

The following are technical amendments that changes all calculations of time less than 30 days to multiples of 7 days. This is in anticipation of a similar rule change under consideration for the Federal Rules of Bankruptcy Procedure.

LBR 1007-1. LISTS, SCHEDULES, AND STATEMENTS

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(b) Extension of Time.

1. The court may, for cause shown, grant an ex parte motion for an extension of time for filing the schedules, statements, and other documents required in Chapter 7, 11, 12 and 13 cases by FRBP 1007(b) to a date not less than ~~five (5)~~ **seven (7)** days before the first date set for the § 341(a) meeting. If the time for filing is extended, the debtor shall serve a copy of the schedules and statement of financial affairs on the trustee not later than five(5) days before the first date set for the § 341(a) meeting.

2. Any further extension shall be granted only in accordance with FRBP 9006(b) and upon motion served by the debtor on all parties in interest.

3. Any motion for extension of time shall be made before the expiration of the period of time prescribed for filing the schedules and statement of financial affairs.

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(e) Filing of Payment Advices or Other Evidence of Payment Received by Debtor from any Employer of the Debtor.

Debtor(s) shall not file with the court payment advices as required by § 521(a)(1)(B)(iv). The debtor(s) shall deliver to the Trustee appointed in the case or to the United States Trustee if no Trustee has been appointed in the case, copies of the payment advices no later than ~~10~~ **14** days prior to the first meeting of creditors scheduled in the case. The debtor(s) shall also provide copies of payment advices to any interested party that requests this information. For purposes of this requirement, payment information is any evidence that can reasonably be used to determine the amount of income received within 60 days before the date of filing of the petition.

LBR 1007-2. MAILING - LIST OR MATRIX

(a) Master Mailing List.

1. General Requirements.

A. At the time of filing a voluntary petition or, in an involuntary petition, within ~~15~~ 14 days following the entry of an order for relief, the debtor (or upon order of the court, petitioning creditor or partner) shall file a list of creditors which shall include in alphabetical order the name and last known mailing address for every scheduled creditor including individuals and entities co-obligated with the debtor on any debts.

B. The master mailing list, commonly referred to as the matrix of creditors, shall include the agencies and officers of the U.S. Government required to be served pursuant to FRBP 2002(j). Addresses for proper notice to major agencies of the U.S. Government can be obtained from the Clerk's Instructions.

C. If a federal tax debt is owed, all mailing lists shall include the address of the Internal Revenue Service office having responsibility for monitoring the case. Addresses for proper notice to the Internal Revenue Service can be obtained from the Clerk's Instructions.

2. If the debtor is a partnership, the mailing list shall contain the name and current mailing address of each general and limited partner.

3. If the debtor is a corporation, the mailing list shall contain the names and current mailing addresses of the present officers and directors and, if known, the immediate past officers and directors.

4. The mailing list shall contain the name and last known address or place of business of each equity security holder, if applicable.

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LBR 1015-1. JOINT ADMINISTRATION/CONSOLIDATION

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(b) Separate Administration in A Joint Case.

1. Separation of Estates. A joint petition which was filed and jointly administered pursuant to LBR 1015-1(a) may be separately administered upon motion by a debtor, trustee, other parties in interest or on the court's own initiative. Notice of the separation of the estates will be given to all parties in interest and will specify any additional case numbers to be used to reference the separate estates. If a debtor, trustee, or other party in interest wishes to separate the estates, the motion shall be filed pursuant to LBR 9007-1.

2. Fees Due Upon Separation of a Joint Case. When a joint case is ordered to be administered separately based upon a request by the debtor, a fee will be charged equal to one half the current filing fee for the chapter in which the joint case was commenced. All other orders separating cases otherwise jointly administered will not result in the assessment of an additional filing fee.

3. Amended Schedules and Modified Plans Upon Separation of a Joint Case. When a joint case is ordered to be administered separately, the debtors shall file amended schedules reflecting the financial status of the separate estates within ~~15~~ 14 days following entry of the order. If the case is filed in Chapter 11, 12, or 13, separate modified plans must also be filed within the ~~15~~ 14 days following entry of the order. Plans must specify which estate will be responsible for each secured debt.

LBR 1017-2. DISMISSAL OR SUSPENSION - CASE OR PROCEEDINGS

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(f) Dismissal For Failure to File Documents and Information Required by 11 U.S.C. § 521 and FRBP 1007. If the information and documents required by § 521 and FRBP 1007 are not filed upon the commencement of the case, the Clerk will notify the debtor and debtor's counsel that the missing information shall be filed within ~~fifteen (15)~~ **fourteen (14)** days from the date of the notice. If the information and documents are not filed within the ~~fifteen (15)~~ **fourteen (14)** days of the date of the notice, and the debtor has not requested a hearing during the ~~15~~ **14** days, the bankruptcy case may be dismissed by the Court without further notice or hearing.

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(h) Effect of Dismissal on Related Adversary Proceedings and Pending Motions. After dismissal of a bankruptcy case, any pending adversary proceedings will be dismissed by the court unless the court determines that it should retain jurisdiction. All pending motions will be deemed moot unless within ~~15~~ **14** days of the order of dismissal the movant files a request that the motion remain active pending further order of the court.

LBR 1019-1. CONVERSION - PROCEDURE FOLLOWING

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(f) Duty to Amend. Upon conversion of a case, the debtor shall, within ~~15~~ 14 days of the effective date of conversion, file inventories, schedules, and statements of financial affairs as may be applicable, or amend such items to include any interest in property acquired since the entry of the order for relief in the original chapter. The amendments shall account for any material additions, deletions, or other changes in the debtor's assets or liabilities. The amendments shall add to the mailing matrix any post-petition, pre-conversion creditors. If no amendments or additional inventories, schedules, or statements are necessary, the debtor shall file a certificate to that effect within the ~~15~~14-day period.

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LBR 2002-1. NOTICE TO CREDITORS & OTHER PARTIES IN INTEREST

(a) Noticing of 20-Day FRBP 2002(a) Matters. The clerk of the Bankruptcy Court shall serve the notices required by FRBP 2002(a)(1) and 2002(a)(7). If additional creditors are added by amendment after the commencement of the case, the attorney for the debtor shall give the notices required by FRBP 2002(a)(1) and FRBP 2002(a)(7). The party filing any motion or application shall serve any other notice required by FRBP 2002(a).

(b) Noticing of 25-Day FRBP 2002(b) Matters. The party filing any motion or application shall serve any notices required by FRBP 2002(b) including notice under FRBP 2002(b)(2) for any creditor added to the case by amendment.

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(c) Application for Approval of Appointment and Resolution of Disputes. If it is not necessary to resolve a dispute regarding the election of the trustee or if all disputes have been resolved by the court, the United States Trustee shall promptly appoint the person elected to be trustee and file an application for approval of the appointment of the elected person under FRBP 2007.1(b), except that the application does not have to contain the names of parties in interest with whom the United States Trustee has consulted. If it is necessary to resolve a dispute regarding the election, the United States Trustee shall promptly file a report informing the court of the dispute. If no motion for the resolution of the dispute is filed within ~~10~~ 14 days after the date of the creditor's meeting called under § 1104(b) of the Code, the person appointed by the United States Trustee in accordance with § 1104(d) of the Code and approved in accordance with FRBP 2007.1(b) shall serve as trustee.

LBR 2014-1. EMPLOYMENT OF PROFESSIONALS

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(c) Nunc Pro Tunc Application.

1. If an application for approval of employment of a professional person is made within ~~15~~ 14 days after the filing of the case or within ~~15~~ 14 days of commencement of the professional's services, it shall be deemed contemporaneous.

2. If an application for approval of the employment of a professional person is made more than ~~15~~ 14 days after the filing of the case or more than ~~15~~ 14 days after commencement of the professional's services, and the application requests that the approval be nunc pro tunc, the following information shall be required:

(A) An explanation of why the application was not filed earlier;

(B) An explanation of why the order authorizing employment is required nunc pro tunc;

(C) An explanation, to the best of the applicant's knowledge, how the approval of the application will or will not prejudice any parties in interest.

3. Applications to approve the employment of professional persons nunc pro tunc shall be approved only on notice and opportunity for hearing. All parties in interest in the case must be served with notice of the application. The notice shall substantially comply with the provisions of LBR 9004-1 and 9007-1.

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LBR 3012-1. VALUATION OF COLLATERAL

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(c) **Expert Witnesses.** In all actions involving valuation of property by an expert witness, ~~five (5)~~ **seven (7)** working days prior to the time of the hearing or trial, the party wishing to introduce the testimony of an expert witness shall file with the court and serve on all parties in interest a sworn written statement of the valuation of the property, qualifications of the appraiser, a copy of any written appraisal, and the method used in making the appraisal. The appraiser must give oral testimony at the time of a hearing or trial, but not testify on direct examination. The party wishing to introduce the valuation of property by an expert witness may, at the time of a hearing or trial, make a summary of the appraisal. The appraiser will then be sworn for the purposes of cross-examination by the adverse parties.

LBR 3015-3. CHAPTER 13 - CONFIRMATIONS

(a) All creditor objections to confirmation of a Chapter 13 plan shall comply with the following:

1. All creditor objections are to be filed and served 7 days prior to the first confirmation hearing held in the case unless a modification of plan has been filed prior to the confirmation hearing. If such modification is filed, the objection deadline shall be ~~20~~ 21 days from the date of the modification.
2. FRBP 9006 shall be applicable in determining the timely filing of creditor objections.
3. The first confirmation hearing held in the case for the purposes of this rule is deemed to be the later of the hearing date set by the court and contained in the notice of the meeting of creditors pursuant to § 341 of the Code or, in the event the meeting of creditors is adjourned, the confirmation date announced at the completed meeting of creditors. For purposes of § 1324(b) of the Code, the date of the meeting of creditors shall be the date the meeting of creditors is concluded.
4. All objections to confirmation and any request to file an objection after the deadline set above shall be served on the debtor, counsel for the debtor, and the Chapter 13 trustee.
5. Since the hearing to consider confirmation of a plan has been noticed to all interested parties, any objections to confirmation of a plan will not need to contain a notice of hearing otherwise required by LBR 9007-1.

LBR 3022-1. FINAL REPORT/DECREE (CH. 11)

(a) Projected Dates for Completion of Substantial

Consummation. Non-Individual Chapter 11 debtors shall file with the clerk within ~~15~~ 14 days of the date of the entry of the order confirming the plan of reorganization, a report specifying the projected date for completion of substantial consummation as defined in § 1101(2) of the Code. The report shall describe the action that is to be taken to complete substantial consummation. If the projected date for completion of substantial consummation must be extended, the debtor shall file a supplemental report specifying the new projected date, the progress made toward consummation of the plan, the action remaining to be taken to complete substantial consummation, and the reasons for the delay.

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(c) Projected Dates for Completion of all Payments Under the Confirmed Plan.

An Individual Chapter 11 debtor shall file with the clerk within ~~15~~ 14 days of the date of the entry of the order confirming the plan of reorganization, a report specifying the projected date for completion of all payments under the confirmed plan. If the projected date for completion of all payments under the confirmed plan must be extended, the debtor shall file a supplemental report specifying the new projected date, the progress made toward completion of the plan payments, and the reasons for the delay.

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LBR 4002-1. DEBTOR - DUTIES

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(c) **Duty to Produce Records**. Upon request and without order of the court, the debtor shall make his books and records available to the trustee. The records shall be produced within ~~15~~ 14 days of the request and shall include the following types of records:

1. Books, records, and other documents reflecting title, encumbrances, the nature, extent, value and location of all assets;
2. All nonexempt instruments and a cashiers check or money order for all nonexempt cash and deposits;
3. A complete inventory of the assets of the estate unless that inventory is set forth in the schedules;
4. Copies of any inventories prepared by or for the debtor within the preceding 12 months;
5. The debtor's federal income tax returns for the 3-year period preceding the date of filing of the petition;
6. Bank statements, canceled checks, and deposit slips for the 12-month period prior to the date of the petition.

LBR 4071-1 AUTOMATIC STAY - VIOLATION OF

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(b) Motions to Terminate Garnishment. After the commencement of a bankruptcy, the debtor may seek termination of any pending garnishment by motion which shall set out a showing that:

- 1) The debtor and/or debtor's counsel have contacted the judgment creditor seeking voluntary release of the garnishment;
- 2) That the garnishment and the withholding of any funds from the garnishment are in violation of 11 U.S.C. §362, and
- 3) That the motion to terminate the garnishment has been served on the judgment creditor, the court in which the garnishment is pending, and any entity who has been served as garnishee.

The motion shall include a notice which shall provide ~~15~~ 14 days for a response and must be served pursuant to LBR 9004-1 and LBR 9007-1. If no objection is filed to the motion within the ~~15~~ 14 days provided, the court may enter an order directing any entity holding garnished funds to release the funds and directing that the garnishment pending shall be terminated.

LBR 5003-1. CLERK - GENERAL/AUTHORITY

Exhibits and/or documentary evidence tendered in any contested matter or adversary proceeding may be deemed obsolete by the clerk upon termination of the contested matter or adversary proceeding and expiration of all time periods for appeal or rehearing. The clerk may destroy such exhibits and/or documents after giving all parties in interest in the contested matter or adversary proceeding ~~15~~ 14 days notice of the clerk's intended action. Parties desiring to have any documentary evidence or exhibits returned must contact the court within the ~~15~~ 14 days.

LBR 5075-1 CLERK'S AUTHORITY TO REDACT INFORMATION ON FILE WITH THE COURT

(a) Redaction by the Clerk. Any entity wishing to redact information on file with the court can request such redaction by filing a request. Such request shall specify the document containing the information and a contention that the information is one or more of the following types:

- (i) Social Security numbers
- (ii) Financial account numbers
- (iii) Dates of birth or names of minor children

Upon filing such request, the clerk shall remove the subject document from the public docket. The party requesting redaction shall file with the court a replacement document with all necessary redaction properly executed by the filer within ~~10~~ 14 days from the date of the request. If no replacement document is filed, the clerk will place the original document back on the public docket.

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LBR 5080-1. FEES - GENERAL

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(b) Payment of Fees by Third Parties. Attorneys who receive filing fees from debtors shall pay such funds over to the court at the time of the filing of the petition or, if the petition has already been filed, within ~~ten (10)~~ **fourteen (14)** business days from the receipt of the payment from the debtor. Upon dismissal of a Chapter 13 case, the Chapter 13 trustee shall pay any unpaid filing fee from funds on hand at the time of the dismissal.

LBR 6007-1. ABANDONMENT

(a) Abandonment by Chapter 7 Trustee at Meeting of Creditors.

1. At the meeting of creditors pursuant to § 341 of the Code, a trustee in a Chapter 7 case may announce the abandonment of all or any portion of scheduled property of the estate and/or sign an abandonment prepared and presented at the meeting of creditors by any party in interest.

2. An objection to such abandonment must be in writing, filed with the clerk, and served upon the trustee, debtor, debtor's attorney, and any known lien holders within ~~10~~ 14 days after the meeting of creditors. If no such objection is filed and served, the property shall be deemed abandoned without further notice or hearing.

3. If an objection is filed to a proposed abandonment by the trustee, the court shall set a hearing and give notice to all parties in interest.

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LBR 7054-1. COSTS - TAXATION/PAYMENT

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(b) Time for Filing. A Bill of Costs must be filed by the prevailing party within 30 days from the entry of the judgment that awarded the costs. Opposing counsel shall have ~~20~~ 21 days from the service of the Bill of Costs to file a response.

LBR 7056-1. SUMMARY JUDGMENT

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(b) Response to Statement of Uncontested Facts. The party or parties opposing a motion for summary judgment shall file a separate, short, and concise statement of the material facts as to which it is contended that there exists a genuine issue to be tried, including specific reference to those parts of the pleadings, depositions, answers to interrogatories, admissions on file and affidavits that support such contentions. Any such response shall be filed and served within ~~20~~ 21 days of service of movant's Statement of Uncontested Facts.

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LBR 9004-1. DOCUMENTS AND PLEADINGS - REQUIREMENTS OF FORM

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(c) **Notices - Form.** All notices served shall substantially conform to the following directives:

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7. Notice Period. The party preparing the notice shall insert the appropriate deadline for response that is applicable to the motion filed. Unless a rule specifies otherwise, the time allowed shall be ~~20~~ 21 days from the date of the issuance of the notice.

LBR 9013-3. CERTIFICATE OF SERVICE - MOTIONS

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(b) If a certificate of service is not filed as required by this rule, the clerk shall send notice to the filing party and give ~~15~~ 14 days from the date of the notice for the certificate to be filed. If the certificate is not filed within the ~~15~~ 14 days and the filing party within the ~~15~~ 14 days does not request relief from the requirements of this rule, the motion, brief or other document will be dismissed or stricken without further notice or hearing.