

Rule 1006-1 Fees - Installment Payments and Waiver.

(a) Petitions. If a petition is filed without the required fee, without an application to pay in installments, or without a request for waiver, it is considered deficient and may be dismissed after a hearing on notice pursuant to F.R.B.P. 1017(b)(1).

(b) Other Filings. The clerk must accept all pleadings for filing regardless of whether the fee required by the bankruptcy court fee schedule is paid. If the required fee is not paid at the time the pleading is filed, the clerk will notify the filing party that the party has seven (7) days to pay the fee or the pleading may be stricken by the court. Current information regarding fees and the number of copies required by the clerk may be found on the court's website (www.pamb.uscourts.gov).

COMMENTS: *L.B.R. 1006-1 was amended effective December 1, 2017 to ensure compliance with F.R.B.P. 1017(b)(1) which requires a hearing on notice to the debtor and the trustee before a case may be dismissed for failure to pay any installment of the filing fee.*

Rule 3007-1 Claims - Objection.

(a) Contents. An objection to the allowance of a claim must list in the caption or the pleading the claim number recorded on the claims register and state particular grounds for the objection, including but not limited to:

- (1) whether the claim should be disallowed in its entirety;
- (2) whether the claim should be allowed in an amount different from that requested; or
- (3) whether the classification of the claim (secured, priority unsecured, general unsecured) is incorrect.

(b) Separate Objection. As set forth in subdivision (c) & (d) of this rule, a separate objection and notice that substantially conforms to L.B.F. 3007-1 must be filed for each claim objected to, except for omnibus objections filed pursuant to F.R.B.P. 3007(d).

(c) Filing and Notice for ECF Filers. The objecting party must serve the objection to claim and a notice of same using L.B.F. 3007-1 (Notice of Objection to Claim and Deadline to Request Hearing) upon the persons specified under F.R.B.P. 3007(a)(2)(B). Unless otherwise ordered by the court, a hearing on the objection to claim will not be scheduled unless the claimant files a request for hearing or response to the objection no later than thirty (30) days from the date the notice is served. A certificate of service substantially conforming to L.B.R. 9013-2 must also be filed.

(d) Filing and Hearing Notice for Non-ECF Filers. A non-ECF filer must file an objection to the allowance of a claim with the clerk's office. Within five (5) days after filing the objection, the non-ECF filer must mail a copy of the objection to the claimant as set forth in F.R.B.P. 3007(a)(2)(A). A certificate of service which complies with L.B.R. 9013-2 and demonstrates service as indicated above must then be filed with the clerk's office with five (5) days of service. After the certificate of service is filed, the clerk will issue and send a notice using L.B.F. 3007-1 (Notice of Objection to Claim and Deadline to Request Hearing) to the persons specified under F.R.B.P. 3007(a)(2)(B). Unless otherwise ordered by the court, a hearing on the objection to claim will not be scheduled unless the claimant files a request for hearing or response to the objection no later than thirty (30) days from the date the notice is served.

COMMENTS: *L.B.R. 3007-1 was amended effective December 1, 2017, to conform to new F.R.B.P. 3007, which became effective December 1, 2017. New F.R.B.P. 3007(a) was amended to specify the manner in which an objection to a claim and notice of the objection must be served. The new rule provides specific instruction in cases where the claimant is the "United States or any of its officers or agencies" or an "insured depository institution". Changes to subdivisions (c) and (d) of the L.B.R. 3007-1 were necessary to*

incorporate these new provisions of F.R.B.P. 3007. The burden of service established by prior L.B.R. 3007-1 has been preserved. Changes to subdivision (b) reflect the new requirement that any “notice of objection” must “substantially conform to the appropriate Official Form”. Likewise, amendments to subdivision (e) of L.B.R. 3007-1 have been made to incorporate amendments to subdivision (a) of new F.R.B.P. 3007, which no longer requires that a hearing be scheduled or held on every objection. The rule now requires the objecting party to provide notice and an opportunity for the hearing on the objection and requires the claimant to timely request a hearing or file a response in order to obtain a hearing. Amended L.B.F. 3007-1, which must be served with a copy of the objection, informs the claimant of the actions it must take to request a hearing.

Rule 3015-1 Chapter 13 - Model Plan.

(a) Use of Plan Form. In chapter 13 cases, the plan must conform with L.B.F. 3015-1.

(b) Service. If a chapter 13 plan includes either a request for determination of the amount of a secured claim or a request to avoid a lien or other transfer of property exempt under the Code, service of the plan must be made on affected parties under F.R.B.P. 3012(b) and F.R.B.P. 4003(d).

***COMMENT:** L.B.R. 3015-1 was amended effective December 1, 2017 to comply with amended F.R.B.P. 3015(c) and new F.R.B.P. 3015.1. Subsection (a) formally adopts L.B.F. 3015-1 as the local chapter 13 plan form to be used in lieu of Official Form 113 pursuant to F.R.B.P. 3015(c). Subsection (b) incorporates the heightened service requirements imposed upon chapter 13 plans that contain requests for determination of the amount of a secured claim and/or request to avoid liens or other transfers of property exempt under the Code as imposed by amended F.R.B.P. Nos. 3012(b) and 4003(d).*

Rule 3015-2 Chapter 12 or 13 - Amendments to Plans.

(a) Numbering. Amended plans must be numbered sequentially beginning with "First Amended Plan."

(b) Amendments to the Chapter 12 or Chapter 13 Plan Prior to Confirmation. Once a plan has been filed, any changes to the plan proposed by the debtor must be made by filing an amended plan and not by filing a stipulation between the affected parties.

(c) Filing and Service of Chapter 12 or Chapter 13 Amended Plan - Pre Confirmation by a CM/ECF Filer. If an amended plan is filed after the clerk's office notices the initial confirmation hearing but prior to the confirmation of the plan, a CM/ECF filer may request a new confirmation hearing date by using the self-scheduling procedures as set forth in L.B.R. 9002-1. At the time the amended plan is filed, and subject to the service requirements set forth in L.B.R. 3015-1(b) and F.R.B.P. 4003(d), the CM/ECF filer must provide a copy of the amended plan and the notice setting confirmation objection and hearing dates for the pre confirmation amended plan to each party on the mailing matrix, either by U.S. mail or electronically through the CM/ECF system. The CM/ECF Filer must also file a certificate of service, which complies with L.B.R. 9013-2.

(d) Filing and Service of Chapter 12 or Chapter 13 Amended Plan - Pre Confirmation by a Pro Se Debtor. A chapter 12 or chapter 13 debtor who represents him or herself must file the amended plan with the clerk's office. When the amended plan is filed, and subject to the service requirements set forth in L.B.R. 3015-1(b) and F.R.B.P. 4003(d), the pro se debtor must, within five (5) days, provide a copy of the amended plan to each party on the mailing matrix, either by U.S. mail or electronically through the CM/ECF system. The pro se debtor must also file a certificate of service, which complies with L.B.R. 9013-2. After the certificate of service is filed, the clerk will then issue and send to creditors and parties in interest a notice setting confirmation objection and hearing dates for the pre confirmation amended plan.

(e) Modification of the Chapter 12 or Chapter 13 Plan After Confirmation by a CM/ECF Filer. After a plan has been confirmed, a motion may be filed to modify the confirmed plan. The proposed modified plan and a proposed order must be attached to the motion to modify.

(f) Service of Chapter 13 Amended Plan After Confirmation by a CM/ECF Filer. Subject to the service requirements set forth in L.B.R. 3015-1(b) and F.R.B.P. 4003(d), an amended post confirmation plan and a passive notice containing the

objection date must be provided to each creditor and party in interest, either by U.S. mail or electronically through the CM/ECF system. If an amended plan is filed that alters the treatment of the claims of a limited number of creditors, the debtor may be excused from serving the motion, notice, and amended plan on all creditors by filing L.B.F. 3015-2(a), certifying that service has been made on the affected creditors. Further, if an amended plan is filed to alter funding of the plan or to make technical amendments, but does not affect the payment of any creditor's claim, the debtor may be excused from serving the motion, notice, and amended plan on all creditors by filing L.B.F. 3015-2(b), certifying the limited changes to the confirmed plan.

(g) Service of Chapter 12 Amended Plan After Confirmation by a CM/ECF Filer. Subject to the service requirements set forth in L.B.R. 3015-1(b) and F.R.B.P. 4003(d), an amended post confirmation plan and a passive notice containing the objection date must be provided to each creditor and party in interest, either by U.S. mail or electronically through the CM/ECF system. If an amended plan is filed that alters the treatment of the claims of a limited number of creditors, the debtor may be excused from serving the motion, notice, and amended plan on all creditors by filing L.B.F. 3015-2(c), certifying that service has been made on the affected creditors. Further, if an amended plan is filed to alter funding of the plan or to make technical amendments, but does not affect the payment of any creditor's claim, the debtor may be excused from serving the motion, notice, and amended plan on all creditors by filing L.B.F. 3015-2(d), certifying the limited changes to the confirmed plan.

(h) Filing and Service of Chapter 13 Amended Plan After Confirmation by Pro Se Debtor. A pro se debtor who wishes to amend a confirmed plan must file a motion to modify the confirmed plan with the clerk's office. The proposed modified plan and a proposed order must be attached to the motion to modify. Subject to the service requirements set forth in L.B.R. 3015-1(b), the pro se debtor must, within five (5) days, mail a copy of the amended plan, the motion to modify, and a proposed order to each creditor and party in interest. The pro se debtor must also file a certificate of service, which complies with L.B.R. 9013-2. After the certificate of service is filed, the clerk will then issue and send to creditors and parties in interest a passive notice setting the objection date on the post confirmation amended plan.

(i) Filing and Service of Chapter 12 Amended Plan After Confirmation by Pro Se Debtor. A pro se debtor who wishes to amend a confirmed plan must file a motion to modify the confirmed plan with the clerk's office. The proposed modified plan and a proposed order must be attached to the motion to modify. Subject to the service requirements set forth in L.B.R. 3015-1(b), the pro se debtor must, within five (5) days, mail a copy of the amended plan, the motion to modify, and a proposed order to each creditor and party in interest. The pro se debtor must also file a certificate of service,

which complies with L.B.R. 9013-2. After the certificate of service is filed, the clerk will then issue and send to creditors and parties in interest a passive notice setting the objection date on the post confirmation amended plan.

(j) Waiver of Objections to Chapter 12 or Chapter 13 Plans. The failure to file a timely objection, upon notice, is deemed a waiver of all objections to the amended plan and any prior plans, and the court may confirm the amended plan without further notice or hearing.

Rule 5005-1 Filing and Transmittal of Papers.

(a) *Electronic Filing and Signing.*

(1) ***By a Represented Entity.*** An entity represented by any attorney must file, sign, and verify documents by electronic means in accordance with the Administrative Procedures available on the court's website (www.pamb.uscourts.gov). However, nonelectronic filing may be allowed for good cause, or as otherwise provided for by these rules.

(2) ***By an Unrepresented Individual.*** An individual not represented by an attorney:

(A) may file electronically only if allowed by court order or through compliance with the conditions authorizing same as set forth in the Administrative Procedures adopted by this District; and

(B) may be required to file electronically only by court order or as otherwise provided for in the Administrative Procedures adopted by this District.

(3) ***Signing.*** An authorized filing through a personal electronic-filing account, together with the person's name on the signature block, constitutes the person's signature for purposes of F.R.B.P 9011:

(A) an electronic signature must be preceded by "s/", e.g., "s/John Doe.";

(B) 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 set forth in the Administrative Procedures adopted by this District;

(4) ***Same as a Written Paper.*** A paper filed electronically is a written paper for purposes of these rules, the Federal Rules of Bankruptcy Procedure, and Section 107 of the Code.

(b) ***Filing of Proofs of Claims.*** Notwithstanding the requirements of L.B.R. 5005-1(a), pursuant to Miscellaneous Order 5:14-mp-00003, claims may be filed, amended, or withdrawn through the court's Electronic Proof of Claim (ePOC) system without the need to register or login as a user in the court's ECF system (CM/ECF). Any claim filed, amended, or withdrawn electronically through the ePOC system will constitute the filer's approved signature and have the same force and effect as if the authorized individual signed a paper copy of the proof of claim form, amendment, or withdrawal.

(c) ***Temporary Paper Filing.*** An attorney who is not a registered CM/ECF filer may file initial papers in person, by facsimile, or by email after seeking permission from the court as set forth in Miscellaneous Order 5:05-mp-50007. Before any additional papers are filed, the attorney must apply for and obtain a CM/ECF login and password. Registration may be completed through the court's website: www.pamb.uscourts.gov using "Electronic Filing Registration" under the Court Info tab.

(d) CM/ECF Filer Systems Failure. A registered CM/ECF filer may file papers in person, by facsimile, or by email for up to seventy-two (72) hours when electronic filing is not possible due to a failure in the CM/ECF filer's systems, including, without limitation, hardware, software, or internet connection. Any filing made by means other than CM/ECF must be accompanied by an affidavit stating why the document was not filed electronically.

COMMENTS: *New L.B.R.5005-1 formally adopts the electronic filing requirements set forth the Administrative Procedures adopted by this District. Reasonable exceptions are recognized and paper filing is still allowed for good cause. Compelling pro se litigants to file electronically is unrealistic and may impede their access to the Court. Therefore, filings by an individual not represented by an attorney are treated separately. Rather than mandate electronic filing, pro se litigants can only be required to file electronically by Court Order, or as otherwise provided for in the Administrative Procedures adopted by this District. This local rule tracks proposed changes to F.R.B.P 5005(a)(2) which are designed to make the rule consistent with the proposed amendment to Civil Rule 5(d)(3).*

Rule 7007-1 Motions in Adversary Proceedings.

(a) Written Motion. A motion must be in writing unless made during a hearing or trial.

(b) Grounds and Relief to be Stated. A motion filed in an adversary proceeding must contain a descriptive title of the motion in addition to the complete adversary caption. The caption must be substantially in compliance with the Caption for Use in Adversary Proceeding (Official Form 416D).

(c) Response. No response to any motion filed in an adversary proceeding pursuant to F.R.C.P 12(b)(1)-(6) (as made applicable through F.R.B.P 7012(b)) is required unless otherwise ordered by the Court. The response to any other motion must be filed and served within fourteen (14) days after service of the motion. If a response is required and no response is timely filed, the motion may be deemed uncontested and the court may dispose of the motion.

(d) Continuances. A request for continuance of a trial date must be made in conformity with L.B.R. 9013-4.

(e) Hearing. Oral argument or hearing on a motion filed in an adversary proceeding will be held only if requested by the court.

(f) Proposed Order. A proposed order of court as required under L.B.R. 9013-1(b) must be filed as an attachment to any motion and other pleading requesting relief in accordance with the procedures set forth in the Miscellaneous Order 5:05-mp-50007 and the Administrative Procedures available on the court's website(www.pamb.uscourts.gov).

COMMENT: This Local Rule was amended in 2017 to clarify the conditions under which an answer or response is due to any motion filed within an adversary proceeding.

Rule 9018-1 Motions to Publicly File Redacted Documents and to File Unredacted Documents Under Seal.

(a) *Generally.* Unless otherwise required by these Local Rules, the Bankruptcy Rules, the Bankruptcy Code, or order of this court, requests to file under seal shall consist of two parts: (i) a motion to seal; and (ii) the documents to be sealed.

(b) *Motion to Seal.* The motion to seal shall include:

- (1) the grounds for sealing;
- (2) the identity of any parties other than the moving party who will have access to the documents to be sealed;
- (3) the duration of the seal;
- (4) the time when the movant will either unseal the documents or retrieve the physical documents (if any) at the conclusion of the matter;
- (5) a redacted copy of the documents sought to be sealed with only those redactions necessary to preserve confidentiality, made in good faith; and
- (6) a proposed order that contains language indicating the order is without prejudice to the rights of any party in interest, or the United States Trustee, to seek to unseal the documents, or any part thereof.

(c) *Documents to be Sealed.* Upon filing the motion to seal, the moving party must electronically file a copy of the unredacted documents sought to be sealed with the Clerk's Office. The documents must be electronically filed using a special ECF docket entry conspicuously marked "DOCUMENTS FILED UNDER PENDING MOTION TO SEAL." Access to Documents filed pursuant to this subparagraph shall be strictly limited to the Clerk of Court, and his or her designees, as well as to the presiding Judge and his or her chambers.

COMMENT: This rule was amended in 2017 to provide a uniform standard procedure for how to electronically file a motion under seal. The rule distinguishes between the motion to seal, which should be filed publicly on the docket, and the documents to be sealed. The motion should include a redacted copy of the documents to be sealed. The time to file and serve the underlying motion for which purpose the motion to seal is being made should be in accordance with all applicable rules pertaining to service of the underlying motion