without completion of the Plan, ~~liens~~such lien shall also be retained by ~~the holders~~such holder to the extent recognized ~~under~~by applicable nonbankruptcy law. Such holder shall also retain its lien securing the claim to the extent that another provision of this Plan (see Section 4(B)(vii), above) provides for the retention of such lien. A claim (including any portion of a claim) secured by a lien:

- (a) for which no proof of claim is filed; or
- (b) that is disallowed because any and all proofs of claim filed were untimely

is not an allowed secured claim to be paid by the Chapter 13 Trustee under the Plan even if the Plan provides for the Chapter 13 Trustee to pay the claim as an allowed secured claim, and the holder of such a claim shall retain its lien. Section 4(B)(vii), above, provides for the retention of a lien when the Debtor will directly pay the claim secured by the lien, including any unsecured portion of the claim.

## 6. DETERMINATION OF AN ALLOWED SECURED CLAIM UNDER 11 U.S.C. § 506 AND AVOIDANCE OF LIENS 11 U.S.C. § 522(f).

The Debtor must make sure to list (1) the Debtor's estimate of the value of the collateral for a secured claim that will be paid through the Plan plus (2) any post-confirmation interest to be paid. A proof of claim must be filed before the Trustee makes payments on the secured claim and an untimely proof of claim may be disallowed. Any undersecured portion of such a claim shall be treated as unsecured.

### A. Avoid a Lien (or Portion Thereof) Based on Valuation Under 11 U.S.C. § 506 by Separate Motion or Objection to Claim.

☒ ~~None.~~ ~~OR~~

☐ ~~Claims Listed Below~~

Each holder of a claim listed below, for which a proof of claim is filed and not disallowed as untimely or on other grounds, will receive full payment of its claim up to the value of the collateral, (reduced by the dollar amount of senior liens having priority over the holder's lien), with the below-specified post-confirmation interest, based on a value set by the Court pursuant to a separate motion, objection to claim, or adversary proceeding. The Debtor's estimate of value

(and estimate of the required monthly payments) shall not be controlling:<sup>7, 8</sup> If no separate motion, objection to claim, or adversary proceeding is filed to fix the value, the proof of claim shall fix the amount of the allowed claim that is an allowed secured claim as of the petition date.

☐ None. OR

☐ Claims Listed Below:

<u>Lienholder</u>	<u>Collateral</u>	<u>Estimated Value</u>	<u>Post-Confirmation Interest Rate</u> % per annum	<u>Estimated Monthly Payment</u>	<u>No. of Months</u>
-------------------	-------------------	------------------------	---	----------------------------------	----------------------

**B. Value a Claim or Avoid a Lien (That Impairs an Exemption) Under 11 U.S.C. § 522(f)<sup>9</sup> by Separate Motion or an Adversary Proceeding.**

Each holder of a claim listed below, for which a proof of claim is filed and not disallowed as untimely or on other grounds,

☐ None. OR

☐ Claims Listed Below will receive the following treatment based on a determination of the extent to which the lien may be avoided under 11 U.S.C. § 522(f), a determination to be made by the Court pursuant to a separate motion or adversary proceeding. The Debtor's estimate of the allowed secured claim (and estimate of required monthly payments) shall not be controlling:<sup>10</sup>

☐ None. OR

☐ Claims Listed Below:

<u>Lienholder</u>	<u>Collateral</u>	<u>Estimated Allowed Secured Claim</u>	<u>Post-Confirmation Interest Rate</u> % per annum	<u>Estimated Monthly Payment</u>	<u>No. of Months</u>
-------------------	-------------------	--	---	----------------------------------	----------------------

<sup>7</sup> ~~If the Debtor believes that the lien will be avoided in its entirety, the Debtor should list the estimated value as zero (\$0).~~

<sup>8</sup> If the Debtor believes that the lien will be avoided in its entirety, the Debtor should list the estimated value as zero (\$0).

<sup>9</sup> Under 11 U.S.C. § 522(f) the Debtor may avoid a lien to the extent it impairs an exemption if the lien is a judicial lien or a nonpossessory, non-purchase money security interest in certain property.

<sup>10</sup> If the Debtor believes that the entirety of the lien will be avoided, the Debtor should list the estimated allowed secured claim as zero (\$0).

## 7. APPLICATION OF PAYMENTS ON ACCOUNT OF SECURED CLAIMS.

Payments made by the Chapter 13 Trustee on account of arrearages on prepetition secured claims may be applied only to the portion of the claim pertaining to prepetition arrears, so that upon completion of all payments under the Plan, the loan will be deemed current through the petition date.

## 8. EXECUTORY CONTRACTS AND UNEXPIRED LEASES.

**Rejection of Executory Contracts and Unexpired Leases.** The following executory contracts and unexpired leases are rejected (**check one box, but only one box**):

- ☐ None. OR  
☐ All executory contracts and unexpired leases are rejected. OR  
☐ The executory contracts and unexpired leases listed below are rejected:

Lessor or  
Contract Holder

Subject of  
Lease or Contract

Any claim for rejection damages pursuant to a rejection effected by this Plan must be filed within 60 days from entry of the order confirming this Plan.

### **Preservation of Certain Leases and Executory Contracts.**

The following unexpired leases of residential real property and executory contracts (1) are neither assumed nor rejected by the Plan, (2) shall be unaffected by the bankruptcy case, and (3) the obligations thereunder shall not be discharged.<sup>11</sup>

Lessor or  
Contract Holder<sup>12</sup>

Subject of  
Lease or Contract

---

<sup>11</sup> - Unexpired leases of nonresidential real property under which the Debtor is the lessee and unexpired leases of personal property under which the Debtor is the lessee are not subject to this treatment. See 11 U.S.C. § 365(d)(4) and § 365(p)(3). However, the debtor and the lessor may agree to the lease continuing in effect despite any rejection pursuant to these provisions.

<sup>12</sup> If an executory contract or unexpired lease (1) is neither assumed nor rejected, and (2) is not listed here, this Plan leaves to the Bankruptcy Code and case law the effect of that on issues of whether (1) the executory contract or unexpired lease survives and (2) whether the obligations thereunder are discharged. However, the debtor and the other party may agree to have the lease or executory contract continue in effect despite being neither assumed nor rejected and not being identified in this part of the Plan.

**Assumption of Executory Contracts and Unexpired Leases.** If the Debtor wishes to assume an executory contract or unexpired lease, that must be addressed under Section 10 of the Plan.

**Treatment of Assumed Unexpired Leases and Executory Contracts.** If an unexpired lease or an executory contract is assumed pursuant to Section 10, and unless Section 10 provides otherwise: (1) any prepetition arrears will be treated as an administrative claim, and the other party to the executory contract and/or unexpired lease may file a timely proof of claim for the amounts owed as of the petition date, and (2) any amounts coming due postpetition shall be paid by the Debtor directly and will not be discharged.

## **9. REVESTING PROPERTY OF THE ESTATE.**

Title to the Debtor's property shall revert in the Debtor when:

- (a) the Debtor is granted a discharge pursuant to 11 U.S.C. § 1328;
- (b) the Trustee files a notice of Plan completion if by reason of 11 U.S.C. § 1328(f) the Debtor cannot receive a discharge; or
- (c) the case is dismissed.

## **10. NON-STANDARD PROVISIONS.**

**Any non-standard provision placed elsewhere in the Plan is void.** Any and all non-standard provisions are:

- ☐ *None.* OR
- ☐ ~~*Claims Listed Below*~~

Non-Standard ~~Plan~~ Provisions ~~Listed Below~~:

## **11. SIGNATURES.**

The Debtor's signature below certifies that the Plan provisions above are all the terms proposed by the Debtor, and the Debtor has read all the terms. The signature below of the Debtor and Debtor's Counsel, if any, also certifies that the Plan contains no non-standard provision other than those stated in Section 10 above.

Date: \_\_\_\_\_

\_\_\_\_\_  
Debtor

\_\_\_\_\_  
Attorney for Debtor(s)

\_\_\_\_\_  
Joint Debtor

## CERTIFICATE OF SERVICE

I hereby certify that the foregoing plan was mailed to the parties listed below and to all creditors as listed on the mailing matrix in this case on the date of the plan, \_\_\_\_\_, 20\_\_.

Nancy Spencer Grigsby, Chapter 13 Trustee, ~~185 Admiral Cochrane Drive #240, Annapolis, MD 21401~~

185 Admiral Cochrane Drive #240  
Annapolis, MD 21401

IRS Centralized Insolvency,  
POB 7346,  
Philadelphia, PA 19101-7346 &

IRS Chief Counsel,  
455 Mass. Ave. NW, #500, ~~WDC~~  
Washington, DC 20001

DC Tax & Revenue,  
1101 4th St. SW, 6th FL, ~~WDC~~  
Washington, DC 20024 &

Attorney General for ~~DC~~, the District of Columbia  
441 4th St. NW, ~~WDC~~  
Washington, DC 20001-2714  
~~US~~

U.S. Attorney,  
DC Civil Division Financial Litigation,  
555 4th St. NW, ~~WDC~~  
Washington, DC 20530

Child Support Services Division,  
Office of Attorney General,  
441 4th St. NW, 5th FL, ~~WDC~~  
Washington, DC 20001

\_\_\_\_\_  
Name of Signer:

**APPENDIX B:**

**LOCAL RULES OF THE UNITED STATES DISTRICT ~~COURT FOR THE DISTRICT OF~~  
COLUMBIA<sup>\*</sup>**

**COURT FOR THE DISTRICT OF COLUMBIA<sup>\*</sup>**

**DCt.LBR 5005-1    MAKING DOCUMENTS FILED UNDER SEAL IN THE  
BANKRUPTCY COURT PART OF THE RECORD IN THE  
DISTRICT COURT**

**DCt.LBR 5011-1**

- REFERENCE TO BANKRUPTCY ~~JUDGE~~JUDGES**
- DCt.LBR 5011-2    PLACE AND TIME FOR FILING MOTION TO WITHDRAW THE  
REFERENCE; CONTENTS OF MOTION**
- DCt.LBR 5011-3    APPLICABILITY, WHEN A MOTION TO WITHDRAW THE  
REFERENCE HAS BEEN FILED, OF DISTRICT COURT LOCAL  
CIVIL RULES TO DOCUMENTS INTENDED FOR DISTRICT  
COURT**
- DCt.LBR 5011-4    TRANSMITTAL OF MOTION TO WITHDRAW THE REFERENCE  
TO THE DISTRICT COURT; DOCKETING OF THE MOTION IN  
THE DISTRICT COURT**
- DCt.LBR 5011-5    FILING OF FURTHER DOCUMENTS AFTER DOCKETING OF  
THE MOTION TO WITHDRAW THE REFERENCE**

---

<sup>\*</sup>~~This is the version of the D. Ct. LBRs in force as of the adoption of the Bankruptcy Court's LBRs. Any subsequent amendments to the D. Ct. LBRs are available on the District Court's website, [www.dcd.uscourts.gov](http://www.dcd.uscourts.gov),~~

<sup>\*</sup>This is the version of the D. Ct. LBRs in force as of the adoption of the Bankruptcy Court's LBRs. Any subsequent amendments to the D. Ct. LBRs are available on the District Court's website, [www.dcd.uscourts.gov](http://www.dcd.uscourts.gov),

<u>DCt.LBR 5011-6</u>	<u>OPPOSITION TO MOTION TO WITHDRAW THE REFERENCE; REPLY TO OPPOSITION</u>
<u>DCt.LBR 5011-7</u>	<u>TRANSCRIPT PERTINENT TO MOTION TO WITHDRAW THE REFERENCE</u>
<u>DCt.LBR 5011-8</u>	<u>PROCEEDINGS IN DISTRICT COURT ON THE MOTION TO WITHDRAW THE REFERENCE</u>
<u>DCt.LBR 8004-1</u>	<u>INTERLOCUTORY APPEALS</u>
<u>DCt.LBR 8009-1</u>	<u>DISMISSAL OF APPEAL WHEN AN APPELLANT FAILS TIMELY TO FILE A RULE 8009 DESIGNATION OF RECORD OR STATEMENT OF ISSUES ON APPEAL</u>
<u>DCt.LBR 8010-1</u>	<u>TRANSCRIPT MADE PART OF THE RECORD ON APPEAL</u>
<u>DCt.LBR 8018.1-1</u>	<u>APPEALS IN WHICH THE BANKRUPTCY JUDGE LACKED AUTHORITY TO ISSUE THE JUDGMENT OR ORDER THAT IS ON APPEAL</u>
<u>DCt.LBR 8020-1</u>	<u>AWARD OF ATTORNEY'S FEES</u>
<u>DCt.LBR 8021-1</u>	<u>MOTIONS RELATING TO TAXATION OF COSTS OF APPEAL</u>
<u>DCt.LBR 9015-1</u>	<u>JURY TRIALS IN BANKRUPTCY COURT</u>
<u>DCt.LBR 9027-1</u>	<u>REMOVAL</u>
<u>DCt.LBR 9029- 1</u>	<u>BANKRUPTCY COURT LOCAL RULES</u>
<u>DCt.LBR 9029- 2</u>	<u>DISTRICT COURT LOCAL CIVIL RULES APPLICABLE TO BANKRUPTCY MATTERS IN THE DISTRICT COURT</u>
<u>DCt.LBR 9033-1</u>	<u>DE NOVO REVIEW</u>

**DCt.LBR 5005-1**

**MAKING DOCUMENTS FILED UNDER SEAL IN THE BANKRUPTCY  
COURT PART OF THE RECORD IN THE DISTRICT COURT**

When a party wishes a document placed under seal by the Bankruptcy Court to be part of the record considered by the District Court in ruling on (1) a motion to withdraw the reference under DCt.LBR 5011-2; or (2) a de novo review under DCt.LBR 9033-1; or (3) any other non-appellate matter, the party must:

- (1) identify the document, without revealing confidential or secret information, as being part of the record the party wishes the District Court to consider; and
- (2) file a motion with the District Court to accept the document under seal.

If the motion is granted, the movant must notify the Bankruptcy Court of the ruling, and the Clerk of the Bankruptcy Court must promptly transmit the sealed document to the Clerk of the District Court.

*COMMENT TO DCt.LBR 5005-1: This rule is modeled on the similar rule in Bankruptcy Rule 8009(f), which governs the designation of sealed documents as part of the record on an appeal. DCt.LCvR 5.1(h) governs the sealing of documents in the District Court.*

**DCt.LBR 5011-1**

**REFERENCE TO BANKRUPTCY JUDGES**

**(a) GENERAL.**

Pursuant to 28 U.S.C § 157(a), all cases under Title 11 and all proceedings arising under Title 11 or arising in or related to a case under Title 11 are referred to the ~~Bankruptcy Judge~~bankruptcy judges of this District.

~~All papers~~

**(b) REFERRAL INCLUDES ANY CIVIL ACTION REMOVED ON THE BASIS THAT THE DISTRICT COURT HAS JURISDICTION OVER THE CIVIL ACTION UNDER 28 U.S.C. § 1334.**

The referral pursuant to paragraph (a) of proceedings to the bankruptcy judges of this District includes any civil action (or claim or cause of action in a civil action) removed on the basis that the District Court has jurisdiction over the civil action under 28 U.S.C. § 1334. DCt.LBR 9027-1 governs such removal.

**(c) FILING OF DOCUMENTS IN A REFERRED CASE OR PROCEEDING.**

Except as otherwise provided in DCt.LBR 5011-5, and in the Bankruptcy Rules relating to appeals, all documents filed in any such referred case or proceeding, including the original bankruptcy petition, ~~shall~~must be filed with the Clerk of the Bankruptcy Court and ~~shall~~must be captioned “United States Bankruptcy Court for the District of Columbia.”

**(d) EMERGENCY MATTERS WHEN NO BANKRUPTCY JUDGE IS AVAILABLE.**

When the Bankruptcy Court or Clerk thereof files a notice in the Bankruptcy Court that no bankruptcy judge is available to hear an emergency matter that requires immediate action, the reference to the Bankruptcy Court of the emergency matter is deemed withdrawn, and:

- (1) the Clerk of the Bankruptcy Court must transmit copies of the notice and the papers relating to the emergency matter to the Clerk of the District Court who must docket the emergency matter (1) as a miscellaneous matter, under the title of the bankruptcy case and the title of any adversary proceeding in which the emergency matter has arisen, and (2) as assigned to the Motions Judge under DCt.LCvR 40.8(b)(2);
- (2) the Clerk of the District Court must give notice to the parties that the emergency matter has been withdrawn and that, unless otherwise ordered, further papers relating to the emergency matter must be filed with the Clerk of the District Court bearing the Miscellaneous Number assigned to the withdrawn emergency matter;

(3) if the Motions Judge determines that there is no emergency requiring action on the matter (or part thereof) before a bankruptcy judge is available, the Motions Judge may enter an order declining to decide the matter (or part thereof) and terminate the withdrawal of the matter or part thereof, as the case may be;

(4) the Motions Judge shall otherwise decide the emergency matter, but any subsequent motion related to the Motions Judge's order disposing of the emergency matter must be filed in the Bankruptcy Court and handled by a bankruptcy judge, if available, unless the Motions Judge who heard the emergency matter:

- in the order disposing of the emergency matter or a subsequent order issued on the Motions Judge's own initiative; or
- on motion of a party filed in the District Court in the miscellaneous matter; or
- upon a recommendation of the bankruptcy judge transmitted to the same Motions Judge who heard the emergency matter,

orders for cause that the same Motions Judge will handle the subsequent motion, in which event the reference of the subsequent motion will be deemed withdrawn for disposition in the miscellaneous matter, and the Clerk of the Bankruptcy Court must transmit to the Clerk of the District Court for docketing under the Miscellaneous Number the papers relating to the subsequent motion.

**COMMENT TO DCt.LBR 5011-1:** Paragraph (a)'s reference to "bankruptcy judges" includes, in addition to the bankruptcy judge appointed for this district under 28 U.S.C. § 152(a)(1), any retired bankruptcy judge recalled under 28 U.S.C. §§ 155(b) or 375, and any bankruptcy judge sitting by designation under 28 U.S.C. § 155(a).

Paragraph (b) clarifies that civil actions removed under 28 U.S.C. § 1452(a) (or under the more general removal provision of 28 U.S.C. § 1441(a)) on the basis that the District Court has jurisdiction over the civil action pursuant to the bankruptcy jurisdiction statute, 28 U.S.C. § 1334, are referred to the Bankruptcy Court. Pursuant to paragraph (c) and DCt.LBR 9027-1, the notice of removal of such a civil action must be captioned for the Bankruptcy Court.

Paragraph (d) provides for deemed withdrawal of emergency matters for which a bankruptcy judge is unavailable, thereby avoiding the necessity of a motion to withdraw the reference; provides for the Motions Judge to hear the emergency matter; and addresses the extent of that Motions Judge's hearing any proceeding related to the Motions Judge's disposition of the emergency matter (such as a motion for reconsideration).

**DCT.LBR 5011-2 WITHDRAWAL OF DCT.LBR 5011-2**

**PLACE AND TIME FOR**

**FILING MOTION TO WITHDRAW**

**THE**

**REFERENCE**

**FORM; CONTENTS OF REQUEST; PLACE FOR FILING MOTION**

**(a) FILING OF MOTION TO WITHDRAW THE REFERENCE**

A ~~request~~motion for withdrawal in whole or in part of the reference of a case or proceeding referred to the ~~Bankruptcy Judge, other than a bankruptcy judge~~ must bear the caption of the Bankruptcy Court, and be filed with the Clerk of the Bankruptcy Court, accompanied by the required filing fee, and the movant's designation of the record. The bankruptcy judge may *sua sponte* ~~request by the Bankruptcy Judge, shall be by motion~~ filed timely with the Clerk of the Bankruptcy Court. All such motions shall conform to Local Rule LCvR 7 of the Local Rules of this Court. In addition, all such motions shall clearly and conspicuously state that "RELIEF IS SOUGHT FROM A UNITED STATES DISTRICT JUDGE."file, and have the Clerk of the Bankruptcy Court transmit, a request to withdraw the reference.

**(b) TIME FOR FILING OF MOTION TO WITHDRAW THE REFERENCE OF BANKRUPTCY CASE.**

~~Except as provided below as to adversary proceedings and contested matters,~~ A motion to withdraw the reference of ~~a whole~~the bankruptcy case or ~~any~~a part ~~of thereof (as opposed to~~ a specific proceeding within the bankruptcy case ~~shall) must~~ be filed and served and filed at on or before 21 days after the time first date scheduled for the meeting of creditors held pursuant to 11 U.S.C. § 341(a). ~~Except as provided below as), or, if later, within 35 days of service of the paper giving rise to contested matters, at the basis for the~~ motion to withdraw the reference ~~of a whole.~~

**(c) TIME FOR FILING OF MOTIONS TO WITHDRAW THE REFERENCE OF A PROCEEDING WITHIN THE BANKRUPTCY CASE.**

A motion to withdraw the reference of a proceeding within the bankruptcy case (including an adversary proceeding or any part of an, or contested matter, or any other matter seeking entry of an order), or a part of the proceeding, must be served and filed within 35 days of service of the paper giving rise to the basis for the motion to withdraw the reference.

**(d) CONTENTS OF MOTION.**

A motion for withdrawal of the reference must include the following:

- (1) a specification of the case or proceedings to be withdrawn;
- (2) the facts necessary to understand the grounds presented in support of the requested withdrawal of the reference;
- (3) the reasons why the withdrawal of the reference should be granted;
- (4) a copy of the docket sheet of the case or proceeding for which withdrawal of the reference is requested;

- (5) a separate list of any documents filed in the Bankruptcy Court that are relevant to the motion for withdrawal of the reference, including the date of filing, the document number, and the title of each such document; and
- (6) copies of the listed relevant documents (other than documents that were filed under seal), appended to the list in chronological sequence, with each document to bear the Electronic Case Filing header showing the document number and date of filing in the Bankruptcy Court.

*COMMENT TO DCt.LBR 5011-2: This Rule and Rule 5011-6 provide for relevant documents that were filed in the Bankruptcy Court to be appended to lists submitted with the motion and the opposition. That eliminates the cumbersome procedures that a designation of the record and transmittal of the record by the Clerk of the Bankruptcy Court would entail. DCt.LBR 5011-7 addresses making a transcript part of the record when that transcript is not yet available to be appended to the motion to withdraw the reference or to the opposition, as the case may be.*

### **DCt.LBR 5011-3**

#### **APPLICABILITY, WHEN A MOTION TO WITHDRAW THE REFERENCE HAS BEEN FILED, OF DISTRICT COURT LOCAL CIVIL RULES TO DOCUMENTS INTENDED FOR DISTRICT COURT**

By reason of DCt.LBR 9029-2:

- (1) DCt.LCvR 5.1 (Form and Filing of Documents) applies to the motion to withdraw the reference, the opposition thereto, any reply, and any further filings.
- (2) DCt.LCvR 7 paragraphs (a) through (f) (setting forth requirements governing the statement of point and authorities in support of a motion; proposed orders; opposing points and authorities; a reply memorandum; page limitations; and oral hearings) apply to a motion to withdraw the reference.

(3) DCt.LCvR 7(m) applies to nondispositive motions filed after the filing of the motion to withdraw the reference and relating thereto.

(4) The motion to withdraw the reference (and any related motion seeking an order of the District Court), and any opposition thereto, must include a proposed order captioned for the District Court and complying with LCvR 7(k).

#### **DCt.LBR 5011-4**

### **TRANSMITTAL OF MOTION TO WITHDRAW THE REFERENCE TO THE DISTRICT COURT; DOCKETING OF THE MOTION IN THE DISTRICT COURT**

The Clerk of the Bankruptcy Court must promptly transmit the motion to withdraw the reference to the Clerk of the District Court, who must docket the motion (1) as a miscellaneous matter under the title of the bankruptcy case and the title of any adversary proceeding ~~shall be (e) served, and filed on or before (2) as assigned to the date on which an answer, reply or motion under Bankruptcy Rule 7012 or 7015 is first due.~~ A Chief Judge of the District Court (or the Chief Judge's designee) in accordance with DCt.LBR 5011-8(a), and who must give notice to the parties of the docketing of the miscellaneous matter.

#### **DCt.LBR 5011-5**

### **FILING OF FURTHER DOCUMENTS AFTER DOCKETING OF THE MOTION TO WITHDRAW THE REFERENCE**

After the opening of a docket in the District Court for the motion to withdraw the reference, the parties must:

(1) file with the Clerk of the District Court any further documents pertaining to the motion to withdraw the reference ~~of a contested matter within a case shall (other than those documents that these Rules contemplate will be addressed by the Clerk of the Bankruptcy Court or by the bankruptcy judge), captioning such documents for the District Court with the Miscellaneous Number indicated;~~

- (2) file with the Clerk of the Bankruptcy Court—unless and until the motion to withdraw the reference is granted—other documents relating to the matter for which withdrawal is sought.

**DCt.LBR 5011-6**

**OPPOSITION TO MOTION TO WITHDRAW THE  
REFERENCE; REPLY TO OPPOSITION**

**(a) OPPOSITION.**

Any opposition to the motion to withdraw the reference must:

- (1) be served and filed ~~not later than fourteen (with the Clerk of the District Court within 14)~~ days after service of the motion, ~~application or objection which initiates the contested matter. Notwithstanding to withdraw the reference;~~
- (2) include a separate list of any additional documents filed in the foregoing, a Bankruptcy Court that are relevant to the motion to withdraw the reference ~~may,~~ including the date of filing, the document number, and the title of each such document; and
- (3) include the listed documents (other than documents that were filed under seal), attached to the list in chronological sequence, with each document to bear the Electronic Case Filing header showing the document number and date of filing in the Bankruptcy Court.

**(b) REPLY TO OPPOSITION.**

Any reply to the opposition to the motion to withdraw the reference must be served and filed ~~not later than fourteen (14)~~ with the Clerk of the District Court within 7 days after service of any timely filed pleading or paper in which the basis for the motion first arises ~~the opposition.~~

~~(a) — STAY.~~

~~The filing of a motion to withdraw the reference does not stay proceedings in the Bankruptcy Court. The procedures relating to stay shall be the same as set forth in Bankruptcy Rule 8005.~~

~~(a) DESIGNATION OF RECORD.~~

~~THE MOVING PARTY SHALL SERVE AND FILE, TOGETHER WITH THE MOTION TO WITHDRAW THE REFERENCE, A DESIGNATION OF THOSE PORTIONS OF THE RECORD OF THE PROCEEDINGS IN THE BANKRUPTCY COURT THAT THE MOVING PARTY BELIEVES WILL REASONABLY BE NECESSARY OR PERTINENT TO THE DISTRICT COURT'S CONSIDERATION OF THE MOTION. WITHIN FOURTEEN (14) DAYS AFTER SERVICE OF SUCH DESIGNATION OF RECORD, ANY OTHER PARTY MAY SERVE AND FILE A DESIGNATION OF ADDITIONAL PORTIONS OF THE RECORD. IF THE RECORD DESIGNATED BY ANY PARTY INCLUDES~~

DCt.LBR 5011-7

TRANSCRIPT PERTINENT TO MOTION TO WITHDRAW THE REFERENCE

(a) ORDERING TRANSCRIPT.

~~If a party relies on a transcript of any proceeding or a part thereof not already on file, then by the date of that party's filing its motion or opposition, as the case may be, that party shall immediately after filing the designation must deliver to the reporter, as defined in Bankruptcy Rule 8010(a)(1), and file with the Clerk of the Bankruptcy Court a written request order for the transcript and make satisfactory arrangements with the reporter for payment of its paying the cost. All parties shall take any other action necessary to enable the Clerk to assemble and transmit the record. The parties shall submit only that part or parts of a of the transcript of proceedings relevant.~~

(b) REPORTER'S DUTIES; TRANSMITTAL OF TRANSCRIPT.

When a transcript has been ordered, the reporter is subject to the issues raised duties specified in Bankruptcy Rule 8010(a)(2). The party who seeks to rely on the transcript must:

(1) file a copy with the party's motion for withdrawal of to withdraw the reference. If or the issues involve only questions of law, party's opposition, as the parties case may submit an agreed statement of facts or such part be, or parts of the records as are relevant to such questions of law, unless

(2) if the transcript is not yet available, file a copy with the Clerk of the District Court, bearing a cover sheet with the District Judge considering the motion directs otherwise. Court's Miscellaneous Proceeding caption, within 7 days after the reporter files the transcript with the Clerk of the Bankruptcy Court.

(b) RESPONSES TO MOTIONS TO WITHDRAW THE REFERENCE; REPLY.

Opposing parties shall file with the Clerk

(c) STATEMENT OF THE EVIDENCE WHEN A TRANSCRIPT IS UNAVAILABLE.

When a transcript is unavailable, the procedures of the Bankruptcy Court, Rule 8009(c) apply (with the words "appellant" and serve on all parties "appellee" changed to the matter as to which "party seeking withdrawal" and "opposing party," respectively).

COMMENT TO DCt.LBR 5011-7: This DCt.LBR 5011-7 addresses the issue (which seldom arises) of making a transcript part of the reference has been requested, their written responses to documents to be considered by the District Court in addressing the motion to withdraw the reference, within fourteen (14) days after being served a copy of the motion. The moving party may serve and file a reply within fourteen (14) days after service of a response.

**TRANSMITTAL TO AND DCt.LBR 5011-8**

**PROCEEDINGS IN DISTRICT COURT, ON**  
**THE MOTION TO WITHDRAW THE REFERENCE**

~~When the record is complete for the purpose of transmittal, but without awaiting the filing of any transcripts, the Clerk of the Bankruptcy Court shall promptly transmit to the Clerk of the District Court the motion papers and the portions of the record designated. After the opening of a docket in the District Court, documents pertaining to the matter under review by the District Court shall be filed with the Clerk of the District Court, but all documents relating to other matters in the bankruptcy case or adversary proceeding or contested matter shall continue to be filed with the Clerk of the Bankruptcy Court. Any motion—~~ **(a) ASSIGNMENT OF MOTION.**

~~The Clerk of the District Court must refer any motion to withdraw the reference—and any *sua sponte* request by the Bankruptcy Judgebankruptcy judge to withdraw the reference—shall be referred—to the Chief Judge or the Chief Judge'sJudge's designee for decision, but if—~~

**(b) OBTAINING BANKRUPTCY JUDGE'S VIEWS.**

~~The bankruptcy judge may *sua sponte* submit a recommendation regarding the motion to withdraw the reference (or any related motion). Upon request of the District Court, the bankruptcy judge must submit a recommendation regarding the motion to withdraw the reference (or any related motion), including (if requested by the District Court):~~

- ~~(1) stating the bankruptcy judge's determination, pursuant to 28 U.S.C. § 157(b)(3), whether the proceeding, for which withdrawal of the reference is sought, is a core proceeding;~~
- ~~(2) stating the bankruptcy judge's view as to whether the proceeding, if a core proceeding, is one that the bankruptcy judge may constitutionally hear and determine; and~~

(3) stating the Bankruptcy Court's recommendation regarding whether withdrawal of the reference (or granting of the related motion) is warranted.

**(c) DISPOSITION OF MOTION.**

The District Court may, in its discretion, grant or deny the motion to withdraw the reference, in whole or in part.

**(d) ASSIGNMENT OF WITHDRAWN MATTER.**

Except as provided in DCt.LCvR 5011-1(d) (governing emergency matters deemed withdrawn when no bankruptcy judge is available), if a matter is withdrawn ~~it shall be assigned~~, the Clerk of the District Court must assign the matter to a District Judge in accordance with ~~this court's~~ the District Court's usual system for assigning civil ~~cases~~ actions, unless the Chief Judge determines that exceptional circumstances warrant special assignment to a ~~District Judge~~. ~~Upon request of this Court, the Bankruptcy Judge shall determine, pursuant to 28 U.S.C. § 157(b)(3), whether or not any proceeding, as to which withdrawal of the reference is sought in whole or in part, is a core proceeding. This Court may, in its discretion, grant or deny the motion to withdraw the reference, in whole or in part. particular District Judge.~~

**(e) DISPOSITION OF WITHDRAWN MATTER.**

After such withdrawal, ~~this~~ the District Court may retain the entire matter withdrawn or may refer part or all of it back to the ~~Bankruptcy Judge~~ bankruptcy judge with or without instructions for further proceedings.

DCt.LBR ~~8003~~8004-1

INTERLOCUTORY APPEALS

**(a) OBTAINING BANKRUPTCY JUDGE'S CERTIFICATION.**

Whenever the ~~Bankruptcy Judge~~bankruptcy judge has entered an interlocutory order, decree or judgment as to which a motion for leave to appeal has been filed pursuant to 28 U.S.C. § 158 and ~~Rule 8003 of the Bankruptcy Rules~~Rule 8004, the ~~Bankruptcy Judge~~bankruptcy judge shall, upon request of ~~this~~the District Court, submit to ~~this~~the District Court a written certification stating whether, in the ~~Bankruptcy Judge's~~bankruptcy judge's opinion, such order, decree or judgment involves a controlling question of law as to which there is substantial ground for difference of opinion and whether an immediate appeal from the order may materially advance the ultimate termination of the case. ~~This Court may thereupon, in its discretion, grant or deny the motion for leave to appeal.~~

**(b) DISPOSITION.**

The District Court may, in its discretion, grant or deny the motion for leave to appeal.

DCt.LBR ~~8006~~8009-1

**FAILURE-DISMISSAL OF APPEAL WHEN AN APPELLANT FAILS TIMELY  
TO DESIGNATE FILE A RULE 8009 DESIGNATION OF RECORD OR  
STATEMENT OF ISSUES ON APPEAL**

If, ~~after an appeal to the District Court has been noted, the~~ appellant fails timely to designate ~~the contents of~~ items to be included in the record on appeal or to file a statement of the issues to be presented, ~~an appellee may move the District Court to dismiss the appeal or the District Court, after notice and reasonable opportunity to respond, may dismiss the appeal on appeal within the time required~~ its own motion.

**DCt.LBR 8010-1**

**TRANSCRIPT MADE PART OF THE RECORD ON APPEAL**

When the Clerk of the Bankruptcy Court has transmitted the record on appeal or a notice that the record is available electronically, any transcript that is part of the record on appeal shall be accessible by a party in the District Court's or Bankruptcy Court's CM/ECF system, as the case may be, without any restriction to only those parties who have purchased the transcript from the court reporter or court transcriber.

**DCt.LBR 8018.1-1**

**APPEALS IN WHICH THE BANKRUPTCY JUDGE LACKED  
AUTHORITY TO ISSUE THE JUDGMENT OR ORDER THAT IS ON APPEAL**

**(a) PRESERVING THE CONTENTION THAT BANKRUPTCY JUDGE LACKED  
AUTHORITY TO ISSUE THE JUDGMENT OR ORDER THAT IS ON APPEAL.**

If:

(1) the Bankruptcy Court has issued a judgment or order deciding a proceeding;

(2) an appellant contends that the Bankruptcy Court lacked authority to issue the judgment or order deciding the proceeding; and

(3) the appellant wishes to preserve that contention,

then, unless otherwise ordered by the District Court, the appellant must both appeal the Bankruptcy Court's order or judgment (to obtain an order vacating the order or judgment as unauthorized) and separately file in the Bankruptcy Court objections under Bankruptcy Rule 8006, the Clerk of the 9033 to the Bankruptcy Court's findings of fact and conclusions of law as though they were proposed findings of fact and conclusions of law.

**(b) APPELLEE'S DUTY TO RESPOND TO THE BANKRUPTCY RULE 9033  
OBJECTIONS.**

If an appellant files Bankruptcy Rule 9033 objections under paragraph (a) of this Rule, then unless otherwise ordered by the District Court, the appellee must, within the deadline set by Bankruptcy Rule 9033, respond to the Bankruptcy Rule 9033 objections as though the Bankruptcy Court's findings of fact and conclusions of law were proposed findings of fact and conclusions of law.

**(c) APPLICABILITY OF DCt.LBR 9033-1 TO BANKRUPTCY RULE 9033  
OBJECTIONS FILED UNDER THIS RULE**

When an appellant files Bankruptcy Rule 9033 objections under paragraph (a) of this Rule, DCt.LBR 9033-1 applies to the objections as though the Bankruptcy Court's findings of fact and conclusions of law were proposed findings of fact and conclusions of law.

**(d) DISTRICT COURT'S DISPOSITION OF APPELLANT'S CONTENTION THAT  
BANKRUPTCY JUDGE LACKED AUTHORITY TO ISSUE THE JUDGMENT OR  
ORDER THAT IS ON APPEAL.**

If the District Court agrees with the appellant's contention that the Bankruptcy Court lacked authority to decide the proceeding, it may treat the Bankruptcy Court's findings of fact and conclusions of law as proposed findings of fact and conclusions of law, and it may proceed to make a de novo review under Bankruptcy Rule 9033(d).

**COMMENT TO DCt.LBR 8018.1-1.** This rule addresses filing Bankruptcy Rule 9033 objections when the Bankruptcy Court entered a judgment or order deciding a proceeding but lacked authority to decide the proceeding, either because the proceeding was a non-core proceeding or because it fell within that subset of core proceedings that, under *Stern v. Marshall*, 131 S. Ct. 2594 (2011), and *Executive Benefits Ins. Agency v. Arkison*, 134 S.Ct. 2165 (2014), may not be decided by a bankruptcy Court shall forward forthwith to judge. Many other district courts follow a similar approach. See, e.g., *Amended Standing Order of Reference*, No. M10-468 (S.D.N.Y.).

## **DCt.LBR 8020-1**

### **AWARD OF ATTORNEY'S FEES**

#### **(a) MOTION REQUIRED.**

A claim for attorney's fees and related nontaxable expenses incurred in an appeal must be made by motion.

#### **(b) MOTIONS FOR ATTORNEY'S FEES FOR MISCONDUCT IN APPEAL.**

Motions seeking attorney's fees under Bankruptcy Rule 8020 for misconduct in the District Court must be filed in the District Court. DCt.LCv R 54.2 applies to the determination of attorney's fees pursuant to a motion filed under Bankruptcy Rule 8020.

#### **(c) MOTIONS FOR ATTORNEY'S FEES OTHER THAN UNDER BANKRUPTCY RULE 8020.**

Except for motions under Fed. R. Bankr. P. 8020, a motion for recovery of attorney's fees incurred in an appeal:

- (1) is referred to the Bankruptcy Court by operation of DCt.LBR 5011-1 and must be filed with the Clerk of the Bankruptcy Court, with the motion bearing the caption of the Bankruptcy Court; and
- (2) unless a statute or order provides otherwise, the motion must be filed within 14 days after entry of the final judgment or order disposing of the appeal, and shall be disposed of in accordance with the LBRs of the Bankruptcy Court.

*COMMENT TO DCt.LBR 8020-1: Bankruptcy Rule 8020 is not the exclusive basis for an award of attorney's fees incurred in an appeal: sometimes a statute authorizes a bankruptcy court that has dismissed a case or adversary proceeding to award attorney's fees (and nontaxable expenses) against the losing party. See, e.g., 11 U.S.C. §§ 303(i) and 523(d). Rule 8020-1(c) recognizes that motions to recover such attorney's fees, including those relating to the appeal, ordinarily should be heard in the Bankruptcy Court. When a party believes that the reference to the Bankruptcy Court of a motion to award attorney's fees incurred in the appeal should be withdrawn, the parties should comply with the DCt.LBRs governing withdrawal of the reference.*

#### **DCt.LBR 8021-1**

#### **MOTIONS RELATING TO TAXATION OF COSTS OF APPEAL**

When a bill of costs is or may be filed under Bankruptcy Rule 8021(d), motions relating thereto (including any motion under Bankruptcy Rule 9006 to extend the Rule 8021(d) deadlines and any motion under Bankruptcy Rules 9023 or 9024 relating to the order ruling on the bill of costs) are referred to the Bankruptcy Court by operation of DCt.LBR 5011-1.

#### **DCt.LBR 9015-1**

#### **JURY TRIALS IN BANKRUPTCY COURT**

Pursuant to 28 U.S.C. § 157(e), the bankruptcy judges of this District are specially designated to conduct jury trials with the express consent of all the parties.

## **DCt.LBR 9027-1**

### **REMOVAL**

A notice of a removal under Bankruptcy Rule 9027 must be filed with the Clerk of the Bankruptcy Court, bear the caption of the Bankruptcy Court, and be docketed as an adversary proceeding. If a notice of removal is mistakenly captioned for the District Court, or submitted for filing with the Clerk as Clerk of the District Court, the Clerk, as Clerk of the Bankruptcy Court, must file the notice of removal in the Bankruptcy Court.

## **DCt.LBR 9029-1**

### **BANKRUPTCY COURT LOCAL RULES**

The Bankruptcy Court is authorized to make and amend rules of practice and procedure to govern all cases, proceedings, and other matters in the Bankruptcy Court, subject to the limitations and requirements of Bankruptcy Rule 9029(a) (1). Such rules and amendments shall not be inconsistent with these District Court Local Bankruptcy Rules, and when proposed shall be transmitted to the Chief Judge of the District Court. The District Court may order that any proposed rule or amendment not take effect and may abrogate any such rule or amendment after it takes effect.

## **DCt.LBR 9029-2**

### **DISTRICT COURT LOCAL CIVIL RULES APPLICABLE TO BANKRUPTCY MATTERS IN THE DISTRICT COURT**

Except when a District Court Local Civil Rule would be inconsistent with a District Court Local Bankruptcy Rule, a Federal Rule of Bankruptcy Procedure, or a statutory provision, the District Court Local Civil Rules apply to any bankruptcy matter pending in the District Court, including appeals, motions to withdraw the reference, *de novo* review proceedings, and proceedings for which the reference has been withdrawn.

DCt.LBR 9033-1

DE NOVO REVIEW

~~District Court a partial record consisting of~~(a) **NOTIFICATION TO DISTRICT COURT THAT BANKRUPTCY RULE 9033(b) OBJECTIONS TO PROPOSED FINDINGS OF FACT AND CONCLUSIONS OF LAW HAVE BEEN FILED; DOCKETING OF THE SAME.**

When a party files objections to proposed findings of fact and conclusions of law issued by the Bankruptcy Court:

- (1) the Clerk of the Bankruptcy Court must prepare and transmit a notice to the Clerk of the District Court attaching the objections, listing the parties and their attorneys' names and addresses (including e-mail addresses for purposes of e-notification), and stating that the record (including any responses to the objections) will be transmitted in due course; and
- (2) the Clerk of the District Court must docket the matter under the title of the bankruptcy case and the title of any adversary proceeding, identifying the party that filed the objections (and adding the name of that party to the title if necessary), assign the matter to a District Judge in accordance with the District Court's usual system for assigning civil actions, and give the parties notice of the assignment.

---

**(b) FILING MEMORANDUM REPLYING TO RESPONSE TO OBJECTIONS.**

Within 7 days after service of a response to objections filed under Bankruptcy Rule 9033(b), the party who filed the objections may file with the Clerk of the Bankruptcy Court and serve a memorandum in reply to the response.

---

**(c) PROPOSED ORDER.**

Objections, and responses thereto, filed under Bankruptcy Rule 9033(b) must include a proposed order captioned for the District Court and complying with DCt.LCvR 7(k).

**(d) MOTIONS; FILING AND SERVICE; SIGNATURE; DISCLOSURE OF CORPORATE AFFILIATIONS AND FINANCIAL INTERESTS.**

The following rules apply to a *de novo* review proceeding under Bankruptcy Rule 9033(b):

- (1) DCt.LCvR 7(m) (Duty to Confer on Nondispositive Motions);
- (2) Bankruptcy Rule 8011 (“Filing and Service; Signature”) (with the words “other parties to the appeal” in Bankruptcy Rule 8011(b) changed to “other parties to the *de novo* review proceeding”); and
- (3) Bankruptcy Rule 8012 (“Corporate Disclosure Statement”) (with “upon filing a motion, response, petition, or answer in the district court” in Bankruptcy Rule 8012 (b) changed to “upon filing a paper intended for the attention of the District Court”).

**(e) STATEMENT OF POINTS AND AUTHORITIES.**

Objections, and responses thereto, filed under Bankruptcy Rule 9033(b) must include or be accompanied by a statement of the specific points of law and authority that support the party’s position, including where appropriate a concise statement of facts. If a table of cases is provided, counsel must place asterisks in the margin to the left of those cases or authorities on which counsel chiefly relies.

**(f) PAGE LIMITATIONS.**

Without prior approval of the District Court, a party must not file a memorandum of points and authorities in support of objections filed under Bankruptcy Rule 9033(b), or filed in response to the objections, that exceeds 45 pages, or a reply memorandum that exceeds 25 pages.

**(g) DESIGNATION OF RECORD.**

- (1) *Objecting Party.* Within 14 days after filing the objections, the objecting party must serve and file a designation of relevant items to be included in the record for the District Court's consideration.
- (2) *Responding Party.* Within 14 days after service of the objecting party's designation of record, any other party may serve and file a designation of additional items to be included in the record.
- (3) *Copies for the Clerk of the Bankruptcy Court.* If paper copies of any items are needed for the record, the party designating such items must provide a copy of ~~the order or judgment appealed from, the notice of appeal, any of those items that the Clerk of the Bankruptcy Court requests.~~ If the party fails to do so, the Clerk of the Bankruptcy Court must prepare the copy of the docket entries and any other part of the record that the Clerk of the Bankruptcy Court deems appropriate. On request of the District Court, the Clerk of the Bankruptcy Court shall in addition transmit any other at the party's expense.
- (4) *Transcript of Proceedings.* If the record designated by any party includes a transcript of any proceeding or a part of the record to the Clerk of the District Court. The District Court may, upon motion of the appellee filed in the office of the Clerk of the District Court, or upon its own order, dismiss the appeal for failure to comply with Bankruptcy Rule 8006, thereof, then by the date of making that designation, that party must deliver to the reporter (designated on the Bankruptcy Court's website or authorized by order or rule of the Bankruptcy Court to prepare the transcript) and file with the Clerk of the Bankruptcy Court a written order for the transcript and make satisfactory arrangements with the reporter for paying the cost of the transcript. When a transcript is unavailable, the procedures of Bankruptcy Rule 8009(c) apply (with the words "appellant" and "appellee" changed to "objecting party" and "responding party," respectively).

## **~~RETENTION OF RECORD IN BANKRUPTCY COURT~~**

~~Unless the District Court or the Bankruptcy Court otherwise orders in any particular case, the record on appeal as designated pursuant to Bankruptcy Rule 8006 shall be retained by the Clerk of the Bankruptcy Court until such time as it is requested by the District Judge to whom the appeal is assigned.~~

## **~~DCt.LBR 8009-1~~**

### **~~FAILURE TO FILE BRIEF~~**

~~If, after an appeal has been noted and the appellant has complied with Bankruptcy Rule 8006, the appellant fails to serve and file a brief within the time required by Bankruptcy Rule 8009, the district Court may, upon motion of the appellee filed in the office of the Clerk of the District Court, or upon its own order, dismiss the appeal for failure to comply with Bankruptcy Rule 8009.~~

~~DCt.LBR 9033-1 (5) Other Necessary Actions. All parties must take any other action necessary to enable the Clerk of the Bankruptcy Court to assemble and transmit the record.~~

~~(6) Agreed Statement as the Record. The parties may submit an agreed statement of facts as a proposed record. If the statement is accurate, it—together with any additions that the Bankruptcy Court may consider necessary to a full presentation of the issues—must be approved by the bankruptcy judge and then certified as the record, and it shall constitute the record unless the District Judge undertaking *de novo* review directs otherwise.~~

~~(7) Unsupported Finding or Conclusion. If an objecting party intends to argue that a proposed finding or conclusion is unsupported by the evidence or is contrary to the evidence, that party must include in the record a transcript of all relevant testimony and copies of all relevant exhibits.~~

(8) *Bankruptcy Court.* The Bankruptcy Court may file a statement designating items that it believes support its proposed findings of fact and conclusions of law and that it recommends that the District Court direct be included in the record.

**(h) RECORD TO BE TRANSMITTED.**

The record must include the following:

- items designated by the parties;
- the proposed findings of fact and conclusions of law, the objections thereto, any responses, and any reply;
- any transcript ordered;
- any statement of the Bankruptcy Court under paragraph (g)(8) of this rule; and
- any additional items that the District Court orders to be included.

(I) ~~DE NOVO REVIEW~~

(a) ~~FORM OF REQUEST; TIME AND PLACE FOR FILING.~~

~~Pursuant to 28 U.S.C. § 157(e)(1), any party may request de novo review of proposed findings of fact and conclusions of law and a proposed final order or judgment by the Bankruptcy Judge by filing with the Clerk of the Bankruptcy Court, and serving on all parties to the matter under review within fourteen (14) days after service of a copy of such proposed findings, conclusions and order or judgment, written objections which shall specifically identify the portions of the proposed findings, conclusions, and order or judgment to which objection is made and the basis for such objection. All such objections shall conform to Local Rule 7.1 of the Local Rules of this Court and in addition shall clearly and conspicuously state that "RELIEF IS SOUGHT FROM A UNITED STATES DISTRICT JUDGE."~~

~~DESIGNATION OF RECORD: RESPONSE TO OBJECTIONS; REPLY;~~

~~TRANSMITTAL TO AND OF RECORD TO DISTRICT COURT.~~

When the record is complete for purposes of transmittal, but without awaiting the filing of any transcripts, the Clerk of the Bankruptcy Court must transmit to the Clerk of the District Court :

- (1) the proposed findings of fact and conclusions of law, the objections thereto, any responses, and any reply; and
- (2) a notice that the record (except for any records under seal governed by DCt.LBR 5005-1) is available electronically.

**(i) DISTRICT COURT MAY REQUEST PAPER COPIES OF RECORD.**

The District Court may require that a paper copy of some or all of the record be furnished, in which case the Clerk of the District Court will direct the movant to provide the copies. If the movant fails to provide them, the Clerk of the Bankruptcy Court must prepare the copies at the movant's expense.

**(k) PROCEEDINGS IN DISTRICT COURT.**

~~The procedures for designation of record, responses to objections, reply, and transmittal to and proceedings in the District Court shall be the same as set forth in Rule 5011-2 but the matter under review shall be assigned to a District Judge in accordance with this Court's usual system for assigning civil cases.~~

~~(b) DE NOVO CONSIDERATION BY DISTRICT JUDGE.~~

~~A District Judge shall make a de novo determination of those portions of the Bankruptcy Judge's proposed findings, conclusions, and order or judgment to which objection is made and may accept, reject, or modify, in whole or in part, the proposed findings, conclusions, and order or judgment by the Bankruptcy Judge. The District Judge, however, need not normally conduct a new hearing and may consider the record developed before the Bankruptcy Judge and may make a determination on the basis of~~

~~that record. The District Judge may also receive further evidence, recall witnesses or re-refer the matter to the Bankruptcy Judge with instructions.~~

~~(c) — EFFECT OF FAILURE TO OBJECT.~~

~~Failure to file a timely objection to the Bankruptcy Judge's proposed findings, conclusions and order or judgment shall constitute consent to determination of the proceeding by the Bankruptcy Judge, pursuant to 28 U.S.C. § 157(c)(2); in such event the proposed findings, conclusion and order or judgment shall become the findings, conclusions and order or judgment of the Bankruptcy Court as of the date of their original entry.~~

After the record has been transmitted to the District Court, documents pertaining to the objections must be filed with the Clerk of the District Court.

**(I) OBJECTIONS UNDER BANKRUPTCY RULE 9033 WHEN THE BANKRUPTCY JUDGE, WITHOUT AUTHORITY, ISSUED AN ORDER OR JUDGMENT DECIDING A PROCEEDING.**

If the Bankruptcy Court has issued a judgment or order deciding a proceeding and a party contends that the Bankruptcy Court lacked authority to issue the judgment or order, then DCt.LBR 8018.1-1 governs the requirement of filing of objections under Bankruptcy Rule 9033 to the Bankruptcy Court's findings of fact and conclusions of law as though they were proposed findings of fact and conclusions of law.

**COMMENT TO DCt.LBR 9033-1:** Paragraph (a) is modeled on Bankruptcy Rule 8003(d), and requires immediate transmission of the objections to the District Court, and the docketing of them as a civil action, with the record to follow later.

Paragraphs (c), (e), and (f) are modeled on LCvR 7. Paragraph (g)(7) is modeled on Bankruptcy Rule 8009(b)(5).

The objections papers filed in the Bankruptcy Court for the District Court's eventual attention should bear the caption of the Bankruptcy Court except that proposed orders intended for entry by the District Court should bear the caption of the District Court, bear a signature line for a United States District Judge, and, when a docket has not yet been opened in the District Court, leave the Civil Action Number blank.