

**UNITED STATES BANKRUPTCY COURT  
MIDDLE DISTRICT OF PENNSYLVANIA**

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**LOCAL BANKRUPTCY RULES**

**Effective: \_\_\_\_, 2004**

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

**Rule 1001-1** *Local Rules – General*

- (a) *Scope.* The Local Bankruptcy Rules and Local Bankruptcy Forms are adopted to govern the practice and procedure before the United States Bankruptcy Court for the Middle District of Pennsylvania.
- (b) *Short Title.* These rules may be cited and referred to as the Local Bankruptcy Rules (or “L.B.R.”) and the forms as the Local Bankruptcy Forms (or “L.B.F.”).

**Rule 1002-1** *Petition - General.*

- (a) *Unsigned Petition.* The clerk must accept for filing any petition in bankruptcy. If a paper petition is not signed by either the petitioner or counsel, or if it is submitted by facsimile, the deficiency must be cured within five (5) days or the petition may be dismissed. The clerk will notify the party of the deficiency and the deadline by which the deficiency must be cured.
- (b) *Petition Submitted by Facsimile.* The clerk is not required to accept a petition filed by facsimile unless prior approval has been obtained from the court. The court will not approve a filing by facsimile except in an emergency, as determined by the court.

**Rule 1006-1** *Fees - Installment Payments.*

- (a) *Petitions.* Each petition must be accompanied by the prescribed filing fee including the miscellaneous fee, unless the petition is accompanied by an application to pay these fees in installments. The court may dismiss a case without further notice if the approved installments are not paid.
- (b) *Other Filings.* The clerk must accept all pleading for filing regardless of whether the fee required by the bankruptcy court fee schedule is paid. If the required fee is not paid at the time the pleading is filed, the clerk must notify the filing party that the party has seven (7) days to pay the fee or the pleading may be stricken by the court. Current information regarding fees and the number of copies required by the clerk may be found on the court’s website ([www.pamb.uscourts.gov](http://www.pamb.uscourts.gov)).

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**Rule 1007-1** *Lists, Schedules, and Statements.*

- (a) *Motion.* A motion for an extension of time to file schedules, statements, and plans must be filed with the court within fifteen (15) days of the entry of an order for relief or before any previously granted extension expires. If the motion is untimely, the court may deny the motion and dismiss the case. The motion must state why the extension is needed and be served on the United States trustee, the unsecured creditors' committee, any examiner, and the case trustee, if one has been appointed.
- (b) *Objection to Extension.* An objection to an extension of time must be filed within seven (7) days of service of the motion. If an objection is filed, a hearing will be scheduled at the earliest possible date.

**Rule 1007-2** *Mailing List or Matrix.*

- (a) *Mailing Matrix Required.* The debtor must file with the petition a master list of creditors and other parties in interest ("mailing matrix") in the form prescribed by the clerk. The clerk may return the matrix to the debtor if the matrix is illegible or otherwise not in compliance with this Rule. Failure to file the matrix may constitute cause for dismissal of the case.
- (b) *Form of Mailing Matrix.*
  - (1) Unless otherwise ordered by the court, the mailing matrix must be filed with the petition in the following two formats:
    - (A) a computer readable format designated and published from time to time by the clerk; and
    - (B) a paper form prescribed by the clerk.
  - (2) Both mailing matrices must be prepared so that each address is contained within four (4) lines, with each line not exceeding thirty-five (35) characters (including spaces).
  - (3) If the court waives the filing of the matrix in computer readable format, the debtor must follow directions for formatting provided by the clerk to facilitate the conversion of the matrix into computer readable format.
  - (4) After the matrix is downloaded, the clerk must return the diskette to the debtor.
- (c) *Accuracy of Mailing Matrix.* The debtor is responsible for the accuracy and

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completeness of the mailing matrix. If a copy of the initial notice of the filing of the petition is returned because of an incomplete or incorrect address, the clerk will strike such address from the mailing matrix and notify the debtor that the notice has been returned. The debtor must notify the clerk in writing of corrected addresses and must re-mail the notice to the affected parties at the corrected addresses.

**Rule 1009-1** *Amendments to Voluntary Petitions, Lists, Schedules and Statements.*

- (a) *Notice.* An amendment to a voluntary petition, schedule or statement must be served on the trustee, United States trustee, any official committee, and any affected entity or creditor. The debtor must file a certification that service has been made on these parties.
- (b) *Requirements.* An amendment must contain:
  - (1) the caption of the case;
  - (2) the case number; and
  - (3) a title including the word “AMENDED” or “AMENDMENT”.
- (c) *Form.* An amendment to a schedule or statement must be filed in a form similar to the original and include only the additions or deletions to the schedule or statement. The change must be prefaced by the statement: “ADD” or “DELETE.” An entire set of statements and schedules should not be refiled.

**Rule 1015-1** *Joint Administration/Consolidation.*

- (a) *Joint Administration.*
  - (1) *Motion.* A request for joint administration must be made by motion. For each case subject to the motion, movant must serve the motion and notice of the answer date on:
    - (A) the debtor;
    - (B) all secured creditors;
    - (C) the United States trustee;
    - (D) any appointed trustee;
    - (E) all parties in interest who have filed a request to receive copies and

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notices; and

- (F) any creditors' committee. If there is no creditors' committee, then the motion must be served as specified in F.R.B.P. 1007(d).
- (2) *Passive Notice.* Notice of the filing of a motion for joint administration must provide for a twenty (20) day objection period. If no objection is filed within twenty (20) days, the court may enter the order. A hearing will be set only upon filing of a timely objection to the motion.
- (b) *Substantive Consolidation.* A request for substantive consolidation must be made by motion. The movant must serve the motion on all parties in interest. The notice must provide for a twenty (20) day objection period. A hearing will be set even if no objections are filed.
- (c) *Severance or Deconsolidation.*
  - (1) A request to deconsolidate cases that have been substantively consolidated must be made by motion. The movant must serve notice on all parties in interest. A hearing must be held on a motion to deconsolidate substantively consolidated cases.
  - (2) A request to sever jointly administered cases must be made by motion. The movant must serve notice on the debtor, all secured creditors, the United States trustee, the case trustee, if any, all attorneys who have specifically asked to receive copies and notices, and the creditors' committee. If there is no creditors' committee, then the motion should be served on the list filed pursuant to FRBP 1007(d) (twenty largest unsecured creditors.) No hearing will be held on a motion to sever jointly administered cases unless an objection to the motion is filed within ten (10) days of service.
  - (3) If one of several jointly administered cases is to be dismissed, it first must be severed from the other cases through the filing of a motion to sever. If the motion to sever is filed by the debtor, the appropriate fee must be paid.

**Rule 1017-2** *Dismissal or Suspension – Case or Proceedings.*

- (a) *Self Scheduling of United States Trustee's Motion.* The United States trustee may self-schedule a motion to dismiss a voluntary chapter 7 case under 11 U.S.C. § 707(a)(3) according to the following procedure:
  - (1) *Miscellaneous Court Schedules.* The court will designate and the clerk must publish at the court website on or before the first day of each month a schedule

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of dates, times, and places for the “miscellaneous court” for the succeeding three months.

- (2) *Notice.* The United States trustee must prepare a notice substantially conforming to L.B.F. 1017-2. In the notice, the United States trustee must insert a miscellaneous court date that allows at least thirteen (13) calendar days for a response and at least ten (10) calendar days between the response date and the hearing date.
  - (3) *Filing and Service.* The United States trustee must file with the court and serve on the debtor, debtor’s counsel, and the trustee the motion to dismiss, the notice and the proposed order granting the relief requested.
  - (4) *No Response Filed.* If a timely response in opposition is not filed, the United States trustee may certify default, and the court will issue an order dismissing the case.
  - (5) *Response Filed.* If a timely response in opposition is filed and served on the United States trustee, the United States trustee must certify to the court that a response was received. The motion will be heard on the court date set forth in the notice.
- (b) *Reinstatement of Dismissed Case.*
- (1) A motion to reinstate a dismissed case must be in writing. If the court sets a hearing on the motion, notice of the date by which objections must be filed and the hearing date must be served on the following:
    - (A) the debtor;
    - (B) the United States trustee;
    - (C) any trustee; and
    - (D) all parties previously notified of the dismissal under F.R.B.P. 2002(f)(2).
  - (2) Any motion to reinstate a dismissed case may be granted summarily.

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**PART II  
OFFICERS AND ADMINISTRATION; NOTICES;  
MEETINGS; EXAMINATIONS; ELECTIONS; ATTORNEYS  
AND ACCOUNTANTS**

**Rule 2002-1** *Notice to Creditors and Other Interested Parties.*

- (a) *Passive Notice.* A notice served under F.R.B.P. 2002(a)(2), (3), (6), (7), or (8) must provide that if no objections are filed by the objection deadline, the court may grant the relief requested. No hearing date will be included in the notice unless a written request is filed.
- (b) *Notice to Parties in Interest.* In a case filed under any chapter, a proponent must give notice to all parties in interest as required under F.R.B.P. 2002(a)(2), (4), (5), and (6). In a chapter 11 case, a proponent also must give the notice required by F.R.B.P. 2002(b) and (d).
- (c) *Notice by Chapter 7, 12, or 13 Trustee.* The clerk will serve any notice required to be served on all parties in interest by a chapter 7, 12, or 13 trustee.
- (d) *Notice of § 341(a) Meeting.*
  - (1) *General Rule.* The clerk must serve notice of a meeting under 11 U.S.C. § 341(a) on all parties in interest listed on the mailing matrix.
  - (2) *Amended Mailing Matrix.* The debtor must serve notice of a meeting under 11 U.S.C. § 341(a) on all parties in interest added to the mailing matrix after notice of the meeting has been served pursuant to L.B.R. 2002-1(d)(1).
  - (3) *Notice of Rescheduled or Continued Meeting.* If the meeting under 11 U.S.C. § 341(a) is rescheduled, notice must be given to all parties in interest by the clerk.
  - (4) *Chapter 13 cases.* In a chapter 13 case, notice of the meeting under 11 U.S.C. § 341(a) must include instructions on filing a proof of claim under L.B.R. 3001-1.
- (e) *Notice to Equity Security Holders.* The debtor must provide notice of the order for relief and any other notices required under F.R.B.P. 2002(d) to its equity security holders.

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- (f) *Certificate of Service.* The certificate of service showing compliance with this rule must be filed with the clerk no later than five (5) business days following the date of service.

**Rule 2003-1** *Meeting of Creditors and Equity Security Holders.*

- (a) *Date and Place.* Any request to deviate from the general requirement that a debtor personally appear at a meeting under 11 U.S.C. § 341(a) must be made first to the United States trustee. If the United States trustee denies the request, the debtor may file a motion with the court.
- (b) *Attendance.* Debtor's attorney should accompany debtor to a meeting under 11 U.S.C. § 341(a). If a debtor's attorney is unable to attend, he or she may arrange for a partner, member, or regular associate of his or her firm to serve as counsel or for another attorney to attend, if permitted under the Pennsylvania Rules of Professional Conduct.

**Rule 2004-1** *Depositions and Examinations.* The court will consider a motion under F.R.B.P. 2004(a) ten days after service on the respondent. If no objection or answer is filed within ten days, an order may be entered by the court. The order may be entered immediately if the motion contains a certification that the respondent has agreed to submit to the examination.

**Rule 2014-1** *Employment of Professionals*

- (a) *Application to Employ Counsel or Other Professionals.* An application to employ counsel or other professionals must be filed with the clerk along with a verified statement of disinterestedness and a proposed order. If paper copies are filed, an original and two copies must be filed.
- (b) *Application to Employ Persons for the Sale or Lease of Estate Property.* An application for employment of an agent or broker for the sale or lease of estate property must be accompanied by a copy of the signed written contract employing the agent or broker. An application for employment of an auctioneer must be accompanied by a copy of the auctioneer's surety bond. A contract for employment must provide that it is effective only upon court approval. When an applicant seeks appointment as a real estate agent, broker or appraiser, or as an auctioneer, the applicant must state if he or she is seeking compensation at a flat rate or on a percentage basis. An applicant for compensation at a flat rate or on a percentage basis may request the court to approve the terms of compensation without filing a separate fee application under L.B.R. 2016-1(e). An application for employment under this rule requires conformity with the notice requirements of Rule 2002(a)(6).
- (c) *Service on the United States Trustee.* An application for the appointment of any

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professional must be served upon the United States trustee. Any objection to the application must be filed by the United States trustee within five (5) business days from the date of service of the application.

**Rule 2015-5** *Trustees – Chapter 13.* Upon conversion or dismissal of a chapter 13 case before confirmation, the trustee may retain an administrative fee at the prevailing percentage authorized by 28 U.S.C. § 586(e), but not less than \$50 nor more than \$500.

**Rule 2016-1** *Compensation of Professionals.*

- (a) *Cover Sheet.* A fee application must include a cover sheet that gives the court a summary of the fee application. The cover sheet must conform substantially to L.B.F. 2016-1.
- (b) *Fee Applications.* A fee application must include:
  - (1) the date of the order appointing the professional;
  - (2) a statement indicating whether the application is for final or interim compensation and expenses, the total amounts requested, and the time period for the services rendered;
  - (3) the date and amount of previous compensation, if any, including any retainers paid;
  - (4) a chronological listing of services performed. Whenever applicable, the listing should include:
    - (A) an identification of the subject matter of any correspondence or phone call together with the party with whom that communication occurred;
    - (B) an identification of the subject matter of and parties involved in any hearing or trial, if the service involved is attendance at a hearing or trial;
    - (C) an identification of any pleading drafted; and
    - (D) the date the service or expense was incurred and the time expended, in tenths of hours, for the service rendered;
  - (5) an itemization of the expenses for which reimbursement is requested;
  - (6) an allegation that the professional is a disinterested person and has not

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represented or held an interest adverse to the interest of the estate on the matter on which he or she was employed in compliance with 11 U.S.C. § 327(a);

- (7) for applications filed on behalf of attorneys, a history of the case in narrative form. The history should include if applicable:
  - (A) a description of the debtor's financial situation when the case was filed;
  - (B) a description of significant events that have occurred post-petition;
  - (C) a description of specific issues that the debtor is required to resolve before a plan can be confirmed or the case otherwise resolved (for example, liquidation of real estate or resolution of pre-petition litigation);
  - (D) the status of any specific issues and their resolution; and
  - (E) items that need to be completed before the case can be confirmed or otherwise brought to a conclusion;
- (8) a certification that the entity on whose behalf the applicant is employed has been given the opportunity to review the application and whether that entity has approved the requested amount;
- (9) the names and hourly rates of all applicant's professionals and paraprofessionals who billed time. This should be accompanied by an explanation of any changes in hourly rates from those previously billed; and
- (10) a proposed order of the court approving the application.

(c) *Categorical Listing of Services.*

- (1) In a case under any chapter in which the total aggregate amount requested for compensation by a professional is in excess of \$100,000.00, the applicant must include a categorical listing of services. Appendix 2016-1 provides a non-exclusive list of suggested project categories.
- (2) The description of each category must include the following information:
  - (A) a heading generally describing the services within the category.
  - (B) a narrative summary that:

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- (i) describes the project and its status, including all pending litigation for which compensation and reimbursement are requested; and
  - (ii) states the number of hours spent and the amount of compensation requested for each professional and paraprofessional on the project.
- (d) *Attorney for Consumer Debtor.* When an attorney for a consumer debtor receives or seeks compensation in excess of \$1,000.00 for a chapter 7 case or \$2,500.00 for a chapter 13 case, an application conforming to this rule must be filed.
- (e) *Non-attorney Professionals Compensated on Non-hourly Basis.* If the court has previously entered an order approving the employment of a non-attorney who is customarily paid on a non-hourly basis and whose terms of compensation the court has approved, then no application for compensation is required for such non-attorney.

**Rule 2090-1** *Attorneys – Admission to Practice.*

- (a) *General Admission.* An attorney who has been admitted to practice in the United States District Court for the Middle District of Pennsylvania and is presently in good standing before such court is admitted to practice before this court.
- (b) *Admission Pro Hac Vice.* An attorney who is admitted to practice before any United States district court and the highest court of any state or the District of Columbia and who is a member of the bar in good standing in every jurisdiction where admitted to practice, and who is not subject to pending disciplinary proceedings in any jurisdiction, may be admitted to practice before this court, but only for the purpose of a particular case and not generally under subdivision (a). A request for admission under this subdivision must be made by written motion of a member of the bar of this Court or by the attorney intending to practice before this court. The court in its discretion may grant an oral motion for admission made in open court.

**Rule 2090-2** *Attorneys – Discipline and Disbarment*

- (a) *Suspension or Disbarment from Practice.* This court has the power and authority to govern, control, and discipline the conduct of attorneys practicing before it, including the power to suspend or disbar attorneys from practice before it.
- (b) *Failure to Appear.* An attorney who fails to appear without just cause on a matter before the court or, as counsel for a debtor, fails to attend the debtor's § 341(a) meeting, may be subject to discipline by the court.

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- (c) *Failure to Prepare.* An attorney who, without just cause, fails to adequately prepare for any pretrial conference, hearing or trial may be subject to discipline by the court.

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**PART III  
CLAIMS AND DISTRIBUTION TO CREDITORS AND  
EQUITY INTEREST HOLDER; PLANS**

**Rule 3001-1** *Claims and Equity Security Interests – General.*

- (a) *Proof of Claim – Contents.* Each proof of claim presented for filing must clearly
  - (1) the case name;
  - (2) the case number;
  - (3) the chapter;
  - (4) the claimant’s original signature;
  - (5) the claimant’s mailing address; and
  - (6) the claimed amount.
  
- (b) *Proof of Claim – Service.* In a chapter 7 asset case, a chapter 12 case, or a chapter 13 case, the claimant must serve a copy of the proof of claim with all attachments on the trustee and on the debtor.
  
- (c) *Proof of Secured Claim – Chapter 13 Cases.* In a chapter 13 case, each proof of claim filed by a creditor claiming a security interest must identify:
  - (1) the collateral securing the claim;
  - (2) the principal balance of the obligation;
  - (3) prepetition arrearages;
  - (4) late fees; and
  - (5) attorneys fees and foreclosure costs, including a representation of whether the attorneys fees represent actual fees incurred by the creditor or a commission for collection.

**Rule 3002-1** *Filing Proofs of Claim in Closed Cases; Time-Stamped Copies of Proofs of Claim.*

- (a) *Closed Cases.* Any proof of claim received by the clerk in a closed case will be returned to the claimant and marked: “Not Filed, Case Closed.”

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- (b) *Time-Stamped Copies.* To receive a time-stamped copy of a proof of claim, a claimant must provide to the clerk a copy of the proof of claim and a self-addressed, stamped envelope.

**Rule 3003-1** *Filing Proofs of Claim in Chapter 11 Cases.* In chapter 11 cases, notice of a deadline for proofs of claim must be given in the following manner:

- (a) *Party request.* If a party requests the court to set a date within which claims must be filed, that party must provide notice of the date and a form of proof of claim to all creditors.
- (b) *Sua sponte.* If the court *sua sponte* sets a date within which claims must be filed, the clerk must provide notice of the date and a form of proof of claim to all creditors.

**Rule 3004-1** *Filing of Claims by Debtor or Trustee.* A debtor or trustee filing a proof of claim in the name of a creditor under F.R.B.P. 3004 must file an original and serve a copy on the creditor and on the case trustee.

**Rule 3005-1** *Filing of Claims by Codebtor.* A codebtor filing a proof of claim in the name of a creditor under F.R.B.P. 3005 must file an original and serve a copy on the creditor, any codebtors, the debtor, and the trustee.

**Rule 3006-1** *Claims – Withdrawal.* All requests to withdraw a claim must state:

- (a) whether an objection to the claim was filed;
- (b) whether a complaint was filed against the claimant; and
- (c) whether the claimant has accepted or rejected a plan.

**Rule 3007-1** *Claims – Objection.*

- (a) *Contents.* An objection to a claim must state particular grounds for the objection and whether the claim should be disallowed or allowed in an amount or with a priority other than as filed. The objection must list the claim number as recorded on the claims register.
- (b) *Notice of Objection.*
  - (1) The objection, with a notice advising the claimant of the opportunity to request a hearing, must be served on the claimant, the debtor, the trustee, and any other affected interest.

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- (2) The notice, substantially in the form of L.B.F. 3007-1, must be dated as of the date of mailing and must advise the claimant that:
- (A) the claimant may file an amended proof of claim, a response to the objection, or a request for hearing with the court within thirty (30) days after the date of the notice;
  - (B) the claimant is entitled to have a hearing on the objection if the claimant has filed a written response to the objection or a written request for a hearing with the court not more than thirty (30) days after the date of the notice;
  - (C) if requested by the claimant, the court may allow the claimant to participate in the hearing by telephone; and
  - (D) the court may sustain the objection and disallow or modify the claim without further notice or hearing if the claimant does not file an amended proof of claim, a response to the objection or a request for hearing within thirty (30) days after the date of the notice.
- (c) *Hearing.* If the claimant files either a timely answer or a request for hearing on the objection to claim, the clerk will set a date for the hearing on the objection.
- (d) *Entry of Default Judgment.* If the claimant does not file a timely response to the objection to claim, the party filing the objection may move the court for a default judgment without further notice to the claimant.

**Rule 3010-1** *Small Dividends in Chapter 13 Cases.* The chapter 13 trustee may make payments of amounts less than \$15.00 to a creditor.

**Rule 3015-2** *Chapter 13 - Amendments to Plans.*

- (a) *Numbering.* Amended plans must be numbered sequentially beginning with "First Amended Plan."
- (b) *Service of Objections.* The party filing an objection to confirmation must serve the objection on the debtor, the chapter 13 trustee or the trustee appointed in a chapter 12 case, and any other party in interest.
- (c) *Modification of the Plan After Confirmation.* A debtor who seeks to modify a plan after confirmation must do so by filing a motion to modify the plan with a copy of the amended plan and a proposed order.

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- (d) *Service of Amended Plan.* Within ten (10) days after filing the motion, the debtor must serve notice of the modification with a copy of the amended plan. The notice must advise that any objections to the amended plan must be filed with the court within twenty-five (25) days after the mailing date of the notice. The notice and amended plan must be served as follows:
  - (1) Any amended plan filed before the last date for filing claims must be served on the trustee and all creditors affected by the modification.
  - (2) Any amended plan filed after the last date for filing claims must be served on the trustee and on creditors who have filed claims.
- (e) *Waiver of Objections.* The failure to file a timely objection is deemed a waiver of all objections to the amended plan and any prior plans, and the court may confirm the amended plan without further notice or hearing.
- (f) *Time for Filing Amended Plans.* Within thirty (30) days after the court resolves the avoidability, priority or extent of a lien, or an objection to a claim, the debtor must file an amended plan to provide for the allowed amount of the claim, if the allowed amount differs from the amount stated in the plan.

**Rule 3016-2** *Disclosure Statement - General.*

- (a) *Contents.* Unless the court orders otherwise, any disclosure statement or amended disclosure statement must include the following information in addition to all other information required by applicable law:
  - (1) an introductory narrative summarizing the plan, which must include:
    - (A) an identification of each class of claims or interests;
    - (B) the composition of each class as to number and type of creditor or interest;
    - (C) the amount of claims and interests (specifying any that are known to be disputed and how they will be treated under the plan);
    - (D) the amount (dollar and/or percentages) to be paid to each class and the timing of payments to be made under the plan; and
    - (E) all sources and amounts of funding in reasonable detail.
  - (2) a summary exhibit setting forth a liquidation analysis as if assets of the debtor

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were to be liquidated under chapter 7; and

- (3) a narrative summarizing the scheduled assets and liabilities as of the date of the order for relief:
  - (A) reciting the disposition of assets during the chapter 11 case;
  - (B) describing the process for handling initial and subsequent disbursements under the plan; and
  - (C) identifying persons responsible for making disbursements under the plan.
- (b) *Disclosure Statement Accompanying Reorganization Plan.* Unless a liquidating plan is proposed, each disclosure statement must also include a projected cash flow and budget, including plan payments over the shorter of the life of the plan or three fiscal years following confirmation, showing all anticipated income and expenses.

**Rule 3017-1** *Disclosure Statement - Approval.*

- (a) *Notice and Hearing.* Upon receipt of a disclosure statement, the court will issue an order and notice for hearing on the disclosure statement. The plan proponent filing the disclosure statement must mail the order and notice to all parties listed in F.R.B.P. 3017(a).
- (b) *Amended Disclosure Statements.* With every amended disclosure statement, the plan proponent must file a certification in substantial compliance with L.B.F. 3017-1. The plan proponent must serve copies of the amended disclosure statement on parties in interest whose claims or interests may be affected by the changes and notify them of a new objection date as directed by the court.
- (c) *Transmission of Approved Disclosure Statement and Order.* After entry of an order approving the disclosure statement, the plan proponent must mail the order, the plan or a court-approved summary of the plan, the disclosure statement, and a ballot for accepting or rejecting the plan conforming to Official Form 14 to all creditors and interest holders. The ballot must state that ballots are to be returned to the plan proponent and not to the clerk.

**Rule 3018-1** *Ballots – Voting on Plans.*

- (a) *Service of Ballots and Report of Results of Balloting.* Any ballot accepting or rejecting a plan must be served on the plan proponent as specified on the ballot. No less than two (2) business days before the confirmation hearing, the plan proponent

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must file a report of the balloting with the clerk and serve a copy of the report on the United States trustee, the debtor (unless the debtor is the plan proponent), the trustee and each committee. The proponent must retain the ballots.

- (b) *Contents of Report of Results of Balloting.* The report of balloting filed by the plan proponent must include the following:
- (1) an identification of each class of claims and interests and whether or not such class is impaired;
  - (2) for each impaired class:
    - (A) the number of ballots received;
    - (B) the number of ballots voting to accept;
    - (C) the aggregate dollar amount of the claims represented by ballots voting to accept;
    - (D) the number of ballots voting to reject; and
    - (E) the aggregate dollar amount of the claims represented by ballots voting to reject;
  - (3) a concluding paragraph indicating whether the plan has received sufficient acceptance to be confirmed; and
  - (4) an addendum appended to the report attaching copies of all ballots not counted and a statement of why the ballots were not counted.
- (c) *Form of Report of Balloting.* The report of balloting must substantially conform to L.B.F. 3018-1.

**Rule 3019-1** *Chapter 11 - Amendments to Plan.* With every plan that is amended or modified before confirmation, a plan proponent must file a certification in substantial compliance with L.B.F. 3019-1. The plan proponent must serve copies of the amended plan on parties in interest whose claims or interests may be affected by the changes and notify them of a new objection date as directed by the court.

**Rule 3022-1** *Final Report/Decree (Chapter 11).*

- (a) **Motion.** A motion for a final decree must certify that the estate is fully administered and list all pending matters in the case.

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- (b) *Service of Motion.* The motion must be served on the United States trustee, the case trustee, if any, all secured creditors, and any committee appointed under 11 U.S.C. § 1102 or its authorized agent. If no committee of unsecured creditors has been appointed under § 1102, the motion must be served on the creditors included on the list filed under F.R.B.P. 1007(d).

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**PART IV  
THE DEBTOR: DUTIES AND BENEFITS**

**Rule 4001-1** *Automatic Stay – Relief from.*

- (a) *Order Establishing Response and Hearing Dates.* When a motion for relief from the automatic stay is filed, the clerk will provide to the movant an order setting an answer date and a hearing date. The movant must serve the order upon the persons specified under F.R.B.P. 4001 and L.B.R. 4001-5.
- (b) *Combination of Motions.* A motion for relief from the stay may not be combined with a request for any other relief.
- (c) *Proposed Order.* Each motion for relief from the automatic stay must be accompanied by a proposed order granting the relief requested in the motion.
- (d) *Contents of Motion.* The motion seeking relief must state the following:
  - (1) the location of the property;
  - (2) the priority of the movant's lien relative to any other liens against the property, if known without further inquiry;
  - (3) the contract amount of current monthly installments; and
  - (4) the stage to which debt enforcement or foreclosure actions had progressed when the order for relief was entered.
- (e) *Debtor's Principal Residence.* If relief is sought for a post-petition default in a Chapter 11 or 13 case with respect to property that is a debtor's principal residence, the movant must file L.B.F. 4001-1 with the motion.
- (f) *Concurrence in Motion.* The movant must seek the concurrence of the debtor and of the trustee. The movant must file a certificate with the motion for relief stating whether concurrence was obtained. If a certificate of concurrence/nonconcurrence is not filed with the motion for relief, the court may deny the motion *sua sponte*.

**Rule 4001-2** *Cash Collateral.*

- (a) *Order Establishing Response and Hearing Date.* When a motion for authorization to use cash collateral is filed, the clerk will provide the movant with an order containing an answer date and a hearing date. The movant must serve the order upon the persons specified under F.R.B.P. 4001 and L.B.R. 4001-5.

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- (b) *Proposed Order.* Each motion to use cash collateral must be accompanied by a proposed order granting the relief requested in the motion.
- (c) *Required Disclosure of Certain Provisions of Financing Motion.* Each motion to use cash collateral must comply with L.B.R. 4001-3 (c), (d) and (e), and interim and final relief must be granted, denied or conditioned as provided under L.B.R. 4001-3 (f) and (g).

**Rule 4001-3** *Obtaining Credit.*

- (a) *Credit Agreement.* Each motion for authority to obtain credit must be accompanied by the proposed credit agreement.
- (b) *Proposed Notice and Order.* A motion seeking authority to obtain credit must be accompanied by a proposed notice setting an objection date and a hearing date and a proposed order granting the relief requested in the motion. The clerk must return to the movant an updated mailing matrix to be used by the movant for the purpose of service.
- (c) *Required Disclosure of Certain Provisions of Financing Motion, Order or Stipulation.* All motions seeking authorization to use cash collateral and all motions for authority to obtain credit – collectively, the “Financing Motions” – must:
  - (1) recite whether the proposed form of order, underlying cash collateral stipulation, or loan agreement contains any provision of the type indicated below;
  - (2) identify the location of any such provision in the proposed form of order, cash collateral stipulation, or loan agreement; and
  - (3) state the justification for the inclusion of such provision:
    - (A) Provisions that grant cross-collateralization protection – other than replacement liens or other adequate protection – to the pre-petition secured creditor (i.e., clauses that secure pre-petition debt by post-petition assets in which the secured creditor would not otherwise have a security interest by virtue of its pre-petition security agreement or applicable law).
    - (B) Provisions or findings of fact that bind the estate or parties in interest with respect to validity, perfection, priority or amount of the secured creditor’s pre-petition lien or debt or the waiver of claims against the secured creditor without first giving parties in interest at least seventy-

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five (75) days from the entry of the order for relief and the creditors' committee, if formed, at least sixty (60) days from the date of its formation to investigate such matters.

- (C) Provisions that seek to waive any rights the estate may have under 11 U.S.C. § 506(c).
  - (D) Provisions that grant to the pre-petition secured creditor liens on the debtor's claims and causes of action arising under 11 U.S.C. §§ 544, 545, 547, 548, and 549.
  - (E) Provisions that deem pre-petition secured debt to be post-petition debt or that use post-petition loans from a pre-petition secured creditor to pay part or all of that secured creditor's pre-petition debt, other than as provided under 11 U.S.C. § 552(b).
  - (F) Provisions that provide treatment for the professionals retained by a committee appointed by the United States trustee different from that provided for the professionals retained by the debtor with respect to a professional fee carve-out, and provisions that limit the committee counsel's use of the carve-out.
  - (G) Provisions that prime any secured lien without the consent of the lienholder.
  - (H) Provisions that release the secured creditor from lender liability.
  - (I) Provisions that grant the lender expedited relief from the automatic stay under 11 U.S.C. § 362 or relief from the automatic stay without further order of court.
- (d) *Summary of Essential Terms.* Any Financing Motion must provide a summary of the essential terms of the proposed use of cash collateral or financing, including:
- (1) the amount to be borrowed or advanced on both an interim and final basis;
  - (2) the terms of repayment;
  - (3) the interest rate;
  - (4) the description of any collateral;
  - (5) events of default; and

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- (6) limitations on the use of funds.
- (e) *Budget.* Any Financing Motion must include a budget covering the time period during which the proposed financing will remain in effect. The budget must state in as much detail as is reasonably practical the amount of the projected receipts and disbursements during the period covered by the budget.
- (f) *Interim Relief.* If a Financing Motion is filed with the court on or shortly after the date of the order for relief, the court may grant interim relief pending review by parties in interest of the proposed debtor in possession financing arrangements. Interim relief will be granted only to avoid immediate and irreparable harm to the estate pending a final hearing. In the absence of extraordinary circumstances, the court will not approve interim financing orders that include any of the provisions previously identified under L.B.R. 4001-3(c)(3).
- (g) *Final Approval of Financing Motion.* A final order may be entered only after notice and hearing under F.R.B.P. 4001. If formation of a creditors' committee is anticipated, a final hearing may not be held until at least ten (10) days following the organizational meeting of the creditors' committee contemplated by 11 U.S.C. § 1102 unless the court, upon motion, orders otherwise.

**Rule 4001-4** *Prohibiting or Conditioning the Use, Sale or Lease of Property.*

- (a) *Order Establishing Response and Hearing Date.* When a motion for an order prohibiting or conditioning the use, sale, or lease of property is filed, the clerk will provide to movant an order containing an answer date and a hearing date. The movant must serve the order upon the persons specified under F.R.B.P. 4001 and L.B.R. 4001-5.
- (b) *Proposed Order.* Each motion seeking an order prohibiting or conditioning the use, sale, or lease of property must be accompanied by a proposed order granting the relief requested in the motion.

**Rule 4001-5** *Service of Motions under F.R.B.P 4001.* In addition to the parties identified in F.R.B.P. 4001, the following motions must also be served upon creditors listed on the schedules as holding claims secured by the asset(s) identified in the motion, the United States trustee (except in Chapter 13 cases), and any trustee serving in the case:

- (a) a motion for relief from the stay;
- (b) a motion seeking an order prohibiting or conditioning the use, sale or lease of property;

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- (c) a motion to use cash collateral;
- (d) a motion for authority to obtain credit; or
- (e) any agreement regarding any of the preceding motions.

**Rule 4003-1** *Exemptions.*

- (a) *Notice of Response Date to Objection.* When an objection is filed to a debtor's exemptions, the clerk will give twenty (20) days notice by mail of the time fixed for filing a response to the objection.
- (b) *Hearing Date for Objection to Exemptions.* Except as provided in subdivision (c), the clerk will set a hearing date on the objection if a response is filed by the debtor.
- (c) *Request for Hearing Required.* If the chapter 13 trustee files an objection to exemptions, the clerk will not set a hearing date until requested by the debtor or the trustee.

**Rule 4008-1** *Reaffirmation.* A reaffirmation agreement must conform substantially with L.B.F. 4008-1 and be served by the debtor on the case trustee.

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**PART V  
COURTS AND CLERKS**

**Rule 5001-1** *Court Administration.*

- (a) *Case Assignments.* A case filed by a resident of or an entity having a principal place of business in Adams, Centre, Cumberland, Dauphin, Franklin, Fulton, Huntingdon, Juniata, Lebanon, Mifflin, Montour, Northumberland, Perry, Snyder, Union and York counties are assigned to the judge sitting in Harrisburg. A case filed by a resident of or an entity having a place of business in Bradford, Cameron, Carbon, Clinton, Columbia, Lackawanna, Luzerne, Lycoming, Monroe, Pike, Potter, Schuylkill, Sullivan, Susquehanna, Tioga, Wayne and Wyoming counties is assigned to the judge sitting in Wilkes-Barre. All papers in a pending case should be filed in the office of the clerk where the assigned judge sits. Regardless of case assignment, any judge may refer to another judge within the district any case, contested matter, or adversary proceeding.
- (b) *Chapter 9 cases.* The provisions of LRBP 5001-1 do not apply to cases filed under Chapter 9 of the United States Bankruptcy Code.

**Rule 5004-1** *Disqualification.*

- (a) *Motion.* A request for disqualification of a judge must be made by written motion. If a hearing is set, movant must serve notice of the hearing on:
  - (1) the debtor;
  - (2) the United States trustee;
  - (3) any trustee; and
  - (4) if disqualification from the entire case is not sought, all parties that are engaged in litigation before the court with regard to an adversary proceeding or contested matter from which the basis for disqualification arose.
- (b) *Oral Motion.* The motion may be made orally in open court if grounds for disqualification are first presented during proceedings before the judge.

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**Rule 5005-1** *Filing Papers - Requirements.*

- (a) *Place of Filing.* Unless otherwise provided, a paper document that is permitted or required to be filed by the Local Bankruptcy Rules must be filed in the clerk's office. A paper document must not be filed with the judge or his staff unless the bankruptcy clerk's office is closed. In the event a paper is filed with the judge, the filing date must be noted thereon, and it must be transmitted to the clerk. A bankruptcy paper may be filed with the district court clerk's office only in an emergency.
- (b) *Documents Under Seal.* A motion for an order authorizing the filing of documents under seal and an order authorizing such filing may be filed electronically unless prohibited by law. A document ordered to be placed under seal must be filed conventionally in a secure envelope and not electronically unless specifically authorized by the court. A party filing a document under seal must affix to the outside of the envelope a paper copy of the order authorizing the filing of the document under seal, which must provide a general description of the document with sufficient specificity to enable the court to identify the document, but without disclosing its content.

**Rule 5005- 2** *Filing Papers - Number of Copies.*

- (a) *Petition and Supporting Documents.* In chapter 7, 11 and 12 cases, an original and two copies of the petition and supporting documents must be filed. In chapter 13 cases, an original and one copy of the petition and supporting documents must be filed.
- (b) *No Copies of Electronic Filings Required.* Except when paper copies are required by a local rule or by court order, when a petition, pleading or any other paper is filed electronically, no copies are required.
- (c) *Stamped "Filed" Copies.* With the exception of the United States trustee, any party who wants the clerk to return a stamped "filed" copy of a paper must submit an extra copy and a self-addressed, stamped envelope.

**Rule 5005-4** *Electronic Filing.* Documents may be filed, signed, and verified by electronic means in accordance with the procedures set forth in the Standing Order re: Electronic Case Filing dated February 20, 2004, as amended from time to time by the court. A document filed under this rule constitutes a written paper for the purpose of these Local Bankruptcy Rules, the Federal Rules of Bankruptcy Procedure and Section 107 of the Bankruptcy Code.

**Rule 5010-1** *Reopening Cases.* A motion to reopen a case, which may be granted summarily, must be accompanied by the appropriate filing fee unless waived by the court. The filing

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fee may be waived if the case is opened to correct an administrative error or to assert the protection of the discharge injunction. The motion must be served on:

- (a) the debtor;
- (b) the United States trustee;
- (c) the trustee when the case was closed, if any; and
- (d) any other party as directed by the court.

**Rule 5071-1** *Continuances.* A request for a continuance must be made in writing and contain a certification that counsel making the request has sought the concurrence of all interested parties and that concurrence has been either granted or denied. A party who obtains a continuance must immediately notify other parties of the continuance by telephone, facsimile transmission, or first class mail, whichever method is necessary to ensure that notice is received no later than 24 hours prior to the time set for the hearing. Requests received by the court within twenty-four (24) hours of the hearing will not be considered except in emergency situations, and the request will be granted only in the court's discretion.

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**PART VI  
COLLECTION AND LIQUIDATION OF THE ESTATE**

**Rule 6002-1** *Accounting by Prior Custodian of Property of the Estate.* A prior custodian must submit a report and accounting with the United States trustee that contains sufficient detail to inform the trustee or any other party in interest of the custodian's activities while in possession of the property of the estate. No particular format is required under this rule.

**Rule 6004-1** *Use, Sale, or Lease of Property.*

- (a) *Motion.* A motion for the use, sale, or lease of property must be filed in conformity with F.R.B.P. Rule 9014.
- (b) *Notice.* A motion for the proposed use, sale, or lease of property under 11 U.S.C. §363(b), unless subject to F.R.B.P. 6004(d) or L.B.R. 6072-1, must be accompanied by a notice that includes:
  - (1) the caption of the case;
  - (2) the name and address of the seller;
  - (3) the place, date and time of the sale;
  - (4) the hearing date;
  - (5) a general description of the property to be sold;
  - (6) a statement describing where a complete description or inventory of the property may be obtained or examined;
  - (7) the place, date, and time the property may be examined prior to the sale or an explanation of how a prospective buyer may be afforded an opportunity to examine the property prior to the sale;
  - (8) the terms and conditions of sale, including the terms of any pending offers or minimum bid requirements;
  - (9) whether the sale is subject to higher and better offers;
  - (10) in any private sale, the identity of the purchaser and any affiliation or relationship with the debtor or an insider of the debtor;

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- (11) whether the sale will be advertised and, if so, how and when;
  - (12) the last date by which objections to the sale must be filed with the court – which must be not less than twenty (20) calendar days after the notice is mailed, unless the court shortens the time under F.R.B.P. 9006; and
  - (13) a statement that inquiries regarding the sale should be directed to the seller or their counsel or agent and not to the clerk.
- (c) *Service.* Unless the court directs otherwise, the notice of sale must be served on the following:
- (1) the debtor;
  - (2) the trustee, if any;
  - (3) indenture trustees, if any;
  - (4) all creditors;
  - (5) all committees appointed under the Bankruptcy Code, if any;
  - (6) the United States trustee;
  - (7) the United States as required by F.R.B.P. 2002(j); and
  - (8) all holders of liens or encumbrances against the property.
- (d) *Address for Service.* Service of a notice of sale must be made at the address set forth in any request for notices filed under F.R.B.P. 2002(g)(1). If a request has not been filed, the notice must be served under F.R.B.P. 2002(g)(2) unless a different address is listed in a later-filed proof of claim. In the latter instance, the address stated in the proof of claim must be used.
- (e) *Bidding Procedure.* All bidding must take place outside the presence of the court.

**Rule 6004-2** *Objections to Section 363(b) Sale.* Any party who objects to a proposed sale must file an objection within the time period fixed by the notice of sale. The objecting party must serve a copy of the objection on the seller and the seller’s counsel of record.

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**Rule 6004-3** *Sales of Property Free and Clear of Liens - Section 363(f).*

- (a) *Notice.* All free and clear sales are subject to the applicable notice requirements of L.B.R. 6004-1(b),(c) and (d).
- (b) *Motion.* A sale of property free and clear of liens may be commenced by motion except as provided in subdivision (c) below. A motion for a free and clear sale must name as respondents all parties against whom relief is sought.
- (c) *Complaint.* A sale of property free and clear of liens must be commenced by complaint under Part VII of the F.R.B.P. and Part VII of the L.B.R. when the seller also seeks:
  - (1) To determine the validity, priority or extent of a lien or other interest in property, other than the avoidance of a lien or other transfer of property exempt under 11 U.S.C. § 522(f); or
  - (2) To obtain approval under 11 U.S.C. § 363(h) for the sale of both the interest of the estate and of a co-owner in the property unless the concurrence of the co-owner has been obtained.
- (d) *Order.* When a motion is filed for a sale free and clear of liens, the clerk will issue an order fixing a response date and a hearing date. A hearing will be held only if a responsive pleading is timely filed, unless a hearing is requested by the moving party or is ordered by the court. Otherwise, an order granting the relief requested will be entered.
- (e) *Service of Motion.* The seller must serve a copy of the motion upon all lienholders and other parties claiming an interest in the property and their counsel of record.
- (f) *Preparation of Notice.* After obtaining the sale hearing date and time, the seller must prepare a notice of hearing on the motion.
- (g) *Service of Notice.* Unless the court directs otherwise, the seller must serve the notice on the respondent and any parties referenced in L.B.R. 6004-1(c), at least twenty (20) calendar days before the hearing on the sale.

**Rule 6005-1** *Appraisers and Auctioneers.* All applications must conform to L.B.R. 2014-1.

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**Rule 6006-1** *Executory Contracts.*

- (a) *Motion.* A motion for the assumption, rejection, or assignment of an executory contract or unexpired lease must be filed in conformity with F.R.B.P. 6006.
- (b) *Notice.* A notice for the assumption, rejection, or assignment of an executory contract or unexpired lease must contain the following:
  - (1) a date by which objections may be filed;
  - (2) a statement that in the event there are no objections filed an order may be entered approving the proposed assumption, rejection, or assignment without further notice; and
  - (3) the hearing date and time when any objection to the motion is to be heard.
- (c) *Response.* No response is required to an objection.

**Rule 6007-1** *Abandonment or Disposition of Property.*

- (a) *Proposed Abandonment.* A trustee or debtor in possession may abandon property by filing a notice and proposed order with the clerk. The notice must contain sufficient information to allow parties in interest to make an informed decision regarding whether abandonment of a particular asset is in the best interest of the estate. The notice must provide that parties have fifteen (15) days to file objections to the proposed abandonment. A debtor in possession or chapter 11 trustee must serve notice of the proposed abandonment on parties in interest. The clerk will notice creditors and parties in interest of the proposed abandonment in chapter 7, 12, and 13 cases.
- (b) *Objection to Abandonment.* An objection to a proposed abandonment of property of the estate must state specific grounds for the objection. No response is required to an objection.
- (c) *Motion to Compel Abandonment.* A motion to compel abandonment must be served upon the parties against whom the relief is sought, any trustee and the United States trustee along with an order prepared by the clerk that fixes an answer date.

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**PART VII  
ADVERSARY PROCEEDINGS**

**Rule 7002-1** *District Court Rules.* Local Rules of the United States District Court for the Middle District of Pennsylvania LR 7.1 through 7.8 apply in adversary proceedings as varied by these Rules.

**Rule 7003-1** *Adversary Proceeding Cover Sheet.* Any paper (i.e. non-ECF) complaint filed under Part VII of the F.R.B.P. must be accompanied by an adversary proceeding cover sheet provided by the clerk.

**Rule 7005-1** *Filing of Discovery Materials.*

- (a) *Discovery Motions.* A party seeking a protective order, an order to compel discovery, or other relief under F.R.B.P. 7026 must attach to the motion only that portion of the deposition, interrogatory, request for document, or request for admissions that is the subject of the objection. An attachment to the motion must conform with the requirements of L.B.R. 5005-4 and any administrative order issued regarding electronic case filing.
- (b) *Documentation Not in Record.* When discovery documentation not previously in the record is needed for appeal purposes, upon motion and after order of the court, or by stipulation of counsel, the necessary discovery papers must be filed with the clerk. See Local Rule 5.4(d) of the Local Rules of the United States District Court for the Middle District of Pennsylvania.
- (c) *Original Response and Certificate of Service.* A party who serves a discovery request must retain the original response as its custodian. Certificates of service of discovery materials must not be filed separately with the clerk. The original of any deposition upon oral examination must be retained by the party taking such deposition. See Local Rule 5.4(b) of the Local Rules of the United States District Court for the Middle District of Pennsylvania.

**Rule 7007-1** *Motions in Adversary Proceedings.*

- (a) *Written Motion.* A motion must be in writing unless made during a hearing or trial.
- (b) *Grounds and Relief to be Stated.* A motion filed in an adversary proceeding must contain a descriptive title of the motion in addition to the complete adversary caption. The caption must conform to L.B.R. 9004-2(b).
- (c) *Response.* The response to any motion must be filed and served within fifteen (15) days after service of the motion. If no response is timely filed, the motion may be

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deemed uncontested and the court may dispose of the motion.

- (d) *Continuances.* A request for continuance of a trial date must conform with L.B.R. 5071-1.
- (e) *Hearing.* Oral argument or hearing on a contested motion will be held only if requested by the court.
- (f) *Proposed order.* A proposed order of court must be filed as an attachment to any motion and other pleading requesting relief.

**Rule 7016-1** *Pre-trial Procedure.*

- (a) *Applicability of Fed. R. Civ. P. 16(b).* Unless the court directs otherwise, an adversary proceeding is exempt from the provisions of Fed. R. Civ. P. 16(b), as incorporated in F.R.B.P. 7016.
- (b) *Scheduling Order.* Notwithstanding subdivision (a), the court generally will issue a scheduling order conforming substantially with L.B.F. 7016-1.
- (c) *Pre-trial Motions.* The court may dispose of pre-trial motions in summary fashion at any time during their pendency.

**Rule 7021-1** *Misjoinder and Non-joinder of Parties.* When an adversary is severed into two or more proceedings, a separate filing fee is payable to the clerk for each severed proceeding.

**Rule 7024-2** *Unconstitutionality, Claim of.*

- (a) *Notice of Federal Constitutional Question.* Any party who draws into question the constitutionality of any act of Congress affecting the public interest in any action to which the United States or an officer, agency, or employee thereof is not a party, must:
  - (1) include in the caption of the pleading under the case number in bold-face type and in all capital letters the words **CONSTITUTIONAL QUESTION RAISED**; and
  - (2) serve a copy of the pleading on:
    - (A) the Attorney General of the United States; and
    - (B) the Office of the United States Attorney for the Middle District of Pennsylvania.

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- (b) *Notice of State Constitutional Question.* Any party who draws into question the constitutionality of a state law affecting the public interest, in any action to which the state or an officer, agency, or employee thereof is not a party, must:
- (1) include in the caption of the pleading under the case number in bold-face type and in all capital letters the words **CONSTITUTIONAL QUESTION RAISED**; and
  - (2) serve a copy of the pleading on the Attorney General of the applicable state.

**Rule 7041-1** *Dismissal of Adversary Proceeding.* Before any adversary proceeding is involuntarily dismissed pursuant to F.R.B.P. 7041, a thirty (30) day notice must be given by the clerk to each party whose claim is to be dismissed and to the counsel of record for that party, if any.

**Rule 7055-1** *Default – Failure to Prosecute.* Subject to L.B.R. 7041-1, an adversary complaint may be dismissed if neither a response nor a motion for default judgment has been filed within forty-five (45) days after the response date to the complaint. If a motion for default judgment is filed, the court may enter judgment by default against the defendant five (5) days after the motion has been served on the defendant.

**Rule 7055-2** *Order of default.* The order of default may award damages for the amount to which the plaintiff is entitled if it is a sum certain or can be made certain by computation. If damages cannot be computed from the complaint, they must be assessed at a hearing at which the issues are limited to the amount of the damages.

**Rule 7056-1** *Summary Judgment.*

- (a) *Applicability of Local Rule 56.1.* Local Rule 56.1 for the United States District Court for the Middle District of Pennsylvania applies in adversary proceedings.

**Rule 7067-1** *Registry Funds.*

- (a) *Investment of Funds.* The clerk must invest funds under Fed. R. Civ. P. 67 in accordance with this Rule. Funds deposited with a non-treasury financial institution must be collateralized prior to deposit whenever the funds exceed applicable insurance coverage.
- (b) *Administrative Fee.* Any registry invested account is subject to an administrative handling fee at a rate established by the Judicial Conference of the United States. The fee will be assessed on the earned interest and funds will be withdrawn from each invested account in accordance with the Judicial Conference directives.

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- (c) *Motion to Deposit Funds.* A party who wishes to deposit funds while litigation is pending may move the court to have such funds invested in interest-bearing accounts or instruments. The movant must attach a proposed order directing investment, which includes the following:
- (1) the amount to be invested;
  - (2) the name of the financial institution (which must have a branch in Wilkes-Barre or Harrisburg);
  - (3) the type of account or instrument in which the funds are to be invested; and
  - (4) the terms of investment to include reinvestment instructions on short term instruments, any time limits on investment and other material information required by a particular case.
- (d) *Depositing Funds.* The clerk must take all reasonable steps to deposit funds within five (5) days after entry of the order.
- (e) *Motion to Withdraw Funds.* In order to withdraw deposited funds, a motion for disbursement of invested registry funds and a proposed order must be filed with the court. The proposed order for disbursement of invested registry funds must include the name and address of the payee(s) in addition to the total amount of the principal and interest (if the interest is not known, the order may read “plus interest”) that will be disbursed to each payee. The order must include the clerk’s charge of 10% from interest earnings for handling of the Registry Fund. The federal tax identification number or social security number of each payee receiving earned interest must be provided. The form of the disbursement order must be reviewed by the clerk or the financial administrator.
- (f) *Disbursement of Funds.* The party requesting disbursement of funds must notify the clerk or the financial administrator whenever an order of court is entered allowing such disbursement.

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**PART VIII  
APPEALS TO DISTRICT COURT OR  
BANKRUPTCY APPELLATE PANEL**

**Rule 8001-1** *Notice of Appeal.*

- (a) *Notice.* On the date a notice of appeal is filed, each appellant must mail or deliver a copy of the notice of appeal to the bankruptcy judge whose order is the subject of the appeal. The failure of an appellant to provide a copy of the notice of appeal to the bankruptcy judge does not affect the jurisdiction of the district court to hear the subject appeal.
- (b) *Written Opinion of Bankruptcy Judge.* The bankruptcy judge whose order is the subject of an appeal may, within fifteen (15) days of the filing of the notice of appeal, file a written opinion in support of the order or file a written supplemental opinion that amplifies any earlier written opinion or recorded bench ruling.
- (c) *Time Limits.* Nothing contained in this Rule affects the time limits under the F.R.B.P. concerning bankruptcy appeals.

**Rule 8006-1** *Designation of Record.* Each designation of items to be included in the record of appeal must clearly indicate each document to be included in the record by listing its title, filing date and document number, if any, as it appears on the case or adversary docket.

**Rule 8007-1** *Completion of Record.* The clerk is not responsible for the failure to transmit items not designated in accordance with L.B.R. 8006-1.

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**PART IX**  
**GENERAL PROVISIONS**

**Rule 9001-1** *Definitions.* Unless inconsistent within the context of a particular rule, the following terms are defined for the purposes of the Local Bankruptcy Rules as follows:

- (a) “*Amended plan*” A plan modified under the provisions of 11 U.S.C. §1127, § 1323, and §1329. The terms “modified” and “amended” are used interchangeably.
- (b) “*Clerk*” The office of the Clerk of the United States Bankruptcy Court for the Middle District of Pennsylvania.
- (c) “*Contract amount*” In reference to a payment on a note secured by a mortgage, the amount of principal and interest payable each month under the terms of the note without the inclusion of late fees or other default fees or charges.
- (d) “*Counsel of record*” Any attorney who has entered an appearance on the docket of a bankruptcy case or who has filed a paper on behalf of a party. An attorney remains counsel of record until an order authorizing withdrawal has been entered or another attorney has entered an appearance on behalf of the party.
- (e) “*F.R.B.P.*” The Federal Rules of Bankruptcy Procedure.
- (f) “*Party in interest*” A person or entity who may be affected by a bankruptcy proceeding. In these Rules, a party in interest also includes a creditor.
- (g) “*Passive notice*” Notice stating that if no response is filed, the court may enter the requested relief without further notice or hearing.
- (h) “*Petition*” The pleading that commences a bankruptcy case.
- (i) “*Retainer agreement*” An agreement between a client and an attorney in which the client deposits funds with the attorney for services to be performed whether entered before the filing of a bankruptcy petition or during the pendency of the case.
- (j) “*Schedules and statements*” All documents required to be filed by a debtor under 11 U.S.C. § 521(1) and (2).

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**Rule 9003-1** *Ex Parte Relief.* The following requests may be considered ex parte by the court:

- (a) for conversion or dismissal under 11 U.S.C. §§ 706(a), 1208(b), or 1307(b);
- (b) for entry of a wage order under 11 U.S.C. §§ 1225(c) and 1325(c);
- (c) for approval to pay filing fees in installments;
- (d) for waiver of filing fees for documents other than the bankruptcy petition;
- (e) to limit notice;
- (f) for admission pro hac vice; and
- (g) for emergency relief.

**Rule 9004-2** *Caption of Pleadings.* Any pleading filed with the clerk in a contested matter must contain a caption substantially in compliance with L.B.F. 9004-2(a). Any pleading filed with the clerk in an adversary proceeding must contain a caption substantially in compliance with L.B.F. 9004-2(b).

**Rule 9010-1** *Attorneys – Notice of Appearance*

- (a) *General Appearance.* An attorney who files with the clerk any application, motion, stipulation, or other pleading, other than as set forth in subdivision (b) is deemed to have entered an appearance for the party on whose behalf the paper is filed.
- (b) *Limited Appearance.* An attorney filing a proof of claim or interest is deemed to have entered an appearance only for the purpose of any objection that may be filed to that claim.
- (c) *Withdrawal of Appearance.* An attorney may not withdraw his or her appearance except after a hearing and by order of the court, unless another attorney eligible to appear before the court enters his or her appearance simultaneously with the request for withdrawal of appearance.

**Rule 9010-2** *Change of Address.*

- (a) *Notification to Clerk.* Any attorney who has entered an appearance must notify the clerk of any change of address of the attorney's office. The clerk must enter the attorney's new address in the case management system for all cases in which an appearance has been entered. Counsel must also inform the clerk of any change of address of an entity on whose behalf the attorney has made an entry of appearance by

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filing with the clerk a written request listing cases in which the entity is a party. The clerk must note the change of address on each applicable docket.

- (b) *Necessity of Motion to Withdraw.* If an attorney leaves a law firm and the firm remains counsel for certain cases, the attorney may submit a list of cases that should retain the current address. An attorney may not submit a change of address as a substitute for filing a motion to withdraw under L.B.R. 9010-1(c).
- (c) *Notice to Parties.* An attorney who files a request to note change of address must mail a copy of same to any trustee in the bankruptcy case and to any attorney who has entered an appearance in an adversary proceeding or contested matter that is pending at the time the request is filed.

**Rule 9010-4** *Facsimile and E-mail Addresses.* In addition to the requirements of F.R.B.P. 9011(a), an attorney must provide the attorney's facsimile number and e-mail address, if any.

**Rule 9011-1** *Attorneys' Duties.* Subject to L.B.R. 9010-1(c) an attorney who files a petition in bankruptcy on behalf of a debtor, or who later enters an appearance on behalf of a debtor – other than as special counsel – is counsel of record in all matters arising during the administration of the case.

**Rule 9013-1** *Motion Practice.*

- (a) *Title of Motion and Answer.* The title of each motion must identify the party filing the motion and the nature of the relief sought. Any answer, if required, must identify the party filing the answer and the motion to which the party is responding.
- (b) *Papers to Accompany Motions.* Each motion must be accompanied by a proposed form of order which, if entered by the court, would grant the relief sought by the motion.
- (c) *Service of Motion – Generally.* The moving party must serve a copy of its motion and attachments on the following:
  - (1) the respondent;
  - (2) the debtor;
  - (3) any trustee;
  - (4) the United States trustee as provided in F.R.B.P. 9034;
  - (5) any committee appointed pursuant to 11 U.S.C. § 1102; and

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- (6) such other entities as the court may direct.
- (d) *Service of Motion to Dismiss or Convert.* The moving party must serve a copy of a motion to dismiss or convert a case to another chapter on the debtor and on debtor's counsel, in addition to those parties listed in paragraph (c).
- (e) *Service of Motion Against Counsel.* The moving party must serve a copy of a motion seeking sanctions or other relief against a party's counsel on the party and on counsel.

**Rule 9013-2** *Certification of Service.*

- (a) *Filing with Document.* Each application, motion, objection, notice, disclosure statement, plan or other paper filed with the court must include a certificate of service containing the following:
  - (1) the title of the paper served;
  - (2) the names and addresses of all persons upon whom the paper has been served;
  - (3) the entities the persons served represent; and
  - (4) a description of when and how service was made.
- (b) *Service on Particular Persons.* When these Rules direct service on a party, service must be made on counsel for that party, and not on the party, unless the party is unrepresented or unless these Rules specifically state that service is to be made on the party and on the party's counsel.
- (c) *Separate Certificate.* If a certificate of service is not filed with the document that has been served, it must be filed within five (5) days of service.

**Rule 9014-1** *Default and Summary Judgment.* F.R.B.P. 7055 and 7056 as well as L.B.R. 7055-1 and 7070-1 do not apply in contested matters. If an answer or objection is required to be filed and no timely answer or objection is filed, the court may, without hearing, grant the relief requested in the motion.

**Rule 9015-1** *Jury Trials.*

- (a) *Applicability of Certain Federal Rules of Civil Procedure.* Fed. R. Civ. P. 38, 39, 47-51, and 81(c) – insofar as it applies to jury trials– apply in cases and proceedings, except that a demand made under Fed. R. Civ. P. 38(b) must be filed in accordance with F.R.B.P. 5005.

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- (b) *Consent to Have Trial Conducted by Bankruptcy Judge.* The parties may consent to have a jury trial conducted by a bankruptcy judge under 28 U.S.C. § 157(e) by jointly or separately filing a statement of consent no later than thirty (30) days after time of demand or designation, whichever last occurs, if the following criteria are met:
- (1) the right to a jury trial applies;
  - (2) a timely demand has been filed under Rule Fed. R. Civ. P. 38(b); and
  - (3) the bankruptcy judge has been specially designated to conduct the jury trial.

**Rule 9016-1** *Subpoena.* A subpoena may be issued by an attorney as an officer of the court under Fed. R. Civ. P. 45(a)(3). The clerk must issue a subpoena signed, but otherwise blank, when requested by a pro se party.

**Rule 9019-1** *Settlements and Agreed Orders*

- (a) *Settlement of Adversary Matters and Contested Matters.* In an adversary proceeding or contested matter, whenever the parties have reached a settlement, they must notify the court in writing or on the record in open court. Within thirty days thereafter, they must file a stipulation or stipulated order and any requisite motion to compromise or settle. Failure to file a stipulation or stipulated order may result in the dismissal of the matter or proceeding. A motion to extend the time to comply with this rule or to re-list the matter for hearing may be filed within the thirty (30) day period. The motion will be granted only upon cause shown.
- (b) *Hearing.* When a matter has been settled, the hearing before the court may be stricken by filing a request to strike the matter from the trial list (L.B.F. 9019-1). A request to strike from the trial list must be filed with the court no later than 24 hours before the hearing.

**Rule 9019-2** *Alternative Dispute Resolution.*

- (a) *Setting Mediation.* The court may set a case for mediation provided consideration is given to any reasons advanced by the parties as to why such mediation would not be in the best interest of justice. Once set for mediation, the matter can be removed from mediation by the court or on application by the mediator.
- (b) *Assigning Matters and Cases.* The court may assign to mediation any adversary proceeding or contested matter or any issue within such adversary proceeding or contested matter.
- (c) *Certification of Mediators.*

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- (1) The court may certify as many mediators as determined to be necessary under this rule.
  - (2) An individual may be certified to serve as a mediator if:
    - (A) he or she has been a member of the bar of the highest court of a state or the District of Columbia for a minimum of ten (10) years;
    - (B) he or she is admitted to practice before this court;
    - (C) he or she has successfully completed a mediation training program established or recognized by the District Court or the Bankruptcy Court for the Middle District of Pennsylvania; and
    - (D) he or she has been determined by the appointing court to be competent to perform the duties of a mediator.
  - (3) The court will solicit qualified individuals to serve as mediators.
  - (4) Each individual certified as a mediator must take the oath or affirmation prescribed by 28 U.S.C. § 453 before serving as a mediator.
  - (5) The clerk must maintain a list of all persons certified as mediators.
  - (6) The appointing judge may remove anyone from the list of certified mediators for cause.
  - (7) Persons acting as mediators under this rule are assisting the court in performing its judicial function. They must be disqualified for bias or prejudice as provided by 28 U.S.C. § 144 and must disqualify themselves in any action in which they would be required under 28 U.S.C. § 455 to disqualify themselves if they were a justice or judge.
- (d) *Compensation and Expenses of Mediators.* A mediator who accepts a case for mediation initially volunteers the time expended to prepare for and conduct a mediation conference or conferences lasting up to a total of four (4) hours. After completion of four (4) hours service, the mediator may either
- (i) continue to volunteer the mediator's time; or
  - (ii) give the mediation parties the option to agree to pay the mediator his prevailing hourly rate for bankruptcy services for the additional time spent on

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the mediation. The parties must each pay a pro rata share of the mediator's compensation, unless they agree among themselves to a different allocation. A motion to enforce a party's obligation to compensate a mediator is governed by F.R.B.P. 9014.

- (e) *Frequency of Service.* An individual certified as a mediator will not be called upon more than twice in a twelve (12) month period to serve as a mediator without the prior approval of the mediator.
  
- (f) *Scheduling Mediation Conference.*
  - (1) Upon referral of a case to mediation, the court will serve the order of referral to the mediator, all counsel, and any unrepresented party directing the mediator to establish the date, place and time of the mediation session. The order will include the address, telephone number, and facsimile number of the mediator, counsel, and unrepresented parties. The date of the mediation session must be a date within thirty (30) days from the date of the order of referral.
  - (2) The appointment is effective unless the designee rejects the appointment within five (5) days.
  - (3) Upon mailing the order of referral, the clerk must send to the mediator a copy of the docket sheet that reflects all filings to date. The mediator must identify for the clerk those documents in the case file that the mediator will need for the mediation session. Unless otherwise ordered by the court, the clerk must provide the mediator with electronic or paper copies of these documents free of charge.
  - (4) A mediator may change the date and time for the mediation session if the session takes place within forty-five (45) days of the date of the order of referral. Any continuance of the session beyond forty-five (45) days must be approved by the court.
  
- (g) *The Mediation Process.*
  - (1) Not later than three (3) business days before the initial conference, each party must deliver or send a facsimile to the mediator and to each other party a mediation conference memorandum no longer than two (2) pages, summarizing the nature of the case and the party's position on:
    - (A) the major factual and legal issues affecting liability and damages;

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- (B) the relief sought by each party; and
  - (C) the position of the parties relative to settlement.
- (2) The memoranda required by this subdivision are solely for use in the mediation process and are not to be filed with the clerk.
- (h) *The Mediation Session.*
- (1) The mediation session must take place on the date and at the time set forth by the mediator. The mediation session must take place at a neutral setting as designated by the mediator that may include the mediator's office. A party must not contact or forward any document to the mediator unless the mediator requests the information.
  - (2) Counsel primarily responsible for the case and any unrepresented party must attend the mediation session. All parties or principals of parties with decision-making authority must attend the mediation session in person, unless attendance is excused by the mediator for good cause shown. Willful failure to attend the mediation conference must be reported to the court and may result in the imposition of sanctions. The participants must be prepared to discuss:
    - (A) all liability issues;
    - (B) all damage issues;
    - (C) all equitable and declaratory remedies if such are requested; and
    - (D) the position of the parties relative to settlement.
  - (3) Unless otherwise provided in this rule and as may be necessary to the reporting of or the processing of complaints about unlawful or unethical conduct, nothing communicated during the mediation process – including any oral or written statement made by a party, attorney, or other participant and any proposed settlement figure stated by the mediator or on behalf of any party – may be placed in evidence, made known to the trial court or jury, or construed for any purpose as an admission. No party may be bound by anything done or said during the mediation process except to enforce a settlement agreement or any other agreement achieved in that process.
  - (4) In the event the mediator determines that no settlement is likely to result from

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the mediation session, the mediator must terminate the session and promptly send a report to the court that there has been compliance with the requirements of these paragraphs, but that no resolution has been reached. In the event that a settlement is achieved at the mediation session, the mediator must send a written report to the Judge to whom the case is assigned stating that a settlement has been achieved. The parties are responsible for the circulation of any required notice of settlement.

- (5) Notwithstanding the above paragraph, the mediator must submit a written report to the court advising the court of the status of the mediation within sixty (60) days after the order of appointment of the mediator.
- (6) No one may have a recording or transcript made of the mediation session, including the mediator, unless otherwise agreed to by the parties.
- (7) The mediator cannot be called as a witness at trial.
- (i) *Neutral Evaluator.* Anytime after an action or proceeding has been filed, the action may be referred to a neutral evaluator to be selected with the approval of the parties.
- (j) *Relationship to Other Procedures.* Nothing in this rule modifies the provisions of Fed.R.Civ.P. 16 and 26, or L.B.R. 7016-1 or any order of court, nor does it preclude the use of any kind of mediation outside of the mediation process established by this rule or the use of any other means of alternative dispute resolution.

**Rule 9023-1** *Motions for Reconsideration.* A motion for reconsideration must be filed within ten (10) days after the entry of the judgment, order, or decree concerned.

**Rule 9023-2** *Post-Trial Motions.*

- (a) *Post-Trial Motions to be Written.* All motions after trial must be written and must contain a certification by counsel for the movant that he or she has sought concurrence in the motion from each party and that it has been either given or denied. Every motion must be accompanied by an order which, if approved by the court, would grant the relief sought in the motion.
- (b) *Service by Movant and Respondent of Post-Trial Motions.* The movant and respondent must serve their respective papers upon all parties at the time such papers are filed and certify service of same to the clerk within five (5) days of original filing.
- (c) *Documents Supporting Post-Trial Motions.* When allegations of fact not of record are relied upon in support of a motion, all pertinent affidavits, transcripts of depositions,

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and other documents must accompany the motion whenever practicable. In any event, such supporting documents must be filed within ten (10) days after the motion has been filed, unless otherwise ordered by the court. Affidavits in support of a motion for new trial must be served with the motion as required by Fed. R. Civ. P. 59(c).

- (d) *Grounds.* Post-trial motions must state with particularity any trial errors alleged as grounds for relief.
- (e) *Post-Trial Brief of Moving Party.* An original and one (1) copy of the brief of the moving party must be filed within fifteen (15) days after the filing of the motion, unless, upon motion and for good cause shown, the court directs otherwise. If a supporting legal brief is not filed within the time provided, the motion may be deemed to be withdrawn.
- (f) *Post-Trial Brief of Respondent.* An original and one (1) copy of the brief of the respondent must be filed within fifteen (15) days after service of the brief of the moving party, unless, upon motion and for good cause shown, the court directs otherwise. If a responsive legal brief is not filed within the time provided herein, the respondent may be deemed not to oppose such motion.
- (g) *After-Discovered Evidence.* A motion for a new trial on the ground of after-discovered evidence must, in addition to all other requirements, be accompanied by the affidavits of the witnesses relied upon, stating the substance of their testimony and the reasons why it could not have been introduced at trial.
- (h) *Disposal of Post-Trial Motions.* Notwithstanding the deadlines set forth in this rule, the court may dispose of post-trial motions in summary fashion at any time during their pendency.

**Rule 9024-1** *Relief from Judgment or Order.* A motion filed under F.R.B.P. 9024 is governed by the provisions of L.B.R. 9023-1.

**Rule 9070-1** *Exhibits.* Whenever the number of exhibits in any case to be presented at trial by either party exceeds fifteen (15), the party intending to offer such exhibits must tab, number and index them in a binder and must provide a complete copy of the same to the court and all parties at least two (2) working days prior to the trial date, unless otherwise ordered by the court. Whenever the exhibits to be presented number fifteen (15) or less, copies of each exhibit must be provided to the court and all parties at least two (2) working days prior to trial.

**Rule 9070-2** *Exhibits After Final Judgment.* After final, non-appealable judgment, including any appeal of such judgment or the expiration of the time for appeal, all exhibits admitted into evidence shall be made available to the submitting party upon request. After

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thirty (30) days notice from the clerk to the party submitting the exhibits, if such exhibits are not retrieved, they will be destroyed or otherwise disposed of by the clerk.

**Rule 9071-1** *Stipulations.* Any proposed order requesting approval of a stipulation must be submitted as a separate document.

**Rule 9073-1** *Hearings*

- (a) *Testimony of Witnesses.* Unless otherwise directed, all hearings and trials are evidentiary in nature at which witnesses may testify.
- (b) *Contested Matters – Procedure.*
  - (1) *Hearing.* Upon the filing of a motion, the clerk will set a date by which an answer or other responsive pleading must be filed. If a responsive pleading is not filed by the answer date, the court may grant the relief requested subject to the limitations of F.R.B.P. 9006(f). Except as otherwise provided in these Rules, no hearing date on the motion will be set.
  - (2) *Motions.* Notwithstanding the language of paragraph (1), hearings are required and will be set on the following motions:
    - (a) for relief under 11 U.S.C. § 362(h);
    - (b) for sanctions under F.R.B.P. 9011;
    - (c) for contempt;
    - (d) to withdraw as counsel under L.B.R. 9010-1(d) when substitute counsel has not filed an entry of appearance;
    - (e) to substantively consolidate under L.B.R. 1015-1(b);
    - (f) to disqualify the court under L.B.R. 5004-1;
    - (g) to dismiss the case with prejudice, including all motions filed pursuant to 11 U.S.C. § 109;
    - (h) to disqualify counsel; and
    - (i) for default judgment regarding complaints objecting to discharge under 11 U.S.C. § 727.

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- (3) *Approval of Sales of Property Free and Clear of Liens.* While not required in the absence of a responsive pleading, at the request of the movant, a hearing will be held regarding a motion for approval of sales of property free and clear of liens under L.B.R. 6004-3(c).

**Rule 9074-1** *Telephone Appearance.* A request to appear at a status conference or hearing by telephone must be made in writing and contain a certification that counsel making the request has sought the concurrence of all interested parties and that concurrence has been either granted or denied. Requests received by the court within twenty-four (24) hours of the hearing will not be considered except in emergency situations, and the request will be granted only in the court's discretion.

**Rule 9075-1** *Emergency Orders.*

- (a) *General Procedure.* In any case where a party files a pleading that requires an immediate hearing date or is seeking emergency relief from the court (e.g., temporary restraining orders or preliminary injunctions), the proponent must proceed as follows:
- (1) A separate motion must be filed specifying the reasons why expedited consideration is necessary.
  - (2) All interested parties must be notified of the request for expedited consideration prior to its filing with the court.
  - (3) A certification of service must be filed with the request for expedited consideration.
  - (4) Any motion filed under this rule must state in the caption that it is an "Emergency Motion" or, that it is brought under this Rule. An emergency motion may be brought before the court by facsimile transmission, if previously authorized by the court, upon certification that the motion has been simultaneously served by facsimile upon opposing counsel and that the original motion has been simultaneously mailed or electronically transmitted to the clerk for filing. Any facsimile received by the court without prior approval will be discarded.
  - (5) A proposed order granting the motion for expedited relief and identifying a method of prompt service of the order and the underlying substantive motion must be filed with any request for expedited consideration.
- (b) *Emergency Sale.* A seller, without any notice or with such notice as the court

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directs, may conduct an emergency sale. Such sale may be conducted only upon leave of court obtained after filing a motion specifying the following:

- (1) the property to be sold;
- (2) the terms of the sale; and
- (3) the reasons why the sale must be conducted without notice.

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