Rule 2002-1

Notice to Creditors & Other Interested Parties

(a) Notice

(1) Unless otherwise provided in the Bankruptcy Code, the Federal Rules of Bankruptcy Procedure, or these rules, whenever the Code or Rules authorizes any act, or authorizes the Court to enter an order, "after notice and hearing" or a similar phrase, the party giving the notice shall clearly state in the notice:

(A) The purpose of the notice;

(B) What a party receiving the notice must do in order to object to the action contemplated by the notice and the time within which an objecting party must act; and

(C) That the act may be performed or the Court may enter an order without an actual hearing or further notice unless a written objection is timely served and filed.

(2) A notice may be included with a motion in which case the pleading shall be captioned as a motion and notice.

(b) Service of Notice

(1) To Whom Given

(A) "Notice," as used in this rule shall mean notice to all creditors, equity security holders, indenture trustees, the debtor, the chairperson of any committee appointed in the case, the United States trustee, and any other parties in interest.

(B) Less inclusive notice may be given if not prohibited by the Code or Rules and specifically allowed by the Court or local rules. Notice is appropriate if it reaches all those with a potential good faith objection to the proposed order or action.

(2) By Whom Given

Any party seeking an order or other authority based on notice and hearing shall be responsible to give such notice as is required.

(3) How Given

If the recipient is a registered participant in the case in which the notice is being filed, the Notice of Electronic Filing (NEF) is service of the notice; provided, however, if the notice filed is to be considered at a hearing scheduled to occur within 48 hours (excluding weekends and holidays) of the filing, then at or before the time of filing, the filer shall serve the notice by separate email upon all recipients entitled to notice who are registered participants, or shall provide such notice by facsimile or by hand delivery. If the recipient is not a registered participant, notice shall be by first-class mail.

(4) Certification of Giving Notice

As soon as practicable, a party giving notice pursuant to this rule shall forthwith file as a separate document, or as a text-only entry, an affidavit of mailing or unsworn declaration under penalty of perjury, which shall include a list of all entities entitled to notice and the physical address to which notice was sent, or a designation that the entity is a registered participant in the CM/ECF system in the case. If the notice was given to a Master Mailing List (MML) or Limited Mailing List (LML), the affidavit or declaration shall also state the date on which it was retrieved from the database of the court.

(c) Time Allowed for Objections

(1) The moving party shall provide at least twenty-one (21) days, plus three (3) additional days if required by FRBP 9006(f), for objections prior to presentation of an order or the taking of an action, unless a different time is prescribed.

(2) A motion for an order reducing the time for making objections to a proposed action may be made and granted after notice and hearing for cause shown. Notice of such a motion shall clearly state the reasons supporting the necessity for a reduction of time and that objections may be made to the requested reduction. The objections will be considered by the court at the time of hearing on the motion for the principal relief requested. A motion for an order as to the principal relief requested and for the reduction in time may be combined provided both motions are clearly captioned and the requests separated in the body of the combined pleading.

(d) Mailing Lists

(1) The addressees of notices shall be in accordance with FRBP 2002(g). Notice required to be given to all creditors is presumed to be appropriate if provided to all entities on an MML or LML retrieved from the database of the court within five (5) days of the notice, and as required by FRBP 2002 and 9036.

(A) Master Mailing List (MML)

A Master Mailing List is maintained by the office of the Clerk for each pending

case. This list is updated in accordance with FRBP 2002(g). The Master Mailing List is produced and maintained using the matrix provided by the debtor pursuant to LBR 1007-2, requests from governmental agencies, written requests by entities who wish to be added, deleted or have their addresses changed, and proofs of claim.

(B) Limited Mailing List (LML)

A Limited Mailing List is maintained by the office of the Clerk and is based on an order of the Court. A party desiring that a Limited Mailing List be established in a case shall do so by notice and hearing. The proposed order establishing a Limited Mailing List shall contain a list of each entity to be listed on the Limited Mailing List, with directions, if appropriate, as to classes or types of entities to be added. The order shall also state the scope and duration of the order. Once established, the Limited Mailing List will be maintained by the Clerk in the manner provided in subparagraph (A) above.

(C) Changes to Mailing Lists

Withdrawal by an attorney from a case is not sufficient for removal of such attorney's name from the Master Mailing List or the Limited Mailing List, however, a formal notice of appearance in a case by an attorney is sufficient to add such attorney to the Master Mailing List or the Limited Mailing List. A written request to receive all notices will be sufficient to add such requesting party to both the Master Mailing List and the Limited Mailing List.

(2) Notice in Non-lead Consolidated or Joint Administration Cases

In order to be presumed appropriate, notice given to the MML or LML of a non-lead case that was consolidated or where joint administration was ordered shall include, in addition to the names contained on the MML or LML of the non-lead case, all entities that filed a request for notice in the lead case after the cases were consolidated or joint administration ordered.

(3) A party in interest who wishes to receive all notices, in addition to notices required to be sent to the MML or LML, shall give notice to the MML or LML as appropriate, and file a certificate of mailing as required by sub-section (b)(4) above.

(e) Signing of Orders Where No Objection is Pending

(1) If no objection is made as provided in paragraph (f) of this Rule or if withdrawal of an objection is filed or the objecting party has endorsed the related order, an actual hearing is not required for any "notice and hearing" matter.

(2) The submission of ex parte orders shall be as prescribed in LBR 9013-1(c)(2) & (3).

(f) Objection

(1) A party objecting to an act or the entry of an order contemplated by a notice shall file with the Clerk and serve on the moving party a written objection within the time set forth in the notice. The objection shall state briefly the grounds therefore.

(2) If an objection states no grounds, the Court may strike the objection on ex parte motion of the moving party. The moving party, however, may make such ex parte motion to strike only after the objecting party fails within seven (7) days to respond to a request by the moving party for a brief statement of the grounds for the objection.

(3) If an objection is filed, the moving party shall promptly request a hearing date from the Clerk.

Related Provisions

FRBP 2002	Notices to Creditors, Equity Security Holders, Administrators in Foreign Proceedings, Persons Against Whom Provisional Relief is Sought in Ancillary and Other Cross-Border Cases, United States, and United States Trustee
FRBP 9006	Computing and Extending Time
FRBP 9007	General Authority to Regulate Notices
FRBP 9014	Contested Matters

FRCP 5(b)(2)(E) & (b)(3) Serving and Filing Pleadings and Other Papers

LBR 9013-1	Motions and Orders
LBR 9073-1	Hearings
11 USC 102(1)	Rules of Construction
11 USC 350	Closing and Reopening Cases

Rule 3016-1

Chapter 11 Pre-Confirmation Requirements

(a) Applicability

This rule applies only to cases under Chapter 11 of the Bankruptcy Code.

(b) Affidavit or Certificate

The debtor shall file with the petition for relief under Chapter 11, or within fifteen (15) days thereafter an affidavit or certificate under penalty of perjury that discloses the following information:

(1) The name and addresses of the members of any creditors' committee organized before the order for relief under Chapter 11;

(2) If the debtor is operating a business, the following information for the thirty (30) day period following the order for relief:

(A) The amount proposed to be paid pursuant to subdivision (d) below to insiders if the debtor is a corporation, or to the debtor, insiders or members of the partnership if the debtor is an individual or partnership;

(B) The proposed payroll for employee labor exclusive of (A) above;

(C) The operating expenses, exclusive of (A) and (B) above;

(D) The estimated profit or loss, after deduction of expenses under (A), (B), and (C) above; and

(E) Any non-cash operating expenses proposed not to be paid for any reason.

(3) An averment that no compensation shall be paid in violation of subdivision (c) of this rule.

(c) Compensation

(1) If the trustee or debtor in possession is operating a business, no compensation shall be paid to the debtor, or to insiders from the order of relief until the confirmation of a plan, except in accordance with the provisions of this subdivision.

(2) The trustee or debtor in possession shall give notice to all parties on the Master Mailing List of the intent to pay compensation. The notice shall state the amount of

compensation, to whom the compensation is to be paid, the amount of compensation paid over the past twelve (12) months, and the nature of the services to be performed. The notice shall summarize the provisions of subparagraph (3) below and shall further state that any party in interest may object to the compensation and request a hearing at any time prior to confirmation.

(3) Compensation may commence after notice is given. Any party in interest objecting to the compensation shall do so in writing, and has the duty to request a hearing on the objection. The compensation shall continue until the Court orders otherwise. The Court shall provide an expedited hearing on the objection. If the Court rules that the amount received prior to the hearing is excessive, it may order disgorgement of funds back to the estate.

(d) Funds of the Estate

Upon entry of an order for relief in a case under Chapter 11, the debtor in possession shall open or designate a depository account or accounts in the name of the debtor in possession, and close all old accounts. All funds of the estate shall be transferred to the new account or accounts. All receipts and disbursements of the debtor in possession shall be through the new account or accounts. All disbursements for living expenses of the debtor or for salary or living expenses of the debtor or insider pursuant to subparagraph (c) of this rule shall be in form of a check made payable to the debtor or insider.

(e) Monthly Financial Report

(1) A debtor in possession or trustee operating a business shall file with the Court a monthly balance sheet and profit and loss statement prepared on an accrual basis, unless such requirement is modified by the court for cause shown.

(2) The above financial information shall be filed within twenty-one (21) days of the close of the month during which relief was ordered and within twenty-one (21) days of the close of every month thereafter, until a plan is confirmed or the case is converted or dismissed. A copy of each monthly balance sheet and profit and loss statement shall be sent to the chairman of any creditors' committee by the debtor in possession or trustee.

(3) If the debtor is a farmer, monthly reports shall be made as required by LBR 2082-1(f).

(f) Initial Status Conference

(1) Except as provided in subsection (f)(2), not later than 60 days after the entry of the order for relief in any Chapter 11 case, the court shall hold a status conference to further the expeditious and economical resolution of the case.

(2) The court may extend the period of time for holding a status conference under subsection (f)(1) if the need for an extension is attributable to circumstances for which the debtor should not justly be accountable.

(3) Not later than 14 days before the date of the status conference under subsection (f)(1), the debtor shall file with the court and serve on all parties in interest a report that details the efforts the debtor has undertaken and will undertake to attain a consensual plan of reorganization.

Related Provisions

FRBP 2002	Notices to Creditors, Equity Security Holders, Administrators in Foreign Proceedings, Persons Against Whom Provisional Relief Is Sought in Ancillary and Other Cross-Border Cases, United States, and United States Trustee
FRBP 3016	Filing of Plan and Disclosure Statement in a Chapter 9 Municipality or Chapter 11 Reorganization Case
FRBP 3017	Court Consideration of Disclosure Statement in a Chapter 9 Municipality or Chapter 11 Reorganization Case
FRBP 3018	Acceptance or Rejection of Plan in a Chapter 9 Municipality or a Chapter 11 Reorganization Case
FRBP 3019	Modification of Accepted Plan in a Chapter 9 Municipality or a Chapter 11 Reorganization Case
FRBP 3020	Deposit; Confirmation of Plan in a Chapter 9 Municipality or Chapter 11 Reorganization Case
LBR 3017-1	Disclosure Statement and Plan - General
LBR 3018-1	Chapter 11 Plan Confirmation
LBR 3021-1	Chapter 11 Post-Confirmation Disbursement Report
LBR 3022-1	Final Account and Decree in Chapter 11 Reorganization Cases
11 USC 101(51C)	Small Business Case Defined
11 USC 1121	Who May File a Plan
11 USC 1125	Postpetition Disclosure and Solicitation
11 USC 1126	Acceptance of Plan
11 USC 1127	Modification of Plan
11 USC 1128	Confirmation Hearing
11 USC 1129	Confirmation of Plan

Rule 3017-1

Disclosure Statement and Plan - General

(a) Minimum Information Required in Disclosure Statement

The disclosure statement shall include, at a minimum, detailed information regarding the following:

(1) Description of the business of the debtor;
(2) History of the debtor prior to filing;
(3) Current financial information;
(4) Description of the plan;
(5) How the plan is to be executed;
(6) Liquidation analysis;
(7) Management to be retained and their compensation;
(8) Detailed financial projections of operations and discussion of underlying assumptions;
(9) Litigation pending or contemplated;
(10) Payments made for services in connection with the case or plan;
(11) Transactions with insiders; and
(12) Tax consequences.

(b) Approval of Disclosure Statement

Unless the disclosure statement is conditionally approved, or the court has granted a motion not requiring a separate disclosure statement, approval of the disclosure statement shall be governed by FRBP 3017(a).

(c) Disclosure Statement in Case of Small Business Debtor and in Subchapter V Small Business Debtor Reorganization Cases if §1125 is applicable.

(1) A motion for an order determining that a separate disclosure statement is not necessary or for conditional approval of a disclosure statement shall be on seven (7) days notice and hearing to the United States trustee pursuant to LBR 2002-1.

(2) The proposed disclosure statement and plan shall be filed as an attachment to the motion.

(3) If either of the above motions is granted, then the proponent of the plan shall promptly file the approved combined plan or conditionally approved disclosure statement and plan, as appropriate, and comply with LBR 3018-1.

(d) Contents of Plan

(1) The plan shall clearly set forth what acts or events constitute substantial

consummation of the plan.

(2) A plan providing for liquidation of property of the estate shall set a date certain by which liquidation must occur and shall provide for an alternative if liquidation does not occur by the date so set.

(e) List Classifying Claims

A list classifying claims shall be filed with the plan and disclosure statement and shall be in the prescribed format.

Related Provisions

FRBP 2002	Notices
FRBP 3016	Filing Plan and Disclosure Statement
FRBP 3017	Disclosure Hearing
FRBP 3017.1	Disclosure Statement in Small Business Case
FRBP 3018	Acceptance or Rejection of Plan
FRBP 3019	Modification to Plan
FRBP 3020	Confirmation of Plan
LBR 3017-1	Chapter 11 - Plan and Pre-Confirmation Requirements
LBR 3018-1	Chapter 11 Plan Confirmation
LBR 3022-1	Final Account and Decree in Chapter 11 Reorganization Case
11 USC 101(51C)	Small Business Defined
11 USC 1121	Who May File a Plan
11 USC 1125	Postpetition Disclosure and Solicitation
11 USC 1126	Acceptance of Plan
11 USC 1127	Modification of Plan
11 USC 1128	Confirmation Hearing
11 USC 1129	Confirmation of Plan

Rule 3022-1

Final Account and Decree in Chapter 11 Reorganization Case

(a) Final Account

Upon completion of the plan, unless excepted under paragraph (b)(2), a final account shall be filed on the prescribed local form (LF 3022-1a).

(b) Final Decree and Closing of Cases

(1) Final Account Filed

Seven (7) days following the filing of the final account, the final decree may be entered and the case closed unless a motion is filed requesting that the final decree not be so entered.

(2) Final Account Not Filed

If a final account has not been filed within one hundred eighty (180) days following the confirmation of the plan, a final decree may be entered and the case closed unless a party in interest has filed a written objection. The notice of the confirmation of the plan shall include notice that the final decree will be entered and the case closed without a final account unless an objection is filed within one hundred eighty (180) days following confirmation.

(c) Exception Where Debtor is an Individual

(1) Notwithstanding paragraph (1) and (2) above, cases in which the debtor is an individual shall not be closed until a discharge has been granted, denied, or waived by the debtor.

(2) Upon completion of the confirmed plan or upon eligibility for discharge, the debtor shall file a motion for entry of discharge on the prescribed local form (LF 3022-1) and provide twenty-one (21) days notice to the Master Mailing List or file a written request to waive discharge.

Related Provisions

FRBP 3022	Final Decree in Chapter 11 Reorganization Case
LBR 3016-1	Chapter 11 Pre-Confirmation Requirements
LBR 3017-1	Disclosure Statement and Plan - General
LBR 3018-1	Chapter 11 Plan Confirmation
LBR 3021-1	Chapter 11 Post-Confirmation Disbursement Report
11 USC 1141	Effect of Confirmation

Rule 7055-1

Default - Failure To Prosecute

(a) Entry

A party seeking entry of default pursuant to FRCP 55(a) must provide fourteen (14) days written notice to the party in default. Any party so served may respond to the pleading or otherwise defend at any time before the presentment.

(b) Judgment

A party entitled to have the Clerk enter judgment pursuant to FRCP 55(b)(1) shall file an affidavit showing the principal amount due, which shall not exceed the amount demanded in the complaint, giving credit for any payments and showing the amounts and dates thereof, a computation of interest to the date of judgment, and costs and taxable disbursements claimed. The affidavit shall further state that:

(1) The party against whom judgment is sought is not an infant or an incompetent person and is not protected by the Soldiers and Sailors Civil Relief Act;

(2) A default has been entered by the Clerk; and

(3) The disbursements sought to be taxed have been made in the action, or will necessarily be made or incurred. The Clerk shall thereupon enter judgment for the principal, interest, and costs pursuant to said rule.

(c) Dismissal For Want of Prosecution

In any adversary proceeding in which no action of record has been taken by the parties for the preceding six (6) months, the Clerk shall note the case for dismissal and shall give thirty (30) days notice to the counsel of record. If no action is taken nor an objection filed, an order of dismissal without prejudice may be entered by the Court.

Related Provisions

FRBP 7001	Adversary Proceedings
FRBP 7055	Default

Rule 9004-1

Documents - Requirements of Form

(a) General Requirements of Form

(1) All documents presented for filing shall be prepared letter size (8 ½" x 11"). Without prior approval of the Court, all attachments shall also be no larger than 8 ½" x 11".

(2) All documents presented for filing shall be single sided. Documents submitted in paper format containing two or more pages shall be stapled at the top left corner, however, separate documents shall not be stapled together.

(3) The material on all documents presented for filing shall be typed, printed or prepared by a clearly legible duplicating process and shall be double-spaced. Quoted material may be single spaced, however footnotes shall be double-spaced. All typed and printed matter must appear in either a proportionately spaced typeface of 14 points or more, or a monospaced typeface of no more than 10.5 characters per inch may be used in a brief. A proportionately spaced typeface has characters with different widths. A monospaced typeface has characters with the same advanced width. Text shall be in roman (upright letters), non-script type. No pleading, document, or brief may have an average of more than 280 words per page, including footnotes and quotations. The word count does not include addenda containing statutes, rules, regulations, etc.

(4) On the first page of each pleading or similar document the title of the Court shall appear on or below the fifth line. All pleadings shall be signed as required by FRBP 5005(a)(2) and 9011. Names shall be typed underneath all signature lines.

(5) In the space to the right of the center of the first page, opposite the caption of the case, there shall be placed:

(A) The case number and in the case of an adversary proceeding, the related case number above the adversary proceeding number;

(B) The nature of the document, such as complaint, answer, motion, order, affidavit and so forth;

(C) The name and status of the party on whose behalf the document is filed;

(D) The words "Demand for Jury Trial" or its equivalent when a party demands a jury.

(6) The first page of every pleading or other document (except instructions) shall contain

the name, mailing address and telephone number of the attorney or firm submitting the document on the left side above line five.

(7) At the left side of the bottom of each document (other than instructions) an abbreviated name of the document should be repeated, followed by the page number.

(8) All appendices to pleadings shall be paginated progressively, but shall, following the number on the page, show also the appendix number which may be alphabetical, numerical or a combination thereof.

(9) Proposed orders granting a motion or application shall be submitted separately in accordance with LBR 9013-1.

(b) Prescribed Forms Excepted

Except as to sub-paragraph (a)(2) above, this rule shall not apply where a prescribed form is used.

(c) Electronically Filed Documents

Documents filed electronically shall be in accordance with LBR 5005-3 and administrative procedures established by the Clerk of Court.

Related Provisions

FRBP 7010	Form of Pleadings
FRBP 9004	General Requirements of Form
FRBP 9011	Signing of Papers; Representations to the Court; Sanctions; Verification and Copies of Papers
FRBP 9021	Entry of Judgment
LBR 5005-3	Electronic Filing
LBR 9009 - 1	Forms

Rule 9014-1

Consent to Bankruptcy Court Adjudication in Contested Matters

Any party contending that the bankruptcy court cannot exercise final adjudicatory power regarding a matter shall file and serve a memorandum of points and authorities, along with any relevant evidence, objecting to the bankruptcy court's final adjudication of the matter by no less than 14 days before the initial status conference in an adversary proceeding or by the objection deadline that would otherwise apply regarding the motion or other request for relief regarding such matter. Any response must be filed at least 7 days before such initial status conference or by the otherwise applicable reply deadline. **Failure to file and serve papers in a timely manner will be deemed to be implied consent to the bankruptcy court's final adjudication of the matter.**

Advisory Committee Note – June 2020

The bankruptcy court is not an Article III court and thus is constitutionally unable to exercise the judicial power necessary to finally adjudicate certain matters. See Stern v. Marshall, 564 U.S. 462, 482-503 (2011). Nevertheless, litigants before a bankruptcy court can consent to its exercise of final adjudicatory power, which consent may be express or implied. See Wellness Int'l Network, Ltd. v. Sharif, 575 U.S. ___, 135 S. Ct. 1932, 1947-49 (2015). FRBP 7008 requires certain pleadings in adversary proceedings to contain a statement that the pleader does or does not consent to entry of final orders or judgment by the bankruptcy court. This rule provides a procedure regarding consent to the entry of final orders or judgment by the bankruptcy court in contested matters that may not satisfy the statutory definition of core proceedings or that may be statutorily core but nevertheless outside the scope of final Non-Article III adjudication without consent of the parties.

Related Provisions

FRBP 7008	General Rules of Pleading
FRBP 7012	Defenses and Objections
FRBP 9027	Removal
FRBP 9033	Proposed Findings of Fact and Conclusions of Law
LBR 9033-1	Proposed Findings of Fact and Conclusions of Law
28 USC 157	Procedures
28 USC 1334	Bankruptcy cases and proceedings

Rule 9033-1

Proposed Findings of Fact and Conclusions of Law

(a) General

Pursuant to 28 U.S.C. § 157(c), FRBP 9033, and LCivR 83.5(a) of the Local Rules of the United States District Court, absent the parties' consent, in non-core proceedings and in core proceedings that the bankruptcy court determines may not be finally adjudicated by a non-Article III tribunal, the bankruptcy court for this district may hear such proceedings and submit proposed findings of fact and conclusions of law to the district court.

(b) Subsequent Filings

(1) Objections

A party shall file in the bankruptcy court and serve specific written objections to the proposed findings and conclusions in accordance with FRBP 9033(b). A party shall respond to another party's objections in accordance with FRBP 9033(b). Any reply shall be filed within 7 days after the filing of objections.

(2) Motion for Extension

A motion for an extension of time for filing an objection or a response shall be filed in the bankruptcy court within the time limits prescribed by FRBP 9033(c) and shall be accompanied by a proof of service of the motion reflecting service on the other interested parties. The motion and accompanying declaration shall state the date the objection or response is due, how many previous extensions have been granted, when the objection or response was first due, and whether any previous requests for extension of time have been denied. The motion and declaration must also state the reasons why such an extension is necessary, the amount of additional time requested, and the position of the opponent regarding the proposed extension or why the moving party has been unable to obtain a statement of the opponent's position.

(c) Transmittal of Documents to District Court

After expiration of the time for filing documents as provided in subsection (b) of this rule, the clerk of the bankruptcy court shall transmit the proposed findings of fact and conclusions of law and all related documents that have been filed with the bankruptcy court to the district court. The prevailing party shall note the matter for hearing in accordance with LCivR 7(i) of the Local Rules of the United States District Court.

After the clerk of the bankruptcy court has transmitted the proposed findings of fact and conclusions of law and all related documents to the district court, all further documents related thereto shall be filed with the clerk of the district court. Unless otherwise ordered

by the bankruptcy court or district court, parties shall continue to file with the clerk of the bankruptcy court all documents relating to other matters in the case or adversary proceeding.

Related Provisions

FRBP 9033	Proposed Findings of Fact and Conclusions of Law
LCivR 83.5	Bankruptcy Cases, Proceedings and Appeals
LBR 9014-1	Consent to Bankruptcy Court Adjudication in Contested Matters
28 USC 157	Procedures
28 USC 1334	Bankruptcy cases and proceedings