The order below is hereby signed.

Signed: November 21 2024

Elizabeth L. Gunn
U.S. Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT
DISTRICT OF COLUMBIA

In re **ORDER ADOPTING REVISIONS TO THE LOCAL BANKRUPTCY RULES**	**GENERAL ORDER NO. 2024-04**

ORDER ADOPTING REVISIONS TO THE LOCAL BANKRUPTCY RULES

The Court has determined that it is necessary to amend its Local Bankruptcy Rules to be effective December 1, 2024 to correspond to the adoption of the restyled Federal Rules of Bankruptcy Procedures.

Therefore, it is **ORDERED** that the technical revisions to the Local Bankruptcy Rules of the United States Bankruptcy Court for the District of Columbia are adopted and shall be effective on December 1, 2024. The revised to the Local Bankruptcy Rules shall govern procedures in all cases pending on December 1, 2024 or filed thereafter. A redlined version of the amended Local Bankruptcy Rules is appended hereto.

[Signed and dated above.]

Exhibit A

RULE 1001–1 ~~SCOPE OF RULES; TITLE~~**Scope; Title; Citations; References to a Specific Form**

(a) Scope of Rules and Title. Federal Rule of Bankruptcy Procedure 9029 provides that courts may adopt local rules that are not inconsistent with the Federal Rules of Bankruptcy Procedure (the "Bankruptcy Rules" and each individually a "Bankruptcy Rule"). These rules shall be known as the "Local Bankruptcy Rules" of the United States Bankruptcy Court for the District of Columbia (the "Court") and are hereby prescribed and promulgated as Local Bankruptcy Rules governing practice and procedure before the Court. They are to be cited as the "Local Bankruptcy Rules" except that individual rules may be cited as "Local Bankruptcy Rule ____" or "LBR ____." The Local Bankruptcy Rules apply to all cases pending in the Court except (a) as otherwise provided in these Local Bankruptcy Rules and (b) the rules governing bankruptcy proceedings in the United States District Court for the District of Columbia (the "District Court") are set forth in the D.Ct.LBRs found in **Appendix A**.

(b) Any amendment to these Local Bankruptcy Rules shall be published in The Daily Washington Law Reporter before its adoption. The notice shall state that the proposed amendment will be adopted unless modified or withdrawn after receiving comments from organized bar associations, members of the bar, and the public. Such comments shall be submitted in writing within 45 days of publication. If the Court determines there is an immediate need for a particular local rule or amendment to an existing local rule, it may proceed without public notice and opportunity for comment, but the Court shall promptly thereafter afford such notice and opportunity for comment.

RULE 1002–1 ~~PETITION – GENERAL~~**Commencing a Bankruptcy Case**

(a) Generally. Except as set forth in subsection (b) below, the Clerk must accept for filing any petition. If a petition is not signed by either the petitioner or an attorney, a signed document must be filed within three (3) days or the petition may be dismissed. The three (3) day period commences for mailed notices three (3) days after the notice is mailed and for electronic notices when the electronic notice is served. The Clerk shall notify the party of the deficiency.

(b) In-Person Filing. If an unsigned petition is filed in-person with the Clerk's office and the filer does not immediately cure the deficiency, then the Clerk may reject the unsigned petition.

RULE 1006–1 ~~FEES – INSTALLMENT PAYMENTS~~**Filing Fee**

(a) Payment of Filing Fee. Any document filed on paper must be accompanied by the appropriate fee in the form of ~~(i)~~ cash, cashier's check, certified check, or money order~~; or (ii) via Pay.gov by debit card, bank account (ACH), or PayPal~~. The Clerk may not accept personal, non-certified checks or credit cards from *pro se* parties.

(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 the client or the estate) is responsible for payment of any fee triggered by the filing of a paper.

(c) Nonpayment.

(1) If a complaint or other document is not accompanied by the proper filing fee or, if applicable, an application to waive the filing fee or pay the same in installments, the Clerk shall give notice to cure the filing fee deficiency by the close of business on the next day after the notice to cure is given. The payment cure period commences for mailed notices three (3) days after the notice is mailed and for electronic notices when the electronic notice is served. The Clerk shall notify the party of the deficiency.

(2) If a petition is filed without a filing fee, a request to pay in installments, or a waiver per Bankruptcy Rule 1006, the Clerk may reject the petition.

(3) If a debtor's case is dismissed prior to the payment in full of a filing fee, the debtor shall remain liable for the unpaid balance of the filing fee. If the debtor remains liable for an unpaid fee in a dismissed case at the time of filing a new case, a request to pay in installments or an application for a waiver of a filing fee will not be granted without a hearing and showing of exceptional circumstances.

RULE 1007–1 ~~**LISTS, SCHEDULES, & STATEMENTS**~~**Lists, Schedules, Statements, and Other Documents; Time to File**

(a) List of Creditors – Voluntary Case. The debtor shall file with a voluntary petition a list of creditors containing the name and address of the debtor and all creditors (the "List of Creditors"). If not filed via the Electronic Case Filing System, the List of Creditors shall be submitted in the format specified by the Clerk. The mailing matrix shall suffice for the list of creditors referred to in Bankruptcy Rule 1007(a). The List of Creditors shall serve as the list required by Bankruptcy Rule 1007(a)(1) and the mailing matrix.

(b) List of Creditors – Involuntary Case. The debtor shall file within seven (7) days after entry of the order for relief a list of creditors containing the name and address of the debtor and all creditors (the "List of Creditors"). If not filed via the Electronic Case Filing System, the List of Creditors shall be submitted in the format specified by the Clerk. The mailing matrix shall suffice for the list of creditors referred to in Bankruptcy Rule 1007(a). The List of Creditors shall serve as the list required by Bankruptcy Rule 1007(a)(2) and the mailing matrix.

(c) Payment Advices or Other Evidence of Payment. Copies of the following shall not be filed with the Court unless otherwise ordered but shall be provided to the trustee and any creditor (who timely requests copies of the payment advices or other evidence of payment) at least seven (7) days before the date of the meeting of creditors conducted pursuant to 11 U.S.C. § 341:

(1) all payment advices from an employer of the debtor and/or all other evidence of payment received by the debtor within sixty (60) days before the date of the filing of the petition; or

(2) a declaration that no payment advices or other evidence of payment was received by the debtor within sixty (60) days before the date of the filing of the petition.

(d) Motion to Extend Time; Notice.

(1) Automatic Extension. If a debtor files a motion to extend time to file lists, schedules, statements, and other documents within fourteen (14) days after the petition date, the Clerk shall enter an order extending time for filing to the shorter of either fourteen (14) additional days or seven (7) days prior to the initial scheduled meeting of creditors. The Clerk's order shall further provide that the debtor either must (i) file the lists, schedules, statements, and other documents or further motion to extend time for the same by the date set forth therein; or (ii) timely file a response and attend a hearing to explain why the case should not be dismissed. Such motion need only be served on the United States Trustee, any appointed trustee, any official committee, and any other party as the Court may direct. Any party objecting to such extension will have seven (7) days from the date of the entry of the order granting such extension under this subsection to file objections with the Court and to schedule a hearing on same.

(2) Other Extension. If a debtor requests an extension of time to file lists, schedules, statements, and other documents to a date less than seven (7) days prior to the initial scheduled meeting of creditors, then the motion shall be set for a hearing and give notice to the United States Trustee, any appointed trustee, any official committee, and any other party as the Court may direct. Notice of the motion shall provide that parties objecting to the extension of time shall file written objections with the Court within seven (7) days after service of the motion by the debtor.

(e) Possible Dismissal of Case; Notice.

(1) In any case in which an Individual Debtor's Statement of Compliance with Credit Counseling Requirement; verified statement that sets out the debtor's social security number (Statement of Social Security Number), or states that the debtor does not have a social security number; and/or the List of Creditors as described in this Local Bankruptcy Rule 1007–1(a), together with attached documents as specified therein, are not filed at the time of the filing of the voluntary petition, the Clerk shall issue a notice that the debtor either must (i) file the same not later than three (3) days after the issuance of the notice; or (ii) timely file a response and attend a hearing to explain why the case should not be dismissed. The notice period set forth herein commences for mailed notices three (3) days after the notice is mailed and for electronic notices when the electronic notice is served.

(i) Unless the Court orders otherwise, if the debtor has filed a statement under Bankruptcy Rule 1007(b)(3)(B), but does not file the documents required by Bankruptcy Rule 1007(b)(3)(A), the Clerk shall issue a notice that the debtor either must (A) file the same no later than three (3) days after the issuance of the notice; or (B) timely file a response and attend a hearing to explain why the case should not be dismissed.

(2) In any case in which any of the lists, schedules, statements, and other documents are not filed at the time of the filing of the voluntary petition, the Clerk shall issue a notice that the debtor either must (i) file the same no later than fourteen (14) days after the filing of the petition; or (ii) timely file a response and attend a hearing to explain why the case should not be dismissed.

(3) In any case in which the statement of intentions as required by 11 U.S.C. § 521 are not filed at the time of the filing of the voluntary petition, the Clerk shall issue a notice that the debtor either must (i) file the same no later than thirty (30) days after the filing of the petition; or (ii) timely file a response and attend a hearing to explain why the case should not be dismissed.

RULE 1007–2 ~~**PETITION—NON INDIVIDUAL DEBTOR**~~**Petition—Non-Individual Debtor**

A person filing a voluntary bankruptcy petition for any non-individual debtor shall file with the petition a certificate, resolution, or other applicable documentation demonstrating that the filing is authorized by the debtor.

RULE 1009–1 ~~**AMENDMENTS TO LISTS & SCHEDULES**~~**Amending a Voluntary Petition, List, Schedule, or Statement**

(a) Requirement of Amended Summary of Schedules and Signed Declaration Page When Schedules Are Amended. When a debtor amends a schedule or schedules, the debtor must include:

(1) Official Form B 106 Declaration "Declaration About an Individual Debtor's Schedules" or Official Form B 202 "Declaration Under Penalty of Perjury for Non-Individual Debtors" as applicable; and

(2) Official Form B 106 Summary "Summary of Your Assets and Liabilities and Certain Statistical Information" or Official Form B 206 Summary "Summary of Assets and Liabilities for Non-Individuals" as applicable.

(b) Notice to Creditors and Amendment Coversheet. Every amendment to lists, schedules, and/or statements (an "Amendment") which adds, deletes, or modifies a creditor, shall include a properly completed Local Form 101 Notice to Creditors and Amendment Coversheet for Amending Creditor or Creditor Information. When an Amendment adds creditors to a bankruptcy case, the Amendment shall be accompanied by a list of the added creditors in a format specified by the Clerk, and shall mail by first class mail, to all entities affected by the Amendment, a copy of the following:

(1) the Amendment and Official Local Form 101;

(2) the original notice of the meeting of creditors;

(3) each order that establishes or extends a bar date for filing proofs of claims, complaints to determine the dischargeability of certain debts, or to object to the discharge of the debtor;

(4) the order granting discharge (if any);

(5) the notice required by Local Bankruptcy Rule 3003–1(b)(1)(iii); and

(6) any other filed document(s) affecting the rights of said entities.

(c) Fee Triggered by Filing of an Amendment, or Certification That the Amendment Did Not Trigger a Fee. When an Amendment of the List of Creditors, other than an Amendment changing only the addresses of previously listed entities, is filed, the filer must either:

(1) pay the fee imposed by the Bankruptcy Court Miscellaneous Fee Schedule; or

(2) file a certification that no fee is owed.

(d) Addition to Electronic List of Creditors. Where the debtor adds creditors or other parties in interest to a case by amending either the schedules, statements, or List of Creditors previously filed, the debtor shall ensure that the added entities are added to the List of Creditors in the Court's NextGen CM/ECF system. This rule does not apply to parties not represented by an attorney and/or required to file documents in paper format with the Clerk's Office.

RULE 1015–1 ~~JOINT ADMINISTRATION/CONSOLIDATION~~Consolidating or Jointly Administering Cases Pending in the Same District

In all joint petitions filed with the Court, the case will be administered through joint administration of the estates unless the trustee or other interested party files an objection to joint administration within fourteen (14) days after the conclusion of the meeting of creditors held under 11 U.S.C. § 341(a) and gives notice pursuant to Local Bankruptcy Rule 9013–1.

RULE 1019–1 ~~CONVERSION PROCEDURE FOLLOWING~~Converting or Reconverting a Chapter 11, 12, or 13 Case to Chapter 7

(a) Filings Upon Conversion. Within fourteen (14) days after conversion of a case to chapter 7, the debtor shall file either:

(1) a schedule of unpaid debts incurred after commencement of the original bankruptcy case, and a list of creditors as required under Local Bankruptcy Rule 1007–1(a), or

(2) a certification that no unpaid debts have been incurred since the commencement of the case.

(b) If the debtor fails to file the schedule and list referred to in paragraph (a)(1) of this Local Bankruptcy Rule on the date of conversion of the case, any such subsequent filing shall be treated as an amendment under Local Bankruptcy Rule 1009–1 and the debtor shall give all required notices.

(c) If required by statute or rule, and unless otherwise ordered by the Court, the debtor shall file Official Form 122A–1, "Chapter 7 Statement of Your Current Monthly Income," within fourteen (14) days after conversion of a case to chapter 7.

(d) Possible Dismissal of Case; Notice. In any case in which the document(s) under this Local Bankruptcy Rule 1019–1(a) or (c) are not filed at the time of conversion, the Clerk shall issue a notice that the debtor either must (1) file the same not later than fourteen (14) days after the date of conversion to chapter 7; or (2) timely file a response and attend a hearing to explain why the case should not be dismissed. The notice period commences for mailed notices three (3) days after the notice is mailed and for electronic notices when the electronic notice is served.

RULE 1075–1 ~~**PROCEDURES FOR COMPLEX CHAPTER 11 CASES**~~**Procedures for Complex Chapter 11 Cases**

The "Procedures for Complex Chapter 11 Cases in the District of Columbia," found at Appendix B to these Local Bankruptcy Rules, as may be amended from time to time, shall apply to Complex Cases, as such term is defined therein.

RULE 2002–1 ~~**NOTICE TO CREDITORS & OTHER INTERESTED PARTIES**~~**Notices**

(a) Proponent to Give Notice. Except as stated elsewhere in the Bankruptcy Code, the Federal Rules of Bankruptcy Procedure, these Local Bankruptcy Rules, or by order of the Court, the proponent of any action shall give notice to all necessary parties.

(b) Notice by Publication. A motion to approve notice by publication shall include the name(s) of the publication(s) in which notice is proposed and shall provide for publication at least seven (7) days prior the date upon which action is required, or such longer notice period when required by Rule, statute, or where deemed proper by the Court.

(c) Service on the United States Trustee. Service on the United States Trustee shall be made electronically at the following email address: USTPRegion04.DC.ECF@USDOJ.GOV

(d) Notices to Equity Security Holders. Unless otherwise ordered by the Court, the debtor is responsible for sending notice of the filing of the bankruptcy to equity security holders except when either:

(1) the list of equity security holders is filed with the petition; or

(2) the equity security holders are included on the list of creditors filed with the petition.

(e) Requirement of Proof of Service. At the end of each pleading, motion, or other document required to be served upon a party or within seven (7) days after completion of service, the filing party must file a proof of service conforming to Local Bankruptcy Rule 9013–1(f).

RULE 2003–1 ~~**MEETING OF CREDITORS & EQUITY SECURITY INTEREST HOLDERS**~~**Meeting of Creditors or Equity Security Holders**

(a) Notice of Rescheduled Meeting of Creditors. If the United States Trustee and/or the appointed trustee agree prior to the meeting of creditors to reschedule the meeting, then within three (3) days of receiving the new date and time for the meeting of creditors, the party obtaining the 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 conforming to Local Bankruptcy Rule 9013–1(f). Notice must be given in the form, if any, approved by the Clerk.

(b) Possible Dismissal for Failure to Appear.

(1) Possible Dismissal of Case; Notice. Notice of possible dismissal for failure to attend the meeting of creditors shall be provided in the notice of § 341 meeting.

(2) Possible Dismissal of Case; Order. Upon certification by the United States Trustee, chapter 13 trustee, and/or chapter 7 trustee that either debtor or debtor's attorney

has not appeared at a meeting of creditors, the Clerk shall issue an order for the debtor and/or debtor's attorney to appear and show cause why the case should not be dismissed.

RULE 2004–1 ~~DEPOSITIONS & EXAMINATIONS~~Examinations

(a) Contents of Motion. A motion requesting examination under Bankruptcy Rule 2004 shall apprise the party to be examined of the proposed scope of the examination and list any documents requested to be presented at such examination. The attendance of the examinee and the production of documents may not be required less than fourteen (14) days after entry of an order granting a motion under this Local Bankruptcy Rule unless the Court orders otherwise.

(b) Notice of Motion. Unless filed with a motion to shorten notice and expedite hearing, the moving party must file and serve with the motion, with at least seven (7) days' notice, a notice of the motion and opportunity to object (which complies with this Rule and Local Bankruptcy Rule 9013–1).

(c) Service of Motion. The moving party shall serve a copy of the motion upon the debtor and if applicable, debtor's attorney, the deponent, deponent's attorney (if known), any standing trustee, and the United States Trustee.

(d) Objections to Motions for Examination Under Bankruptcy Rule 2004.

(1) If an objection is timely filed, the movant shall request from the Court a hearing date, transmit the notice of hearing to all parties in interest, and file the notice and proof of service with the Clerk.

(2) If no response or objection is timely served, the Court may grant the motion to conduct an examination under this Local Bankruptcy Rule without further notice or hearing.

(e) Inapplicability to Adversary Proceedings. The provisions for examination under this Local Bankruptcy Rule shall be inapplicable to pending adversary proceedings and contested matters. Discovery in connection with pending adversary proceedings and contested matters, including examinations, shall be pursuant to the discovery provisions made applicable by Part VII of the Bankruptcy Rules and Bankruptcy Rule 9014.

RULE 2014–1 ~~EMPLOYMENT OF PROFESSIONALS~~Employing Professionals

(a) Time for Filing of Application. Absent extraordinary circumstances, nunc pro tunc applications for appointment of professional persons pursuant to 11 U.S.C. §§ 327 and 1103 and Bankruptcy Rule 2014, will not be considered. An application is considered timely if it is filed within thirty (30) days of the date of the filing of the bankruptcy petition, or the date the professional commences rendering services, whichever occurs later.

(b) Content of Application. Every application shall set forth the information as required by Bankruptcy Rules 2014(a)(2) and 2016(~~b~~a), including a specific statement as to what payments have been made or promised to the applicant for services rendered or to be rendered in any capacity whatsoever in connection with the case, or any other arrangement regarding the payment of fees, including the type of fee arrangement (contingency, hourly, flat rate, or other arrangement) and the specific terms related to the fee structure. An applicant shall also disclose the existence of any guaranties for such fees and the debtor's relationship with any non-debtor entity paying or guaranteeing such fees.

(c) Expedited Entry of Order. Absent objections within fourteen (14) days of filing of an application to employ with the Court, the Court may grant the application under this Local Bankruptcy Rule without further notice or hearing.

RULE 2016–1 ~~**COMPENSATION OF PROFESSIONALS**~~**Compensation for Services Rendered; Reimbursing Expenses**

(a) Attorney's Disclosure Statement. An attorney representing a debtor under any chapter of the Bankruptcy Code shall file a Bankruptcy Rule 2016(b) Disclosure of Compensation, substantially in the form of Local Form 102 (the "Attorney Disclosure Statement"), irrespective of the amount of fees received or requested, if any. The Attorney Disclosure Statement, if not filed with the petition, shall be filed no later than fourteen (14) days after the later of the filing of the petition or the date that an attorney is engaged.

(1) Continuing Duty to Update. An attorney for the debtor shall have a continuing duty to timely update the Attorney Disclosure Statement, as prescribed by Bankruptcy Rule 2016(b)(2), if additional compensation is paid after the initial filing of the Attorney Disclosure Statement.

(2) Sanctions for Noncompliance. Failure to comply with this Local Bankruptcy Rule may result in the entry of an order for the disgorgement and/or denial of all fees.

(b) Applications for Compensation. All applications, whether interim or final, shall contain the amounts requested, and a detailed itemization of the work performed including, but not limited to:

(1) the name of the individual(s) performing the work;

(2) if applicable, the amount of time expended for each task of work billed in tenths of an hour increments and separated by each task (i.e., no "block billing" or "lumping");

(3) if applicable, the hourly rate(s) requested (nonworking travel and administrative tasks should be billed at less than the full hourly rate of the applicant);

(4) the date of employment;

(5) a discussion of the criteria that are relevant in determining the compensation to be awarded;

(6) a detailed list of reimbursable costs; and

(7) a statement that the fees and costs for which reimbursement is sought are reasonable for the work performed, and that the application is true and accurate.

(c) Applications for Compensation in Chapter 7 Cases. In addition to the requirements in subsection (b) above, professionals employed by a chapter 7 trustee shall file final applications for fees and expenses incurred during a chapter 7 case upon completion of services or upon notification by the trustee that the case is ready to close. In cases that have been converted to chapter 7, all final applications of professionals for fees and expenses incurred in the case prior to conversion shall be filed within ninety (90) days after the date of the order converting the case.

RULE 2016–2 ~~COMPENSATION FOR DEBTOR'S ATTORNEY IN CHAPTER~~Compensation for Debtor's Attorney in Chapter **13** ~~CASES~~Cases

(a) Presumptively Reasonable Fee. Debtor's attorney in a chapter 13 case is relieved from filing a detailed application for compensation as required by 11 U.S.C. § 330 and Bankruptcy Rule 2016 if the attorney complies with all the conditions and requirements set forth herein.

(1) Rule 2016 Disclosure. Debtor's attorney shall file a Bankruptcy Rule 2016(b) Disclosure of Compensation substantially in the form of Local Form 102 (the "Attorney Disclosure Statement") reflecting that the attorney will perform all required and necessary services for the debtor as set forth in subsection (2)(~~A~~1). If the attorney's Rule 2016(b) Disclosure of Compensation clearly states the specific exceptions, debtor's attorney may except from representation under this Rule the following: adversary proceedings, appeals, and United States Trustee audits. An attorney may make separate arrangements for such representation with a debtor.

(2) (A) Amount. Total compensation for debtor's attorney of $5,500.00 or less per case, whether individual or joint, will be presumed reasonable under 11 U.S.C. § 329 and allowable under 11 U.S.C. § 330. If the chapter 13 trustee requires the debtor to file a business report, or if the debtor holds a controlling interest in a corporation or LLC operating a business, total compensation for debtor's attorney of $6,500.00 or less per case, whether individual or joint, will be presumed reasonable under 11 U.S.C. § 329 and allowable under 11 U.S.C. § 330. Debtor's attorney may also receive expenses, including the filing fee and up to $150.00 in other estimated expenses. The presumptive fee amounts shall be periodically reviewed and adjusted by the Court by General Order, at least bi-annually in the first quarter of the calendar year. Notwithstanding the amounts set forth herein, the compensation charged must be commensurate with the nature and complexity of the case, be based upon the reasonably anticipated amount of time to be expended on the case and shall be presumed to compensate debtor's attorney for a level of service to debtor that includes the services set forth in subsection (ii).

(B) Services Included. Services included in the presumptively reasonable fee set forth in (a)(2)(A), at a minimum, shall include:

(i) counseling with and explaining to the debtor all of the debtor's responsibilities, including, but not limited to payments and attendance at the meeting of creditors, confirmation hearing(s), and other required hearings;

(ii) verifying the debtor's identity, social security number, and eligibility for chapter 13;

(iii) timely preparation and filing of the petition, schedules, statement of financial affairs, chapter 13 plan, all amendments and all required documents pursuant to the Bankruptcy Code, the Bankruptcy Rules, and these Local Bankruptcy Rules;

(iv) serving copies of all filed plans on creditors and interested parties as required by the Code, the Bankruptcy Rules, and these Local Bankruptcy Rules;

(v) preparing for and attending the meeting of creditors, confirmation hearing(s), and all other required hearings;

(vi) preparing pleadings and attending hearings for all necessary pre-confirmation motions brought on behalf of the debtor;

(vii) timely reviewing, objecting to, and filing claims, as necessary;

(viii) filing amendments, motions, or any other required pleadings;

(ix) attending all hearings when required;

(x) assisting the debtor in petitioning the Court to employ an attorney for a special purpose ("Special Counsel"), to seek approval of settlements or compromises, and to request approval of compensation for Special Counsel as appropriate;

(xi) attending hearings and defending motions against the debtor as appropriate, including motions for relief from the automatic stay, until discharge, conversion, or dismissal of the case;

(xii) preparing, filing, and serving of motions for voluntary dismissals;

(xiii) preparing, filing, and serving of motions to deem mortgage current, where appropriate;

(xiv) preparing, filing, and serving of motions to approve loan modifications, where appropriate;

(xv) advising the debtor regarding the requirements for obtaining a discharge, including eligibility for discharge; the need to complete a course in personal financial management provided by an approved agency; the need to satisfy requirements regarding domestic support obligations; and filing all required 11 U.S.C. § 1328 certifications with the bankruptcy Court;

(xvi) filing a statement regarding the completion of a course in personal financial management if required by Bankruptcy Rule 1007(b)(7) (or subsequent rules) and a motion for entry of discharge (if applicable);

(xvii) consulting with the debtor from time-to-time after confirmation regarding the status of the case and steps needed for plan completion, including without limitation, changes of address, changes in employer/employee withholding, review of summary notices of claims, review of annual/semi-annual reports, and review or preparation of miscellaneous correspondence regarding the case;

(xviii) in a business case, filing business reports or providing any business documentation as required by the chapter 13 trustee; and

(xix) in all cases, assisting the debtor with compliance with all requirements of the Bankruptcy Code, Federal Rules of Bankruptcy Procedure, General Orders, Local Bankruptcy Rules, and procedures.

(C) Approval. Approval of the allowance of a presumptively reasonable fee will be considered by the Court at confirmation and be granted by entry of the confirmation order. The fees sought in the plan must be consistent in amount and description with attorney 's Bankruptcy Rule 2016(b) disclosure.

(D) Duration of Representation. A debtor's attorney must assist the debtor in all matters in the bankruptcy case, unless properly excluded as provided for in section (a)(1) above, unless the Court has granted the attorney's motion to withdraw as attorney. Debtor's attorney shall not withhold legal advice or service in the bankruptcy case from the debtor because of lack of payment and shall not demand payment from the debtor or any person on behalf of the debtor as a condition of providing such legal advice or service.

(3) Review of Presumptively Reasonable Fees. Inasmuch as the reasonableness of fees established in subdivision (2)(A) is presumptive only, the Court may, in its discretion, or upon request of the debtor, the chapter 13 trustee, the United States Trustee, a creditor, debtor's attorney, or a party in interest, conduct a hearing to consider the reasonableness of such fee under all the facts and circumstances of the case. The Court may, as a result of such hearing, reduce, increase, or otherwise modify such fee. Attorneys are prohibited from advising clients or the public that this Court requires any minimum or maximum compensation for a chapter 13 case. This Rule does not seek to set any compensation in any chapter 13 case, and it does not and is not intended to set any minimum or maximum compensation in any chapter 13 case filed in this Court.

(4) Effect of Flat Fee Election.

(A) Unless ordered otherwise, debtor's attorney's election to accept a presumptive fee is irrevocable. However, the Court may allow compensation different from the compensation provided under subdivision (a)(2) any time prior to entry of a final decree, if such compensation proves to have been improvident in light of developments not capable of being anticipated at the time the plan is confirmed or denied confirmation.

(B) If a debtor's attorney is awarded compensation pursuant to subdivision (a)(2) of this Rule and thereafter seeks additional compensation pursuant to subsection (a)(4)(A), the attorney must file a detailed application for compensation for all such additional compensation in the case as described in this Local Bankruptcy Rule and pursuant to Bankruptcy Rule 2016(a)(2), 11 U.S.C. § 330, the Compensation Guidelines maintained by the Office of the United States Trustee, and other applicable law. The attorney seeking additional compensation must be prepared at the hearing to provide evidence as to the improvident developments, including all extraordinary tasks required in the case, and the reason additional compensation is sought and due.

(b) Electing to File Applications for Compensation in Chapter 13 Cases. A chapter 13 debtor's attorney may elect not to seek compensation under subdivision (a) of this Rule. In that event, the attorney must file a detailed application for all compensation in the case pursuant to Bankruptcy Rule 2016(a)(2), 11 U.S.C. § 330, the Compensation Guidelines maintained by the Office of the United States Trustee, and other applicable law. Attorneys electing this procedure shall estimate fees in the chapter 13 plan for confirmation purposes. Unless otherwise ordered by the Court, an attorney seeking compensation under this subpart shall file an initial fee application no later than 60 days after entry of the first order confirming a plan in the case.

(c) Nonstandard Case Related Representation. Attorneys employed by a debtor during the case to assist with work not contemplated under the expedited fee process or addressed in the supplemental fee provision in the written fee agreement, such as representation of the debtor in an adversary proceeding, or an action in connection with the case in a nonbankruptcy court, shall comply with the filing requirements of 11 U.S.C. § 329.

(d) Retention of Jurisdiction. Upon the dismissal of a chapter 13 case wherein a chapter 13 plan has not been confirmed, the Court retains jurisdiction for a period of twenty-one (21) days after the dismissal order becomes final, to determine if any professional fees are an administrative expense under 11 U.S.C. § 503(b). *See* 11 U.S.C. § 1326 (a)(2). The debtor's attorney, and/or any duly authorized professional, shall move the court within the twenty-one (21) day period for such a determination.

RULE 2072-1 ~~**ACCESS TO INFORMATION IN CHAPTER 11 CASES**~~**Access to Information in Chapter 11 Cases**

Unless otherwise ordered by the Court, a committee appointed under 11 U.S.C. § 1102 or a trustee appointed in a Subchapter V case is not required to provide access to information to the extent that such information has been reasonably designated by the party providing such information as non-public, proprietary, privileged, work product, or otherwise confidential.

RULE 2090–1 ~~**ATTORNEYS—ADMISSION TO PRACTICE**~~**Attorneys – Admission to Practice**

(a) Admission. As a unit of the District Court, attorneys admitted to the District Court, in accordance with DCt.LCvR 83.8 (Who May Be Admitted), may practice before this Court. Attorneys admitted in the District Court must follow the District Court Local Bankruptcy Rules for maintenance and renewal of their membership. Unless otherwise stated herein, the District Court Local Bankruptcy Rules as to membership in the bar of this Court shall apply.

(b) Admission Pro Hac Vice. An attorney who is not a member of the Bar of the United States District Court for the District of Columbia, but who is a member in good standing in every jurisdiction where the attorney has been admitted to practice and is not subject to pending disciplinary proceedings as a member of the Bar in any jurisdiction, may appear in this Court by leave of Court. Such attorney shall, contemporaneous with the making of such appearance, file a Motion for Admission Pro Hac Vice to appear before this Court, which need not be signed by any other attorney, along with the applicable filing fee. An attorney

thereafter admitted *pro hac vice* shall be permitted to appear in the case for which such admission is granted, together with any adversary proceedings stemming therefrom.

(c) Law Students. As a unit of the District Court, law students may practice before this Court in accordance with DCt.LCvR 83.4 (Practice By Law Students). In addition to the requirements in the District Court Local Bankruptcy Rules, any law student practicing in this Court must also be familiar with the Federal Rules of Bankruptcy Procedure and these Local Bankruptcy Rules.

(d) Attorneys Employed by Federal, State, and Local Governments. An attorney who is employed or retained by the United States or one of its agencies, any State, or Local Government may appear, file papers, and practice in this Court on behalf of their client in the attorney's official capacity irrespective of (a) and (b) of these Local Bankruptcy Rules.

(e) Attorneys Representing Indigent Parties. Notwithstanding (a) and (b) of these Local Bankruptcy Rules, 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 an indigent party upon certifying that the attorney is providing representation without compensation and is personally familiar with the Local Bankruptcy Rules of this Court.

(f) Appearance at All Proceedings.

(1) Appearance by Attorney for the Debtor. Any attorney who makes a general appearance on behalf of a debtor in a bankruptcy case must be present and appear at all Court proceedings involved in the case that the debtor is required to attend under any provision of the Bankruptcy Code, the Bankruptcy Rules, the Local Bankruptcy Rules, or order of the Court, (i) unless excused from the hearing by the Court; (ii) given permission to withdraw; (iii) has filed a pleading stating that the debtor has no objection to, or does not oppose, the relief requested; or (iv) has endorsed without objection an order resolving the pleading.

(2) Appearance by Other Attorney of Record. Any attorney who has filed a pleading in a bankruptcy case must be present and appear at all Court proceedings involving that pleading unless the attorney: (i) has been excused by the Court; (ii) has been given permission to withdraw by order of the Court; or (iii) has provided opposing or another attorney appearing at the initial pretrial conference with available dates so that a trial date can be established.

(g) Duties of Debtor's Attorney.

(1) If a debtor is represented by an attorney generally in a case, another attorney may enter an appearance limited to specific matters in the case, such as a motion for relief, another contested matter, an adversary proceeding, or an appeal, without entering a general appearance on behalf of the debtor. As applicable, the debtor or such attorney must file an application to employ and a Bankruptcy Rule 2016(b) statement disclosing the scope of the representation and the fees charged and paid (or to be paid) for such representation. Such representation shall be limited solely to the matters described in the Bankruptcy Rule 2016(b) statement.

(2) Unless the attorney has withdrawn as attorney for the debtor pursuant to Local Bankruptcy Rule 2091–1, an attorney who files a petition on behalf of a debtor must advise the debtor of, and assist the debtor in complying with, all duties of a debtor under 11 U.S.C. § 521.

RULE 2090–2 ~~**ATTORNEYS DISCIPLINE & DISBARMENT**~~**Attorneys – Discipline & Disbarment**

Attorneys Subject to Rules. As a unit of the District Court, the District Court's Rules of Disciplinary Enforcement (DCt.LCvR 83.12 – .20) shall apply to all attorneys admitted to membership in the Bar of this Court, to all attorneys permitted to practice before this Court under DCt.LCvR 83.2, and to all attorneys who appear before this Court or who participate in proceedings, whether admitted or not. All attorneys to whom these Rules apply shall be subject to the disciplinary jurisdiction of this Court for any alleged misconduct arising in connection with such proceeding. All such attorneys shall also be deemed thereby to have designated the Clerk of the Court as agent for service of process under these Rules governing discipline and disciplinary proceedings. Nothing contained herein shall in any manner be construed as limiting the inherent authority and power of the Court to discipline, sanction, or hold in contempt attorneys who appear before it pursuant to 11 U.S.C. § 105, Bankruptcy Rule 9011, or otherwise, or providing an exclusive procedure for the discipline of attorneys who appear before the Court.

RULE 2090–3 ~~**THE HONORABLE S. MARTIN TEEL, JR. BANKRUPTCY PRO BONO PROGRAM**~~**The Honorable S. Martin Teel, Jr. Bankruptcy Pro Bono Program**

An attorney who is a member in good standing of the Bar of the United States District Court for the District of Columbia or who is a member in good standing of the bar of any United States Court or of the highest court of any State is urged whenever requested by the Court to assist or represent parties who cannot afford to retain an attorney to represent them in bankruptcy matters before this Court and, if necessary, without compensation unless exempted by rule or statute.

The Court will maintain a program for the appointment of pro bono attorneys to qualified individuals in contested matters and adversary proceedings to be known as The Honorable S. Martin Teel, Jr. Pro Bono Program (as more fully set out in **Appendix C**).

RULE 2091–1 ~~**ATTORNEYS WITHDRAWALS**~~**Attorneys – Withdrawals**

(a) Withdrawal Generally. Except as otherwise provided in this Local Bankruptcy Rule or by order of the Court, an attorney may not withdraw in any case or proceeding except by leave of Court. A motion for leave to withdraw shall be filed and served using the notice procedures of Local Bankruptcy Rule 2002–1. The notice shall provide for a seven (7) day response period and shall be served on the client, parties in interest affected thereby, and opposing attorney (if any).

(b) Withdrawal for Party in Interest Other than the Debtor or an Official Committee. An attorney for a party in interest other than the debtor or an Official Committee who is not a party to any pending contested matter or adversary proceeding may withdraw their appearance without Court order by filing a notice of withdrawal as attorney; stating the

name and mailing address of the client; and serving copies of the notice on the client, the debtor, the trustee, the United States Trustee, and their attorneys.

(c) Withdrawal of Co-Attorney of Record. An attorney seeking to withdraw from representing a client in a case or proceeding at a time when such client is represented by other attorney of record in such matter may withdraw their appearance by filing a notice of withdrawal that is approved and signed by the client and other attorney of record for the client, and serving copies of the notice on parties in interest entitled to notice.

(d) Substitution of Attorney. An attorney seeking to withdraw from representation of a client may file a joint motion or stipulation with the attorney seeking to be substituted in as attorney for such client, in the relevant case or proceedings, requesting authority of the Court for substitution of attorney. Such motion or stipulation shall certify that the client has consented to the substitution or be signed by the client, and such motion or stipulation shall be served on the client and parties in interest entitled to notice. The Court may consider a joint motion or stipulation for substitution of attorney without a hearing. Substitution of attorney is subject to the requirements of the Bankruptcy Code, the Bankruptcy Rules, and this Court's Local Bankruptcy Rules with regard to retention of professionals, disclosure, payment of professionals, and related matters.

(e) Substitution of Attorney Within Same Law Firm. If an attorney who is a member of the same law firm as the attorney of record wishes to substitute as attorney for a party in place of the attorney of record because (1) the attorney of record is leaving the law firm or (2) the attorney of record will no longer serve as attorney of record, the substituting attorney may file a notice of substitution of attorney ("Notice of Substitution") without leave of Court. The Notice of Substitution shall include a representation that the client has been informed of and consents to the substitution.

RULE 3003–1 ~~**CLAIMS IN CHAPTER 11 CASES**~~ **Chapter 9 or 11—Filing a Proof of Claim or Equity Interest**

(a) Claims Bar Date. In a Chapter 11 case, the Clerk shall give notice of the bar date with the notice for the meeting of creditors. Unless a different date is subsequently ordered by the Court:

(1) the last date for the filing of claims, other than a claim of a governmental unit in a chapter 11 case, shall be ninety (90) days after the first date set for the meeting of creditors;

(2) the last date for a governmental unit to file a proof of claim shall be 180 days after the petition is filed in a voluntary chapter 11 case or an order for relief is entered in an involuntary chapter 11 case; and

(3) in a chapter 11 case under subchapter V of chapter 11, other than a claim of a governmental unit, a proof of claim is timely if filed no later than seventy (70) days after the date of the entry of the order for relief, unless a different date is fixed by the Court.

(b) Claims Scheduled as Disputed, Contingent, or Unliquidated. In a chapter 11 case the debtor shall:

(1) serve creditors whose claims are listed on the schedules as disputed, contingent, or unliquidated with a notice of the fact within fourteen (14) days after the later of:

(i) the conversion of the case to chapter 11;

(ii) the filing of the schedules of liabilities; or

(iii) the filing of an amendment to the schedules of liabilities adding such creditors. and

(2) file with the Court a certificate of service indicating the date and manner of service of the notice required under this Local Bankruptcy Rule.

RULE 3004–1 ~~FILING OF CLAIMS BY DEBTOR OR TRUSTEE~~Proof of Claim Filed by the Debtor or Trustee for a Creditor

A debtor's attorney or a trustee electronically filing a proof of claim on behalf of a creditor under Bankruptcy Rule 3004 shall be responsible for giving notice of such filing to the creditor, debtor, and any appointed trustee as required by that Bankruptcy Rule and shall attach to the proof of claim a certificate of service of such notice.

RULE 3007–1 ~~CLAIMS – OBJECTIONS~~Objecting to a Claim

(a) Contents of Objection. All objections to claims shall state with particularity the grounds therefor and shall set forth the relief or order sought.

(b) Filing of Notice with Objection. Unless filed with a motion to shorten notice and expedite hearing, the objecting party must file and serve with the objection with no less than thirty (30) days' notice, a notice of the objection, opportunity to object, and/or notice of hearing (which complies with this Rule and Local Bankruptcy Rule 9013–1).

(c) Requirement of Written Response. A creditor served with an objection to claim shall file and serve on the objecting party, a response thereto within thirty (30) days of service if a notice of opportunity to request a hearing is given, or seven (7) days prior to the hearing if the objection is accompanied by a notice of hearing. If no response is filed, the Court may treat the objection as conceded, and the Court may enter an order without holding a hearing disallowing the claim in whole or in part as set forth in the objection to claim.

~~**RULE 3011–1 UNCLAIMED FUNDS**~~

RULE 3011–1 Chapter 7, Subchapter V of Chapter 11, Chapter 12, and Chapter 13—Listing Unclaimed Funds

(a) Deposits of Unclaimed Funds. Deposits of unclaimed distributions by chapter 7, 11, 12, 13, and subchapter V trustees may be made without leave of Court.

(b) Withdrawal of Unclaimed Funds. Any party wishing to withdraw unclaimed funds from the Court, including unclaimed distributions deposited under 11 U.S.C. § 347(a), shall file a completed Local Form 103 with all required attachments thereto. The Local Form and all required attachments shall be served on the United States Attorney for the District of Columbia and the United States Trustee.

(c) Applications by Parties Other Than the Debtor or Original Claimant. Unless ordered otherwise for cause shown, if an application under this Local Bankruptcy Rule is filed by a party other than the debtor or original claimant, the Court shall issue payment only to one of the following: (1) the name of the rightful claimant (including payment issued to the claimant but mailed care of a third party); or (2) if authorized by power of attorney, jointly to the claimant and a third party.

RULE 3014–1 ~~ELECTION UNDER~~Chapter 9 Or 11 ~~U.S.C.—~~Secured Creditors' Election to Apply § 1111(b)~~ BY SECURED CREDITOR IN SUBCHAPTER V CHAPTER 11 CASE~~

In a case under subchapter V of chapter 11 in which 11 U.S.C. § 1125 does not apply, an election of 11 U.S.C. § 1111(b)(2) by a class of secured creditors shall be made no later than fourteen (14) days following the filing of the plan, or such other date as the Court may direct.

~~**RULE 3015–1 CHAPTER 13 PLAN**~~

RULE 3015–1 Chapter 12 or 13—Time to File a Plan; Nonstandard Provisions; Objection to Confirmation; Effect of Confirmation; Modifying a Plan

(a) Requirement for use of Local Chapter 13 Plan Form. A chapter 13 plan must conform to Local Form 104 and must be used without alteration, except as otherwise provided in these Local Bankruptcy Rules or in instructions issued by the Court. Debtors may delete items requiring detail in a question or category if the filer indicates by checking "none" that there is nothing to report on that question or category.

(b) Service. Along with the original chapter 13 plan and any amended or modified chapter 13 plan, the debtor shall file a certificate of service as included in Local Form 104 setting forth the date and manner of service and the names and addresses of all parties to whom the chapter 13 plan was mailed or transmitted. In addition, if the debtor seeks to avoid any lien or value any collateral, the debtor shall serve the chapter 13 plan on affected parties pursuant to Bankruptcy Rule 7004.

(1) Except as set forth in subsection (b)(2) of this Local Bankruptcy Rule and unless the Court orders otherwise, the debtor shall serve a copy of the debtor's chapter 13 plan on the chapter 13 trustee, all creditors, and other parties in interest on or prior to the date it is filed with the Court.

(2) An amended or modified chapter 13 plan that only increases (i) the amount of monthly payments and/or (ii) the total amount of payments in the chapter 13 plan to the chapter 13 trustee may be served only on the chapter 13 trustee and is not required to be served on all creditors and parties in interest.

(c) Motion to Extend Time; Notice.

(1) Automatic Extension. If a motion to extend time to file the chapter 13 plan is filed within fourteen (14) days after the petition date, the Clerk shall enter an order extending time for filing to the shorter of fourteen (14) additional days or seven (7) days prior to the initial scheduled meeting of creditors. The Clerk's order shall further provide that the debtor either must (i) file the chapter 13 plan or further

motion to extend time for the same by the date set forth therein; or (ii) timely file a response and attend a hearing to explain why the case should not be dismissed. Such motion need only be served on the United States Trustee, the chapter 13 trustee, and any other party as the Court may direct. Any party objecting to such extension shall have seven (7) days from the date of the entry of the order granting such extension under this subsection to file objections with the Court and to schedule a hearing on the same.

(2) Other Extension. Any motion that is filed after the due date of the chapter 13 plan set forth in Bankruptcy Rule 3015 or that seeks an extension of time beyond the dates specified in subparagraph (c)(1) of this Local Bankruptcy Rule shall be noticed for a hearing. Such motion need only be served on the United States Trustee, the chapter 13 trustee, and any other party as the Court may direct. Notice of the motion shall provide that parties objecting to the extension of time shall file written objections with the Court within seven (7) days after service of the motion by the debtor.

(d) Additional Evidentiary Requirements. If the debtor seeks to value collateral or avoid liens pursuant to a provision in the chapter 13 plan, the debtor must file separately or as an exhibit to the chapter 13 plan evidence of (1) the collateral's value; (2) the existence of all other liens; (3) the name, address, and nature of ownership of any non-debtor owner of the property; and (4) if the lienholder has not filed a proof of claim, evidence of the amount of each debt secured by the collateral. Notwithstanding subsection (b) of this Local Bankruptcy Rule, the debtor need only serve the evidence listed herein on affected creditors and not on all creditors.

RULE 3015–2 ~~**CHAPTER 13 — AMENDMENTS TO PLANS**~~**Chapter 13—Amendments to Plans**

(a) Amendments to Proposed Chapter 13 Plans. Unless confirmation of a prior chapter 13 plan has been denied, an amended chapter 13 plan may be filed at any time prior to confirmation. If confirmation of a prior chapter 13 plan has been denied, an amended chapter 13 plan must be filed within the period stated in Local Bankruptcy Rule 3015–3(c) unless the order denying confirmation states some other period.

(1) Amendments Filed with the Court Twenty-Eight (28) Or More Days Prior to Confirmation. If an amended chapter 13 plan is filed with the Court twenty-eight (28) days or more prior to a scheduled confirmation hearing, the debtor may set the date for the confirmation hearing upon such amended chapter 13 plan for the existing scheduled confirmation hearing.

(2) Amendments Filed with the Court Less than Twenty-Eight (28) Days Prior to Confirmation. If an amended chapter 13 plan is filed with the Court less than twenty-eight (28) days prior to a scheduled confirmation hearing, the debtor shall obtain a new confirmation hearing date from the chapter 13 trustee, the Courtroom Deputy, or the dates listed on the Court's website, or file an appropriate motion(s) to shorten notice.

(b) Modifications to Confirmed Chapter 13 Plans. Except as set forth Local Bankruptcy Rule 3015–1(b)(2), a request to modify a confirmed chapter 13 plan shall be made by a motion

and served pursuant to Local Bankruptcy Rule 3015–1(b) with twenty-eight (28) days' notice of a scheduled confirmation hearing date from the chapter 13 trustee, the Courtroom Deputy, or the dates listed on the Court's website. Any objections must be filed and served seven (7) days prior to the scheduled confirmation hearing. All motions to modify must comply with Bankruptcy Rule 3015(h), explain with specificity the proposed modification, and be accompanied by the proposed modified chapter 13 plan.

(c) Effect of Filing Amended or Modified Chapter 13 Plan. Upon the filing of an amended or modified chapter 13 plan, any pending objections to the previous proposed chapter 13 plan shall automatically be continued to the same date and time as the confirmation hearing on the amended or modified chapter 13 plan.

RULE 3015–3 ~~CHAPTER~~Chapter 13 ~~— CONFIRMATION —~~Confirmation

(a) Objections to Confirmation of Chapter 13 Plans.

(1) Timing. Any objection to confirmation of the chapter 13 plan or to the granting of any included Motion for Determination of Value, Motion for Lien Avoidance, or the Motion to Assume or Reject Executory Contract or Unexpired Lease shall be filed no later than seven (7) days prior to the date set for the confirmation hearing.

(2) Service. The objecting party shall file an original objection with the Court and serve copies on the chapter 13 trustee, the debtor, and the debtor's attorney (if any). The objection shall be accompanied by a certificate of service.

(b) Pre-Confirmation Certification. Prior to the scheduled confirmation hearing, a debtor shall sign the "Certification by Debtor(s) Requesting Confirmation of plan and Compliance With Requirements of 11 U.S.C. § 1325" (Local Form 105) (the "Pre-Confirmation Certification"), file it with the Clerk, and deliver a copy to the chapter 13 trustee.

(c) Confirmation Hearing When No Objection Is Timely Filed. After the time for filing objections has passed, if the Pre-Confirmation Certification has been filed, no objection has been timely filed, and upon recommendation of the chapter 13 trustee, the Court may enter an order confirming the chapter 13 plan without holding a hearing.

(d) Denial of Confirmation in Cases Without a Confirmed Chapter 13 Plan. If the Court denies confirmation of the debtor's original or subsequently modified chapter 13 plan, and the Court has not entered an order previously confirming a chapter 13 plan, the Clerk is directed to issue an order dismissing the chapter 13 case unless, within twenty-one (21) days after denial of confirmation: (1) the debtor files a new chapter 13 plan; (2) the debtor converts or moves to convert the case to another chapter of the Bankruptcy Code; (3) the debtor files a motion for reconsideration or appeals the denial of confirmation; or (4) the Court otherwise orders.

(e) Denial of Confirmation in Cases with a Confirmed Chapter 13 Plan. If the Court denies confirmation of the debtor's modified chapter 13 plan and the Court has entered an order previously confirming a chapter 13 plan, the previously confirmed chapter 13 plan shall remain in full force and effect.

RULE 3018–1 ~~**BALLOTS — VOTING ON PLANS**~~**Chapter 9 or 11—Accepting or Rejecting a Plan**

Summary of Ballots. Any proponent of a plan in a chapter 11 case shall file a summary of ballots (acceptances and rejections) with the Clerk prior to the hearing on confirmation. The ballots shall not be filed with the Clerk unless the Court so orders.

RULE 3022–1 ~~**FINAL REPORT/DECREE (CHAPTER 11)**~~**Chapter 11—Final Decree**

(a) Chapter 11 Subchapter V Proceedings. Unless extended by the Court, on or before the later of thirty (30) days after the granting of a discharge in a case under chapter 11 Subchapter V (Small Business Debtor Reorganization), or thirty (30) days after the disposition of all adversary proceedings or contested matters, whichever is later, the debtor's attorney shall file a motion for final decree. This deadline shall apply to both individual and non-individual debtors under Subchapter V.

(b) Chapter 11 Non-Subchapter V Proceedings.

(1) Non-Individual Debtors. Unless extended by the Court, on or before the later of thirty (30) days after the order of confirmation in a case under chapter 11, or thirty (30) days after the disposition of all adversary proceedings, contested matters, and objections to claims, the debtor's attorney shall file a certificate of substantial consummation together with a motion for final decree.

(2) Individual Debtors. After the entry of an order of confirmation and the disposition of all adversary proceedings, contested matters, and objections to claims, an individual debtor may file a motion to administratively close the chapter 11 case and/or for entry of final decree. The debtor, any creditor, or any other party in interest may file a motion to reopen a closed case for the purpose of entry of a discharge and/or a final decree at any time without the necessity of paying a filing fee. The debtor may move to reopen the case for the purpose of obtaining a discharge, entry of a final decree after the completion of all payments under the plan, and/or for the purpose of seeking a hardship discharge. A motion to reopen filed by the debtor shall include the total amount of payments made to each creditor under the plan, shall be verified by the debtor, and shall be served upon each creditor.

RULE 3070–1 ~~**CHAPTER**~~**Chapter 13**~~**—PAYMENTS**~~**—Payments**

(a) Order of Distribution on Allowed Claims in Chapter 13 Cases. Unless otherwise stated in the Non-standard Provisions (Paragraph 9.1) of a confirmed chapter 13 plan, the chapter 13 trustee shall make distributions in the order listed below. If compliance with this Local Bankruptcy 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 chapter 13 trustee may adjust the payments, or a secured creditor may apply for an order to alter the payment scheme.

(1) Chapter 13 trustee commission under 11 U.S.C. § 1326(b)(2).

(2) At the same time and pro rata, allowed unsecured claims for: (i) any domestic support obligations and other claims described under 11 U.S.C. § 507(a)(1); and (ii) any administrative claims and other claims described under 11 U.S.C. § 507(a)(2), including any allowed debtor's attorney's fee.

(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 chapter 13 plan, in equal monthly amounts; and

(B) allowed secured claims, designated to be paid in full under the chapter 13 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 chapter 13 plan, allowed general unsecured claims.

(b) Chapter 13 Pre-Confirmation Adequate Protection Payments. Pre-confirmation adequate protection payments governed by 11 U.S.C. § 1326(a)(1)(C) shall be made by the debtor to the chapter 13 trustee as part of the total payment to the chapter 13 trustee. The chapter 13 trustee shall pay the amount provided for by the plan to the secured creditor both before and after confirmation, unless the debtor's plan provides that such payments will be made directly by the debtor or no plan provision addresses payment of the secured claim, in which event the debtor shall make the pre-confirmation payments directly to the secured creditor and furnish proof of such payments to the chapter 13 trustee.

(c) Chapter 13 Pre-Confirmation Payments of Personal Property Leases. Pre-confirmation payments of personal property leases governed by 11 U.S.C. § 1326(a)(1)(B) shall be made by the debtor to the chapter 13 trustee as part of the total payment to the chapter 13 trustee. The chapter 13 trustee shall pay the lessor, both before and after confirmation, unless the debtor's plan provides that lease payments will be made directly by the debtor or no plan provision addresses payment of the debtor's lease obligation, in which event the debtor must make the pre-confirmation payments directly to the lessor and furnish proof of such payments to the chapter 13 trustee.

(d) Distribution on Pre-Confirmation Dismissal or Conversion. Upon dismissal or conversion of a chapter 13 case, any funds that the chapter 13 trustee holds in a case shall be charged for the chapter 13 trustee's allowed expenses and any outstanding Clerk's fees.

~~**RULE 4001–1 RELIEF FROM THE AUTOMATIC STAY**~~

RULE 4001–1 Relief from The Automatic Stay; Prohibiting or Conditioning the Use, Sale, or Lease of Property; Using Cash Collateral; Obtaining Credit; Various Agreements

(a) Form of Motion.

(1) Title. Generally, a motion for relief from automatic stay of 11 U.S.C. § 362(a) shall bear a title clearly identifying it as a motion for relief from the automatic stay. The motion may be combined with a request for relief from co-debtor stay pursuant to 11 U.S.C. § 1201(a) or 11 U.S.C. § 1301(a), and the title shall clearly state the additional request for relief. Any motion for relief from stay that includes a request for the imposition of an equitable servitude, or any other prospective relief that would limit a stay arising under 11 U.S.C. § 362(a), shall be titled in a manner that clearly and conspicuously so states.

(2) Combining Motions. In addition to complying with Bankruptcy Rule 4001(a), each motion under 11 U.S.C. § 362(d) for relief from the automatic stay may be filed together with any other motion requesting unrelated relief. A motion that is combined with alternative forms of relief shall be titled in a manner that clearly and conspicuously so states. The moving party must comply with applicable NextGen CM/ECF docketing protocols, noticing requirements, and fee requirements.

(3) Proposed Order. The motion must be submitted with a proposed order that includes the description of any property involved. The proposed order must be attached as an exhibit or attachment to the motion rather than as a separate docket entry.

(b) Contents of Motion. The following material, when applicable, shall be included in a motion for relief from stay:

(1) A detailed statement of debt owed to movant.

(2) If periodic payments are in arrears, the amount of arrears that have accrued pre-petition and/or post-petition.

(3) A description of the property encumbered.

(4) A description of the security interest related to the motion, with all documents evidencing the interest and its perfection attached.

(5) A statement of Bankruptcy Code section(s) and the factual basis for relief, such as lack of adequate protection, absence of equity, or that the property is not necessary for an effective reorganization.

(i) The specific facts constituting cause shall be set forth if a motion is brought for cause.

(6) If the moving party asserts a valuation of the subject property, a statement of valuation amount, date, and the basis of the valuation. and/or

(7) The specific nature of the relief from stay that is requested.

(c) Notice.

(1) Filing of Notice of Hearing with Motion. The moving party shall file and serve with the motion with at least fourteen (14) days' notice, a notice of the motion and notice of hearing (which complies with this Rule and Local Bankruptcy Rule 9013–1). If the hearing is set more than thirty (30) days from the date of filing of the motion, the moving party is deemed to have waived the 30-day automatic termination rule of 11 U.S.C. § 362(e).

(2) Notice of § 1301(c)(2) Co-Debtor Relief. If a motion seeks relief under 11 U.S.C. §1301(c)(2), the notice filed therewith must include the following language: "If you do not file a written response by the deadline shown, the law provides that the stay protecting you from further legal action against you by this creditor will automatically terminate as provided for in 11 U.S.C. §1302(d)."

(d) Service of Motion. The moving party shall serve a copy of the motion upon the debtor and if applicable, upon:

(1) debtor's attorney;

(2) any duly appointed trustee;

(3) any official committee appointed in the case or its authorized representative;

(4) if a chapter 11 case, any additional creditors if required by Bankruptcy Rule 4001(a)(1); and

(5) any other party in interest as directed by the Court.

(e) Obtaining a Hearing Date. Prior to filing a motion for relief from the stay, the moving party shall consult the Court's website to obtain a date and time for the hearing from the dates that are available or contact the Courtroom Deputy. The first hearing scheduled on a contested motion for relief shall be a preliminary hearing unless the Court orders otherwise.

(f) Response to Motion for Relief from Stay. A response to a motion for relief from stay shall include detailed answers to each numbered paragraph of the motion, be timely filed, and be served on the movant. All defenses to the motion shall be stated in the response. If a timely opposition is not filed, the Court may grant or otherwise dispose of the motion prior to the scheduled hearing date.

(g) Obligation to Provide Payment History. If a motion seeking relief from the automatic stay includes as a ground for relief the failure to make post-petition payments, then at least seven (7) days prior to the hearing, the movant must file and serve upon the debtor's attorney (or the debtor, if *pro se*) a payment history.

(h) Discovery Related to Motions for Relief. A party to a motion for relief may take deposition testimony of any party or witness and may request the production of documents or things and inspection of land, upon actual delivery of at least fourteen (14) days' notice, and the minimum time requirements of Bankruptcy Rules 7030 and 7034 shall not apply. If a party files a motion to shorten time to respond to any discovery requests made under this Rule, the motion shall contain conspicuous notice that the objection deadline is seven (7) days from the filing of the motion. In extraordinary circumstances, the Court, upon motion of a party but without notice or hearing, may authorize the use of interrogatories or other discovery procedures, and it may shorten the notice requirements of any applicable rule.

(i) Rent Deposit and Transmittal Procedure Under 11 U.S.C. § 362(*l*). Any deposit of rent made by or on behalf of the debtor, pursuant to § 362(*l*)(1)(B), shall be made in the form of a certified check or money order payable to the order of the lessor, and it shall be delivered to the Clerk upon the filing of the petition. The Clerk shall promptly transmit the rent deposit to the lessor, by certified mail, return receipt requested, to the address listed on the petition.

RULE 4001–2 ~~CASH COLLATERAL~~Cash Collateral

(a) Motions. Except as provided herein and elsewhere in these Local Bankruptcy Rules, all cash collateral requests under 11 U.S.C. § 363 shall be heard by motion filed under Bankruptcy Rules 2002, 4001, and 9014.

(1) Required Content. In addition to the requirements of Bankruptcy Rule 4001, unless the Court orders otherwise, a motion for authorization to use cash collateral shall set forth, if applicable:

(i) if there is an insider relationship between the debtor and the creditor whose cash collateral is to be used, the nature of the relationship;

(ii) the nature or source of the cash collateral;

(iii) a cash flow projection for the period for which authorization is sought that includes both projected revenue and a line-item proposed budget for the use of the funds;

(iv) disclosure of a request for approval (interim or final) of any of the following (which will require an extraordinary showing in an interim or emergency order):

(A) cross-collateralization;

(B) roll ups (including (i) provisions deeming prepetition debt to be postpetition debt; and (ii) provisions requiring the proceeds of postpetition loans to be used to repay prepetition debt);

(C) liens on avoidance actions or proceeds of avoidance actions;

(D) default provisions and remedies (including (i) provisions terminating the automatic stay without further order, (ii) provisions waiving rights to challenge lenders' ability to exercise post-default remedies; and (iii) provisions limiting required proof or altering the burden of proof at post-default hearings);

(E) releases of claim against lender or others;

(F) limitations on the use of cash collateral other than general "carve-outs" to pay approved fees and expenses of advisors to official committees or future trustees;

(G) priming liens; and

(H) any provision that limits the ability of estate fiduciaries to fulfill their duties under the Bankruptcy Code and applicable law.

(v) an estimated amount the debtor owes to creditors claiming an interest in cash collateral as of the date the petition was filed, including, if known, any accrued unpaid interest, costs or fees as provided in any pre-petition agreements; and

(vi) a description of the collateral pledged to secure the claims of creditors claiming an interest in cash collateral.

(2) Interim Relief.

(i) When a cash collateral motion is filed with the Court on or shortly after the petition date, the Court may grant interim relief pending review by interested parties of such debtor-in-possession financing arrangement. Such interim relief shall be only what is necessary to avoid immediate and irreparable harm to the estate pending a final hearing.

(ii) A cash collateral order that contains a release of claims against lenders and other third parties by the debtors shall provide that an official committee of unsecured creditors has at least sixty (60) days from the date of the committee's formation to investigate claims against the lenders and challenge the extent and validity of any liens or the appropriateness of such release.

(b) Filing of Notice of Hearing with Motion. Unless filed with a motion to shorten notice and expedite hearing, the moving party must file and serve with the motion, with at least twenty-one (21) days' notice, a notice of the motion and notice of hearing (which complies with this Rule and Local Bankruptcy Rule 9013–1).

(c) Service of Motion. The moving party shall serve a copy of the motion upon the debtor and if applicable, upon:

(1) debtor's attorney;

(2) any duly appointed trustee;

(3) any official committee appointed in the case or its authorized representative;

(4) if a chapter 11 case, any additional creditors if required by Bankruptcy Rule 4001(b)(1)(C); and

(5) any other party in interest as directed by the Court.

(d) Obtaining a Hearing Date. Prior to filing a motion under this Local Bankruptcy Rule, the moving party shall consult the Court's website to obtain a date and time for the hearing from the dates that are available or contact the Courtroom Deputy.

RULE 4001–3 ~~OBTAINING CREDIT~~Obtaining Credit

(a) Motions. Except as provided herein and elsewhere in these Local Bankruptcy Rules, all financing requests under 11 U.S.C. § 364 shall be heard by motion filed under Bankruptcy Rules 2002, 4001, and 9014.

(1) Required Content. In addition to the requirements of Bankruptcy Rule 4001~~,~~(c), unless the Court orders otherwise, a financing motion shall set forth, if applicable:

(i) the essential terms of the proposed credit including the amount, the interest rate, the lender's identity, the collateral pledged therefor, the repayment terms, the costs therefor, and the proposed use of the proceeds;

(ii) the nature or source of the financing;

(iii) if there is an insider relationship between the debtor and the proposed lender, the nature of the relationship;

(iv) provisions that grant a secured creditor any relief from the automatic stay, whether it be terminating, modifying, or conditioning the stay, without further order of the Court;

(v) disclosure of a request for approval (interim or final) of any of the following (which will require an extraordinary showing in an interim or emergency order):

(A) cross-collateralization;

(B) roll ups (including (i) provisions deeming prepetition debt to be postpetition debt; and (ii) provisions requiring the proceeds of postpetition loans to be used to repay prepetition debt);

(C) liens on avoidance actions or proceeds of avoidance actions;

(D) default provisions and remedies (including (i) provisions terminating the automatic stay without further order, (ii) provisions waiving rights to challenge lenders' ability to exercise post-default remedies; and (iii) provisions limiting required proof or altering the burden of proof at post-default hearings);

(E) releases of claim against lender or others;

(F) limitations on the use of the financing other than general "carve-outs" to pay approved fees and expenses of advisors to official committees or future trustees;

(G) priming liens; and

(H) any provision that limits the ability of estate fiduciaries to fulfill their duties under the Bankruptcy Code and applicable law.

(2) Interim Relief.

(i) When a financing motion is filed with the Court on or shortly after the petition date, the Court may grant interim relief pending review by interested parties of such debtor-in-possession financing arrangement. Such interim relief shall be only what is necessary to avoid immediate and irreparable harm to the estate pending a final hearing.

(ii) A financing order that contains a release of claims against lenders and other third parties by the debtors shall provide that an official committee of unsecured creditors has at least sixty (60) days from the date of the committee's formation to investigate claims against the lenders and challenge the extent and validity of any liens or the appropriateness of such release.

(b) Filing of Notice of Hearing with Motion. Unless filed with a motion to shorten notice and expedite hearing, the moving party must file and serve with the motion, with at least twenty-one (21) days' notice, a notice of the motion and notice of hearing (which complies with this Rule and Local Bankruptcy Rule 9013–1).

(c) Service of Motion. The moving party shall serve a copy of the motion upon the debtor and if applicable, upon:

(1) debtor's attorney;

(2) any duly appointed trustee;

(3) any official committee appointed in the case or its authorized representative;

(4) if a chapter 11 case, any additional creditors if required by Bankruptcy Rule 4001(c)(1)(C); and

(5) any other party in interest as directed by the Court.

(d) Obtaining a Hearing Date. Prior to filing a motion for relief from the stay, the moving party must consult the Court's website to obtain a date and time for the hearing from the dates that are available or contact the Courtroom Deputy.

RULE 4001–4 ~~POST-PETITION PAYMENT NOTICES, ACCOUNT ACCESS, & ELECTRONIC PAYMENTS~~Post-Petition Payment Notices, Account Access, & Electronic Payments

Unless otherwise required by the Bankruptcy Code, the Bankruptcy Rules, or any other applicable law, creditors and lessors may, but are not required to, continue to provide customary notices, including, but not limited to, monthly statements, payment coupons, and escrow adjustment analyses to debtors regarding post-petition account activity. Further, to the extent available, creditors and lessors may, but are not required to, allow debtors to access, obtain information, and make post-petition payments through electronic, telephonic and/or online means. The creditor's or lessor's actions outlined in this Local Bankruptcy Rule shall not be considered a violation of the automatic stay.

RULE 4002–1 ~~DEBTOR – DUTIES~~Debtor's Duties

A debtor shall maintain a statement of the debtor's current address, telephone number, and email address (if applicable) with the Clerk. This obligation continues until the debtor's case is closed.

RULE 4003–2 ~~LIEN AVOIDANCE~~Lien Avoidance

Except as provided in Local Bankruptcy Rule 3015–1, all motions filed under Bankruptcy Rule 4003(d) are contested matters and are governed by 11 U.S.C. § 522(f), Bankruptcy Rule 9014, and these Local Bankruptcy Rules. A motion under this Local Bankruptcy Rule filed with the Court shall include or be accompanied by a conspicuous notice of the motion, provide no less than twenty-one (21) days' notice of the time for filing objections, and comply with Local Bankruptcy Rule 9013–1. If no response to a motion for lien avoidance is filed within twenty-one (21) days after service of the motion, relief may be granted without a hearing.

RULE 4004–1 ~~DISCHARGE~~Granting or Denying a Discharge

(a) Chapter 12 and 13.

(1) Certification of Compliance with § 1328. The debtor shall file the "Debtor's Certification of Compliance with 11 U.S.C. § 1328" (Local Form 106) within sixty (60) days of the date that the chapter 13 trustee files the notice of completion of chapter 13 plan payments. The failure to timely file this certification may result in the case being closed without the entry of a discharge order.

(2) Discharge Hearing. As soon as practicable after the filing of the Debtor's Certification of Compliance with 11 U.S.C. § 1328, the Court shall send a notice to all creditors and other parties in interest, giving them thirty (30) days to dispute the chapter 13 trustee's report of completion of chapter 13 plan payments or the debtor's Certification of Compliance and request a hearing on the same. If no request for a hearing is received during this 30-day period, the Court may grant a discharge without further notice or hearing.

(3) Chapter 12. A debtor under chapter 12 shall follow the same procedures as set forth in subparts (1) and (2), except that all references to 11 U.S.C. § 1328 shall instead refer to 11 U.S.C. § 1228 and references to the chapter 13 plan and trustee refer to the chapter 12 plan and chapter 12 trustee. The debtor may utilize Local Form 106 modified to refer to 11 U.S.C. § 1228.

(b) Chapter 11. In a chapter 11 case in which the debtor is an individual, the debtor shall file a motion for entry of discharge showing that the debtor is entitled to a discharge under 11 U.S.C. § 1141(d)(5). A motion under this Local Bankruptcy Rule filed with the Court shall include or be accompanied by a conspicuous notice of the motion, shall provide no less than fourteen (14) days' notice of the time for filing objections, and comply with Local Bankruptcy Rule 9013–1.

RULE 5001–2 ~~CLERK — OFFICE LOCATION/HOURS~~Clerk—Office Location/Hours

Public Hours. The Clerk's Office is located at 333 Constitution Avenue N.W., Room 1225, Washington, D.C. 20001, (202) 354–3280. Unless otherwise ordered by the Court, the office of the Clerk shall be open to the public from 9:00 a.m. to 4:00 p.m. Eastern time, Monday through Friday, except federal holidays and holidays recognized by the U.S. District Court (which may include state holidays). The Third Street lobby where the Court's after hours drop box is located is open twenty-four (24) hours a day, seven (7) days a week.

RULE 5001–3 ~~EMERGENCY CONDITIONS—COURT OPERATIONS & HEARINGS~~Emergency Conditions—Court Operations & Hearings

Absent specific order otherwise, the Bankruptcy Court will follow all emergency, weather, and/or other closures of the District Court for the District of Columbia.

RULE 5003–1 ~~CLERK—GENERAL/AUTHORITY~~Records to Be Kept by the Clerk

The Clerk is authorized, in the exercise of the Clerk's discretion and in furtherance of its administrative duties, to prepare, sign, and enter, on behalf of the Court, any order authorized by the Court, including but not limited to:

(a) All orders and notices for meetings of creditors, pursuant to Bankruptcy Rule 2002(a).

(b) An order to show cause for failure to comply with the Bankruptcy Rules and/or these Local Bankruptcy Rules, and upon consultation with the Courtroom Deputy to set the same for a hearing.

(c) If a previously entered order is not complied with, to enter an order dismissing a case.

(d) If a filing is inaccurate, to issue a notice of deficient filing setting forth the requisite time in which the deficiency must be cured and upon consultation with the Courtroom Deputy, set the same for a hearing.

(e) Restrict public access to documents containing unredacted personally identifiable information as defined in Bankruptcy Rule 9037(a) prior to the filing of a motion requesting the same under Bankruptcy Rule 9037(h) unless Bankruptcy Rule 9037(g) applies.

(f) Issue orders granting or denying, as appropriate, applications to pay a filing fee in installments.

(g) To sign an order granting a discharge under chapters 7, 11, 12, and 13.

(h) Any and all other orders authorized by the Federal Rules of Bankruptcy Procedure, the Federal Rules of Civil Procedure, any Federal statute, these Local Bankruptcy Rules, or by direction of the Court.

RULE 5005–1 ~~**FILING PAPERS — REQUIREMENTS**~~**Filing Papers and Sending Copies to the United States Trustee**

(a) Proponent to be Member of Bar. Any attorney offering a petition, pleading, or other document, other than a request for notices under Bankruptcy Rule 2002(g), for filing on behalf of a client shall:

(1) be a member of or have a pending application for admission to the Bar of this Court;

(2) have complied with Local Bankruptcy Rule 2090–1(b);

(3) can appear pursuant to Local Bankruptcy Rule 2090–1(d) as attorneys employed by Federal, State, or Local governments; or

(4) can appear pursuant to Local Bankruptcy Rule 2090–1(e) as attorneys representing indigent parties.

(b) *Pro se* Parties. A party without legal representation (a *pro se* party) shall file all pleadings and other papers in hard copy and not electronically, unless specifically authorized by the Court. All documents, including attachments and exhibits, shall be filed on letter size paper (8 ½ by 11 inches) with no less than 1-inch margins on all sides, be plainly and legibly typewritten, printed, or reproduced, be on one side of the paper only, and contain the *pro se* party's name, address, telephone number, and email address. Documents not filed in compliance with this Local Bankruptcy Rule may result in a deficiency notice to the *pro se* filer and be struck from the Court's docket if not timely cured.

(c) Attorney Identifiers. On the first page of all pleadings filed in cases in this Court, if the filing is made by a represented party, the attorney representing the party shall include (in either the footer or header of the first page) their name, bar number, office address, email address, telephone number, and whom the attorney represents. If an entity is represented by an attorney, any paper signed by the attorney must include the name, office address, email address, and telephone number of the attorney. For each attorney listed on the paper as representing the entity, the attorney's D.C. Bar identification number must be listed if the attorney is a member of the D.C. Bar regardless of whether the attorney signs the paper.

(d) Filing Documents Under Seal. A motion to seal and/or a sealed document may be filed with the Court as:

(1) an unsealed motion and a sealed document; or

(2) a sealed motion accompanied by the sealed document; or

(3) a sealed document being filed pursuant to a prior Court order authorizing the document to be filed as sealed.

(4) If filed in hard copy, a copy of the order authorizing sealing must also accompany the sealed document (unless the authorizing order is sealed). Paper filings of sealed materials shall be made in the Clerk's Office during the business hours of 9:00 a.m. to 4:00 p.m. Eastern time daily except Saturdays, Sundays, and legal holidays. Sealed materials shall not be filed using the drop box at the Third Street entrance to the Courthouse.

(e) After Hours Filing Using Drop Box. Unless the document is being filed under seal (or seeks to be filed under seal), a document 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 drop box at the Third Street entrance to the Courthouse (which entrance is open twenty-four (24) hours a day, seven (7) days a week), subject to the following provisions:

(1) the document shall be time-stamped using the Bankruptcy Court's time-stamp machine that is next to the drop box;

(2) the document shall be deposited in the overnight drop box in accordance with the Clerk of the Bankruptcy Court's instructions posted on the front of the drop box;

(3) the document shall be presumed filed as of the date and time-stamped on 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);

(4) in the absence of a date and timestamp on the document pursuant to paragraph (1) above, the document shall be treated as filed when the Clerk retrieves the document from the overnight drop box and marks the document as filed; and

(5) any document filed with a date and timestamp indicating a date and time when the Clerk's Office was open shall be treated under paragraph 4 herein as if it did not have a date and timestamp.

(f) Place of Filing. Unless otherwise directed by the Court, all papers to be filed or received conventionally by the Court shall be delivered to the Clerk's Office, and not to the judge's chambers.

RULE 5005–4 ~~ELECTRONIC FILING~~Electronic Filing

(a) The Court shall accept for filing documents submitted, signed, or verified by electronic means that comply with the Electronic Case Filing Procedures established by the Court (attached as **Appendix D**) (the "ECF Procedures"), as published on the Court's website. Unless the Court orders otherwise, an attorney filing a document on behalf of a client shall file the document electronically in compliance with the ECF Procedures. The ECF Procedures govern if there is a conflict between the ECF Procedures and these Local Bankruptcy Rules as to the technicalities of electronic case filing.

(b) Technical Failure. A registered NextGen CM/ECF User whose filing is made untimely due to a NextGen CM/ECF system technical failure, may seek appropriate relief from the Court as provided for in the ECF Procedures.

(c) Docketing by the Court. 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 Court may issue orders as "text-only" entries on the docket, without an attached document. An order or notice entered on the docket without an attached document is official and binding.

~~**RULE 5011–1 WITHDRAWAL OF THE REFERENCE**~~

RULE 5011–1 Motion to Withdraw a Case or Proceeding or to Abstain from Hearing a Proceeding; Staying a Proceeding

A motion for withdrawal of reference is governed by DCt.LBR 5011–2 of the District Court. *See* **Appendix A**. All briefing shall be governed by the rules of the District Court, including those rules governing timing, unless otherwise ordered by the District Court.

RULE 5070–1 ~~CALENDARS & SCHEDULING~~Calendars & Scheduling

(a) Obtaining a Hearing Date for a Motion, Application, or Objection. A party may obtain a hearing date on a motion, application, or objection, by selection of a date and time from the Court's website of an available date or by contacting the Courtroom Deputy for an alternative date and time. If the parties reasonably expect a matter to take more than thirty (30) minutes, the parties should not use the dates on the Court's website and may instead contact the Courtroom Deputy for a special date and time for the hearing. Notwithstanding the foregoing, if a movant does not set a motion, application, or objection for hearing, the Court may set a hearing on such motion, application, or objection on any other matter at its discretion.

(b) Form of Notice of Motion. The notice of the motion, application, or objection shall substantially conform to Official Form B 420A and may be combined with the notice of hearing and/or the notice of deadline to object. For clarity, a party may file a separate notice of motion, notice of hearing, and/or notice of deadline to object, or a party may combine the pleadings into one clearly titled document. It is the movant's responsibility to comply with proper noticing requirements, including serving any notice(s) sufficiently in advance

of a scheduled hearing date such that the deadline for filing an opposition expires prior to the date of the hearing.

RULE 5071–1 ~~CONTINUANCES~~Continuances

(a) Except as set forth in subsection (b), hearings shall not be continued by the mere agreement of attorneys. Prior to filing a motion for continuance, the parties may contact the Courtroom Deputy and request that the hearing be continued with the consent of the Court. Any written motion for continuance must be approved by the Court after notice to all attorneys. The Court will not grant a continuance other than for good cause shown and upon such terms as the Court may impose. All requests for continuance must be submitted no later than 4:00 p.m. Eastern time the day prior to the scheduled hearing.

(b) The following hearings may be continued with the consent of the movant, any objecting party, and the applicable trustee, no later than 4:00 p.m. Eastern time the day prior to the hearing by filing a written notice of the agreed continued hearing date or contacting the Courtroom Deputy:

(1) a motion for relief from the automatic stay;

(2) a hearing on confirmation of a chapter 13 plan;

(3) a chapter 13 trustee's motion to dismiss; and

(4) a scheduling conference or pretrial conference in an adversary proceeding or contested matter.

RULE 5073–1 ~~PHOTOGRAPHY, DEVICES, & BROADCASTING~~Photography, Devices, & Broadcasting

(a) The taking of photographs and operation of recording devices inside the United States Courthouse and radio or television broadcasting from inside the Courthouse during the progress of or in connection with judicial proceedings, whether or not Court is actually in session, are prohibited. However, a judge may permit (1) the use of electronic or photographic means for the presentation of evidence or the perpetuation of a record, (2) the broadcasting, televising, recording, or photographing of ceremonial or naturalization proceedings, and (3) the videotaping or audio taping of educational programs with prior approval of the Court. The use of the above equipment is permissible within a judge's chambers at the discretion of the judge. Contents of official tapes that are made as part of the record in a case shall be treated in the same manner as official stenographic notes.

(b) Electronic Devices. A party is permitted to bring electronic devices into the Courthouse, subject to any restrictions placed by the District Court, Circuit Court of Appeals, or United States Marshal Service. However, all devices must always be turned off or otherwise silenced in the Courtroom. In the event a device is not silenced, the Court has the discretion to confiscate the device, fine the party, and/or prohibit any party from having their device in the Courtroom, as appropriate.

RULE 5077–1 ~~TRANSCRIPTS~~Transcripts

(a) Obtaining a Transcript. All official transcripts of a Court hearing must be ordered from the Court's transcription service if recorded electronically, or from the Court Reporter as identified on the docket.

(b) Copies of Transcripts Available to Public. Subject to any applicable Judicial Conference policy limiting electronic access to transcripts, the Clerk shall provide copies of any filed transcript to the public upon request and the payment of prescribed copy fees, unless the Court orders that copies of the transcript not be made or that the transcript be sealed.

(c) Payment for Transcripts. The obligation to pay the reporter or transcriber for any and all transcripts shall be the joint and several personal obligations of the attorney and the party for whose benefit the transcript was obtained to the extent so ordered. Any charges for a transcript shall be payable upon the completion of the transcript or any segment thereof when a proper bill for same has been submitted by the reporter or transcriber.

RULE 6004–1 ~~SALE OF ESTATE PROPERTY~~Use, Sale, or Lease of Property

(a) Content of Motion or Notice. All motions of proposed use, sale, or lease of property not in the ordinary course of business filed under 11 U.S.C. § 363 (a "Sale Motion") and all notices of a proposed use, sale, or lease of property under 11 U.S.C. § 363(a) shall contain the following (the "Sale Terms"), as applicable:

(1) a description of the property to be sold;

(2) if relied upon by movant, a valuation of the asset proposed to be sold and the basis thereof (i.e., appraisal, brokers price opinion, schedules, comparable market analysis);

(3) the proposed purchaser's identity;

(4) the relationship, if any, between the proposed purchaser and the debtor, the trustee, or any other parties in interest;

(5) the terms and conditions of the proposed sale, including the price and all contingencies;

(6) whether the proposed sale is free and clear of liens, claims or interests, or subject to them, and a description of all such liens, claims, or interests;

(7) whether the proposed sale is subject to higher and better bids including whether the debtor intends to seek approval of auction procedures;

(8) a brief description of any and all marketing efforts related to the asset proposed to be sold;

(9) a statement of all consideration to be received by the estate, including payment terms;

(10) a list of any estimated fees, other costs of sale, and administrative and professional fees incurred in connection with the proposed sale;

(11) if authorization is sought to pay a commission, the identity of the auctioneer, broker, or sales agent and the amount or percentage of the proposed commission to be paid; and

(12) a description of the estimated or possible tax consequences to the estate, if known, and how any tax liability generated by the sale of the property will be paid.

(b) Notice. A Sale Motion shall be accompanied by a notice of opportunity to object and/or hearing (the "Notice of Sale Motion"). If a copy of a Sale Motion is not served on all creditors and parties in interest with the Notice of Sale Motion, then the Notice of Sale Motion shall contain the Sale Terms in addition to the requirements of Local Bankruptcy Rule 9013–1.

(c) Requests for Waiver of Bankruptcy Rule 6004(h) 14-Day Stay. Any motion seeking a waiver of the 14-day stay under Bankruptcy Rule 6004(h) shall state with specificity the grounds for the relief sought.

(d) Report of Sale. Unless otherwise ordered by the Court, the report of sale required by Bankruptcy Rule 6004(f)(1) shall be filed and served no later than twenty-one (21) days after the date of the sale of any property not in the ordinary course of business.

RULE 6004–2 ~~**SALE OF ESTATE PROPERTY BY CHAPTER 13 DEBTOR AFTER CONFIRMATION**~~**Sale of Estate Property by Chapter 13 Debtor After Confirmation**

(a) Sale of property free and clear of liens and interests of persons other than the debtor. A debtor seeking to sell property of the estate free and clear of liens and interests of parties other than the debtor outside of the ordinary course of business of the debtor following confirmation of a chapter 13 plan shall be brought by motion. The motion shall clearly state the liens and interests on the property. The debtor shall provide the chapter 13 trustee, all creditors, and parties in interest at least twenty-one (21) days' notice of the motion seeking such approval, unless the notice period has been shortened by the Court for cause shown. If no objection is timely filed, the Court may enter an order endorsed by the chapter 13 trustee approving the sale or refinancing without holding a hearing.

(b) Sale of property free and clear of liens and interests of only the debtor. A debtor seeking to sell property of the estate free and clear of liens and interests of only the debtor outside of the ordinary course of business of the debtor following confirmation of a chapter 13 plan may file a notice of private sale in lieu of a motion filed under section (a). The notice shall clearly state the liens and interests on the property. The debtor shall provide the chapter 13 trustee, all creditors, and parties in interest at least twenty-one (21) days' notice, unless the notice period has been shortened by the Court for cause shown. If no timely written objection is filed, the sale shall be deemed authorized upon expiration of the notice period.

(c) In addition to setting forth the information required by Bankruptcy Rule 2002(c)(1), the motion or notice filed pursuant to subsections (a) and (b) of this Rule shall state:

(1) the total proposed sale price or maximum amount to be secured by the refinancing, as applicable, 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.

RULE 6004–3 ~~**MORTGAGE LOAN MODIFICATION BY CHAPTER 13 DEBTOR**~~**Mortgage Loan Modification by Chapter 13 Debtor**

(a) Mortgage Modification Program. The Mortgage Modification Program ("MMP") is hereby adopted and shall be implemented by the Mortgage Modification Program Procedures ("MMP Procedures") attached hereto as **Appendix E** and Forms MMP–01 through MMP–12 that will be posted on the Court's website. The MMP is available for all qualified open and active individual/joint chapter 11, 12, and 13 debtors. The compensation and costs allowed for participants in the MMP shall be set forth in the MMP Procedures and may be amended from time to time as provided in Local Bankruptcy Rule 2016–5(A)(2). In accordance with the MMP Procedures, any attorney's fees or costs required to be paid by the debtor(s) for participation in the MMP shall be paid by the chapter 12 or 13 trustee pursuant to the treatment set forth in a confirmed chapter 12 or 13 plan. Notwithstanding the foregoing, participation in the MMP shall be voluntary by both chapter 11, 12, or 13 debtors and creditors. Chapter 11, 12, or 13 debtors may seek to modify their mortgage outside of the MMP, as set forth in subsection (b) of this Local Bankruptcy Rule.

(b) Non-MMP Mortgage Modification. A party electing not to proceed in the MMP shall follow the rules as set forth in this subsection. Unless provided in a Consent Order resolving a Motion for Relief from Stay, a debtor must seek Court approval of a loan modification relating to a mortgage (which includes a deed of trust) on real property to be made prior to completion of plan payments (a "Non-MMP Motion").

(1) Notice. A party filing a Non-MMP Motion shall provide the chapter 13 trustee and any creditor who has filed a request for all notices in the case at least twenty-one (21) days' notice of the Non-MMP Motion unless the notice period has been shortened or enlarged by the Court for cause shown.

(2) Contents of Motion or Notice. The Non-MMP Motion shall be accompanied by a notice of opportunity to object and/or hearing (the "Non-MMP Notice") and a copy of a partially executed or fully executed modification agreement. If a copy of the Non-MMP Motion is not served with the Non-MMP Notice, then the Non-MMP Notice shall contain the following terms in addition to the requirements of Local Bankruptcy Rule 9013–1(c):

(i) 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;

(ii) the current mortgage payment and the new payment after the loan modification;

(iii) if the modification results in a higher monthly payment, the source of the funds to be used to make that payment; and

(iv) if the modification results in a lower monthly payment, whether the debtor intends to increase the amount of his plan payments.

(3) If an opposition is not timely filed, the Court, in its discretion, may enter an order conditionally approving a Non-MMP Motion if only a partially executed agreement is filed, or finally approving a Non-MMP Motion if a fully executed agreement is filed.

(4) An additional no-look attorney's fee is not authorized for Non-MMP efforts unless an application is filed under Local Bankruptcy Rule 2016–2(A)(4)(i).

~~**RULE 6006–1 EXECUTORY CONTRACTS**~~

RULE 6006–1 Assuming, Rejecting, or Assigning an Executory Contract or Unexpired Lease

(a) Notice. In addition to the parties required by Bankruptcy Rule 6006(c), a notice of a motion under Bankruptcy Rule 6006(a) or (b) shall: (1) comply with Local Bankruptcy Rule 9013–1; and (2) be served on the debtor or the debtor's attorney, any appointed trustee, any appointed official committee, the United States Trustee, the District of Columbia, any party requesting notice under Bankruptcy Rule 2002(~~e~~g), and any tenants of an unexpired lease.

(b) Motion to Assume Unexpired Lease of Nonresidential Real Property. If a party files a motion to assume or to extend the time to assume or reject an unexpired lease of nonresidential real property, and the motion is filed prior to the expiration of the time to assume or reject the unexpired lease, the time shall be automatically extended until the Court acts on the motion, without the necessity for the entry of a bridge order, except that the time shall not be extended beyond the date that is 210 days after the entry of the order for relief without the prior written consent of the landlord.

RULE 6007–1 ~~ABANDONMENT~~Abandoning or Disposing of Property

(a) Abandonment of Property of the Estate at Meeting of Creditors. In the notice of meeting of creditors, the Clerk shall give notice that the trustee may, at the meeting of creditors, give notice of intention to abandon property of the estate that is burdensome or of inconsequential value to the estate. The notice shall also state that within fourteen (14) days after the meeting of creditors, parties in interest who object to such abandonment may state their oral objections at the meeting of creditors, obtain a hearing date from the Court, transmit notice of a hearing on their objection, and file such notice with proof of service with the Court.

(b) Notice of Abandonment. A notice of a proposed abandonment given pursuant to Bankruptcy Rule 6007(a) shall describe the property to be abandoned with specificity. If an objection to a notice of a proposed abandonment of property of the estate is not timely filed under Bankruptcy Rule 6007(a), the property shall be deemed abandoned without the necessity of court order. However, after expiration of the applicable notice period and if no

objection is timely filed, a party may submit a proposed order confirming that the property was abandoned to the Court for consideration pursuant to Local Bankruptcy Rule 9072–1.

(c) Order of Court Directing Abandonment. A motion requesting the Court to order the trustee to abandon any property of the estate under Bankruptcy Rule 6007(b) shall describe the property to be abandoned with specificity and include an appropriate notice under Local Bankruptcy Rule 9013–1(c).

RULE 7003–1 ~~COVER SHEET~~Commencing an Adversary Proceeding

A party who is not represented by an authorized filing user of the electronic case filing system shall file with the complaint a properly completed adversary proceeding cover sheet in substantial compliance with the applicable form promulgated by the Administrative Office of the United States Courts. The Clerk shall provide such forms to the public upon request.

RULE 7004–2 ~~SUMMONS~~Summons

(a) Issuance. The Clerk shall issue to the plaintiff for service a summons for each party as identified by the plaintiff.

(b) Time Limit for Service. If a summons is not timely delivered or mailed within seven (7) days following issuance of the summons, the party responsible for the original service must contact the Clerk's office to request issuance of a new summons.

RULE 7007–1 ~~MOTIONS TO EXPEDITE TURNOVER OF MOTOR VEHICLES~~Motions to Expedite Turnover of Motor Vehicles

In an adversary proceeding to recover a motor vehicle under 11 U.S.C. § 542, the plaintiff may file a motion for expedited turnover of the motor vehicle, provided that the motion complies with Local Bankruptcy Rule 9013–2 and the following additional conditions are satisfied:

(a) The motion specifically identifies the motor vehicle, the legal authority supporting the requested turnover, and the justification for the requested expedited relief (including any adequate protection offered to the defendant by the plaintiff);

(b) The plaintiff files an affidavit (or an unsworn declaration in accordance with 28 U.S.C. § 1746) supporting the requested turnover of the motor vehicle; and

(c) The plaintiff files a certificate with the motion stating that the plaintiff conferred with the defendant and made a good faith effort to resolve the requested relief consensually prior to the filing of the motion.

RULE 7007.1–1 ~~FINANCIAL DISCLOSURE BY CORPORATE PARTY~~Corporate Ownership Statement

Any corporate party required to make disclosures under Bankruptcy Rule 7007.1(a) shall file a single such statement via NextGen CM/ECF. The statement shall provide an address for each entity listed. A party shall file the statement with its initial pleading filed in the Court and shall promptly supplement the statement upon any change in the information.

RULE 7012–2 ~~**EXTENSION OF TIME TO PLEAD OR FILE MOTION**~~**Extension of Time to Plead or File Motion**

The deadline to plead or move in response to a pleading (as the term pleading is defined by Bankruptcy Rule 7007) in an adversary proceeding may be extended for a period of up to thirty (30) days by stipulation of the parties docketed with the Court or, for a longer period of time, by order of the Court. Any deadline extended pursuant to this section shall not affect any other deadlines set forth in any scheduling order entered by the Court.

RULE 7015–1 ~~**AMENDED PLEADINGS**~~**Amended and Supplemental Pleadings**

(a) If a party has filed a motion to amend its pleading and leave has been granted by the Court, the amended pleading must be separately filed on the docket and served on all other parties to the adversary proceeding.

(b) Unless otherwise ordered by the Court, the party filing an amended pleading in an adversary proceeding shall file and serve (1) a clean copy of the amended pleading; and (2) a copy of the amended pleading in redline form, i.e., in which stricken material has been lined through or enclosed in brackets and new material has been underlined or set forth in bold face type.

RULE 7016–1 ~~**PRE-TRIAL PROCEDURES**~~**Pretrial Procedures**

(a) In all adversary proceedings, as promptly as possible after suit has been filed, the Court shall schedule an initial pretrial conference at which the trial attorney shall be present for the purposes of issuing a scheduling order fixing dates for: (1) the amendment of pleadings and joinder of additional parties; (2) the completion of discovery; (3) the filing and hearing of motions; and (4) a final pretrial conference and/or trial. If the parties submit a joint scheduling order substantially conforming with Official Form 107 Scheduling Order no later than 4:00 p.m. eastern time the day prior to the scheduled pretrial conference, the pretrial conference will be canceled.

(b) Continuance of Dates Set in Scheduling Order. The parties and their attorneys shall be bound by the dates specified in a scheduling order and extensions or continuances thereof shall not be granted in the absence of a showing of good cause. Mere failure on the part of an attorney to proceed promptly with the normal processes of discovery shall not constitute good cause for an extension or continuance.

RULE 7026–1 ~~**DISCOVERY — GENERAL**~~**Duty to Disclose; General Provisions Governing Discovery**

(a) Discovery Request Limits. Unless the Court orders otherwise, a party may not serve on any other party in a contested matter or an adversary proceeding more than twenty-five (25) interrogatories, twenty-five (25) requests for admission, and twenty-five (25) requests for production, including all parts and sub-parts.

(b) Discovery Stayed Pending Resolution of Bankruptcy Rule 7012(b) Motion. The filing of a motion pursuant to Bankruptcy Rule 7012(b) stays discovery unless the movant presents matters outside the pleading.

(c) Objections to be in Writing. All objections to interrogatories, depositions, requests, or applications under Bankruptcy Rule 7026 through Bankruptcy Rule 7037, as well as all motions and replies thereto concerning discovery matters, shall be in writing. If time does not permit the filing of a written motion, the Court may waive this requirement.

(d) Objections to Discovery Process. An objection to any interrogatory, deposition, request, or application under Bankruptcy Rule 7026 through Bankruptcy Rule 7037, shall be specific and the reasons for the objection shall be stated. Any such objection shall not extend the time within which the objecting party must otherwise answer or respond to any discovery matter not specifically objected to.

(e) Discovery Motions.

(1) Motions to Compel Discovery. A motion to compel shall include (i) the date and time of the discovery conference, the names of all persons participating therein, and any issues remaining to be resolved; or (ii) the date of the moving party's attempts to hold such a conference without success. A motion to compel answers or responses shall specifically identify and quote each interrogatory or request in full immediately preceding the existing answer, response, or objection thereto, if any.

(2) Other Discovery Motions. A motion for a protective order pursuant to Bankruptcy Rule 7026 or a motion for an order compelling disclosure or discovery pursuant to Bankruptcy Rule 7037, or a motion to compel physical or mental examination pursuant to Bankruptcy Rule 7035, shall state with particularity the grounds therefor and shall set forth the relief or order sought.

(3) Deadline for Response. Responses to discovery motions mentioned in this Local Bankruptcy Rule shall be filed within fourteen (14) days after service of the motion and shall comply with Local Bankruptcy Rule 9013–1, unless otherwise ordered by the Court.

(4) Notice and Hearing. A discovery motion under this Local Bankruptcy Rule filed with the Court shall include or be accompanied by a conspicuous notice of the motion, objection deadline, and hearing, and shall comply with Local Bankruptcy Rule 9013–1.

(f) Conference of Attorneys of Required. Attorneys are encouraged to participate in pretrial discovery conferences in order to decrease, in every way possible, the filing of unnecessary discovery motions. A motion concerning discovery matters shall not be filed until an attorney has explored with the opposing attorney the possibility of resolving the discovery matters in controversy.

(g) Extensions. Depending upon the facts of the particular case, the Court in its discretion may, upon appropriate written motion by a party, allow an extension of time in excess of the time provided by the Federal Rules of Civil Procedure, these Local Bankruptcy Rules, or previous Court order, within which to respond to or complete discovery or to reply to discovery motions. Any agreement between attorneys relating to any extension of time is of no force or effect; only the Court, after appropriate motion directed thereto, may grant an extension of time.

(h) Filing With Court. Unless otherwise permitted by the Court, on its own initiative or for good cause shown by motion, discovery materials, depositions upon oral examination and

upon written questions, interrogatories, requests for documents, requests for admission and answers and responses or objections to such discovery requests shall not be filed with the pleadings or papers in any case or proceeding. When specific discovery material appropriately may support or oppose a motion, the specific discovery material in question shall be appended as an exhibit to the motion, or in response thereto, without having been previously filed. Discovery material otherwise permitted to be used at trial may be properly so used, if otherwise admissible, without having been previously filed.

RULE 7030–1 ~~**DEPOSITIONS & EXAMINATIONS**~~**Depositions by Oral Examination**

(a) Service of a notice of deposition seven (7) days in advance of the date set for taking the deposition shall constitute "reasonable notice" to a party as required by Federal Rule of Civil Procedure 30(b). Bankruptcy Rule 9006 governs the computation of time under this Rule. The Court may enlarge or shorten the time on application of a party for good cause shown. Nothing in this Rule modifies the provision in Federal Rule of Civil Procedure 32(a), prohibiting the use of depositions against certain parties who with due diligence are unable to obtain an attorney to represent them, or against parties with less than fourteen (14) days' notice who file a motion for protective order. Before scheduling a deposition, an attorney or a *pro se* party shall first attempt to confer with the opposing attorney or *pro se* party about a mutually convenient date and time; however, if no response is received within three (3) business days, this requirement shall be deemed satisfied.

(b) Discovery disputes that cannot be resolved between the parties should ordinarily be submitted by written motion. However, if a dispute arises during an oral deposition, a party may contact the Courtroom Deputy during the deposition and request a telephonic hearing with the Court.

RULE 7041–1 ~~**DISMISSAL OF ADVERSARY PROCEEDING**~~**Dismissing Adversary Proceedings**

A complaint objecting to the discharge of the debtor shall be dismissed at the plaintiff's request only by motion (and not by stipulation or notice): (a) detailing the conditions of dismissal, including any consideration promised to the plaintiff; (b) served upon all creditors and parties in interest in the bankruptcy case, and the Office of the United States Trustee; and (c) providing twenty-one (21) days' opportunity to object.

RULE 7054–1 ~~**ALLOWANCE OF COSTS**~~**Judgments; Costs**

A party entitled to an allowance of costs in an adversary proceeding shall file a bill of costs within twenty-one (21) days after the entry of the judgment, order, or decree.

RULE 7054–2 ~~**ATTORNEY'S FEES AND NONTAXABLE EXPENSES**~~**Attorney's Fees and Nontaxable Expenses**

Unless a longer period is fixed by statute or by the Court, any motion by a prevailing party for an award of attorney's fees and expenses not taxable as costs must be filed within twenty-one (21) days after the entry of a judgment or order.

RULE 7055–1 ~~DEFAULT – FAILURE TO PROSECUTE~~Default; Default Judgment

(a) Entry of Default. To have the Clerk enter a default in an adversary proceeding or a contested matter pursuant to Federal Rule of Civil Procedure, as incorporated by Bankruptcy Rule 7055 and Bankruptcy Rule 9014, the party seeking default shall file with the Clerk a motion setting forth (1) the name of the party against whom default is sought and (2) a statement that no answer or motion has been filed within the time limit fixed by Bankruptcy Rule 7012(a) or the Court.

(b) Requirements for Default Motion. In addition to the requirements of Bankruptcy Rule 7055(b), all motions for default judgment shall recite whether the opponent has appeared, either informally or formally, and/or is a minor or incompetent person, and shall, in the case of an individual, be accompanied by a non-conclusory affidavit complying with the Service Member's Civil Relief Act of 2003, 50 U.S.C. § 3931.

(c) Notice and Hearing. A motion for default judgment may be filed *ex parte* unless the party against whom the default judgment is sought has appeared personally or by a representative. If a party has appeared personally or by a representative, or upon the option of the moving party, a motion for default judgment shall be served at least seven (7) days prior to the hearing; include or be accompanied by a conspicuous notice of the motion, objection deadline, hearing; and comply with Local Bankruptcy Rule 9013–1(c).

(d) Motions to Vacate Default. Upon the granting of a motion to vacate an entry of default, or a judgment by default, or both, the movant shall have fourteen (14) days within which to answer or otherwise respond to the complaint.

RULE 7056–1 ~~SUMMARY JUDGMENT~~Summary Judgment

Motions for summary judgment are governed by Local Bankruptcy Rule 9013–1. Where the non-moving party is *pro se*, the notice of the motion shall conform substantially to Official Form B 420A and shall include the following additional language:

> A motion for summary judgment is a request that one or more issues in a case be decided without holding a trial. Motions for summary judgment are governed by Rule 56, Federal Rules of Civil Procedure.
>
> Summary judgment may be granted if (a) the material facts are not genuinely disputed and (b) based on those facts, the party asking for summary judgment is entitled to judgment as a matter of law. If you wish to oppose the motion, you must file with the court and serve on the other party, a written response [at least 3 or 7 days prior to the hearing or a date set by any applicable scheduling order]. **If you fail to file a timely written response to the motion, the court may assume you do not oppose the motion and may grant the motion without holding a hearing.** If you disagree with any of the facts stated by the other party, you must include with your response sworn statements from yourself or other knowledgeable witnesses supporting your version of the facts. A sworn statement may take the form either of an affidavit or a declaration signed under penalty of perjury. Any documents you want the court to consider should be identified in, and attached to,

the sworn statements. If you are unable to obtain sworn statements supporting your position, you must file a sworn statement stating why you are unable to obtain such statements at this time.

RULE 7062–1 ~~**STAY PENDING APPEAL**~~**Stay of Proceedings to Enforce a Judgment**

The District of Columbia, or any political subdivision or any office or agent thereof, shall not be required, unless otherwise ordered by the Court, to post a bond or other undertaking which includes security for the payment of costs on appeal.

RULE 7067–1 ~~**REGISTRY FUND**~~**Deposit into Court**

As a division of the District Court, and unless otherwise set forth in these Local Bankruptcy Rules or by order of the Court, 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 to "Court" and "Clerk" are to the Bankruptcy Court and its Clerk.

RULE 8001–1 ~~**APPEALS IN GENERAL; DESIGNATION OF RECORD**~~**Scope; Definition of "BAP"; Sending Documents Electronically**

(a) Appeals Generally. A notice of appeal shall be in conformity with Official Bankruptcy Form B 417A and shall be accompanied by the prescribed filing fee.

(b) Rules. The rules governing appeals to the District Court are included in **Appendix A** herein and the DCt.LBRs.

RULE 8007–1 ~~**STAY PENDING APPEAL**~~**Stay Pending Appeal; Bond; Suspending Proceedings**

Exemption From Appeal Bond. The District of Columbia, or any political subdivision or any office or agent thereof, shall not be required, unless otherwise ordered by the Court, to post a bond or other undertaking which includes security for the payment of costs on appeal.

RULE 8009–1 ~~**RECORD ON APPEAL**~~**Record on Appeal; Sealed Documents**

Copies of Record. The party filing a designation of items to be included in the record on appeal shall file with the designation a complete and correct copy of all designated exhibits that were not filed electronically.

RULE 9001–1 ~~**DEFINITIONS**~~**Definitions**

Unless otherwise ordered by the Court, the definitions of words and phrases in Bankruptcy Rule 9001 and the definitions adopted referenced herein apply to the Local Bankruptcy Rules and orders entered by the Court. In addition, the following words and phrases used in these Local Bankruptcy Rules have the meaning indicated:

(a) Bankruptcy Code means Title 11 of the United States Code.

(b) Clerk means the Clerk of the Court, all members of the Clerk's office, and any 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).

(c) District Court means the United States District Court for the District of Columbia.

(d) NextGen CM/ECF means the Case Management/Electronic Case Filing system for the United States Bankruptcy Court for the District of Columbia. NextGen CM/ECF allows case documents, such as pleadings, motions, and petitions to be filed with the Court online. Any reference in these rules to an electronic filing system means the Court's NextGen CM/ECF system.

(e) Subchapter V means subchapter V to chapter 11 of the Bankruptcy Code, 11 U.S.C. §§ 1181–1195.

RULE 9006–1 ~~TIME PERIODS~~Computing and Extending Time; Motions

"Last Day" Defined. The "last day" set for filing a paper ends at 11:59 p.m. prevailing Eastern time unless otherwise specified, whether the filing is in paper form in accordance with Local Bankruptcy Rule 5005–1(d) or an electronic filing.

RULE 9006–2 ~~BRIDGE ORDER NOT REQUIRED IN CERTAIN CIRCUMSTANCES~~Bridge Order Not Required in Certain Circumstances

(a) With respect to 11 U.S.C. § 1121(d), if a motion to extend the time to file a plan is filed prior to the expiration of the period prescribed therein, the time automatically shall be extended until the Court acts on the motion, without the necessity for the entry of a bridge order.

(b) With respect to 11 U.S.C. § 365(d), if a party files a motion to assume or to extend the time to assume or reject an unexpired lease of nonresidential real property, and the motion is filed prior to the expiration of the time to assume or reject the unexpired lease, the time automatically shall be extended until the Court acts on the motion, without the necessity for the entry of a bridge order, except that the time shall not be extended beyond the date that is 210 days after the entry of the order for relief without the prior written consent of the landlord.

RULE 9009–1 ~~LOCAL BANKRUPTCY FORMS~~Using Official Forms; Director's Forms

The Local Official Forms prescribed in these Rules are set out on the Court's website and attached hereto at Appendix F. They should be used and may be altered only if appropriate under the circumstances. Except for Local Form 104 (see Local Bankruptcy Rule 3015-1(a)), parties should use the Local Forms or a pleading containing substantially the same information as found in the Local Forms.

RULE 9010–1 ~~ATTORNEYS — NOTICE OF APPEARANCE~~**Authority to Act Personally or by an Attorney; Power of Attorney**

(a) Appearance. Except as provided in paragraphs (c), an attorney eligible to practice in this Court enters an appearance in a case or proceeding by filing a pleading, paper, or a notice of appearance signed by the attorney. Such an appearance must be entered when an attorney is appearing on behalf of a party not otherwise represented in the matter. Following the appearance of any one attorney affiliated with a law firm, other attorneys affiliated with the same law firm may, but are not required to, enter separate appearances.

(b) Appearance by Pro Hac Vice Attorney. Contemporaneous with the filing of a motion for admission *pro hac vice* pursuant to Local Bankruptcy Rule 2090–1(b), an attorney so moving may enter an appearance in a case or proceeding in accordance with Local Bankruptcy Rule 9010–1.

(c) Requirement for an Attorney. Except for filing or withdrawing a proof of claim, notice of mortgage payment change, notice of post-petition mortgage fees, expenses, and charges, response to a notice of final cure payment, request for notices or notice/service, notice of appearance, reaffirmation agreement, creditor change of address, transfer of claim or a transcript of court proceedings, a party or entity other than a natural person acting in their own behalf or, to the extent permitted by § 304(g) of Pub. L. 103–394, a child support creditor or its representative, may not appear in a bankruptcy case or proceeding, sign pleadings, or perform any act constituting the practice of law except by attorney permitted to appear under Local Bankruptcy Rule 2090–1. This Local Bankruptcy Rule applies to corporations, partnerships, limited liability companies, associations, and trusts, as well as to individuals acting in a representative capacity (such as under a power of attorney) for another.

~~**RULE 9011–1 SIGNATURES**~~

RULE 9011–1 Signing Documents; Representations to the Court; Sanctions; Verifying and Providing Copies

(a) Responsibility for Use of Login and Password. An attorney or other person who is assigned a Court-issued login and password to file documents electronically is responsible for all documents filed using that login and password.

(b) Signature and Certification. The transmission of a petition, pleading, motion, or other paper by electronic means shall constitute both a signature by the attorney or other person responsible for transmitting it that is required by Bankruptcy Rule 9011(a) and a certification within the meaning of Bankruptcy Rule 9011(b). Such transmission shall also constitute a representation by the attorney or other person responsible for an electronic transmission to the Court that they are in possession of the original petition, pleading, motion, or other paper, with all original signatures thereon as that term is defined in subsection (e) herein.

(c) Production. Upon reasonable request by the Court or an interested party, the attorney or other person responsible for an electronic filing shall produce for inspection and copying

the original petition, pleading, motion, or other paper filed by electronic means, with all original signatures thereon.

(d) Original Signatures.

(1) An original signature of an attorney includes a signature obtained or sent by facsimile, scanned document, electronic mail authorization, or other electronic means, authorizing the placement of the signature of the authorizing person on the document to be filed.

(2) An original signature of a party (a "Virtual Party Signature") includes a signature transmitted by facsimile, scanned document, or other electronic means containing the original signature.

(3) While not required, after obtaining a Virtual Party Signature, all parties are encouraged to obtain the original physical/wet ink signatures on any petition, schedule or statement, chapter 13 plan, and any other document filed under oath or subject to the penalty of perjury.

(e) Maintenance. The attorney or other person responsible for an electronic transmission to the Court shall maintain evidence of the original petition, pleading, motion or other paper bearing original or Virtual Party Signature other than that of the electronic filer, for three (3) years after the bankruptcy case is closed.

RULE 9011–2 ~~*PRO SE* PARTIES~~*Pro Se* Parties

(a) Who May Appear Self-Represented. Only individuals may represent themselves, except as follows:

(1) a party filing a motion seeking to obtain funds deposited in the Registry of the Court, and

(2) a duly appointed representative on behalf of an infant or incompetent person as set forth in Bankruptcy Rule 1004.1.

(b) Responsibilities of Parties Appearing Self-Represented. An individual representing themself is responsible for performing all duties imposed on attorneys by the Bankruptcy Code, the Federal Bankruptcy Rules, these Rules, and applicable federal or state law.

(c) Except as set forth in Local Bankruptcy Rules 1002–1 and 9010–1, any pleading or paper filed on behalf of an entity that is not a natural person acting in their own behalf and not signed by an attorney permitted to appear under Local Bankruptcy Rule 2090–1 may be stricken by the Clerk, unless the deficiency is cured within fourteen (14) days of the mailing or delivery of a notice of deficiency.

RULE 9013–1 ~~MOTION PRACTICE~~Motions; Form and Service

(a) Requirement of Written Motion. All motions shall be in writing and filed with the Court using the applicable NextGen CM/ECF docketing events, unless made during a hearing or trial.

(b) General Procedure for Motions.

(1) Grounds for, Relief Sought. All motions, responses, objections, applications (other than for compensation) and similar requests shall state with particularity the grounds therefor and shall set forth the relief or order sought.

(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.

(c) Required Notice. Unless a contemporaneous motion is filed under Local Bankruptcy Rule 9013–2, a motion filed with the Court, including a motion filed in an adversary proceeding, shall include or be accompanied by a conspicuous notice of the motion, objection deadline, and hearing, if applicable. The notice must conform substantially to Official Form B 420A.

(1) Exceptions. In addition to those pleadings specifically set forth in these Local Bankruptcy Rules, the following motions do not require a separate notice:

(A) a debtor's motion to convert to chapter 7 under 11 U.S.C. §§ 1112(a), 1208(a), or 1307(a);

(B) a joint mediation motion pursuant to Local Bankruptcy Rule 9019–2(c)(2);

(C) a consent motion to extend deadlines in adversary proceedings;

(D) a motion for conditional approval of disclosure statements in small business cases under 11 U.S.C. § 1125(f)(3); or

(E) a motion to restrict public access under Federal Rule 9037(h).

(d) Deadline for Response. Unless a different time is prescribed by any statute, Bankruptcy Rule, Local Bankruptcy Rule, or pre-hearing or other order entered by the Court with respect to a motion, a response shall be filed with the Court and served upon the proponent of such motion as follows:

(1) When a hearing has not been set or requested, the moving party shall serve a notice of opportunity to object and request hearing. Unless otherwise set out in these Local Bankruptcy Rules, the opposing party may file a response within fourteen (14) days, but not thereafter without leave of the Court unless the motion relates to a matter for which a longer notice is required under Bankruptcy Rule 2002(a). The movant may file a reply within seven (7) days after the filing of the response. If the notice of opportunity to request a hearing procedure is used and the opposing party serves and files a timely request for a hearing, the moving party shall obtain a hearing date from the Clerk and give notice to the opposing party of the hearing date.

(2) When a hearing has been set on at least twenty-one (21) days' notice, the opposing party may file a response no later than seven (7) days before the date of the hearing.

(3) When a hearing has been set on less than twenty-one (21) days' notice, unless the Court directs otherwise, the opposing party may file a response no later than three (3) days before the date of the hearing. A hearing may not be set by a party on less than fourteen (14) days' notice unless the Court grants a motion requesting an expedited hearing pursuant to Local Bankruptcy Rule 9013–2. If a hearing is set on

an expedited basis, the opposing party may file a response no later than one (1) day before the date of the hearing or as otherwise directed by the Court.

(4) When an objection to a claim is filed, the opposing party may file a response within thirty (30) days of the filing of the objection.

(e) Responses to Motions.

(1) Requirement of Written Response. Except as otherwise provided by the Bankruptcy Code, the Federal Rules of Bankruptcy Procedure, these Local Bankruptcy Rules, or by order of the Court, a response in opposition to a motion must be in writing, state with particularity the grounds therefor, be filed with the Court and served upon all parties affected thereby and the United States Trustee.

(2) Optional Supporting Materials. Unless otherwise directed by the Court, a party filing a response to a motion may file therewith a memorandum of points and authorities setting forth a concise statement of the facts and supporting reasons, along with a citation of the authorities upon which the party relies. The memorandum and the motion or response thereto, may be combined in a single pleading. Supporting affidavits or documents entitling the movant to the relief requested may be filed with a motion.

(3) Effect of Not Timely Filing a Response. If a response is not timely filed and served, the Court may deem the opposition waived, treat the motion, application, pleading, or proposed action as conceded, and enter an appropriate order granting the requested relief without a hearing.

(f) Certificate of Service. For each pleading, motion, and other paper required to be served upon a party, a certificate of service certifying that copies were served and detailing the date, manner of service, and the names and addresses of those served for each recipient who is not being served through NextGen CM/ECF shall be filed. A certificate of service may be included at the end of a pleading or may be filed separately from the served document. A separately filed certificate of service need not be served. If not filed with the pleading, a certificate of service shall be filed within seven (7) days of the service date of the filed document. If a document requests expedited relief or a hearing on shortened notice, the certificate of service shall be filed in advance of the hearing. For each recipient who is being served through NextGen CM/ECF, the attorney or *pro se* party filing the pleading or document shall ensure that all persons listed as being served via NextGen CM/ECF are registered to receive NextGen CM/ECF notice in the case or must effectuate service by other appropriate means. Notwithstanding the foregoing, the names and addresses of those served may be excluded from the copies of each pleading, motion, or other paper served upon a party in hard copy.

RULE 9013–2 ~~**MOTION TO SHORTEN TIME AND/OR FOR EXPEDITED HEARING**~~**Motion to Shorten Time and/or for Expedited Hearing**

(a) Separate Motion; Content of Motion. If a movant requests that the time for filing objections should be shortened and/or that a more expedited hearing is needed, the movant shall contemporaneously file a separate motion (a "Motion to Shorten") requesting that the court shorten the time to object and/or requesting that the Court set an expedited hearing (an

"Expedited Hearing Motion"). The Motion shall include statements explaining why the underlying substantive motion requires an expedited ruling by the Court and any time restrictions or other relevant information. A notice of the underlying substantive motion(s) shall not be filed until the Court rules on the Motion to Shorten or Expedited Hearing Motion.

(1) A Motion to Shorten or an Expedited Hearing Motion shall only be served on parties who receive NextGen CM/ECF notifications and, if not served electronically, the United States Trustee and opposing attorney (if any).

(2) Contemporaneously with filing a Motion pursuant to this Rule, the movant shall upload an order with the specific time restrictions stated therein for entry by the Court.

(3) Upon entry of an order by the Court on either a Motion to Shorten or an Expedited Hearing Motion, the movant shall promptly file a notice of motion setting forth the shortened objection deadline and hearing date for the substantive motion(s). The movant shall serve a copy of the Court's order, the notice, and the underlying substantive motion(s).

(b) Emergency Hearing. If a Movant determines that a hearing must be held on less than forty-eight (48) hours' notice, the Movant shall contact Chambers to obtain a hearing date and time prior to filing any motion under part (a) of this Rule. Frivolous assertions of an emergency may result in sanctions under Bankruptcy Rule 9011.

RULE 9014–1 ~~CONTESTED MATTERS~~Contested Matters

(a) Local Bankruptcy Rules 7026–1, 7030–1, 7054–1, 7054–2, 7056–1, 7062–1, and 7067–1 apply in contested matters.

(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 Local Bankruptcy Rule 7055–1 and the Servicemember's Civil Relief Act of 2003 will be deemed inapplicable unless the Court orders otherwise.

RULE 9015–1 ~~JURY TRIAL~~Jury Trial

A statement of consent to have a jury trial conducted by a bankruptcy judge under 28 U.S.C. § 157(e) shall be filed before the conclusion of the initial status hearing.

RULE 9016–1 ~~SUBPOENAS~~Subpoena

All requests for the issuance of Clerk-issued subpoenas for the attendance of witnesses at hearings or trials shall be filed with the Clerk no later than fourteen (14) days before the date upon which the witness will be directed to appear. If the request is made within fourteen (14) days prior to the date of the trial or hearing, it may be issued by the Clerk, but no continuance will be granted if said witness fails to appear even though served. The provisions hereof are not intended in any way to change or modify the provisions of Bankruptcy Rule 9016 or any other applicable Bankruptcy Rules.

RULE 9019–1 ~~**SETTLEMENT & AGREED ORDERS**~~**Compromise or Settlement; Arbitration**

Filing Procedures. In an adversary proceeding, a motion for approval of a settlement shall be filed in the adversary case and served on all parties in the adversary case. Notice of the motion for approval of a settlement shall be filed in the main case and served on all parties entitled to receive notice.

RULE 9019–2 ~~**ALTERNATIVE DISPUTE RESOLUTION**~~**Alternative Dispute Resolution (ADR)**

(a) Authorization. The Court encourages the parties to meet and consult with each other to achieve settlement. The use of mediation as an alternative dispute resolution process in all adversary proceedings, contested and other matters, is authorized. A motion for Court approval of non-judicial or neutral mediation is not required. However, such mediation shall not alter any deadlines in an applicable scheduling order absent further order of the Court.

(b) Availability of Circuit Court of Appeals' Mediation Program.

(1) Pursuant to District Court Local Civil Rule 84.4, a case may be assigned to the Circuit Court of Appeals' Mediation Program (the "Mediation Program") by joint request of the parties at any time sufficiently in advance of a scheduled trial as to not delay the trial or by the Court at either the initial or final pretrial conference. To request mediation under the Mediation Program, the parties must submit a consent order signed by all attorneys (or by the parties themselves, if not represented by an attorney) requesting referral to the Mediation Program. Pursuant to District Court Local Civil Rule 84.5, after entry of an order referring a case to mediation, the mediation staff will appoint from the Circuit Court of Appeals' panel a mediator who is available during the appropriate period and who has confirmed, following such inquiry as may be appropriate, that no personal or professional conflict precludes their participation as mediator. The Circuit Executive's Office will notify the parties of the appointment. The District Court Local Civil Rules governing the Mediation Program shall apply to all matters assigned to the Mediation Program, and the parties are encouraged to familiarize themselves with the same.

(2) The Court may require litigants to participate in the Mediation Program after giving them an opportunity, in response to an order to show cause, to explain why mediation would not be appropriate in their case.

(c) Judicial, Non-Judicial, or Neutral Mediation.

(1) Contents of Motion. All motions for mediation shall include the following information:

(i) the name of the proposed mediator or mediation service;

(ii) the costs of said mediator or mediation service;

(iii) the way in which the costs of said mediator or mediation service will be divided between the parties;

(iv) any briefing schedule regarding the submission of mediation briefs; and

(v) settlement authority of the mediator or mediation service.

(2) Except for as set forth in part (b) of this Rule, in any adversary proceeding, contested or other matter, mediation shall only be commenced upon entry of an order approving mediation.

(3) Upon the filing of a joint motion and submission of a consent order, the parties may request, but are not entitled to, judicial, non-judicial, or neutral mediation.

(4) Any party may request mediation other than by consent by filing a motion and notice of a hearing on no less than fourteen (14) days' notice served on all other parties. The motion must state the basis for the request for mediation and that a good faith effort was made to seek mediation by consent without success.

(5) The Court may require litigants to participate in mediation after giving them an opportunity, in response to an order to show cause, to explain why mediation would not be appropriate in their case.

RULE 9027–1 ~~**REMOVAL/REMAND**~~**Removing a Claim or Cause of Action from Another Court**

(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 shall file the notice of removal with the Clerk of the Bankruptcy Court.

(b) Remand. A motion for remand shall be filed with the Clerk of the Bankruptcy Court no later than thirty (30) days after the date of filing of the notice of removal.

~~**RULE 9029–1 SUSPENSION OF LOCAL BANKRUPTCY RULES**~~

RULE 9029–1 Adopting Local Rules; Limit on Enforcing a Local Rule; Absence of Controlling Law

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

RULE 9029–3 ~~**DISTRICT COURT LOCAL CIVIL 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) Meanings of Words in the District Court Local Civil Rules When Applicable to these Rules. Unless the context otherwise indicates, references in the District Court Local Civil Rules 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.

RULE 9036–1 ~~**NOTICES OF ELECTRONIC FILING**~~**Electronic Notice and Service**

The Court shall serve documents by electronic bankruptcy noticing in accordance with the ECF Procedures, more fully set forth in the ECF Procedures. The ECF Procedures govern those parties eligible to receive electronic service of documents, those parties who waive the right to receive conventional copies of documents, and service on parties who receive electronic notice. The ECF Procedures govern if there is a conflict between those Procedures and these Local Bankruptcy Rules as to notices of electronic filing.

RULE 9037–1 ~~**PRIVACY PROTECTIONS FOR FILINGS; REDACTION; PROTECTIVE ORDERS**~~**Protecting Privacy for Filings**

Transcript Redaction Procedures. Upon the receipt of a transcript, the Clerk shall serve a Notice of Requirement to Review Transcript on all parties to the hearing. A filed transcript shall be available at the Clerk's office for inspection only for a period of ninety (90) days after it is filed. During the ninety (90) day period, a copy of the transcript may be obtained from the transcriber at the rate established by the Judicial Conference, the transcript will be available within the court for internal use, and an attorney who obtains the transcript from the transcriber may obtain remote electronic access to the transcript via the Court's NextGen CM/ECF system for purposes of creating hyperlinks to the transcript in court filings and for other purposes. Attorneys, or self-represented litigants, will have seven (7) days from the date of filing of the transcript to file a Notice of Intent to Request Redaction with the Court, stating an intention to review the transcript to determine whether to request redaction of sensitive private information before the transcript is made electronically available to the public. A copy of the notice must be served upon the transcriber. A party will have twenty-one (21) days from the date of the filing of the transcript to file a Request for Redaction of Transcript with the Court (which will be a private, restricted event) and send a copy to the transcriber, listing the entries by page and line where personal data appears that should be redacted. The deadline for filing the redacted version of the transcript is thirty-one (31) days from the filing date of the transcript. At the end of the ninety (90) day restriction period, the redacted version shall be made available via remote electronic access and at the public terminals in the Clerk's office for viewing and printing. The unredacted version of the transcript shall not be available via remote electronic access or at the Clerk's office upon the filing of the redacted transcript; it shall be maintained as a private, restricted event. An attorney who purchases the transcript during the ninety (90) day restricted period shall be given remote electronic access to the transcript and any redacted version filed.

RULE 9070–1 ~~**EXHIBITS AND WITNESSES**~~**Exhibits and Witnesses**

(a) General Provisions for Electronic Submission and Exchange of Exhibits.

(1) Exhibit and Witness Lists and Numbering of Exhibits. Each party shall prepare a combined or separate exhibit list and witness list to be filed in accordance with subsections (3) and/or (4) of this Rule which shall include all persons whose testimony at trial will be given by deposition and designation of the portions of each person's deposition which will be introduced. All exhibits shall be marked

sequentially with the plaintiff/movant using numbers (i.e., 1, 2, 3) and the defendant/respondent using letters (i.e., A, B, C). If there are more than two parties to a matter or adversary pleading, all exhibits must include the party's role in the matter or adversary proceeding (i.e., "movant" or "respondent," "plaintiff" or "defendant") and be sequentially numbered.

(2) Submission and Exchange of Exhibits When All Parties Are Represented by an Attorney. If all parties in an adversary proceeding or contested matter are represented by an attorney, unless the Court orders otherwise, the list(s) of exhibits, witnesses, and the proposed exhibits (together, the "Exhibits") must be exchanged and submitted via NextGen CM/ECF by no later than 4:00 p.m. Eastern time four (4) business days before the scheduled trial or evidentiary hearing. The format of the Exhibits must comply with subsection (a)(4) of this Rule. The filing of exhibits via NextGen CM/ECF constitutes the parties' delivery of Exhibits to opposing parties in an adversary proceeding, or any contested matter.

(3) Submission of and Exchange of Exhibits When a Party Is Not Represented by an Attorney. If any party in an adversary proceeding or contested matter is not represented by an attorney (a "*pro se*" party), then:

(i) Submission of Exhibits by a *Pro Se* Party. Each *pro se* party must submit their Exhibits by sending them as Portable Document Format (PDF) files to the Clerk of the Court by electronic mail to the following email address: DCB_CMECF@dcb.uscourts.gov, no later than 4:00 p.m. Eastern time four (4) business days before the scheduled trial or evidentiary hearing. The Clerk will upload exhibits of *pro se* parties via NextGen CM/ECF. This procedure also constitutes the *pro se* party's exchange of Exhibits with any represented parties. Exchange of Exhibits with any other *pro se* party, however, must be done in accordance with subsection (a)(3)(iii). If a *pro se* party cannot comply with the requirements herein, the filer shall contact the Courtroom Deputy to coordinate an alternative form of submission.

(ii) Submission of Exhibits by a Represented Party. Represented parties must, no later than 4:00 p.m. Eastern time four (4) business days before the scheduled trial or evidentiary hearing, submit their Exhibits via NextGen CM/ECF. This procedure also constitutes the represented party's exchange of Exhibits with any other represented parties. The exchange of Exhibits with any party must be done in accordance with subsection (a)(3)(iii).

(iii) Exchange of Exhibits with a Pro Se Party. Exhibits to be exchanged with a *pro se* party shall be provided by email or other electronic method. In the event a *pro se* party is unable to receive copies of Exhibits by email or other electronic method, the party submitting the Exhibits must make alternative arrangements (including providing copies on a USB flash drive or, as a last resort, paper copies) to provide copies of its Exhibits.

(4) Format of Exhibits. When docketing exhibits, the filer shall file their exhibit list using the docket event "Exhibit/Witness List" and file the exhibits as attachments thereto. The exhibits shall either be filed as (i) individual separate PDF attachments; or (ii) a single PDF file attachment with each exhibit bookmarked within the PDF

file. Each PDF file shall be limited to a file size no greater than 50 MB. Each PDF file shall have a unique identification name and number (e.g., "Plaintiff's Exhibit 1"). If an exhibit is too large or cannot otherwise comply with the requirements herein, the filer must contact the Courtroom Deputy to coordinate an alternative form of submission.

(5) Objections to Exhibits; Motions in Limine. Any objection to the admissibility of any proposed Exhibits and/or motions in limine shall be filed and served, so as to be received no later than 4:00 p.m. Eastern time two (2) business days before the scheduled trial or evidentiary hearing. Objections to any Exhibit must follow the procedure specified in this paragraph:

(i) The objection shall: (A) identify the exhibit; (B) state the grounds for the objection; and (C) provide citations to case law and other authority in support of the objection. Objections as to authenticity, privilege, competency, and, to the extent possible, relevancy of the exhibits must be included. Any listed exhibit to which an objection is not raised is deemed to have been stipulated as to authenticity by the parties, and such documents will be admitted at trial without further proof of authenticity.

(ii) An objection not so made—except for one under Federal Rule of Evidence 402 or 403—is waived unless excused by the Court for good cause.

(6) Redaction of Personal Data Identifiers. In compliance with Bankruptcy Rule 9037(a), the following information shall be redacted from all Exhibits submitted to the Court whether in paper or electronic format: Social Security numbers, taxpayer identification numbers, and financial account numbers other than the last four digits; names of minor children; and the month and date of birth (together, "Confidential Information"). If a party determines that any Confidential Information should be considered by the Court at the trial or evidentiary hearing, that party must nevertheless submit redacted copies of its Exhibits in accordance with subsections (a)(3) and (a)(4) of this Local Bankruptcy Rule and seek authority to file the unredacted exhibits under seal as provided for in Local Bankruptcy Rule 5005–1(c) and/or Bankruptcy Rule 9037(c).

(7) Motion to Limit Access. Prior to filing Exhibits electronically, a party may file a pleading with the Court requesting for good cause that electronic access to any Exhibit be limited to the parties in the trial or evidentiary hearing. Such motion must be filed at least two (2) business days prior to the deadline for submitting Exhibits and be served on the parties to the trial or evidentiary hearing. Notwithstanding a pending motion under this subsection, the parties shall submit all Exhibits not subject to the motion by the applicable deadline.

(b) Request for Exception. At the final pretrial conference or by motion, for good cause, parties to a trial or evidentiary hearing may request exemption from the electronic submission and exchange of exhibits requirements in this Rule. Exceptions shall be granted only upon approval of the Court and not by agreement amongst the parties to a trial or evidentiary hearing.

(c) Custody of Exhibits.

(1) Exhibits Submitted Electronically. All Exhibits submitted electronically through NextGen CM/ECF, whether or not received as evidence, shall remain part of the Court's NextGen CM/ECF docket unless the Court orders otherwise. In the event an appeal is prosecuted, the electronic copies of the Exhibits shall be transmitted as part of the record on appeal.

(2) Exhibits Submitted in Hard Copy. All Exhibits offered by a party in hard copy, whether or not received as evidence, shall be retained after trial by the party or the attorney offering the Exhibit, unless otherwise ordered by the Court. In the event an appeal is prosecuted, each party to the action in this Court, upon notification from the Clerk that the record is to be transmitted and upon request of a party to the appeal, must file with the Clerk any Exhibits to be transmitted as part of the record on appeal. Those Exhibits not transmitted as part of the record on appeal shall be retained by the parties, who shall make them available for use by the appellate court upon request. Within thirty (30) days after final disposition of the case by the appellate court, the Exhibits shall be removed by the parties who offered them. If any party, having received notice from the Clerk to remove the Exhibits as provided herein, fails to do so within thirty (30) days of the date of such notice, the Clerk may destroy or otherwise dispose of those Exhibits.

RULE 9072–1 ~~ORDERS—PROPOSED~~Orders—Proposed

(a) Form and Content. A proposed order shall:

(1) Be sufficient in description to stand alone without reference to any motion, pleading, or other document (except for exhibits attached to the order itself).

(A) Orders authorizing the sale of real estate or otherwise affecting title to real estate (i.e., abandonments, avoidance of transfers, avoidance or imposition of liens, or adjudication of lien property) shall contain a legal description sufficient to pass title.

(B) Orders for sale of property of the estate or any interest therein shall state the identity of the purchaser and the price to be paid unless sale is to be at public auction, in which event the order shall state the date, time, and place of the auction.

(2) Include a minimum 3" margin at the top of the first page and shall not include blanks for signature of the Court or insertion of dates.

(b) Endorsement. All proposed orders shall include the endorsement of the proponent, all consenting parties (if applicable), any other party as directed by the Court at a hearing, and any other necessary party, including but not limited to the United States Trustee and/or any appointed trustee. However, if a proponent sends a proposed order to a necessary party and does not receive a response within five (5) business days, the proponent may submit the order without such endorsement and with a certification setting forth the date of transmission and failure to receive a response.

(c) Service List. With each proposed order:

(1) when submitted, as provided for by an electronic means established by the Court, the order proponent shall file a list of parties, with mailing addresses indicated, who are to receive notice of entry of the same and shall comply with all other requirements set forth therein; or

(2) except as the presiding judge in a case otherwise may direct, when submitted by conventional means, the order proponent shall file a list of parties, with mailing addresses indicated, who are to receive notice of entry of the same.

(d) Consent Orders. All proposed consent orders shall meet the requirements in paragraphs (a), (b), and (c) of this Local Bankruptcy Rule.

(e) Order After Trial, Hearing or Other Disposition of the Matter. Unless the Court specifies otherwise, the prevailing party shall, in addition to the requirements in paragraphs (a), (b), and (c) of this Local Bankruptcy Rule, prepare a proposed order and file the same with the Court within fourteen (14) days after the conclusion of the trial, hearing, or other disposition of the matter at issue. If an order is not filed within the required period, the Court may issue a Notice of Failure to Prosecute. If an order is still not filed in response to that notice, the Court may dismiss the original pleading or other paper without further notice.

RULE 9073–1 ~~HEARINGS~~Hearings

Hearing Procedures. Procedures for scheduling and requesting hearings before the Court not otherwise set forth in these Local Bankruptcy Rules, including both in-person and virtual hearings, are set forth in General Order 2023–01, available on the Court's Website.

Appendix A

ADMINISTRATION OF THE BANKRUPTCY SYSTEM[5]

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 judges of this District.

(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

[5] DCt.LBRs 5005-1 through 9033-1 supplement the Federal Rules of Bankruptcy Procedure (the "Bankruptcy Rules") and deal with the matters (references, de novo review, appeals, etc.) governing the relationship between the United States District Court and the United States Bankruptcy Court. The United States Bankruptcy Court has its own local rules governing procedures within that court.

original bankruptcy petition, must be filed with the Clerk of the Bankruptcy Court and 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

PLACE AND TIME FOR FILING MOTION TO WITHDRAW THE REFERENCE; CONTENTS OF MOTION

(a) FILING OF MOTION TO WITHDRAW THE REFERENCE.

A motion for withdrawal in whole or in part of the reference of a case or proceeding referred to 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 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.

A motion to withdraw the reference of the bankruptcy case or a part thereof (as opposed to a specific proceeding within the bankruptcy case) must be filed and served on or before 21 days after the first date scheduled for the meeting of creditors held pursuant to 11 U.S.C. § 341(a), or, if later, within 35 days of service of the paper giving rise to the basis for the motion to withdraw the reference.

(c) TIME FOR FILING OF MOTION 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 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, and (2) as assigned to the 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 (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 with the Clerk of the District Court within 14 days after service of the motion to withdraw the reference;

(2) include a separate list of any additional documents filed in the Bankruptcy Court that are relevant to the motion to withdraw the reference, 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 with the Clerk of the District Court within 7 days after service of the opposition.

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 not already on file, then by the date of that party's filing its motion or opposition, as the case may be, that party must deliver to the reporter, as defined in Bankruptcy Rule 8010(a)(1), 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.

(b) REPORTER'S DUTIES; TRANSMITTAL OF TRANSCRIPT.

When a transcript has been ordered, the reporter is subject to the 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 to withdraw the reference or the party's opposition, as the case may be, or

(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 Court's Miscellaneous Proceeding caption, within 7 days after the reporter files the transcript with the Clerk of the Bankruptcy Court.

(c) STATEMENT OF THE EVIDENCE WHEN A TRANSCRIPT IS UNAVAILABLE.

When a transcript is unavailable, the procedures of Bankruptcy Rule 8009(c) apply (with the words "appellant" and "appellee" changed to "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 documents to be considered by the District Court in addressing the motion to withdraw the reference.*

DCt.LBR 5011–8

PROCEEDINGS IN DISTRICT COURT ON THE MOTION TO WITHDRAW THE REFERENCE

(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 judge to withdraw the reference–to the Chief Judge or the Chief Judge's designee for decision.

(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, the Clerk of the District Court must assign the matter to a District Judge in accordance with the District Court's usual system for assigning civil actions, unless the Chief Judge determines that exceptional circumstances warrant special assignment to a particular District Judge.

(e) DISPOSITION OF WITHDRAWN MATTER.

After such withdrawal, the District Court may retain the entire matter withdrawn or may refer part or all of it back to the bankruptcy judge with or without instructions for further proceedings.

DCt.LBR 8004–1

INTERLOCUTORY APPEALS

(a) OBTAINING BANKRUPTCY JUDGE'S CERTIFICATION.

Whenever the 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 Bankruptcy Rule 8004, the bankruptcy judge shall, upon request of the District Court, submit to the District Court a written certification stating whether, in the 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.

(b) DISPOSITION.

The District Court may, in its discretion, grant or deny the motion for leave to appeal.

DCt.LBR 8009–1

DISMISSAL OF APPEAL WHEN AN APPELLANT FAILS TIMELY TO FILE A RULE 8009 DESIGNATION OF RECORD OR STATEMENT OF ISSUES ON APPEAL

If an appellant fails timely to designate 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 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 Case Management/Electronic Case Filing 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 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 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.LCvR 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

(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 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 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 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).

(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) TRANSMITTAL 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.

(j) 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.

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.

(l) 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.

APPENDIX B

PROCEDURES FOR COMPLEX CHAPTER 11 CASES IN THE DISTRICT OF COLUMBIA

I. DEFINITION OF COMPLEX CASE

(a) Definition. A case is a Complex Case ("Complex Case") if (i) it is filed under chapter 11 of the Bankruptcy Code; (ii) it is not filed by an individual debtor, as a single asset real estate case, or as a small business debtor as defined in § 101(51D) of the Bankruptcy Code; and, either of the following apply.

(1) Mandatory Designation. Unless the Court orders otherwise for cause, (1) a debtor or all affiliated debtors whose total liabilities are more than $50 million, the total number of creditors of the debtor or all affiliated debtors is more than 249, and/or (2) a portion of the debtor or equity of the debtor or any affiliated debtor is publicly traded shall file with the petition as notice of election as a Complex Case.

(2) Optional Designation. A debtor or all affiliated debtors whose total liabilities are more than $10 million and/or the total number of creditors of the debtor or all affiliated debtors is more than 50 but no more than 249 may elect, but is not required file, a notice of election as a Complex Case with the petition.

(3) Motion for Treatment as a Complex Case. A debtor or all affiliated debtors who otherwise do not meet the requirements of (1) or (2) herein may file a motion for treatment as a Complex Case within seven (7) days after the petition date. Such motion shall be set for hearing no more than fourteen (14) days after filing of the motion. A debtor who has filed a motion for treatment as a Complex Case shall be deemed to be a Complex Case unless and until otherwise ordered.

(b) Affiliated Debtors. If one or more affiliated debtors files a Complex Case in this district, the cases of all of the affiliated debtors shall be treated as Complex Cases.

II. APPLICABILITY

These procedures shall be applicable in a Complex Case. In the event of a conflict between a Complex Case procedure and another local rule, the Complex Case procedure shall control.

III. NOTICE OF ELECTION AND VERIFICATION

(a) Voluntary Case. A debtor whose case is treated as a Complex Case under (I)(a)(1) or (2) above should file a notice of election as a Complex Case concurrently with the order for relief. Local Form 108, a form notice of election as a Complex Case is available on the Court's website. Use of this form is mandatory. If multiple, affiliated Complex Cases are filed, the notice of election need only be filed in the lead case. Upon the filing of the notice of election, the case shall be deemed to be a Complex Case unless and until the Court orders otherwise. The designation of a case as a Complex Case shall be acknowledged in any case management order

entered in the case. Only cases that are designated as Complex Cases shall be treated as Complex Cases.

(b) CM/ECF Procedures. Instructions for selecting a Complex Case when filing a petition are available on the Court's website.

(c) Failure to Elect. A debtor whose case is eligible to be treated as a Complex Case under (I)(a)(2) above but does not file a notice of election shall not be treated as a Complex Case unless ordered by the Court upon motion filed under (I)(a)(3) above.

(d) Involuntary Case. An involuntary debtor whose case is eligible under (I)(a)(2) to be treated as a Complex Case may file a notice of election as a Complex Case within five (5) days after entry of the order for relief. A form notice of election as a Complex Case is available on the Court's website. Use of this form is mandatory. If multiple, affiliated Complex Cases are filed, the notice of election need only be filed in the lead case. Upon the filing of the notice of election, the involuntary case shall be deemed to be a Complex Case unless and until the Court Orders otherwise. Designation of an involuntary case as a Complex Case shall be acknowledged in any case management order entered in the case. Only involuntary cases that are designated as Complex Cases shall be treated as Complex Cases. The filing of a notice of election is not a consent to the order for relief.

IV. ADVANCE NOTICE TO UNITED STATES TRUSTEE AND COURTROOM DEPUTY OF FILING OF A COMPLEX CASE

Unless there are exigent circumstances, the debtor's attorney shall contact the United States Trustee and the Court's Courtroom Deputy as early as practicable but no later than two (2) business days prior to the filing of a petition for a Complex Case. The debtor's attorney shall identify all matters that require consideration on or near the first day of the case. The debtor's attorney shall not disclose the identity of the debtor to the Court.

V. JOINT ADMINISTRATION

(a) Order Required. Any motion for joint administration should be scheduled as a First Day Matter in accordance with (VIII)(a) below. An order of joint administration is for procedural purposes only and shall not cause a substantive consolidation of the respective debtors' estates. Pending consideration of the joint administration motion, all motions, pleadings, or other filings should be filed only in the proposed lead case.

(b) Schedules and Statements of Financial Affairs. Notwithstanding the entry of an order for joint administration and unless the Court orders otherwise, schedules and statements of financial affairs and any amendments thereto shall be filed for each debtor and docketed in that debtor's case and in the lead case. The statistical information requested by NextGen CM/ECF upon docketing shall be filled out for each separate debtor.

VI. MASTER SERVICE LIST

(a) Required Parties. The debtor(s) shall maintain a master service list identifying the parties to be served whenever a motion, pleading, or other document requires notice. Unless otherwise required by the Bankruptcy Code or Bankruptcy Rules, notices of motions and other matters shall be limited to the parties on the master service list. The master service list shall initially include the following parties and their attorney (if any):

(1) the debtor(s);

(2) the United States Trustee;

(3) any pre-petition secured lender;

(4) any post-petition secured lender;

(5) the thirty (30) largest unsecured creditors of the debtor(s);

(6) any committee appointed under the Bankruptcy Code;

(7) any party who has filed a pleading requesting notice;

(8) any applicable government agencies to the extent required by the Rules;

(9) any local, state, and federal governmental units known by the debtor to have regulatory authority over the debtor or the debtor's activities;

(10) any indenture trustee; and

(11) any petitioning creditors.

(b) Updates. The initial master service list shall be filed within three (3) days of the petition date. The debtor or its claims and noticing agent shall file an updated master service list at least every seven (7) days during the first thirty (30) days of the case and at least every thirty (30) days thereafter throughout the case; provided, if there are no changes to the list, an updated master service list need not be filed.

VII. CASE MANAGEMENT ORDER

(a) Contents. A case management order may be entered in a Complex Case. The case management order shall include, but is not limited to, the following:

(1) acknowledgment of verification of the case as a Complex Case;

(2) a recitation of the "Master Service List" procedure as set forth in these Procedures for Complex Chapter 11 Cases;

(3) a recitation of the "Hearing Procedures" and "Hearing Agendas" procedures as set forth in these Procedures for Complex Chapter 11 Cases;

(4) instructions regarding virtual appearances at hearings pursuant to General Order 2021–05;

(5) claims and noticing agent contact information;

(6) a recitation of the "Professional Compensation and Reimbursement of Expenses" procedures as set forth in these Procedures for Complex Chapter 11 Cases;

(7) a recitation of the "Service and Certificates of Service" procedure as set forth in these Procedures for Complex Chapter 11 Cases;

(8) a recitation of the "Proposed Orders" procedure as set forth in these Procedures for Complex Chapter 11 Cases; and

(9) a recitation of the "Automatic Bridge Orders" procedure as set forth in these Procedures for Complex Chapter 11.

(b) Service. The debtor shall serve any case management order on the Master Service List as soon as practicable and shall cause the same to be posted on any claims and noticing agent's website.

VIII. HEARING PROCEDURES

(a) First Day Hearings.

(1) Request. If the debtor files motions, pleadings, or other documents that require consideration on or near the first day of the case (the "First Day Matters"), the debtor shall file a motion for expedited consideration. The debtor's attorney shall contact the Courtroom Deputy regarding the request. The Courtroom Deputy or Chambers shall notify the debtor's attorney of the hearing date and time. First Day Matters shall be heard within two (2) business days of the request.

(2) Notice of Hearing. Upon the entry of an order granting the request for expedited consideration of certain First Day Matters (the "First Day Order and Notice"), the debtor's attorney shall promptly serve a copy of the First Day Order and Notice by hand delivery, facsimile, electronic mail, overnight mail, or next day United States mail on the parties on the Master Service List, any party whose interest is adversely affected by the relief sought in a First Day Matter, and any other party asserting a security interest in the assets of the debtor(s) that are the subject of a First Day Matter.

(3) Service of Documents. The debtor may post the First Day Matters on the noticing agent's website. Such a posting, together with service of the First Day Order and Notice, shall be sufficient notice of the First Day Matters and the hearing to consider those matters, provided the First Day Order and Notice includes a website URL to the documents on the website and the contact information, including the name, telephone number, and email address of the person or persons whom a party may contact to obtain a copy of the First Day Matters in another format. If service is not made as set forth in this paragraph, service shall be made in the same manner as set forth in the paragraph above titled Notice of Hearing.

(b) Omnibus Hearings.

(1) Request. The debtor may request that the Court establish periodic dates and times for omnibus hearings (the "Omnibus Hearings"). This may be a first day motion. The Court shall accommodate this request if it appears justified. A party may contact the Court if it believes a matter should be set for hearing on a date and time other than an Omnibus Hearing date.

(2) Matters to Be Heard. After the Omnibus Hearing dates are established, any matter in the case, whether initiated by the debtor or another party, shall be set on an Omnibus Hearing date.

(3) Deadline for Response. Unless a different time is prescribed by any statute, Bankruptcy Rule, or pre-hearing or other order entered by the Court with respect to a motion, a response shall be filed with the Court and served upon the proponent of such motion as follows:

(A) When a hearing has been set on at least twenty-one (21) days' notice, the opposing party may file a response not later than seven (7) days before the date of the hearing.

(B) When a hearing has been set on less than twenty-one (21) days' notice, unless the Court orders otherwise, the opposing party may file a response not later than three (3) days before the date of the hearing.

(C) A hearing may not be set by a party on less than fourteen (14) days' notice unless the Court grants a motion requesting an expedited hearing pursuant to Local Bankruptcy Rule 9013–2. If a hearing is set on an expedited basis, the opposing party may file a response not later than one (1) day before the date of the hearing or as the otherwise ordered by the Court.

(4) Responses to Motions.

(A) Requirement of Written Response. Except as otherwise provided by the Bankruptcy Code, the Federal Rules of Bankruptcy Procedure, these Local Bankruptcy Rules, or by order of the Court, responses in opposition to motions must be in writing, state with particularity the grounds therefore, be filed with the Court and served upon all parties on the Master Service List.

(B) Optional Supporting Materials. Unless the Court orders otherwise, a party filing a response to a motion may file therewith a memorandum of points and authorities setting forth a concise statement of the facts and supporting reasons, along with a citation of the authorities upon which the party relies. The memorandum and the motion or response thereto, may be combined in a single pleading. Supporting affidavits or documents entitling the movant to the relief requested may be filed with a motion.

(C) Effect of Not Timely Filing a Response. If a response is not timely filed and served, the Court may deem the opposition waived, treat the motion, application, pleading, or proposed action as conceded, and enter an appropriate order granting the requested relief without a hearing.

(5) Required Notice. Unless a contemporaneous motion is filed under Local Bankruptcy Rule 9013–2, a motion filed with the Court, including a motion filed in an adversary proceeding, shall include or be accompanied by a conspicuous notice of the motion, objection deadline, the hearing date and time, if applicable, and that the hearing will be evidentiary if a timely objection is filed as required by (c)(2) below. The notice must conform substantially to Official Form B 420A.

(6) Motions for Relief from Stay. Unless the Court orders otherwise, the first hearing scheduled on a contested motion for relief from stay shall be a preliminary hearing.

(7) Claim Objections. Unless the Court orders otherwise, when an objection to a claim is filed, the opposing party may file a response within thirty (30) days of the filing of the objection.

(8) Adversary Proceedings. Unless the Court orders otherwise, a hearing in an adversary proceeding shall be heard on an Omnibus Hearing date.

(9) Notice of Omnibus Hearing Dates. Notice of Omnibus Hearing dates and times shall be filed on the docket and served on the parties on the Master Service List. If a claims and noticing agent is utilized, Omnibus Hearing dates and times shall be posted on the case website.

(c) General.

(1) Expedited Hearings. If a party files a motion or other document that it contends requires consideration on less than fourteen (14) days' notice, the party shall file a separate motion for expedited hearing complying with Local Bankruptcy Rule 9013–2. Motions for expedited hearings shall only be granted in accordance with Local Bankruptcy Rule 9013–2. If the Court grants the motion for an expedited hearing, the underlying motion or document will be set on the next Omnibus Hearing date or other date as determined by Chambers. The Agenda shall clearly denote any matter that is scheduled to be heard on an expedited basis.

(2) Evidentiary Hearings. Pursuant to Bankruptcy Rule 9014 and in compliance with Local Bankruptcy Rule 9014–1, in the event that a timely Objection is made to a motion, the hearing on such contested motion shall be an evidentiary hearing at which witnesses may testify, unless the parties otherwise agree that any such hearing shall not be an evidentiary hearing, in which case, to the extent known by the debtors' attorney, the Agenda shall state as such. The Agenda shall clearly denote any matter that is scheduled to be heard as an evidentiary hearing. Unless the Court orders otherwise, nothing contained herein shall preclude any party from

presenting proffers in connection with uncontested matters or agreeing with an opposing party to present proffers in any contested matter or otherwise stipulating certain facts or documents into evidence.

(3) Exhibit and Witness Lists. Unless the Court orders otherwise, exhibit and witness lists, including any witnesses to be called by proffer, shall be filed at least three (3) business days before any evidentiary hearing date and shall comply with Local Bankruptcy Rule 9070–1 unless the matter is set on an expedited basis pursuant to Local Bankruptcy Rule 9013–2.

(4) Virtual Appearances. A motion for a virtual appearance is not necessary. The case management order entered in the case shall include instructions for arranging a virtual appearance. All virtual appearances shall strictly comply with the Court's General Order 2021–5.

(5) Electronic Devices. Parties are permitted to bring electronic devices into the Courthouse, subject to any restrictions placed by the District Court, Circuit Court of Appeals, or United States Marshal Service. However, all devices must always be turned off or otherwise silenced in the Courtroom. In the event a device is not silenced, the Court has the discretion to confiscate the device, fine the party, and/or prohibit any party from having their device in the Courtroom, as appropriate.

IX. HEARING AGENDAS

(a) Filing and Service. No later than 12:00 p.m. (noon) Eastern time, two (2) business days before the hearing, the attorney for the debtor or trustee shall file an Agenda and serve it on the Master Service List and any party whose interest is directly affected by the relief sought in a filed document.

(b) Sequence of Matters. Uncontested matters shall be listed before contested matters.

(c) Contents. For each matter, the Agenda shall indicate the following:

(1) moving party's name;

(2) docket number of the initiating document;

(3) status, e.g., settled, going forward, continuance requested, continuance opposed, continued by consent; and

(4) instructions for obtaining virtual hearing information, if applicable.

(d) For each matter going forward or where a request for continuance is opposed, the Agenda shall also include the following:

(1) docket number of any objections, responses, replies, and documents in support; and

(2) filing party's name.

(e) Settlements. The Courtroom Deputy shall be promptly notified of a settlement.

(f) Omnibus Objections to Claims. The Agenda may list responses continued by consent collectively.

(g) Expedited and Evidentiary Hearings. The Agenda shall clearly denote any expedited hearings and evidentiary hearings.

(h) Amended Agendas. Amended Agendas shall be filed. Amendments shall be highlighted in some fashion. Only amendments from the most recently filed prior agenda shall be highlighted.

(i) Not Limiting. The requirements listed above do not prohibit the inclusion of other procedural information that would be helpful.

X. CLAIMS AND NOTICING AGENTS

(a) General. Unless the Court orders otherwise, claims agents and noticing agents shall be retained in a Complex Case. This may be a first day motion. The Court can waive this requirement at the first day hearing upon motion for cause.

(b) Review of Notices of Appearance. The noticing agent shall review all notices of appearance and notify any entity that fails to include an email address for service purposes. The notification shall not be filed. The notification shall include a request that the entity file a corrective notice of appearance that incudes an email address for service purposes. The notification shall not be required if the notice of appearance includes a statement that the entity does not have an email address for service purposes.

(c) Claims. Within fourteen (14) days of the entry of an order dismissing or converting a case, or within twenty-eight (28) days of the entry of a final decree, the claims agent shall: (1) forward to the clerk an electronic version of all imaged claims; (2) upload the creditor mailing list into NextGen CM/ECF, and (3) docket a final claims register. If the case has jointly administered cases, one combined register containing claims of all cases shall be docketed in the lead case.

XI. PROOFS OF CLAIM AND OMNIBUS CLAIM OBJECTION PROCEDURES

(a) Claims Bar Deadlines. Unless the Court orders otherwise, the bar date for the filing of proofs of claim and proofs of interest is (i) 180 days after the petition date for governmental units; and (ii) ninety (90) days after the first date set for the meeting of creditors under § 341(a) of the Bankruptcy Code for all other entities. The debtors must provide notice of the bar date to all creditors on or before the first date set for the meeting of creditors.

(b) Omnibus Claim Objections. Parties may file a motion to approve procedures for handling omnibus claims objections. Such procedures may not shift the burden of proof, discovery rights or burdens, or pleadings requirements.

XII. CASH COLLATERAL/POST-PETITION FINANCING

(a) Motion Required. Except as provided herein and elsewhere in the Local Bankruptcy Rules, in a Complex Case, all cash collateral and financing requests under §§ 363 and 364 of the Bankruptcy Code shall be by motion filed pursuant to Bankruptcy Rules 2002, 4001, and 9014 as well as Local Bankruptcy Rule 4001–2. Stipulations

or agreed orders regarding the use of cash collateral or financing requests are subject to these procedures.

(b) Concise Statement. The motion shall include a concise statement meeting the requirements set forth in Bankruptcy Rule 4001(b)(1)(B) and Bankruptcy Rule 4001(c)(1)(B), as applicable.

(c) Provisions to be Highlighted. If the proposed relief, form of order, and/or stipulation contains any of the following, the motion must (a) recite which of the following is included, (b) identify and highlight the location of any such provision in the proposed order and/or stipulation, (c) state the justification for the inclusion of such provision, and (d) identify any such provision that is proposed to remain in effect if interim approval is granted, but final relief is denied, as provided under Bankruptcy Rule 4001(c)(2).

(1) Cross-collateralization clauses (i.e., clauses that secure the repayment of pre-petition debt with post-petition assets in which the secured lender would not otherwise have a security interest by virtue of its pre-petition security agreement or applicable law).

(2) Roll-up clauses (i.e., clauses that provide for the use of property of the estate or the proceeds of a post-petition loan to make cash payments on pre-petition debt).

(3) Provisions or findings of fact that release, waive, or limit any claim or other cause of action belonging to the estate or the trustee.

(A) Provisions or findings of fact that release, waive, or limit any claim or other cause of action against any secured creditor without first giving parties in interest at least seventy-five (75) days from the entry of the interim order and the creditors' committee, if appointed, at least sixty (60) days from the date of its appointment to investigate such matters;

(B) Provisions or findings of fact that release, waive, or limit any claim or other cause of action against any secured creditor for alleged pre-petition torts or breaches of contract;

(C) Provisions or findings of fact that release, waive, or limit any avoidance actions under the Bankruptcy Code; or

(D) Provisions or findings of fact that modify the statute of limitations or other deadline to commence an action.

(4) Provisions or findings of fact that determine the validity, enforceability, priority, or amount of a claim that arose before the commencement of the case, or of any lien securing the claim.

(5) Provisions that grant a lien on property of the estate that is not otherwise subject to a lien, grant a junior lien on property of the estate that is subject to a lien, or create a lien senior or equal to any existing lien without the consent of that lienholder.

(6) Provisions that release, waive, or limit any right under § 506(c) of the Bankruptcy Code.

(7) A budget that does not provide for the payment of all accrued and unpaid administrative expense claims.

(8) Provisions that release, waive, or limit any right under § 552(b) of the Bankruptcy Code.

(9) Provisions that grant a lien on any claim or cause of action arising under §§ 544, 545, 547, 548, 549, 553(b), 723(a), or 724(a) of the Bankruptcy Code.

(10) Provisions that provide disparate treatment with regard to professional fee carveouts for the professionals retained by a creditors' committee from that provided for the professionals retained by the debtor.

(11) Provisions that prime administrative expenses of the kind described in § 503(b) or 507(a) of the Bankruptcy Code.

(12) Provisions that waive or modify any entity's authority or right to file a plan or seek an extension of time in which the debtor has the exclusive right to file a plan or otherwise operate to divest the debtor of any discretion in the administration of the estate or limit access to the Court to seek any relief under other applicable provisions of law.

(13) Provisions that establish deadlines or milestones for filing a plan of reorganization, for approval of a disclosure statement, for a hearing on confirmation, or for entry of a confirmation order.

(14) Provisions that establish deadlines or milestones for filing any motion to sell assets of the Debtor(s), for a hearing thereon, or for the entry of any order approving such sale.

(15) Provisions providing for the indemnification of any entity.

(16) Provisions waiving or modifying provisions of the Code or applicable Rules relating to the automatic stay.

(17) Provisions that waive or modify the applicability of nonbankruptcy law relating to the perfection of a lien on property of the estate, or on the foreclosure or other enforcement of the lien.

(18) Provisions that waive or modify the debtor's right to move for a Court order pursuant to § 363(c)(2)(B) of the Bankruptcy Code authorizing the use of cash collateral or § 364 of the Bankruptcy Code to obtain credit.

(19) Provisions that grant a lien in an amount in excess of the dollar amount of cash collateral authorized under the applicable cash collateral order.

(20) Findings of fact on matters extraneous to the approval process.

(21) Provisions that bar the debtor from future bankruptcy filings.

(d) Documents. The motion shall be accompanied by a proposed budget and copies of all documents evidencing post-petition financing or by which the interest of all

entities in the cash collateral was created or perfected. If any documents are unavailable or it is unduly burdensome to attach the documents, the motion shall include an explanation. The debtor shall use its best effort to obtain and file any documents that are unavailable as soon as possible after the motion is filed and unless the Court orders otherwise , not later than seven (7) business days after the filing of the motion.

(e) Interim Relief at Outset of Case. When a motion is filed on or shortly after the date of the entry of the order for relief, the Court may grant interim relief pending review of the proposed financing arrangements by the interested parties. Such interim relief is intended to avoid immediate and irreparable harm to the estate pending a final hearing. In the absence of extraordinary circumstances, the Court will not approve interim financing orders that include any of the highlighted provisions identified above.

(f) Immediate Relief During Pendency of Case. If, during the pendency of the case, the debtor asserts an immediate need for the use of cash collateral, the Court may schedule a preliminary hearing on the motion after notice has been provided to any entity claiming an interest in the cash collateral. Notice may be by telephone, facsimile, or email if time does not permit notification by mail.

XIII. SALE OF SUBSTANTIALLY ALL ASSETS

A motion to sell substantially all the debtor's assets may be considered on an expedited basis in accordance with Local Bankruptcy Rule 9013–2. Unless the Court orders otherwise, any motion to sell assets or set sale procedures should comply with Local Bankruptcy Rule 6004–1 as applicable. Any sale procedures motion should provide for input from or consultation with any statutory committee of creditors and secured creditors with liens in the property being sold. Notwithstanding the foregoing, secured creditors or committee members who are potential bidders may not participate in the adoption or implementation of sale procedures and may not receive information that is not generally available to all the potential bidders.

XIV. CRITICAL VENDORS

A motion to pay critical vendors may be filed as a first day motion. The motion shall include the aggregate interim and final payment amounts requested.

XV. DISCLOSURE STATEMENT AND CONFIRMATION

For cause, a party may request a combined hearing on approval of the disclosure statement and confirmation of the plan.

XVI. PROFESSIONAL COMPENSATION AND REIMBURSEMENT OF EXPENSES

(a) Purpose. To streamline the professional compensation process and more effectively enable the Court and all parties to monitor the professional fees incurred, the following procedures shall apply in a Complex Case, unless the Court orders otherwise.

(b) Service of Monthly Statement. After the end of a month for which compensation is sought, each professional seeking compensation may file and serve a monthly statement (the "Monthly Statement") on (1) the debtor's attorney, (2) the United States Trustee, (3) any pre-petition secured lender, (4) any post-petition secured lender, (5) the attorney for any committee appointed under the Bankruptcy Code, (6) any fee examiner appointed in the case, and (7) any other party the Court designates (collectively, the "Professional Fee Notice Parties").

(c) Contents. The Monthly Statement shall contain a list of individuals who provided the services during the statement period, their job titles, their billing rates, the aggregate hours spent by each individual, contemporaneously maintained time entries for each individual in increments of tenths of an hour without lumping or block billing, and a reasonably detailed breakdown of expenses incurred. The Monthly Statement shall include a notice that any objections shall be filed within fourteen (14) days of service of the Monthly Statement. After the expiration of the fourteen (14) day period, the debtor shall be authorized to pay 80 percent of the undisputed fees and 100 percent of the undisputed expenses identified in the Monthly Statement.

(d) Filing of Summary. If a Monthly Statement is served, a summary of the total fees and expenses requested shall be filed.

(e) Objections. Any objection to a Monthly Statement shall be served on the affected professional and the other Professional Fee Notice Parties. The objection shall state the nature of the objection and the amount of fees or expenses at issue. After expiration of the fourteen (14) day objection period, the debtor shall be authorized to pay the fees and expenses identified in the Monthly Statement that are not subject to the objection.

(f) Resolutions. If any objecting party resolves a dispute with a professional, the objecting party or the debtor with the consent of the objecting party, shall serve a notice on the Professional Fee Notice Parties that the objection is withdrawn. The notice shall describe the terms of the resolution. The debtor shall be authorized to pay the portion of the fees and expenses identified in the Monthly Statement that is no longer subject to an objection.

(g) Preservation of Objections. Any objection that is not resolved shall be preserved and presented to the Court at the next interim or final fee application hearing.

(h) No Waiver. Whether a party objects to a Monthly Statement or not, any party may object to any fee application filed with the Court in accordance with the Bankruptcy Code. The failure to object to a Monthly Statement shall not be a waiver of any kind or prejudice that party's right to object to any subsequently filed fee application.

(i) Applications. Each professional shall file an application for interim or final approval of allowance of compensation and reimbursement of expenses pursuant to §§ 330 and 331 of the Bankruptcy Code, including compensation previously paid by the debtor on the basis of a Monthly Statement, every one hundred and twenty (120) days, unless the Court orders a different frequency. Unless the Court orders

otherwise, the first fee application may be filed no earlier than one hundred and twenty (120) days from the petition date.

(j) Court Approval. Neither the payment of nor the failure to pay, in whole or in part, monthly compensation and reimbursement of expenses shall have any effect on the Court's interim or final allowance of compensation or reimbursement of expenses. All fees and expenses, whether or not paid or objected to in connection with a Monthly Statement, remain subject to review and approval by the Court in connection with interim and final fee applications. All fees and expenses are subject to disgorgement or offset if not approved by the Court on a final basis.

(k) Committee Members. These procedures may be used for reimbursement of expenses for members of a committee appointed under the Bankruptcy Code. The attorney for the committee shall collect and submit statements of expenses, with supporting vouchers, from the committee members.

XVII. UNSECURED CREDITORS' COMMITTEE

The United States Trustee shall use best efforts to file a notice of appointment of an unsecured creditors' committee within fourteen (14) days of the petition date.

XVIII. PRO HAC VICE ADMISSION

Motions for admission *pro hac vice* may be considered ex parte pursuant to Local Bankruptcy Rule 2090–1. Service of an order granting motion for admission pro hac vice by the Clerk's Office shall be limited to the debtor, the debtor's attorney, the United States Trustee, the movant's attorney, and the attorney for the creditors' committee, if appointed. Attorneys appearing *pro hac vice* are encouraged, but not required, to affiliate with a local attorney.

XIX. SERVICE AND CERTIFICATES OF SERVICE

(a) Service. All motions, pleadings, or other documents shall be served upon the Master Service List. In addition, any party whose interest is directly affected by the relief sought in a filed motion, pleading, or other document shall be served with all filed documents relating to that interest. Notwithstanding the foregoing, the names and addresses of those served may be excluded from the copies of each pleading, motion, or other paper served upon a party in hard copy.

(b) Certificates of Service. Certificates of service may be filed separately from the served document and, if separately filed. shall not be served. A certificate of service generally should be filed within three (3) business days of the service date of the filed document. If a document requests expedited relief or a hearing on shortened notice, the certificate of service shall be filed in advance of the hearing.

(c) Orders. Debtor(s) or its claims and noticing agent shall serve entered orders on the Master Service List no later than five (5) business days after entry.

XX. PROPOSED ORDERS

(a) As required by Local Bankruptcy Rule 9072–1, every motion or other request for relief shall include a proposed order as an attachment. If the proposed order is not attached, the motion shall include an explanation.

(b) Granting the Request for Relief Without a Hearing Where No Objection(s) Filed. Provided that the notice filed with the pleading includes a statement that the relief requested therein may be granted and an order entered without a hearing unless a timely objection is made, after the objection deadline has passed, the Court may enter an order on a motion without a hearing if either (i) no objection has been filed or served in accordance with the procedures set forth herein or (ii) an objection is resolved by an agreed order endorsed by all necessary parties is uploaded to the Court. Once the order is entered, the hearing scheduled on the pleading is cancelled. If an order is not entered prior to the hearing, then the parties shall appear before the Court at the scheduled hearing on the pleading.

XXI. AUTOMATIC BRIDGE ORDERS

If a motion to extend the time to take any action is filed before the expiration of the period prescribed by the Bankruptcy Code, the Bankruptcy Rules, the Local Bankruptcy Rules, the Federal Rules of Civil Procedure or Court order, the time shall be automatically extended until the Court acts on the motion, without the necessity of a bridge order.

APPENDIX C

UNITED STATES BANKRUPTCY COURT
DISTRICTS OF COLUMBIA

RULES GOVERNING PROCEDURES FOR THE HONORABLE S. MARTIN TEEL, JR. PRO BONO PROGRAM

The following rules (the "Rules") shall govern the appointment of pro bono attorneys from a bankruptcy pro bono panel to represent parties in bankruptcy contested matters and adversary proceedings when such parties file an Application for Appointment of Pro Bono Attorney (an "Application") demonstrating both a need for representation and a financial inability to retain an attorney.

1. Bankruptcy Pro Bono Panel

There shall be a bankruptcy pro bono panel (the "Panel") of attorneys and law firms who are willing to accept appointment to represent parties in bankruptcy proceedings when such parties lack the resources to retain an attorney. Registration forms to participate in the Panel shall be available at the Clerk's office in the District of Columbia Bankruptcy Court, on the Court's website (www.dcb.uscourts.gov), and through the Panel Administrators (as defined in Rule 3).

2. Composition of Bankruptcy Pro Bono Panel

The Panel will consist of the following:

(a) Law Firms. Law firms, including public interest law firms, may register to participate on the Panel as firms by completing a registration form setting forth, among other things: (i) the firm's mailing and website addresses; (ii) the name of the attorney or pro bono coordinator with the firm designated as Panel liaison, along with such individual's email address and phone number; (iii) the number of attorneys employed by the firm; and (iv) if there is the ability of participating attorneys to represent non-English speaking clients, and the languages that can be accommodated. Where a firm is appointed to an action, the appointment will be directed to the Panel liaison and appearance in the action may be entered by the firm or the assigned attorney, at the firm's option.

(b) Individual Attorneys. Attorneys who are willing to accept appointment to represent parties may register to participate on the Panel by completing a registration form setting forth, among other things: (i) the name, mailing address, and website address, if any, of the attorney, along with the attorney's email address, and phone number; (ii) the firm or organization, if any, with which the attorney is affiliated; (iii) the number of years the attorney has been admitted to practice; (iv) the attorney's principal practice areas; (v) the attorney's experience in bankruptcy and/or litigation matters; (vi) if there is the ability of the attorney to represent non-English speaking clients and the languages that may be accommodated; (vii) the courts in which the attorney is admitted to practice; and (vii) a representation that the attorney is a member in good standing of the highest court in a state, district, or territory.

(c) Attorney Instructors in Law School Clinical Programs. The Bankruptcy Court may authorize a clinical program, under the auspices of one or more law schools

accredited by the American Bar Association and located within the District of Columbia metro area through which law students, appropriately supervised by an attorney instructor, may appear in matters referred to the Panel pursuant to Local Bankruptcy Rule 2090–1(c). An attorney instructor may apply to participate on the Panel by completing a registration form setting forth, among other things: (i) the name, mailing address and website address of the law school administering the clinical program; (ii) the number of students involved in the clinical program; (iii) the practices of the clinical program in supervising participating students; (iv) the name, mailing address, and website address, if any, of the attorney instructor, along with the attorney instructor's email address, and phone number; (v) the firm or organization, if any, with which the attorney instructor is affiliated; (vi) the name and mailing address of the supervisor of the clinical program, along with the supervisor's email address, and phone number; (vii) the number of years the attorney instructor has been admitted to practice; (viii) the attorney instructor's principal practice areas; (ix) the attorney instructor's experience in bankruptcy and/or litigation matters; (x) if there is the ability of the attorney instructor and the clinical program to represent non-English speaking clients and the languages that may be accommodated; and (xi) the courts in which the attorney instructor is admitted to practice.

(d) Information on a registration form may be amended at any time by letter. An attorney or firm may by letter modify their registration or withdraw from the Panel at any time subject to Rule 6 (Relief From Appointment).

(e) Court Appointment. Nothing in these rules shall restrict the authority of a bankruptcy judge to appoint Counsel by other means, including direct appointment or appointment through organizations other than the Panel established by these rules, whether or not the Counsel appointed is a member of such Panel.

3. Panel Administrators

The Bankruptcy Court shall appoint no less than three (3) members of the bar to serve as the administrators of the S. Martin Teel, Jr. Pro Bono Program (the "Panel Administrators"). The Panel Administrators may receive assistance in administering the Panel from members of the bar and from other qualified organizations. The Panel Administrators shall maintain, and keep a copy on file with the Clerk, a list of law firms, individual attorneys, and attorney instructors who have registered to participate on the Panel. The Panel Administrators may remove an attorney or firm from the Panel at any time for cause. It is not intended that the Panel Administrators shall be responsible for supervising attorneys appointed to represent clients. Attorneys and law firms participating in the Panel are not required to be members of any bar association.

4. Appointment Procedure

(a) Whenever the bankruptcy judge concludes that appointment of an attorney from the Panel may be warranted and the client submits an Application or otherwise consents, the judge may request, on the record or in writing, that the Panel Administrators select an attorney from the Panel. The judge's chambers shall inform the Panel Administrators of the approval of the appointment, any scheduled Court dates, and provide the Panel Administrators with a copy of the docket sheet and any necessary filings. The Panel Administrators may, in their discretion, if deemed desirable in specific cases, select an attorney not on the Panel or select a specific attorney on the Panel who is uniquely qualified to undertake the representation. The Panel Administrators may direct the applicant to a bar association referral service in any case where it appears that adequate attorney fees may be awarded as provided by statute. The provisions of the Bankruptcy Code under Title 11 of the United States Code (the "Bankruptcy Code") relating to the appointment of Counsel by the Court shall be complied with.

(b) An attorney will be appointed only for individuals who have appeared *pro se* and are unable to afford an attorney, or who had an attorney but were unable to pay for litigated matters. Such persons may be requested to file with the Court an Application affirming they lack the resources to retain counsel. In determining whether to request that the Panel Administrators select an attorney from the Panel for appointment, the judge may take the following factors into account: (i) the nature and complexity of the matter in which the attorney is to represent the client; (ii) the apparent potential merit of the claim or issue involved; (iii) the inability of the client to retain an attorney by other means; (iv) the degree to which the interests of justice will be served by the appointment of an attorney, including the benefit the Court may derive from the assistance of the appointed attorney; and (v) any other factors deemed appropriate. It is not intended that an attorney will be appointed for any party prior to the filing of a petition under the Bankruptcy Code. These rules are not intended to provide any party with a right to have an attorney appointed.

(c) It is intended that an attorney will be appointed to represent debtors only on a specific contested matter or adversary proceeding rather than generally with respect to the bankruptcy case, and the appointed attorney's responsibilities shall be limited only to such matter or proceeding. An attorney from the Panel may also be appointed to represent non-debtors in connection with specific contested matters, adversary proceedings, or other litigated matters arising in or relating to a bankruptcy case.

(d) Upon receiving a request, as set forth in Rule 4(a), to select an attorney from the Panel, it is expected that the Panel Administrators shall forward a request for pro bono representation to members of the Panel via email or otherwise. Panel members may contact the Panel Administrators to indicate their interest in accepting an appointment. Appointments of attorneys generally shall be on a first-come first-served basis; provided, however, that the Panel Administrators may select an attorney on other bases where appropriate. If several Panel

members are interested in the same case, a wait list may be established. The Panel Administrators shall forward a notice of appointment, along with the client's name and contact information, to the selected Panel member ("Appointed Counsel"). In the event no Panel member accepts the assignment, the Panel Administrators shall so inform the client and the judge's chambers and no further attempts at assignment shall be required.

5. Responsibilities of the Appointed Attorney

(a) Upon receiving a notice of appointment, Appointed Counsel shall obtain, either through the applicable NextGen Case Management/Electronic Case Filing System or otherwise, the case file and, if deemed appropriate, communicate with the client. However, Appointed Counsel must advise the client that s/he has not yet decided whether to accept the appointment. Appointed Counsel shall determine as soon as practicable, and within such time prior to the matter's next scheduled hearing date so as to permit another appointment to be made, whether to accept the representation. Upon accepting the representation, and upon the client's consent, Appointed Counsel shall file a notice of appearance and inform opposing attorneys and/or parties, as appropriate. The notice of appearance shall, if appropriate, specify the discrete matter or matters upon which Appointed Counsel is to represent the client and further state that all pleadings and other papers shall continue to be served upon the client as well as upon Appointed Counsel. Appointed Counsel shall send a copy of the notice of appearance to the client, the judge's chambers, and the Panel Administrators. The Panel Administrators shall maintain and provide the Clerk a copy of the record of all assigned matters. Appointed Counsel may, but is not required to, enter into an engagement agreement with the client.

(b) Upon accepting an appointment and filing a notice of appearance, Appointed Counsel shall fully discuss the merits of the matter with the client. Appointed Counsel may, if appropriate, explore with the client the possibility of resolving the dispute by other means, including, but not limited to, seeking a negotiated settlement or proceeding to mediation. If, after consultation with Appointed Counsel, the client decides to prosecute or defend the action, Appointed Counsel shall represent the party until the attorney-client relationship is terminated in the ordinary course in connection with the matter as to which Appointed Counsel was appointed or until terminated as provided for herein.

(c) If, after reviewing the file, Appointed Counsel reasonably anticipates a need to request relief from an appointment, Appointed Counsel shall, before discussing the merits of the case with the client, advise the client that a procedure for such relief exists. Where Appointed Counsel did not reasonably anticipate the need for such relief prior to discussing the merits of the case with the client, Appointed Counsel may request the waiver at any time the need for such relief becomes apparent. Appointed Counsel should then request the client to execute a limited waiver of the attorney-client privilege permitting Appointed Counsel to disclose under seal to the Court Appointed Counsel's reasons for seeking to be relieved of the appointment, with Appointed Counsel exercising appropriate

ethical discretion in making the subject disclosure. The waiver should indicate that the application for relief will be a privileged Court document and may not be used in the litigation. The client's refusal to execute a waiver shall not preclude Appointed Counsel from applying for relief.

6. Relief From Appointment

(a) Prior to filing a notice of appearance and within the time period set forth in Rule 5(a), if Appointed Counsel does not wish to accept an appointment due to lack of time, personal preference or any other ground set forth below, or upon the client's request, Appointed Counsel shall promptly inform the Panel Administrators, who will attempt to reassign the case to another Panel member. In the event no Panel member accepts the assignment, the Panel Administrators shall so inform the client and the judge's chambers and no further attempts at assignment shall be required.

(b) Subsequent to filing a notice of appearance, Appointed Counsel may apply pursuant to Local Bankruptcy Rule 2091–1 to be relieved of an appointment on any grounds available to an attorney-of record except for the non-payment of fees or expenses.

(c) An application by Appointed Counsel for relief from an appointment on any of the grounds set forth herein must be made promptly upon Appointed Counsel acquiring knowledge of the facts leading to the application to withdraw.

(d) If Appointed Counsel wishes to be relieved from an appointment on any of the grounds set forth in Rule 6(b) or similar grounds, Appointed Counsel shall send a request to that effect to the client, stating the grounds for relief. If the client does not object to the request for relief, Appointed Counsel shall so advise the Panel Administrators and submit a proposed order, endorsed by a Panel Administrator, to the Court. If the client objects to the request for relief, Appointed Counsel shall submit the request and the grounds therefor to the judge's chambers for consideration, along with a proposed order, in a document to be kept under seal and not to be available in discovery or otherwise used in connection with the matter or any other litigation. Appointed Counsel shall provide a copy of the request and proposed order to the client and the Panel Administrators.

(e) If an order for relief from an appointment is entered, the judge may request, on the record or in writing, that the Panel Administrators attempt to reassign the case to another Panel member. In the event no Panel member accepts the assignment, the Panel Administrators shall so inform the client and the judge's chambers and no further attempts at reassignment shall be required.

7. Discharge

A party for whom Appointed Counsel has been appointed may request the judge, on the record or in writing, to discharge such Appointed Counsel from the representation. The client shall provide a copy of any written request to the Appointed Counsel. When such a request is supported by

cause, the order of discharge shall be granted, and the Appointed Counsel shall duly inform the Panel Administrators and the client. The judge may request, on the record or in writing, that the Panel Administrators attempt to reassign the case to another Panel member. In the event no Panel member accepts the assignment, the Panel Administrators shall so inform the client and the judge's chambers and no further attempts at reassignment shall be required.

8. Expenses

There being no public funds available, Appointed Counsel or the firm may advance the expenses of the matter.

9. Compensation for Services

(a) No payment of money or other valuable consideration shall be demanded or accepted in connection with the services rendered by Appointed Counsel.

(b) Notwithstanding paragraph (a), the matter may be one for which compensation for legal services may become available to the Appointed Counsel under the Bankruptcy Code or other authority. Upon appropriate application by Appointed Counsel and taking into consideration Appointed Counsel's initial agreement to take the matter without compensation, the judge may award fees to the Appointed Counsel or law firm for services rendered, as permitted by applicable law.

(c) If, after appointment, Appointed Counsel discovers that the party is able to pay for legal services, Appointed Counsel shall bring this information to the attention of the Panel Administrators unless so doing would constitute a violation of the attorney/client privilege. Upon appropriate motion, the Court may relieve Appointed Counsel from the representation and permit the party to retain another attorney or proceed *pro se*.

10. Duration of Representation

(a) Subject to the provisions of Rules 10(b) and (c), Appointed Counsel shall represent the party in connection with the matter on which Appointed Counsel was appointed from the date Appointed Counsel enters an appearance until a final order or judgment is entered in the matter, or until Appointed Counsel has been relieved from appointment by the Court. If the bankruptcy case is continuing after the matter is concluded, Appointed Counsel shall inform the client in writing with a copy to the Panel Administrators that Appointed Counsel's responsibilities have concluded and that the party is again proceeding *pro se*.

(b) If an appealable order or judgment is entered in connection with the matter, Appointed Counsel shall inform the client of the possibility of appeal and, if the client requests, file a notice of appeal, a designation of the items to be included in the record on appeal and a statement of the issues to be presented, or assist the party in filing such papers.

(c) In the event the party desires to take an appeal from an appealable order or judgment, or if such order or judgment is appealed by another party, Appointed Counsel is encouraged, but not required, to represent the party on the appeal and in any proceeding that may ensue upon an order of remand. If Appointed Counsel elects not to represent the client on the appeal or remand, Appointed Counsel shall give prompt notice of such election to the Panel Administrators who may attempt to reassign the matter to another Panel member or refer the client to the *pro se* panel of the Court to which the appeal is taken.

(d) Nothing in these rules shall be read to affect: (i) an attorney's responsibilities under the Code of Professional Responsibility or applicable law; or (ii) the manner in which and to whom a notice of appearance or notice of withdrawal must be given under the Federal Rules of Bankruptcy Procedure, the Local Bankruptcy Rules, or any order of the Court in the particular bankruptcy case.

APPENDIX D

UNITED STATES BANKRUPTCY COURT
DISTRICT OF COLUMBIA

ADMINISTRATIVE PROCEDURES FOR FILING, SIGNING, AND VERIFYING DOCUMENTS BY ELECTRONIC MEANS

Effective Date: August 2, 2022

ADMINISTRATIVE PROCEDURES FOR FILING, SIGNING, AND VERIFYING DOCUMENTS BY ELECTRONIC MEANS

1) DESIGNATION OF CASES, PASSWORDS AND REGISTRATION FOR THE CASE MANAGEMENT/ELECTRONIC CASE FILING SYSTEM

a) Designation of Cases. The provisions of these Administrative Procedures for Filing, Signing, and Verifying Documents by Electronic Means ("ECF Procedures") shall apply to all cases and proceedings filed on and after October 6, 2003, and to any previously filed cases and proceedings pending or closed.

b) Registration. All parties ("User(s)") who file via NextGen Case Management Electronic Filing System ("NextGen CM/ECF") must have an individual Public Access to Court Electronic Records ("PACER") account. All Users shall complete and submit a registration form even if the User uses NextGen CM/ECF in another federal court. Both the Attorney/Full-Rights User and Creditor/Claimant/Limited-Rights User Registration Forms are available on the Court's web site at http://www.dcb.uscourts.gov/dcb/. Only attorneys (i) who are admitted before this Court pursuant to Local Bankruptcy Rule 2090–1 and (ii) have been approved by the Clerk may file electronically, unless otherwise approved by the Court. All attorneys admitted *pro hac vice* are considered Limited-Rights User unless they submit an Attorney/Full-Rights User Registration Form, which will provide them with full filing privileges solely for the case(s) in which they are admitted *pro hac vice*. Each User shall user their existing PACER account username and password, and upon the approval of e-filing privileges follow instructions from the Clerk, if any, to complete the registration process.

c) Types of Registration. There are two (2) types of registration:

i) Full Registration. Allows full filing privileges for filing documents in the NextGen CM/ECF system in the U.S. Bankruptcy Court for the District of Columbia ("Full-Rights User"). A Full-Rights User will have the privilege to file documents electronically with the Clerk, including all documents which may be filed by a limited rights user.

ii) Limited Registration. Allows limited privileges for filing documents in the NextGen CM/ECF system in the U.S. Bankruptcy Court for the District Columbia for limited purposes that do not require the appearance of legal representation ("Limited-Rights User"), including, but not limited to, filing or withdrawing a proof of claim, notice of mortgage payment change, notice of postpetition mortgage fees, expenses, and charges, response to a notice of final cure payment, request for notices or notice/service, notice of appearance, reaffirmation agreement, creditor change of address, transfer of claim, or Official Form 423 with the Clerk.

d) Training Requirements. Full-Rights Users who have not filed electronically in another bankruptcy court, may be required to complete an online training course to receive filing permissions for the NextGen CM/ECF System.

2) **ELECTRONIC BANKRUPTCY NOTICING**

a) Eligibility to Receive Electronic Bankruptcy Noticing. A party or party representative, whether or not represented by an attorney, who does not otherwise receive electronic notice of filing, may elect to participate in Notices of Electronic Filing ("NEF") through the Court's NextGen CM/ECF system. An eligible party must complete a written request to participate, update their account, and/or deactivate their participation in NEF on the form provided by the Clerk's Office and available on the Court's website.

b) Service on Parties who Request NEF. Pursuant to Federal Rule of Bankruptcy Procedure 9036, any party who requests service through NEF of Court-generated notices and orders only consents to service of such notices and orders from the Court through the Bankruptcy Noticing Center. All other parties, including creditors, attorneys, and trustees, must serve documents upon participating parties according to applicable Court rules.

3) **ELECTRONIC FILING**

a) Effect of Electronic Filing. Electronic transmission of a document to the NextGen CM/ECF System consistent with these ECF Procedures, together with the transmission of a Notice of Electronic Filing from the Court, constitutes filing of the document for all purposes of the Federal Rules of Bankruptcy Procedure and the Local Bankruptcy Rules, and constitutes entry of the document on the docket kept by the Clerk under Federal Bankruptcy Rule 5003.

b) Electronically Filed Documents - Official Record. When a document has been filed electronically, the official record is the electronic recording of the document as stored by the Court, and the User is bound by the document as filed. A document filed electronically is deemed filed at the date and time stated on the Notice of Electronic Filing from the Court.

c) Deadlines. Electronic filing of a document does not alter the deadline for filing that document. Except where the presiding judge specifically requires an earlier filing time, filing must be completed before midnight Eastern Standard Time or Eastern Daylight Time, whichever is applicable at the time of filing.

d) Filing Requirements in NextGen CM/ECF. Documents that meet the following standards can be filed via NextGen CM/ECF with the Court: a file size of 50 MB or smaller; meets the PDF/A standard; scanned documents; contains hyperlinks to external websites; contains editable forms; and contains optical character recognition (OCR) metadata (allows text- recognition and text searches); and/or created with Mac OS X and using a fillable form in the Chrome web browser and/or

using MS Word and saved by selecting the option "Best for Electronic Distribution." Documents larger than 50 MB in size can be segmented into attachments to meet the document size parameters. A scanned document, or a portion thereof, shall not exceed 8½ by 11 inches.

e) Technical Problems. A User who cannot access the NextGen CM/ECF System must contact the Clerk's office, confirm that the NextGen CM/ECF System is not accessible, and arrange to file the document(s) by other means. A User whose filing is not timely as the result of a technical failure may seek appropriate relief from the Court.

f) Exemptions from Electronic Filing.

i) Attorney Exemption. If filing electronically creates an undue hardship, an attorney may request permission to file documents conventionally. The request should be made to the Court and shall contain a detailed explanation of the reason(s) for the request.

ii) One Time Exemption. An attorney who is not a User may conventionally file the first document on behalf of a client in a NextGen CM/ECF case without leave of Court. Within twenty-one (21) days thereafter, the attorney must register as a Full-Rights User, or seek an exemption under subsection (i) above. Failure to register or seek an exemption may result in the issuance of an order to show cause why the attorney should not be sanctioned.

iii) *Pro Se* Litigants. *Pro se* litigants may conventionally file and serve documents in accordance with the provisions of the Federal Rules of Bankruptcy Procedure and the Local Rules of this Court.

g) Fees Payable to the Clerk for Filings that Require A Fee.

i) Filing Users shall make payment via the interactive credit card program or on-line ACH program.

ii) Non-Filing Users and Non-Registered Parties must tender payment as provided by Local Bankruptcy Rule 1006–1.

4) **ORDERS**

a) Orders Entered Electronically. Pursuant to Local Rule 5005–4, any Order entered electronically by the Court as provided by these ECF Procedures shall have the same force and effect as if it had been entered by the Court in the traditional manner and will satisfy the requirements of Bankruptcy Rules 5003 and 9021.

b) e-Orders Format. Subject to the exceptions identified in Part 3(f) above, all proposed orders shall be submitted by an attorney electronically through the order

upload function in the NextGen CM/ECF System with the following formatting specifications:

i) Top 3 to 4 Inches for Court Use Only. For all orders, the first page of the order must have between a 3 to 4-inch top margin that is left blank for Court use only.

ii) "End of Order" Designation, No Date, or Signature Line. The designation "End of Order" shall be placed after the final line of text on the order. No date or signature line is to be provided for the judge. The parties endorsing the order pursuant to Local Rule 9072–1 shall so indicate in their signature block on the last page of the order with their name, bar identification number (as applicable), and signature line.

iii) The order must be submitted in PDF format.

5) ATTACHMENTS AND EXHIBITS TO PLEADINGS AND PROOFS OF CLAIM

Except as the presiding judge in a case otherwise may direct, filing Users must submit in electronic form all documents referenced as exhibits or attachments. A User must submit as exhibits or attachments only those excerpts of the referenced documents that are directly germane to the matter under consideration by the Court. Excerpted material must be clearly and prominently identified as such. Users who file excerpts of documents as exhibits or attachments under this rule do so without prejudice to their right to timely file additional excerpts or the complete document. Responding parties may timely file additional excerpts or the complete document that they believe are directly germane.

6) RETENTION REQUIREMENTS

a) Retention of Electronically Filed Documents. Documents that are electronically filed and require original signatures shall be maintained by the User until 3 years after the closing of the case. If in the ordinary course of the User's business, the User maintains imaged copies of that person's records, the user may retain an imaged copy in lieu of the document with the original signature to the same extent that the User otherwise retains imaged records in the ordinary course of the User's business. Upon request of the Court, the User shall provide such originally executed document or imaged record, as the case may be, for review.

b) Retention of Paper Documents by the Clerk's Office. The Clerk's Office only will retain paper documents that are filed until they are scanned and docketed into the official Court record, which is the electronic file maintained on the Court's servers.

7) SIGNATURES

a) All pleadings and other papers and documents filed electronically shall indicate the signature by placing "/s/ User's Name" where the original signature occurs.

b) Use of the User's login and password on the NextGen CM/ECF System constitutes the User's signature for all purposes for documents which must contain original signatures.

c) In addition to the indicated signature, attorneys filing electronically must comply with Local Bankruptcy Rule 9011–1.

d) *Pro Se* Filer. All filings on paper by a *pro se* filer, which (i) must contain original signatures, (ii) require verification under Bankruptcy Rule 1008, or (iii) contain an unsworn declaration as specified at 28 U.S.C § 1746, shall be submitted with full original signatures.

8) **SERVICE OF DOCUMENTS**

a) User's E-Mail Address. A User shall maintain a current and active e-mail address to receive notification in the NextGen CM/ECF System.

b) Automatic Service by the NextGen CM/ECF System on Registered Participants. Upon filing of any pleading, the NextGen CM/ECF System will send a "Notice of Electronic Filing" to all Users who have entered an appearance or requested notice in that case, and the confirmation received by the filing parties will contain a list of all parties receiving such notice. Parties who have elected to receive notifications of case activity as a non-filing user are still entitled to receive paper copies of all filings they would otherwise have received in paper form.

c) Confirmed Transmission Constitutes Service. Electronic transmission of the Notice of Electronic Filing constitutes service or notice of the filed document. A party filing electronically is not otherwise required to serve the pleading or other document on any party who is a registered NextGen CM/ECF participant and has consented to electronic notice.

d) Service on Parties Not Consenting to Electronic Notice. Parties who have not consented to electronic notice or service are entitled to receive a paper copy of any electronically filed pleading or other document.

e) Summons; Subpoena. Service of a Summons under Federal Bankruptcy Rule 7004 or Subpoena under 9016 must also be served in paper form. Return of service may be filed electronically.

f) Registered Users Consent to Waiver of Non-Electronic Service. Registered Users (i) waive the right to receive notice by first class mail and consent to receive notice electronically via the NextGen CM/ECF generated NEF and (ii) waive the right to service by personal service or first class mail and consent to electronic service via the NEF (including service required by Bankruptcy Rule 7004(g)), except that such consent does not constitute acceptance of service of a summons and complaint in lieu of service on the party represented. Waiver of service and notice by first class

mail applies to notice of the entry of an order or judgment under Bankruptcy Rule 9022.

g) Electronic Appearance in that Case Constitutes Consent. Consent to electronic service becomes effective in a particular case when a registered user files a document that generates an NEF (except a proof of claim or ballot).

h) Reduction of Noticing Costs. To reduce noticing costs and unnecessary duplication of service, registered users who are served with an NEF in a specific case or proceeding will not receive duplicate electronic notice served via the BNC. Registered Users who have not made an appearance in a specific case or proceeding and thus do not receive notice via an NEF, will be served through the BNC in paper form, unless those Users have separately entered into an electronic service agreement with the BNC Program, or are required to receive electronic notice as entities designated as high-volume paper recipients under Bankruptcy Rule 9036(b)(2)(B), or are parties who registered directly with the Clerk of Court for NEF noticing as provided under Local Rule 9036–1.

9) **PUBLIC ACCESS**

a) Internet Access. Any entity may access the NextGen CM/ECF System by obtaining a login and password issued by the PACER Center. Registration may be made on-line at http://pacer.psc.uscourts.gov or by calling the PACER Service Center at (800) 676–6856 or (210) 301–6440. Such access is limited to viewing, saving, and printing docket sheets and documents. In accordance with 28 U.S.C. § 1930, charges for electronic access to Court records, are assessed in accordance with the fees and procedures established by the Judicial Conference of the United States Courts.

b) Public Access at the Court. Access to the electronic docket and documents filed in the NextGen CM/ECF System is available to the public at no charge at the Office of the Clerk during regular business hours.

c) Paper Copies and Certified Copies. Paper copies and certified copies of electronically filed documents may be purchased at the Office of the Clerk. The fee for copying and certification will be in accordance with 28 U.S.C. § 1930.

APPENDIX E

Mortgage Modification Program Procedures

United States Bankruptcy Court, District of Columbia

Effective as of August 2, 2022

1. **Purpose**. These procedures and forms implement the Mortgage Modification Program Procedures ("MMP"). The MMP is designed to function as a forum for individual debtors to explore mortgage modification options with their lenders for real property in which the debtor has an interest or is obligated on the promissory note or mortgage. The goal of the MMP is to facilitate communication and exchange of information in a confidential setting and encourage the parties to finalize a feasible and beneficial agreement under the supervision of the United States Bankruptcy Court for the District of Columbia.

2. **Definitions**. The following definitions shall be applicable to the MMP and the procedures described herein:

    a. Debtor: means any individual debtor in a case filed under Chapter 11, 12, or 13 of the Bankruptcy Code, including joint debtors. Where a debtor is represented by an attorney, the term "Debtor" may mean the debtor's attorney on behalf of the Debtor individually unless the context requires otherwise.

    b. Document Preparation Software: means a secure online program maintained and operated by the Program Manager that facilitates the preparation of the Initial MMP Package by populating the Standard MMP Documents and generating a customized checklist of required additional forms and supporting documents that a Debtor needs to initiate a loss mitigation review with the Lender. The use of the Document Preparation Software ensures that the initial submission to Lender is complete and accurate and should expedite Lender's review. By requiring its use by the Debtor prior to the filing of the Motion for MMP, the Debtor will signify to the Court and the Lender that the Debtor is prepared to engage in the MMP in good faith and provide the necessary information to the Lender.

    c. Initial MMP Package: means collectively the Standard MMP Documents and all of the forms and supporting documentation that the Lender requires to initiate the assessment of a Debtor's loss mitigation options. Lender shall be responsible for providing Lender's Initial MMP Package to the Program Manager as more particularly provided for in Section 7(c)(i).

    d. Lender: means any holder, servicer, or trustee of an eligible loan.

    e. MMP Order: means an Order approving participation in the MMP.

    f. MMP Period: means the time during which the MMP is in effect prior to its expiration or termination by Court order.

    g. Loss mitigation: means the full range of solutions that may prevent either the loss of a Debtor's eligible property to foreclosure, increased costs to the Lender, or both, including but not limited to, loan modification, loan refinance, forbearance, short

sale, or surrender of the property in full satisfaction of obligations arising under an eligible loan.

h. Portal: means a secure online service maintained and operated by the Program Manager that allows MMP documents and communications to be submitted, retrieved, and tracked between the Required Parties. The Portal must be capable of providing access to the Court and trustees as well as the Program Manager. Submitting documents to the Portal provides transparency in the loan modification process by making information immediately available to all parties through a secure internet website. To ensure that all Required Parties may obtain access to the Portal in a timely manner, registration on the Portal by any Required Party (including, without limitation, registration by the Lender as provided in Section 7(c)(i)) must be capable of being completed in three (3) business days.

i. Program Manager: The Program Manager as of the effective date of the MMP is Default Mitigation Management, LLC; provided, however, the Court reserves the right to select a different or additional Program Manager in its sole discretion.

j. Required Parties: means (when applicable) Debtor, Debtor's attorney, Lender, Lender's District of Columbia legal counsel, any co-obligor, co-borrower, and third-party obligor. Required parties shall have authority to settle all MMP matters.

k. Standard MMP Documents: collectively, the industry standard forms that are generally required by Creditors to initiate a review of a Debtor's loss mitigation options:

   i. Request for Mortgage Assistance;

   ii. Uniform Borrower Assistance Form;

   iii. Applicable Verification of Income Documentation;

   iv. Mortgage Assistance Application (Fannie/Freddie);

   v. IRS Form 4506-C;

   vi. Hardship Letter; and/or

   vii. Dodd-Frank Certification.

3. **Eligibility**. To be eligible to participate in the MMP, a Debtor must:

   a. have a case pending under chapter 11, 12, or 13 pending in the United States Bankruptcy Court for the District of Columbia;

   b. have paid their bankruptcy filing fee in full prior to filing a motion to participate in MMP; and

   c. be able and willing to pay the fees for the program as well as additional attorney's fees (if the debtor has an attorney who represents the debtor in the mediation). As of June 2022, the document preparation fee is $60, and the portal submission fee is $60. As of June 2022, the program management fee is $600, of which the debtor must pay $300.

4. **Additional Parties**.

   a. Co-debtors, Creditors, and Third-parties. Where the participation of a co-debtor, additional creditors, or other third party may be necessary or desirable, any party may request, or the Court may direct, that such party participate in loss mitigation, to the extent that the Court has jurisdiction over the party.

   b. Trustee. The Trustee may participate in the MMP to the extent such participation would be consistent with the Trustee's duties under the Bankruptcy Code.

5. **Commencement of MMP**. An eligible Debtor or Lender may seek referral to the MMP at any time after the commencement of the bankruptcy case.

   a. Commencement by Debtor.

      i. *Complete Initial MMP Package*. Prior to filing a Motion to Commence MMP, an eligible Debtor shall complete and have ready for submission the Initial MMP Package and pay the non-refundable fee directly to the Document Preparation Software approved vendor.

      ii. *MMP Motion*. Upon completion of an eligible Debtor's Initial MMP Package, an eligible Debtor may request the commencement of the MMP by filing a Motion to Commence MMP. The Court may grant the Motion to Commence MMP at its discretion. The Motion to Commence MMP shall be served on the Lender and all other creditors whose claims are secured by liens against the eligible property. A Motion to Commence (substantially in the form of Local Official Form MMP-01 and a proposed MMP Order (substantially in the form of Local Official Form MMP-02) shall be filed with any Motion to Commence.

         1. If an order granting or modifying relief from the automatic stay has been entered as to the real property subject to the Motion to Commence MMP, then concurrently with any Motion to Commence MMP, the Debtor must file a motion to reimpose the automatic stay ("Motion to Reimpose"), serve the Motion to Reimpose on the Lender, and notice the Motion to Reimpose for a hearing with the Motion to Commence MMP. If the Motion to Reimpose is not granted, the Debtor shall not be an Eligible Debtor for the MMP.

   b. Commencement by Lender. Any creditor seeking to commence the MMP must file with the Court and serve on the Debtor (and Debtor's counsel, if any) a Motion to Commence MMP (substantially in the form of Local Official Form MMP-01) and a proposed MMP Order (substantially in the form of Local Official Form MMP-02).

   c. Notwithstanding the above, an eligible Debtor and/or Lender's participation in the MMP is not approved until entry of the MMP Order.

6. **Opportunity to Object**. The deadline for filing an objection to a Motion to Commence MMP is fourteen (14) days from the service of the Motion to Commence MMP, plus three (3) additional days if notice is only by mail or if Lender has not previously filed a notice of appearance. Objections shall identify with specificity the grounds for the objection. If no objection is filed, the right to object may be deemed waived and the Court may enter a MMP Order without further notice or hearing.

7. **MMP Participation and Duties**.

   a. General. Upon the entry of the MMP Order, the following shall apply:

      i. *Good Faith Requirement*. The Required Parties shall act in good faith throughout the entirety of the MMP Period, including but not limited to, promptly responding to all inquiries through the Portal and providing all requested documentation and information. A party failing to participate in good faith may be subject to dismissal of the MMP and/or sanctions of the MMP after notice and a hearing.

      ii. *Deadlines*. The Required Parties shall comply with all deadlines set forth in the MMP Order and the MMP; provided any deadlines may be extended by Court order or by stipulation of the parties docketed with the Court.

      iii. *Communication through Portal*. During the MMP Period, unless otherwise permitted by the Court, all material communications between the Required Parties shall be conducted exclusively through the Portal; provided, however, any litigated matters incidental to the MMP shall be considered as separate matters not subject to the Portal requirement. (For example, a motion to compel mediation or motions related to discovery must be filed in the main bankruptcy case, not through the Portal). This Rule shall not be deemed to prohibit either communications between counsel or communications not related to the loan modification process.

      iv. *Authorized Parties*. On behalf of each participating party, a person with complete knowledge of the file so as to be reasonably capable of answering questions posed by the Court related to the MMP shall attend all MMP-related hearings and conferences before the Court.

      v. *Automatic Stay*. The automatic stay as provided for under 11 U.S.C. § 362(a) shall be modified to the extent necessary to facilitate the MMP. After entry of the MMP Order, all pending motions for relief from the automatic stay with respect to real property subject to the MMP shall be continued until after such time that the MMP has concluded.

         1. The pendency of the MMP shall constitute good cause and compelling circumstances under 11 U.S.C. § 362(e) to delay the entry of any final decision on a pending motion for relief from stay with respect to real property subject to the MMP.

         2. Any lender seeking relief from the automatic stay prior to the conclusion of the MMP shall, in the motion, set forth the reasons why relief is appropriate prior to the conclusion of the MMP.

3. If a relief from stay motion pursuant to 11 U.S.C. § 362(d) is pending when a MMP Order is entered, or if such a motion is filed during the MMP Period, the Court may condition the stay upon fulfillment of the Debtor's obligations under the MMP Order. If the Debtor fails to comply with the Debtor's MMP duties or the MMP Order, the Lender may apply to terminate the MMP. Additionally, unless the Lender specifically objects in writing, it is deemed to consent to a waiver of the deadlines set forth in 11 U.S.C. § 362(e) of the Bankruptcy Code until thirty (30) days after the conclusion of the MMP.

vi. *No Delay*. The referral of a case to the MMP does not relieve the parties from complying with any other court orders or applicable provisions of the United States Bankruptcy Code, the Federal Rules of Bankruptcy Procedure, General Orders, or the Local Bankruptcy Rules. Notwithstanding a matter being referred to the MMP, the bankruptcy case shall not be stayed or delayed without further order of the Court.

vii. *Closing*. If Debtor's bankruptcy case is otherwise in a posture for administrative closing, the case shall remain open during the pendency of the MMP, unless otherwise ordered by the Court.

viii. *Confidential Communications*. All communications and information exchanged during the MMP shall be privileged and confidential and shall be inadmissible in any subsequent proceeding as provided for by Federal Rule of Evidence 408, except in such circumstances when a party fails to participate in good faith in the MMP.

ix. *Request for Hearing*. Debtor, Lender, or Program Manager may request a hearing to resolve any dispute that may have arisen in connection with the MMP by filing a motion and scheduling a hearing pursuant to the Court's Local Bankruptcy Rules.

b. Debtor Duties Upon Commencement of MMP.

i. *Submit Initial MMP Package*. Within seven (7) days after entry of a MMP Order or Lender's registration on the MMP Portal, whichever occurs later, Debtor shall upload to the Portal: (1) Debtor's Initial MMP Package and (2) a copy of the MMP Order.

ii. *Payment of Portal and MMP Fee*. Within seven (7) days after entry of a MMP Order or Lender's registration on the MMP Portal, whichever occurs later, Debtor shall pay the following non-refundable fees: (1) the Portal submission fee directly to the Portal vendor; and (2) one-half (1/2) of the applicable MMP fee ($300.00) directly to the Program Manager.

iii. *Adequate Protection Payments*. Upon the entry of the MMP Order, unless otherwise ordered by the Court, Debtor shall make adequate protection payments to the Lender in an amount that is no less than 80 percent of the pre-petition principal and interest payment. If the Lender objects to the amount of the adequate protection payment, then after adequate notice the

Court shall hold a hearing to consider the objection. If the Debtor is required to direct adequate protection payments to a different address than the Debtor utilized prior to the filing of the bankruptcy case, the Lender shall promptly advise the Debtor of the correct address and any other requirements to ensure the proper posting and processing of the payments. In chapter 13 cases, the Debtor immediately shall file a motion and proposed order requesting the Court to authorize the Debtor to make payments to the specified payee at the specified address.

iv. *Document Submissions*. Upon the request of Lender through the Portal, Debtor shall promptly provide any additional documents requested by Lender or Program Manager and/or answer any questions.

c. Lender Duties Upon Commencement of MMP.

i. *Registration on Portal*. If not already registered, within fourteen (14) days after entry of the MMP Order, Lender and Lender's District of Columbia counsel (if any) shall register on the Portal and provide Lender's most current Initial MMP Package to the Program Manager, who will promptly post same on the Portal. Registration on the Portal is a one-time event, and once Lender and Lender's District of Columbia counsel (if any) are registered on the Portal, they will not have to re-register for each subsequent matter; however, Lender is responsible for providing any updates to Lender's Initial MMP Package if and as necessary.

ii. *Acknowledge Receipt of Initial MMP Package*. Within seven (7) days after Debtor submits Debtor's completed Initial MMP Package to Lender on the Portal, Lender shall on the Portal: (1) acknowledge receipt of Debtor's completed Initial MMP Package; and (2) designate its single point of contact and outside legal counsel (if any). The designated single point of contact and outside legal counsel (if any) shall have all requisite authority (within the investor's guidelines) to settle any and all issues that may arise during the MMP Period.

iii. *Payment of MMP Fee*. Within seven (7) days after Debtor submits Debtor's completed Initial MMP Package, Lender shall also pay one-half (1/2) of the applicable non-refundable MMP fee ($300.00) directly to the Program Manager. In the event that the Program Manager fee is not paid through the Portal online payment system, Lender shall pay an additional $25 processing fee to the Program Manager.

iv. *Process Debtor's Application*. Upon receipt of Debtor's Initial MMP Package, Lender shall promptly review Debtor's Initial MMP Package to determine Debtor's eligibility for any loss mitigation options which may be available to Debtor. In the event that Lender shall require additional (or corrected) documentation, Lender shall promptly notify Debtor through the Portal of such requirements and promptly respond to Debtor's submissions thereof as well as any inquiries made by the Debtor.

v. *Servicer Transfer*. In the event that Lender transfers a loan subject to the MMP, if not already registered, within fourteen (14) days after transfer of a loan subject to the MMP, Lender and Lender's District of Columbia counsel (if any) shall register on the Portal. Lender shall promptly provide a copy of the MMP Order to the new holder of the loan (the "Successor Lender"), and the Successor Lender shall be obligated to comply with all terms of the MMP Order and these MMP procedures. Without limiting the generality of the foregoing, Successor Lender shall accept all documentation and information previously accepted by the original Lender. Further, Lender shall file an Notice Substituting MMP Lender (substantially in the form of Local Official Form MMP-03) and transfer the submission on the Portal to the Successor Lender; provided, however, nothing herein shall prevent the Debtor or Program Manager from doing so in lieu of Lender.

d. Program Manager Duties.

i. *Document Preparation System*. Program Manager shall be responsible for providing and maintaining the Document Preparation System.

ii. *Portal*. Program Manager shall be responsible for providing and maintaining the Portal.

iii. *MMP and System Education*. Program Manager shall be familiar with the rules and procedures of this MMP and be able to advise Debtors and Creditors about the basic procedures for participation therein including their respective responsibilities thereunder. Without limiting the generality of the foregoing, Program Manager shall be able to direct users to the relevant provisions of the MMP as well as where Debtors and Lender can access the required forms and documents. Program Manager shall also provide free training on the use of the Document Preparation System as well as the Portal.

iv. *Loan Modification Monitoring*. Program Manager shall monitor all Portal communications between Debtor and Lender to ensure that each party is performing its obligations and duties as required by the MMP including without limitation:

1. Confirming that the Debtor has provided the correct Initial Package;
2. Facilitating the communication and document exchanges between Lender and Debtor to ensure that the loss mitigation review is proceeding in accordance with the terms and deadlines of the MMP;
3. Tracking and monitoring the deadlines for each party;
4. Preparing for, scheduling, and conducting MMP Conferences; and
5. Reporting to the Court any non-compliance with the terms of the MMP by any of the Required Parties. In the event of any non-compliance, Program Manager shall file a Certificate of Non-Compliance with the Court in form substantially similar to Local Official Form MMP-04. Said Certificate of Non-Compliance shall

provide details of the Required Party's non-compliance together with sufficient supporting evidence documenting such non-compliance for the Court's review. Upon the filing of the Certificate of Non-Compliance, the Court, at its discretion, may schedule a hearing on notice to the Debtor and the Lender to resolve the issues identified by the Program Manager.

v. *Outside Mediators and Foreclosure Experts*. The Program Manager may retain skilled mediators and loss mitigation experts to assist in its duties hereunder at no additional charge to the Debtor or Lender.

8. MMP Process.

a. Duration.

i. *Initial Duration*. The MMP Period initially shall be 120 days from the date of the MMP Order unless otherwise specified in the MMP Order.

ii. *Extension*. A request to extend the MMP Period shall be made by way of a Motion to Extend the MMP Period (substantially in the form of Local Official Form MMP-05). A proposed order (substantially in the form of Local Official Form MMP-06) and a complete and current printout of the account history from the Portal shall be attached to the Motion. A request to extend the MMP shall be served on all Required Parties. The deadline for objecting to a request to extend the MMP is fourteen (14) days from the service of the motion, plus three (3) additional days if the service is only by mail. Where a timely objection is filed, the Court may schedule a hearing to determine whether granting the relief requested is appropriate under the circumstances.

iii. *Early Termination*. A request to terminate the MMP Period prior to its expiration shall be made by way of a Motion to Terminate the MMP (substantially in the form of Local Official Form MMP-07). A proposed order (substantially in the form of Local Official Form MMP-08) and a complete and current printout of the account history from the Portal shall be attached to the Motion. A request to terminate the MMP shall be served on all Required Parties. The deadline for objecting to a request to terminate the MMP is fourteen (14) days from the service of the motion, plus three (3) additional days if service is only by mail. Where a timely objection is filed, the Court may schedule a hearing to determine whether granting the relief requested is appropriate under the circumstances.

b. MMP Conferences.

i. *Scheduling*. In the event that Debtor and Lender are not able to reach mutually agreeable terms, then upon consultation with the parties and their attorneys (if any), the Program Manager shall fix a reasonable date and time for the MMP Conference and shall give the parties at least seven (7) days advance written notice of the date and time of the MMP Conference. The Program Manager shall report the scheduling of the MMP Conference on

the Portal. Program Manager may (in its sole discretion) schedule multiple MMP Conferences.

ii. *Appearances*. Attendance at the MMP Conference is mandatory. All Required Parties shall appear at the MMP Conference virtually unless otherwise agreed to by the parties or directed by the Program Manager.

1. *Debtor Represented by Attorney*. If Debtor is represented by an attorney, then Debtor, Debtor's attorney, and any co-obligor, co-borrower, or other third party obligated on the note or deed of trust, may participate in the MMP Conference by videoconference.

2. *Translator*. Debtor shall provide a foreign language interpreter (if necessary) at Debtor's own expense.

3. *Lender*. Lender shall appoint a designated representative to appear on behalf of the Lender.

4. *Settlement Authority*. All parties attending the MMP Conference shall be ready, willing, and able to sign a binding settlement agreement at the MMP Conference and have the ability to scan, send and receive documents by facsimile, email or other electronic means at the time of the MMP Conference.

iii. *Failure to Appear*. In the event that a Required Party fails to appear at a scheduled MMP Conference, Program Manager may file a Certificate of Non-Compliance with the Court in form substantially similar to Local Official Form MMP-04. The Court reserves the right to treat such non-compliance as a failure to act in good faith under the MMP.

9. **MMP Completion**.

a. Trial Loan Modification Agreement. If the parties reach a trial loan modification agreement, but not a final loan modification agreement, then within fourteen (14) days after the parties reach such agreement, Debtor shall file a Motion to Approve Trial Loan Modification Agreement (substantially in the form of Local Official Form MMP-09) and submit to the Court a proposed Order Granting Motion to Approve Trial Loan Modification Agreement (substantially in the form of Local Official Form MMP-10). The Court may grant such relief on an *ex parte* basis.

b. Final Loan Modification Agreement. If parties agree to a final or long-term loan modification, the Debtor shall file a Motion to Authorize the Loan Modification Agreement (substantially in the form of Local Official Form MMP-11) and submit to the Court a proposed Order Granting Motion to Authorize the Loan Modification Agreement (substantially in the form of Local Official Form MMP-12), which shall be served immediately on any applicable trustee and all creditors whose claims are secured by liens against the Eligible Property. The motion shall contain a detailed analysis of the proposed loan modification. A copy of the loan modification agreement shall accompany the motion. In a chapter 13 case, the proposed order shall include the following provisions, where applicable:

i. If the loan modification approved by the Court impacts the provisions of the Debtor's chapter 13 plan, a modified plan shall be filed within fourteen (14) days of the entry of the order approving the loan modification It is the responsibility of the Debtor to promptly obtain Court approval of the modified plan.

ii. If the loan modification approved by the Court results in a material change in the Debtor's expenses, the Debtor shall file an amendment to the impacted schedules reflecting income and expenses (Schedules I and J) within fourteen (14) days of the entry of the order approving the loan modification.

c. Additional Terms.

i. *No Dismissal*. Dismissal of the bankruptcy case shall not be made a requirement of an agreement reached through the MMP.

ii. *Consent*. Consent to the resolution shall be acknowledged in writing by an authorized representative of the Lender, the Debtor, and the Debtor's attorney, if applicable.

iii. *Court Review and Approval*. MMP participants shall seek the Court's authorization to enter into any agreement reached during the MMP process, including, but not limited to, a stipulation, sale, plan of reorganization, amended plan of reorganization, or loan modification, by way of a motion to the Court. Where a Debtor is represented by counsel, a resolution may be authorized by the Court without further notice, or upon such notice as the Court directs. Where a Debtor is not represented by counsel, prior to authorizing a resolution the Court may conduct a hearing at which the Debtor shall appear. To be authorized by the Court, a proposed resolution must be in the best interests of the debtor and the bankruptcy estate.

iv. *Permanent Modification*. In the event a Debtor satisfies all payment obligations and any other material obligations under a trial/interim loan modification order, the Lender shall extend an offer to enter into a final loan modification agreement within fourteen (14) days of receipt of the last interim payment.

10. **MMP Fees**.

a. Compensation for Debtor's Counsel. Counsel for the debtor is entitled to receive reasonable compensation for all work involved in connection with the MMP process and shall file an application for either (i) allowance of attorney fees and costs with the Court on an hourly basis, **or (ii) a presumptively reasonable fee not to exceed $2,000, to be paid as an administrative expense**. These fees and costs are in addition to those fees and costs incurred in the representation of Debtor in the bankruptcy case. The presumptively reasonable fee shall include:

- Filing of the Motion and Order;
- Preparation of the Initial MMP Package

- Preparation of any additional forms which may be required throughout the MMP
- Submission of all documentation through the Portal
- Filing of other required pleadings and preparation of proposed orders and settlement papers, as applicable;
- Communicating with Lender and Program Manager, including communications through the Portal;
- Attendance at MMP Conferences and Court hearings; and
- Review of all modified loan documents.

b. Lender Fees. If a proposed MMP resolution provides for a Lender to receive payment or reimbursement of any fee, cost or charge that arose from the MMP process, all such fees, costs and charges shall be disclosed to the Debtor prior to approval of the resolution. Counsel for the Lender may be entitled to receive a reasonable fee for all work involved with the MMP and shall clearly delineate such fee in the MMP resolution or by amended proof of claim.

APPENDIX F