

**BANKRUPTCY PRACTICE ORDER & FORMS
FOR THE MIDDLE DISTRICT
OF PENNSYLVANIA**

EFFECTIVE DATE: MARCH 31, 2003

Honorable John J. Thomas
Chief United States Bankruptcy Judge
United States Bankruptcy Court for
the Middle District of Pennsylvania
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TABLE OF CONTENTS

PAGE

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

¶ 1001.	SCOPE OF BANKRUPTCY PRACTICE ORDER AND FORMS; SHORT TITLE	<u>1</u>
¶ 1002.	COMMENCEMENT OF CASE	<u>1</u>
¶ 1006.	FILING FEE	<u>1</u>
¶ 1007.	LISTS, SCHEDULES, AND STATEMENTS; TIME LIMITS	<u>2</u>
¶ 1009.	AMENDMENTS OF VOLUNTARY PETITIONS, LISTS, SCHEDULES, AND STATEMENTS	<u>3</u>
¶ 1015.	CONSOLIDATION OR JOINT ADMINISTRATION OF CASES PENDING IN SAME COURT	<u>3</u>
¶ 1017.	DISMISSAL OR CONVERSION OF CASE; SUSPENSION	<u>4</u>

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

¶ 2002.	NOTICES TO CREDITORS, EQUITY SECURITY HOLDERS, UNITED STATES, AND UNITED STATES TRUSTEE	<u>5</u>
¶ 2003.	MEETING OF CREDITORS OR EQUITY SECURITY HOLDERS	<u>6</u>
¶ 2004.	EXAMINATION	<u>7</u>
¶ 2008.	NOTICE TO TRUSTEE OF SELECTION	<u>7</u>
¶ 2014.	EMPLOYMENT OF PROFESSIONAL PERSONS	<u>7</u>
¶ 2016.	COMPENSATION FOR SERVICES RENDERED AND REIMBURSEMENT OF EXPENSES	<u>8</u>

PART III
CLAIMS AND DISTRIBUTION TO CREDITORS AND
EQUITY INTEREST HOLDERS; PLANS

¶ 3001.	PROOF OF CLAIM	11
¶ 3002.	FILING PROOF OF CLAIM OR INTEREST	11
¶ 3003.	FILING PROOF OF CLAIM OR EQUITY SECURITY INTEREST IN CHAPTER 9 MUNICIPALITY OR CHAPTER 11 REORGANIZATION CASES	11
¶ 3004.	FILING OF CLAIMS BY DEBTOR OR TRUSTEE	11
¶ 3005.	FILING OF CLAIM, ACCEPTANCE, OR REJECTION BY GUARANTOR, SURETY, INDORSER, OR OTHER CODEBTOR	12
¶ 3006.	WITHDRAWAL OF CLAIM; EFFECT ON ACCEPTANCE OR REJECTION OF PLAN	12
¶ 3007.	OBJECTIONS TO CLAIMS	12
¶ 3010.	SMALL DIVIDENDS AND PAYMENTS IN CHAPTER 7 LIQUIDATION, CHAPTER 12 FAMILY FARMER’S DEBT ADJUSTMENT, AND CHAPTER 13 INDIVIDUAL’S DEBT ADJUSTMENT CASES	13
¶ 3016.	FILING OF PLAN AND DISCLOSURE STATEMENT IN CHAPTER 9 MUNICIPALITY AND CHAPTER 11 REORGANIZATION CASES	13
¶ 3017.	COURT CONSIDERATION OF DISCLOSURE STATEMENT IN CHAPTER 9 MUNICIPALITY AND CHAPTER 11 REORGANIZATION CASES	13
¶ 3018.	ACCEPTANCE OR REJECTION OF PLAN IN A CHAPTER 9 MUNICIPALITY OR A CHAPTER 11 REORGANIZATION CASE	14
¶ 3019.	MODIFICATION OF ACCEPTED PLAN BEFORE CONFIRMATION IN A CHAPTER 9 MUNICIPALITY OR A CHAPTER 11 REORGANIZATION CASE	14
¶ 3020.	DEPOSIT; CONFIRMATION OF PLAN IN A CHAPTER 9 MUNICIPALITY OR A CHAPTER 11 REORGANIZATION CASE	14

¶ 3021.	DISTRIBUTION UNDER PLAN	15
¶ 3022.	FINAL DECREE IN CHAPTER 11 REORGANIZATION CASE	15
¶ 3070.	CHAPTER 13 - PAYMENTS OUTSIDE THE PLAN	15
¶ 3071.	NOTICE OF POST-CONFIRMATION MODIFICATION OF CHAPTER 12 OR CHAPTER 13 PLAN	16
¶ 3072.	SMALL BUSINESS CHAPTER 11 REORGANIZATION CASES	16

PART IV
THE DEBTOR; DUTIES AND BENEFITS

¶ 4001.	RELIEF FROM AUTOMATIC STAY; PROHIBITING OR CONDITIONING THE USE, SALE, OR LEASE OF PROPERTY; USE OF CASH COLLATERAL; OBTAINING CREDIT; AGREEMENTS	18
¶ 4003.	EXEMPTIONS	19
¶ 4008.	DISCHARGE AND REAFFIRMATION HEARING	20

PART V
COURTS AND CLERKS

¶ 5003.	RECORDS KEPT BY THE CLERK	21
¶ 5004.	DISQUALIFICATION	21
¶ 5005.	FILING AND TRANSMITTAL OF PAPERS	21
¶ 5006.	CERTIFICATION OF COPIES OF PAPERS	26
¶ 5010.	REOPENING CASES	26
¶ 5070.	CALENDARS AND SCHEDULING	27
¶ 5071.	CASE ASSIGNMENTS	27
¶ 5072.	MOTIONS TO REINSTATE	28
¶ 5073.	RECORD OF PROCEEDINGS AND TRANSCRIPTS	28

PART VI
COLLECTION AND LIQUIDATION OF THE ESTATE

¶ 6004.	USE, SALE, OR LEASE OF PROPERTY	<u>29</u>
¶ 6007.	ABANDONMENT OR DISPOSITION OF PROPERTY	<u>32</u>
¶ 6070.	SALE OF PROPERTY WITH UNDETERMINED OR CO-OWNER INTERESTS (ADVERSARY SALES)	<u>33</u>
¶ 6071.	EMERGENCY SALES	<u>33</u>

PART VII
ADVERSARY PROCEEDINGS

¶ 7016.	PRE-TRIAL PROCEDURE; FORMULATING ISSUES	<u>34</u>
¶ 7021.	MISJOINDER AND NON-JOINDER OF PARTIES	<u>34</u>
¶ 7041.	DISMISSAL OF ADVERSARY PROCEEDINGS	<u>34</u>
¶ 7055.	DEFAULT	<u>34</u>
¶ 7056.	SUMMARY JUDGMENT	<u>35</u>
¶ 7067.	DEPOSIT IN COURT	<u>35</u>
¶ 7070.	PRE-TRIAL MOTIONS IN ADVERSARY PROCEEDINGS	<u>36</u>
¶ 7071.	EXHIBITS	<u>36</u>
¶ 7072.	SETTLEMENT OF CONTESTED MATTERS AND ADVERSARY PROCEEDINGS	<u>37</u>

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

¶ 8006.	RECORD AND ISSUES ON APPEAL	<u>38</u>
¶ 8007.	COMPLETION AND TRANSMISSION OF THE RECORD; DOCKETING OF THE APPEAL	<u>38</u>

PART IX
GENERAL PROVISIONS

¶ 9003.	PROHIBITION OF EX PARTE CONTACTS	<u>39</u>
¶ 9004.	GENERAL REQUIREMENTS OF FORM	<u>39</u>
¶ 9010.	REPRESENTATION AND APPEARANCES; POWERS OF ATTORNEY	<u>40</u>
¶ 9011.	SIGNING AND VERIFICATION OF PAPERS	<u>41</u>
¶ 9013.	MOTIONS; FORM AND SERVICE	<u>41</u>
¶ 9014.	CONTESTED MATTERS	<u>43</u>
¶ 9016.	SUBPOENA	<u>44</u>
¶ 9019.	COMPROMISE AND ARBITRATION	<u>44</u>
¶ 9021.	ENTRY OF JUDGMENT	<u>48</u>
¶ 9023.	NEW TRIALS; AMENDMENT OF JUDGMENTS	<u>48</u>
¶ 9024.	RELIEF FROM JUDGMENT OR ORDER	<u>49</u>
¶ 9070.	PREPARATION OF PAPERS FOR FILING; FILING OF PAPERS	<u>50</u>
¶ 9071.	STUDENT PRACTICE	<u>50</u>
¶ 9072.	ADMISSION TO PRACTICE	<u>52</u>
¶ 9073.	EXPEDITION OF COURT BUSINESS	<u>52</u>
¶ 9074.	JURY TRIALS	<u>53</u>
¶ 9075.	PROCEDURES TO EFFECT ATTENDANCE OF PRISONERS AT §341 MEETINGS OR HEARINGS BEFORE THE COURT	<u>53</u>

APPENDIX

BANKRUPTCY PRACTICE APPENDIX 2016(a)-3	56
BANKRUPTCY PRACTICE FORM 1017(c)-1	58
BANKRUPTCY PRACTICE FORM 2016(a)-1	59
BANKRUPTCY PRACTICE FORM 3007-1	60
BANKRUPTCY PRACTICE FORM 3016(b)-1	61
BANKRUPTCY PRACTICE FORM 3017-1	79
BANKRUPTCY PRACTICE FORM 3020-1	80
BANKRUPTCY PRACTICE FORM 3071-1A	81
BANKRUPTCY PRACTICE FORM 3071-1B	82
BANKRUPTCY PRACTICE FORM 4008-1	83
BANKRUPTCY PRACTICE FORM 7016-1(b)	87
BANKRUPTCY PRACTICE FORM 9073-1	89
BANKRUPTCY PRACTICE FORM 9075-2A	90
BANKRUPTCY PRACTICE FORM 9075-2B	91
BANKRUPTCY PRACTICE FORM 9075-2C	92
BANKRUPTCY PRACTICE FORM 9075-2D	93

¶ 1001.

SCOPE OF BANKRUPTCY PRACTICE ORDER AND FORMS; SHORT TITLE

¶ 1001-1 This Order and its Forms shall be cited as the “Bankruptcy Practice Order and Forms for the Middle District of Pennsylvania” (“B.P.O.” or “B.P.F.”).

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

¶ 1002.

COMMENCEMENT OF CASE

¶ 1002(a)-1 The clerk shall accept for filing any petition in bankruptcy. If said petition is not signed by either the petitioner(s) or their counsel, the clerk shall notify the parties that they have five (5) days to cure the deficiency.

¶ 1006.

FILING FEE

¶ 1006(a)-1 Every petition shall be accompanied by the prescribed filing fee including the miscellaneous notice fee, unless the petition is accompanied by an application to pay these fees in installments.

¶ 1006(a)-2 The clerk shall accept for filing any complaint, motion, and/or amendment. If the document is not accompanied by the promulgated fee in accordance with the Bankruptcy Court Fee Schedule, the clerk must notify the filing party and they shall have seven (7) days to pay the filing fee. These documents will not be processed until said fee is paid in full.

¶ 1007.

LISTS, SCHEDULES, AND STATEMENTS; TIME LIMITS

¶ 1007(a)(1)-1 *Mailing Matrix.*

(a) The debtor shall file with the petition a master list of creditors (mailing matrix) in the form prescribed by the clerk. Each mailing matrix shall be prepared so that each address is contained within four (4) lines. The clerk may return the matrix to the party filing the matrix if it is illegible or not properly prepared.

(b) Unless otherwise ordered by the court, the debtor shall file with the petition a master list of creditors (mailing matrix) in two forms: (1) a computer readable format designated and published from time to time by the clerk and (2) a paper form prescribed by the clerk. Both mailing matrices shall be prepared so that each address is contained within four (4) lines, with each line not exceeding thirty-five (35) characters (including spaces). The clerk may return either form of the matrix to the party filing the matrix if it is found to be illegible or not properly prepared. In the event the court waives the filing of the matrix in computer readable format, the debtor or debtor's attorney shall follow such directions as the clerk may give to facilitate the conversion of the matrix into computer readable format. After the information is downloaded, the clerk shall return the diskette to the debtor.

¶ 1007(a)(1)-2 *Accuracy of Mailing Matrix.* The party submitting the mailing matrix shall have total responsibility for the accuracy and completeness of the mailing matrix. If a notice of the §341 meeting mailed by the clerk's office or the Bankruptcy Noticing Center (BNC) is returned to debtor's counsel because of an incomplete or incorrect address, the clerk's office may strike such address from the mailing matrix. It is the responsibility of the debtor to notify the clerk's office in writing of corrected addresses. It is the responsibility of the debtor to re-mail the §341 notice to any such corrected addresses.

¶ 1007(c)-1 The court shall consider a request for extension of time to file schedules, statements of affairs and plans seven (7) days after filing and service on the parties identified in F.R.B.P. 1007(c). If no objection/answer is filed, an order may be entered by the court.

¶ 1009.

**AMENDMENTS OF VOLUNTARY PETITIONS, LISTS,
SCHEDULES, AND STATEMENTS**

¶ 1009(a)-1 Notice of the amendment shall be given to the trustee, United States trustee, and any entity or creditor affected thereby. Certification of service listing same shall accompany the amendment.

¶ 1009-1 Amendments shall contain the caption of the case, case number and the heading “AMENDMENT”.

¶ 1009-2 Amendments shall be filed in the form of a specific statement or schedule and the entire set of statements/schedules need not be refiled. Include only the additions/deletions on the specific schedule or statement. The nature of the change shall be clearly stated: “ADD” or “DELETE”.

¶ 1015.

**CONSOLIDATION OR JOINT ADMINISTRATION OF CASES
PENDING IN SAME COURT**

¶ 1015(b)-1 Requests for joint administration shall be by motion which shall be served by the movant 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 F.R.B.P. 1007(d) (Top 20 Unsecured Creditors). The passive notice shall provide for a twenty (20) day answer period and a hearing will be set by the clerk only upon the receipt of a timely objection and/or answer to the motion.

¶ 1015(b)-2 Substantive consolidation shall be requested by motion and notice thereof shall be served by the movant on all creditors and parties in interest in all cases which are the subject of the motion. The notice shall provide for a twenty (20) day answer period and will be subject to a hearing regardless of whether objections or answers are filed to the motion.

¶ 1015(b)-3 A request to de-consolidate a case shall be by motion and notice thereof shall be served on all creditors and parties in interest.

¶ 1017.

DISMISSAL OR CONVERSION OF CASE; SUSPENSION

¶1017(c)-1 **Motions to Dismiss under §707(a)(3)- Self-Scheduling**

A motion to dismiss a voluntary chapter 7 case under §707(a)(3) filed by the United States trustee may be self-scheduled according to the following procedure:

(a) The bankruptcy court shall designate and the clerk shall publish at the court website the first day of each month a schedule of dates, times, and places for the “miscellaneous court” for the succeeding three months.

(b) For each motion to dismiss under §707(a)(3), the United States trustee shall prepare a notice substantially conforming to B.P.F. 1017(c)-1. In the notice, the United States trustee shall insert the next available miscellaneous court date that allows at least 13 calendar days for a response and at least 10 calendar days between the response date and the hearing date.

(c) The United States trustee shall file with the court and serve the motion to dismiss, notice and proposed order granting the relief requested on the debtor, debtor’s counsel, and the trustee.

(d) If no response in opposition is filed by the date set forth in the notice, a certificate of default and a certificate of service shall be filed with the clerk and the court may issue an order dismissing case.

(e) If a response in opposition to the motion is filed and served on the United States trustee by the date set forth in the notice, the United States trustee shall file the certificate of service which will indicate receipt of the response. The motion and the responses thereto shall be heard on the date set forth in the notice.

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

¶ 2002.

NOTICES TO CREDITORS, EQUITY SECURITY HOLDERS,
UNITED STATES, AND UNITED STATES TRUSTEE

¶ 2002(a)-1 *Passive Notice.* A notice served pursuant to F.R.B.P. 2002(a)(2), (3), (6), (7), or (9) shall provide that if no objections are filed with the court by the objection deadline an order approving the action may be entered. No hearing will be set without court approval.

¶ 2002(a)-2 *Orders if No Objection Filed.* Any party requesting an order after notice shall submit a proposed order for the court's consideration.

¶ 2002(a)-3 The notice to all creditors and parties-in-interest required by F.R.B.P. 2002(a)(2), (3), (4), (5), (6), (7), (8), and (d) shall be given by the proponent. The proponent shall further give the notice required by F.R.B.P. 2002(b)(1) and (2) in chapter 11 cases only.

¶ 2002(a)-4 *Notice by Chapter 7 Trustee.* The clerk shall mail any notices required to be mailed to all creditors by the chapter 7 trustee.

¶ 2002(a)(1)-1 *General.* The clerk shall have the responsibility to serve the §341 notice to all creditors and parties in interest in all cases.

¶ 2002(a)(1)-2 *Amended Mailing Matrix.* In the event an amended mailing matrix is filed by the debtor after the date of service in accordance with ¶ 2002(a)(1)-1, the debtor shall serve notice of the §341 meeting of creditors on any additional creditors or parties-in-interest.

¶ 2002(a)(1)-3 *Notice of Rescheduled or Continued Meeting.* In the event that a creditors' meeting pursuant to §341 is rescheduled (prior to the debtor being sworn) or continued (after the debtor is sworn), notice shall be given to all creditors and parties in interest by the clerk.

¶ 2002(d)-1 *Notice to Equity Security Holders.* The Debtor shall mail a notice of the order for relief and any other notices required by F.R.B.P. 2002(d).

¶ 2002(m)-2 The notice of the §341(a) meeting of creditors in chapter 13 cases shall include a summary of the requirements set forth in ¶ 3070-1(a).

¶ 2002-1 *Filing of Papers with Clerk.* The notice and proof of service showing compliance with this paragraph shall be filed with the clerk no later than five (5) business days following the date of service.

¶ 2003.

MEETING OF CREDITORS OR EQUITY SECURITY HOLDERS

¶ 2003(b)(1)-1 *Attendance.* Debtor's attorney shall accompany debtor at the §341(a) meeting of creditors, though a debtor's attorney may arrange for other counsel to attend in such attorney's absence.

¶ 2003(f)-1 Election of Trustee in a Chapter 11 Reorganization Case

(a) *Request for an Election.* A request to convene a meeting of creditors for the purpose of electing a trustee in a chapter 11 reorganization case shall be filed and transmitted to the United States trustee in accordance with F.R.B.P. 5005 within the time prescribed by §1104(b) of the bankruptcy Code. Pending court approval of the person elected, a person appointed trustee under §1104(d) shall serve as trustee.

(b) *Manner of Election and Notice.* An election of a trustee under §1104(b) of the Code shall be conducted in the manner provided in F.R.B.P. 2003(b)(3) and F.R.B.P. 2006. Notice of the meeting of creditors convened under §1104(b) shall be given in the manner and within the time provided for notices under F.R.B.P. 2002(a). A proxy for the purpose of voting in the election may be solicited by a committee appointed under §1102 of the Code and by any other party entitled to solicit a proxy under F.R.B.P. 2006.

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

NATIONAL ADVISORY COMMITTEE NOTE

This rule implements the amendments to §1104 of the Bankruptcy Code applicable in cases commenced on or after October 22, 1994, regarding the election of a trustee in a chapter 11 case. The requirement that creditors

receive at least 20-days' notice of the meeting may be reduced to a shorter period under Bankruptcy Rule 9006(c)(1).

The procedures for reporting disputes to the court and the time limit for filing a motion to resolve any disputes derive from Bankruptcy Rule 2003(d). Because the person elected must be "disinterested," the United States trustee must file an application for court approval of the elected person in accordance with Bankruptcy Rule 2007.1(b).

¶ 2004.

EXAMINATION

¶ 2004(a)-1 The court shall consider a motion under F.R.B.P. 2004(a) ten days after filing and service on the respondent. If no objection/answer is filed, an order may be entered by the court.

¶ 2008.

NOTICE TO TRUSTEE OF SELECTION

¶ 2008-1 An interim panel trustee who rejects an appointment in a particular case shall notify the United States trustee's office and the clerk's office by telephone and writing immediately after notification of appointment.

¶ 2014.

EMPLOYMENT OF PROFESSIONAL PERSONS

¶ 2014(a)-1 The original and two copies of the application to employ counsel or other professionals, accompanied by a verified statement of disinterestedness, along with a proposed order and proof of service, shall be filed with the clerk.

¶ 2014(a)-2 All applications for employment of an agent or broker for the sale or lease of estate property shall be accompanied by a copy of the signed written contract employing the agent or broker. All applications for employment of an auctioneer shall be accompanied by a copy of the auctioneer's surety bond. All contracts for employment shall provide that they are effective only upon court approval. All contracts for employment shall be for a term not to exceed one hundred eighty (180) days unless otherwise ordered by the court.

¶ 2014(a)-3 Requests for the appointment of any professional shall be served upon the office of the United States trustee.

¶ 2014(a)-4 The United States trustee shall review the application and proposed order and no later than five (5) business days from the date of service, file and serve upon the moving party a statement of position of the United States trustee with respect to the application if approval of the application is contested.

¶ 2016.

**COMPENSATION FOR SERVICES RENDERED AND
REIMBURSEMENT OF EXPENSES**

¶ 2016(a)-1 All fee applications shall include a cover sheet which will give the court a summary of the fee application. The cover sheet shall conform substantially to B.P.F. 2016(a)-1.

¶ 2016(a)-2 This paragraph is made applicable to all applications for compensation by professionals. In a case under any chapter in which the total aggregate amount requested for compensation by a professional is in excess of \$50,000.00, the applicant shall provide a categorical listing of services rendered as found in Appendix 2016(a)-3 .

¶ 2016(a)-3 (a) All fee applications shall include the following information:

(1) The date of the order appointing the professional with a copy thereof attached as an exhibit.

(2) A statement indicating whether the application is for final or interim compensation and expenses, the total amounts thereof, and the period covered.

(3) The date and amount of previous compensation, if any, including any retainers paid.

(4) A chronological or categorical listing of time and services performed shall be attached to the application. That listing should include, but not be limited to, the following information:

(A) An identification of the subject matter of any correspondence and/or phone call together with the party with whom that communication occurred;

(B) An identification, where appropriate, of the subject matter of any hearing or trial with specificity including the case, or adversary number if the service involved is attendance at a hearing or trial;

(C) The identification of any pleading with specificity if the service involves preparation of a pleading;

(D) Each entry shall include the date of service or expense incurred together with a notation of 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 was a disinterested person and has not 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) A history of the case in narrative form;

(8) A proposed order of the court approving the application;

(9) 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;

(10) 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 charged, and a statement of whether the compensation is based on the customary compensation charged by comparably skilled practitioners in cases other than cases under title 11.

(b) Should a categorical listing be utilized, it shall include the following additional information:

(1) Each category shall be preceded by a heading generally describing the services within the category. A non-exhaustive list of suggested project categories is attached in Appendix 2016(a)-3.

(2) Each project category shall contain a narrative summary of the following information:

(A) a description of the project, its necessity and benefit to the estate, and the status of the project including all pending litigation for which compensation and reimbursement are requested; and

(B) a statement of the number of hours spent and the amount of compensation requested for each professional and paraprofessional on the project.

¶ 2016(b)-1 In every case where an attorney for a consumer debtor receives or seeks to receive compensation in excess of \$1,000.00 for a chapter seven or \$2,500.00 for a chapter thirteen, a detailed statement of the services rendered, the time expended and the expenses incurred shall be filed prior to closure of the case.

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

¶ 3001.

PROOF OF CLAIM

¶ 3001-1 Each proof of claim presented for filing shall clearly identify the case name, number and chapter. Each proof of claim shall bear an original signature of the claimant and contain his or her mailing address and the amount due.

¶ 3002.

FILING PROOF OF CLAIM OR INTEREST

¶ 3002(c)-1 Any proof of claim received by the clerk in a closed case shall be returned to the claimant and marked as not having been filed due to the case being closed.

¶ 3002-1 To receive a file-stamped copy of a proof of claim, a claimant shall provide the clerk with a copy of the proof of claim and a self-addressed, stamped envelope.

¶ 3003.

**FILING PROOF OF CLAIM OR EQUITY SECURITY INTEREST IN
CHAPTER 9 MUNICIPALITY OR CHAPTER 11 REORGANIZATION CASES**

¶ 3003(c)(3)-1 In chapter 9 and chapter 11 cases, if a date within which claims shall be filed is set by the court at the request of a party, that party shall provide notice of the date to all creditors and other parties-in-interest. If a date within which claims may be filed is set by the court sua sponte, notice of the date shall be provided by the clerk's office.

¶ 3004.

FILING OF CLAIMS BY DEBTOR OR TRUSTEE

¶ 3004-1 A debtor or trustee filing a proof of claim in the name of a creditor pursuant to 11 U.S.C. §501(c) and F.R.B.P. 3004 shall file an original and three copies of the proof of claim.

¶ 3005.

**FILING OF CLAIM, ACCEPTANCE, OR REJECTION BY
GUARANTOR, SURETY, INDORSER, OR OTHER CODEBTOR**

¶ **3005-1** *Filing of Claims by Co-Obligor.* A co-obligor filing a proof of claim in the name of a creditor pursuant to F.R.B.P. 3005 shall mail notice of the proof of claim to the co-obligor(s), the debtor, the trustee and the office of the United States trustee, and shall then file a certificate of service.

¶ 3006.

**WITHDRAWAL OF CLAIM; EFFECT ON
ACCEPTANCE OR REJECTION OF PLAN**

¶ **3006-1** All requests to withdraw a claim shall include a certification as to whether the claim was objected to; whether a complaint was filed against the claimant; and whether the claimant has accepted or rejected a plan or otherwise has participated significantly in the case.

¶ 3007.

OBJECTIONS TO CLAIMS

¶ **3007-1** (a) Any party filing an objection to claim shall serve a copy on the claimant, the claimant's counsel (if any), the debtor and the trustee, and shall certify same to the clerk.

(b) No hearing date on an objection to claim shall be set until requested by a party in interest. Neither a claimant nor an objecting party shall request a hearing until after the claimant has filed an answer.

(c) All objections to claims shall be specific and shall identify which portion of a claim or the amount due, if any, is not objectionable.

(d) Each objection to claim shall be served with a notice, substantially in the form of B.P.F. 3007-1 and shall advise the claimant of the following:

(1) the hearing on the objection may be held by telephone;

(2) the proof of claim is prima facie evidence of the claim;

(3) the claimant is required to file an answer within thirty (30) days of receipt of the objection and notice; the objecting party may move the court for a default judgment if no answer is filed;

(4) the claimant may, but is not required to, file an amended proof of claim;

(5) no hearing will be held on the objection until requested by a party in interest after an answer is filed.

¶ 3010.

**SMALL DIVIDENDS AND PAYMENTS IN CHAPTER 7
LIQUIDATION, CHAPTER 12 FAMILY FARMER'S DEBT
ADJUSTMENT, AND CHAPTER 13 INDIVIDUAL'S DEBT
ADJUSTMENT CASES**

¶ 3010(b)-1 *Small Dividends in Chapter 13 Cases.* The chapter 13 trustee may make payments of amounts less than \$15.00 to any creditor.

¶ 3016.

**FILING OF PLAN AND DISCLOSURE STATEMENT IN CHAPTER 9
MUNICIPALITY AND CHAPTER 11 REORGANIZATION CASES**

¶ 3016(b)-1 Unless otherwise ordered by the court, all chapter 11 disclosure statements shall be in substantial compliance with B.P.F. 3016(b)-1.

¶ 3017.

**COURT CONSIDERATION OF DISCLOSURE STATEMENT IN
CHAPTER 9 MUNICIPALITY AND CHAPTER 11
REORGANIZATION CASES**

¶ 3017(a)-1 *Notice and Hearing.* Upon receipt of a disclosure statement, the court shall issue an order and notice for hearing on the disclosure statement in similar format to Official Form 12. The party filing the disclosure statement shall mail the order and notice to all creditors and certify the mailing thereafter.

¶ 3017(a)-2 *Amended Disclosure Statements.* Every amended disclosure statement filed in the case shall be accompanied by a certification in substantial compliance with B.P.F. 3017-1.

¶ 3017(c)-1 *Order Approving Disclosure Statement.* Upon approval of the disclosure statement, the court shall issue an order in similar format to Official Form 13.

¶ 3017(d)-1 After approval, the party filing the disclosure statement shall mail the order, a summary of the plan, the disclosure statement and a ballot complying with Official Form 14 to all creditors and certify the mailing thereafter. The ballot shall expressly and conspicuously state that ballots are to be returned to the plan proponent or the proponent's counsel, and not to the clerk's office.

¶ 3018.

**ACCEPTANCE OR REJECTION OF PLAN IN A CHAPTER 9
MUNICIPALITY OR A CHAPTER 11 REORGANIZATION CASE**

¶ 3018-1 *Acceptances and Rejections of Plans in a Chapter 11 Reorganization Case.* All acceptances and rejections of the plan on ballot forms shall be served on the plan proponent. No less than one week prior to the confirmation hearing, the plan proponent shall file a report of the results of the balloting. The proponent shall retain the ballots.

¶ 3019.

**MODIFICATION OF ACCEPTED PLAN BEFORE CONFIRMATION
IN A CHAPTER 9 MUNICIPALITY OR A CHAPTER 11
REORGANIZATION CASE**

¶ 3019-1 *Modification of Plan/Disclosure Statement in Chapter 11 Cases.* If the disclosure statement or plan is amended or modified before confirmation, counsel shall certify which creditors or class of creditors have been affected by the amendment and should receive notice of same. Counsel will thereafter serve the affected creditors with copies of the amendments and notify them of a new objection date as directed by the court.

¶ 3020.

**DEPOSIT; CONFIRMATION OF PLAN IN A CHAPTER 9
MUNICIPALITY OR A CHAPTER 11 REORGANIZATION CASE**

¶ 3020(c)-1 *Confirmation of Plan in Chapter 11 Cases.* When the plan is ready to be confirmed, counsel shall file a motion for an order confirming the plan in substantial compliance with B.P.F. 3020-1. After the entry of an order confirming the chapter 11 plan, the plan proponent shall prepare and send a notice of the confirmation to all creditors and certify the mailing thereafter.

¶ 3021.

DISTRIBUTION UNDER PLAN

¶ 3021-1 Upon conversion or dismissal of a chapter 13 case before confirmation, the trustee is authorized to retain an administrative fee at the prevailing percentage but not less than \$50 nor more than \$500.

¶ 3022.

FINAL DECREE IN CHAPTER 11 REORGANIZATION CASE

¶ 3022-1 (a) A motion for a final decree shall include a certification that the estate is fully administered, together with a statement listing all pending matters in the case.

(b) The motion shall be served on the United States trustee, the case trustee, if any, all secured creditors and any committee appointed pursuant to §1102 of the Code or its authorized agent, or, if no committee of unsecured creditors has been appointed pursuant to §1102, on the creditors included on the list filed pursuant to F.R.B.P. 1007(d).

¶ 3070.

CHAPTER 13 - PAYMENTS OUTSIDE THE PLAN

¶ 3070-1 *Proofs of Claim in Chapter 13 Cases.*

(a) All claims filed by creditors claiming a security interest shall identify:

- (1) collateral;
- (2) principal balance;
- (3) prepetition arrearages;
- (4) late fees;
- (5) attorneys fees and foreclosure costs; and
- (6) postpetition arrearages, if any.

(b) Any creditor who files a claim shall serve a true and correct copy of the proof of claim upon counsel for the debtor and the trustee.

(c) If an original or amended proof of claim is filed after the deadline for filing claims, then such claim shall be served by the creditor on the debtor and trustee, who are required to raise all objections within thirty (30) days after service of the proof of claim.

¶ 3071.

**NOTICE OF POST-CONFIRMATION MODIFICATION OF
CHAPTER 12 OR CHAPTER 13 PLAN**

¶ 3071-1 (a) All post-confirmation modifications to the plan shall be served by the debtor on all creditors and the trustee at least twenty-five (25) days prior to entry of an order modifying the plan.

(b) The debtor shall file with the clerk a certification of service prior to the entry of an order modifying a chapter 12 or chapter 13 plan. The certificate of service shall include a copy of the notice and shall be accompanied by a proposed order confirming the modified plan.

(c) Unless the certificate of service of a modified plan states that all creditors and parties in interest were served and attaches the mailing matrix as maintained by the clerk on the date the modified plan was filed, the debtor shall file a certification regarding the amended plan in substantial conformity with B.P.F. 3071-1B.

(d) Where a debtor fails to send notice to all creditors and fails to comply with subparagraph (c) above, the court may, without further notice, enter an order requiring the debtor to serve notice of the amended plan to all creditors and parties in interest.

¶ 3072.

SMALL BUSINESS CHAPTER 11 REORGANIZATION CASES

¶ 3072-1 (a) *Election to be Considered a Small Business in a Chapter 11 Reorganization Case.* In a chapter 11 reorganization case, a debtor that is a small business may elect to be considered a small business by filing a written statement of election no later than 60 days after the date of the order for relief or by a later date as the court, for cause, may fix.

(b) *Approval of Disclosure Statement.*

(1) Conditional Approval. If the debtor is a small business and has made a timely election to be considered a small business in a chapter 11 case, the court may, on application of the plan proponent, conditionally approve a disclosure statement filed in accordance with F.R.B.P. 3016. On or before conditional approval of the disclosure statement, the court shall

(a) fix a time within which the holders of claims and interests may accept or reject the plan;

(b) fix a time for filing objections to the disclosure statement;

(c) fix a date for the hearing on final approval of the disclosure statement to be held if a timely objection is filed; and

(d) fix a date for the hearing on confirmation.

(2) Application of F.R.B.P. 3017. If the disclosure statement is conditionally approved, F.R.B.P. 3017(a), (b), (c), and (e) do not apply. Conditional approval of the disclosure statement is considered approval of the disclosure statement for the purpose of applying F.R.B.P. 3017(d).

(3) Objections and Hearing on Final Approval. Notice of the time fixed for filing objections and the hearing to consider final approval of the disclosure statement shall be given in accordance with F.R.B.P. 2002 and may be combined with notice of the hearing on confirmation of the plan. Objections to the disclosure statement shall be filed, transmitted to the United States trustee, and served on the debtor, the trustee, any committee appointed under the bankruptcy Code and any other entity designated by the court at any time before final approval of the disclosure statement or by an earlier date as the court may fix. If a timely objection to the disclosure statement is filed, the court shall hold a hearing to consider final approval before or combined with the hearing on confirmation of the plan.

NATIONAL ADVISORY COMMITTEE NOTE

This rule is designed to implement §§1121(e) and 1125(f) that were added to the Code by the Bankruptcy Reform Act of 1994. These amendments are applicable in cases commenced on or after October 22, 1994.

If the debtor is a small business and has elected under §1121(e) to be considered a small business, §1125(f) permits the court to conditionally approve a disclosure statement subject to final approval after notice and a hearing. If a disclosure statement is conditionally approved, and no timely objection to the disclosure statement is filed, it is not necessary for the court to hold a hearing on final approval.

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

¶ 4001.

**RELIEF FROM AUTOMATIC STAY; PROHIBITING OR
CONDITIONING THE USE, SALE, OR LEASE OF PROPERTY; USE
OF CASH COLLATERAL; OBTAINING CREDIT; AGREEMENTS**

¶ 4001(a)-1 *Motions for Relief from the Automatic Stay.*

(a) Upon the filing of a motion for relief from the stay, the clerk shall provide the movant with an order containing an answer date and a hearing date, which order shall be served by the movant upon the persons specified in F.R.B.P. 4001 and ¶ 4001(d)-1.

(b) Each motion for relief from the stay shall be accompanied by a self-addressed, stamped envelope and a proposed order granting the relief requested in the motion.

¶ 4001(a)-2 *Motions Prohibiting or Conditioning the Use, Sale or Lease of Property.*

(a) Upon the filing of a motion seeking to prohibit or condition the use, sale or lease of property, the clerk shall provide the movant with an order containing an answer date and a hearing date, which order shall be served by the movant upon the persons specified in F.R.B.P. 4001 and ¶ 4001(d)-1.

(b) Each motion seeking to prohibit or condition the use, sale or lease of property shall be accompanied by a self-addressed, stamped envelope and a proposed order granting the relief requested in the motion.

¶ 4001(b)-1 *Motions to Use Cash Collateral.*

(a) Upon the filing of a motion to use cash collateral, the clerk shall provide the movant with an order containing an answer date and a hearing date, which order shall be served by the movant upon the persons specified in F.R.B.P. 4001 and ¶ 4001(d)-1.

(b) Each motion to use cash collateral shall be accompanied by a self-addressed, stamped envelope and a proposed order granting the relief requested in the motion.

¶ 4001(c)-1

Motions for Authority to Obtain Credit.

(a) Each motion for authority to obtain credit shall describe the principal terms of the proposed credit, including, but not limited to, the amount to be borrowed or advanced, the term of repayment, the interest rate, the description of any collateral, and any other material term and shall be accompanied by the agreement to be entered.

(b) A motion seeking authority to obtain credit shall be accompanied with a proposed notice stating a twenty (20) day response period. The clerk shall return to the movant an updated mailing matrix to be used by the movant.

(c) A motion seeking authority to obtain credit shall be accompanied by a self-addressed, stamped envelope and a proposed order granting the relief requested in the motion.

(d) After the notice has been reviewed by the clerk and mailed by the party, a certificate of service shall be filed within five (5) days thereafter.

¶ 4001(d)-1

Service of Motion and Agreement Concerning Motions Under Rule 4001.

(a) In addition to the parties identified in F.R.B.P. 4001, a motion for relief from the stay, a motion prohibiting or conditioning the use, sale or lease of property, a motion to use cash collateral and a motion for authority to obtain credit, or any agreement regarding the preceding motion, shall also be served upon creditors listed on the schedules as secured by the asset(s) identified in the motion and upon the office of United States trustee, and any trustee serving in the case.

(b) Any motion filed with the clerk pursuant to F.R.B.P. 4001 shall be simultaneously served.

¶ 4003.

EXEMPTIONS

¶ 4003(b)-1

Objections to Exemptions. Upon the filing of objections to exemptions, the clerk shall provide notice of a twenty (20) day period in which to answer the objections. No hearing shall be scheduled until an answer is filed.

¶ 4008.

DISCHARGE AND REAFFIRMATION HEARING

¶ **4008-1** The Reaffirmation Agreement shall conform substantially with B.P.F. 4008-1 and used with alterations as may be appropriate. The said agreement shall be served in compliance with F.R.B.P. 9013 and shall include service on the case trustee and such other entities as the court may direct.

**PART V
COURTS AND CLERKS**

¶ 5003.

RECORDS KEPT BY THE CLERK

¶ 5003(a)-1 *Bankruptcy Dockets.* The clerk shall keep a paper or electronic docket in each case under the Code and shall enter thereon each judgment, order and activity in that case. The entry of the judgment or order on a docket shall show the date the entry was made.

¶ 5003(b)-1 *Claims Register.* The clerk shall keep on a paper or electronic claims register a list of all claims filed in a case when it appears that there will be a distribution to unsecured creditors.

¶ 5004.

DISQUALIFICATION

¶ 5004-1 A request for disqualification of a judge shall be by written motion. The movant shall assume responsibility for notice of the response and hearing dates which notice shall be served on the debtor, United States trustee, trustee, if any, and all parties that are engaged in litigation before the court with regard to a proceeding, contested matter or the case. An exception to the written motion requirement shall exist if the judge first discloses from the bench reasons prompting such request.

¶ 5005.

FILING AND TRANSMITTAL OF PAPERS

¶ 5005(a)-1 (a) Except as otherwise provided, all documents required to be filed by these paragraphs shall be filed in the clerk's office. They may not be filed with the judge or his staff unless the clerk's office is closed. In the event they are filed with the judge, the filing date shall be noted thereon and they shall be forthwith transmitted to the clerk. Additionally, documents intended to be filed with the bankruptcy clerk's office are not to be routinely filed with the district clerk's office, but may be filed in the district clerk's office only in an emergency.

(b) A motion to file documents under seal, together with the document(s), shall be filed in writing with the judge.

¶ 5005(a)-2 *Petitions.* In chapter 7, 11 and 12 cases an original and two copies of the petition and supporting documents shall be filed. In chapter 13 cases an original and one copy of the petition and supporting documents shall be filed.

¶ 5005(a)(2)* *Filing by Electronic Means.*

¶ 5005(a)(2)-1 (a) Scope. Pursuant to Federal Rules of Bankruptcy Procedure 5005(a)(2), the Court hereby assigns to the electronic filing system all Certificates of Service filed by the Bankruptcy Noticing Center (BNC), or its designee, and all filings by the U.S. Trustee, the presiding case trustee and their counsel, as well as service effected by those entities. Effective immediately, the official record of the aforesaid filings shall be the electronic data transmitted to the Clerk's office from those entities or the image scanned by the Clerk's office. Furthermore, in those cases where the Certificate of Service by the BNC references an attachment that has not been theretofore filed with the Clerk, that attachment shall be considered the official record of that document.

Documents scanned by the Clerk's office shall be received and stored in such a manner as may be convenient to the Clerk, until further Order of Court.

(b) Access, Eligibility, Registration, Passwords.

1. Access: Anyone wishing to view documents and court dockets on the System from a location other than the Clerk's Office must have an account on the Public Access to Court Electronic Records (PACER) system. A PACER account may be established at <http://pacer.psc.uscourts.gov> or by link to WebPacer from the Court's PACER website at <http://pacer.pamb.uscourts.gov>.

2. Filing: Each attorney desiring to file pleadings electronically must have a PACER account and must complete and sign an CM/ECF Attorney Registration Form and a Credit Card Blanket Authorization Form (except for attorneys representing the federal government). The forms are available on the Court's website and at the Office of the Clerk. Registration requirements include the user's name, address, telephone number and Internet e-mail address. Upon approval of the Credit Card Blanket Authorization Form and either (i) successful completion of the training on the System or (ii) a certification by the attorney that the attorney has completed the CM/ECF training in another jurisdiction and the successful completion of a proficiency examination administered by the Clerk, a login and password shall be assigned. An attorney receiving a password shall thereafter be identified as a Filing User.

3. Passwords:

(i) Filing Users agree to protect the security of their passwords and shall immediately notify the Clerk if they learn

their password has been compromised. Filing Users may be subject to sanctions for failure to comply with this provision. If appropriate, arrangements will be made for the issuance of a new password.

(ii) A Filing User may withdraw from participation in the Electronic Filing System by providing the Clerk's office with written notice stating the reasons for withdrawing from the System.

(c) Consequences of Electronic Filing. Electronic transmission of a document to the Electronic Filing System consistent with these rules/orders, together with the transmission of a Notice of Electronic Filing from the Court, constitutes filing of the document for all purposes of the Federal Rules of Bankruptcy Procedure and local practice of this Court, and entry on the docket kept by the Clerk under F.R.B.P. 5003. When a document has been filed electronically, the official record is the electronic recording of the document as stored by the Court, and the filing party is bound by the documents as filed. Except in the case of documents first filed in paper form and subsequently submitted electronically, a document filed electronically is deemed filed at the date and time stated on the Notice of Electronic Filing from the Court. Filing a document electronically does not alter the filing deadline for that document. Unless otherwise authorized by the Court, filing must be completed before midnight local time where the Court is located in order to be considered filed that day.

(d) Entry of Court Orders.

1. Proposed Orders: A proposed form of order shall be submitted with every motion and other pleading requesting relief that is filed electronically. Any such pleading shall include the proposed order as an exhibit. The title line shall clearly state that it is a "proposed" order. The purpose of including a proposed order as an exhibit is to afford notice to parties in interest of the scope of relief sought by the movant. The actual order to be considered by the Court shall be submitted in the manner outlined below.

2. Actual Orders: Moving parties submitting proposed orders electronically must separately submit, in a revisable word processing format such as pdf, Microsoft Word or Corel WordPerfect, an actual order for consideration by the Court for each pleading in which relief is requested. An Actual Order must be submitted by electronically attaching it to an e-mail addressed to a separate e-mail address established in the Clerk's Office for the receipt of Actual Orders. The subject line of each e-mail transmitting an Actual Order shall contain the information listed in the Administrative Procedures. Other than removal of the word "proposed," the Actual Order which is submitted must be identical to the proposed order.

(e) Attachments and Exhibits. A Filing User should submit as exhibits or attachments only those excerpts of the referenced documents that are directly germane to the matter under consideration by the Court. Excerpted material must be clearly and prominently identified as such. Filing Users who file excerpts of documents as exhibits or attachments under this Rule do so without prejudice to their right to timely file additional excerpts or the complete document. Responding parties may timely file additional excerpts or the complete document that they believe are directly germane.

(f) Sealed Documents. Documents ordered to be placed under seal must be filed conventionally (in writing) and not electronically unless specifically authorized by the Court. A motion to file documents under seal may be filed electronically unless prohibited by law. The order of the Court authorizing the filing of documents under seal may be filed electronically unless prohibited by law. A paper copy of the order must be attached to the documents under seal and be delivered to the Clerk.

(g) Retention Requirements. Documents that are electronically filed and require original signatures or require verification under F.R.B.P. 1008 or contain an unsworn declaration under 28 U.S.C. 1746 must be maintained in paper form by the Filing User as follows:

1. Chapter 11 cases - 3 years after closing of the case or the applicable proceeding, whichever is later.
2. Chapter 12 and Chapter 13 cases - 2 years after closing of the case or the applicable proceeding, whichever is later.
3. Chapter 7 cases - 1 year after closing of the case or the applicable proceeding, whichever is later.
4. Adversary proceedings - 1 year after the closing of the main case or the applicable proceeding, whichever is later.

Upon request of the Court or any party in interest, the original documents must be provided to such parties or the Court for review.

(h) Signatures.

1. Log-In as Signature: The Filing User log-in and password required to submit documents to the Electronic Filing System serve as Filing User's signature on all electronic documents filed with the Court. They also serve as a signature for purposes of F.R.B.P. 9011, the Federal Rules of Civil Procedure, and any other purpose for which a signature is required in connection with proceedings before the Court.
2. Signature Block: Electronically filed documents must include a signature block and must set forth the name, address, telephone number and the attorney's state bar registration number, if applicable. In addition, the name of the Filing User under whose log-in

and password the document is submitted must be preceded by an "s/" and typed in the space where the signature would otherwise appear.

3. Authorized Use of Password. No Filing User or other person may knowingly permit or cause to permit a Filing User's password to be used by anyone other than an authorized agent of the Filing User.

4. Multiple Signatures: Documents requiring signatures of more than one party must be electronically filed by: (1) submitting a scanned document containing all necessary signatures; (2) representing the consent of the other parties on the document; (3) identifying on the document the parties whose signatures are required and by the submission of a notice of endorsement by the other parties no later than three business days after filing; or (4) in any other manner approved by the Court.

(i) Service of Documents by Electronic Means.

1. A party may effect service under Fed.R.Civ.P. 5(b)(2)(D) through the court's transmission facilities; *i.e.* the CM/ECF system.

2. Since a Filing User is required to provide an Internet e-mail address, registration as a Filing User constitutes: (1) waiver of the right to receive notice by first class mail and consent to receive notice electronically; and (2) waiver of the right to service by personal service or first class mail and consent to electronic service, except with regard to service of a summons and complaint under F.R.B.P. 7004. Waiver of service and notice by first class mail applies to notice of the entry of an order or judgment under F.R.B.P. 9022.

3. Parties not deemed to have consented to electronic service are entitled to receive a paper copy of any electronically filed pleading or other document. Service of such paper copy must be made according to the Federal Rules of Civil Procedure and the local rules.

(j) Notice of Court Order and Judgments. Immediately upon the entry of an order or judgment in an action assigned to the Electronic Filing System, the Clerk will transmit to Filing Users in the case or applicable proceeding, in electronic form, a Notice of Electronic Filing. Electronic transmission of the Notice of Electronic Filing constitutes the notice required by F.R.B.P. 9022. The Clerk must give notice in paper form to a person who has not consented to electronic service in accordance with the Federal Rules of Civil Procedure.

(k) Technical Failures. A Filing User whose filing is made untimely as the result of a technical failure may seek appropriate relief from the Court.

(l) Public Access.

1. A person may review at the Clerk's office filings that have not been sealed by the Court. A person may also access the Electronic Filing System at the Court's Internet site <http://pacer.pamb.uscourts.gov> by obtaining a PACER log-in and password. A person who has PACER access may retrieve docket sheets and documents. Only a Filing User who has complied with B.P.O. ¶ 5005(a)(2)-1(b)(2) may file documents.

2. The public will have electronic access in the Clerk's office for viewing documents and docket entries in the System during regular business hours, Monday through Friday.

[*amended 02/27/2004]

¶ 5005(a)(2)-2** *Virtual Documents.* The Clerk of the Bankruptcy Court is authorized to designate specific types of pre-approved docket entries that, upon execution, will constitute the official record without reference to any other documentation.

[**amended 01/20/2004]

¶ 5006.

CERTIFICATION OF COPIES OF PAPERS

¶ 5006-1 *Conformed Copies/Envelopes.* With the exception of the United States trustee, any party who desires the return of a copy of a filed document shall submit an extra copy(s) and a self-addressed, stamped envelope.

¶ 5010.

REOPENING CASES

¶ 5010-1 (a) A motion to reopen shall be accompanied by the appropriate filing fee which may be waived by the court for sufficient cause such as the correction of an administrative error or to assert the protection of the discharge injunction. The motion shall be served on the debtor, United States trustee, the last acting trustee, if any, and any other parties as the court may direct.

(b) All motions to reopen cases may be granted summarily.

¶ 5070.

CALENDARS AND SCHEDULING

¶ 5070-1 *Courts and Clerks' Offices. Request for Continuance or Phone Conference.* A request for a continuance or phone conference shall be made to the court in writing and shall contain a certification that counsel making the request has sought the concurrence in the request from all interested parties and that it has been either granted or denied. Requests received by or made to the court within twenty-four (24) hours of the hearing will not be considered except in emergency situations which request will be granted only in the court's discretion.

A party who obtains a continuance of a matter scheduled to be heard by the court shall have the responsibility to expeditiously notify other parties of any continuance by telephone, facsimile transmission, or first class mail, whatever is most appropriate to the circumstance.

¶ 5071.

CASE ASSIGNMENTS

¶ 5071-1 All cases filed by residents of Adams, Centre, Cumberland, Dauphin, Franklin, Fulton, Huntingdon, Juniata, Lebanon, Mifflin, Montour, Northumberland, Perry, Snyder, Union and York counties shall be assigned to the judge sitting in Harrisburg. All cases filed by residents of Bradford, Cameron, Carbon, Clinton, Columbia, Lackawanna, Luzerne, Lycoming, Monroe, Pike, Potter, Schuylkill, Sullivan, Susquehanna, Tioga, Wayne and Wyoming counties shall be 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. Irrespective of case assignment, any judge may refer to another judge within the district any case, contested matter or adversary proceeding.

¶ 5071-2 The provisions of ¶ 5071-1 shall not apply to cases filed under chapter 9 of the United States Bankruptcy Code.

¶ 5072.

MOTIONS TO REINSTATE

¶ 5072-1 A motion to reinstate a dismissed case shall be in writing and the notice of the hearing on the motion shall be served on the debtor, United States trustee, the last acting trustee, if any, and all parties heretofore notified of the dismissal pursuant to F.R.B.P. 2002(f)(2). All motions to reinstate a dismissed case may be granted summarily.

¶ 5073.

RECORD OF PROCEEDINGS AND TRANSCRIPTS

¶ 5073-1 After final judgment including appeal, all exhibits admitted into evidence shall be made available to the submitting party upon request. At any time after thirty (30) days notice from the clerk to the party submitting the exhibits, such exhibits will be destroyed or otherwise disposed of by the court.

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

¶ 6004.

USE, SALE, OR LEASE OF PROPERTY

**¶ 6004(a)-1 Sale of Estate Property Outside the Ordinary Course of Business
Under Section 363(b) or (f)**

(a) *Sales Outside of the Ordinary Course.* The trustee or debtor may sell estate property outside of the ordinary course of business pursuant to §363(b)(1) of the Code and F.R.B.P. 6004(a).

(b) *Notice of Sales.* All such sales, including free and clear sales pursuant to §363(f) of the bankruptcy Code, shall be subject to the following requirements:

(1) Except as provided in ¶ 6004(d)-1 or ¶ 6071-1, the notice of sale required by §363(b) and F.R.B.P. 6004 shall contain, at a minimum, the following:

- (A) The caption of the case;
- (B) The name and address of the seller;
- (C) The place, date and time of the sale;
- (D) The hearing date, if court approval of same has been obtained pursuant to ¶ 2002(a)-1;
- (E) A general description of the property to be sold;
- (F) A statement explaining where a complete description or inventory of the property may be obtained or examined;
- (G) 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;

(H) The terms and conditions of sale, including the terms of any pending offers or minimum bid requirements;

(I) Whether the sale is subject to higher and better offers;

(J) In any private sale, the identity of the purchaser and any affiliation or relationship with the debtor or an insider of the debtor shall be disclosed;

(K) Whether the sale will be advertised and, if so, how and when;

(L) The last date by which objections to the sale shall be filed with the court, which shall be not less than twenty (20) calendar days after the notice is mailed, unless the court shortens the time pursuant to F.R.B.P. 9006;

(M) A statement that inquiries regarding the sale should be directed to the seller or their counsel or agent and not to the clerk.

(2) Unless the court directs otherwise, the notice of sale shall be sent by first class mail to:

(A) the debtor;

(B) the trustee;

(C) all indenture trustees;

(D) all creditors;

(E) all committees appointed pursuant to the Code or to their authorized agents;

(F) to the United States trustee as required by F.R.B.P. 9034; and

(G) to the United States as required by F.R.B.P. 2002(j).

(3) Any notice required to be mailed under this paragraph shall be addressed as directed in any request for notices filed with the court; otherwise, to the address shown in the list of creditors or the filed schedules, whichever is later filed, but if a different address is stated in a proof of claim duly filed thereafter, that address shall be used.

(4) All bidding shall take place outside the presence of the court.

¶ 6004(b)-1 *Objections to Section 363(b) Sale.* Any party-in-interest who objects to the proposed sale shall file written objections within the period fixed by the notice of sale. The objecting party shall serve a copy of the objections on the seller, together with the seller's counsel of record, and file a certificate of service with the clerk when the objections are filed.

¶ 6004(c)-1 *Sales of Property Free and Clear of Liens - Section 363(f).*

(a) All free and clear sales shall be subject to the applicable notice requirements of ¶ 6004(a)-1(b)(1) through (3).

(b) Sale of property free and clear of liens shall be by motion, except where 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 §522(f) of the Code, or

(2) To obtain approval pursuant to §363(h) of the Code for the sale of both the interest of the estate and of a co-owner in the property. In such excepted cases, the seller shall proceed by the adversary procedure set forth in part vii of the bankruptcy rules and the local adversary rules and ¶ 6070-1.

(c) Upon the filing of a motion for free and clear sale, the clerk's office shall issue an order fixing an answer date. A hearing will be held only if an answer is timely filed, unless otherwise ordered by the court.

(d) The motion for free and clear sale shall name as respondents all parties against whom relief is sought, and the seller shall serve a copy of the motion upon all parties, together with any counsel of record, against whom relief is sought, and as directed by any order issued at the time of the filing of the motion. A certificate of service shall be filed in accordance with any such order.

(e) After obtaining the sale hearing date and time, the seller shall prepare a notice of hearing on the motion.

(f) Unless the court directs otherwise, the seller shall send the notice by first class mail to the respondent and any parties referenced in ¶ 6004(a)-1(b)(2), at least twenty (20) calendar days before the hearing on the sale. A certificate of mailing shall be filed with the clerk within five (5) days of the mailing of the notice of sale.

¶ 6004(c)-2 *Opposition to Free and Clear Sales.* Any respondent, or other party with standing, may file an answer to a free and clear sale motion admitting or denying the allegations, including the assertion of affirmative defenses.

¶ 6004(d)-1 *Limited Exception to Notice of Sale Requirement.* When all of the nonexempt property of the estate has an aggregate gross value less than two thousand five hundred (\$2,500.00) dollars, the seller may use the general notice of sale provided for in F.R.B.P. 6004(d).

¶ 6004(f)(1)-1 *Reports of Sale.* The itemized statement required by F.R.B.P. 6004(f)(1) shall be filed with the clerk within ten (10) days of the date of the consummation of the sale. If the statement otherwise required by F.R.B.P. 6004(f)(1) is impracticable, the seller shall file with the court within ten (10) days of the date of the sale, a detailed explanation of why the statement is impracticable.

¶ 6007.

ABANDONMENT OR DISPOSITION OF PROPERTY

¶ 6007(b)-1 *Motion by Party in Interest.* Where a party-in-interest seeks to compel abandonment by motion, the movant shall serve the motion and an order prepared by the clerk's office fixing an answer date, upon the parties against whom the relief is sought, including any applicable trustee and the United States trustee's office.

¶ 6070.

**SALE OF PROPERTY WITH UNDETERMINED OR
CO-OWNER INTERESTS (ADVERSARY SALES)**

¶ 6070-1 After the filing of the adversary complaint, the clerk's office shall issue a summons setting a pretrial conference and a trial date on which the court can dispose of the complaint to sell property.

¶ 6071.

EMERGENCY SALES

¶ 6071-1 The seller, without any notice or with such notice as the court directs, may conduct an emergency sale. Such sale, however, shall be made only upon leave of court obtained after filing an application specifying the property to be sold, the terms of the sale, and the reasons why the sale is an emergency sale.

**PART VII
ADVERSARY PROCEEDINGS**

¶ 7016.

PRE-TRIAL PROCEDURE; FORMULATING ISSUES

¶ 7016-1 (a) Adversary proceedings shall, unless the court directs otherwise, be exempt from the provisions of Fed. R. Civ. P. 16(b), as incorporated in F.R.B.P. 7016.

(b) Notwithstanding ¶ 7016-1(a), the court will generally issue a Scheduling Order conforming substantially with B.P.F. 7016-1(b).

¶ 7021.

MISJOINDER AND NON-JOINDER OF PARTIES

¶ 7021-1 When, for any reason, an adversary is severed into two or more adversaries, a separate filing fee shall be payable to the clerk with regard to each severed adversary.

¶ 7041.

DISMISSAL OF ADVERSARY PROCEEDINGS

¶ 7041-1 Before an adversary proceeding shall be involuntarily dismissed, a thirty (30) day notice shall be given by the clerk to the party whose claim is to be dismissed and to counsel of record for that party, if any.

¶ 7055.

DEFAULT

¶ 7055-1 Subject to ¶ 7041-1, the complaint shall be dismissed if within twenty (20) days after the response date to the complaint neither a response nor a motion for default judgment has been filed.

¶ 7055-2 The order of default may award damages for the amount to which the plaintiff is entitled if it is a sum certain or which can be made certain by computation, but if it is not, the damages shall be assessed at a hearing at which the issues shall be limited to the amount of the damages.

¶ 7056.

SUMMARY JUDGMENT

Local Rule of the United States District Court for the Middle District of Pennsylvania LR 56.1 applies in adversary proceedings.

¶ 7067.

DEPOSIT IN COURT

¶ 7067-1 *Order Regarding Registry Funds.*

(a) The clerk of the bankruptcy court will invest funds under Rule 67 of the Federal Rules of Civil Procedure in accordance with this order. Such funds deposited with a non-treasury financial institution must be collateralized whenever the funds exceed applicable insurance coverage. Funds should not be deposited in a financial institution until collateral arrangements have been obtained.

(b) All registry invested accounts are 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.

(c) Counsel or parties who wish to deposit funds in pending litigation may, by motion to the court, have such funds invested in interest bearing accounts, or instruments. The movant should attach a proposed order directing investment; the order shall include the following:

(1) The amount to be invested;

(2) The name of the bank or institution at a location where the clerk has an office;

(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) The clerk shall take all reasonable steps to deposit funds within, but not more than, fifteen (15) days after filing of the order.

(e) In order to withdraw deposited funds, a motion for disbursements of invested registry funds and a proposed order must be filed with the clerk. 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”) which 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. In order for the clerk to comply with Rule 76-50 of the Internal Revenue Code, the tax identification number or social security number of each payee receiving earned interest must be provided. The form of the disbursement order shall be reviewed by the clerk or the financial administrator.

(f) The party requesting disbursement of funds shall notify the clerk or the financial administrator whenever an order of court is entered allowing such disbursements.

¶ 7070.

PRE-TRIAL MOTIONS IN ADVERSARY PROCEEDINGS

¶ 7070-1 Local Rules of the United States District Court for the Middle District of Pennsylvania LR 7-1 through 7-8 apply in adversary proceedings.

¶ 7070-2 *Emergency Motions.* Any motion that does not comply with the requirements of ¶ 7070-1 or contemplates a procedure that will not be in compliance with ¶ 7070-1 in any respect shall be titled “Emergency Motion” or shall state in the caption that the motion is brought pursuant to ¶ 7070-2. Any emergency motion may be brought before the court by facsimile transmission if previously authorized by the court with a copy by facsimile to the opposing party, upon certification that the original of said motion has been simultaneously placed in the United States mail for filing with the clerk and service upon the opposing party and that a facsimile copy has been simultaneously served upon opposing counsel. The grounds for deviating from ¶ 7070-1 shall be stated in the text of the motion. The bankruptcy court, in its discretion, may waive the requirements of ¶ 7070-1 for good cause and in appropriate circumstances. A fax received without prior approval from the court will be discarded.

¶ 7070-3 Notwithstanding the deadlines set forth in the above paragraphs, the court may dispose of pre-trial motions in summary fashion at any time during their pendency.

¶ 7071.

EXHIBITS

¶ 7071-1 Whenever the number of exhibits in any case to be presented at trial by either party exceed fifteen (15), the party intending to offer such exhibits shall tab, number and index them in a binder and shall 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 or less, copies of each exhibit shall be provided to the court and all parties at least two (2) working days prior to trial.

¶ 7072.

**SETTLEMENT OF CONTESTED MATTERS
AND ADVERSARY PROCEEDINGS**

¶ 7072-1 Whenever, in any contested matter or adversary proceeding, counsel shall notify the clerk or the judge to whom the action is assigned in a writing either executed by all counsel of record, or containing a certification that all counsel concur, that the issues between the parties have been settled, the parties shall file any necessary stipulation and any requisite motion to compromise or settle, within thirty (30) days of the date of such written notification, or the matter may be dismissed, at the discretion of the court. A motion to extend the time, for cause shown, may be filed within the thirty (30) day period.

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

¶ 8006.

RECORD AND ISSUES ON APPEAL

¶ 8006-1 (a) Each designation of items to be included in the record of appeal shall 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.

(b) If copies of designated items are not provided to the clerk within twenty (20) days of filing of the designation, the clerk shall have such copies prepared at the expense of the party.

¶ 8007.

**COMPLETION AND TRANSMISSION OF THE RECORD;
DOCKETING OF THE APPEAL**

¶ 8007(b)-1 The clerk of the bankruptcy court shall not be responsible for the failure to transmit items not designated in accordance with ¶ 8006-1(a).

**PART IX
GENERAL PROVISIONS**

¶ 9003.

PROHIBITION OF EX PARTE CONTACTS

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

- (a) Requests for extensions of time to file memoranda of law and briefs.
- (b) Requests to convert or dismiss a case pursuant to 11 U.S.C. §706(a), 1208(b), or 1307(b).
- (c) Requests for entry of a wage order pursuant to 11 U.S.C. §§1225(c) and 1325(c).
- (d) Requests for approval to pay filing fees in installments.
- (e) Requests for waiver of filing fees for documents other than the bankruptcy petition.
- (f) Requests to limit notice.
- (g) Requests for admission pro hac vice.
- (h) Requests for emergency relief.

¶ 9004.

GENERAL REQUIREMENTS OF FORM

¶ 9004(b)-1 *Caption of Pleadings.* All pleadings filed with the clerk shall contain a caption in a form described as follows:

- (a) Appearing at the top of the first page and centered thereon shall be:

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

- (b) Appearing below the name of the court and to the left of center shall be the name of the debtor who shall be identified as such.

(c) In a contested matter, the name of the movant and the respondent shall be identified as such;

(d) In an adversary proceeding, the name of the plaintiff and the defendant in that order shall be shown below that of the debtor;

(e) Appearing below the name of the court and to the right of center shall be the chapter of the case in which the pleading is being filed;

(f) Appearing below the chapter of the case shall be the bankruptcy number of the case and, if applicable, any adversary number;

(g) Below that which is specified in (a) through (d) of this paragraph shall be the title of the pleading, which title shall be centered; and

(h) The title of the pleading shall identify the proponent of the pleading and shall fairly describe the nature of the document.

¶ 9010.

REPRESENTATION AND APPEARANCES; POWERS OF ATTORNEY

¶ 9010(a)-1 *Appearances.* An attorney who files with the clerk any application, motion, stipulation, or other pleading other than a proof of claim, shall be deemed to have entered an appearance for the party on whose behalf the paper is filed.

¶ 9010(a)-2 An attorney filing a proof of claim or interest shall be deemed to have entered an appearance only for the purpose of any objection that may be filed to that claim.

¶ 9010(a)-3 The filing of a petition in bankruptcy by an attorney on behalf of a debtor shall constitute an entry of appearance in any and all matters arising during the administration of the case including, but not limited to, all applications, motions, and adversary proceedings.

¶ 9010(a)-4 *Withdrawal of Appearance.* An attorney may not withdraw his or her appearance except after a hearing and by order of the court in accordance with the principles set forth in the Rules of Professional Conduct, as adopted by the Supreme Court of Pennsylvania, unless another attorney eligible to appear before the court enters his or her appearance simultaneously with the request for withdrawal of appearance.

¶ 9010(b)-1 *Facsimile Number.* The information required by F.R.B.P. 9010(b) shall also include the attorney's facsimile number, if any.

¶ 9010(b)-2 *Change of Address.*

(a) Any attorney who has entered an appearance shall, in each case, advise the clerk of any change of address of the attorney’s office, or a change of address of the entity on whose behalf the attorney has made an entry of appearance, by filing with the clerk a request to note change of address. This request shall instruct the clerk to note the change of address on the bankruptcy court docket and on any master mailing list or matrix.

(b) An attorney who files a request to note change of address shall 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 which is pending at the time the request is filed.

¶ 9011.

SIGNING AND VERIFICATION OF PAPERS

¶ 9011(a)-1 In addition to the requirements of F.R.B.P. 9011(a), an attorney shall provide the attorney’s facsimile number, if any.

¶ 9013.

MOTIONS; FORM AND SERVICE

¶ 9013-1 **Procedure for Filing Motions.**

(a) *Title of Motion and Answer.* The title of each motion shall identify the party filing the motion and the nature of the relief sought. If an answer is required, it shall identify the party filing the answer and the motion being responded to.

(b) *Papers to Accompany Motions.* Each motion shall be accompanied by a proposed form of order which, if entered by the court, would grant the relief sought by the motion. Each proposed form of order shall list, in the lower left-hand corner of the signature page, the names and addresses of all interested persons to whom it is suggested that copies of the order, if entered, should be sent.

(c) *Interested Person.* For purposes of this paragraph, the term “interested person(s)” means:

- (1) the movant;
- (2) the respondent;

- (3) the debtor;
- (4) the United States trustee;
- (5) any trustee or interim trustee;
- (6) in a chapter 11 case, all committees appointed pursuant to § 1102 of the bankruptcy Code;
- (7) all entities on the mailing matrix;
- (8) any person whose interest would be directly, materially and adversely affected if the relief requested in the motion were granted and whose interests are not adequately represented by persons on whom service is otherwise required.

¶ 9013-2 Notice and Procedure.

Service of Motion. The proponent or moving parties shall serve a copy of its motion and relative documents, if required, by F.R.B.P. 9013, on the debtor, the debtor's attorney of record, any trustee and/or committee appointed pursuant to 11 U.S.C. § 1102, and their attorney and such other entities as the court may direct.

¶ 9013-3 *Certification of Service.* Each application, motion, objection to proof of claim, or other paper filed with the court shall contain a certification of service stating the names of all persons upon whom the document has been served, the documents which have been served, and the address where, when and how such service has been made.

¶ 9013-4 *Procedure for Expedited Matters and Emergency Relief.* In any case where a party is filing an application or motion which requires an immediate hearing date or is seeking emergency relief from the court (e.g., temporary restraining orders or preliminary injunctions), the proponent shall proceed as follows:

(a) The reasons why expedited consideration is necessary shall be set forth with particularity in a separate motion.

(b) All interested parties shall be notified of the request for expedited consideration prior to its filing with the court (subject to an ex parte application to limit notice, if reasonably necessary).

(c) A certification of service (indicating the parties served, the date and time of service, and the manner of notice of the request for expedited consideration), shall be filed with the request for expedited consideration.

(d) A proposed order, which would grant the motion for expedited relief and identify a method of prompt service of the order and the underlying substantive motion, shall be filed with any request for expedited consideration.

¶ 9014.

CONTESTED MATTERS

¶ 9014(e)-1 Unless otherwise directed, all hearings and trials shall be evidentiary in nature at which witnesses may testify.

¶ 9014-1 (a) Upon the filing of a motion, the clerk's office will provide an answer date. Unless the motion is opposed, the relief requested may be granted summarily. Absent an answer being filed, and except as otherwise provided in this B.P.O., no hearing date on the motion will be set.

(b) Notwithstanding the language of ¶ 9014-1(a), hearings are required and will be set on the following matters:

- (1) motions for relief under 11 U.S.C. §362(h);
- (2) motions for sanctions under F.R.B.P. 9011;
- (3) motions for contempt;
- (4) motions to withdraw as counsel under ¶ 9010(a)-4 when substitute counsel has not filed an entry of appearance;
- (5) motions to substantively consolidate under ¶ 1015(b)-2;
- (6) motions to disqualify the court under ¶ 5004-1;
- (7) motions to dismiss the case with prejudice, including all motions filed pursuant to 11 U.S.C. § 109;
- (8) motions to disqualify counsel; and
- (9) motions for default judgment regarding complaints objecting to discharge under 11 U.S.C. § 727.

(c) While not required, hearings will be set, at the request of movant, regarding motions for approval of sales of property free and clear of liens under ¶ 6004(c)-1(b).

¶ 9014-2 Federal Rules of Bankruptcy Procedure 7055 and 7056 as well as B.P.O. ¶¶ 7055 and 7070 shall not apply to contested matters except as follows:

- (a) Motions for free and clear sale under §363;
- (b) Motions to avoid liens under §522(f); and
- (c) Claims litigation under ¶ 3007-1.

¶ 9016.

SUBPOENA

¶ 9016-1 Subpoenas will be issued by attorneys as officers of the court pursuant to F.R.Civ.P. 45(a)(3). The clerk shall issue a subpoena only when requested to do so by a pro se party.

¶ 9019.

COMPROMISE AND ARBITRATION

¶ 9019-1 *Mediation.*

(a) The court may in its discretion set a case for mediation provided, however, 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) The court may assign to mediation any adversary or contested matter or any issue within such adversary or contested matter. These may include the referral of matters for settlement purposes or otherwise to reduce the number of contested issues.

(c) *Certification of Mediators.*

(1) The court shall 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 at least three (3) years;

(B) he or she is admitted to practice before this court;

(C) he or she has successfully completed a recognized training program for mediation; and

(D) he or she has been determined by the appointing court to be competent to perform the duties of a mediator.

(3) Anyone having the qualifications set forth in subparagraph (2) and desiring to become a mediator shall notify the court.

(4) The court shall solicit qualified individuals to serve as mediators.

(5) Each individual certified as a mediator shall take the oath or affirmation prescribed by 28 U.S.C. §453 before serving as a mediator.

(6) The court shall maintain a list of all persons certified as mediators.

(7) The court may remove anyone from the list of certified mediators for cause.

(8) Persons acting as mediators under this rule are assisting the court in performing its judicial function. They shall be disqualified for bias or prejudice as provided by 28 U.S.C. §144 and shall 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.* The services of the mediators shall be provided pro bono unless otherwise ordered by the court. An individual certified as a mediator shall not be called upon more than twice in a twelve month period to serve as a mediator without prior approval of the mediator.

(e) *Scheduling Mediation Conference.*

(1) Upon referral of a case to mediation, the court shall promptly serve the order of referral to the mediator, all counsel and any unrepresented party. The order shall include the address and telephone number and facsimile number of the mediator, counsel, and unrepresented parties. The date of the mediation session shall be a date within thirty (30) days from the date of the order of referral.

(2) The appointment shall be considered effective unless the designee rejects the appointment within five (5) days.

(3) Upon mailing the order of referral, the clerk shall send to the mediator a copy of the docket sheet that reflects all filings to date. The mediator shall advise the clerk as to which documents in the case file the mediator desires copies of for the mediation session. Unless otherwise ordered by the court, the clerk shall provide the mediator with all requested copies free of charge to the mediator.

(4) A mediator is authorized to change the date and time for the mediation session provided the session takes place within forty-five (45) days of the date of the order of referral. Any continuance of the session beyond this forty-five (45) day period must be approved by the court.

(f) *The Mediation Process.*

(1) Not later than three (3) business days before the initial conference, each party shall deliver or telecopy 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;

(B) the relief sought by each party;
and

(C) settlement.

(2) The memoranda required by this subparagraph are solely for use in the mediation process and shall not be filed with the clerk of court.

(g) *The Mediation Session.*

(1) The mediation session shall take place on the date and at the time set forth by the mediator. The mediation session shall take place at a neutral setting as designated by the mediator which may include the mediator's office. Except as herein authorized, the parties shall not contact or forward documents to the mediator unless the mediator requests the information.

(2) Counsel primarily responsible for the case and any unrepresented party shall 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. The participants shall be prepared to discuss: (1) All liability issues; (2) All damage issues; (3) All equitable and declaratory remedies if such are requested; and (4) The position of the parties relative to settlement. Wilful failure to attend the mediation conference shall be reported to the court and may result in the imposition of sanctions.

(3) Except as otherwise provided in this paragraph 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) shall be placed in evidence, made known to the trial court or jury, or construed for any purpose as an admission. No party shall 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 the mediation session, the mediator shall terminate the session and promptly thereafter 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 shall send a written report to the judge to whom the case is assigned stating that a settlement has been achieved. The parties shall be responsible for the circulation of all required notices of settlement.

(5) Notwithstanding the above paragraph, the mediator shall 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 shall have a recording or transcript made of the mediation session, including the mediator, unless otherwise agreed to by the parties.

(7) The mediator shall not be called as a witness at trial.

¶ 9019-2 *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.

¶ 9019-3 *Relationship to Other Procedures.* Paragraph 9019-1 et seq. shall not be construed as modifying the provisions of Fed.R.Civ.P. 16 and 26, or B.P.O. ¶ 7016-1 and ¶ 7026-1 or of any order or direction by the court, nor shall it be construed as precluding 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.

¶ 9021.

ENTRY OF JUDGMENT

¶ 9021-1 All proposed orders requesting approval of a stipulation shall be submitted on a separate document.

¶ 9023.

NEW TRIALS; AMENDMENT OF JUDGMENTS

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

¶ 9023-2 (a) *Post-Trial Motions to be Written.* All motions after trial must be written and shall 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 shall 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 shall serve copies of 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, 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 shall be served with the motion as required by F.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 Briefs of Moving Party.* An original and one (1) copy of the brief of the moving party shall 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 supporting legal briefs are not filed within the time provided herein, such motion shall be deemed to be withdrawn.

(f) *Post-Trial Briefs of Respondent.* An original and one (1) copy of the brief of the respondent shall 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 shall be deemed not to oppose such motion.

(g) *After-Discovered Evidence.* A motion for a new trial on the ground of after-discovered evidence shall, 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.

¶ 9023-3 Notwithstanding the deadlines set forth in ¶ 9023-2, the court may dispose of post-trial motions in summary fashion at any time during their pendency.

¶ 9024.

RELIEF FROM JUDGMENT OR ORDER

¶ 9024-1 Motions filed pursuant to F.R.B.P. 9024 shall be governed by the provisions of ¶ 9023-1 et seq. of the Bankruptcy Practice Order and Forms for the Middle District of Pennsylvania.

¶ 9070.

PREPARATION OF PAPERS FOR FILING; FILING OF PAPERS

¶ **9070-1** (a) All papers submitted to the clerk for filing shall measure 8-1/2 x 11 inches. Otherwise, any paper or document filed shall be sufficient as to format and other physical characteristics if it substantially complies with the following requirements: all papers or documents shall be on white paper, typed or handwritten only on one side with two pre-cut holes beginning three inches from the left hand margin and being three inches apart at the top of the pages. The first sheet shall contain a three (3) inch space from the top for all court stampings, etc.. Blue backers are not required.

(b) All papers submitted to the clerk for filing shall be stapled or fastened at the top.

¶ 9071.

STUDENT PRACTICE

¶ **9071-1** (a) *Generally.* A law student or a graduate of a law school who has taken a state bar examination and is awaiting the results of this examination (and is hereafter to be included within the definition of a “law student”) may appear before the court in any case or procedure on behalf of any person if the person on whose behalf the law student is appearing has indicated in writing consent to that appearance and the supervising attorney, who shall be counsel of record for the person on whose behalf the law student is appearing, has also indicated in writing his approval of that appearance.

(b) *Eligibility Requirements.* In order to be eligible to appear before the court, the law student shall:

(1) Be duly enrolled or have graduated from a law school approved by the American Bar Association;

(2) Have completed legal studies amounting to at least four semesters, or the equivalent if the school is on a basis other than a semester basis;

(3) Be introduced to the court in which the law student is appearing for the first time by an attorney admitted to practice before the court and announce to the court each time that the law student appears that the student is a law student appearing pursuant to this paragraph;

(4) Neither ask for nor receive any compensation or remuneration of any kind for services from the person on whose behalf he renders services; and

(5) Have read and be familiar with the Pennsylvania Rules of Professional Conduct, the Federal Rules of Evidence, the Federal Rules of Civil Procedure, the Federal Rules of Bankruptcy Procedure, the Bankruptcy Code, and the Bankruptcy Practice Order and Forms for the Middle District of Pennsylvania.

(c) *Compensation.* Notwithstanding subparagraph (b)(5) above, nothing in this rule shall be construed to prevent a lawyer, legal services agency, law school, public defender agency, the state or the United States government from paying compensation to the eligible law student.

(d) *Termination of Eligibility.* The eligibility of a law student to appear before the bankruptcy court or perform other services in a bankruptcy case or proceeding may be terminated by any judge within this district after notice and hearing.

(e) *Supervising Attorney.* Any member of the bar who chooses to supervise an eligible law student:

(1) Shall be an attorney who has previously received the bankruptcy judge's approval to supervise eligible law students, such approval having been given after the filing of an application;

(2) Shall assume personal professional responsibility for the quality of the services performed by the law student; and

(3) Shall assist the law student in their preparation to the extent necessary to make the product of the law student's efforts indistinguishable from those of a licensed member of the bar.

(f) *Roll of Students.* The clerk shall maintain a roll of all approved supervising attorneys and law students.

(g) *Miscellaneous.* Nothing contained in this paragraph shall affect the right of any person who is not admitted to practice law to perform any act he or she might lawfully perform prior to the adoption of this paragraph.

¶ 9072.

ADMISSION TO PRACTICE

¶ 9072-1 (a) *General Admission.* Any 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 deemed admitted to practice before this bankruptcy court.

(b) *Admission Pro Hac Vice.* An attorney who is admitted to practice before any United States district court or the highest court of any state or the District of Columbia may be admitted to practice before this court in a particular case although the attorney is not admitted under subparagraph (a). A request for admission under this subparagraph may be made by written motion of a member of the bar of this court and the party intending to practice before this court although the court in its discretion may grant the motion without joinder of a member of the bar of this court and without a written motion if the motion for admission is made orally in open court. The motion may be granted ex parte.

(c) *Suspension or Disbarment from Practice.* This court shall have 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.

¶ 9073.

EXPEDITION OF COURT BUSINESS

¶ 9073-1 (a) Attorneys shall promptly advise the clerk of the settlement or other final disposition of an adversary proceeding or contested matter.

(b) No attorney shall, without just cause, fail to appear when a case of that attorney is before the court on a call, motion, pretrial or trial or at a §341 meeting of creditors, or shall fail to prepare for presentation to the court.

(c) Any attorney who fails to comply with (a) or (b) may be disciplined as the court deems just.

(d) A hearing before the court may be stricken by the filing of a praecipe to strike from the trial list pursuant to B.P.F. 9073-1.

¶ 9074.

JURY TRIALS

¶ 9074-1 (a) *Applicability of Certain Federal Rules of Civil Procedure.* Rules 38, 39, and 47-51 F.R.Civ.P., and Rule 81(c) F.R.Civ.P. insofar as it applies to jury trials, apply in cases and proceedings, except that a demand made under Rule 38(b) F.R.Civ.P. shall be filed in accordance with F.R.B.P. 5005.

(b) *Consent to have Trial Conducted by Bankruptcy Judge.* If the right to a jury trial applies, a timely demand has been filed under Rule 38(b) F.R.Civ.P., and the bankruptcy judge has been specially designated to conduct the jury trial, 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.

NATIONAL ADVISORY COMMITTEE NOTE

This rule provides procedures relating to jury trials. This rule is not intended to expand or create any right to trial by jury where such right does not otherwise exist.

¶ 9075.

**PROCEDURES TO EFFECT ATTENDANCE OF PRISONERS
AT §341 MEETINGS OR HEARINGS BEFORE THE COURT**

¶ 9075-1 (a) The responsibility for securing a prisoner's attendance at a §341 meeting shall be on debtor's counsel, if any. If debtor is not represented, the motion shall be filed by the interim trustee or the United States trustee.

(b) The responsibility for securing a prisoner's attendance at a hearing before the court shall be on the party requesting the appearance, unless otherwise ordered by the court.

(c) Except under extraordinary circumstances, the court will approve the transport of a prisoner only to a secure setting, such as a federal courthouse.

¶ 9075-2 Release of prisoners for purposes of attending §341 meetings or hearings before the court should be requested by motion. The motion shall request the court to issue a "Writ of Habeas Corpus ad Testificandum".

(a) The motion shall set forth the following information:

(1) The identity of the prisoner;

- (2) The location of the prisoner;
- (3) The reasons for the release request;
- (4) The date, time, and place of the requested appearance.

(b) Filed with the motion shall be a proposed form of writ conforming substantially with B.P.F. 9075-2A, 9075-2B, 9075-2C, or 9075-2D, whichever is most appropriate.

(c) If the request is to attend a §341 meeting, then a copy of the motion shall be served by the movant on the interim trustee. For all other hearings before the court, the movant shall serve a copy of the motion on all adverse parties. Certification of such service shall be filed of record.

(d) Certified copies of the executed writ shall be served by the movant on the U.S. Marshall, the superintendent or warden of the institution housing the prisoner, the trustee, if a §341 meeting, any office or institution responsible for transporting or housing the prisoner and any other party in interest.

APPENDIX

BANKRUPTCY PRACTICE APPENDIX 2016(a)-3

PROJECT CATEGORIES

ASSET ANALYSIS AND RECOVERY: Identification and review of potential assets including causes of action and non-litigation recoveries.

ASSET DISPOSITION: Sales, leases (§365 matters), abandonment and related transaction work.

BUSINESS OPERATIONS: Issues related to debtor-in-possession operating in chapter 11 such as employee, vendor, tenant issues and other similar problems.

CASE ADMINISTRATION: Coordination and compliance activities, including preparation of statement of financial affairs; schedules; list of contracts; United States Trustee interim statements and operating reports; contacts with the United States Trustee; general creditor inquiries.

CLAIMS ADMINISTRATION AND OBJECTIONS: Specific claim inquiries; bar date motions; analyses, objections and allowances of claims.

EMPLOYEE BENEFITS/PENSIONS: Review issues such as severance, retention, 401K coverage and continuance of pension plan.

FEE/EMPLOYMENT APPLICATIONS: Preparations of employment and fee applications for self or others; motions to establish interim procedures.

FEE/EMPLOYMENT OBJECTIONS: Review of and objections to the employment and fee applications of others.

FINANCING: Matters under §§361, 363 and 364 including cash collateral and secured claims; loan document analysis.

LITIGATION: There should be a separate category established for each matter (e.g. XYZ Litigation).

MEETINGS OF CREDITORS: Preparing for and attending the conference of creditors, the §341(a) meeting and other creditors' committee meetings.

PLAN AND DISCLOSURE STATEMENT: Formulation, presentation and confirmation; compliance with the plan confirmation order, related orders and rules; disbursement and case closing activities, except those related to the allowance and objections to allowance of claims.

RELIEF FROM STAY PROCEEDINGS: Matters relating to termination or continuation of automatic stay under §362.

The following categories are generally more applicable to accountants and financial advisors, but may be used by all professionals as appropriate.

ACCOUNTING/AUDITING: Activities related to maintaining and auditing books of account, preparation of financial statements and account analysis.

BUSINESS ANALYSIS: Preparation and review of company business plan; development and review of strategies; preparation and review of cash flow forecasts and feasibility studies.

CORPORATE FINANCE: Review financial aspects of potential mergers, acquisitions and disposition of company or subsidiaries.

DATA ANALYSIS: Management information systems review, installation and analysis, construction, maintenance and reporting of significant case financial data, lease rejection, claims, etc.

LITIGATION CONSULTING: Providing consulting and expert witness services relating to various bankruptcy matters such as insolvency, feasibility, avoiding actions; forensic accounting, etc.

RECONSTRUCTION ACCOUNTING: Reconstructing books and records from past transactions and bringing accounting current.

TAX ISSUES: Analysis of tax issues and preparation of state and federal tax returns.

VALUATION: Appraise or review appraisals of assets.

BANKRUPTCY PRACTICE FORM 2016(a)-1

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

IN RE: _____ : CHAPTER _____
: _____
: _____
Debtor(s) : CASE NO. ____-____-_____

SUMMARY COVER SHEET
FEES AND EXPENSES APPLICATION

- a. Your applicant was appointed on _____,
based on an application filed _____.
- b. Your applicant represents _____.
- c. The total amount of the compensation requested is _____.
- d. This application is a _____
(state whether interim or final application).
- e. The total amount of expenses for which reimbursement is sought is _____ and is
for the period from _____ to _____.
- f. The dates and amounts of previous compensation allowed are:
_____.
- g. The dates and amounts of previous compensation paid are:
_____.
- h. The dates and amounts of any retainer paid are:
_____.

Applicant's Signature

DATED: _____

BANKRUPTCY PRACTICE FORM 3007-1

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

IN RE:

: CHAPTER ____

:

: CASE NO. ____-____-_____

:

Debtor(s)

TO: _____ (“Claimant”)

NOTICE TO CLAIMANT RE FILING OF OBJECTION TO CLAIM

Attached to this notice is an objection to your proof of claim.

Your claim may be reduced, modified, or eliminated. You should read these papers carefully and discuss them with your attorney, if you have one.

The purpose of this notice is to advise you of certain rights:

(a) At the discretion of the court, the hearing to be held on the objection to your claim may be held by telephone. At least five days in advance of the scheduled hearing, you must make a written request to have the hearing held by telephone. No hearing will be held unless requested by a party in interest after an answer to the objection is filed.

(b) Your proof of claim has some evidentiary value. The objecting party shall come forward with some reason to object to your claim.

(c) You are required to file an answer to the objection with the clerk, with copy to objector, and you must do so within thirty (30) days of the date of this notice, which is the date of mailing. If you mail your response to the court for filing, you must mail it early enough so that the court will **receive** it on or before the deadline. If you do not file an answer, the objecting party may move the court for a default judgment against you.

(d) You may, but are not required to, file an amended proof of claim.

(e) You may have other rights not referred to in this Notice.

This notice is not intended to advise you of all your rights regarding your claim. This notice is not intended to provide legal advice, and will not be construed as doing so.

If you decline to obtain counsel regarding the attached objection, you do so at your own risk.

If you or your attorney do not take these steps, the court may decide that you do not oppose the objection to your claim.

This Notice was mailed to you by: _____

Date of Notice and Date of Mailing: _____, 20____

BANKRUPTCY PRACTICE FORM 3016(b)-1

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

IN RE:

: CHAPTER 11

:
:
:

Debtor(s)-in-Possession : CASE NO. __-__-__

**DISCLOSURE STATEMENT
TO ACCOMPANY PLAN DATED _____**

Debtor furnishes this disclosure statement to creditors in the above-captioned matter pursuant to Federal Bankruptcy Code 11 U.S.C. §1125 to assist them in evaluating debtor's proposed Chapter 11 plan, a copy of which is attached hereto. Creditors may vote for or against the plan of reorganization. Creditors who wish to vote must complete their ballots and return them to the following address before the deadline noted in the order approving the disclosure statement and fixing said time. The Court will schedule a hearing on the plan pursuant to 11 U.S.C. §1129.

Address for return of ballots:

I. Background

1. Name of Debtor

2. Type of Debtor (individual, partnership, corporation)

3. Debtor's Business or Employment

4. Date of Chapter 11 Petition

5. Events that Caused the Filing:

6. Anticipated Future of the Company & Source of this Information and Opinion

7. Summarize all Significant Features of the Plan Including When and How Each Class of Creditor Will Be Paid and What, If Any, Liens Will Be Retained By Secured Creditors or Granted to Any Creditor Under the Plan

8. Are All Monthly Operating Statements Current and on File With The Clerk of Court?
Yes _____ No _____

If Not, Explain:

II. Creditors

A. Secured Claims

SECURED CLAIMS

Creditor	Total Amount Owed	Arrearage	Type of Collateral Priority of Lien (1, 2, 3)	Disputed(D) Liquidated(L) Unliquidated (U)	Will Liens be Retained Under the Plan (Y)or(N)
TOTAL	\$	\$			

B. Priority Claims

PRIORITY CLAIMS

Creditor	Total Amount Owed	(D)(L)(U) *
TOTAL		

* Disputed (D), Liquidated (L), or Unliquidated (U)

C. Unsecured Claims

1.	Amount Debtor Scheduled (Disputed and Undisputed)	\$
2.	Amount of Unscheduled Unsecured Claims ¹	\$
3.	Total Claims Scheduled or Filed	\$
4.	Amount Debtor Disputes	\$
5.	Estimated Allowable Unsecured Claims	\$

D. Other Classes of Creditors

1.	Amount Debtor Scheduled (Disputed and Undisputed)	\$
2.	Amount of Unscheduled Claims ¹	\$
3.	Total Claims Scheduled or Filed	\$
4.	Amount Debtor Disputes	\$
5.	Estimated Allowable Claims	\$

E. Other Classes of Interest Holders

1.	Amount Debtor Scheduled (Disputed and Undisputed)	\$
2.	Amount of Unscheduled Claims ¹	\$
3.	Total Claims Scheduled or Filed	\$
4.	Amount Debtor Disputes	\$
5.	Estimated Allowable Claims	\$

¹ Includes a.) unsecured claims filed by unscheduled creditors; b.) that portion of any unsecured claim filed by a scheduled creditor that exceeds the amount debtor scheduled; and c.) any unsecured portion of any secured debt not previously scheduled.

III. Assets

ASSETS

Assets	Value	Basis for Value Priority of Lien	Name of Lien Holder (if any) (Fair Market Value/Book Value)	Amount of Debtor's Equity (Value Minus Liens)
	\$ TOTAL			\$ TOTAL

1. Are any assets which appear on Schedule A or B of the bankruptcy petition not listed above?

If so, identify asset and explain why asset is not in estate:

2. Are any assets listed above claimed as exempt? If so attach a copy of Schedule C and any amendments.

IV. SUMMARY OF PLAN

1. Effective Date of Plan:
2. Treatment of Secured Claims

SECURED CLAIMS

Name of Creditor	Class	Amount Owed	Summary of Proposed Treatment
TOTAL		\$	

3. Treatment of Administrative Claims²

ADMINISTRATIVE CLAIMS

Name of Creditor *	Amount Owed	Type of Debt **	Summary of Proposed Treatment and Date of First Payment

* Identify and Use Separate Line for Each Professional and Estimated Amount of Payment

** Type of Debt (P=Professional, TD=Trade, TX=Taxes)

² Include all §503(b) administrative claims.

4. Treatment of Priority Claims³

PRIORITY CLAIMS

Name of Creditor	Class	Amount Owed	Date of Assessment	Summary of Proposed Treatment

³ Include dates when any §507(a)(7) taxes were assessed.

5. Treatment of General Unsecured Claims

GENERAL UNSECURED CLAIMS

Creditor	Class	Total Amount Owed	Percent of Dividend
TOTAL		\$	

OPTIONAL TABLE

6. Treatment of Other Claims

N/A

OTHER CLASSES OF CREDITORS

Creditor	Class	Total Amount Owed	Percent of Dividend

A. Will periodic payments be made?

Yes ____ No ____

If so:

Amount of each payment (aggregate to all claimants)

\$ _____

Estimated date of first payment

Time period between payments

Estimated date of last payment

Contingencies, if any:

OPTIONAL TABLE

7. Treatment of Interest Holders (Include Equity Holders)

OTHER CLASSES OF INTEREST HOLDERS

Creditor	Class	Total Amount Owed	Percent of Dividend

A. Will periodic payments be made?

Yes ____ No ____

If so:

Amount of each payment (aggregate to all claimants)

\$ _____

Estimated date of first payment

Time period between payments

Estimated date of last payment

Contingencies, if any:

A. Will periodic payments be made to unsecured creditors?

Yes _____ No _____ First payment to begin _____

If so:

Amount of each payment (aggregate
to all unsecured claimants)

Estimated date of first payment:

Time period between payments:

Estimated date of last payment:

Contingencies, if any:

State source of funds for planned payments, including funds necessary for capital replacement, repairs, or improvements:

Other significant features of the plan:

Include any other information necessary to explain this plan:

V. Comparison of Plan with Chapter 7 Liquidation

If debtor's proposed plan is not confirmed, the potential alternatives would include proposal of a different plan, dismissal of the case or conversion of the case to Chapter 7. If this case is converted to Chapter 7, a trustee will be appointed to liquidate the debtor's non-exempt assets. In this event, all secured claims and priority claims, including all expenses of administration, must be paid in full before any distribution is made to unsecured claimants.

Total value of Chapter 7 estate (See Section III)	\$
1. Less secured claims (See IV-2)	
2. Less administrative expenses (See IV-3 and include approximate Chapter 7 expenses)	\$
3. Less other priority claims (See IV-4)	<u>\$</u>
 Total Amount Available for Distribution to Unsecured Creditors	 \$
 Divided by total allowable unsecured claims of (See Section II C)	 \$
 Percentage of Dividend to Unsecured Creditors:	

Will the creditors fare better under the plan than they would in a Chapter 7 liquidation?

Yes _____ No _____

Explain:

VI. Feasibility

- A. Attach Income Statement for Prior 12 Months.
- B. Attach Cash Flow Statement for Prior 12 Months.
- C. Attach Cash Flow Projections for Next 12 Months.

Estimated amount to be paid on effective date of plan, including administrative expenses

\$

Show how this amount was calculated.

\$	Administrative Class
\$	Taxes
\$	Unsecured Creditors
\$ _____	UST Fees
\$ _____	TOTAL

What assumptions are made to justify the increase in cash available for the funding of the plan?

Will funds be available in the full amount for administrative expenses on the effective date of the plan? From what source? If not available, why not and when will payments be made?

Cash on hand \$ (Current) Attach current bank statement

Cash on hand \$ (Estimated amount available on date of confirmation)

If this amount is less than the amount necessary at confirmation, how will debtor make up the shortfall?

VII. Management Salaries

MANAGEMENT SALARIES

Position/Name of Person Holding Position	Salary at Time of Filing	Proposed Salary (Post-Confirmation)

VIII. Identify the Effect on Plan Payments and Specify Each of the Following:

1. What, if any, Litigation is Pending?

2. What, if any, Litigation is Proposed or Contemplated?

IX. Additional Information and Comments

IX. Certification

The undersigned hereby certifies that the information herein is true and correct to the best of my knowledge and belief formed after reasonable inquiry.

If Debtor is a corporation, attach a copy of corporate resolution authorizing the filing of this Disclosure Statement and Plan.

If Debtor is a general partnership, attach a copy of the consent agreement of all general partners to the filing of the bankruptcy.

_____ Signature of Debtor or Authorized Representative	_____ Date
_____ Signature of Debtor or Authorized Representative	_____ Date
_____ Debtor's Counsel	_____ Date

BANKRUPTCY PRACTICE FORM 3017-1

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

IN RE:

: CHAPTER 11

:

:

:

Debtor(s)-in-Possession

:

CASE NO. ___-___-_____

CERTIFICATION REGARDING
AMENDED DISCLOSURE STATEMENT

The undersigned, counsel for the above-captioned Debtor(s), hereby certifies that the Amended Disclosure Statement, filed _____, contains changes to the Disclosure Statement, filed _____, of such nature and degree that:

1. _____ notice must be circulated as if an original Disclosure Statement;
2. _____ notice need be sent only to the objectors to the last filed Disclosure Statement;
3. _____ no further notice is required and the Amended Disclosure Statement can be approved as submitted.

Dated: _____

Counsel for Debtor(s)

BANKRUPTCY PRACTICE FORM 3020-1

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

IN RE:

: CHAPTER 11

:

:

:

Debtor(s)-in-Possession

:

CASE NO. ___-___-_____

MOTION FOR ORDER CONFIRMING PLAN
COMBINED WITH CERTIFICATION OF COUNSEL

The undersigned counsel for the above-captioned Debtor(s)-in-Possession hereby certifies to this court that there are no pending objections to the confirmation of the Chapter 11 Plan and that the minimum requirements of 11 U.S.C. §1123 and §1129 have been complied with by the said Chapter 11 Plan.

WHEREFORE, counsel hereby moves that this court issue an Order confirming the Chapter 11 Plan.

Dated: _____

Counsel for Debtor(s)-in-Possession

BANKRUPTCY PRACTICE FORM 3071-1A

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

IN RE:

: CHAPTER 13

:
:
:

Debtor(s) : CASE NO. ___-___-_____

NOTICE TO CREDITORS AND OTHER PARTIES IN INTEREST

NOTICE IS HEREBY GIVEN that Debtors filed an Amended Chapter 13 Plan on _____, 20____, in the United States Bankruptcy Court. Objections to the Amended Plan shall be filed with the Clerk, United States Bankruptcy Court, _____
{insert divisional office address} _____, Pennsylvania, within twenty-five (25) days of the date of this Notice (*i.e.*, the date of mailing). All Objections shall conform to the Federal Rules of Bankruptcy Procedure and shall be served upon counsel for Debtors and upon the Chapter 13 Trustee.

The Amended Chapter 13 Plan shall supersede all previously filed Plans. A copy of the Amended Chapter 13 Plan (or a Summary) is contained on the reverse of this Notice.

If no objections are timely filed and served, the court may enter an order confirming the Amended Chapter 13 Plan.

_____, ESQUIRE

(Attorney for Debtors)

Charles J. DeHart, III, Esquire
P.O. Box 410
Hummelstown, PA 17036
(Chapter 13 Trustee)

Date of Notice and Date of Mailing: _____, 20____

BANKRUPTCY PRACTICE FORM 3071-1B

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

IN RE:

: CHAPTER 13

:
:
:

Debtor(s)

:

CASE NO. ___-___-_____

CERTIFICATION REGARDING SERVICE OF AMENDED CHAPTER 13 PLAN

The undersigned, counsel for the above-captioned Debtors, hereby certifies that the Amended Chapter 13 Plan filed on _____, 20___, contains changes to the original plan filed on _____, 20___ of such nature and degree that

(check one):

- _____ 1. Notice need be sent only to the objectors to the last plan and such notice has been completed.
- _____ 2. No further notice is required and the Amended Chapter 13 Plan may and should be confirmed as submitted.

Counsel for Debtor(s)

Dated: _____

BANKRUPTCY PRACTICE FORM 4008-1

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

IN RE:

: CHAPTER _____

:
:
:

Debtor(s) : CASE NO. __-__-_____

REAFFIRMATION AGREEMENT

- Instructions: 1) Attach a copy of all court judgments, security agreements, and evidence of their perfection.
2) File all the documents by mailing them or delivering them to the Clerk of the Bankruptcy Court.

NOTICE TO DEBTOR:

This agreement gives up the protection of your bankruptcy discharge for this debt.

As a result of this agreement, the creditor may be able to take your property or wages if you do not pay the agreed amounts. The creditor may also act to collect the debt in other ways.

You may rescind (cancel) this agreement at any time before the bankruptcy court enters a discharge order or within 60 days after this agreement is filed with the court, whichever is later, by notifying the creditor that the agreement is canceled.

You are not required to enter into this agreement by any law. It is not required by the Bankruptcy Code, by any other law, or by any contract (except another reaffirmation agreement made in accordance with Bankruptcy Code § 524(c)).

You are allowed to pay this debt without signing this agreement. However, if you do not sign this agreement and are later unwilling or unable to pay the full amount, the creditor will not be able to collect it from you. The creditor also will not be allowed to take your property to pay the debt unless the creditor has a lien on that property.

If the creditor has a lien on your personal property, you may have a right to redeem the property and eliminate the lien by making a single payment to the creditor equal to the current value of the property, as agreed by the parties or determined by the court.

This agreement is not valid or binding unless it is filed with clerk of the bankruptcy court. If you were not represented by an attorney during the negotiation of this reaffirmation agreement, the agreement cannot be enforced by the creditor unless (1) you have attended a reaffirmation hearing in the bankruptcy court, and (2) the agreement has been approved by the bankruptcy court. (Court approval is not required if this is a consumer debt secured by a mortgage or other lien on your real estate.)

REAFFIRMATION AGREEMENT

The debtor and creditor named above agree to reaffirm the debt described in this agreement as follows.

THE DEBT

Total Amount of Debt When Case was Filed \$ _____

Total Amount of Debt Reaffirmed \$ _____

Above total includes the following:

Interest Accrued to Date of Agreement \$ _____

Attorney Fees \$ _____

Late Fees \$ _____

Other Expenses or Costs Relating to the
Collection of this Debt (Describe) \$ _____

Annual Percentage Rate (APR) _____ %

Amount of Monthly Payment \$ _____

Date Payments Start _____

Total Number of Payments to be made _____

Total of Payments if paid according to schedule _____

Date Any Lien Is to Be Released if paid
according to schedule _____

The debtor agrees that any and all remedies available to the creditor under the security agreement remain available.

All additional Terms Agreed to by the Parties (if any):

Payments on this debt [were][were not] in default on the date on which this bankruptcy case was filed.

This agreement differs from the original agreement with the creditor as follows:

**CREDITOR'S STATEMENT CONCERNING AGREEMENT AND
SECURITY/COLLATERAL
(IF ANY)**

Description of Collateral. If applicable, list manufacturer, year and model. _____

Value \$ _____

Basis or Source for Valuation _____

Current Location and Use of Collateral _____

Expected Future Use of Collateral _____

Check Applicable Boxes:

- Any lien described herein is valid and perfected.
- This agreement is part of a settlement of a dispute regarding the dischargeability of this debt under section 523 of the Bankruptcy Code (11 U.S.C. § 523) or any other dispute. The nature of dispute is _____.

**DEBTOR'S STATEMENT OF
EFFECT OF AGREEMENT ON DEBTOR'S FINANCES**

My Monthly Income (take home pay plus any other income received) is \$ _____.

My current monthly expenses total \$ _____, not including any payment due under this agreement or any debt to be discharged in this bankruptcy case.

I believe this agreement [will] [will not] impose an undue hardship on me or my dependents.

DEBTOR'S STATEMENT CONCERNING DECISION TO REAFFIRM

I agreed to reaffirm this debt because

I believe this agreement is in my best interest because

I [considered] [did not consider] redeeming the collateral under section 722 of the Bankruptcy Code (11 U.S.C. § 722). I chose not to redeem because

I [was][was not] represented by an attorney during negotiations on this agreement.

BANKRUPTCY PRACTICE FORM 7016-1(b)

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

IN RE:

Debtor(s) : CHAPTER _____
: :
: CASE NO. ____-____-_____
:
:

.....

Plaintiff(s) :
: :
vs. : {Nature of Proceeding: _____
: _____ }
: :
Defendant(s) : ADVERSARY NO. ____-____-____ A

SCHEDULING ORDER

AND NOW, this ____ day of _____, 20____, the Plaintiff(s) having filed an adversary proceeding and the Defendant(s) having filed a responsive pleading,

IT IS HEREBY ORDERED THAT:

1. All discovery shall be completed on or before ninety (90) days from the date of this Order.
2. Any request for a pretrial conference shall be filed on or before ten (10) days after the close of discovery.
3. Dispositive motions shall be filed on or before one hundred twenty (120) days from the date of this Order.
4. On or before seventy (70) days from the date of this Order, the parties shall submit a joint statement whether they would consent to participate in the court-annexed mediation program.

5. Trial is scheduled for _____, 20__, at _____ o'clock,
____.M. in the United States Bankruptcy Court for the Middle District of Pennsylvania, _____

{insert divisional courtroom address}

_____, Pennsylvania.

BY THE COURT

Dated: _____

United States Bankruptcy Judge

BANKRUPTCY PRACTICE FORM 9073-1

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

IN RE:

	:	CHAPTER _____
	:	
	:	BANKRUPTCY NO. ___-___-_____
	:	
Debtor(s)	:	
	:	ADVERSARY NO. ___-___-_____ A
	:	(if applicable)
	:	
Plaintiff(s)/Movant(s)	:	
vs.	:	Nature of Proceeding: _____
	:	_____
	:	_____
Defendant(s)/Respondent(s)	:	_____

PRAECIPE TO REMOVE FROM THE HEARING/TRIAL LIST*

CHECK ONE:

The undersigned hereby certifies compliance with an Order to Show Cause by filing of the requisite documents on or before the time of the hearing. It is understood that if all the said documents are not in fact filed, the Court may forthwith dismiss the case and/or issue sanctions against the Debtor, the principal of the Debtor, or counsel without further notice and/or hearing.

The undersigned counsel certifies as follows:

- (1) A settlement has been reached which will be reduced to writing, executed and filed within thirty (30) days.
- (2) The proceeding should be continued pending the filing of this settlement.
- (3) If a stipulation is not filed or a hearing requested within thirty (30) days, it is understood that this proceeding will be dismissed without prejudice.
- (4) This is the first such request for a continuance pending settlement.
- (5) Contemporaneous with the filing of this Praecipe, the undersigned has served a copy of this Praecipe upon all counsel participating in this proceeding.

Dated: _____

Attorney for _____

*This document may be filed by facsimile mail. However, no alterations or interlineations of this document are permitted.

Revised 4/5/93

[B.P.O. Revised: February 27, 2004]

BANKRUPTCY PRACTICE FORM 9075-2A

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

IN RE:

: CHAPTER _____
:
: CASE NO. __-__-_____
:
Debtor(s) :

WRIT OF HABEAS CORPUS AD TESTIFICANDUM

(to compel attendance at §341 meeting of prisoner housed in a federal facility)

TO THE UNITED STATES MARSHALL’S OFFICE, (City), (State):

The United States Marshall’s Office is hereby directed to produce the person of **(Debtor’s Name)**, presently serving his/her imposed sentence at **(Name of Correctional Facility)** in **(City)**, **(State)**, at the **(Location of §341 meeting)**, on **(Month, Day, Year)**, beginning at **(Time)**, for the purpose of attending a First Meeting of Creditors pursuant to 11 U.S.C. §341, and to keep the prisoner safe in custody and confine him from day to day when not appearing before the Trustee in Bankruptcy, **(Trustee’s Name)**.

Upon the adjournment of the §341 meeting, the United States Marshall’s Office shall return **(Debtor’s Name)** to the **(Name of Correctional Facility)** in **(City)**, **(State)**, where he/she is serving his/her imposed sentence, unless otherwise ordered by the court.

Dated, at _____, PA, this ____ day of _____, 20__.

BY THE COURT

United States Bankruptcy Judge

Copies to: Superintendent of Correctional Facility
Trustee in Bankruptcy
All Parties in Interest

BANKRUPTCY PRACTICE FORM 9075-2B

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

IN RE:

: CHAPTER _____
:
: CASE NO. ____-____-_____
:
Debtor(s) :

WRIT OF HABEAS CORPUS AD TESTIFICANDUM

(to compel attendance at §341 meeting of prisoner housed in a state or county facility)

TO THE SUPERINTENDENT, (Name of State or County Correctional Facility), (City),

(State):

The Superintendent of the **(Name of Correctional Facility)** in **(City), (State)**, is hereby directed to produce the person of **(Debtor’s Name)**, at the **(Location of §341 meeting)**, on **(Month, Day, Year)**, beginning at **(Time)**, for the purpose of attending a First Meeting of Creditors pursuant to 11 U.S.C. §341, and to keep the prisoner safe in custody and confine him from day to day when not appearing before the Trustee in Bankruptcy, **(Trustee’s Name)**. The prisoner shall be presented at the United States Marshall’s office.

Upon the adjournment of the §341 meeting, the Superintendent shall return **(Debtor’s Name)** to the **(Name of Correctional Facility)** in **(City), (State)**, where he/she is serving his/her imposed sentence, unless otherwise ordered by the court.

Dated, at _____, PA, this _____ day of _____, 20__.

BY THE COURT

United States Bankruptcy Judge

Copies to: United States Marshall’s Office
Trustee in Bankruptcy
All Parties in Interest

BANKRUPTCY PRACTICE FORM 9075-2C

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

IN RE:

: CHAPTER _____
:
: CASE NO. ____-____-_____
:
Debtor(s) :

WRIT OF HABEAS CORPUS AD TESTIFICANDUM

(to compel attendance at a court hearing of prisoner housed in a federal facility)

TO THE UNITED STATES MARSHALL’S OFFICE, (City), (State):

The United States Marshall’s Office is hereby directed to produce the person of **(Debtor’s Name)**, presently serving his/her imposed sentence at **(Name of Correctional Facility)** in **(City)**, **(State)**, at the **(Location of hearing)**, on **(Month, Day, Year)**, beginning at **(Time)**, for the purpose of attending a hearing on **(Identify matter)**, and to keep the prisoner safe in custody and confine him from day to day when not appearing before the Bankruptcy Judge.

At the final conclusion of the proceedings, the United States Marshall’ Office shall return **(Debtor’s Name)** to the **(Name of Correctional Facility)** in **(City)**, **(State)**, where he/she is serving his/her imposed sentence.

Dated, at _____, PA, this _____ day of _____, 20__.

BY THE COURT

United States Bankruptcy Judge

Copies to: Superintendent of Correctional Facility
Trustee in Bankruptcy
All Parties in Interest

BANKRUPTCY PRACTICE FORM 9075-2D

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

IN RE:

: CHAPTER _____
:
: CASE NO. ____-____-_____
:
Debtor(s) :

WRIT OF HABEAS CORPUS AD TESTIFICANDUM

(to compel attendance at a court hearing of prisoner housed in a state or county facility)

TO THE SUPERINTENDENT, (Name of Correctional Facility), (City), (State):

The Superintendent of the **(Name of Correctional Facility)** in **(City), (State)**, is hereby directed to produce the person of **(Debtor's Name)**, at the **(Location of hearing)**, on **(Month, Day, Year)**, beginning at **(Time)**, for the purpose of attending a hearing on **(Identify matter)**, and to keep the prisoner safe in custody and confine him from day to day when not appearing before the Bankruptcy Judge. The prisoner shall be presented at the United States Marshall's office.

At the final conclusion of the proceedings, the Superintendent shall return **(Debtor's Name)** to the **(Name of Correctional Facility)** in **(City), (State)**, where he/she is serving his/her imposed sentence.

Dated, at _____, PA, this _____ day of _____, 20__.

BY THE COURT

United States Bankruptcy Judge

Copies to: United States Marshall's Office
Trustee in Bankruptcy
All Parties in Interest