

Proposed Local Rule Changes
U.S. Bankruptcy Court
Northern District of Florida

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Section D. Addendums

Addendum C. (NEW) Standing Order #11 and the Administrative Procedures Relating to Electronic Case Filing - full PDF file below will be added.

http://www.flnb.uscourts.gov/documents/court_info/standing_orders/standing_order11_6th_amended.pdf

SECTION A. Substantive Changes

- **2002-2 / Negative Notice Procedure (NEW)**

Suggestion has been made to establish a process similar to the one used in FL-M and a proposed version for Florida Northern is listed below. A link to the FL-M local rule and list of applicable items can be found in the local rule update section on the court's website. This new rule does not change and/or impact other rules where a negative notice type procedure is already in place except for inclusion of language requiring the use of the notice legend found in 2002-2.B(3).

A. The following motions, objections, and other pleadings not already specifically provided for by a similar negative notice procedure in these rules may be considered by the Court without an actual hearing under the negative notice procedure described in this rule if no party in interest requests a hearing:

(1) Motion to approve agreements relating to relief from the automatic stay, prohibiting or conditioning the use, sale, or lease of property, providing adequate protection, use of cash collateral, and obtaining credit pursuant to Bankruptcy Rule 4001(d).

(2) Motion to avoid liens on exempt property pursuant to Bankruptcy Rule 4003(d).

(3) Motion to use, sell, or lease property not in the ordinary course of business pursuant to Bankruptcy Rule 6004(a) but not motions to sell property free and clear of liens or other interests pursuant to Bankruptcy Rule 6004(c).

(4) Notices of abandonment pursuant to Bankruptcy Rule 6007(a) and motion to compel abandonment pursuant to Bankruptcy Rule 6007(b).

(5) Motion to approve compromises or settlements pursuant to Bankruptcy Rule 9019(a).

(6) Motion to extend time under Local Rule 3002-1.

(7) Motion to deem mortgage current under Local Rule 3002.1-1.D.2.

(8) Other motions, objections, and matters if permitted by the presiding judge.

B. Motions, objections, and other matters filed pursuant to this negative notice procedure shall:

(1) Be served in the manner and on the parties as required by the provisions of the Federal Rules of Bankruptcy Procedure, Local Rule, or any order of Court applicable to motions, objections, or matters of the type made and shall be filed with the proof of such service in accordance with the provisions of Local Rule 7004-1.

(2) To the extent permitted under the Federal Rules of Bankruptcy Procedures, Local Rules, or any order of the Court, a Filing User may make use of these Negative Notice Procedures by serving motions, objections, and other matters by electronic means to any other Filing User or other party who consents to receive service by electronic means.

(3) Contain a negative notice legend prominently displayed on the face of the first page of the paper. The negative notice legend shall be in a form substantially as follows:

**NOTICE OF OPPORTUNITY TO
OBJECT AND FOR HEARING**

Pursuant to Local Rule 2002-2, the Court will consider this motion, objection, or other matter without further notice or hearing unless a party in interest files an objection within twenty-one (21) days from the date of service of this paper. If you object to the relief requested in this paper, you must file your objection with the Clerk of the Court at (address), and serve a copy on the movant's attorney, (name and address, and any other appropriate persons) .

If you file and serve an objection within the time permitted, the Court may schedule a hearing and you will be notified. If you do not file an objection within the time permitted, the Court will consider that you do not oppose the granting of the relief requested in the paper, will proceed to consider the paper without further notice or hearing, and may grant the relief requested

C. For the purpose of completing the above negative notice legend, the number of days during which parties may object that is placed in the negative notice legend shall be twenty-one (21) days.

(1) In the event a party in interest files an objection within the time permitted in the negative notice legend, the Court may schedule a hearing on the motion, objection, or other matter upon notice to the movant's attorney, the objecting party or parties, and others as may be appropriate.

(2) In the event no party in interest files an objection within the time permitted in the negative notice legend as computed under Bankruptcy Rule 9006(a) and (f), the Court will consider the matter in chambers without further notice or hearing upon the submission by the movant of a proposed form of order granting

relief. The movant shall submit the proposed order not later than fourteen (14) days after the expiration of the objection period. In the event the movant fails to submit a proposed form of order within this time, the Court may enter an order denying the matter without prejudice for lack of prosecution. In addition to any other requirements, the proposed form of order shall recite that:

(a) The motion, objection, or other matter was served upon all interested parties with the Local Rule 2002-2 negative notice legend informing the parties of their opportunity to object within the proper days of the date of service;

(b) No party filed an objection within the time permitted; and

(c) The Court therefore considers the matter to be unopposed.

D. Nothing in this rule is intended to preclude the Court from conducting a hearing on the motion, objection, or other matter even if no objection is filed within the time permitted in the negative notice legend.

RELATED LOCAL RULES WHERE USE OF LEGEND TO BE NOTED

3007-1 Claims Objections

B. Objections to claims shall contain the legend set forth in Local Rule 2002-2.B(3) and filed individually for each claim objected to and may name only one creditor.

D. If no response to an objection to a claim is filed pursuant to Local Rule 9013-2 and the objection contained the legend set forth in Local Rule 2002-2.B(3), the Court may grant relief to the objecting party without the necessity of an evidentiary hearing if relief is otherwise proper.

3012-1 Valuation of Collateral

B. In cases filed under Chapter 12 or 13: Upon the filing of the plan or within five (5) days thereafter, the debtor shall file a notice to secured creditors whose claims are being impaired under the Plan of the value of the collateral which secures their claim. The notice shall contain the legend set forth in Local Rule 2002-2.B(3) and the following information:

4003-2 Lien Avoidance

D. If a timely response is filed, the matter will be noticed for an evidentiary hearing. If the respondent fails to file a timely response and the legend set forth in Local Rule 2002-2.B(3) was included in the motion, the motion may be granted without further notice or hearing.

6004-1 Sale of Estate Property

C. Sales of property of the estate free and clear of liens pursuant to 11 U.S.C. § 363(f) and Bankruptcy Rule 6004(c) shall be accomplished in the following manner:..

(2) File a notice of sale containing the legend found in Local Rule 2002-2.B(3) (see local forms page on Court internet site) as provided in Rule 6004(a), and serve the notice on all creditors and parties in interest.

6007-1 Abandonment

B. Unless an objection is filed within fifteen (15) days of the filing of the notice which contained the legend set forth in Local Rule 2002-2.B(3) or within such other time fixed by the Court, the abandonment will be deemed final and no order will be issued.

• **2081-1/ Chapter 11 - General**

Add clarifying Language to A. including a section that directs attorneys/DIP's to comply with Administrative Order 05-001 - ADMINISTRATIVE ORDER ESTABLISHING INITIAL PROCEDURES IN CHAPTER 11 CASES.

A. Authority to Operate Business/Manage Financial Affairs

(1) The operation of a business by a debtor-in-possession in cases filed under Chapter 11 shall be subject to the terms and conditions of an order continuing the debtor-in-possession to be entered upon the filing of the petition or to the entry of the Order for Relief. The debtor-in-possession shall also deposit taxes and file tax returns in compliance with the terms of the Order to File Federal and State Employment Tax Returns and To Deposit State and Federal Taxes (see local forms page on Court internet site).

(2) Individual Chapter 11 debtors not engaged in business shall be subject to the terms and conditions of the order authorizing individual debtors to manage financial affairs to be entered upon the filing of the petition or entry of the order for relief.

(3) All Chapter 11 voluntary debtors must comply with the Administrative Order Establishing Initial Procedures in Chapter 11 Cases (see Administrative Order No. 05-001 on the Court internet site).

B(1) - Remove need for the plan proponent to distribute copies of the Order of Confirmation as this is completed by the Clerk's office. Please note that requirement for the proponent to distribute copies of the confirmed plan to required parties remains.

(1) Within ~~twenty (20)~~ twenty-one (21) days after the ~~confirmation~~ hearing confirming the plan, the attorney for the proponent of the plan shall prepare the Order of Confirmation and submit it to the Court. Copies of the proposed order shall be served upon the U.S. Trustee, any party in interest who filed an objection to the confirmation and to any other person designated by the Court. The Order Confirming the Plan will be distributed by the Court to all parties in interest. The proponent of the plan shall then be responsible for the distribution of ~~the Order of Confirmation~~ and copies of the confirmed plan to all creditors, the U.S. Trustee, and other parties as may be designated by the Court.

B(2)(d) - Language to be added to recommend use of a local form. (i.e. *Local Form 26, Individual Debtor(s) Motion for Entry of Discharge, Certificate of Compliance and Notice of Time to Object.*)

(d) After the last plan payment has been made in an individual case, the debtor shall file:

(1) a certification that the final payment has been made (see local forms page on Court internet site);

(2) a motion for entry of discharge (see local forms page on Court internet site);

- **2083-1 / Chapter 13 – General (2082-1 / Chapter 12 – General)**

Current rule just re-states that Chapter 12 Local Rule 2082-1 shall apply in all Chapter 13 business cases. As this can be confusing and to assist when referencing

the rules, complete rule language is being added to fully outline applicable procedures for just Chapter 13's.

~~Local Rule 2082-1(B) shall apply in all business Chapter 13 cases.~~

A. Pre-Confirmation Matters in Chapter 13

In all cases filed under Chapter 13 where the debtor is required to file monthly operating reports, the debtor shall file a statement which contains "adequate information" about:

(1) the debtor's ability to make all of the payments under the plan and to comply with the plan,

(2) the financial condition of the debtor, including assets and liabilities of the debtor as well as the income and expenses of the debtor for the preceding calendar year,

(3) the value of any property of the estate, whether being retained by the debtor or surrendered, which is subject to a lien or security interest as well as a description of the basis for such value,

(4) an analysis of the amount which would be received by unsecured creditors if the estate of the debtor were to be liquidated under Chapter 7 of Title 11, and

(5) a projection of the net disposable income of the debtor for the term of the plan.

B. For purposes of this section, "adequate information" shall mean information of a kind, and in sufficient detail, as far as reasonably practicable in light of the nature and history of the debtor and the condition of the debtor's books and records, that will enable creditors and the trustee to make an informed judgment about confirmation of the plan.

C. In business Chapter 13 cases, the pre-confirmation statement shall be filed twenty-one (21) days prior to the confirmation hearing. Copies of the pre-confirmation statement shall be served upon all creditors, the trustee, the U.S. Trustee, and other persons who have requested notice pursuant to Bankruptcy Rule 2002.

Also, the second to last sentence from Rule **2082-1B.(3)** will be deleted....

(3) In a Chapter 12 case, the pre-confirmation statement shall be filed upon the filing of a plan. ~~In business Chapter 13 cases, the preconfirmation statement shall be filed fifteen (15) days prior to the confirmation hearing.~~ Copies of the pre-confirmation statement shall be served upon all creditors, the trustee, the U.S. Trustee, and other persons who have requested notice pursuant to Bankruptcy Rule 2002.

- **2090-1 / Attorneys – Admission to Practice**

A – Suggestion to add language to clarify process for Pro Hac Vice under USDC admission process as no distinction is made between PHV and admitted attorneys.

A. Except as provided herein, Local Rule 11.1 of the United States District Court for the Northern District of Florida governs the admission and appearance of attorneys before the Bankruptcy Court. All attorneys admitted to practice or approved to appear Pro Hac Vice in the United States District Court for the Northern District of Florida are by virtue thereof admitted to practice in the Bankruptcy Court.

Note: With the advent of electronic case filing, the United States District Court no longer draws any substantive distinction between membership in the bar of this district and pro hac vice admission. An attorney admitted pro hac vice will be treated as a member of the bar of this district and will remain a member, even after termination of the case, until such time as the attorney affirmatively withdraws from the bar of this district or no longer meets the admission qualifications.

- **3001-1 / Proof of Claim**

Amendments to the national rules have been developed to assist with issues arising with mortgage servicing and related claims. A link to the proposed amendments and associated discussion of the topic can be found in the local rule update section on the court's website. As the amendments if approved at the national level will not take effect until 12/1/2011, the suggestion is to incorporate them at the local level in the interim. This is being implemented in conjunction with new local rule 3002.1-1.

Current language regarding notice under Bankruptcy Rule 3004 will be removed as it is no longer valid.

3001-1 ~~Claims & Equity Security Interest~~ Proof of Claim

Supporting Proof of Claim Information.

A. When a claim, or an interest in property of the debtor securing the claim, is based on a writing, the original or a duplicate shall be filed with the proof of

claim. If the writing has been lost or destroyed, a statement of the circumstances of the loss or destruction shall be filed with the claim.

B. Additional Statements Required.

(1) If, in addition to its principal amount, a claim includes interest, fees, expenses, or other charges incurred prior to the date of the petition, an itemized statement of the interest, fees, expenses, or charges shall be filed with the proof of claim.

(2) If a security interest is claimed in property of the debtor, the proof of claim shall include a statement of the amount necessary to cure any default as of the date of the petition.

(3) If a security interest is claimed in property noted in the petition and schedules filed in the case as the debtor’s principal residence and an escrow account has been established in connection with the claim, the proof of claim shall be accompanied by an escrow account statement prepared as of the date of the filing of the petition, in a form consistent with applicable non-bankruptcy law.

C. Failure to Provide Supporting Information. If the holder of a claim fails to provide the information required in this rule, the court may prohibit the introduction of that information, in any form, as evidence in any hearing or submission in any contested matter or adversary proceeding in the case, unless the failure was substantially justified or is harmless. In addition to or instead of this sanction, the court, after notice and hearing, may award other appropriate relief, including reasonable expenses and attorney’s fees caused by the failure.

~~B. The debtor or trustee filing a proof of claim in the name of a creditor pursuant to Bankruptcy Rule 3004 shall have the responsibility of noticing the filing to the affected creditor, and as appropriate, the debtor or trustee.~~

• **3002-1 / Filing Proof of Claim or Interest (NEW)**

New rule establishing a time period for secured creditors to file claims for deficiencies upon surrender of collateral in a Chapter 13 Plan as verbiage is now being added by debtors in Chapter 13 Plans that states a debtor will surrender collateral and that the creditor has “x” number of days to file an unsecured claim.

A. Upon confirmation of the Chapter 13 Plan that provides for surrender of secured collateral back to a creditor:

(1) The secured creditor shall have sixty (60) days from confirmation of the Chapter 13 Plan to file an unsecured Proof of Claim regarding any deficiency balance that may occur upon the sale of the subject collateral if the collateral consists of personal property that was not liquidated within the claims bar date period;

(2) The secured creditor shall have ninety (90) days from confirmation of the Chapter 13 Plan to file an unsecured Proof of Claim regarding any deficiency balance that may occur upon the sale of the subject collateral if the collateral consists of real property that was not liquidated within the claims bar date period;

(3) The time periods provided above may be extended by Court Order upon the creditor filing an appropriate Motion using negative notice stating the circumstances necessitating a need for a longer period of time and an estimated deficiency;

(4) If no unsecured proof of claim is filed within the given time period and no Motion to Extend the Time is filed, the creditor will then be barred from filing an unsecured proof of claim.

(5) If the plan filed by the debtor(s) provides for the surrender of collateral, that plan shall constitute the debtor(s) consent to the immediate termination of the automatic stay.

B. If a Chapter 13 Plan does not provide for the surrender of property:

(1) The secured creditor shall have sixty (60) days from the date of an Order terminating the automatic stay to file an unsecured Proof of Claim regarding any deficiency balance that may occur upon the sale of the subject collateral if the collateral consists of personal property that was not liquidated within the claims bar date period;

(2) The secured creditor shall have ninety (90) days from the date of an Order terminating the automatic stay to file an unsecured Proof of Claim regarding any deficiency balance that may occur upon the sale of the subject collateral if the collateral consists of real property that was not liquidated within the claims bar date period;

(3) The time periods provided above may be extended by Court Order upon the creditor filing an appropriate Motion using negative notice stating the circumstances necessitating a need for a longer period of time and an estimated deficiency;

(4) If no unsecured proof of claim is filed within the given time period and no Motion to Extend the Time is filed, the creditor will then be barred from filing an unsecured proof of claim.

- **3002.1-1/ Notice Relating to Claims Secured by Security Interest in the Debtor's Principal Residence (NEW)**

Suggested in conjunction with 3001-1.

A. NOTICE OF PAYMENT CHANGES. In a chapter 13 case, if a claim secured by a security interest in property listed in the petition and schedules as the debtor's principal residence is provided for under the debtor's plan pursuant to § 1322(b)(5) of the Code, the holder of or holder's agent for such claim shall file with the Court and serve on the debtor, debtor's counsel, and the trustee a Notice of Payment Change (see local forms page on Court internet site) of any change in the payment amount, including changes that result from interest rate and escrow account adjustments, at least thirty (30) days prior to any payment change adjustment.

No later than thirty (30) days after service of the "Notice of Payment Change," the debtor shall file either a consent or an objection to the Notice. If the consent requires additional follow-up by the debtor (i.e. a post-confirmation plan modification), the related documents will be filed at the same time as the consent. Objections to the Notice will be set for hearing. If the debtor fails to file a consent or an objection, the debtor will be deemed to have accepted the payment change and the payment change will go into effect with the next payment date.

B. FORM AND CONTENT. Any Notice of Payment Change filed and served pursuant to subdivision A. of this rule

(1) shall conform substantially to the Court's Notice of Payment Change (see local forms page on Court internet site)

(2) shall not be subject to Bankruptcy Rule 3001(f).

C. MORTGAGEE'S POST PETITION ANNUAL NOTICE OF FEES, EXPENSES AND CHARGES.

(1) In a chapter 13 case, if a claim secured by a security interest in property listed in the petition and schedules as the debtor's principal

residence is provided for under the debtor's plan pursuant to § 1322(b)(5) of the Code, the holder of such claim shall file and serve on the debtor, debtor's counsel, and the trustee an annual notice containing an itemization of all fees, expenses, or charges incurred in connection with the claim after the filing of the bankruptcy case that the holder asserts are recoverable against the debtor or against the debtor's principal residence.

(2) The notice must be filed annually with the Court within thirty (30) days after the anniversary of the commencement of the case until the case is closed.

(3) Upon Motion of the debtor or trustee filed no later than thirty (30) days after the annual notice given pursuant to this subdivision, after notice and a hearing, the court shall determine whether such fees, expenses or charges are required by the underlying agreement and applicable non-bankruptcy law for the curing of the default or the maintenance of payments in accordance with §1322(b)(5) of the Code.

D. MOTION TO DEEM MORTGAGE CURRENT

(1) In any chapter 13 case where mortgage arrearage cure payments are being made through the chapter 13 plan, the Debtor or Debtor's attorney, if represented, shall, no later than thirty (30) calendar days after the filing of the "Chapter 13 Trustee's Preliminary Final Report," file a Motion to Deem Mortgage Current (see local forms page on Court internet site.)

(2) The motion shall be filed using the negative notice procedure described in Local Rule 2002-2.B.(2) and served upon the creditor at the mortgage holder's address of record and if applicable, the attorney's address of record.

(3) If creditor timely files an objection to the Motion to Deem Mortgage Current, the court will schedule a hearing.

(4) The mortgagee shall be served in accordance with Bankruptcy Rule 7004.

(5) The failure of the debtor to timely comply with LR 3002.1-1.D.(1) may preclude the debtor from filing such a motion at a later time.

E. FAILURE TO NOTIFY. If the holder of a claim secured by a security interest in the debtor's listed principal residence fails to provide information required by subdivision A. or C. of this rule, the holder may not seek to collect any fees, expenses and/or charges included in that information nor shall they be able to present that information, in any form, as evidence in any hearing or submission in

any contested matter or adversary proceeding in the case, unless the failure was substantially justified or is harmless. In addition to or instead of this sanction, the court, after notice and hearing, may award other appropriate relief, including reasonable expenses and attorney’s fees caused by the failure.

- **4001-1 / Automatic Stay – Relief From**

B. Requirement for movant to file a document noting the debtor’s payment history.

B. The movant shall file with the Motion, or within seven (7) days after service of the notice of hearing, the following as appropriate in the circumstances:.....

(5) A statement showing the debtor’s payment history.

- **4001-4 / Automatic Stay – Co-Debtor Relief From (NEW)**

New rule language noting that the response time for §1301 co-debtor motions for relief from stay is 21 days. This rule is very similar to Rule 4001-1, but effort has been made to incorporate the specific aspects of co-debtor stay issues under Section 1301.

A. The movant shall file with the Motion the following as appropriate in the circumstances:

(1) An affidavit of indebtedness;

(2) Copies of documents, including filing and recording information necessary to establish:

(a) as between the debtor and the individual protected under subsection (a) of section 1301, such individual received the consideration for the claim held by the movant;

(b) the Plan filed by the debtor proposes not to pay such claim; or

(c) the movant's interest would be irreparably harmed by continuation of such stay.

(3) An affidavit showing such facts as may be necessary to demonstrate the movant's right to relief from stay.

B. For the purpose of this rule, the time for responding under Bankruptcy Rule 7033, 7034 and 7036, is reduced to twenty (21) days unless otherwise directed by the Court.

- **4004-1 / Grant or Denial of Discharge**

B. - This Chapter 13 DSO certification is required by other chapters as well. In addition, statements pertaining to 522(q) are required for some chapters. Therefore, language will be added to note applicable requirements and chapters.

B. All Chapter 13 debtors shall file with the Court and serve on the Chapter 13 Trustee a certification that the debtor has paid all amounts that are required to be paid under a domestic support obligation as required by a judicial or administrative order, or by statute, that were due on or before the date of the certification, including amounts due before the petition was filed, but only to the extent provided for by the Chapter 13 plan. If the debtor is not required to pay any amounts under a domestic support obligation, then the debtor shall file a certification stating that the debtor is not required to pay said amounts.

The debtor shall also certify compliance with 11 U.S.C. Section 1328(h) using the following language:

(1) The debtor has not claimed an exemption under §522(b)(3) in an amount in excess of \$136,875 in property of the kind described in §522(q)(1) [generally the debtor's homestead];

OR

(2) The debtor has claimed an exemption under §522(b)(3) in an amount in excess of \$136,875 in property of the kind described in §522(q)(1) but there is no pending proceeding in which the debtor may be found guilty of a felony of a kind described in §522(q)(1)(A) or found liable for a debt of the kind described in §522(q)(1)(B).

C. In an individual Chapter 11 the debtors shall file with the Court and serve on all parties in interest a certification that the debtor has paid all amounts that are required

to be paid under a domestic support obligation as required by a judicial or administrative order, or by statute, that were due on or before the date of the certification, including amounts due before the petition was filed, but only to the extent provided for by the Chapter 11 plan. If the debtor is not required to pay any amounts under a domestic support obligation, then the debtor shall file a certification stating that the debtor is not required to pay said amounts.

The debtor shall also certify compliance with 11 U.S.C. §1141(d)(5)(C)

(1) The Debtor has not claimed an exemption under §522(b)(3) in an amount in excess of \$136,875 in property of the kind described in §522(q)(1) [generally the Debtor's homestead]

or

(2) The Debtor has claimed an exemption under §522(b)(3) in an amount in excess of \$136,875 in property of the kind described in §522(q)(1) but there is no pending proceeding in which the Debtor may be found guilty of a felony of a kind described in §522(q)(1)(A) or found liable for a debt of the kind described in §522(q)(1)(B).

D. All Chapter 12 debtors shall file with the Court and serve on the Chapter 12 Trustee a certification that the debtor has paid all amounts that are required to be paid under a domestic support obligation as required by a judicial or administrative order, or by statute, that were due on or before the date of the certification, including amounts due before the petition was filed, but only to the extent provided for by the Chapter 12 plan. If the debtor is not required to pay any amounts under a domestic support obligation, then the debtor shall file a certification stating that the debtor is not required to pay said amounts.

The debtor shall also certify compliance with 11 U.S.C. §1228(f) (chapter 12):

(1) The Debtor has not claimed an exemption under §522(b)(3) in an amount in excess of \$136,875 in property of the kind described in §522(q)(1) [generally the Debtor's homestead];

or

(2) The Debtor has claimed an exemption under §522(b)(3) in an amount in excess of \$136,875 in property of the kind described in §522(q)(1) but there is no pending proceeding in which the Debtor may be found guilty of a felony of a kind described in §522(q)(1)(A) or found liable for a debt of the kind described in §522(q)(1)(B).

Note: the dollar amounts listed in this Rule shall be adjusted as set out in 11 USC Section 104.

- **7005-3/ Service by Electronic Means Under Rule 5(b)(2)(D) (NEW)**

Inclusion of a new rule patterned from FL-M was submitted during the suggestion period. Similar provisions are already stated in our Admin. Procedures for Electronic Filing (II.B) and the agreement portion of the ECF user registration form (item 7). The recommendation is to not pursue this suggestion, but to add the Admin. Procedures as an addendum.

No language required.

- **9014-1/ Witnesses and Evidentiary Hearings**

Clarifying language added to note the need for an estimated amount of time required for an evidentiary hearing so that proper noticing can occur and unnecessary delays are avoided.

~~When a party determines an evidentiary hearing is required, counsel shall telephone Judge's chambers upon the filing of the related motion in order for the evidentiary hearing to be properly noticed by the court.~~

If a party has determined an evidentiary hearing is required at the time of filing a motion, counsel shall immediately notify the appropriate chambers by telephone in conjunction with the requirements stated on the ECF system when filing the motion. This includes information as to the estimated amount of time required for scheduling purposes. Failure to notify the court may result in unnecessary delays and continuances due to improper noticing.

- **9037-1/ Privacy Protection for Filings Made with the Court (NEW)**

Occasionally items are filed that mistakenly include personal identifiers or items covered under FRBP 9037. The suggestion is to add language to note the process required when filing a motion for protective order so that sensitive or private information can be redacted by the filer.

Procedures to protect personal identifiers and information are governed in accordance with FRBP 9037 and this court's *Administrative Procedures for Electronic Filing, Signing and Verifying Pleadings and Papers by Electronic Means*. If a document containing information in violation of those provisions is filed, a Motion for Protective Order to Restrict Remote Electronic Access and Provide for Redaction of Information should be filed along with a proposed Order. Upon entry of the Order, access to the original document will be restricted on the system. The filer must then file an amended document in which the private information has been properly redacted.

- **9070-1/ Exhibits**

A - Adding language requiring filing exhibits via ECF or notification in ECF as to why it cannot be done.

A. No later than three business days prior to trial or an evidentiary hearing, counsel for the parties shall mark, list, file, and exchange all exhibits which they plan to introduce into evidence. If for some reason, the exhibit or a facsimile of the exhibit cannot be filed, clarifying information for the non-filing is to be provided with the items that are filed.

B - Adding "Date Rec'd" line to exhibit tag.

B. Each exhibit shall be tagged separately with a tag containing the following information:

RECEIVED AS PLAINTIFF // DEFENDANT // JOINT // EXHIBIT NO. _____
CASE NO. _____
ADVERSARY NO. _____
FOR ID. _____ IN EVIDENCE _____
DATE REC'D _____

D - Adding that counsel shall provide the completed witness and exhibit list to the clerk prior to the commencement of the hearing.

D. All exhibits and witnesses must be listed in order on a separate sheet of paper using the exhibit form (see local forms page on Court internet site) and filed with the court no later than three (3) business days prior to the commencement of the hearing.

E - Adding language requiring that the original exhibits be provided to the Clerk prior to the hearing with copies to be available for the Judge, law clerk, and witnesses.

E. The original, hard copy and/or printable version of the documentary exhibits and listing of exhibits shall be furnished to the Clerk at the commencement of the hearing or trial period. Additional copies shall be made available for use by the presiding Judge, law clerk, and witnesses. In lieu of separate copies for the witnesses, counsel are encouraged to utilize the court's electronic exhibit display equipment. In addition, copies of documentary exhibits and the listing of exhibits shall be exchanged between counsel prior to the hearing.

F - Adding language to reiterate sufficient copy requirement noted in Section E.

F. All exhibits produced at hearing or trial which are not pre-marked shall be tendered to and marked by the Court Clerk ~~(or Court Reporter if no Court Clerk is present)~~ as they are presented in evidence. Sufficient copies pursuant to Section E. shall be provided by counsel.

G - Adding language clarifying process to reclaim exhibits.

G. Upon the expiration of thirty (30) days after an order or judgment concluding a contested matter or an adversary proceeding is entered, including the entry of an order determining or any post-judgment motions, provided that no appeal is pending, or if an appeal is taken, upon filing of the mandate, the Clerk shall give notice to all parties

to reclaim their exhibits. The parties shall have thirty (30) days from the date of said notice to either reclaim their exhibits or to make arrangements with the Clerk to do so. Exhibits which are not reclaimed shall be discarded or destroyed.

- **9072-1/ Orders**

C - Modify language requiring the submission of orders via the new link on the ECF bankruptcy page and/or ECF Central. Applicable changes will need to be made the court's Administrative Procedures for ECF.

C. Proposed orders and judgments shall be submitted electronically via the Orders link on the ECF system or similar link as part of the ECF Central program. Hard copies may be submitted only by non-ECF participants. Specifications regarding formatting, consent language and naming conventions are described in the Administrative Procedures for ECF located on the Court's website, and must be strictly adhered to in all cases.

Adding new subsection E – to allow the clerk's office to quote a local rule when a call is made for a delinquent order.

E - All orders should be submitted within three (3) business days after the date of the hearing or expiration of the response deadline, unless directed otherwise by the court or under a separate order-related provision contained within these rules.

SECTION B. Time Computation Related Adjustments

- **1019-1 / Conversion**

B - The deadline to file the applicable B22 form post conversion to be changed from 15 to 21 days.

A. The applicable current monthly income form (Form B 22A, 22B, or 22C) shall be filed in all cases within ~~15~~ twenty-one (21) days of conversion.

- **2016-1 / Compensation of Professionals**

A(1)(a) – The deadline to file final applications for Chapter 7 fees and expenses to be changed from 15 to 21 days.

(1) (a) Final applications for fees, and expenses of all professionals incurred during the administration of the Chapter 7 cases and allowable under 11 U.S.C. § 503(b) must be filed not later than ~~fifteen (15)~~ twenty-one (21) days after service of notification by the trustee that the case is ready to close.

B(1) – The deadline to file applications for compensation in Chapter 11's to be changed from 15 days to 21 days after the entry of an order scheduling the confirmation hearing.

(1) Applications of attorneys, accountants, auctioneers, appraisers, and other professionals for compensation from the estate of the debtor allowable under 11 U.S.C. § 503(b), should be filed no later than ~~fifteen (15)~~ twenty-one (21) days after the entry of an order scheduling the confirmation hearing, except for applications for fees and expenses totaling \$1,000 or less, which may be heard and determined pursuant to Local Rule 2016-1.

- **2081-1/ Chapter 11 - General**

B(1) - The deadline for the attorney for the proponent of the plan to prepare and submit the Order of Confirmation to be changed from 20 to 21 days after the confirmation hearing confirming the plan.

(1) Within ~~twenty (20)~~ twenty-one (21) days after the ~~confirmation~~ hearing confirming the plan, the attorney for the proponent of the plan shall prepare the Order of Confirmation and submit it to the Court. Copies of the proposed order shall be served upon the U.S. Trustee, any party in interest who filed an objection to the confirmation and to any other person designated by the Court. The Order Confirming the Plan will be distributed by the Court to all parties in interest. The proponent of the plan shall then be responsible for the distribution of ~~the Order of Confirmation~~ and copies of the confirmed plan to all creditors, the U.S. Trustee, and other parties as may be designated by the Court.

- **2082-1 / Chapter 12 – General**

A(1) – The deadline to provide required information to the trustee is to be changed from 5 to 7 days prior to the first meeting of creditors.

(1) At least ~~five (5)~~ seven (7) days before the first meeting of creditors, the debtor must file and provide the Chapter 12 trustee with the Summary of Operations for Chapter 12 Case (see local forms page on Court internet site) and the Income Tax Returns for the two (2) years immediately preceding the filing of the bankruptcy petition.

A(2) - The deadline to provide required information to the trustee is to be changed from 5 to 7 days prior to the confirmation hearing.

(2) At least ~~five (5)~~ seven (7) days before the confirmation hearing, the debtor must file and provide a copy to the Chapter 12 Trustee of the Farm Plan for a three (3) year period indicating projected disposable income, and a liquidation analysis reflecting the distributions to unsecured creditors if the case proceeds as a Chapter 7.

B(3) – The pre-confirmation statement filing deadline for business Chapter 13 cases to be changed from 15 to 21 days prior to the confirmation hearing.

(3) In a Chapter 12 case, the pre-confirmation statement shall be filed upon the filing of a plan. In business Chapter 13 cases, the pre-confirmation statement shall be filed ~~fifteen (15)~~ twenty-one (21) days prior to the confirmation hearing. Copies of the pre-confirmation statement shall be served upon all creditors, the trustee, the U.S. Trustee, and other persons who have requested notice pursuant to Bankruptcy Rule 2002.

- **2090-1 / Attorneys – Admission to Practice**

D(1) – The deadline for the notice to withdraw as counsel to be changed from 10 to 14 days.

(1) No attorney, having made an appearance for a creditor in a contested matter or adversary proceeding or having filed a petition on behalf of a debtor, shall thereafter abandon the case or proceeding in which the appearance was made or withdraw as counsel for any party therein, except by leave of Court obtained after giving ~~ten (10)~~ fourteen (14) days notice to the party or client affected thereby and to opposing counsel.

- **3012-1 / Valuation of Collateral**

A(1) – The deadline to file a FRBP 3012 motion regarding valuation to be changed from 5 to 7 days prior to the confirmation hearing.

(1) In cases filed under Chapter 11, all secured creditors shall be served a copy of any plan and disclosure statement or any amendment thereto filed in the case. The value of property set forth in the disclosure statement filed pursuant to 11 U.S.C. § 1125 shall be deemed at confirmation to be the value of the property for purposes of the plan and confirmation of the plan, including the treatment of creditors under the plan, unless ~~five (5)~~ seven (7) days prior to the hearing on confirmation a party in interest has filed a motion pursuant to Bankruptcy Rule 3012, in which event such values shall be as determined by the Court.

B – The deadline for the secured creditor impairment notice to be filed to be changed from 5 to 7 days from the filing of the plan.

B. In cases filed under Chapter 12 or 13: Upon the filing of the plan or within ~~five (5)~~ seven (7) days thereafter, the debtor shall file a notice to secured creditors whose claims are being impaired under the Plan of the value of the collateral which secures their claim.

C – While the 30 day deadline for an adversarial response to be filed on a Motion to Value does not apply, the deadline to file a related appraisal or other evidence is to be changed from 5 to 7 days prior to the hearing.

Any adverse party who contests the motion and desires to appear and be heard on the issue of value shall file a response to such motion within thirty (30) days prior to the hearing on the motion and shall file and serve not later than ~~five (5)~~ seven (7) days prior to the hearing an appraisal or other evidence of value.

D – The deadline to provide appraisal related information for valuation hearing/trial is to be changed from 5 to 7 days prior to the hearing/trial.

D. In any proceeding in which the value of real property is an issue and where a party intends to present appraisal testimony, the appraisal report and a statement of the qualifications of the appraisal witness shall be filed with the Court and served on all opposing parties as soon as the report first becomes available but in no case less than ~~five (5)~~ seven (7) days before the trial or hearing wherein the testimony is to be presented.

• **3017-1/ Disclosure Statement – Approval**

C - The deadline to serve the disclosure statement and plan is to be changed from 5 to 7 days prior to the hearing on the disclosure statement.

C. Objections to the proposed disclosure statement shall be filed and served on the debtor, the debtor's attorney, the attorney for the proponent of the plan (if other than the debtor), the U.S. Trustee, and all parties entitled to be served copies of the disclosure statement and plan as listed above at least ~~five (5)~~ seven (7) days prior to the hearing on the disclosure statement. Any objections not timely filed shall be deemed waived.

• **4001-1 / Automatic Stay – Relief From**

B – The deadline to file items required under this provision to be changed from 5 to 7 days after the service of the notice of the hearing on relief from stay.

B. The movant shall file with the Motion, or within ~~five (5)~~ seven (7) days after service of the notice of hearing, the following as appropriate in the circumstances:

C – The deadline to file a response to a motion for relief from stay to be changed from 15 to 21 days after the entry of the Court's order and notice of preliminary hearing.

C. If the motion is opposed, the debtor or the trustee shall file a response within ~~fifteen (15)~~ twenty-one (21) days after entry of the Court's order and notice of preliminary hearing; said response shall be accompanied by such appraisals, affidavits and documents as may be necessary to demonstrate the movant is not entitled to relief from the stay.

E – The deadline to furnish names, addresses of witnesses, and exhibit copies to be changed from 10 to 14 days prior to the final hearing/trial.

E. Not less than ~~ten (10)~~ fourteen (14) days prior to the final hearing, each party shall furnish a list of the names and addresses of all witnesses (designating expert witnesses as such) and copies of all exhibits that such party intends to introduce at trial.

G – The timeframe for the moving party to take a deposition of listed parties to be changed from 10 to 14 days after the service of the motion.

G. The moving party may, without leave of Court, take a deposition of the trustee, debtor, and debtor-in-possession ~~ten (10)~~ fourteen (14) days after the date of service of the motion. Leave of Court must be obtained only if the moving party seeks to take the deposition of the trustee, debtor, or the debtor-in-possession prior to the expiration of ~~ten (10)~~ fourteen (14) days after the date of service of the motion.

H – The timeframe for a property inspection to occur to be changed from 5 to 7 days from the date of service of the notice for inspection.

H. Any party in interest shall be entitled to inspect the property which is the subject of a motion under this rule upon reasonable notice. The notice shall provide for inspection not less than ~~five (5)~~ seven (7) days from the date of service of such notice unless the time is shortened or extended by the Court.

I – The deadline to respond under the listed FRBP’s to be changed from 20 to 21 days.

I - For the purpose of this rule, the time for responding under Bankruptcy Rule 7033, 7034 and 7036, is reduced to ~~twenty (20)~~ twenty-one (21) days unless otherwise directed by the Court.

- **5011-1 / Withdrawal of Reference**

A(1) – While the 30 day deadline to file the motion to withdraw reference does not apply, the deadline for parties to revoke the reference to be changed from 15 to 21 days from when they acquired actual knowledge of the pendency of the case.

(1) The motion to withdraw the reference of a case, in whole or in part, shall be filed with the Clerk of the Bankruptcy Court no later than thirty (30) days after the 11 U.S.C. § 341(a) Meeting of Creditors is concluded. Parties in interest without notice or actual knowledge of the pendency of the case may move to revoke the reference not later than ~~fifteen (15)~~ twenty-one (21) days after having acquired actual knowledge of the pendency of the case.

A(3) – The deadline for a debtor to file a response to the motion to withdraw to be changed from 10 to 14 days after the service of the motion.

(3) The motion shall be served on counsel of record for the debtor or, if the debtor has no attorney, on the debtor and U.S. Trustee. The debtor shall have ~~ten (10)~~ fourteen (14) days after service of the motion to file a response.

B(1) – The deadline to file a Motion to Withdraw Proceeding to be changed in the applicable provision from 20 to 21 days after the determination is made that it is a non-core matter.

(1) The Motion to Withdraw Proceeding must be filed with the Clerk of the Bankruptcy Court not later than the date set for filing an answer under Bankruptcy Rule 7012 or within ~~twenty (20)~~ twenty-one (21) days after the Bankruptcy Court has made a determination that a proceeding is a non-core matter.

B(4) – The deadline to file a response to a Motion to Withdraw Proceeding to be changed from 10 to 14 days after service of the motion.

(4) A Motion to Withdraw Proceeding shall be served on counsel of record for the debtor or, if the debtor has no attorney, on the debtor. The debtor shall have ~~ten (10)~~ fourteen (14) days after service of the motion to file a response.

- **6007-1 / Abandonment**

B – The deadline to file an objection to the notice of abandonment to be changed from 15 to 21 days from the filing of the notice.

B. Unless an objection is filed within ~~fifteen (15)~~ twenty-one (21) days of the filing of the notice or within such other time fixed by the Court, the abandonment will be deemed final and no order will be issued.

- **7008-1 / Core – Non-Core Proceedings**

The deadline to file a motion for determination is to be changed from 15 to 21 days after the service of the pleading creating the issue.

If an issue is raised under Bankruptcy Rule 7008(a) as to whether a proceeding is core or non-core, the party instituting the proceeding shall, within ~~fifteen (15)~~ twenty-one (21) days after the service of the pleading creating the issue, file a motion seeking a determination as to whether the proceeding is core or non-core.

- **9013-2/ Briefs and Memoranda of Law**

B(1) - The deadline to file a response and memorandum with citations to be changed from 15 to 21 days after service of the motion or application.

(1) Each party objecting to the relief being sought shall file and serve, within ~~fifteen (15)~~ twenty-one (21) days after service of the motion or application, a response and memorandum with citation of the authorities.

- **9015-1/ Jury Trial**

B - The deadline to file a statement of consent or non-consent to a jury trial to be changed from 20 to 21 days after the matter is at issue or 10 to 14 days after the final determination of the right to a jury trial.

The adverse party shall file a statement of consent or non-consent within ~~twenty (20)~~ twenty-one (21) days after the case or matter is at issue or within ~~ten (10)~~ fourteen (14) days after the final determination of a right to a jury trial by the Bankruptcy Court, whichever date is later.

SECTION C. Minor Edits

- **1001-1 / Introduction and General Statement of Adoption and Application of Local Rules**

Edit made to note proposed December 1, 2009 effective date.

B. These rules shall take effect on ~~September 1, 2006~~ December 1, 2009, and shall apply in said United States Bankruptcy Court to all cases, and to all matters and proceedings arising in or related to cases under Title 11, United States Code (the Bankruptcy Code) then pending and thereafter filed, except to the extent that in the opinion of the Court their application in a pending case, matter or proceeding would not be feasible or would work an injustice.

- **1006-1 / Filing Fee (NEW)**

This will replace the former local rule **5081-1 / Fees – Form of Payment** to be consistent with the uniform numbering system used in conjunction with the FRBP.

Language to be added that direct payments from debtors may only be by cash, cashier's check or money order – no personal checks, credit cards or debit cards from debtors will be accepted.

The filing fee must be paid by an attorney's office or trust account, check, cash, money order, or preapproved credit card. Documents filed electronically require payment on-line by credit card at the time of filing. If paid by check, there should be a separate check for each petition or item filed. Direct payments from debtors may only be by cash, cashier's check or money order – no personal checks, credit cards or debit cards from debtors will be accepted.

- **1007-1 / List, Schedules, & Statements, and Other Documents**

Suggestion to add sentence – “Lists, schedules, statements and other documents must be submitted on the most current version of the prescribed form.”

The following shall be filed at the same time as, but separately from, the petition and submitted on the most current version of the prescribed form:

Section A(6) is no longer required as recent updates to form B22A now mandate it in all applicable cases.

~~(6) If the Chapter 7 debtor is not required to file a Statement of Current Monthly Income and Means Test Calculation (Form B-22A) due to the nature of his/her debts being primarily business related, a CERTIFICATE or STATEMENT noting such as the reason for not filing the form.~~

A new item under (A) and (B) for corporate debtors to note the requirement for the filing of a Corporate Ownership Statement.

(A) (7) and (B)(8)

If the Debtor is a corporation other than a governmental unit, a Corporate Ownership Statement must be filed with the petition. This Statement should disclose all corporations that directly or indirectly own 10% or more of any class of the corporation's equity interests. The Statement must be provided even if there are no entities to report. (Form available on court's internet site).

- **1007-2 / Mailing List or Matrix**

Edit the reference to the mailing matrix format information from “INSTRUCTIONS FOR CREDITOR MATRIX DISKETTE” to current title “MATRIX FILING INSTRUCTIONS”.

The debtor shall file separately, but at the same time as the petition, a list containing the name and address of each creditor which shall serve as a mailing matrix. The mailing matrix shall be submitted in the format specified by the Clerk's Office (see "~~INSTRUCTIONS FOR CREDITOR MATRIX DISKETTE~~ MATRIX FILING INSTRUCTIONS" on local forms page on Court internet site).

- **1009-1 / Amendments to Lists and Amended Schedules**

Title of the rule to be updated in line with national rule title.

AMENDMENTS TO LISTS AND AMENDED SCHEDULES AMENDMENTS OF VOLUNTARY PETITIONS, LISTS, SCHEDULES and STATEMENTS

A new section E. to be added with language noting the procedure to be used when submitting an amended Form 21, Statement of Social Security Number.

E. An amended Statement of Social Security Number (Form 21) should be completed to correct a previously filed social security or individual taxpayer identification number and kept on file for four years after the case or proceeding is closed with a copy of the amended form mailed to the clerk's office.

NOTE: As with the original Form, the amended Form should NOT be filed on the system or sent via e-mail. In addition, under the FRBP, a notice of the correct number needs to be sent to all creditors, the United States Trustee, and the case trustee. A truncated or redacted copy of the notice showing only the last four digits should be filed with the court. **Only** with an error in the last four digits of the SSN that appear on the petition should the debtor file an amended petition with notice to all parties.

- **1017-2 / Dismissal – Case or Proceeding**

Change the rule number to 1017-1 as there currently is no rule with that number.

1017-2 -1/ Dismissal – Case or Proceeding

- **1019-1 / Conversion**

A – Add the language to note that applicable forms to be filed should be the current version of the official forms.

A. In cases converted to Chapter 7, the debtor-in-possession or the trustee shall file an original of all lists, schedules, statements, and other documents required by Bankruptcy Rule 1007, on the most current version of the official forms with the debtor's signatures, which accurately reflects the condition of the debtor's estate at the time of conversion.

- **2015-2 / Debtor in Possession Duties**

Change the rule number to 2015-1 as there currently is no rule with that number.

2015-2 -1/ Debtor in Possession Duties

- **2082-1 / Chapter 12 – General**

B(4) - Adding a new subsection noting that individual chapter 12 debtors must file a certification regarding domestic support obligations as a condition of confirmation with reference to local forms page. (form 13 could be modified to accommodate this).

(4) All Chapter 12 individual debtors shall file with the Court and serve on the Chapter 12 Trustee a certification that the debtor has paid all amounts to be paid under a domestic support obligation that first became payable after the date of the filing of the Chapter 12 petition if the debtor is required by a judicial or administrative order, or by statute, to pay such domestic support obligation. If the debtor is not required to pay any amounts under a domestic support obligation, then the debtor shall file a certification stating that the debtor is not required to pay said amounts. (Form available on Court internet site).

- **3012-1 / Valuation of Collateral**

B(4) Language to be changed from “motion to value collateral” to “motion to value collateral or motion to determine secured status” as this has been allowed by the Judge.

The value of property subject to liens or security interests as noticed shall be deemed to be the value of the property for purposes of confirmation and treatment of such creditor pursuant to a plan unless no later than thirty (30) days after such notice any party in interest files a motion to value collateral or motion to determine secured status pursuant to Bankruptcy Rule 3012. The notice sent to a secured creditor pursuant to this rule shall notify such creditor that failure to file a timely motion to value collateral or motion to determine to secured status will result in such collateral being valued at the amount listed for purposes of confirmation of the plan and treatment of such creditor's claim pursuant to the plan.

C - Language to be changed from “A motion to value property” to “A motion to value property or motion to determine secured status of property ” as this has been allowed by the Judge.

C. A motion to value property or motion to determine secured status of property of the estate shall state the value of the property as alleged by the moving party and all facts or circumstances sup-ported such value and shall be accompanied by an appraisal or other evidence of value. A Motion to value or motion to determine secured status of property shall include a certification as required by Local Rule 7007-1.

- **3015-1 / Certification of Information by Chapter 13 Debtor**

Feedback provided by attorneys in conversation that the title should be changed to better reflect purpose for the certifications found in the rule.

Certification of Information by Chapter 13 Debtor Certifications Required By Chapter 13 Debtor for Confirmation

- **3017-2/ Disclosure Statement – Small Business**

The national rule for this provision is number 3017.1. Therefore, the local rule is to be re-numbered as 3017.1-1.

~~3017-2~~ 3017.1-1/ Disclosure Statement – Small Business

- **3020-1/ Chapter 11 - Confirmation**

Add new section E. for chapter 11 individual debtors to note that they must file a “certification regarding domestic support obligation” as a condition of confirmation. (local form 13 can be used.)

E. All Chapter 11 individual debtors shall file with the Court and serve on the U.S. Trustee a certification that the debtor has paid all amounts that are required to be paid under a domestic support obligation that first became payable after the date of the filing of the Chapter 11 petition if the debtor is required by a judicial or administrative order, or by statute, to pay such domestic support obligation. If the debtor is not required to pay any amounts under a domestic support obligation, then the debtor shall file a certification stating that the debtor is not required to pay said amounts. (Form available on Court internet site).

- **4001-3 / Re-Imposing or Extending Automatic Stay**

Change the title of the rule from “Re-imposing” to “Imposing” as it is a more accurate description.

REIMPOSING OR EXTENDING AUTOMATIC STAY

A motion to reimpose or extend the automatic stay under 11 U.S.C. § 362(c)(3) shall be filed within five (5) days of the filing of the petition.

- **4003-2 / Lien Avoidance**

Change the rule number to 4003-1 as there currently is no rule with that number.

4003-~~2~~ -1 / Lien Avoidance

- **5081-1 / Fees – Form of Payment**

Local rule to re-numbered as 1006-1 to be consistent with the uniform numbering system used in conjunction with the FRBP.

See new Local Rule 1006-1.

- **7055-1 / Default**

B(5) - Adding a new subsection to note the requirement to file a “separate judgment” in accordance with Fed. R. Civ. P 58.

(5) a separate judgment in accordance with FRCP 58(a).

- **9004-2/ Caption – Documents, General**

Change the rule number to 9004-1 as there currently is no rule with that number.

9004-2 -1/ Dismissal – Caption – Documents, General

Modify the wording in C. to emphasize that the “Amended document must be filed in its entirety and related back to the originally filed pleading in the Court’s ECF system.”

C. Unless otherwise directed by the Court, any party permitted to amend a pleading, motion, or other document filed with the Court shall file the amended pleading in its entirety and relate it back in the system to the originally filed pleading. It shall be styled: "Amended & Restated (Name of Pleading)."

- **9013-2/ Briefs and Memoranda of Law**

Change the rule number to 9013-1 as there currently is no rule with that number.

9013-2 -1/ Briefs and Memoranda of Law

- **9015-1/ Jury Trial**

A – To conform with change at national level, reference to “Rules 38, 39, 47-51” to be changed to “Rules 38, 39, 47-49, and 51.”

A. Applicability of Certain Federal Rules of Civil Procedure. Rules 38, 39, ~~47-51~~ 47-49 and 51 F.R.C.P., and Rule 81(c) F.R.C.P. insofar as it applies to jury trials, apply in all cases and proceedings, except that a demand made under Rule 38(b) F.R.C.P. shall be filed in accordance with Bankruptcy Rule 5005.

- **9070-1/ Exhibits**

A - The text will be edited so that the day reference format is consistent with the rest of the local rules (i.e. from three business days to three (3) business days.)
A. No later than three <u>(3)</u> business days prior to trial or an evidentiary hearing, counsel for the parties shall mark, list, and exchange all exhibits which they plan to introduce into evidence.