LOCAL RULES

OF THE

UNITED STATES BANKRUPTCY COURT

FOR THE

DISTRICT OF COLUMBIA

IN EFFECT AS OF January 5, 2022

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

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

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RULE 1001-1. SCOPE OF RULES; TITLE

(a) Scope of Rules and Title. These Rules govern practice and procedure in the United States Bankruptcy Court for the District of Columbia, referred to in these Rules as the "Court." These Rules supplement the Federal Rules of Bankruptcy Procedure. They may be cited as the "Local Bankruptcy Rules" or "LBRs" and an individual rule may be cited as "LBR" (or, to distinguish the Rule from other districts' rules, "D.C. LBR"). The rules governing bankruptcy proceedings in the District Court are set forth in the D.Ct.LBRs found in Appendix B.

(b) Cross-References. Local Bankrutpcy Rule 5005-4 (Electronic Filing); LBR 9029-1 (Suspension of Local Rules); LBR 9029-2 (Standing Orders); LBR 9029-3 (Local Rules—District Court).

PART I

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

RULE 1002-1. PETITION—GENERAL

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

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

(1) the case is one in which:

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

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

(2) the case is one in which:

(A) the petition is a voluntary Chapter 7 petition filed by a debtor who is an individual (or filed by spouses in a joint case); and

(B) the petition is accompanied by an application, signed by the debtor, on the appropriate Official Form for waiver of the filing fee.

(c) Cross References. Local Bankruptcy Rule 1007-1 governs the mailing matrix that must accompany the petition, and Fed. R. Bankr. P. 1007 addresses other documents that must accompany the petition.

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

(e) Alteration of Standard Bar Date Set by Court. If a party seeks to alter the standard bar date for filing proofs of claims in a Chapter 11 case (*see* Standing Order § 15, available on the court's website), a party shall with their petition file a motion to alter the standard bar date.

RULE 1004-1. PETITION—PARTNERSHIP

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

(1) a statement signed by a general partner stating that all general partners have consented to such filing; and

(2) a notice to all general partners who have not signed the petition (or the consent to the involuntary petition):

(A) giving notice of the date on which the voluntary petition or the consent is being filed;

(B) attaching a copy of the voluntary petition (or of the consent to the involuntary petition); and

(C) bearing a certificate certifying that a copy of the notice has been mailed to all general partners who have not signed the petition (or the consent to the involuntary petition).

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

(a) Acceptable Forms of Tendering Payment. A fee required to be paid to the Clerk, pursuant to 28 U.S.C. § 1930(a) and the Appendix to § 1930 (Bankruptcy Court Miscellaneous Fee Schedule), and any other amount required to be paid to the Clerk, may be paid only:

(1) by cashier's check, certified check, or negotiable money order:

(A) issued by an FDIC-insured entity, or a credit union (as defined in § 19(b)(1)(A)(iv) of the Federal Reserve Act), or other entity recognized by the Clerk's Office to be a financially sound issuer; and

(B) made payable to "Clerk, United States Bankruptcy Court";

(2) by a member of the bar of the Court using a credit card in the electronic case filing system; or

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

(b) Attorney Required to Pay Filing Fee Triggered by Filing of a Paper. Unless the attorney's client obtains a waiver or deferral of the fee or authorization to pay the fee in installments,

an attorney (subject to any right of reimbursement from his client or the estate) is liable for any fee triggered by the filing of a paper.

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

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

(a) Requirement to File List of Creditors and Mailing Matrix. The debtor must file a List of Creditors and Mailing Matrix (which will serve as both the list required by Fed. R. Bankr. P. 1007(a)(1) or 1007(a)(2), and a mailing matrix):

(1) with the petition in a voluntary case; or

(2) within 14 days after entry of the order for relief in an involuntary case.

(b) Coversheet. An initial List of Creditors and Mailing Matrix must include a signed coversheet conforming to the form coversheet prescribed by the Clerk and posted on the Court's website. The coversheet must be dated and must contain a signed verification or declaration under 28 U.S.C. § 1746 establishing that the appended list is an accurate and complete listing of all entities required to be listed under Rule 1007(a)(1) or 1007(a)(2).

(c) Contents of List. The list appended to the coversheet must:

(1) list all entities required to be included on the list required by Fed. R. Bankr. P. 1007(a)(1) or 1007(a)(2) (the entities required to be listed on Schedules D, E/F, G, and H, as prescribed by the Official Forms);

(2) list the entities in alphabetical order of the names of the entities; and

(3) include, after the name of each entity, the address of the entity, including the postal ZIP Code.

(d) Format of List. The list appended to the coversheet must be submitted in the format (regarding font and so forth) set by the Clerk and posted on the Court's website.

(e) Obligation to File an Amendment to List of Creditors and Mailing Matrix. If the debtor discovers that an entity required to be listed under Fed. R. Bankr. P. 1007(a)(1) or 1007(a)(2) was omitted from the List of Creditors and Mailing Matrix (as amended by any amendment), or an entity was incorrectly listed thereon, the debtor must promptly file the appropriate type of amendment specified by LBR 1009-2.

(f) Cross-Reference. For the mailing list to be used for notices required to be sent to all creditors, and the right of a creditor to request to be added to that list, see LBR 2002-2 (Mailing List).

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

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

(a) an Amendment to the List of Creditors and Mailing Matrix complying with LBR 1009-2, or

(b) a statement conforming with Local Official Form No. 12 that the schedule:

(1) does not add any entity not included on the existing List of Creditors and Mailing Matrix (as amended by any amendments that have been made thereto); and

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

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

If a creditor's claim is listed on a schedule or amended schedule as disputed, contingent, or unliquidated, and the case is pending in Chapter 11, then:

(a) within 14 days after the filing of the first schedule or amended schedule that so lists the creditor's claim (or within 14 days after the case was converted to Chapter 11, if later), the debtor must file and serve on the creditor a notice of the listing and a certificate of service complying with LBR 5005-3; and

(b) the notice must state that the creditor has a right to file a proof of claim by the later of the bar date that would otherwise apply or 28 days after the date of mailing of the notice, and that the creditor's failure timely to do so may prevent the creditor from voting upon the plan or participating in any distribution thereunder.

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

(a) General Requirement. Except as provided in paragraph (b), the debtor in a Chapter 11 case must file with the list required by Fed. R. Bankr. P. 1007(a)(3) a separate mailing matrix listing the names and addresses of the equity security holders, identified as a mailing matrix of equity security holders, utilizing the format specified by the Clerk for the mailing matrix required by LBR 1007-1(a), and accompanied by a coversheet attesting to the accuracy of the mailing matrix.

(b) Exception. If there are no more than 10 equity security holders in the case, the debtor may include those entities on the mailing matrix required by LBR 1007-1(a) with an appropriate

modification to the LBR 1007-1(b) coversheet indicating that the mailing matrix also includes on it the names and addresses of the equity security holders required by Fed. R. Bankr. P. 1007(a)(3) to be included on the separate list of equity security holders.

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

(a) At least 7 days before the date of the meeting of creditors under 11 U.S.C. § 341, the debtor must:

(1) separately file, with a cover sheet conforming with Local Official Form No. 9, copies of all payment advices or other evidence of payment received by the debtor from any employer within 60 days before the filing of the petition; and

(2) mail copies of the filed documents to any creditor who, at least 14 days before the date of the meeting of creditors under 11 U.S.C. § 341, has filed a request to receive such copies.

(b) The debtor must redact from the copies filed under paragraph (a)(1) any information entitled to privacy protection under Fed. R. Bankr. P. 9037.

(c) To protect against disclosure to the general public of information entitled to privacy protection under Fed. R. Bankr. P. 9037, the Court's electronic case filing system, upon the filing being docketed using the correct docketing event, will permit the documents filed under paragraph (a)(1) to be viewed by only:

(1) the trustee (if any);

(2) the Office of the United States Trustee;

(3) the debtor;

(4) the debtor's attorney; and

(5) the Court and Court staff,

but the docket entry will be a matter of public record and reflect the filing of the documents.

(d) If the debtor has received no payment advices or other evidence of payment from any employer within 60 days before the filing of the petition, the debtor must, by the deadline set forth in paragraph (a)(1), file a statement (utilizing Local Official Form No. 9) that the debtor received no such statements.

RULE 1007-6. ADOPTION OF INTERIM RULE 1007-I

Interim Rule 1007-I is adopted as a Local Bankruptcy Rule.

RULE 1009-1. AMENDED SCHEDULES

(a) Requirement to Amend Schedules. A debtor must promptly file an amended schedule whenever the existing schedule is materially inaccurate or whenever the debtor adds or changes the name or address of an entity required to be on the LBR 1007-1(a) mailing matrix.

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

(1) an Amended Summary of Schedules that:

(A) indicates as to each required schedule whether an amendment is attached and indicates as to each amended schedule the number of sheets attached; and

(B) sets forth the dollar amounts on the debtor's schedules as amended by the attached amendments to the schedules; and

(2) a signed declaration under penalty of perjury, attesting to the number of sheets of amended schedules, and attesting that the Summary and the schedules, as amended, are true and correct to the best of the debtor's knowledge, information, and belief.

(c) Amendments to Schedule D, E/F, G, or H. When a debtor amends Schedule D, E/F, G, or H, the debtor must comply with LBR 1007-2 (requiring the filing of a LBR 1009-2 amendment to the mailing matrix or a statement explaining why no amendment is needed).

(d) Amended Schedules in a Chapter 11 Case That Treat Creditor's Claim as Disputed, Contingent, or Unliquidated. Local Bankruptcy Rule 1007-3 governs an amended schedule in a Chapter 11 case that lists a creditor's claim as disputed, contingent, or unliquidated.

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

(a) Requirement to File Separate and Distinct Amendments for the Four Different Types of Amendments to List of Creditors and Mailing Matrix. When a debtor amends the LBR 1007-1(a) List of Creditors and Mailing Matrix, the four different types of amendment (which must be filed separately and distinctly from one another) are:

(1) to add entities;

(2) to delete entities;

(3) to change the address of an entity; and

(4) to change the name of an entity.

(b) Coversheet. An Amendment must include the form of coversheet (prescribed by the Clerk and posted on the Court's website) that applies to the particular type of Amendment to the List of Creditors and Mailing Matrix being filed. The coversheet must be dated and must contain a signed verification or declaration under 28 U.S.C. § 1746 establishing that the mailing matrix, as amended by the attached list, is an accurate and complete listing of all entities required to be listed under Fed. R. Bankr. P. 1007(a)(1) or Fed. R. Bankr. P. 1007(a)(2) (and additionally, in a case converted to Chapter 7, under Fed. R. Bankr. P. 1019).

(c) Contents of List Appended to an Amendment's Coversheet. The list appended to the coversheet to the Amendment must:

(1) list the entities who, as the case may be, are being added, deleted, having an address changed, or having a name changed;

(2) list the entities in alphabetical order of the names of the entities; and

(3) include after the name of each entity, the address of the entity, including postal ZIP Code.

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

(d) Format of List. The list appended to the Amendment's coversheet must be submitted in the format (regarding font and so forth) set by the Clerk and posted on the Court's website for the list to be appended to an initial List of Creditors and Mailing Matrix under LBR 1007-1(a).

(e) Notice to Entities Affected by an Amendment (Other Than Entities Being Deleted from the List of Creditors and Mailing Matrix). The party filing the Amendment must file, separate from the Amendment, a certificate of service complying with Local Official Form No. 13 reciting that the party has mailed by first class mail, to all entities affected by the Amendment (other than entities being deleted from the List of Creditors and Mailing Matrix):

(1) the notice of the commencement of the bankruptcy case;

(2) any notice from the clerk regarding conversion of the case;

(3) any notice of the meeting of creditors;

(4) any notice sent to all creditors regarding a deadline for opposing any motion not yet decided or any hearing not yet held;

(5) any notice to creditors of the deadline for filing any of the following:

(A) a proof of claim; and

(B) an objection to a disclosure statement not yet approved or to a plan not yet confirmed; and

(6) any currently proposed plan served on creditors or any already confirmed plan and the order confirming the plan, but the party need not mail a copy of the certificate of service of the plan to the affected entities.

(f) Requirement Either to Pay Fee Triggered by Filing of an Amendment or to File Certification That the Amendment Did Not Trigger a Fee. When an Amendment of the List of Creditors and Mailing Matrix, other than an Amendment changing only the addresses of previously listed entities, is filed, the filer must either:

(1) pay the fee imposed by the Bankruptcy Court Miscellaneous Fee Schedule (an appendix to 28 U.S.C. § 1930) (which is available on the Court's website under "Fees"), but need pay only one such fee for multiple documents filed on the same date to make amendments to the List of Creditors and Mailing Matrix or to the debtor's Schedules; or

(2) file a certification that no fee is owed because the Amendment:

(A) only changed the address of a creditor or an attorney for a creditor listed on the debtor's schedules;

(B) only adds the name or address of an attorney for a creditor listed on the schedules; or

(C) only relates to the debtor's initial schedule filed to comply with Fed. R. Bankr. P. 1019(5)(A)(i), (B)(i), (C)(ii), or (C)(iii) upon the conversion of a case to Chapter 7.

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

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

(1) the debtor must file with the amendment an amendment to the LBR 1007-4 mailing matrix for equity security holders in a Chapter 11 case (or to the LBR 1007-1(a) mailing matrix if equity security holders were included on that mailing matrix), accompanied by a coversheet (as in the case of an amendment under LBR 1009-2) that addresses the particular type of change; and

(2) the debtor must additionally mail to the equity security holder a copy of the amendment and copies of any notices that were mailed to equity security holders in the case.

RULE 1013-1. DISPOSITION OF INVOLUNTARY PETITION

Dismissal of an involuntary petition is governed by LBR 1017-2(a). Consents to an involuntary petition against a partnership are governed by LBR 1004-1.

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

(a) Unless otherwise ordered by the Court, a motion to convert a case under Chapter 7 to a case under Chapter 11, 12, or 13 pursuant to § 706(a) of the Bankruptcy Code requires no notice and opportunity for a hearing under Fed. R. Bankr. P. 9014 and no corresponding notice of opportunity to object under LBR 9013-1(b)(3).

(b) A motion to convert under § 706(a) must be served by first class mail on the Chapter 7 Trustee and the United States Trustee.

(c) The Court may enter an order converting a case on the motion of the debtor filed pursuant to § 706(a) without the necessity of a hearing if the following conditions are met:

(1) no opposition to the motion is filed within 7 days of its entry on the docket; and

(2) the Court determines based on the information available to it on the docket that there is no reason to believe the conversion is being undertaken in bad faith or, for a motion to convert to Chapter 13, that the debtor would be ineligible under 11 U.S.C. § 109(e) to be a debtor in Chapter 13.

RULE 1017-2. DISMISSAL OF CASE

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

(1) A disclosure by the moving party of the reasons dismissal is sought;

(2) The terms of any settlement reached with the debtor, including any consideration received; and

(3) A notice that any creditor may file objections or may join in the petition under 11 U.S.C. § 303(c).

(b) Automatic Dismissal Under 11 U.S.C. § 521(i). To dismiss a case under the automatic dismissal provisions of 11 U.S.C. § 521(i), a motion is required, and the notice of the motion may set a deadline for opposing the motion of 3 days after the filing of the notice. Unless the court orders otherwise, the motion must be filed within 21 days after the date on which the case became subject to automatic dismissal under § 521(i).

(c) Cross-Reference. For the effect of a motion to dismiss for failure to attend the meeting of creditors on certain bar dates, including the Fed. R. Bankr. P. 1017(e)(1) bar date for motions to dismiss for substantial abuse, see LBR 2003-1(b).

RULE 1019-1. CONVERSION OF CASE TO CHAPTER 7

(a) Form of Schedule Filed Under Fed. R. Bankr. P. 1019(5) Listing Unpaid Debt. A schedule filed under Fed. R. Bankr. P. 1019(5) that lists an unpaid debt must:

(1) list the name and address of the entity to whom the unpaid debt is owed; and

(2) state the nature and amount of the debt.

(b) Form of Schedule Filed Under Fed. R. Bankr. P. 1019(5)(C)(iii) of Executory Contracts or Unexpired Leases. A schedule filed under Fed. R. Bankr. P. 1019(5)(C)(iii) must:

(1) list the name and address (including ZIP Code) of each of the other parties to the executory contract or unexpired lease; and

(2) describe the contract or lease.

(c) Adding to Mailing Matrix Entities Scheduled Under Fed. R. Bankr. P. 1019(5). Upon filing a schedule (or amended schedule) of post-petition debts or post-petition executory contracts or post-petition unexpired leases under Fed. R. Bankr. P. 1019(5):

(1) the filer must file on the same date an amendment to the mailing matrix complying with LBR 1009-2 (consisting of a coversheet under LBR 1009- 2(b) and an attached list complying with LBR 1009-2(c) and (d)) in order to add to the mailing matrix the entities listed on the schedule; and

(2) if after conversion of the case and prior to docketing of the amendment to the mailing matrix required by the preceding paragraph (1), the Clerk has issued any notice under Fed. R. Bankr. P. 2002(f), then by the date of the filing of the supplemental mailing matrix, the debtor shall mail, by first class mail, to each entity listed on the schedule a copy of each such notice, and file a certificate of mailing.

(d) Statement That There Are No Unpaid Debts, Executory Contracts, Unexpired Leases, or Property to Schedule Under Rule 1019(5). If there are no unpaid debts, executory contracts, unexpired leases, or property to schedule under Fed. R. Bankr. P. 1019(5), then by the deadline for filing a schedule of such matters under Fed. R. Bankr. P. 1019(5), the debtor must file a verified statement or declaration under 28 U.S.C. § 1746 attesting to that fact.

PART II

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

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

(a) Scope of Rule. This Rule governs notices required under Fed. R. Bankr. P. 2002(a) regarding certain motions, applications, or proposed acts.

(b) Rule 2002(a) Notice of Period for Objections. Unless otherwise ordered by the court:

(1) General Requirement of 21-Day Deadline. Except as provided in paragraphs (2) and (3), a notice under Rule 2002(a) must conspicuously give the recipient notice that by the date (calculated by the movant) that is 21 days after the later of the date of filing or the date of service of the notice, the recipient must file an objection to the relief sought or the relief may be authorized without an actual hearing. **The add-three-days rule of Fed. R. Bankr. P. 9006(f) does not apply to computation of the 21-day period because the notice is of a specific deadline date.**

(2) Shortening Deadline for Opposition

(A) When a party files a notice (such as a notice of a proposed sale that does not require a motion under LBR 6004-1(c)), an application, or a motion to which Fed. R. Bankr. P. 2002(a) applies (a "Rule 2002(a) matter"), the party may file a motion seeking an order, for cause, to shorten the deadline for objecting to the relief sought.

(B) Unless the Court orders otherwise, the motion to shorten time must be served on any trustee in the case; the debtor; any party upon whom the movant was required to serve a Rule 2002(a) motion (such as a lienor who will be affected by a motion to sell property free and clear of liens); and, in Chapter 11, the United States Trustee.

(C) The notice of the opportunity to object to relief sought by the Rule 2002(a) matter must include:

(i) notice that the movant has filed a motion to shorten the time to object to the relief sought by the Rule 2002(a) matter (describing the Rule 2002(a) matter, the relief sought, and the new deadline requested);

(ii) notice that if the requested shortening of the deadline to object is granted, any opposition to the relief sought by the Rule 2002(a) matter must be filed by [the date that is the requested new deadline]; and

(iii) notice that, if the requested shortening of the deadline is denied, any opposition to the relief sought by the Rule 2002(a) matter must be

filed by [the date that is the deadline that will otherwise apply] or such other date as the court may fix.

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

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

(c) Content of Notice. The notice must substantially conform to Official Form No. 420A, and, in addition to the information required for specific notices, a notice:

(1) may state that if the Court determines that as a matter of law the explanation for an objection does not establish a valid basis for objection, the Court may proceed to dispose of the objection without a hearing;

(2) must contain sufficient information to enable a party in interest to make a reasonably well-informed decision whether to object to the action proposed in the notice;

(3) must state the address, telephone number, and email address of the party to be contacted if parties in interest have questions regarding the subject of the notice; and

(4) may not state that an objecting party must attend a Court hearing in support of any objection made.

Notice is sufficient under this paragraph if it is substantially in the form of Local Official Form No. 4.

(d) Service of Notice—General. A party serving a notice under this Rule must serve it based on the current mailing list maintained by the Clerk under LBR 2002-2.

(e) Limitation of Notice—Chapter 7. Unless otherwise directed by the Court, in a Chapter 7 case service of a notice to creditors under Fed. R. Bankr. P. 2002(a) is limited, as set forth in Fed. R. Bankr. P. 2002(h), to (1) creditors that hold claims for which proofs of claim have been filed, and (2) such other creditors who may file timely claims.

(f) Limitation of Notice—Chapter 11. In a Chapter 11 case, if an official committee of unsecured creditors has been appointed and the number of creditors exceeds 30, service of a notice under Fed. R. Bankr. P. 2002(a)(2), (3), or (7) may, at the option of the party giving notice, be limited to the debtor, any trustee, the United States Trustee, the members of all official committees (or committee counsel, if appointed), and to those creditors and equity security holders who have served on the debtor in possession (or the trustee when a trustee has been appointed) and filed a request under LBR 2002-1(j) that all notices be mailed to them.

(g) Limitation of Notice—Chapter 13. In a Chapter 13 case, notice of a professional's application for approval of compensation and reimbursement of expenses, except those sought pursuant to LBR 2016-5(A), which do not require separate application or service, need only be sent to the Chapter 13 Trustee, the debtor, the debtor's attorney (if different from the applicant), and creditors who have filed and served on the trustee a request under LBR 2002-1(j) to receive all notices in the case.

(h) Proponent to Give Notice. Except as stated elsewhere in the Bankruptcy Code, the Federal Rules of Bankruptcy Procedure, these Local Rules, or by order of the Court, the proponent of any action requiring notice governed by this Rule must transmit the notice, unless the Clerk determines to give the notice.

(i) Certificate of Service. Within 2 days after completion of service of a Rule 2002(a) notice, the entity that made service must file a certificate of service complying with LBR 5005-3.

(j) Entities Requesting to Receive All Notices. Any entity entitled generally to receive notices in the case who wishes to receive all notices under Fed. R. Bankr. P. 2002 must file a document styled "Request to Receive All Notices Under Rule 2002 in Case" which the Clerk must docket. The request must be served on the trustee or debtor in possession. The Clerk shall add the entity to the mailing list under LBR 2002-2 if it is not already on that mailing list.

(k) Hearing. In a proceeding to which this Rule applies, the Court may set a hearing if timely objection is filed to the proposed action or the Court otherwise deems a hearing appropriate. Other procedures governing the setting of a hearing are set forth in LBR 5070-1. The conduct of a hearing is governed by LBR 9073-1.

(l) Cross-References. Local Bankruptcy Rule 9013-1(c) governs the entities to be served with a motion itself as distinct from the entities to be given notice of the motion.

RULE 2002-2. MAILING LIST

(a) Mailing List for Notice to Creditors. The Clerk maintains in the Court's CM/ECF system (or such other entity as the Court shall direct shall maintain) a mailing list to be utilized whenever notice is required to be sent to all creditors. That mailing list consists of the names and addresses of entities listed on the LBR 1007-1(a) mailing matrix, as modified by any supplemental mailing matrix, and as further adjusted by the Clerk to take into account, for example, preferred addresses (as under 11 U.S.C. § 342(f) or Fed. R. Bankr.

P. 2002(g)(1)) that have been submitted, and addresses that result in mail being undeliverable.

(b) Mailing List for Notices to Equity Security Holders. In a Chapter 11 case, the Clerk maintains in the Court's CM/ECF system a separate mailing list for equity security holders unless the equity security holders were listed on the mailing matrix required by LBR 1007-1(a).

(c) Request to be Added to the Mailing List. An entity having an interest in the case may file a request to the Clerk to be added to the mailing list under paragraph (a) or (b) above, as the case may be. If the entity is a creditor, an equity security holder, or an attorney for any of the foregoing, the Clerk must add that entity to the mailing list, but otherwise the Clerk may exercise discretion whether to add the entity to the mailing list. A request under this LBR 2002-2(c) shall not suffice to comply with LBR 2002-1(j) regarding a creditor's request to receive all notices.

(d) Request to Change Address on the Mailing List. An entity may file a request directing how notices under Rule 2002 must be addressed to it and requesting that the list under LBR 2002-2(a) or LBR 2002-2(b), as the case may be, be changed accordingly.

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

Under 11 U.S.C. § 342(f), an entity may file with any bankruptcy court a notice of address, to be used by all bankruptcy courts or by a particular bankruptcy courts, to provide notice to such entity in Chapter 7 and 13 cases in which the entity is a creditor. Any § 342(f) notice of a preferred address must be filed with the National Creditor Registration Service (NCRS). Forms for registration of a preferred address are available at https://ncrs.uscourts.gov/.

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

(a) A request to continue a meeting of creditors must, except in extraordinary circumstances, be made in advance or at the meeting of creditors, and made as follows: in Chapter 13 cases to the standing Chapter 13 Trustee; in Chapter 7 cases to the interim Chapter 7 Trustee; and in Chapter 11 cases to the United States Trustee:

(1) Upon denial of or a failure to act upon the request, a motion may be filed with the Court.

(2) If the request is granted prior to the meeting of creditors, then within 3 days of receiving the new date and time for the meeting of creditors, the 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 complying with LBR 5005-3. Notice must be given in the form, if any, approved by the Clerk and posted on the Court's website.

(b) In cases under Chapter 7 or 11, if the debtor fails to appear at a meeting of creditors:

(1) any motion to dismiss on that basis is deemed to include a motion to enlarge the time, if not already expired, for objecting to discharge or moving to dismiss the case on other grounds, until the later of 60 days after resolution of the motion to dismiss or 60 days after resolution of any motion to vacate an order granting the motion to dismiss; and

(2) an order acting on the motion, unless it indicates otherwise, is deemed to grant such enlargement of time.

(c) If the debtor does not appear as required at the meeting of creditors under 11 U.S.C. § 341 or at a continuation of that meeting of creditors, the meeting is deemed not to have been concluded for purposes of Fed. R. Bankr. P. 4003(b).

RULE 2004-1. EXAMINATIONS

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

RULE 2014-1. APPLICATIONS TO EMPLOY PROFESSIONALS

Unless otherwise ordered by the Court, when a debtor in possession in a Chapter 11 case or a trustee in any case files an application to employ a professional, the application must include:

(1) a notice of opportunity to object to the application by the later of 21 days after the filing of the petition and 14 days after the date of filing of the application; and

(2) a certificate of service reflecting that the application was mailed to:

(A) the Office of the United States Trustee;

(B) any committee appointed in the case (or its counsel); and

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

RULE 2015-1. MONTHLY OPERATING REPORTS

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

RULE 2016-1. COMPENSATION OF PROFESSIONALS

(a) Applications of Professionals for Compensation and Reimbursement—Contents. Any professional seeking interim or final compensation for services and reimbursement of

expenses under 11 U.S.C. §§ 330, 331, or 503(b)(2) or (4) must file an application for compensation and reimbursement. In addition to the information specifically required by Fed. R. Bankr. P. 2016(a), the application must also include:

(1) the time period during which the services were performed;

(2) the date of any order authorizing the employment;

(3) the date and amount of any pending fee application, of any prior fee allowance, and of any retainer or payment;

(4) a brief narrative statement concerning the services performed, the total time spent performing the services, and the results achieved, including, in the case of an attorney, how the attorney's efforts have contributed to the estate (in light of its present status and the anticipated additional time and fees that will be necessary to conclude the case);

(5) if the applicant intends to seek compensation as both attorney and trustee, a recitation that fees are not being sought by the individual as attorney for work which is the responsibility of the trustee (it being advisable separately to list time spent as trustee);

(6) when the fees sought exceed $50,000, a summary or cover sheet that provides a synopsis of the following information:

(A) total compensation and expenses requested and any amount(s) previously requested;

(B) total compensation and expenses previously awarded by the Court;

(C) name and applicable billing rate for each person who billed time during the period, and date of bar admission for each attorney;

(D) total hours billed and total amount of billing for each person who billed time during the billing period; and

(E) computation of blended hourly rate for persons who billed time during period, excluding paralegal or other paraprofessional time;

(7) a chronological itemization of services performed which includes the date each service was performed, the amount of time spent in performing each service, and a narrative description of each service performed. If the itemization of services is extensive or complex, as in the case of multiple adversary proceedings or substantial contested matters, the chronological itemization must be done by project, dispute, or subject matter and include a summary setting forth the information required by paragraphs (6)(D) and (6)(E) above with respect to the time spent on such project, dispute or subject matter. Such "project billing" is presumptively required when the application seeks in excess of $50,000;

(8) a separate document styled "List of Each Day on Which an Employee Spent More Than 12 Hours" listing each employee who is billing for more than 12 hours in a given day, the amount of time the employee is billing and the tasks performed for that day;

(9) an itemization of actual, necessary expenses incurred:

(A) stating that, except for expenses listed in the amount charged by the vendor of the service or item to the applicant, each charge is in an amount reflecting the applicant's ordinary rate of charge and indicating what the ordinary unit rate of charge is for each separate category of service (e.g., photocopying and facsimile transmission or receipt charges); and

(B) when charges are made for travel and related expenses, itemizing each travel expense (including the class of travel), with each hotel and meal expense separately stated and limited to an amount that is charged for a class other than luxury, deluxe, or first class; and

(10) when an attorney seeking interim compensation was employed by the Chapter 7 Trustee, the application must additionally include the following:

(A) a summary of the status of the case, including, to the best of the applicant's knowledge, the projected date for the trustee's final report;

(B) an estimate of the funds that will be available to unsecured creditors; and

(C) the amount of funds then on hand in the Chapter 7 case.

(b) Notice. Notice of an application for compensation and reimbursement of expenses is governed by LBR 2002-1. When Fed. R. Bankr. P. 2002(a) does not require service on creditors (because of the small amount applied for), a notice as described in LBR 2002-1 must be served on the debtor, the debtor's attorney (if different from the applicant), the trustee, and, in cases under Chapter 7 or 11, the United States Trustee.

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

(a) Required Disclosures. In complying with Fed. R. Bankr. P. 2016(b), an attorney shall provide in the statement required by 11 U.S.C. § 329 the additional information elicited by Local Form No. 10 regarding services to be provided and details regarding the services covered by a flat fee versus those covered by an hourly rate.

(b) Sanctions for Failure to Make Timely Fed. R. Bankr. P. 2016(b) Disclosure. Failure to make timely disclosure under Fed. R. Bankr. P. 2016(b) may lead to disallowance of compensation and disgorgement of fees.

(c) Disclosing Payment Received From a Source Already Disclosed or a Deposit for Payment of Fees. The requirement under Fed. R. Bankr. P. 2016(b) that an attorney disclose any payment of fees or arrangement for payment of fees extends to:

(1) any payment received even if the initial Fed. R. Bankr. P. 2016(b) statement disclosed the source of future payment of fees; and

(2) any deposit made with the attorney for possible payment of fees, but a statement need not be filed disclosing a receipt of a payment authorized by order of the Court.

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

(e) Postpetition Deposit of Property of the Estate for Eventual Payment of Fees. After the commencement of a case, an attorney may accept a deposit of estate funds to be held in the attorney's trust account to be used for possible payment of attorney's fees, but only if the debtor and the attorney have agreed in writing that, until otherwise ordered by the Court, the funds remain subject to the debtor's direction and control.

RULE 2016-3. COMPENSATION OF DEBTOR OR DEBTOR'S OFFICERS, PARTNERS, AND DIRECTORS IN CHAPTER 11

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

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

(1) listing the names of the individual(s) who, depending on the type of debtor involved, are:

(A) the debtor, if the debtor is an individual;

(B) members of the debtor partnership;

(C) the officers and directors of the debtor corporation; and

(D) other insiders drawing compensation from the debtor; and

(2) listing as to each individual listed in paragraph (1);

(A) the position and duties of the individual; and

(B) the rates of compensation of the individual:

(i) at the point of 90 days prior to the filing of the petition;

(ii) at the time of the filing of the petition; and

(iii) as of the time the statement is filed.

RULE 2016-4. ADMINISTRATIVE CLAIMS OF ENTITIES OTHER THAN PROFESSIONALS

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

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

(2) administrative taxes.

RULE 2016-5. COMPENSATION FOR DEBTOR'S COUNSEL IN CHAPTER 13 CASES.

(a) Presumptively Reasonable Fee. Debtor's counsel 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 of the conditions and requirements set forth herein.

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

(2) (A) Amount. Total compensation for Debtor's counsel 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 counsel 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 counsel 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).

(A) Services Included. Services included in the presumptively reasonable fee set forth in (A)(2)(i), 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 Rules;
(iv) Serving copies of all filed plans on creditors and interested parties as required by the Code, the Bankruptcy Rules, and these Local 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 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 § 1328 certifications with the bankruptcy court;
(xvi) Filing a statement regarding the completion of a course in personal financial management if required by Federal Rule of Bankruptcy Procedure 1007(b)(7) (or subsequent rules) and a motion for entry of discharge (if appliable);

(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 Rules, and procedures.

(B) 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 counsel's Bankruptcy Rule 2016(b) disclosure.

(C) 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 counsel. Debtor's counsel shall not withhold legal advice or service in the bankruptcy case from the debtor because of lack of payment and may 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 (A)(2) is presumptive only, the Court may, in its discretion, or upon request of the debtor, the chapter 13 trustee, the U.S. Trustee, a creditor, Debtor's counsel, 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 counsel'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 Rule and pursuant to Bankruptcy Rule 2016(a), 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), 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 will retain 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) days period for such a determination.

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

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

(1) the clerk of any court where the debtor is a party to a pending civil action and all parties of record;

(2) chambers of any judge specially assigned to a pending civil action in which the debtor is a party;

(3) the clerk of an appellate court considering an appeal regarding a civil action; and

(4) parties handling a non-judicial foreclosure, including where applicable any auction company and any trustee on the deed of trust.

RULE 2090-1. ADMISSION OF ATTORNEYS TO PRACTICE

(a) Attorneys Authorized to Practice Pursuant to DCt.LCvR 83.2. Attorneys may practice before this Court, as a unit of the District Court, in accordance with DCt.LCvR 83.2 (Practice By Attorneys) (with any certificate regarding appearance as sole or lead counsel in a contested evidentiary hearing or trial on the merits required by DCt.LCvR 83.2(b) to be filed with the Clerk of the District Court in a form prescribed by that Clerk), but:

(1) DCt.LCvR 83.2(h) (Entry and Withdrawal of Appearance) is supplanted by LBR 9010-1, 9010-2 and 9010-3; and

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

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

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

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

(2) subsection (b)(1)(iii) is modified to strike the words "and Criminal" and have added after the words "Professional Responsibility" the following: "and have knowledge of the Bankruptcy Code, the Federal Rules of Bankruptcy Procedure, the Local Bankruptcy Rules, and such other statutes or rules that may be or become applicable to bankruptcy cases and proceedings";

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

RULE 2090-2. COURT-APPOINTED REPRESENTATION

Attorneys who are members in good standing of the Bar of the United States District Court for the District of Columbia are urged whenever requested by the Court to assist or represent parties who

cannot afford to retain counsel to represent them in bankruptcy matters before this Court and, if necessary, without compensation unless exempted by rule or statute.

RULE 2090-3. ATTORNEYS REPRESENTING INDIGENT PARTIES

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

RULE 2090-4. BANKRUPTCY PRO BONO PANEL

(a) Attorneys who are members in good standing of the Bar of the United States District Court for the District of Columbia are urged whenever requested by the Court under LBR 2090-2 to assist or represent litigants who cannot afford to retain counsel to represent them in bankruptcy matters before this Court and, if necessary, without compensation unless exempted by rule or statute. As one way to assist attorneys in meeting this request, and in light of the need for attorneys to represent indigent pro se litigants in bankruptcy matters before this Court, the Court hereby establishes a Bankruptcy Pro Bono Panel (the "Panel") of attorneys who are members in good standing of the Bar of the United States District Court for the District of Columbia (and of attorneys who are otherwise eligible to practice before this Court pursuant to LBR 2090-3), and who have agreed to accept pro bono appointments to represent indigent parties in bankruptcy matters before this Court. Members of the Bar of the United States District Court for the District of Columbia are urged to volunteer to serve on this Panel.

(b) The following procedures shall govern the assignment of attorneys from the Bankruptcy Pro Bono Panel to represent pro se parties who cannot obtain counsel by any other means:

(1) Bankruptcy Task Force. The Bankruptcy Court shall appoint a Bankruptcy Task Force, which shall include private practitioners and government attorneys who are members of the District of Columbia Bar and who practice in this Court, to oversee the Bankruptcy Pro Bono Panel established herein and annually report to the Court and to the D.C. Circuit Judicial Conference Standing Committee on Pro Bono Legal Services on the operation of the Panel.

(2) Bankruptcy Pro Bono Panel.

(A) Attorneys, law firms, and clinical legal education programs ("Clinics") at law schools accredited by the American Bar Association that are willing to accept appointment to represent indigent pro se parties in bankruptcy matters may apply to join the Panel. Application forms shall be available from the Clerk. Each application must set forth, among other things:

(i) in the case of a law firm, the name of an attorney in the firm designated as the Panel Liaison, to whom orders of appointment may be directed;

(ii) that the individual attorney, Panel Liaison, or supervisor of the Clinic is a member in good standing of the Bar of the United States District Court for the District of Columbia or eligible to practice pursuant to LBR 2090-3;

(iii) the attorney's prior bankruptcy representation and/or trial experience;

(iv) whether the attorney, law firm, or Clinic has the ability to consult and advise in languages other than English;

(v) the number of cases per calendar year that the applicant is willing to accept; and

(vi) any particular experience or interest of the applicant that should be considered when assigning bankruptcy matters, as well as any types of bankruptcy matters to which the applicant desires not to be assigned.

(B) Information on an application may be amended at any time by letter to the Clerk. An attorney, law firm, or Clinic may by letter withdraw from the Panel at any time.

(3) Appointment of Counsel. When documentation or other evidence is submitted certifying that a pro se party cannot afford to retain counsel by other means, the Court may, whether by application of the pro se party, or otherwise, refer such party to an attorney from the Panel for representation. The referral should be made taking into account:

(A) whether the party is a party (or prospective party) in an adversary proceeding or a contested matter;

(B) the nature and complexity of the action;

(C) the potential merit of the pro se party's claims or defenses;

(D) the degree to which the interests of justice will be served by appointment of counsel, including the benefit that the Court may derive from the assistance of the appointed counsel; and

(E) any other relevant factors.

(4) Appointment Procedure.

(A) Whenever the Court concludes that the services of pro bono counsel are warranted, the Court shall issue a referral ("Referral Form") to the Clerk requesting an assignment from the Panel to represent the pro se party. The Court may suggest a specific attorney from the Panel to receive the referral

or may advise the Clerk to attempt to select an attorney with particular expertise or experience.

(B) Upon receiving the Referral Form, the Clerk shall select a member of the Panel. In making the selection, the Clerk shall take into consideration the experience and preferences of Panel members regarding specific types of cases and the equitable distribution of cases among Panel members.

(C) The Clerk shall contact the Panel attorney and, if that attorney is interested and available, so advise the Court. The Court will then enter an order (the "Appointment Order") directing the appointment of the attorney, subject to the attorney's right under paragraph (5)(B)(ii), below, and directing the Clerk to send a copy to the Panel attorney of the Appointment Order, this Rule and any pleadings, relevant correspondence or other documents not readily accessible from the Court's electronic docket.

(5) Acceptance of Appointment by Appointed Attorney.

(A) Upon receiving the Appointment Order, and unless a conflict of interest is apparent from the materials obtained through the Court's electronic docket or sent by the Clerk under paragraph (b)(4) above, the appointed attorney shall promptly communicate with the pro se party regarding the proceeding. Such communication shall include exploration of any actual or potential conflicts of interest and, if the absence of any conflicts can be established, whether the party has meritorious claims and/or defenses to raise, and whether the dispute can be resolved more appropriately in other forums or by other means.

(B) After any such consultation with the pro se party, the appointed attorney shall, within 14 days of entry of the order of appointment or within such other time ordered by the Court for good cause shown, file either:

(i) a notice of appearance by the appointed attorney (and by any other attorney in the appointed attorney's law firm or Clinic who will also represent the party) pursuant to LBR 9010-1(d); or

(ii) a notice declining representation and, to the extent possible, the justification.

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

(i) the attorney has been relieved of the assignment by the Court according to the provisions of this Rule and LBR 9010-2;

(ii) the proceeding has been dismissed;

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

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

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

(D) Limits of Representation.

(i) Notwithstanding LBR 9010-3, an attorney accepting an appointment pursuant to this Rule shall not be required to represent the party in any other matter or proceeding.

(ii) However, the appointed attorney may upon agreement with the party submit a proposed order amending the earlier appointment order to reflect an expansion of the proceedings for which representation is being provided.

(iii) The appointed attorney is not required to pursue an appeal on behalf of the party from any adverse order or judgment of the Court, but, pursuant to paragraph (ii) above, the Court may expand the attorney's representation to include representation of the party with respect to part or all of the pursuit of an appeal. By way of illustration and not limitation, the Court may, upon the submission of a proposed order by the party's attorney, expand the appointment to include (1) the filing of a notice of appeal only; (2) the filing of a notice of appeal and the designation of the record and statement of issues presented on appeal required by Fed. R. Bankr. P. 8006, but not the appeal itself; or (3) the entire appeal, including representation of the party before the appellate court.

(6) Relief from Appointment.

(A) An appointed attorney may be relieved of an order of appointment, after acceptance of that appointment, only as provided in LBR 9010-2 or, where the appointment is with regards to a proceeding that is transferred to the District Court for the District of Columbia pursuant to an order withdrawing the reference to this Court, as provided in DCt.LCvR 83.11(b)(6).

(B) If an appointed attorney is relieved from an order of appointment, the Court may issue an order directing appointment of another attorney to represent the party, or may issue such other orders as may be deemed appropriate.

(7) Discharge of Appointment.

(A) A party for whom an attorney has been appointed shall be permitted to request the Court to discharge the attorney from representation and either attempt to appoint another attorney or allow the party to proceed pro se.

(B) When such a request is made, the Court may, in its discretion, forthwith issue an order discharging the attorney from further representation of the party in the action and may, in its discretion, refer the party to another attorney to undertake the representation pursuant to paragraph (b)(4). If a party requests discharge of a second attorney, no additional referrals shall ordinarily be made.

(8) Attorney Fees.

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

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

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

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

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

Rules governing withdrawal of an attorney's appearance are contained in LBR 9010-2.

PART III

CLAIMS AND DISTRIBUTION TO CREDITORS AND EQUITY INTEREST HOLDERS; PLANS

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

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

RULE 3007-1. OBJECTIONS TO CLAIMS

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

(1) state with particularity the grounds of the objection;

(2) set forth the relief requested;

(3) attach any affidavit (or 28 U.S.C. § 1746 declaration under penalty of perjury) or memorandum filed in support of the objection;

(4) attach a notice complying with paragraph (c);

(5) include the proposed order required by LBR 9072-1; and

(6) include a certificate of service complying with LBR 5005-3 and reflecting service as required by paragraph (e) below.

(b) Hearing When Objection Is Unopposed. When the creditor fails to respond to an objection to its claim and the claim constitutes prima facie evidence of the validity and amount of the claim under Fed. R. Bankr. P. 3001(f), the Court may set a hearing to take evidence to rebut the prima facie validity and amount of the claim unless the party filing the objection to claim has attached an affidavit or affidavits to the objection that suffice to rebut the prima facie validity of the claim or its amount.

(c) Notice. An objection to claim must include a notice, substantially conforming to Official Form B 420B with the following modifications:

(1) the notice shall not include the paragraph in Official Form B 420B directing the creditor to "Attend the hearing . . . .";

(2) the notice must advise that the creditor may attach any affidavits, documents, and other evidence the creditor wishes to attach in support of its claim; and

(3) the notice must advise the creditor that if as a matter of law, the response fails to set forth an adequate defense to the objection to the claim, the Court may rule on the objection without a hearing.

(d) Local Form of Notice. A notice complies with this Rule if it is substantially in the form of Local Official Form No. 6.

(e) Service. The objecting party must serve the objection in compliance with Fed. R. Bankr. P. 3007(a)(2), and additionally, in the case of a creditor that is the District of Columbia, by mailing a copy by first class mail to the Office of the Attorney General of the District of Columbia, with the envelope addressed to the attention of "Office of Attorney General, Bankruptcy Counsel."

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

RULE 3015-1. CHAPTER 13—PLAN

(a) Requirement for use of Local Chapter 13 Plan Form. In a case commenced on or after September 1, 2021 or in any case filing an amended or modified plan, the required Chapter 13 Plan (Local Official Form 14) must be used without alteration. The Form may be modified to permit minor changes not affecting wording or the order of presenting information, including changes that:

(1) expand the prescribed areas for responses in order to permit complete responses;

(2) delete space not needed for responses; or

(3) delete items requiring detail in a question or category if the filer indicates—either by checking "no" or "none" or by stating in words—that there is nothing to report on that question or category.

(b) Service. In a Chapter 13 case, the debtor or the attorney for the debtor must mail a copy of the debtor's plan, on the date of the plan, to all creditors and parties in interest, and complete the certificate of service that accompanies Local Official Form 14.

(1) However, notwithstanding the above, a plan that only increases payments to the trustee need be served only on the trustee.

(c) Notice of Deadline for Objections. The plan must include a conspicuous notice of the deadline for filing and serving an objection to confirmation of the plan upon the debtor, the debtor's attorney, and the Chapter 13 Trustee. Unless the Court approves notice of a different deadline, the deadline for a creditor to file and serve an objection to a plan is 7 days before the scheduled confirmation hearing.

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

SUSPENDED

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

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

(1) the Chapter 13 Trustee has recommended confirmation of the Chapter 13 plan, and either no objections to confirmation of that plan have been timely filed, or any that were timely filed have been withdrawn; or

(2) the Chapter 13 Trustee has objected to confirmation of the plan, and the trustee and any other entity who timely objected to confirmation of the plan have agreed to a continuance.

(b) SUSPENDED. Service of a chapter 13 confirmation order is now governed by Fed. R. Bankr. P. 2002(f)(7).

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

(a) A request to modify a confirmed plan shall be made by a motion that includes (1) conspicuous notice that objections to the motion must be filed and served within 21 days after the date of the motion, and (2) a proposed order that lists as recipients "all entities on the Bankruptcy Noticing Center mailing list."

(b) Unless the proposed modification solely increases or decreases monthly payments, the motion must attach the proposed modified plan,

(c) When a modified plan is attached to the motion, the proposed modified plan shall comply with LBR 3015-1, but the proposed modified plan need not be served on entities not adversely affected by the proposed modified plan.

RULE 3015-5. CHAPTER 13—DISTRIBUTIONS UNDER CHAPTER 13 PLAN

(a) Order of Distribution on Allowed Claims in Chapter 13 Cases. Unless otherwise stated in Section 9, entitled Non-Standard Provisions, of a confirmed Plan, the Chapter 13 Trustee shall make distributions in the order listed below:

(1) Trustee commission under 11 U.S.C. § 1326(b)(2).

(2) At the same time and pro rata, allowed unsecured claims for: (A) any domestic support obligations and other claims described under 11 U.S.C. § 507(a)(1); and (B) any administrative claims and other claims described under 11 U.S.C. § 507(a)(2), including any Debtor's counsel fee approved pursuant to LBR 2016-5.

(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:

(D) Allowed secured claims for pre-petition arrears, designated to be paid under the Plan, in equal monthly amounts.

(E) Allowed secured claims, designated to be paid in full under the Plan, in equal monthly amounts at any specified interest rate.

(6) After payment of both allowed priority claims and allowed secured claims that are to be paid under the Plan, allowed general unsecured claims, meaning unsecured claims not entitled to priority.

(b) Alteration of Order of Distribution if Necessary, to Assure Payment of Allowed Secured Claims Within a Reasonable Time. If compliance with this rule will cause unreasonable delay under 11 U.S.C. § 1322(a)(5) or § 1325(a)(5)(B)(iii)(I) in the commencement of or completion of payments on an allowed secured claim, the Trustee may adjust the payments, or the secured creditor may apply for an order to alter the payment scheme.

RULE 3018-1. CHAPTER 11 PLANS—BALLOTS AND TALLY OF BALLOTS

(a) Filing of Ballots. The ballots must be filed prior to the confirmation hearing. Unless the court directs otherwise, (1) ballots must be filed electronically, and (2) the ballots shall be available at the confirmation hearing (unless the ballots have been filed electronically with a scanned image of the original signatures).

(b) Filing Tally of Ballots. The tally of ballots voting on a plan in a Chapter 11 case must be filed prior to the confirmation hearing. Unless the Court directs otherwise, the tally must be filed electronically. The tally must include as to each impaired class entitled to vote on a plan, (1) the respective dollar amounts of claims in the class (A) accepting the plan and (B) rejecting the plan, and the resulting percentage (based on dollar amounts) of claims accepting the plan; and (2) the respective numbers of claims in the class (A) accepting the plan, and (B) rejecting the plan, and the resulting percentage (based on the aggregate number of claims voting) that accepted the plan). A copy must be brought to the confirmation hearing.

(c) Retention of Ballots. Unless the ballots have been filed electronically with a scanned image of the original signatures, the ballots must be retained by the proponent of the plan for a period of five years after the filing of the ballots.

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

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

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

(a) For good cause, an individual debtor may move for the closing of a Chapter 11 case prior to the entry of a Chapter 11 discharge if the estate has been fully administered and any Chapter 11 Trustee has been discharged. If the estate has revested in the debtor or another entity and there has been substantial consummation under 11 U.S.C. § 1101(2), that may count as fully administered. Upon completion of all plan payments, the individual debtor may then move to reopen the case to seek the entry of a discharge under 11 U.S.C. § 1141(d)(5), except that:

(1) the disclosure statement and plan must clearly set out that the debtor may seek to close the case before the discharge and estimate when the case might be reopened for the grant of a discharge; and

(2) at the time the motion to reopen is filed, the debtor will be required to pay the required fee for filing a motion to reopen a Chapter 11 case.

(b) Pursuant to Fed. R. Bankr. P. 4006, at the time the case is closed, the clerk will give notice to all parties in interest that the individual debtor's case is closed without the entry of an order of discharge.

PART IV

THE DEBTOR: DUTIES AND BENEFITS

RULE 4001-1. RELIEF FROM THE AUTOMATIC STAY

(a) Title; Requirement of Separate Motion. In addition to complying with Fed. R. Bankr. P. 4001(a), each motion under 11 U.S.C. § 362(d) for relief from the automatic stay:

(1) must be filed separately from any other motion (other than a motion for relief from the co-debtor stay);

(2) must bear a title clearly identifying it as a motion for relief from the automatic stay;

(3) must bear a title that identifies any property involved, with (A) the street address of real property or (B) the make and model of motor vehicle or other tangible personal property;

(4) must be submitted with a proposed order that identifies any property involved as in the case of the motion itself.

(b) Discovery in Automatic Stay Litigation. The time to respond to a motion to shorten the time for responses to discovery requests shall be 7 days after the filing of a motion to shorten time, but conspicuous notice of that response time must be included with any such motion.

(c) Obtaining a Hearing Date for § 362(d) Motion.

(1) General. Prior to filing a motion for relief from the stay, the moving party may select a date and time from the Court's website for the hearing from the dates that are available or contact the Courtroom Deputy for an alternative date and time.

(2) Preserving Right to Insist That Hearing Date be Within 30 Days of Filing of Motion. If the moving party believes that a hearing date within 30 days of the intended date of the filing of the motion is not being made available, and the moving party will not consent to the hearing date being held on an available date that is beyond that 30 days, then:

(A) the moving party must file and serve with its motion for relief from the automatic stay a notice certifying (subject to the requirements of Fed. R. Bankr. P. 9011(a)) that the Clerk failed to make available a hearing date within the 30-day period specified by 11 U.S.C. § 362(e) and demanding that the Court make available a hearing date, of the Court's choosing, that is within 30 days of the date on which such motion for relief from stay is filed;

(B) the Clerk must, on such written notice being filed, make available at least one hearing date and time of the Clerk's choosing that is within the indicated 30-day period; and

(C) upon the Clerk's issuing notice of the hearing date and time chosen by the Clerk, the moving party must within 1 day thereafter file and serve on the other parties to the motion a notice that the hearing on its motion will be held on the date and at the time specified by the Clerk.

(d) Filing of Notice of § 362(d) Hearing with Motion. Except as provided in paragraph (c)(2) above, the moving party must file and serve, with the motion, a notice of the motion and notice of hearing (which complies with this Rule and LBR 9013-1). For clarity, the notice of motion and notice of hearing may be included in a single document with the Motion for Relief, in a single attachment to the Motion for Relief, or be docketed separately either in a combined document or as two separate documents. The moving party will be deemed to have waived the 30-day automatic termination rule of 11 U.S.C. § 362(e) if the hearing date chosen by the moving party is more than 30 days after the motion is filed with the Court or if the moving party fails to file the required notice of hearing.

(e) Conditions to Granting Motion as Unopposed in a Chapter 7 Case. In a Chapter 7 case, when the movant seeks to enforce a security interest in collateral, and the Chapter 7 Trustee has not consented to the motion or filed a report of no distribution, the motion will not be granted against the Chapter 7 Trustee as not timely opposed by the Chapter 7 Trustee unless the movant has included proof of perfection with the motion.

(f) Obligation to Disclose Payment History. If a motion seeking relief from the automatic stay includes as a ground for relief failure to make post-petition payments, then at least 7 days prior to the hearing, the movant shall file and serve upon the debtor's counsel (or the debtor, if pro se) a statement showing a history of payments received post-petition.

(g) Inapplicability of Rule 55 and the Servicemember's Civil Relief Act. Unless the Court otherwise directs, neither Rule 55 nor the Servicemember's Civil Relief Act of 2003 applies with respect to the granting of an unopposed motion for relief from the automatic stay.

(h) Cross-References. Local Bankruptcy Rule 9013-1 sets forth the general requirements for motions, which are applicable as well to motions under Fed. R. Bankr. P. 4001(a) (and other motions under Fed. R. Bankr. P. 4001). Local Bankruptcy Rules 5070-1, 5071-1, 9070-1, and 9073-1 govern hearings. Local Bankruptcy Rule 9014-1 makes certain Part VII (Adversary Proceedings) rules applicable.

RULE 4003-1. OBJECTIONS TO EXEMPTIONS

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

substantially conforming to Official Form B 420A, advising the debtor conspicuously that either:

(1) within 21 days of filing of the objection, the debtor must file and serve an opposition to the objection, which may include supporting documents and other evidence and if no opposition is filed, the Court may sustain the objection; OR

(2) provides notice of the objection, applicable response deadline, and hearing date and time either selected from the available dates on Court's website or obtained from the Courtroom Deputy.

(b) Notice is sufficient if substantially in the form of Official Form B 420A or Local Official Form No. 7.

(c) A reply to an opposition may be filed within 7 days after the filing of the opposition.

(d) Cross-References. For the effect of the debtor's failure to attend a meeting of creditors on the computation of the bar date for objecting to exemptions, see LBR 2003-1(c). Local Bankruptcy Rules 5070-1, 5071-1, 9070-1, and 9073-1 govern hearings. Local Bankruptcy Rule 9014-1 makes certain Part VII (Adversary Proceedings) rules applicable.

RULE 4004-2. OBJECTIONS TO DISCHARGE

(a) Dismissals. The dismissal of an adversary proceeding in which there has been an objection to discharge is governed by LBR 7041-1.

(b) Cross-Reference. For the effect of a debtor's failure to appear at the meeting of creditors on the computation of the bar date for filing a complaint objecting to discharge, see LBR 2003-1(b).

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

Pursuant to § 1328(a), when the Debtor has completed all payments required to be paid to the Trustee under the terms of the confirmed plan, the Trustee shall file a Notice of Plan Completion with the Court, and serve it upon the Debtor and Debtor's Counsel. The Debtor must file a Motion for Entry of § 1328(a) Chapter 13 Discharge and Notice of Deadline, and Opportunity to Object within 90 days as of the filing of the Notice. Local Official Form No. 11 may be used for that purpose. Failure to timely file the Motion may result in the case being closed without entry of discharge.

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

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

PART V

COURT AND CLERK

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

(a) Requirement of Filing Fee. This paragraph governs papers that require a filing fee:

(1) LBR 1006-1 governs the permissible forms of payment of any required filing fee;

(2) LBR 1002-1(b) governs the Clerk's rejection of a petition for filing when it is unaccompanied by the filing fee; and

(3) the Court may strike any other filing if, after notice of failure to pay the filing fee, the required filing fee is not paid in the proper form.

(b) Filing in Clerk's Office. Unless otherwise directed by the Court, if an entity is not required under LBR 5005-4 to file a paper electronically and is filing the paper in paper form, the paper must be filed with the Clerk in the Clerk's Office (or in the overnight drop box after hours as set forth in paragraph (d)), and no paper may be (1) submitted to the Courtroom Deputy Clerk in open court for filing or (2) delivered or mailed to the judge for filing.

(c) Filing Documents Under Seal.

(1) Absent statutory authority, no paper may be filed under seal without an order of the Court. Any paper filed with the intention of it being sealed must be accompanied by a motion to seal. The document will be treated as sealed, pending the outcome of the ruling on the motion. If a motion to seal is denied, and unless the filer consented to the paper being filed in the event that the Court denied the motion to seal, the Clerk will return the paper by mail to the entity that filed the motion to seal. Failure to file a motion to seal will result in the paper being placed in the public record.

(2) Unless otherwise ordered or otherwise specifically provided in these Rules, all documents which are submitted for a confidential in camera inspection by the Court, which are the subject of a Protective Order, which are subject to an existing order that they be sealed, or which are the subject of a motion for such orders, must be submitted to the Clerk securely sealed in an envelope or box that accommodates the documents. The envelope or box containing such documents must contain a conspicuous notation that reads "DOCUMENT UNDER SEAL" or "DOCUMENTS SUBJECT TO PROTECTIVE ORDER" or the equivalent.

(3) The face of the envelope or box must also contain the number of the case, adversary proceeding or miscellaneous matter in which the paper is being filed; the title of the Court; a descriptive title of the document; and the caption for the case or adversary proceeding or miscellaneous matter caption, unless such information is to be or has been included among the information ordered sealed. The face of the envelope/box

must also contain the date of any order, or the reference to any statute permitting the item to be sealed.

(4) Filings of sealed materials must be made in the Clerk's Office during the business hours of 9:00 a.m. to 4:00 p.m. daily except Saturdays, Sundays, and legal holidays. No one may file sealed materials using the overnight drop box at the Third Street entrance to the Courthouse.

(d) Filing a Paper Using Overnight Drop Box. Subject to paragraph (a) regarding a petition that may be rejected for filing, and unless the paper is being filed under seal (or is sought to be filed under seal), a paper that is authorized to be filed in paper form may be filed, when the Clerk's Office is closed, by using the Bankruptcy Court's overnight drop box at the Third Street entrance to the Courthouse (which entrance is open 24/7) subject to the following provisions:

(1) the back of the last page of the document must be time-stamped using the Bankruptcy Court's time-stamp machine that is next to the overnight drop box;

(2) the document must be deposited in the overnight drop box in accordance with instructions of the Clerk of the Bankruptcy Court that are posted on the front of the overnight drop box;

(3) the document will be presumed filed as of the date and time-stamped on the back of the last page of the document (and the Clerk shall include a copy of that page showing a date and time-stamp as part of the document as filed electronically in the Electronic Case Filing system); and

(4) in the absence of a date and time stamp on the back of the last page of the document pursuant to paragraph (1) above, the document will be treated as filed when the Clerk retrieves the document from the overnight drop box and marks the document as filed.

(e) Correspondence With the Court. Except when requested by a judge, correspondence must not be directed by the parties or their attorneys to a judge, nor shall papers be left with or mailed to a judge for filing.

(f) Filings Made Shortly Before a Hearing. When a filing is made less than one full business day prior to a hearing, counsel must have two extra copies of the filing available for the Court's use at the hearing or deliver the two copies to chambers before the hearing.

(g) Cross-References. For the non-filing of discovery materials, see LBR 7026-1(b). For the requirement of filing a proposed order with papers, see LBR 9072-1. For special filing requirements relating to the petition and to the lists, schedules and statements, see LBRs 1002-1, 1007-1, and 1009-1. For special requirements regarding the captioning of motions for relief from the automatic stay, see LBR 4001-1(a).

RULE 5005-2. FORMATTING AND STYLE OF PAPERS

(a) Size of Papers; Print; Margins. Any paper filed:

(1) must be in black typographical print (doubled spaced except for notice or quotations);

(2) must be on opaque white paper, 8-1/2 inches wide by 11 inches long,

(3) must have a top margin of not less than 1 1/2 inches, except in the case of the first page of a proposed order (which requires a 3 inch top margin); and

(4) if filed in paper form:

(A) must be unfolded, without back or cover, and fastened at the top left corner only; and

(B) must include on any exhibit or attachment to the paper the number of the case or, if applicable, the adversary proceeding in which the paper is filed.

(b) Style. All papers filed must bear the caption required by the Official Bankruptcy Forms. Under the caption, the paper must contain a heading describing the nature of the pleading, motion, or other paper. Local Bankruptcy Rule 9072-1 governs the format of proposed orders.

(c) Notation of Date of Hearing. When a paper relates to a matter for which a hearing has been scheduled, the date and time of the hearing, if known, must be noted in the caption underneath the adversary proceeding number or (if not an adversary proceeding) underneath the case number. See, e.g., Local Official Forms Nos. 1 and 2.

(d) Names, Addresses, and Telephone Numbers of Entities and Attorneys. Papers filed by an entity not represented by counsel must contain the name, full residence or business address, and telephone number of the entity filing the paper. 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.

(e) Applicability of DCt.LCvR 5.1(c)(2). District Court Local Civil Rule 5.1(c)(2) applies to any paper signed by an attorney and presented to the Court.

(f) Change of Address. Unless changed by notice filed with the clerk, the address of a party or an attorney noted on the first filing by that entity in an adversary proceeding or contested matter shall be conclusively taken as the last known address of the party or attorney, but if

another party or the clerk utilizes an address for the entity appearing on a later filing, that shall constitute a proper address.

RULE 5005-3. CERTIFICATE OF SERVICE

(a) Requirement of Filing of Certificate of Service. Proof of service of papers required or permitted to be served, other than those for which a different method of proof is prescribed by these Rules, by the Federal Rules of Bankruptcy Procedure, or by statute, must be filed in the form of a certificate of service either attached to the paper served or docketed separately.

(b) Recitation of Manner of Service. The proof must show the date and manner of service on each entity served. Care must be taken that when the paper commences a contested matter that service of the papers complies with the Federal Rules of Bankruptcy Procedure: electronic service is not good service when a paper commences a contested matter.

(c) Recitation of List of Entities Served. The proof must list the names and addresses of persons served, including, where applicable, whom they represent, except that:

(i) when the paper has been served on all entities on the mailing list maintained by the Court, it suffices as to those entities to recite that those served included "all entities on the mailing list maintained by the Court on the Case Management, Electronic Case Filing system as that list appeared at :__ _.m. on [insert date]";

(ii) in an adversary proceeding, it suffices with respect to parties who have already entered an appearance on the record to recite that service was made on all counsel (including pro se parties) who have entered an appearance of record as of the date of service; and

(iii) in a contested matter, after the contested matter has already been commenced, the proof may recite with respect to attorneys who have registered to receive electronic notification that the paper was served on the attorney by electronic transmission (for example, by reciting that the paper was served "on the following via electronic notification through the Court's CM/ECF system: John Jones, Esq. (counsel for Debtor); . . . .").

(d) Execution of Certificate of Service. The certification of service must be made by:

(i) a certificate of an identified attorney of record (including an attorney filing papers under DCt.LCvR 83.2(c));

(ii) a certificate of a named member in good standing of the bar of this Court (with an indication of the attorney's bar identification number); or

(iii) an affidavit or a certificate under penalty of perjury pursuant to 28 U.S.C. § 1746 which identifies the signer.

(e) Effect of Failure to File a Certificate of Service. Failure to file a certificate of service does not affect the validity of service. The Court may at any time allow the proof to be amended or supplied, unless to do so would unfairly prejudice a party.

RULE 5005-4. ELECTRONIC FILING

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

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

(a) Original Signature Not Required; Electronic Docketing Constitutes Entry of Document. Each order, decree, judgment, notice, and other document filed electronically by the Clerk on the Court's electronic docket that bears a representation of signing by the judge, or by the Clerk, has the same force and effect as if the judge or the Clerk had signed a paper version of the document with an original signature. The electronic docketing of such a document constitutes entry on the docket kept by the Clerk under Fed. R. Bankr. P. 5003 and 9021.

(b) Text-Only Entries as Orders. Orders may also be issued as "text-only" entries on the docket, without an attached document. Such orders are official and binding.

(c) Summonses. The Clerk may sign, place a seal upon, and issue a summons electronically, although a summons may not be served electronically.

RULE 5070-1. CALENDARS AND SCHEDULING

(a) (1) Obtaining a Hearing Date for of 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 30 minutes, the parties should not use the dates on the Court's website and should 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.

(2) Form of Notice of Motion. The notice of the motion, application or objection should substantially conform to Official Form 420A and/or Local Official Form No. 3 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 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:

(b) Emergency Matters. When any motion, application, or objection requires the Court's immediate attention or an immediate hearing, the movant must file a separate one-sentence Praecipe Re Emergency Matter stating "The attached motion [or application or objection] requires a ruling by the Court no later than [insert date] for reasons set forth in [insert name of document explaining reasons]" or "The attached motion [or application or objection] requires a hearing before [insert date] for reasons set forth in [insert name of document explaining reasons]." The movant must explain the reasons an emergency exists in the motion, application, or objection itself or in a motion for an emergency hearing or ruling. Frivolous assertions of an emergency may result in sanctions under Fed. R. Bankr. P. 9011.

(c) Section 362(d) Motions. Local Bankruptcy Rule 4001-1(c) governs scheduling a hearing on a motion for relief from the automatic stay and sets deadlines for giving notice of the hearing.

RULE 5071-1. CONTINUANCES

(a) Motions for Continuances. Motions for continuances, except when made in open Court, must be in writing, and:

(1) must include a recital that the party has attempted to contact all other interested parties for their consent, and if a party does not consent, the lack of consent and the reasons therefor shall be noted in the motion(s);

(2) must state whether any previous requests for continuance have been made or granted and for what date the hearing was first scheduled;

(3) must state, if known, the dates on which the parties will be unavailable for a continued hearing; and

(4) must contain a certificate of service indicating service on the interested parties on or before the date of filing.

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

(b) Matters That Will Be Automatically Continued by Stipulation. Unless the Court has previously directed that further continuances will not be automatic, the following matters will be continued, but not for more than 120 days, to a date suitable to the Court, when all parties who have appeared in the matter stipulate to the continuance:

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

(2) a hearing on confirmation of a Chapter 13 plan (and only the debtor and all parties who have timely objected to the plan need to have agreed to the continuance);

(3) a Chapter 13 motion to dismiss; and

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

(c) Manner of Communicating Stipulation for Continuance. A stipulation for a continuance under paragraph (b) may be communicated to the Court:

(1) by filing a written stipulation continuing the matter and fixing a continued hearing date and time that has been obtained from the Courtroom Deputy Clerk;

(2) by filing a written stipulation that requests the Clerk to issue notice of a continued hearing date;

(3) by one of the attorneys contacting the Courtroom Deputy Clerk to advise the parties have agreed to a continuance, in which event, at the time of the scheduled hearing, the failure of any parties to appear in the courtroom will be taken as verifying that there was a stipulation, and the Courtroom Deputy Clerk will either issue a notice continuing the matter or will prepare a case hearing summary continuing the matter (with the filing of that case hearing summary constituting notice of the continued hearing date and time);

(4) by an oral statement by one of the attorneys at the hearing on the matter; or

(5) by the Chapter 13 Trustee filing a notice of a continued hearing on confirmation of a plan or on a motion to dismiss.

(d) Appearance at Hearing Required Unless Continuance Granted. Except as provided in paragraphs (b) and (c), and in LBR 3015-3(a) (regarding Chapter 13 confirmation hearings), the pendency of a motion to continue does not excuse the obligations of counsel under LBR 9010-4 regarding appearing at hearings.

(e) Continuances Based on Settlements. A matter may in the Court's discretion be taken off the Court's calendar because a settlement has been reached, but only:

(1) on written motion under paragraph (a) reciting that a written settlement signed by all parties and resolving all issues has been reached; or

(2) by representations of all counsel and any pro se parties in open Court at the time of the scheduled hearing.

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

(f) Counsel's Availability on Possible Continued Hearing Dates. Whenever an attorney appears at a hearing in the Court, the attorney must have a calendar of future engagements in order to assist the Court in fixing any continued hearing date.

(g) Meeting of Creditors. Continuance of a meeting of creditors is governed by LBR 2003-1(a).

PART VI

COLLECTION AND LIQUIDATION OF THE ESTATE

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

(a) Notice of Sale. In addition to the information required by Fed. R. Bankr. P. 2002(c) and LBR 2002-1 (concerning notices in general) a notice of a private sale not in the ordinary course of business must include:

(1) if an appraisal has been performed, the appraised value of the asset proposed to be sold, the date of the appraisal, and the name and address of the appraiser;

(2) if no appraisal has been performed, the scheduled value of the asset proposed to be sold;

(3) the purchaser's identity;

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

(5) all consideration paid and to be paid by the purchaser and the terms of payment.

(b) Notice of Use or Lease. Notice of a proposed agreement not in the ordinary course of business for the lease or use of estate property must include information similar to that required by paragraph (a).

(c) Uses, Sales, or Leases Authorized Without Court Order. Uses, sales, or leases not in the ordinary course of business that do not require a motion shall be deemed automatically authorized upon expiration of the notice period if no written objections have been filed with the Clerk. Notice of such a use, sale, or lease is sufficient if substantially as set out in Local Official Form No. 5. Any party in interest may request a certification by the Clerk that no objections to the notice have been filed, for which a certification fee shall be charged.

(d) Buyer's Premium. Any buyer's premium, break-up fee, topping fee, or similar arrangement is prohibited, unless Court approval is obtained.

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

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

(a) Even if the property of the estate has revested in the debtor in a Chapter 13 case, the debtor must seek court approval of a sale of property or refinancing of real property that is to be made prior to completion of plan payments.

(b) A debtor seeking approval for the sale or refinance of real property shall provide, to the Chapter 13 Trustee and to all creditors who have served on the trustee and filed a request that all notice be mailed to them, at least 21 days' notice of the opportunity to file an opposition to the motion seeking such approval, unless the notice period has been shortened or enlarged by the Court for cause shown.

(c) In addition to setting forth the information required by Fed. R. Bankr. P. 2002(c)(1), the notice shall state:

(1) the total proposed sale price or maximum amount to be secured by the refinancing, as the case may be, and, in the case of refinancing, the amount of existing secured debt to be paid thereby;

(2) the amount of the sale or loan proceeds to be applied to the debtor's obligations under the confirmed plan;

(3) whether such payment will result in full payment of all allowed claims; and

(4) if all allowed claims will not be paid in full, the amount of the sale or loan proceeds that will be paid to the debtor.

(d) If no opposition is timely filed, the court, in its discretion, may enter an order endorsed by the Chapter 13 Trustee approving the sale or refinancing without holding a hearing.

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

(a) Even if the property of the estate has revested in the debtor, the 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, unless such modification is provided in a Consent Order resolving a Motion for Relief from Stay.

(b) A debtor seeking approval for the modification of a mortgage on real property shall provide the Chapter 13 Trustee and any creditor who has filed a request for all notice in the case at least 21 days' notice of the motion seeking such approval unless the notice period has been shortened or enlarged by the Court for cause shown.

(c) The notice shall state:

(1) all terms of the modification including the term, principal, interest rate and any future payment changes or balloon payments that will occur during the term of the Chapter 13 plan;

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

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

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

(d) If no opposition is timely filed, the court, in its discretion, may enter an order endorsed by the Chapter 13 Trustee approving the loan modification.

RULE 6005-1. AUCTIONEERS

LBR 2016-1 governs compensation of auctioneers.

RULE 6006-1. EXECUTORY CONTRACTS AND UNEXPIRED LEASES

(a) Notice Required. A notice of a motion under Fed. R. Bankr. P. 6006(c) shall be served on the entities specified by that rule and on:

(1) any committees elected under § 705 or appointed under § 1102 of the Code or to their authorized agents, or, if the case is a Chapter 11 case and not committee or unsecured creditors has been appointed under § 1102, on the creditors included on the list filed under Rule 1007(d);

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

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

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

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

RULE 6007-1. ABANDONMENT

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

(b) Abandonment by Notice.

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

(2) Effect of Lack of Objection. If no objection is timely filed under Fed. R. Bankr. P. 6007(a) to a notice of a proposed abandonment (or disposition) of property of the estate, the property shall be deemed abandoned (or the disposition authorized) without the necessity of court order. On motion of a party in interest, accompanied by a proposed order and without the necessity of notice under LBR 9013-1, the court shall enter an order confirming that property has been abandoned when property has been abandoned by notice.

(c) Abandonment.

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

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

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

RULE 6070-1. TAX REFUNDS

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

PART VII

ADVERSARY PROCEEDINGS

RULE 7003-1. ADVERSARY PROCEEDING COVER SHEET

Any complaint or other document initiating an adversary proceeding that is not electronically filed shall be accompanied by a completed adversary cover sheet conforming to Director's Bankruptcy Form B 1040.

RULE 7004 -1. SERVICE ON DEBTOR'S COUNSEL

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

RULE 7005-1. ADDRESSES FOR SERVICE OF PAPERS

LBR 5005-2(d) governs the address for serving papers on an entity after serving on that entity the complaint commencing the adversary proceeding (or, in a contested matter, the paper commencing the contested matter).

RULE 7015-1. AMENDED PLEADINGS

DCt.LCvR 15.1 applies in the Bankruptcy Court.

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

> *A motion for leave to file an amended pleading shall attach, as an exhibit, a copy of the proposed pleading as amended.*

RULE 7024-1. INTERVENTION

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

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

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

RULE 7026-1. DISCOVERY—GENERAL

(a) Discovery Materials. DCt.LCvR 5.2 applies to all contested matters and adversary proceedings.

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

(c) Motions to Compel Discovery and Other Discovery Disputes: Conference of Counsel Required. Counsel (including any pro se party) must confer with one another concerning a discovery dispute (other than a failure to respond at all to written discovery or a failure to appear for deposition) and make sincere attempts to resolve the differences between them. The Court will not consider any discovery motion unless the moving party has filed a certificate reciting (1) the date and time of the discovery conference, the names of all persons participating therein, and any issues remaining to be resolved, or (2) the moving party's attempts to hold such a conference without success.

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

(e) Application of Provisions of Fed. R. Civ. P. 26(f). The requirement of a conference of the parties set out in Fed. R. Civ. P. 26(f) applies.

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

Note: DCt.LCvR 5.2 (Filing of Discovery Requests and Responses) provides:

(a) NONFILING OF DISCOVERY MATERIALS.

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

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

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

(c) FILING FOR PURPOSE OF APPEAL.

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

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

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

RULE 7030-1. DEPOSITIONS

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

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

Service of a notice of deposition seven days in advance of the date set for taking the deposition shall constitute "reasonable notice" to a party as required by Fed. R. Civ. P. 30(b), unless the deposition is to be taken at a place more than 50 miles from the District of Columbia, in which case 14 days shall constitute reasonable notice. The computation of time under this Rule shall be governed by Fed. R. Civ. P. 6. 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 Fed. R. Civ. P. 32(a), prohibiting the use of depositions against certain parties who with due diligence are unable to obtain counsel to represent them, or against parties with less than 14 days' notice who file a motion for protective order.

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

RULE 7041-1. DISMISSAL OF ADVERSARY PROCEEDING

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

(b) Dismissal for Failure to Prosecute. DCt.LCvR 83.23 applies to adversary proceedings in the Bankruptcy Court.

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

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

RULE 7054-1. ALLOWANCE OF COSTS

A party seeking an allowance of costs must file a bill of costs within 21 days after the entry of a final judgment, order, or decree in favor of the party.

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

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

RULE 7055-1. DEFAULT—FAILURE TO PROSECUTE

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

(b) Requirements for Default Motion. All motions for default judgment must recite whether the opponent has appeared, either informally or formally, and be accompanied by any notice required by paragraph (d), and must 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) Time for Response to Default Motion. When a party seeks default judgment against an entity who has appeared, either formally or informally, conspicuous notice must be given that an opposition may be filed within 7 days of service of the motion. When an opponent has not appeared, no notice need be provided and the movant may request the Clerk to bring the motion to the Court's immediate attention.

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

RULE 7056-1. SUMMARY JUDGMENT

DCt.LCvR 7(h)(1) applies in the Bankruptcy Court except that the requirement for responsive pleadings to include a proposed order is eliminated. For purposes of summary judgement motions in the Bankruptcy Court ONLY, the third sentence thereof (underlined below) shall be replaced with the following.

> Each such motion and opposition must also contain or be accompanied by a memorandum of points and authorities as required by LCvR 7(a) and (b). Further, each motion shall be accompanied by a proposed order as required by LCvR 7(c).

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

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

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

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

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

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

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

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

RULE 7065-1. INJUNCTIONS

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

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

(a) APPLICATIONS FOR TEMPORARY RESTRAINING ORDERS.

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

* * *

(c) APPLICATIONS FOR PRELIMINARY INJUNCTIONS.

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

(d) HEARINGS ON APPLICATIONS FOR PRELIMINARY INJUNCTIONS.

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

RULE 7067-1. REGISTRY FUND

(a) All monies paid into the Court or received by the Clerk in any case or proceeding must be deposited by the Clerk in the registry of the Court. Except when the Clerk determines in the case of an unclaimed distribution that the small amount of the distribution does not warrant it, all deposits in the registry of the Court are subject to the provisions of DCt.LCvR 67.1 (Court Registry Investment System) as though the reference in that Rule 67.1 to "Court" and "Clerk" are to the Bankruptcy Court and its Clerk.

(b) Any claimant entitled to withdraw such monies from the registry of the Court may, on motion filed and served on the United States Attorney and the U.S. Trustee and full proof of the right thereto, including in the case of unclaimed distributions deposited under 11 U.S.C. § 347(a) notarized proof of identity, obtain an order directing payment to the claim.

PART VIII

APPEALS TO DISTRICT COURT

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

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

PART IX

GENERAL PROVISIONS

RULE 9001-1. DEFINITIONS

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

RULE 9006-1. COMPUTING AND EXTENDING TIME

(a) Computing Time When Deadline is a Specific Date. Unless the Court directs that this LBR 9006-1(a) does not apply, if an order or notice sets a specific date for performing an act, and if the date set by the notice or order is a Saturday, Sunday, legal holiday, or day on which the Clerk's Office is inaccessible, the date set for performing the act becomes the next day on which the Clerk's Office is accessible and that is not a Saturday, Sunday, or legal holiday.

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

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

(d) Court's Authority to Shorten Time. Pursuant to Fed. R. Bankr. P. 9006(c)(1) (and subject to the limitations of that rule), the Court, in its discretion, may order for cause shown, with or without motion or notice, that the period for opposing a motion (or an objection to exemptions, objection to claim, or application) be reduced, and may approve (implicitly or expressly) a notice that gave notice of a deadline to file an opposition that differs from the deadline that would otherwise apply.

RULE 9008-1. PUBLICATION

DCt.LCvR 83.22 applies in the Court.

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

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

RULE 9010-1. ENTRY OF ATTORNEY'S APPEARANCE

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

(1) mailing address;

(2) telephone number;

(3) bar identification number; and

(4) e-mail address.

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

(b) Appearance on Behalf of Debtor in Meeting of Creditors, Rule 2004 Examination, or Deposition. If an attorney represents the debtor at a meeting of creditors, Rule 2004 examination, or deposition, and no other attorney has entered an appearance on behalf of the debtor, that representation shall constitute an entry of appearance and the attorney must file a notice of appearance prior to the meeting, examination, or deposition.

(c) Acts Not Constituting an Appearance. The following acts do not constitute an appearance by an attorney:

(1) filing a proof of claim;

(2) filing a Fed. R. Bankr. P. 2002(g) request;

(3) casting a ballot accepting or rejecting a plan;

(4) casting a ballot in an election of a trustee under §§ 702 or 1104(b)(1);

(5) except as provided in paragraph (b), participating in a meeting of creditors on behalf of a party other than the debtor or in a meeting of a committee of creditors or a committee of equity security holders;

(6) filing a § 1111(b) election;

(7) filing a rule 2016(b) statement when the attorney has provided service to the debtor but does not intend to enter an appearance for the debtor; or

(8) making a bid at an auction sale held in a case.

(d) Notice of Appearance of Counsel. When an attorney enters an appearance in a proceeding for a party who previously has been represented by another attorney (or by the party pro se), that new attorney must file a notice of appearance.

(e) Appearance at a Hearing. An attorney who has not entered an appearance may not participate in a hearing on behalf of a client until the attorney files with the Courtroom Deputy Clerk at the hearing a notice of appearance.

(f) Effect of Appearance on Requirements Regarding Service on Client in Other Contested Matters or Adversary Proceedings. Except as provided by LBR 9010-3 (representation of a debtor), an appearance by an attorney does not alter, or impose additional requirements with respect to, service of papers under Fed. R. Bankr. P. 7004 and 9014. The attorney may, however, apply for an order imposing additional requirements regarding such service.

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

(a) Withdrawal of Appearance by Notice of Substitution of Attorney. An attorney may withdraw an appearance in the specified matter(s) by filing a notice of withdrawal signed by the attorney and the party represented if:

(1) no trial date has been set with respect to the specific matter(s) for which withdrawal is to be effected; and

(2) another attorney has previously or contemporaneously entered an appearance on behalf of the client.

(b) Withdrawal of Appearance by Motion. DCt.LCvR 83.6(c) governs withdrawal of an appearance by motion except that:

(1) the motion must identify the specific matter(s) as to which withdrawal is sought; and

(2) the requirement of service "upon all parties to the case" means:

(A) all parties to the contested matter or adversary proceeding or other specific matter involved; and

(B) in the case of an attorney representing the debtor or debtor-in-possession or trustee, means additionally the debtor, the United States Trustee and any trustee in the case.

(c) Requirement of Separate Withdrawal in Each Adversary Proceeding. When an attorney seeks to withdraw as counsel in an adversary proceeding, the withdrawal papers must be filed in the adversary proceeding itself. An order in the main case authorizing the attorney's withdrawal does not constitute a withdrawal in the adversary proceeding.

(d) Ruling on Motion to Withdraw Appearance. DCt.LCvR Rule 83.6(d) (Ruling on Motion to Withdraw Appearance) applies to motions for leave to withdraw.

Note: DCt.LCvR 83.6(c) and 83.6(d) provide:

(c) WITHDRAWAL OF APPEARANCE BY MOTION.

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

(d) RULING ON MOTION TO WITHDRAW APPEARANCE

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

RULE 9010-3. REPRESENTATION OF A DEBTOR

(a) Effect of Entry of Appearance as Counsel for Debtor on Requirements Regarding Service Upon the Debtor. When an attorney is deemed under paragraph (b)(1) of this Rule to be representing the debtor generally in the case, and without regard to any limits on representation under paragraph (b)(2)(A), the attorney is deemed to be the debtor's attorney for purposes of Fed. R. Bankr. P. 7004(g).

(b) Extent of Representation of Debtor Required by Entry of Appearance. This Rule governs how long an attorney must continue to represent a debtor or debtor-in-possession.

(1) General Rule. Except as provided in subparagraph (2) below, the filing of a petition in bankruptcy by an attorney on behalf of a debtor, or the subsequent entry of an appearance on behalf of the debtor by an attorney, constitutes an entry of an appearance on behalf of the debtor in all matters arising during the administration of the case until the case is closed, including adversary proceedings, contested matters, the meeting of creditors, Fed. R. Bankr. P. 2004 examinations, and disclosure statement and confirmation hearings.

(2) Exceptions. The following exceptions apply to paragraph (1).

(A) Allowable Limitation of Representation by Agreement. An attorney may reduce the scope of representation of the debtor (thereby limiting the extent of counsel's appearance) by filing a statement under Fed. R. Bankr. P. 2016(b) disclosing a written agreement with the debtor to such limitation as long as the agreement meets the minimum scope of representation set forth below:

(i) In a case under Chapter 7, representation of an individual debtor must continue until the date of discharge (or denial of discharge) and continue as to any matter pending at the time of the discharge, except that representation may exclude adversary proceedings if counsel's Fed. R. Bankr. P 2016(b) Statement discloses an agreement with the debtor to exclude adversary proceedings and the debtor has consented in writing to that limitation.

(ii) In a case under Chapter 7, representation of a non-individual debtor continues until closing of the case.

(iii) In a case under Chapter 11, representation of a debtor continues until entry of a Final Decree.

(iv) In a case under Chapter 12 or 13, representation of a debtor continues until the earlier of: 120 days after entry of an order confirming the debtor's plan, or dismissal of the case and expiration of the time for seeking an enlargement of the time for taking an appeal.

(v) If a case is converted to a case under another chapter, the Rule under the latter chapter governs.

(B) Withdrawal by Notice When Substitute Counsel Has Entered Appearance. An attorney for a debtor may file a notice of withdrawal under LBR 9010-2(a).

(C) Withdrawal by Motion for Cause. An attorney for a debtor may file a motion to withdraw for cause under LBR 9010-2(b).

(D) Limited Appearance When Another Attorney Is Already Representing Debtor Generally. When one attorney has already entered an appearance for the debtor and is representing the debtor as to all matters, another attorney may limit representation to specific matters.

RULE 9010-4. OBLIGATION OF ATTORNEY TO ATTEND HEARINGS

(a) General Requirement. Except as provided in paragraph (b):

(1) an attorney who has entered an appearance in a case or an adversary proceeding on behalf of a client must attend all hearings relating to the matter for which an appearance has been entered (and not withdrawn under LBR 9010-2); and

(2) an attorney for a debtor (whose appearance has not been withdrawn under LBR 9010-2) must attend all hearings relating to matters affecting the debtor.

(b) Exceptions. An attorney need not attend a hearing if:

(1) the client has expressly instructed the attorney not to appear and the attorney so notifies the Court and other counsel in writing before the hearing;

(2) the attorney has filed a paper stating that the client has no objection to, or does not oppose, the relief requested, or the attorney has endorsed without objection a proposed order (or a stipulation such as a stipulation of dismissal) that has been docketed and that would resolve the matter without the necessity of a motion or notice regarding approval of the proposed order;

(3) the attorney has been excused by the Court;

(4) the hearing is only a scheduling conference and the attorney has provided another counsel appearing at the scheduling conference with the attorney's views regarding the topics set forth in Fed. R. Civ. P. 16(b), together with available dates for any further conferences before trial and for trial;

(5) the attorney has arranged with the Courtroom Deputy Clerk's consent to be available by telephone and appears by telephone;

(6) the hearing is being automatically continued by stipulation under LBR 5071-1(b) via a stipulation communicated to the Court, under LBR 5071-1(c), before or at the hearing;

(7) a motion for approval of a proposed settlement of the matter has been filed; or

(8) another attorney represents the party at the hearing.

RULE 9010-5. CURRENT INFORMATION

(a) Duty to Keep Current Information on File. Counsel and parties appearing without counsel must file and maintain a statement of current address and telephone number in every case in which such person appears. This obligation continues until the case is closed.

(b) Excusable Neglect. Should any person fail to maintain a current address with the Clerk and as a result, either for lack of response or lack of an appearance, the court enters an order dismissing any affirmative claim for relief or enters a judgment by default or otherwise against such person or such person's client, the failure to maintain a current address shall not be considered excusable neglect.

RULE 9011-1. ATTORNEY CONTACT INFORMATION

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

RULE 9013-1. MOTION PRACTICE

(a) Multiple Requests for Relief in Same Motion Paper. Multiple requests for unrelated relief may be sought in the same written motion. When a motion requests multiple forms of related relief the title of the motion and proposed order must clearly identify the requested relief and must be docketed using each applicable CM/ECF docketing event and pay any applicable fees.

(b) General Procedure for Motions.

(1) Grounds and Proposed Order. All motions must (i) state with particularity the factual and legal grounds therefor (including, without limitation, references to any applicable sections of the Bankruptcy Code, Federal Rules of Bankruptcy Procedure, or Local Rules), (ii) set forth the relief or order sought, (iii) must be accompanied by a proposed order conforming with LBR 9072-1, and a certificate of service complying with LBR 5005-3. The proposed order should be docketed as an exhibit or attachment to the motion and not as a separate docket entry unless that separate entry is ONLY to file a previously omitted or deficient proposed order to a motion.

(2) Optional Supporting Materials. A memorandum of facts and law may be filed with or combined with a motion. Supporting affidavits or documents entitling the movant to the relief requested may be filed with a motion.

(3) Required Notice. Except as provided in paragraph (E), a motion commencing a contested matter, or a motion filed within an adversary proceeding must include or be accompanied by a conspicuous notice of the opportunity to oppose the motion:

(A) Content of Notice. The notice must conform substantially to Official Form B 420A and/or Local Official Form No. 3.

(B) When the notice is included in the motion, (i) the notice shall be included prior to the motion, each with a separate title; (ii) the title of the motion must include a reference to the notice as in Official Form B 420A and/or Local Official Form No. 3, or (iii) the notice must appear immediately following the title of the motion.

(C) Impermissible Content of Notice. Unless otherwise ordered by the Court, a notice may not compel an opposing party to attend a Court hearing in support of the opposition.

(D) Suggested Form of Notice. Notice is sufficient if in substantially the form of Official Form B 420A or Local Official Form No. 3.

(E) Exceptions to Requirement of Notice. No notice is required under this LBR 9013-1(b)(3) when the motion is:

(i) a motion governed by the notice rules of LBR 2002-1(b);

(ii) a debtor's motion;

(I) to extend the time to file papers required under Fed. R. Bankr. P. 1007;

(II) to extend the time for objecting to discharge or filing complaints to determine the nondischargeability of a debt or for filing a reaffirmation agreement;

(III) to reopen the case in order to file a financial management certificate and obtain issuance of a discharge; or

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

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

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

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

(4) Deadline for Opposition. If a notice is silent as to the deadline for objections or unless LBR 2002-1(b) applies to the motion, within 17 days of filing of the motion (or such other time as provided by the Fed. R. Bankr. P. or by order), the party upon whom the motion is served must file and serve an opposition containing a complete specification of the factual and legal grounds upon which the motion is opposed.

(5) Default. If no opposition is timely filed, the Court may grant a motion without a hearing and/or cancel a previously scheduled hearing. For clarity, if a hearing on

an uncontested motion is not cancelled by the parties or the Court, the Court will hold the hearing.

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

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

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

(c) Entities to be Served.

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

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

(A) the debtor;

(B) the debtor's attorney (if any);

(C) the United States Trustee in chapters 7 and 11;

(D) all parties that to the movant's actual knowledge have asserted any concern as to or would be directly adversely affected by the outcome of the particular motion or have or claim any interest in (as opposed to an unsecured claim against) any property that is the subject of the motion;

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

(F) chair and counsel for any appointed committees.

(3) Motions under 11 U.S.C. § 1121(d) to reduce or extend the periods of 11 U.S.C. § 1121(b) and (c) (the exclusivity periods for filing a plan and gaining acceptances) must be served on the persons specified in paragraph (2) above and if no committee of unsecured creditors has been appointed, the creditors listed on the list filed under Fed. R. Bankr. P. 1007(d).

(d) Cross-References. Special rules for motions for relief from the automatic stay are set forth in LBR 4001-1. Local Bankruptcy Rules 5070-1, 5071-1, 9070-1, and 9073-1 govern hearings. Emergency motions requiring the Court's immediate attention, or an emergency hearing are governed by LBR 5070-1(b). Proposed orders must be submitted with motions as provided by LBR 9072-1. Exceptions to certain parts of this Rule apply under LBR 2004-1 to motions for Fed. R. Bankr. P. 2004 examinations. Local Bankruptcy Rule 9014-1 makes certain Part VII (Adversary Proceedings) Rules applicable.

RULE 9014-1. CONTESTED MATTERS

(a) Local Bankruptcy Rules 7004-1, 7005-1, 7026-1, 7030-1, 7041-1(b), 7054-1, 7054-2, 7056-1, 7056-2, 7062-1, and 7067-1 apply in contested matters. Federal Rule Bankruptcy Procedure 7007.1 applies to any contested matter.

(b) When the motion or objection commencing the contested matter is not timely opposed and seeks relief against a debtor who has already subjected the debtor to the jurisdiction of the Court by filing a petition commencing a case, the provisions of LBR 7055-1 and the Service Member's Civil Relief Act of 2003 will be deemed inapplicable unless the Court orders otherwise.

(c) The other Rules of Part VII of these Rules apply to contested matters when directed by the Court.

RULE 9015-1. JURY TRIAL

(a) Voir Dire Examination. Counsel desiring questions propounded to the jury on voir dire examination must submit the same in writing to the Court, with copies to opposing counsel, prior to the commencement of the trial or at such earlier date as may be directed by the Court.

(b) Jury Selection; Communication With a Juror. DCt.LCvRs 47.1 (Jury) and 47.2 (Communication With a Juror) apply in the Court, with the Court drawing upon the District Court's jury selection plan and Jury Office.

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

(a) Notice of Removal to Be Filed With Clerk of This Court. A party desiring to remove a civil action or proceeding under 28 U.S.C. § 1441 or § 1452 on the basis that the district court has subject matter jurisdiction under 28 U.S.C. § 1334 must file the notice of removal with the clerk of the bankruptcy court.

(b) Copy of Record to Be Filed With the Notice of Removal. With the notice of removal, the party filing the notice of removal must file with the clerk a copy of the docket sheet of the court from which the matter is being removed and a copy of all papers filed in that court, in chronological order. For cause shown by motion, the court may enlarge the time for doing so.

(c) Remand. A motion for remand must be filed with the clerk of the bankruptcy court not later than 30 days after the date of filing of the notice of removal.

RULE 9029-1. SUSPENSION OF LOCAL RULES

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

RULE 9029-2. STANDING ORDERS

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

RULE 9029-3. DISTRICT COURT LOCAL CIVIL RULES

(a) Non-Applicability of Local Bankruptcy Rules to District Court. These Local Bankruptcy Rules do not govern proceedings pending in the District Court except as may be expressly provided by the District Court by rule or directive.

(b) Effect of Amendment of District Court Local Civil Rules. The District Court Local Civil Rules made applicable by these Rules are the District Court Local Civil Rules in effect on the effective date of these Rules and as thereafter amended, unless otherwise provided by such amendment or by these Rules.

(c) District Court Local Civil Rules Applicable to Bankruptcy Court. In addition to District Court Local Civil Rules made applicable to the Court by other provisions of these Rules, the following District Court Local Civil Rules apply to bankruptcy cases and proceedings in the Court:

(1) Rule 40.10 (Complaints Against Judges);

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

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

(d) 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 9070-1. EXHIBITS AND WITNESSES

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

(1) Prior to any trial (including any hearing at which evidence is to be taken) exhibits to be offered at the trial (other than those created at trial) must be numbered sequentially, with movant or plaintiff to use numbers and the respondent or defendant to use letters (A, B, C, etc., followed by AA, AB, AC, etc., then BA, BB, BC, etc.).

(2) All exhibits must be marked prior to the trial with an exhibit sticker bearing the exhibit number and the case or adversary proceeding number.

(3) Prior to the trial the exhibits must be listed sequentially by exhibit number on a Witness and Exhibit Record in substantially the form of Local Official Form No. 8. The list must describe each exhibit by title and date.

(4) Prior to the commencement of a trial or hearing, each party shall furnish to its opponents a copy of the Witness and Exhibit Record and copies of its pre-marked exhibits.

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

(c) Presentation of Witness and Exhibit Record and of Copies of Exhibits. At the commencement of the trial or evidentiary hearing, each party must present to the Courtroom Deputy Clerk (1) the original of the party's Witness and Exhibit Record and (2) two copies of the party's exhibits.

(d) Binding of Numerous Exhibits. Whenever the exhibits in any trial or evidentiary hearing, to be presented by any party, exceed 15, the party intending to offer such exhibits must place them in a binder or notebook, numbered and indexed, unless otherwise ordered by the Court.

(e) Retention of Witness and Exhibit Record. At the conclusion of the trial or evidentiary hearing, the Clerk must maintain the Witness and Exhibit Record with the sleeve for logs and tapes of electronic recordings for the last day the trial or hearing was conducted.

(f) Retention by Parties of Exhibits.

(1) Requirement of Retention. All exhibits offered by a party in a proceeding, whether or not received as evidence, must be retained after trial by the party or the attorney offering the exhibit, unless otherwise ordered by the Court. The Clerk shall note the return of exhibits on the Witness and Exhibit Record.

(2) Appeals. In the event an appeal is prosecuted, each party or attorney retaining exhibits must, upon request of a party to the appeal, make a copy of any exhibit available to that requesting party at the usual and customary photocopying charge

of the custodian party or attorney, or allow the requesting party temporarily to take custody of the exhibit to photocopy it. The originals of exhibits must be retained by the parties, who must make them available for use by the appellate court upon request.

(3) Period of Retention. After a judgment disposing of the proceeding becomes final, each party or the party's attorney must maintain custody of any exhibits for a period of at least 30 days after the time for appeal has expired, or, in the event an appeal is pursued, for a period of at least 30 days after any judgment not resulting in a remand has become final and the time for seeking further appellate or Supreme Court review has expired.

(g) Disposition of Exhibits Retained by Clerk.

(1) Thirty Day Period to Retrieve. When the Clerk has kept custody of exhibits, the exhibits must be removed by the parties who offered them within 30 days after the time for appeal has expired, or in the event an appeal is pursued, within 30 days after any judgment not resulting in a remand has become final and the time for seeking further appellate or Supreme Court review has expired.

(2) Disposition in Case of Apparent Failure Timely to Retrieve. If the Clerk believes that a party has failed timely to retrieve exhibits from the Clerk, the Clerk may forward the exhibits to the counsel or party who offered them. Alternatively, the Clerk may give the party or attorney notice of a 30-day opportunity to remove the exhibits; if the party or attorney fails to do so within 30 days of the date of such notice, the Clerk may destroy or otherwise dispose of the exhibits.

(3) Notation of Disposition. The Clerk shall make an appropriate notation on the Witness and Exhibit Record reflecting any disposition of exhibits.

RULE 9071-1. STIPULATIONS

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

Note: DCt.LCvR 16.6 (Stipulations) provides:

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

RULE 9072-1. PROPOSED ORDERS

(a) Submission of Proposed Orders.

(1) Each motion, application, objection to claim, objection to exemptions, or other written request for a Court order (other than a complaint in an adversary proceeding) must be accompanied by a proposed order. Provided, however, that the proponent may initially submit an order without the endorsement(s) required by Local Rule 9072-1(c) and subsequently re-submit such proposed order with all endorsements after the expiration of any notice period or any hearing thereon.

(2) Unless the Court directs otherwise, or a sufficient proposed order has already been submitted, an entity that prevails at a hearing must, within 14 days after the Court's oral ruling, submit to a proposed order in accordance with the Court's oral ruling and with all required endorsements as set forth in Local Rule 9072-1(b-c).

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

(1) contain a specific title describing the nature and effect of the order, preferably referring to the verbatim name of the motion giving rise to the order;

(2) include a 3" margin at the top of the first page; and

(3) include at the foot of the last page (or carried over to a separate additional page) a "Copies to" section listing the full names and complete addresses of all entities that are to receive copies of the Court's order when entered, except that:

(A) entities that receive e-notification of orders may be listed as "E-recipients of orders" (or, alternatively, attorneys who are registered e-filers and have entered an appearance in the case or proceeding may be listed by only name or listed as "All attorneys who have entered an appearance and who are registered e-filers");

(B) in an adversary proceeding it suffices as to attorneys representing a party in the proceeding to list "Copies to: All of attorneys of record," but for an entity who is not a party (e.g., a witness who is the subject of a motion to compel) the entity's attorney must be listed separately; and

(C) if the debtor, the debtor's attorney, the trustee, and all creditors are required to receive notice of the Court order, those entities may be listed as "All entities on court's mailing list."

(4) Endorsement. As used herein "endorsement" is defined as the name, bar number (if applicable), complete mailing address, telephone number, email address, and the name of the party whom the attorney represents or the pro se party. Endorsements should reflect if the party requests the relief (i.e. "We ask for this," "I ask for this") or an indication that the party has reviewed the pleading with or without a qualifier (i.e. "Seen," "Seen and No Objection").

(A) All orders submitted under Local Rule 9072-1(a)(1) shall include the endorsement of the proponent, all consenting parties (if applicable), and any endorsement required by Local Rule 9072-1(c).

(B) All orders submitted under Local Rule 9072-1(a)(2) shall include the endorsement of the proponent, the parties as directed by the Court at the hearing, and any endorsements required by Local Rule 9072-1(c).

(c) Required Trustee Endorsements.

(1) In cases filed under Chapter 11 of the Bankruptcy Code, proposed orders shall include the endorsement of the United States Trustee, and/or counsel for the Official Committee of Unsecured Creditors (if one has been appointed), and/or the Subchapter V Trustee (if one has been appointed), as applicable.

(2) In cases filed under Chapter 13 of the Bankruptcy Code, proposed orders pertaining to property of the estate, a chapter 13 plan or resolving a motion to dismiss shall include the endorsement of the office of the Chapter 13 Trustee.

(3) In cases filed under Chapter 7 of the Bankruptcy Code, proposed orders pertaining to property of the estate shall include the endorsement of the Chapter 7 Trustee.

RULE 9073-1. HEARINGS

(a) Number of Counsel. DCt.LCvR 83.3 applies to hearings in the Bankruptcy Court.

(b) Judicial Notice. Unless otherwise ordered by the Court, the Court will not take judicial notice of a paper unless the party both requests the Court to do so before the close of evidence and either (1) submits as an exhibit a copy of the paper of which judicial notice is sought, or (2) alternatively, in the case of a paper in a case or an adversary proceeding, can identify the document by docket entry number or date. Any copy of such paper to be submitted must be listed on any Witness and Exhibit Record required to be filed.

(c) Courtroom Decorum. Counsel must direct statements and objections made on the record to the Court and not to other counsel. Unless otherwise directed by the Court, counsel need not ask permission to approach a witness.

(d) Conflicts in Engagements of Counsel. DCt.LCvR 16.2 (Avoidance and Resolution of Conflicts in Engagement of Counsel Among the Courts in the District of Columbia) applies to the Bankruptcy Court as a unit of the District Court.

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

(f) Cross-References. Local Bankruptcy Rule 9070-1 governs exhibits and witnesses. Local Bankruptcy Rule 5071-1 governs continuances (and the duty of counsel to have at any hearing a calendar of future engagements). Local Bankruptcy Rule 5070-1(b) governs emergency hearings. Local Bankruptcy Rule 9010-1(e) governs the obligation of an

attorney whose first appearance is at a hearing to file a notice of entry of appearance at the hearing.

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

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