



MEMORANDUM

To: Attorneys
From: Kyle George, Clerk of Court
Subject: Proposed Local Rule Change Out For Comment

May 2, 2014

1. Two changes to our local rules are being proposed:

a. The Court recently learned that our Local Bankruptcy Rule 1007(a)(1)(A) (Mailing-List or Matrix/Creditor Matrix/General Requirements) as to involuntary petitions differs from the Federal Bankruptcy Rule 1007(a)(2). The LBR allows a 14 day period for the involuntary petitioner to provide a list of creditors whereas the Federal Rule only allows a 7 day period for the involuntary petitioner to provide a list of creditors. The proposal is that our Local Rule be changed to conform to the Federal Rule. The proposed red-line change is as follows:

LBR 1007-2. MAILING - LIST OR MATRIX

(a) Creditor Matrix.

1. General Requirements.

A. At the time of filing a voluntary petition the debtor 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. In an involuntary case the debtor or, upon order of the Court, a petitioning Creditor or partner, shall file the list within ~~14~~ 7 days following the entry of an order for relief.

The proposed rule change in no way alters the requirement for a voluntary petitioner to provide the creditor matrix at the time of filing.

b. Regarding the voluntary dismissal of a Chapter 12 or a Chapter 13 case previously converted from Chapter 7 [see LBR 1017-2 (b)(3)], the negative noticing requirement has not been applied in our local rule as to this conversion, which is inconsistent with the requirements regarding the voluntary dismissal of a Chapter 7 case as noted in LBR 1017-2 (a)(3). The proposed change would eliminate the need for the original Chapter 7 Trustee and the Chapter 13 Trustee to consent in writing and would instead be served pursuant to LBR 9007-1 and LBR 2002-1 (e) and requires the debtor to serve the original Chapter 7 Trustee. The proposed red-line change is as follows omits sub-paragraph (3) of the paragraph:

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

(a) Voluntary Dismissal of a Chapter 7 Case.

(Omitted)

(b) Voluntary Dismissal of a Chapter 12 or Chapter 13 Case Previously Converted From Chapter 7.

1. A motion by a debtor to dismiss a Chapter 12 or Chapter 13 case that was previously converted from Chapter 7 shall specify the grounds for the motion.

2. A motion by the debtor to dismiss a Chapter 12 or Chapter 13 case previously converted from a Chapter 7 case shall be served pursuant to LBR 9007-1 or LBR 2002-1(e).
Any such motion shall also be served on the Chapter 7 Trustee originally appointed in the Chapter 7 case.

~~3. If the Chapter 7 Trustee originally appointed in the Chapter 7 case and the Chapter 13 Trustee do not consent in writing to the dismissal, the Court shall schedule a hearing.~~

2. The opinions expressed by attorneys practicing in the Middle District of Georgia are greatly appreciated and are given serious consideration by the Court prior to the final adoption of any local rules. Therefore, your assistance in providing feedback to the Court regarding these changes is extremely valuable and we appreciate you taking the time to review these changes and forwarding any comments to me.

3. Comments need to be in writing and can be mailed or preferably e-mailed to me. My e-mail address is kyle_george@gamb.uscourts.gov. The commentary period will close on June 15, 2014.