Part IIIA - Local Rules of Bankruptcy Practice

LR 1001. TITLE AND SCOPE OF RULES.

(a) Title. These are the Local Rules of Bankruptcy Practice of the United States District Court for the District of Nevada. This part governs cases and proceedings before the United States Bankruptcy Court of this district. These rules may be cited as LR ___.

(b) Applicability of local bankruptcy and district court rules.

(1) All cases and proceedings within the bankruptcy jurisdiction of the courts are referred to the bankruptcy judges.

(2) The Federal Rules of Bankruptcy Procedure and these local rules govern procedure in all bankruptcy cases and proceedings in the District of Nevada. Except for those matters contained in Part IA of the Local Rules of Practice for the United States District Court for the District of Nevada, no other local rules apply unless they are specifically adopted by reference in these bankruptcy local rules.

(3) Except as provided in LR 8001, et seq., these rules do not apply to bankruptcy proceedings in the district court.

(4) These rules supplement or, as permitted, modify the Federal Rules of Bankruptcy Procedure and must be construed to be consistent with the Federal Rules of Bankruptcy Procedure and to promote the just, efficient and economic determination of every action and proceeding.

(5) These rules are effective starting _____ and govern all actions and proceedings pending or begun on or after that date.

(c) General and special orders, guidelines, and policy statements.

(1) These rules may be amended by administrative order of the court. There may be other matters relating to internal court administration that, in the discretion of the court en banc, may be accomplished by general orders.

(A) The clerk will maintain copies of orders, guidelines, and policy statements that relate to practice before this court and will make copies available

(i) on request and the payment of a nominal charge; and

(ii) at the court's website, www.nvb.uscourts.gov.

(2) Once adopted, these rules supersede all existing administrative orders. All future administrative orders will be designated consecutively according to the year of their adoption, e.g., 2005-1, 2005-2, 2005-3, etc.

(d) Procedures outside the rules. These rules are not intended to limit the discretion of the court. The court may, on a showing of good cause, waive any of these rules, or make additional orders as it may deem appropriate and in the interests of justice.

(e) Sanctions for noncompliance with rules. Failure of counsel or of a party to comply with these rules, with the Federal Rules of Civil Procedure, the Federal Rules of Bankruptcy Procedure, or any court order may be grounds for imposing sanctions, including, without limitation, monetary sanctions.

(f) United States trustee guidelines. The United States trustee may, from time to time, issue guidelines regarding all matters in or relating to cases under title 11 of the United States Code. The guidelines reflect the position of the United States trustee on the matters they address as well as actions that the United States trustee may take in accordance with those positions. Copies of the guidelines will be available from the United States trustee upon request or through the court's website.

(g) Links to other websites. Bankruptcy trustees and governmental entities, appointees, or agents, including but not limited to the United States attorney, the United States trustee, and the Internal Revenue Service, may submit proposed links for inclusion in the court's website to the court clerk.

(h) Meaning of terms. Unless otherwise specifically stated, throughout these rules, the word "debtor" means the debtor, the debtor's attorney, or anyone else who speaks for or represents the debtor. Similarly, the word "trustee" means the trustee, the trustee's attorney, or anyone else who speaks for or represents the trustee. The same understanding applies to all other parties.

LR 1002. PETITION - GENERAL.

(a) Number of copies.

(1) For documents that are not electronically filed by parties under the provisions of LR 5005, the clerk will maintain a list of requirements that specify the minimum number of copies that must be submitted. The clerk may from time to time revise the list of copy requirements. When the requirements are revised, the clerk will reissue them with a notation of the effective date of the revision. The clerk will make copies of the list available on request, and will post them on the court's website.

(2) Notwithstanding this rule, if the clerk asks a filer for a copy of a document or for additional copies, the filer must comply.

(b) Additional documents. When a voluntary petition is filed by a corporation, there must be attached to it a true copy of the resolution of the corporation's board of directors authorizing the filing.

(c) Duty to notice other courts of the filing of bankruptcy petition. Within 15 days after filing a bankruptcy petition, the debtor must serve notice of the bankruptcy case on the clerk of any court where any claim or cause of action is pending against, or on behalf of, the debtor. The debtor must file evidence of service of the notice with the bankruptcy court within 5 days after service is completed.

LR 1003. JOINDER OF PETITIONERS IN INVOLUNTARY CASE.

If a debtor files an answer averring the existence of 12 or more creditors, the creditor(s) filing the involuntary petition must serve a copy of the petition, the answer, and a notice to all creditors. The notice must state that the creditor may join in the petition before the hearing date.

LR 1004. PETITION - PARTNERSHIP.

When a partnership files a voluntary petition, evidence of the consent of all general partners must be attached to the petition unless a written partnership agreement permits other than unanimous consent. If that is the case, a declaration to that effect must be attached to the petition.

LR 1005. PETITION - CAPTION.

The first and/or second pages of every petition presented for filing must include the following: (1) the name of all attorneys appearing for the petitioner, their Nevada or other state bar number, address, telephone number, fax number, and email address; or, for a party appearing *pro se*, the party's name, address, and telephone number; and (2) in all cases, the chapter of the Bankruptcy Code under which the case is filed.

LR 1006. PAYMENT OF FILING FEE IN INSTALLMENTS; DENIAL OF *IN FORMA PAUPERIS* PETITIONS.

(a) Applications for permission to pay filing fees in installments by individuals must provide that an initial payment will be made within 48 hours of filing the petition, a second payment will be made within 30 days after filing the petition, and the balance of the filing fee will be paid within 60 days after filing the petition. The clerk will maintain a list of required installment payment amounts and may from time to time revise the list. When revised, the list will be reissued with a notation of the effective date of the revision. Copies of the list are available from the clerk and are posted on the court's website. If a request is made to make payments differently, it must be supported by an affidavit describing special circumstances.

(b) If a petition for *in forma pauperis* filing is denied, the debtor will be deemed to have applied for installment payments under subsection (a) above as of the date of denial.

LR 1007. LISTS, SCHEDULES, AND STATEMENTS; MAILING LIST.

(a) Number of copies. See LR 1002(a).

(b) Master mailing list.

(1) The debtor must prepare and file a master mailing list in a format approved by the clerk.

(2) The master mailing list must include the following information:

(A) The names and addresses of creditors, either alphabetically or alphabetically by category, including those parties to pending lawsuits indicated on the debtor's Statement of Financial Affairs, and those additional parties and governmental entities specified in LR 2002;

(B) Zip codes for all postal addresses;

(C) The names and addresses of all general partners or corporate officers for any debtor that is a partnership or corporation.

(3) The clerk will maintain requirements for a master mailing list that specify the format of a list to be submitted for filing. This may include the requirement that the list be submitted electronically. The clerk may from time to time revise the requirements. When revised, the clerk will reissue the requirements with a notation of the effective date of the revision. Copies of the requirements for the format of a master mailing list will be available from the clerk and will be posted on the court's website.

(4) If the debtor fails to timely prepare and file a master mailing list in a format that conforms to the clerk's requirements for a master mailing list, the attorney for the debtor or the debtor in proper person will be required to mail the Notice of Chapter __ Bankruptcy Case, Meeting of Creditors, & Deadlines and the Discharge of Debtor to all creditors and parties in interest pursuant to LR 2002(a) and LR 4004.

(5) Amendment.

(A) If any amended schedule of creditors is filed, a supplement to the master list must be submitted. The supplement must not repeat those creditors on the prior master list, and must list only the following information:

(i) The complete names and addresses of additional creditors and corrections to the master list, together with the bankruptcy case number, and the date on which the creditor was added to the master list; and

(ii) The complete names and address of any party requesting special notice together with the bankruptcy case number, and the date on which the creditor was added to the master list.

(B) Besides the notice of the amendment required by Fed. R. Bankr. P. 1009(a), upon filing an amendment, the debtor must send a copy of the Notice of Chapter __ Bankruptcy Case, Meeting of Creditors, & Deadlines issued in the bankruptcy case to the added creditors, and must file evidence of sending the notice within the time limit set in LR 2002.

(6) The debtor is responsible for the accuracy and completeness of the master list and any supplement. The clerk will not compare the names and addresses of the creditors listed in the schedules with the names and addresses shown on the master list or supplement.

(7) Before sending a notice to creditors and parties in interest, the sender must compare the names and addresses listed on the master mailing list to the names and addresses shown on the schedules, amendments to schedules, requests for special notice, any related adversary files, and any proofs of claim filed by creditors.

(c) Special notice list. The debtor may prepare and file a special notice list including the names and addresses of those entities listed in LR 2002(a)(6), all secured creditors or their counsel, the 20 largest unsecured creditors or their counsel, all professionals employed in the case, and any entities who have filed a request for notice.

(d) Extension of Time. Any motion to extend the time to file lists, schedules, and statements must be filed within the 15-day period provided by Fed. R. Bankr. P. 1007. The motion will be set on a hearing date of not less than 10 days' notice.

LR 1013. HEARING AND DISPOSITION OF PETITION IN INVOLUNTARY CASES.

(a) Setting trial of involuntary cases. Unless the clerk sets a status hearing when an involuntary petition is filed, the petitioning creditor must obtain a hearing date from the clerk for the trial of a contested petition and must immediately notify the debtor of the hearing date along with any creditors identified in the debtor's answer.

(b) Effect of default. If an answer or responsive pleading is not filed as required by Fed. R. Bankr. P. 1011, the petitioning creditor must within 5 days after the default, submit an order for relief to the court or a notice of voluntary dismissal. If the petitioning creditor fails to file an order or notice, the court may dismiss the case without prejudice.

LR 1015. RELATED CASES.

(a) Notice of related cases. Counsel or a debtor who is aware that a case on file, or about to be filed, is related to another case that is pending or that was pending within the preceding 6 months must file a Notice of Related Cases, setting forth the title, number and filing date of each related case, together with a brief statement of the relationship.

(b) Cases deemed related. Cases deemed to be related within the meaning of this rule include the following:

(1) The debtors are the same entity;

(2) The debtors are husband and wife;

(3) The debtors are partners;

(4) The debtor in one case is a general partner or majority shareholder of the debtor in the other case;

(5) The debtors have the same partners or substantially the same shareholders; or

(6) The debtors are affiliated as that term is defined under 11 U.S.C. § 101(2).

(c) Reservation of judicial discretion to deem case as related. Without limiting the foregoing, the court may deem the case to be so related that it should be treated as related.

(d) Assignment to judges. Unless the court directs otherwise, related cases filed at the same time will be assigned to the same judge. Whenever the clerk is apprised of related cases, after consulting with the assigned judge and the proposed judge, the clerk will reassign the second case to the judge to whom the first case was assigned, unless the court orders otherwise.

(e) Nonlimitation of applicability. A judge may assign any case or adversary proceeding to another judge.

LR 1016. NOTIFICATION OF DEATH OR INCOMPETENCY.

If a debtor dies or is deemed incompetent, the debtor's executor, administrator, or guardian must file a statement of that fact with the court and must immediately serve the statement on the trustee if there is one, or on the United States trustee if no trustee has been appointed.

LR 1070. JURISDICTION.

(a) Any case, contested matter, or adversary proceeding that is referred either automatically or otherwise to a particular bankruptcy judge may be heard by any other bankruptcy judge or by a bankruptcy judge designated and assigned temporarily to this district.

(b) Judges assigned to either division of this court may hear cases in any official duty station in the district.

LR 1071. DIVISIONS - BANKRUPTCY COURT.

(a) The state of Nevada is one judicial district and is divided into 2 unofficial divisions as follows:

(1) Southern Division: Clark, Esmeralda, Lincoln, and Nye Counties.

(2) Northern Division: Carson City, Churchill, Douglas, Elko, Eureka, Humboldt, Lander, Lyon, Mineral, Pershing, Storey, Washoe, and White Pine Counties.

(b) Petitions must be filed in the division in which venue is based. If a petition is filed in the wrong division, the court may, on its own, transfer it to the appropriate division or retain the case.

LR 1073. ASSIGNMENT OF CASES.

See LR 1015(d) and LR 5075(a)(1)(A).

LR 2002. NOTICES TO CREDITORS AND OTHER INTERESTED PARTIES.

(a) Notices to parties in interest.

(1) Any person who files a pleading, written motion or other document that requires notice to another party is responsible for serving all parties who must be served. Unless the court directs otherwise, the clerk will not serve those notices.

(2) Under Fed. R. Bankr. P. 2002, the debtor in each bankruptcy case filed on or before January 1, 2002, and the debtor in each bankruptcy case, except in chapter 7 or 13 cases, filed on or after January 1, 2002, with more than 200 creditors and parties in interest listed, or the debtor who fails to file a complete master mailing list as required by LR 1007(b) is directed to give the trustee, all creditors, and other parties in interest at least 20 days' notice by mail of the Notice of Chapter __ Bankruptcy Case, Meeting of Creditors, & Deadlines entered by the court in each bankruptcy case.

(3) Notice to added creditors. If an amendment is filed adding creditors in accordance with Fed. R. Bankr. P. 1009(a), the debtor must send each added creditor a copy of the Notice of Chapter __ Bankruptcy Case, Meeting of Creditors, & Deadlines.

(4) Evidence of service made in accordance with LR 2002(a)(1) and evidence of service made in accordance with LR 2002(a)(2) and (a)(3) must be made by filing a certificate or affidavit of service within 5 days of the service.

(5) If the court grants an extension of time to serve the notice required by LR 2002(a)(2), the original creditors' meeting must be vacated and a new date for the meeting must be set. Any motion or request to extend the time to serve the notice will be deemed to waive the deadlines that run from the vacated first date for the meeting of creditors and to stipulate that the deadlines run from the renoticed meeting date.

(6) Any document that is required to be served or noticed on all parties must also be served or noticed on the federal and state governmental units listed in the Register of Mailing Addresses of Federal and State Governmental Units kept by the clerk in accordance with Fed. R. Bankr. P. 5003(e) and LR 5003(d). Additional service requirements may be found in Fed. R. Bankr. P. 2002(j).

(b) Notice to creditors whose claims have been filed. After a claims bar date expires in a chapter 7 case, all notices required by Fed. R. Bankr. P. 2002(a) may be served only on the debtor, the trustee, all indenture trustees, creditors that hold claims for which proofs of claim have been filed with the clerk and to creditors, if any, that are permitted to file claims by reason of an extension granted under Fed. R. Bankr. P. 3002(c).

(c) Clerk's notice to United States trustee and trustees. The clerk may serve the United States trustee and all trustees by transmitting a copy of any document electronically using the court's Electronic Case Filing system. Service must be made in accordance with the electronic filing procedures described in LR 5005.

(d) Clerk's notice to attorneys.

(1) The clerk may serve any attorney or any party represented by an attorney who is not a registered user of the court's Electronic Case Filing system by transmitting a copy of any document electronically in accordance with the procedures described in LR 5005.

(2) The clerk may serve any attorney or any party represented by an attorney who is not a registered user of the Electronic Case Filing system by placing a copy of document in a designated location in the clerk's office. The clerk will prescribe the conditions for pickup, which may be changed from time to time at the clerk's discretion. The clerk's deposit of a document in the designated location is deemed to be receipt of it and will be made only to the submitting attorney shown in the caption of the document. In accordance with LR 9022, the attorney must serve all other parties.

LR 2003. MEETINGS OF CREDITORS AND EQUITY SECURITY HOLDERS.

A motion to waive the appearance of the debtor must state that the United States trustee and the trustee in a chapter 7, 12 or 13 case have been contacted, and whether there is an objection to the waiver.

LR 2004. DEPOSITIONS AND EXAMINATIONS.

(a) Request for examination. All requests for orders under Fed. R. Bankr. P. 2004 must be made by motion and must be accompanied by a proposed order.

(b) Order for examination. The clerk may sign orders for examination if the date set for examination is more than 10 business days from the date the motion is filed. If examination is requested on less than 10 business days' notice, the motion must state whether the examination date has been agreed on, or if there is no agreement, why examination on less than 10 business days' notice is requested.

(c) Securing attendance of witness. Securing the attendance of a witness or the production of documents must be done in accordance with LR 9016 and Fed. R. Bankr. P. 9016.

LR 2010. TRUSTEES' BONDS.

(a) Blanket bond coverage. Trustees covered by the blanket bond applicable to the United States Trustee Region 17 and the District of Nevada must pro rate the cost of the annual bond premium for those asset estates held by the trustee at the time the bond premium is due and must pay the pro rata share from each estate.

(b) Increase in bond premium. If the amount of the bond required in an individual case results in an increase in the bond premium for that case, the trustee must pay the increased premium from the assets of that case.

(c) Payment of bond premiums. The trustee must pay all bond premiums on or before the due date.

(d) Maintenance of original bonds. The United States trustee must maintain all original bonds covering the trustees, and must provide a copy to the clerk.

LR 2014. ATTORNEYS OF RECORD.

(a) Appearances. An attorney who appears in a case on behalf of a party is the attorney of record for the party for any and all purposes except adversary proceedings until an order is entered permitting the withdrawal of the attorney or the case is closed or dismissed.

(1) An attorney approved as special counsel for the bankruptcy estate and/or the debtor under 11 U.S.C. § 327(e) (or any other applicable code section) is attorney of record for that special purpose only. The attorney is attorney of record for the special purpose until an order is entered permitting the withdrawal of the attorney or the case is closed or dismissed.

(2) Unless the court orders otherwise or further appearance is made in an adversary proceeding, an attorney who has appeared for a party only in the main bankruptcy case is not automatically the attorney of record for the party in the adversary proceeding.

(b) Withdrawals. See LR IA 10-6 of the Local Rules of Practice for the United States District Court for the District of Nevada.

LR 2015. REQUIRED PAYMENTS TO GOVERNMENT ENTITIES.

Without altering the priorities established under 11 U.S.C. § 507, or creating a superpriority, a trustee or debtor who operates a business must pay all taxes, fees, charges, or other required payments to governmental entities on a timely basis, except where otherwise ordered.

LR 2016. COMPENSATION OF PROFESSIONALS.

Local guidelines relating to applications for compensation and reimbursement of expenses may be published from time to time and will be posted on the court's website. The guidelines should be read in conjunction with applicable statutes, rules, and the United States trustee's Guidelines for Reviewing Applications for Compensation and Reimbursement of Expenses filed under 11 U.S.C. § 330.

LR 3001. CLAIMS AND EQUITY SECURITY INTERESTS - GENERAL.

(a) Form and Content. Each proof of claim must state the chapter of the Bankruptcy Code under which the case is pending at the time the claim is filed.

(b) Transferred Claims.

(1) Each proof of claim for a transferred claim must state on the face of the claim form, immediately adjacent to the bankruptcy case number, that the claim has been "transferred other than for security" or that the claim has been "transferred for security," whichever applies.

(2) Each claimant who files a proof of claim for a transferred claim must prepare and provide to the clerk, together with the proof of claim, the notice that is required to be sent by Fed. R. Bankr. P. 3001(e)(2), 3001(e)(3), or 3001(e)(4).

LR 3002. FILING PROOF OF CLAIM.

(a) Copies and Service. An original proof of claim must be filed along with copies as required by LR 9004(d). If a creditor has not filed its proof of claim electronically and wishes to receive a file-stamped copy of it, the creditor must submit an additional copy to be returned. A request for return by mail must include a self-addressed, stamped envelope. If the debtor is not represented by an attorney, the creditor must serve a copy of the proof of claim on the debtor.

(b) Claim arising from rejection of executory contract or unexpired lease. A proof of claim arising from the rejection of an executory contract or unexpired lease of the debtor under 11 U.S.C. § 365(d) must be filed not later than 90 days after the first date set for the meeting of creditors held under 11 U.S.C. § 341(a), unless the court orders otherwise.

LR 3003. FILING PROOF OF CLAIM OR EQUITY INTEREST IN CHAPTER 11 REORGANIZATION CASE.

Unless the court orders otherwise, and as provided by 11 U.S.C. § 502(b)(9), a proof of claim in a chapter 11 case must be filed within 90 days after the date first set for the meeting of creditors held under

11 U.S.C. § 341(a). The notice setting the date for the first meeting of creditors must also provide a bar date for filing claims.

LR 3004. NOTICE OF FILING PROOFS OF CLAIM BY DEBTOR OR TRUSTEE.

Unless the court orders otherwise, on filing a proof of a claim under Fed. R. Bankr. P. 3004, the debtor or trustee must serve notice of filing the claim on the creditor, the debtor, and the trustee. The notice must include a copy of the claim or a statement of the amount and classification of the claim and the date the claim was filed.

LR 3007. CLAIMS - OBJECTIONS.

(a) Form of objection. In an objection to claim, the following procedures apply:

(1) The objection must identify the holder of the claim, the amount of the claim, and the date the claim was filed;

(2) The objection must contain a statement of the grounds for the objection; and

(3) Unless grounds are stated for objecting to the entire claim, the objection must state the amount of the claim that is not in dispute.

(b) Responses to objection to claims. If an objection to a claim is opposed, a written response must be filed and served on the objecting party at least 5 business days before the scheduled hearing. A response is deemed sufficient if it states that written documentation in support of the proof of claim has already been provided to the objecting party and that the documentation will be provided at any evidentiary hearing or trial on the matter.

(c) Hearing on objections. If a written response is not timely filed and served, the court may grant the objection without calling the matter and without receiving arguments or evidence. If a response is timely filed and served, the court may treat the initial hearing as a status and scheduling hearing.

(d) Bar date for filing objections to claims in chapter 11 cases. Unless otherwise extended by court order, all objections to claims in a chapter 11 case must be filed within 60 days after entry of an order confirming the chapter 11 plan.

LR 3011. UNCLAIMED FUNDS.

(a) Procedure for requesting payment.

(1) Any entity seeking payment of unclaimed funds must file with the clerk a written application on forms prescribed by the clerk and available from the clerk and pay the prescribed fee. The applicant must disclose the following:

(A) The service(s) rendered by any asset recovery firm or fund locator;

(B) Any agreement of commission, fees, compensation or reimbursement of

expenses; and

(C) The amount(s) requested.

(2) In no event may any commission, fee, compensation or reimbursement of expenses exceed 50% of the claim.

(b) Order. The clerk will not process a payment from the unclaimed funds account without receiving a written court order and the prescribed fee.

LR 3012. VALUATION OF SECURITY.

If a plan proposes to pay a secured creditor the fair market value of collateral in accordance with 11 U.S.C. § 1325(a)(5)(B)(ii), the debtor must file a motion to value the collateral under Fed. R. Bankr. P. 3012 to be heard on or before the hearing on confirmation of the chapter 13 plan. The motion must be served in accordance with the provisions of Fed. R. Bankr. P. 7004 and LR 7004.

LR 3015. CHAPTER 13 PLAN AND CONFIRMATION.

(a) Standard form of chapter 13 plans and orders confirming chapter 13 plans. With court approval, each chapter 13 standing trustee may issue a form chapter 13 plan and a form order for confirming a plan. Unless the court orders otherwise, the format prescribed by the trustee must be observed. The standing trustees may from time to time, upon approval of the court, revise the form plans and orders. The trustees will reissue any revised form plans and orders with a notation of the effective date of the revision.

(b) Chapter 13 plan guidelines. Each chapter 13 standing trustee may issue guidelines for the administration of chapter 13 plans. The guidelines will set forth positions that the trustee will generally follow in administering plans. The guidelines may also set procedures for scheduling confirmation hearings, filing objections to confirmation, and submitting orders confirming chapter 13 plans. The standing trustees may from time to time revise the guidelines. The trustees will reissue any revised guidelines with a notation of the effective date of the revision.

(c) Copies of forms and guidelines. Copies of the form plan, the form order confirming a chapter 13 plan, and guidelines will be available from each trustee. Each trustee will maintain a mailing list of all persons who have requested copies. If there are revisions, the standing trustee will serve a copy of the reissued plan and guidelines on each person on the list.

(d) Extension of time. A motion to extend the time to file a plan must be filed within the 15-day time period provided by Fed. R. Bankr. P. 3015(b), and will be set on a hearing date of not less than 10 days' notice.

(e) Direct payments to lessors and creditors. As authorized by 11 U.S.C. § 1326(a)(1), all payments that the debtor is obligated to make under Section 1326(a)(1)(B) or 1326(a)(1)(C) must be made to the lessor or creditor only if the debtor's plan so provides. In all other cases, the payments must be made to the chapter 13 trustee together with all payments made to the trustee under Section 1326(a)(1)(A). Chapter 13 trustees must separately account to each lessor or creditor for all payments received either (i) in the same way that they account for all other payments received under Section

1326(a); or (ii) as the court approves in accordance with separate agreements with each lessor or creditor.

LR 3016. CHAPTER 11 PLAN AND DISCLOSURE STATEMENTS.

(a) Filing and hearing. In a chapter 11 case, an original plan must be submitted along with copies as required by LR 1002(a) and LR 9004(d). If a chapter 11 plan has not been filed or approved within 6 months after commencement of the case, the debtor in possession must file a report with the court explaining why a plan has not been filed or approved and setting forth a schedule for filing and hearing the disclosure statement and plan confirmation. After that, the report must be updated quarterly.

(b) Expedited chapter 11 procedures. Notwithstanding a failure to make an election under Fed. R. Bankr. P. 1020, the court may, on its own motion or at the suggestion of or on ex parte motion by the plan proponent, the United States trustee, the trustee, or any party in interest, enter an order in any chapter 11 case implementing expedited confirmation procedures, including but not limited to:

(1) Early deadlines for submitted plans and disclosure statements;

(2) Conditional approval of disclosure statements without hearing; and

(3) Combine a hearing on the conditionally approved disclosure statement and confirmation of plan in a single hearing.

(c) Procedure for requesting conditional approval of disclosure statement. The plan proponent may file an ex parte motion for conditional approval of the disclosure statement, with the hearing on the adequacy of the disclosure statement to be combined with the hearing on confirmation. The application must be accompanied by a certificate of counsel stating: (i) the circumstances that favor the preliminary approval of the disclosure statement; (ii) the total number of creditors, value of assets, and amount of claims as reflected in the debtor's schedules; and (iii) that the proposed disclosure statement contains the information required by LR 3016(d). The notice regarding hearing on a conditionally approved disclosure statement combined with confirmation of a plan must make clear that creditors and parties in interest may object to the conditionally approved disclosure statement as permitted by Fed. R. Bankr. P. 3017.1.

(d) Contents of disclosure statement. The disclosure statement should include, at a minimum:

(1) A statement regarding the debtor's background, ownership, and prebankruptcy operating and financial history;

(2) A discussion of the reason for the bankruptcy filing;

(3) A summary of proceedings to date in the bankruptcy case;

(4) A summary of assets;

(5) A description of unclassified claims, including estimated amounts of administrative and priority claims;

(6) A description of claims by class, including an estimate of the amount of claims in

each class as reflected by the schedules and proofs of claim on file;

(7) A summary of the treatment of unclassified and classified claims under the proposed plan;

(8) A summary of the treatment of executory contracts under the proposed plan;

(9) A liquidation analysis;

(10) A statement explaining how the proponent intends to make the proposed payments; and

(11) The disclosures required by 11 U.S.C. § 1129(a)(5).

LR 3018. BALLOTS - VOTING ON CHAPTER 11 PLANS.

(a) Filing of ballot summary. The proponent of a chapter 11 plan must:

(1) File a Certification of Acceptance and Rejection of Chapter 11 Plan (ballot summary) no later than one business day before the hearing on plan confirmation. The ballot summary must be signed by the plan proponent and must certify to the court the amount and number of allowed claims of each class accepting or rejecting the plan and the amount of allowed interests of each class accepting or rejecting the plan; and

(2) Have all of the original ballots available at the hearing for inspection and review by the court and any interested party.

(b) Amended ballot summary. In addition to the above requirements, the court may order an amended ballot summary to be filed, with the original ballots attached.

(c) Duty of plan proponent. The plan proponent must:

(1) Tabulate the ballots of those accepting and rejecting the plan; and

(2) If the original ballots are not filed with the court by the voting claimant(s), to maintain those original ballots for a period of not less than the time required for the retention of originally signed documents in the electronic filing procedures described in LR 5005 .

LR 3019. MODIFICATIONS TO CHAPTER 11 PLANS.

At the hearing on confirmation of a chapter 11 plan, the court may consider modifications to the plan, which may be incorporated in the order confirming the plan. Any notice of a confirmation hearing under Fed. R. Bankr. P. 2002(b) must include notice that modifications may be considered at the hearing.

LR 3021. CHAPTER 13 TRUSTEE'S NOTICE OF PROPOSED DISTRIBUTION.

After the claims bar dates have passed and all claims have been reviewed by the chapter 13

standing trustee, the trustee may file and serve a Notice of Chapter 13 Trustee's Proposed Distribution. The notice will list all claims as reflected on the court's claims docket and describe how each claim will be treated. The notice will be served on all creditors listed in the case, whether or not the creditor has filed a claim. Creditors will be advised to review the notice to ensure that the proposed distribution is accurate and that their claim is properly listed. Should a claim be missing or inaccurate, the creditor will be required to file a written objection to the proposed distribution with the court within 20 days of the date of the notice and serve it on the chapter 13 standing trustee. If the creditor fails to timely file an objection, the creditor will be deemed to have accepted the trustee's proposed treatment of the claim. If a timely objection is filed, the trustee will take no further action until the objection is resolved by the court after hearing.

LR 3022. CHAPTER 11 FINAL DECREE.

Unless otherwise provided in the plan or by court order, or unless there are pending contested matters or adversary proceedings, a case is deemed fully administered 180 days after plan confirmation, and the clerk may then enter a final decree without further notice.

LR 4001. MOTIONS FOR RELIEF FROM THE AUTOMATIC STAY; USE OF CASH COLLATERAL OR OTHER RELIEF; EMERGENCY ORDERS.

(a) Motions for relief from automatic stay.

(1) Time.

(A) Unless the court orders otherwise, hearings on matters under 11 U.S.C. §§ 362(d) and 363(e) may not be held on less than 20 days' notice. Notice of a motion for relief from automatic stay must be served on any lien holder as identified in the debtor's schedules.

(B) The party seeking relief from the automatic stay must set a hearing within 30 days of filing the motion. Failure to do so will be deemed a waiver of 11 U.S.C. § 362(e). Unless the court orders otherwise, any stipulation to continue the motion or any continuance sought by the moving party will constitute a waiver of the provisions of 11 U.S.C. § 362(e). Any opposition must conform to LR 9014.

(2) Section 362 information sheet.

(A) A form of § 362 cover sheet is available from the clerk's office or on the court's website.

(B) All motions for relief from the automatic stay and any oppositions to it must have attached as Exhibit "A" a properly filled out § 362 information sheet, which must be signed by counsel and/or the moving or opposing party.

(C) Unless the court orders otherwise, a properly completed § 362 information sheet will satisfy the requirements for a statement of facts and legal memorandum in cases under chapters 7 and 13.

(3) Parties are directed to communicate in good faith regarding resolution of the motion before filing a motion for relief from stay (including, as appropriate, communication with any trustee appointed in the case); and the court may refuse to entertain a motion or opposition where parties do not comply with this rule. The court may award, deny, or adjust fees of counsel for noncompliance.

(4) When, in accordance with a court order, an ex parte order is submitted regarding relief from stay, the order must be accompanied by evidence (which may be in the form of a declaration or affidavit) establishing each of the following:

(A) The identification of the prior order of the court authorizing the ex parte relief;

(B) The facts and circumstances of default under the prior order;

(C) The method of service of notice of default;

(D) The time period for cure; and

(E) The failure to cure within that time.

(b) Applications for use of cash collateral or postpetition financing.

(1) The court and its individual judges may provide guidelines for applications seeking to approve the use of cash collateral and/or postpetition financing. The guidelines will be posted on the court's website.

(2) Motions for using cash collateral or obtaining credit to be heard on less than 20 days' notice must be accompanied by separately filed affidavits or declarations setting forth the nature and extent of the immediate and irreparable harm that will result if the request is not granted, and must conform with the requirements to obtain an order shortening time under LR 9006.

(c) Emergency administrative orders.

(1) This subsection applies to applications for emergency administrative orders, which are generally requested by a motion filed on an expedited basis after the commencement of a case.

(2) The court may issue guidelines for emergency administrative orders, which will be available from the clerk's office or the court website.

(3) Notice must be served in a way designed to provide the maximum notice reasonably possible, and except in exigent circumstances, in no case less than 2 hours before the hearing. Service may be by personal delivery, email, facsimile, or any other method reasonably calculated to give actual notice. Notice must, at a minimum, be served on the parties required to be served under LR 4001, as well as on the office of the United States trustee. All moving papers must be served as soon as possible on any party requesting a copy, in addition to service as required by Fed. R. Bankr. P. 2002 and 4001.

(4) Each motion must be filed, and courtesy copies must be provided to chambers, except in exigent circumstances, at least 2 hours before the hearing.

(5) One or more affidavits or declarations must be filed that provide an evidentiary basis for the relief requested and that explain why emergency or expedited relief is needed. One omnibus affidavit or declaration may be used.

(6) Except as otherwise set forth above, LR 9014 applies to motions contemplated by this subsection.

LR 4002. DUTIES OF CHAPTER 13 DEBTORS BEFORE COMPLETING THEIR PLAN.

(a) Transfers of property and new debt. Debtors are prohibited from transferring, selling, or otherwise disposing of any nonexempt personal property with a value of $1,000 or more or nonexempt real property with a value of $5,000 or more other than in the regular course of their financial or business affairs without court approval. Except as provided in 11 U.S.C. § 364 and § 1304, debtors may not incur aggregate new debt exceeding $1,000 without court approval.

(b) Insurance. Debtors must maintain insurance as required by any law, contract, or security agreement.

(c) Support payments. Debtors must maintain direct ongoing child or spousal support payments.

(d) Compliance with applicable nonbankruptcy law. While operating under chapter 13, debtors must conduct their financial and business affairs in accordance with applicable nonbankruptcy law. This duty includes, but is not limited to, filing tax returns and paying taxes.

(e) Wage orders. If during the life of the plan a debtor becomes delinquent on making plan payments, then, on the request of the trustee, the debtor must provide a wage order directing his or her employer to make the payments to the chapter 13 trustee. If the debtor fails to voluntarily give the trustee a wage order within 30 days of the request, the trustee may in his or her discretion, lodge with the court on an ex parte basis a proposed wage order along with a declaration regarding the debtor's default and the trustee's unsuccessful attempt to obtain a voluntary wage order from the debtor.

LR 4002.1 PAY STUBS.

As authorized by 11 U.S.C. § 521(a)(1)(B), the court hereby exempts any debtor who is an individual from the filing requirements of 11 U.S.C. § 521(a)(1)(B)(iv). However, the information and documents may still be required by the trustee, or requested by any creditor.

LR 4002.2 FRAUDULENT STATEMENTS.

In any case in which the court finds that there may be materially fraudulent statements in any schedule filed under 11 U.S.C. § 521, the court will promptly refer the matter for further action to the individual designated for the District of Nevada under 18 U.S.C. § 158(a).

LR 4003. EXEMPTIONS.

(a) Objection to exemptions. Objections to exemptions must specifically state the grounds for the objection.

(b) Hearing. The objecting party must set a hearing on not less than 30 days' notice to the debtor, the debtor's attorney, and the trustee or the United States trustee in a chapter 11 case.

LR 4004. NOTICE OF DISCHARGE.

(a) Cases filed before January 2, 2002. Within10 days after the Discharge of Debtor is entered, the debtor must serve a copy by mail on the trustee, all creditors, and other parties in interest. Evidence of the mailing must be made by filing a certificate or affidavit of service within 5 days of mailing.

(b) Cases filed on or after January 2, 2002. If the debtor fails to timely prepare and file a master mailing list that conforms with the clerk's requirements contained in LR 1007(b), the debtor must mail a copy of the Discharge of Debtor within 10 days after the discharge is entered. Evidence of the mailing must be made by filing a certificate or affidavit of service within 5 days of mailing.

LR 4007. DETERMINING THE DISCHARGEABILITY OF A DEBT.

(a) Form order setting deadline for filing a complaint under 11 U.S.C. § 523(a)(6) and Fed. R. Bankr. P. 4007(d). When the debtor submits a motion for a hardship discharge under 11 U.S.C. § 1328(b) and Fed. R. Bankr. P. 4007(d), the debtor must also submit a form order fixing a time for filing a complaint to determine the dischargeability of any debt in accordance with 11 U.S.C. § 523(a)(6).

(b) Notice of deadline for filing a complaint under 11 U.S.C. § 523(a)(6). The debtor must give the notice required by Fed. R. Bankr. P. 4007(d) within 10 days after the order is entered fixing a time for filing a complaint to determine the dischargeability of any debt under 11 U.S.C. § 523(a)(6). Evidence of the service must be made by filing a certificate or affidavit of service within 5 days of service.

LR 4009. CREDITOR'S DESIGNATION FOR RECEIVING NOTICE.

(a) If a creditor has designated a person or organizational subdivision in accordance with 11 U.S.C. § 342(g), the creditor must file with the court a document that (i) identifies the person or subdivision so designated, and (ii) describes the procedures it is using to ensure that the designated person or subdivision receives all properly addressed notices.

(b) If a creditor is not an individual and does not file a document substantially complying with subsection (a) above, or does not maintain any formal procedures for receiving notices, then notice to the creditor will be deemed effective if it would satisfy the provisions of Nev. Rev. Stat. § 104.1201.27.

LR 5001. CLERK'S OFFICE LOCATION AND HOURS.

(a) Clerk's office. The clerk maintains offices in Las Vegas for the Southern Division and in

Reno for the Northern Division of the court. The offices are open for business from 9 a.m. to 4 p.m., Monday through Friday, except legal holidays. The clerk may institute administrative procedures for filing pleadings and papers. If necessary, the clerk may, on request, transact business at other times. The current mailing addresses and locations of the office of the clerk are posted on the court's website. On the effective date of these rules, the mailing addresses and locations are:

(1) Southern Division:

Clerk, U.S. Bankruptcy Court
The Foley Federal Building and U.S. Courthouse
300 Las Vegas Blvd. South, Suite 4-242
Las Vegas, Nevada 89101

(2) Northern Division:

Clerk, U.S. Bankruptcy Court
The C. Clifton Young Federal Building and U.S. Courthouse
300 Booth Street, Room 1109
Reno, Nevada 89509

(b) After-hours filing drop box. If a filer who is not required to file electronically by LR 5005 uses any after-hours filing drop box provided by the clerk and wants the filed document to be docketed as of the date it was put in the box, the filer must place the drop box file stamp on the original document before putting it in the box. Only original documents bearing the drop box file stamp that the clerk picks up from the box on the same date or the next business date will be docketed as of the date they were deposited.

LR 5003. COURT RECORDS.

(a) Files and records.

(1) All files and records of the court will remain in the clerk's custody and will not be taken from the clerk's custody without the court's written permission and only after the person obtaining the file or record signs a receipt for it.

(2) In cases filed on or after January 2, 2002, electronic files consisting of the images of documents filed in cases and proceedings and documents filed electronically are designated as and constitute the official record of the court, together with the other records kept by the court. Documents filed electronically have the same status for all purposes as documents filed on paper. Filing a document electronically constitutes entry of that document on the docket kept by the clerk. The clerk is not required to establish or maintain paper files for cases or proceedings filed on or after January 2, 2002.

(b) Exhibits.

(1) The clerk will have custody of all exhibits marked for identification or admitted into evidence during any proceeding.

(2) The court may order original exhibits returned to the party who offered them if the originals are replaced with true copies.

(3) Unless the court orders otherwise, the clerk will retain custody of the exhibits until the judgment has become final and the time for filing a notice of appeal or motion for a new trial has passed, or until appeal proceedings have ended.

(4) After the time to take an appeal from any appealable order or judgment has expired, any party may, upon 20 days' written notice to all parties, withdraw any exhibit originally produced by it unless another party or person files notice with the clerk of a claim to the exhibit. If a notice of claim is filed, the clerk will not deliver the exhibit except with the written consent of the party who produced it and the claimant, or until the court has determined who is entitled to it.

(5) After the time to appeal any appealable order or judgment has expired, the clerk may, on 20 days' notice, destroy any exhibit not claimed by the parties. When the case is closed, if no timely request is made for returning the exhibits, the clerk may destroy or make other disposition of them.

(c) Register of mailing addresses of federal and state governmental units. Copies of the register of mailing addresses of federal and state government units required to be kept under Fed. R. Bankr. P. 5003(e) are available from the clerk and are posted on the court's website.

(d) Register of mailing addresses of entities who have filed "Notice of Address" under 11 U.S.C. § 342(f). Copies of the register of mailing addresses of entities who have filed "Notice of Address" under 11 U.S.C. § 342(f) are available from the clerk and are posted on the court's website.

LR 5004. DISQUALIFICATION: DISCLOSURE OF INTERESTED PARTIES OR AFFILIATES.

(a) Unless otherwise ordered, when counsel for a nongovernmental party enters an adversary proceeding, the counsel must file a certificate listing all persons, associations of persons, firms, partnerships, or corporations known to have an interest in the outcome of the case including the names of any parent, subsidiary, affiliate or insider of the named nonindividual parties, as follows:

"Number and Caption of Case
"Number and Caption of Adversary Proceeding
"Certificate Required by LR 5004

"The undersigned, counsel of record for _____, certifies that the following have an interest in the outcome of this adversary proceeding:

(List the names of all such parties including the names of all parent, subsidiary, affiliate, and/or insider of the named nonindividual parties, and identify their interests.)

"These representations are made to enable judges of the court to evaluate possible recusal.

"Attorney of Record for _____."

(b) If there are no known interested parties other than those participating in the adversary proceeding, a statement to that effect will satisfy this rule.

(c) There is a continuing obligation to update this information in accordance with this rule.

LR 5005. ELECTRONIC FILING, SERVICE, AND TRANSMITTAL OF PAPERS.

(a) Electronic filing is mandatory.

(1) Except as provided below, all filings made by regular filers must be made electronically. "Regular filers" means any entity, including any attorney (without regard to whether he or she is admitted generally to practice before the court) who:

(A) made more than 2 filings with the clerk in any calendar year after 2002; or

(B) is employed by a law firm, or has an interest as a partner, shareholder, or member of a law firm, that made more than 2 filings with the clerk in any calendar year after 2002; or

(C) is employed by a governmental unit (as that term is defined in 11 U.S.C. § 101) that made more than 2 filings with the clerk in any calendar year after 2002.

(2) All regular filers must complete a CM/ECF registration form, complete training, and obtain a password in order to file electronically. Information concerning these requirements can be found on the court's website.

(3) Filing documents submitted, signed, and verified by electronic means is authorized subject to administrative orders and procedures as issued by the court. Documents to be filed electronically must be filed in compliance with the electronic filing procedures, which are available on the court's website and may be revised from time to time.

(4) The following classes of filings are exempt from the electronic filing requirement:

(A) A proof of claim filed by a creditor not represented by an attorney in the case in which the proof of claim is filed, if that creditor has filed no more than 10 proofs of claim with the clerk during the current calendar year;

(B) A proof of interest filed by any equity security holder not represented by an attorney in the case in which the proof of interest is filed, if that equity security holder has filed no more than10 proofs of interest with the clerk during the current calendar year;

(C) A request for special notice, in accordance with Fed. R. Bankr. P. 2002(g), filed by a party not represented by an attorney in the case in which the request is filed if that party has filed no more than 10 such notices with the clerk during the current calendar year;

(D) A request to be admitted to the bar of this court for purposes of practicing in a particular case filed under LR IA 10-2 of the Local Rules of Practice for the United States District Court for the District of Nevada;

(E) A discovery plan submitted in any adversary proceeding in accordance with LR 7026(c);

(F) Any motion or application requesting a hearing on shortened time. But if the motion is granted, any filings related to it must conform to these rules;

(G) Any filing made by an attorney in the course of representing an individual without charge as part of a recognized pro bono or other public interest program designed to assist unrepresented individuals, so long as that attorney, but for similar filings, would be a regular filer; and

(H) Any filing made by an individual debtor who appears without counsel (also known as a *pro se* litigant).

(5) If exceptional or emergency circumstances prevent a person from filing electronically, the person may ask the clerk to accept the filing under the Exceptional Circumstances Rule as set forth below.

(A) If an attorney or individual asks the clerk to accept a filing on paper because of exceptional or emergency circumstances, the clerk will accept the filing, digitize and index it, and transmit a copy of the filing to the appropriate bankruptcy judge.

(B) Unless the court directs otherwise, a person filing on paper under exceptional or emergency circumstances must, either concurrently with the filing or within 2 business days after making it, submit an exceptional circumstances motion. If the motion is not made within the time limit, the clerk will strike the paper filing from the docket. The exceptional circumstances motion must be accompanied by:

(i) A declaration or affidavit detailing the exceptional or emergency circumstances that precluded an electronic filing. The declaration must include the number of previous exceptional circumstances motions made by the office or firm that employs the person making the affidavit or declaration; and

(ii) A proposed order that the court may use in granting the exceptional circumstances motion.

(C) Exceptional circumstances include the unpreventable unavailability of Internet services available to the person presenting the filing. Filings that assert this ground of exceptional circumstances must detail the extent and nature of the unavailability and what steps (if any) will be taken to ensure that the unavailability will not recur. Exceptional circumstances do not include an inability to file because of a failure to receive the training necessary to access the court's Electronic Filing System. In deciding whether to grant the exceptional circumstances motion and allow a paper filing, the court may consider the number and extent of prior motions made by the moving party for exceptions to the electronic filing requirement.

(6) If the court finds that there are exceptional or emergency circumstances that warrant an exception to the electronic filing requirement, it will grant the motion. In addition, if the court has not affirmatively denied the motion within 3 business days after the clerk receives it, the clerk will consider the motion granted and will not strike the filing. But if the court denies the motion, the clerk must strike the filing from the court's records, and the filing will be treated as if it had not occurred.

(b) Electronic service.

(1) Parties are authorized to serve documents under Fed. R. Civ. P. 5(b)(2)(D) through the court's transmission facilities, subject to the electronic filing procedures, which may be revised from time to time.

(2) Electronic transmission of the Notice of Electronic Filing constitutes service or notice of the filed document on any person who is a registered participant in the Electronic Filing System, except for service under Fed. R. Bankr. P. 7004, and for other exceptions in accordance with the Federal Rules of Bankruptcy Procedure and the Local Rules.

(3) Generally, only attorneys and trustees are registered participants in the Electronic Filing System. The Notice of Electronic Filing is sent electronically to:

(A) All registered participants in the system who have entered an appearance in the particular case or proceeding by filing a document or requesting notice in the case;

(B) The case trustee in cases (but not in adversary proceedings); and

(C) The United States trustee in cases (but not in adversary proceedings).

(4) Service or notice on an attorney does not constitute service on a client of that attorney or an entity unless the attorney is authorized to accept service by the client, by law, or by court order.

(c) Change of address and list of cases.

(1) If attorneys change their mailing address, email address, or association with a law firm, a Notice of Change of Address and Designation of Cases must be submitted to the court to update the electronic filing system. If attorneys will not remain associated with all of their prior cases, they must identify those cases in which they will no longer be associated and provide a substituted email address. Orders for substitution of counsel must be obtained in accordance with LR IA 10-6 of the Local Rules of Practice for the United States District Court for the District of Nevada before the court will change the designation. The substitution orders must be attached to the form, which is available on the court's website and must be mailed or delivered to the appropriate address:

United States Bankruptcy Court
The Foley Federal Building and U.S. Courthouse
300 Las Vegas Blvd. South, Suite 4-242
Las Vegas, Nevada 89101
Attn: CM/ECF Systems Administrator

or

United States Bankruptcy Court
The C. Clifton Young Federal Building and U.S. Courthouse
300 Booth Street, Room 1109
Reno, Nevada 89509
Attn: CM/ECF DQA/Trainer.

(2) If attorneys fail to update their mailing address or email address as required by this rule, service made to their address of record will be deemed good service, unless the court orders otherwise.

(d) Waiver. By executing a written waiver when they register for the Electronic Filing System, participants consent to service by electronic transmission except as provided below.

(1) The signed waiver constitutes waiver of the following:

(A) The right to receive notice by first class mail;

(B) The right to receive service by personal service or first class mail; and

(C) The right to receive service and notice by first class mail of the notice of entry of an order and judgment under Fed R. Bankr. P. 9022.

(2) The signed waiver is also consent to receive notice electronically for all matters for which the attorney is entitled to notice, and consent to receive electronic service for all matters for which the attorney is entitled to service except with regard to those matters listed in LR 7004.

(3) The signed waiver constitutes a written request for notice by electronic transmission under Fed. R. Bankr. P. 9036.

(4) Waiver does not constitute an agreement by an attorney to accept service or notice on behalf of a client.

(e) Paper copies. Parties are entitled to receive a paper copy of any electronically filed document from the filer in circumstances where conventional service is required or where parties are not registered in the Electronic Filing System.

(f) Filing papers. Cases must be filed with the clerk of the United States Bankruptcy Court for the District of Nevada at Las Vegas or Reno in accordance with LR 1071. Once filed, cases will be administered, papers and pleadings will be docketed, and open files will be retained in the place where the case was filed, unless the court orders otherwise.

(g) No effect on deadlines. Nothing in this rule will affect the rules regarding the timing or timeliness of any filing under the Local Rules or under the Federal Rules of Bankruptcy Procedure.

LR 5007. RECORD OF PROCEEDINGS AND TRANSCRIPTS.

Any party ordering transcripts of proceedings must give at least 5 days' notice to the clerk of the need for daily transcripts.

LR 5009. CHAPTER 13 DISCHARGE AND CLOSING PROCEDURES.

(a) Trustee's final report. After the debtor has complied with all provisions of the plan and completed all payments to the trustee, and no more than 10 days after the chapter 13 standing trustee makes the final disbursement to creditors, the trustee will file with the court the Trustee's Final Account and Report, which will be noticed to all creditors and will include a date within 35 days by which parties must file a written objection.

(b) Entry of discharge. If no objections to the final account and report are timely filed, the clerk will automatically enter the discharge of the debtor.

(c) Objections to report. If an objection to the final account and report is timely filed, the

discharge will be withheld until the matter is resolved by the court. The trustee will schedule a hearing on the objection, and the discharge will be withheld until the hearing is held and the court resolves the matter.

(d) Trustee's final distribution account and report. After all distribution checks have cleared and the estate has been fully administered, the chapter 13 standing trustee will file with the court the Trustee's Final Distribution Account and Report, which will be served on the debtor, debtor's counsel, if any, and the United States trustee.

(e) Closing case.

(1) In a completed case, when the Trustee's Final Distribution Account and Report is filed, the clerk will promptly enter the Final Decree discharging the trustee and closing the case.

(2) In a dismissed or hardship discharge case, when the Trustee's Final Distribution Account and Report is filed, the clerk will promptly enter an order discharging the trustee and closing the case.

(3) In a converted case, when the Trustee's Final Distribution Account and Report is filed, the Clerk will promptly issue an order discharging the trustee.

LR 5010. REOPENING CASES.

(a) Disclosure of payment or nonpayment of fees. Anyone filing a motion to reopen a bankruptcy case must disclose the payment or nonpayment of any fee owed in the original case, including any filing fee or administrative fee prescribed by 28 U.S.C. § 1930(a) and by the Judicial Conference of the United States.

(b) Payment of fees. Unless the court orders otherwise, anyone filing a motion to reopen a bankruptcy case must pay any filing or administrative fees due to the clerk and any other fees remaining unpaid in the original case as required by 28 U.S.C. § 1930(a) and by the Judicial Conference of the United States. Payment of the fees is due immediately on filing the motion.

LR 5011. WITHDRAWAL OF THE REFERENCE.

(a) Form of request and place for filing. A request for withdrawal of the reference in whole or in part of a matter referred to the bankruptcy judge, other than a request by the bankruptcy court on its own or the automatic withdrawal as provided in a jury case by LR 9015(e), must be by motion filed timely with the clerk of the bankruptcy court. All such motions must conspicuously state that "RELIEF IS SOUGHT FROM A UNITED STATES DISTRICT JUDGE."

(b) Time for filing. Except as provided in these rules regarding adversary proceedings and contested matters, a motion to withdraw the reference of a bankruptcy case in whole or in part must be served and filed at or before the time first scheduled for the meeting of creditors held under 11 U.S.C. § 341(a). Except as provided in these rules as to contested matters, a motion to withdraw the reference of an adversary proceeding, in whole or in part, must be served and filed on or before the date on which an answer, reply, or motion under Fed. R. Bankr. P. 7012 or 7015 is first due. A stipulation to extend the time to answer or otherwise respond to the complaint does not extend the time for filing the motion for

withdrawal. A motion to withdraw the reference of a contested matter must be served and filed not later than 11 days after the motion, application or objection is served initiating the contested matter. However, a motion to withdraw the reference may be served and filed no later than 11 days after service of any timely filed pleading containing the basis for the motion.

(c) Stay. Filing a motion to withdraw the reference does not stay any proceeding in United States Bankruptcy Court, and Fed. R. Bankr. P. 8005 governs.

(d) Designation of the record.

(1) When it files and serves the motion to withdraw the reference, the moving party must also designate the portions of the record of the bankruptcy court proceedings that it believes will reasonably be pertinent to the district court's consideration of the motion. Within 11 days after service of the designation of record, any other party may serve and file a designation of additional portions of the record.

(2) Original pleadings filed on paper before January 2, 2002 will remain in the custody of the bankruptcy court, unless an order from a bankruptcy judge or a district court judge directs the original paper documents forwarded to the district court. Pleadings in cases filed on or after January 2, 2002 are available electronically through PACER (Public Access to Court Electronic Records).

(3) Unless the bankruptcy or district court requires otherwise, a copy of the designated material from the court's official file will be sent to the district court.

(4) The clerk of the bankruptcy court will request copies from the party or parties designating the record. The copies must be given to the clerk in chronological order within 10 days of the date of the request. If any party fails to give copies to the clerk within 10 days, the clerk may make copies at the designating party's expense. All parties must take any other action necessary to enable the clerk to assemble and transmit the record.

(5) If the record designated by any party includes a transcript or part of a transcript of any proceeding, that party must immediately after filing the designation, give to the court recorder and file with the clerk of the bankruptcy court a written request for the transcript and arrange to pay for it. The parties must submit only those parts of the transcript that are relevant to the motion for withdrawal of the reference.

(6) If the issues involve only questions of law, the parties may submit an agreed statement of facts of the parts of the record that are relevant to the questions of law, unless the district judge considering the motion directs otherwise.

(e) Responses to motion to withdraw the reference; reply. Opposing parties must file with the clerk of the bankruptcy court, and serve on all parties to the withdrawal of the reference matter, their written opposition to the motion to withdraw the reference within 11 days after the motion is served. The moving party may serve and file a reply within 11 days after a response is served. The parties to any motion to withdraw the reference may consent to the bankruptcy judge hearing the motion in the first instance and making proposed findings of fact, conclusions of law, and recommendations for disposition of the motion by the district court. Consent must be in writing and filed with the clerk of the bankruptcy court no later than the last day for filing any opposition to the motion to withdraw the reference.

(f) Transmittal to and proceedings in United States District Court. When the record is

complete except for transcripts, the bankruptcy court clerk will promptly send to the district court clerk the motion papers and the portions of the record designated. After a docket is opened in district court, documents pertaining to the matter under review must be filed with the district court clerk, but all documents relating to other matters in the bankruptcy case, adversary proceeding, or contested matter must continue to be filed with the clerk of the bankruptcy court. Any motion and any request by the bankruptcy court on its own to withdraw the reference must be referred to the chief district judge or the chief district judge's designee for decision in the district court. But if the matter is withdrawn it must be assigned to a district judge in accordance with the court's usual system for assigning civil cases, unless the chief district judge determines that exceptional circumstances warrant special assignment to a district judge. If the district court requests, the bankruptcy judge will determine, in accordance with 28 U.S.C. § 157(b)(3), whether any proceeding in which withdrawal of the reference is sought, in whole or in part, is a core proceeding, and the bankruptcy judge may make findings and recommendations. The district court may, in its discretion, grant or deny the motion to withdraw the reference, in whole or in part. If the reference is withdrawn, the district court may retain the entire matter or may refer part or all of it back to the bankruptcy judge with or without instructions for further proceedings.

LR 5075. CLERK - DELEGATED FUNCTIONS.

(a) United States Bankruptcy Court clerk.

(1) The clerk of the bankruptcy court has the same rights and powers, may perform the same functions and duties, and is subject to the same provisions of 28 U.S.C. § 751 as a clerk of the district court. Under 28 U.S.C. § 956, the judges of this court further assign the following powers and duties to the clerk of the bankruptcy court:

(A) Assignment of cases and proceedings commenced under Title 11, United States Code, in accordance with the provisions of 28 U.S.C. § 157, including the reassignment of a case to another bankruptcy judge of the district, on the oral or written directive of the judge assigned to the case; and

(B) Signing and entering all orders and process specifically allowed to be signed by the clerk under Title 28, United States Code, and the Federal Rules of Civil Procedure as modified by the Federal Rules of Bankruptcy Procedure. If the Federal Rules of Civil Procedure delegate a duty of the court to the clerk, a bankruptcy court clerk may perform the same type of duty specified in the Federal Rules of Bankruptcy Procedure.

(2) Specific duties assigned to the clerk. Unless the court orders otherwise, the clerk is authorized to sign and enter the following orders, which are deemed to be ministerial:

(A) Orders specifically appointing persons to serve process in accordance with Fed. R. Civ. P. 4;

(B) Orders on stipulation:

(i) Noting satisfaction of a judgment;

(ii) Approving and annulling bonds filed or to be released by court order and exonerating sureties; or

(iii) Setting aside a default;

(C) Orders and notices that establish meeting and hearing dates required or requested by a party in interest under Title 11, United States Code, including orders that fix the last dates for filing objections to discharge and confirmations of plans, complaints to determine the dischargeability of debts and proofs of claim;

(D) Orders and notices regarding duties of debtors and debtors in possession;

(E) Orders discharging a debtor in a chapter 7 case if there is no pending motion to dismiss under 11 U.S.C. § 707(b) and if there has not been a timely filed objection to discharge of the debtor or a waiver by the debtor of the debtor's discharge. But only a judge may sign a discharge following a hearing of a motion to dismiss under 11 U.S.C. § 707(b) or a trial on an objection to the discharge;

(F) Orders discharging a debtor in a chapter 13 case as provided in 11 U.S.C. § l328 if an objection to discharge of the debtor has not been filed or a waiver by the debtor of its discharge. But only a judge may sign a discharge order following trial on an objection to the discharge;

(G) Orders of Substitution on filing an Assignment of Claim, after due notice to the assignor that the Assignment of Claim was filed;

(H) Orders sustaining trustee's Objection to Claims, after notice and hearing, if no written response to the objection has been filed and if the claimant did not appear at the hearing to consider the objections;

(I) Orders approving the final fees and expenses of the trustee in a chapter 7 case with estates of $1,500 or less; and in cases with estates of more than $1,500, after notice and hearing, where no timely objection was made to the final fees and expenses;

(J) Orders of Abandonment, after notice and hearing under 11 U.S.C. §§ 102(1) and 554(a) and (b) and under Fed. R. Bankr. P. 6007. But when an objection to a proposed abandonment has been filed, only a judge may sign the order approving or disapproving the abandonment;

(K) Orders closing cases and discharging the trustee in all cases in which the trustee has filed a final account and certified that the case has been fully administered under Fed. R. Bankr. P. 5009, and orders entering final decrees in chapter 11 cases under Fed. R. Bankr. P. 3022;

(L) Orders under LR IA 10-2 of the Local Rules of Practice for the United States District Court for the District of Nevada, granting permission to an attorney to practice in a particular case, and orders under LR IA 10-4, when ordered by the court in the particular case or in all cases assigned to a particular judge;

(M) Orders on all motions and applications of the type specified in Fed. R. Civ. P. 77(c);

(N) Orders permitting installment payment of filing fees and fixing the number, amount, and date of payment of each installment filed under LR 1006. An initial payment must

be made within 48 hours of filing the petition, a second payment must be made within 30 days after filing the petition, and the balance of the filing fee must be paid within 60 days after filing the petition in amounts specified in the list of required installment payment maintained by the clerk. An application requesting payments to be made differently, or a request for an extension beyond 60 days, or a request that is received after entry of the first order entered by the clerk must be in writing and will be considered only by a judge;

(O) Orders reopening bankruptcy cases for administrative purposes;

(P) Orders authorizing examinations to be taken under Fed. R. Bankr. P. 2004 on not less than 10 business days' notice, except orders under Fed. R. Bankr. P. 2004(d), which must be signed by a judge;

(Q) Reaffirmation orders under 11 U.S.C. § 524(c), if (i) the debtor is represented by an attorney, and (ii) the court has approved the reaffirmation agreement after notice and hearing. If the debtor is not represented by an attorney, the clerk will forward the order to a judge for determination and entry;

(R) Orders withdrawing exhibits under LR 5003;

(S) Judgments on verdicts or decisions of the court in circumstances authorized in Fed. R. Civ. P. 58 as incorporated by Fed. R. Bankr. P. 9021;

(T) When parties file with the clerk a written stipulation for an extension of time to answer, plead or otherwise respond and no extension has been granted, a fact that must affirmatively appear in the stipulation, orders granting the stipulated extension for a period not exceeding 30 days;

(U) Orders to assess, deduct and withdraw a fee from the court's registry account under 28 U.S.C. §§ 2041 and 2042 and LR 7067(i);

(V) Conditional orders of dismissal of cases for failure of the debtor to comply with Fed. R. Bankr. P. 1007 and Fed. R. Bankr. P. 3015(b);

(W) Orders to remove a name from the email service list; and

(X) Any other orders that under applicable rule or statute do not require special direction by the court.

(3) A judge may for good cause suspend or rescind any action taken by the clerk in connection with the powers and duties described in this rule.

(b) Authorization to issue notices or orders to show cause. The clerk and deputy clerks of the court are authorized to issue notices or orders to show cause for failure of a party to comply with the Bankruptcy Code, Federal Rules of Bankruptcy Procedure, these local rules, or any order of this court.

LR 6006. DEBTOR'S ABILITY TO ASSUME A CONTRACT AFTER ESTATE REJECTS.

Notwithstanding the requirements of LR 2002, if an individual debtor elects to assume a contract

under 11 U.S.C. § 365(p)(2), the only notice that he or she must give under either Section 365(p)(2)(A) or 365(p)(2)(B) is notice to the nondebtor party or parties to the contract being assumed, and to the trustee, or if there is no trustee, to the Office of the United States trustee. No additional notice is required. The court may enter an order on a stipulation signed by all these parties without holding a hearing.

LR 7003. COVER SHEET FOR ADVERSARY PROCEEDINGS.

All adversary proceedings in bankruptcy court filed on paper must be accompanied by a properly completed bankruptcy adversary proceeding cover sheet, Form B104. Adversary proceedings filed electronically do not require a cover sheet.

LR 7004. LIMITS OF ELECTRONIC SERVICE.

(a) Service. Electronic transmission of the Notice of Electronic Filing does not constitute service or notice of the following documents, which must be served on paper:

(1) Service of a summons and complaint under Fed. R. Bankr. P. 7004;

(2) Service of a motion commencing a contested matter under Fed. R. Bankr. P. 9014 unless there is consent to electronic service;

(3) Service of a subpoena under Fed. R. Bankr. P. 9016;

(4) Service of a petition under Fed. R. Bankr. P. 1010;

(5) Where conventional service is otherwise required under the Federal Rules of Bankruptcy Procedure, the Local Rules, or by court order.

(b) Contested matters - consent to electronic service. Electronic transmission is the equivalent of service by mail under Fed. R. Bankr. P. 7004 for any person who has given consent to receive electronic service and notice of motions initiating contested matters under Fed. R. Bankr. P. 9014(b).

(1) Persons may acknowledge their consent to receive electronic service and notice of motions initiating contested matters by signing and submitting the court's Consent to Accept Electronic Service and Notice of Motions Initiating Contested Matters form, which is available on the court's website.

(2) The court will maintain a list of persons who have submitted the signed consent and have thereby agreed to receive service and notice by electronic transmission of motions initiating contested matters. The list will be maintained on the court's website.

(3) The lack of a signed consent does not mean that a person has not otherwise agreed to accept electronic service and notice of a contested matter motion.

(4) Unless otherwise agreed to, consent to receive electronic service and notice of contested matter motions does not constitute an agreement by an attorney to accept service on behalf of a client and does not alter other service requirements in Fed. R. Bankr. P. 7004, such as to whom or where

service must be made.

LR 7005. CERTIFICATE OF SERVICE (ADVERSARY PROCEEDINGS).

(a) Certificate of service. A proof of service, preferably using the court's Certificate of Service form, must be filed for all papers and pleadings required or permitted to be served. The proof must show the date of service, the name of the person served, and the manner of service (e.g., electronically or by mail). Proof of service is deemed sufficient if it complies with the court's Certificate of Service form, which is available from the clerk or the court's website.

(b) Failure to file a proof of service. The court may refuse to take action on any papers or pleadings until a proof of service is filed. If an affidavit or certificate of service is attached to the original pleading, it must be attached so that the character of the pleading is easily discernible. Failure to file the proof of service does not affect the validity of the service, and the court may at any time allow the proof of service to be amended or supplied unless it clearly appears that doing so would result in material prejudice to the substantial rights of any party.

LR 7007.1 CORPORATE OWNERSHIP STATEMENT.

In addition to the requirements of Fed. R. Bankr. P. 7007.1, counsel must comply with the requirements of LR 10-6 of Part II of the Local Rules of Civil Procedure of the United States District Court for the District of Nevada – Certificate of Interested Parties – which is adopted in full.

LR 7010. GENERAL REQUIREMENTS OF FORM.

(a) Form of papers. After notice and hearing, any paper or pleading filed that does not conform to an applicable provision of these rules or any Federal Rule of Bankruptcy Procedure may be stricken by the court on its own motion. Whenever there are more than 5 plaintiffs or defendants in the caption of a complaint or third party complaint, the filing party must at the same time file an alphabetical list of the parties.

(b) Caption, title of court and name of case. In addition to the requirements of LR 9004, the caption must include the caption of the adversary proceeding as well as the caption of the case, including the adversary proceeding number. If a scheduling conference has been set, the complaint and answer must indicate that date in the space for hearing date and time, like this:

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA

IN RE:	)	BK-S-95-00123-LBR
	)	CHAPTER 7
JOHN DOE,	)	
	)	ADVERSARY NO: BK-S-95-2001-LBR
Debtor	)	
	)	
JOHN DOE,	)	DEFENDANT'S ANSWER TO

	)	COMPLAINT TO DETERMINE
Plaintiff	)	DISCHARGEABILITY OF DEBT
	)	
v.	)	Hearing Date (Scheduling conf.):
	)	Hearing Time:
RICHARD ROE,	)	Estimated Time:
	)	
Defendant	)	

(c) Copies. The clerk maintains a list of copy requirements that specifies the number of copies to be submitted. The copy requirements may be revised from time to time, and when they are revised, the list of copy requirements will be reissued in full with a notation of the effective date of the revision. The list of copy requirements is available from the clerk and is posted on the court's website.

(1) Unless otherwise required, counsel or persons appearing *pro se* must submit the original pleadings, summons, orders, or other papers and the required number of copies.

(2) If anyone filing a document wishes to receive a file-stamped copy of it, the filer must submit one additional copy. Filers who wish to have the file-stamped copy returned by mail must include a self-addressed stamped envelope.

LR 7015. AMENDED AND SUPPLEMENTAL PLEADINGS.

(a) Any motion to amend the pleadings must have a copy of the proposed amended pleading included as an exhibit. Unless the court permits otherwise, every amended pleading must be reprinted and filed so that it will be complete in itself, including exhibits, without reference to the superseded pleading.

(b) If the motion is granted, the moving party has 10 days from the entry of the order approving the motion to file and serve an original amended pleading.

LR 7016. PRETRIAL PROCEDURES.

(a) Actions exempt from scheduling order. Except as the court orders, the following categories of cases are exempt from the requirements of Fed. R. Civ. P. 16(b) as adopted by Fed. R. Bankr. P. 7016:

(1) Contested matters under Fed. R. Bankr. P. 9014; and

(2) Other actions or categories of actions as the court orders.

(b) Time and issuance for scheduling order.

(1) The plaintiff must serve the Standard Discovery Plan form, which may be obtained from the clerk, at the time a summons is issued. The parties must use the standard form.

(2) Within 30 days after the first defendant has answered or otherwise appeared, the parties must meet as required by Fed. R. Bankr. P. 7026 and LR 7026. No later than 14 days after the

meeting, the parties must complete and submit the information required by the discovery plan or Request for Waiver, and, if required by a judge, a form Order.

(3) If the parties agree to the standard deadlines or fail to submit the discovery plan, the standard deadlines will govern.

(4) If the parties have agreed to different deadlines, cannot agree on deadlines, or wish to seek a waiver of the requirement for a discovery plan, they must say so on the front page of the discovery plan.

(5) Unless they are excused, the parties must appear at any scheduling conference.

(6) After the first scheduling conference, the court will approve, disapprove, or modify the discovery plan, enter other orders as appropriate, and issue an Order Regarding Pretrial and Trial. The court may order a status hearing or a conference of all the parties at any time.

(c) Time limits for filing certain motions. Unless the court orders otherwise, the following time periods govern filing certain motions:

(1) All motions to amend the pleadings under Fed. R. Bankr. P. 7015(a) or for the joinder of parties must be filed in time to be heard no later than the close of discovery. If the amendment or joinder is allowed, unless the court orders otherwise, discovery will be extended for 45 days for the limited purposes of conducting discovery on the amendments or joinders;

(2) Unless otherwise ordered, all potentially dispositive motions on any issues must be filed by the close of discovery; and

(3) Motions *in limine* must be filed at the time of the pretrial conference, and any responses must be filed no less than 5 business days before the start of trial. No reply will be permitted unless the court requests one.

(d) Pretrial order and trial setting.

(1) The Order Regarding Pretrial and Trial may set the date for filing a joint or separate trial statement(s). The court may, however, order a joint pretrial order at any time. Unless otherwise ordered, the parties must use the prescribed Pretrial Order and Standard Trial Statement, both of which may be obtained from the clerk or the court's website.

(2) The court may set a trial date in the Order Regarding Pretrial and Trial or by separate written or oral order. Continuances are disfavored.

(e) Settlement conference and alternative methods of dispute resolution. The court may set any adversary proceeding for settlement conference, summary jury trial, or other alternative method of dispute resolution.

LR 7026. DISCOVERY - GENERAL.

(a) Disclosures. Unless the court orders otherwise, the disclosures required by Fed. R. Civ. P. 26(a)(2), as adopted by Fed. R. Bankr. P. 7026, must be made no later than 30 days before the close of

discovery by the party bearing the burden of proof on the issue in question and no later than 15 days before the close of discovery by the opposing party. Written reports by experts, unless otherwise stipulated by the parties or ordered by the court, are due no later than the time the identity of experts is to be disclosed.

(b) Exemptions from the provisions of Fed. R. Civ. P. 26(f).

(1) Exemption of an action from Fed. R. Civ. P. 26(f), not otherwise exempted by Fed. R. Civ. P. 26(a)(1)(E), may be obtained by court order after a motion noticed to all parties to the action or by stipulation of all parties before the date any meeting under this rule is to be held. The parties obtaining an exemption under this subsection do not have to file a discovery plan.

(2) LR 7016 and 7026(c) govern the requirements for discovery plans. The parties to an action not exempted by Fed. R. Civ. P. 26(a)(1)(E) or by order obtained under subsection (b)(1) of this rule may seek a limited exemption from Fed. R. Civ. P. 26(f) insofar as the rule requires filing a discovery plan. In cases in which the parties certify that no formal discovery is required, they may request a waiver of the requirement for a discovery plan. Trial may proceed 120 days from the date a discovery plan would have been due. The parties may request the waiver by so indicating on the standard discovery plan/scheduling form and by completing all information requested on that form.

(c) Discovery conference and plan.

(l) Unless exempted, the parties must meet and confer no later than 30 days after the first defendant has answered or otherwise appeared.

(2) No later than 14 days after the meeting, the parties must submit the discovery plan or request for waiver and order. If the parties fail to submit a discovery plan, they may be subject to sanctions. In addition, if they have not requested and been granted a waiver from the requirement to file a discovery plan, the deadlines set forth in the standard form will apply, even if the parties have not submitted a plan.

(3) The court may conduct a scheduling conference to consider the submitted discovery plan and to issue an order regarding pretrial and trial.

(4) The court may alter the standard form, including the deadlines it contains. Counsel must use the format then in use, and the deadlines set forth in the standard form will apply unless the court orders different deadlines.

(5) If the parties agree to different deadlines, or cannot agree on deadlines, they must so indicate on the face of the standard discovery plan, and they must attach their proposed plan using Form 35 of the Federal Rules of Civil Procedure or other form as the court may direct.

(d) Discovery limitations.

(1) Unless the court orders otherwise, in cases in which a discovery plan is required, all discovery must begin in time to be completed by 120 days after the answer or first appearance by the first defendant.

(2) Unless the court orders otherwise, the parties to an action exempted by Fed. R. Civ. P. 26(a)(1)(E) or by order obtained under subsection (b)(1) of this rule may begin discovery on the

commencement of the action.

(3) The court will approve, disapprove, or modify the discovery plan and enter other orders as appropriate after the first scheduling conference. At any time, on request of a party or on its own, the court may order a conference of all the parties to discuss the provisions of the discovery plan or scheduling order.

(e) Extension of discovery time.

(1) Unless the court orders otherwise, an extension of the discovery deadline will not be allowed without a showing of good cause as to why all discovery was not completed within the time allotted. The court must receive all motions or stipulations to extend discovery at least 20 days before the date fixed for completion of discovery, or at least 20 days before the expiration of any extension that the court may have approved. The motion or stipulation to extend time or to reopen discovery must include:

(A) A statement of the discovery that the parties have completed as of the date of the motion or stipulation;

(B) A specific description of the discovery remaining to be completed;

(C) The reasons why the remaining discovery was not completed within the time limit of the existing discovery plan; and

(D) A proposed schedule for completing all remaining discovery.

(2) Counsel must ensure that all discovery is initiated so it can be completed by the end of the period set out in the discovery plan. No additional discovery will be permitted after that, except as provided above.

(f) Demand for prior discovery. Whenever a party makes a written demand for discovery that took place before that person or entity became a party to the action, each party who has previously responded to a request for admission or production or answered interrogatories must furnish to the demanding party (1) the documents containing the discovery responses in question for inspecting and copying; (2) a list identifying each document by title; or (3) on further demand, at the expense of the demanding party, a copy of any listed discovery response specified in the demand. If there are requests for production, a party must make available for inspection by the demanding party all documents and things previously produced. Further, each party who has taken a deposition must make a copy of the transcript available to the demanding party for copying at the demanding party's expense.

(g) Discovery motions.

(1) All motions to compel discovery or for protective orders must, in addition to the discovery being sought or enjoined in the motion, set forth in full the text of the discovery originally sought or enjoined and the response made to it, if any, and comply with Fed. R. Civ. P. 26(c), as adopted by Fed. R. Bankr. P. 7026.

(2) Discovery motions will not be considered unless a statement of moving counsel is attached certifying that, after consultation or sincere effort to do so, the parties have been unable to resolve the matter without court action.

(3) Any attorney or party appearing *pro se* may make written application to, or, where time does not permit, may telephone the court, to request judicial assistance in resolving an emergency discovery dispute. The attorney or party seeking emergency relief must endorse on the face of any written application the words, "Request for Emergency Relief."

(h) Filing discovery papers. Notices of deposition, depositions, interrogatories, requests for production or inspection, requests for documents, requests for admissions, answers and responses, and proof of service should not be filed with the court unless the court orders filing on its own motion or on motion of a party. Originals of responses to requests for admissions or production and answers to interrogatories must be served on the party who made the request or propounded the interrogatories, and that party must make the originals available at the time of any pretrial hearing or at trial for use by any party. Likewise, the deposing party must make the original transcript of a deposition available at the time of any pretrial hearing or at trial for use by any party or filing with the court if so ordered.

(i) Contested matters under Fed. R. Bankr. P. 9014. Unless the court orders otherwise, Fed. R. Bankr. P. 7026 and LR 7026 do not apply to contested matters filed under Fed. R. Bankr. P. 9014.

LR 7030. DEPOSITIONS UPON ORAL EXAMINATION.

(a) Commencement of discovery. Unless the court orders otherwise, the parties to an action exempted by Fed. R. Civ. P. 26(a)(1)(E) or by order obtained under LR 7026(b)(1) may begin discovery on commencement of the action.

(b) Commencement of discovery by deposition.

(1) Normally, depositions may be taken without leave of court in an action exempted by Fed. R. Civ. P. 26(a)(1)(E) or by order obtained under LR 7026(b)(1). But if the plaintiff seeks to take the deposition within 30 days after service of the summons and complaint, court approval is required. However, if a defendant in the adversary proceeding has served a notice of taking deposition or otherwise sought discovery, leave of court is not required.

(2) Depositions may be taken without leave of court unless the party in an adversary proceeding seeks to take a deposition before the parties confer in accordance with Fed. R. Civ. P. 26(f).

(c) Requirements for transcripts. Unless the parties stipulate or the court orders otherwise, depositions must be recorded by stenographic means.

LR 7031. DEPOSITIONS UPON WRITTEN QUESTIONS.

(a) Commencement of discovery. Unless the court orders otherwise, the parties to an action exempted by Fed. R. Civ. P. 26(a)(1)(E) or by order obtained under LR 7026(b)(1) may begin discovery on the commencement of the action.

(b) Commencement of discovery by deposition upon written questions. Except as provided in Fed. R. Civ. P. 31(a)(2)(B):

(1) After commencement of an action exempted by Fed. R. Civ. P. 26(a)(1)(E) or by order obtained under LR 7026(b)(1), any party may take the testimony of any person, including a party,

by deposition upon written questions.

(2) Depositions may be taken upon written questions without leave of court unless the party in an adversary proceeding seeks to take a deposition before the parties confer in accordance with Fed. R. Civ. P. 26(f).

(c) Requirements for transcripts. Unless the parties stipulate or the court orders otherwise, depositions must be recorded by stenographic means.

LR 7032. USE OF DEPOSITIONS IN ADVERSARY PROCEEDINGS.

(a) Applicability. This rule does not apply in matters that are tried by a jury. In a jury trial, a party may ask to read into the record a deposition or other transcribed statement taken under oath.

(b) Designation. Any party intending to offer deposition testimony or other transcribed statements made under oath (such as at a 341 meeting of creditors or at a 2004 examination) must prepare a statement clearly identifying the name of the deponent or person otherwise examined, the date of the deposition or other type of examination taken under oath, and the specific portions of the deposition or transcribed statement, by page and line numbers, that will be offered as evidence. The party must also include as an exhibit a copy of the entire transcribed record.

(c) Exchange of statements and objections. Unless the court orders otherwise, copies of all statements and objections must be furnished to opposing counsel and lodged with the court. Cross reference is made to the procedural rules for filing oppositions, replies and other responses, and to LR 9017.

(1) The plaintiff or movant must submit all statements to opposing counsel at least 10 business days before the trial or the hearing on the contested matter, with the opposition to the contested matter.

(2) The defendant or respondent must submit all statements or objections to opposing counsel with a reply served in accordance with LR 9014.

(3) Two business days before trial or the hearing on a contested matter each party must lodge with the courtroom deputy clerk or the judge to whom the matter is assigned, one copy of all statements intended to be offered as evidence by that party, and an original and one copy of that party's written objections to the admission of any deposition testimony or transcribed statement taken under oath of an opposing party.

LR 7033. INTERROGATORIES TO PARTIES.

(a) Commencement of discovery. Unless the court orders otherwise, the parties to an action exempted by Fed. R. Civ. P. 26(a)(1)(E) or by order obtained under LR 7026(b)(1) may begin discovery on the commencement of the action.

(b) Number of interrogatories permitted; commencement of discovery by interrogatories.

(1) Unless the court orders otherwise or it is stipulated by the parties to an action

exempted by Fed. R. Civ. P. 26(a)(1)(E) or by order obtained under LR 7026(b)(1), after commencement of the action, any party may serve on any other party not more than 25 interrogatories, including all discrete subparts. A defendant in an adversary proceeding is not required to serve answers or objections to interrogatories within 45 days after service of the summons and complaint.

(2) Interrogatories may be served under Fed. R. Civ. P. 33 without leave of court unless the party in an adversary proceeding seeks to serve interrogatories before the parties confer in accordance with Fed. R. Civ. P. 26(f).

LR 7034. PRODUCTION OR INSPECTION OF DOCUMENTS AND THINGS.

(a) Commencement of discovery. Unless the court orders otherwise, the parties to an action exempted by Fed. R. Civ. P. 26(a)(1)(E) or by order obtained pursuant to LR 7026(b)(1) may begin discovery on the commencement of the action.

(b) Requests for production or inspection.

(1) Unless the court orders otherwise or it is stipulated by the parties to an action exempted by Fed. R. Civ. P. 26(a)(1)(E) or by order obtained under LR 7026(b)(1), any party may serve on any other party a request for production or inspection after commencement of the action. A defendant in an adversary proceeding is not required to respond within 45 days after service of the summons and complaint.

(2) Requests for production or inspection may be served under Fed. R. Civ. P. 34 without leave of court unless a party in an adversary proceeding requests production or inspection before the parties confer in accordance with Fed. R. Civ. P. 26(f).

(c) Responses to discovery sought. All responses to discovery sought must, immediately preceding the response, identify the number or other designation and set forth in full the text of the discovery sought.

LR 7035. PHYSICAL AND MENTAL EXAMINATIONS OF PERSONS.

Whenever a party in the pleadings filed with the court places any party's present, past or future physical or mental condition in issue, that party may not prevent discovery of information concerning such physical or mental condition or prior history related thereto by asserting any physician-patient privilege provided by state law against discovery or information concerning such physical or mental condition or prior history directly related thereto.

LR 7036. REQUESTS FOR ADMISSION.

(a) Commencement of discovery. Unless the court orders otherwise, after the commencement of an action, the parties to an action exempted by Fed. R. Civ. P. 26(a)(1)(E) or by order obtained under LR 7026(b)(1) may begin discovery.

(b) Requests for admissions.

(1) Unless the court orders otherwise or it is stipulated by the parties to an action

exempted by Fed. R. Civ. P. 26(a)(1)(E) or by order obtained under LR 7026(b)(1), after commencement of the action, any party may serve a request for admission on any other party. A defendant in an adversary proceeding is not required to serve answers or objections to requests for admissions within 45 days after service of the summons and complaint.

(2) Requests for admission may be served under Fed. R. Civ. P. 36 without leave of court unless a party in an adversary proceeding seeks to request admission before the parties confer in accordance with Fed. R. Civ. P. 26(f).

LR 7041. DISMISSAL FOR LACK OF PROSECUTION.

Any proceeding that has been pending in this court for more than one year without any activity of record may, after notice, be dismissed for want of prosecution on motion of counsel, any party, or by the court. In addition, in appropriate circumstances, the court may issue an order to show cause why a proceeding should not be dismissed regardless of how long it has been pending.

LR 7054. COSTS - TAXATION/PAYMENT.

The requirements of LR 54-1 through LR 54-16 of Part II of the Local Rules of Civil Procedure for the United States District Court for the District of Nevada are adopted in full.

LR 7056. SUMMARY JUDGMENT.

(a) Motions. Motions for summary judgment must include a concise statement setting forth each fact material to the disposition of the motion that the party claims is, or is not, genuinely in issue, citing the particular portions of any pleading, affidavit, deposition, interrogatory, answer, admission or other matter on which the party relies.

(b) Responsive memorandum. Unless the court orders otherwise, an opposing party has 15 days after service of the moving party's points and authorities to file and serve a memorandum of points and authorities in opposition to the motion.

(c) Countermotion. The responsive party may file a countermotion for summary judgment. All such countermotions must be filed within the time that the party has for filing its responsive memorandum.

(d) Reply memorandum. Unless the court orders otherwise or a countermotion for summary judgment is filed, the moving party has 10 days after service of the responsive memorandum to file and serve a reply memorandum of points and authorities. If a countermotion for summary judgment is filed, a reply memorandum may be filed no later than 15 days after service of the countermotion. Any reply to the reply memorandum must be filed no later than 5 days after service of the reply memorandum to the countermotion.

(e) Hearings on motions for summary judgment. The party moving for summary judgment must obtain a hearing date from the clerk for hearing the motion. Unless the court shortens the time for hearing, the date will not be less than 45 days from the date the motion was filed. Unless the court orders otherwise, the countermotion will be heard at the same time as the original motion.

LR 7062. SUPERSEDEAS BONDS ON STAY OF PROCEEDINGS TO ENFORCE A JUDGMENT.

Unless the court orders otherwise, a supersedeas bond must conform to the provisions of LR 7065.

LR 7064. SERVICE OF PROCESS.

(a) Service by the United States marshal. The United States marshal is authorized to serve civil process on behalf of the United States government without a court order.

(b) Service of process under state procedure. In cases or proceedings where the Federal Rules of Civil Procedure or the Federal Rules of Bankruptcy Procedure authorize the service of process to be made in accordance with Nevada state practice, counsel for the party seeking the service must give the clerk all necessary orders and sufficient copies of all papers to comply with the requirements of the state practice, together with specific instructions for administering service.

LR 7065. INJUNCTIONS.

(a) Qualification of surety. Except for bonds secured by cash, negotiable bonds, or notes of the United States as provided for in LR 7065(b), every bond must have as surety:

(1) A corporation authorized by the secretary of the treasury of the United States to act as surety on official bonds under 31 U.S.C. §§ 9304 through 9306;

(2) A corporation authorized to act as surety under the laws of the state of Nevada, which must have on file with the clerk a certified copy of its certificate of authority to do business in Nevada, together with a certified copy of the power of attorney appointing the agent authorized to execute the bond;

(3) One or more individuals each of whom owns real or personal property sufficient to justify the full amount of the suretyship; or

(4) Any other security that the court may order.

(b) Deposit of money or United States obligation in lieu of surety. With court approval, there may be deposited with the clerk in lieu of surety:

(1) Lawful money accompanied by an affidavit that identifies its legal owner; or

(2) Negotiable bonds or notes of the United States accompanied by an executed agreement as required by 31 U.S.C. § 9303(a)(3) authorizing the clerk to collect or sell the bonds or notes in the event of default.

(c) Approval. Unless approval of the bond or the individual sureties is endorsed by the opposing counsel or a party appearing in pro se, the party offering the bond must apply to the court for approval. The clerk may approve bonds unless court approval is expressly required by law.

(d) Persons not to act as sureties. No officer of this court, or any member of the bar of this court, or any nonresident attorney specially admitted to practice before this court, or their office associates or employees may act as surety in this court.

(e) Judgment against sureties. Every surety who provides a bond or other undertaking with the court submits to the jurisdiction of the court regardless of what may otherwise be provided in any security instrument. The surety who provides the bond or other undertaking irrevocably appoints the clerk as agent upon whom any paper affecting liability on the bond may be served. Liability will be joint and several and may be enforced summarily without independent action. Service may be made on the clerk, who will serve a copy as soon as possible to the surety at the last known address.

(f) Further security or justification of personal sureties. At any time, on reasonable notice to all other parties, any party for whose benefit a bond is presented or posted may apply to the court for further or different security or for an order requiring personal sureties to justify.

LR 7067. REGISTRY FUNDS.

(a) Deposits and investments.

(1) Funds will be deposited or invested in the registry account of this court under court order. Unless the court orders otherwise, money deposited with the court is to be placed in an interest-bearing account. Financial institutions meeting the requirements of 31 CFR 202 (formerly Treasury Circular 176) are the only authorized investment mechanisms. All applications, motions, or stipulations and any resulting court order directing the clerk to deposit or invest funds deposited in the registry account must contain the following information:

(A) The amount of funds tendered for deposit;

(B) The party on whose behalf the tender is made.

(C) The nature of the tender, e.g., an interpleader funds deposit or a cash bond in lieu of corporate surety in support of temporary restraining order, etc.;

(D) Whether the funds are tendered in accordance with a statute, rule or court order;

(E) The conditions of the deposit signed and acknowledged by the depositor, e.g., deposit into a financial institution meeting the requirements of 31 CFR 202. If the deposit is to be made into a financial institution meeting the requirements of 31 CFR 202, then:

(i) The type of account or instrument, and any terms of investment;

(ii) The bank or financial institution where the funds are to be deposited or invested; and

(iii) The amount of insurance and the federal agency insuring the account or instrument, together with a statement as to other accounts held by the party or parties at the bank or financial institution.

(F) Identification of any registry deposit intended to be a designated or qualified settlement fund and the name of the fund's administrator.

(2) If a financial institution is designated for the deposit into the court's registry, the funds must be deposited by the clerk only in a financial institution meeting the requirements of 31 CFR 202, and if the financial institution has pledged sufficient securities to secure the total sum of deposits in excess of FDIC coverage ($100,000 per account). If the financial institution does not have sufficient securities pledged, the funds will be deposited in an interest-bearing account in the financial institution that the court normally uses for registry funds until the designated financial institution has pledged the required securities and the clerk has received written verification. The clerk will then transfer the funds to the designated financial institution.

(3) If a depositor does not designate a financial institution meeting the requirements of 31 CFR 202 for the deposit into the registry account, the funds will be deposited in an interest-bearing account in the financial institution that the court normally uses for registry funds.

(4) Except for funds held for the benefit of the United States, for which no fee is charged, all orders for deposit or other investment of registry funds must contain the following statement: "The clerk of the court is directed to deduct from income earned on the investment a fee not exceeding that authorized by the Judicial Conference of the United States and set by the director of the administrative office." Funds held for the benefit of the United States are not subject to a fee.

(5) The moving party must identify any terms or conditions of any registry deposit in accordance to subsection (a)(1) of this rule. Failure to identify the minimum requirements releases the clerk from any liability for reporting or tax treatment of interest on the funds under Section 468B of the Internal Revenue Code (Title 26, U.S.C.).

(b) Certificate of cash deposit. The clerk may refuse to accept cash for deposit into the registry account without the Certificate of Cash Deposit required by these rules. If the cash is tendered to the clerk, it must be accompanied by a court order directing deposit in accordance with subsection (a) of this rule and a written statement entitled Certificate of Cash Deposit, which must be signed by counsel or a party appearing *pro se* and must contain the following information:

(1) The amount of cash tendered for deposit;

(2) The party on whose behalf the tender is made;

(3) The nature of the tender, e.g., an interpleader funds deposit or a cash bond in lieu of corporate surety in support of temporary restraining order, etc.;

(4) Whether the cash is tendered in accordance with a statute, rule or court order;

(5) The conditions of the deposit signed and acknowledged by the depositor, e.g., deposit into a financial institution meeting the requirements of 31 CFR 202 , and if so:

(A) The bank or financial institution where the funds are to be deposited or invested;

(B) The type of account or instrument and any terms of investment; and

(C) The amount of insurance and the federal agency insuring the account or instrument, together with a statement of any other accounts held by the party or parties at the bank or financial institution.

(6) Identification of any registry deposit intended to be a designated or qualified settlement fund and the identity of the fund's administrator; and

(7) A signature block for the clerk to acknowledge receipt of the cash tendered. The signature block must not be on a separate page, but must appear approximately one inch below the last typewritten matter on the left side of the Certificate of Cash Deposit and must read as follows:

RECEIPT

Cash as identified herein is hereby acknowledged as being received this date.

Dated:

CLERK, U.S. BANKRUPTCY COURT

By:

Deputy Clerk

(c) Service of order. Counsel obtaining an order as described in subsection (a) of this rule must have a copy of the order served personally on the clerk or the clerk's financial administrator deputy in Las Vegas or the deputy in charge in the Reno divisional office. A supervisory deputy clerk may accept service on behalf of the clerk, financial administrator in Las Vegas, or deputy in charge in the Reno divisional office in their absence.

(d) Deposit of funds by the clerk after receipt of order. The clerk will take all reasonable steps to deposit funds into an interest-bearing account or instruments within 15 days after service of the order as provided by subsection (c) of this rule. Notwithstanding the provisions of subsection (a), if counsel fails to submit an order as required, the clerk may deposit funds to be held in the registry account in an interest-bearing account in the financial institution that the court normally uses for registry funds under subsection (a) of this rule.

(e) Moving party's verification of deposit or investment of funds. Any party or parties obtaining an order directing investment of funds by the clerk must verify with the clerk that the funds have been deposited or invested as ordered. The verification must be completed within 15 days after service of the order.

(f) Failure of compliance. If the party or parties fail to personally serve the clerk or financial administrator deputy in Las Vegas or the deputy in charge of the Reno divisional office, or, in their absence, a supervisory deputy clerk, with a copy of the order, or if the party or parties fail to verify investment of the funds, the clerk is released from any liability for the loss of interest earned on the funds.

(g) Moving party's responsibility for disposition of funds at maturity.

(1) The moving party must notice the clerk regarding disposition of funds at maturity of a timed instrument. In the absence of the notice, funds invested in a timed instrument subject to

renewal will be reinvested for the same period of time at the prevailing interest rate. Funds invested in a timed instrument not subject to renewal will be redeposited by the clerk into an interest-bearing account in the financial institution that the court normally uses for deposit of registry funds.

(2) Service of notice as required by subsection (g)(1) of this rule must be made in accordance with the requirements of subsection (c) of this rule, and must be made no later than 15 days before maturity.

(h) Change in terms or conditions of an investment held in the registry account. Any change in terms or conditions of an investment must be by court order, and counsel must comply with subsections (a), (b), and (c) of this rule.

(i) Withdrawal of funds on deposit held in the registry account.

(1) No funds may be withdrawn from the registry account and released by the clerk except by court order under 28 U.S.C. § 2042.

(2) The clerk is authorized to withdraw funds from the registry account without delay as follows:

(A) Solely on presentation of a fully executed court order specifically waiving the period of appeal and stating that withdrawal and release of funds is to be made immediately or by a date certain. If the order does not state the appeal waiver, or a date certain for withdrawal of funds from the registry account, the clerk may withdraw and release the funds either at the end of the 10-day time for appeal prescribed by Fed. R. Bankr. P. 8002(a), or when an appeal is determined final and nonappealable; or

(B) Without further order under the delegated authority of LR 5075(a)(2)(U), which allows the clerk to assess, deduct, and withdraw a fee from the registry account. The collection of the fee must be made at the time any distribution of funds is made by the clerk, or whenever it is the clerk's customary accounting practice to assess, deduct and collect the fee. The amount of the fee will be 10 percent of the income earned, or another amount as prescribed by the Judicial Conference of the United States and set by the director of the Administrative Office.

(3) If the submitted order does not conform to the provisions of subsections (a) and (b) of this rule and is not served in accordance with subsection (c), the clerk will not be liable if the interest is reduced or the principal invaded as a result of payment on a certain date.

LR 8001. NOTICE OF APPEAL; ELECTION TO HAVE APPEAL HEARD BY DISTRICT COURT INSTEAD OF BANKRUPTCY APPELLATE PANEL.

(a) Order being appealed. The appellant must attach to the notice of appeal filed in bankruptcy court a copy of the entered judgment, order or decree from which the appeal is taken.

(b) Bankruptcy appellate panel. In accordance with 28 U.S.C. § 158(b)(6), a bankruptcy appellate panel is authorized to hear and determine appeals from judgments, orders and decrees entered by bankruptcy judges from this district, subject to the limitations set forth in subsections (b) and (c) of this rule.

(1) The bankruptcy appellate panel may hear and determine only those appeals in which there has not been timely filed a "statement of election to have appeal heard by district court instead of bankruptcy appellate panel" in accordance with 28 U.S.C. § 158(c)(1) and Fed. R. Bankr. P. 8001(e).

(2) With leave of the bankruptcy appellate panel, the panel will hear appeals from interlocutory orders and decrees entered by bankruptcy judges.

(3) The bankruptcy appellate panel may hear and determine appeals from judgments, orders and decrees entered by bankruptcy judges after July 10, 1984, and appeals transferred to the district court from the previous Ninth Circuit bankruptcy appellate panel by Section 115(b) of the Bankruptcy Amendments and Federal Judgeship Act of 1984, Pub. L. No. 98-353. The bankruptcy appellate panel may not hear or determine appeals from judgments, orders and decrees entered by bankruptcy judges between December 25, 1982, and July 10, 1984, under the Emergency Bankruptcy Rule of this district.

(c) Time for election.

(1) When a notice of appeal is filed with the clerk of the bankruptcy court, the appeal will be referred to the bankruptcy appellate panel, unless the appellant files at the time of filing the appeal a statement of election under 28 U.S.C. § 158(c)(1) in a separate writing under Fed. R. Bankr. P. 8001(e) that the appeal be heard by the district court. All parties to the appeal must be notified of the filing and reference within the time and in the manner provided for in LR 8004.

(2) The appealing party has 30 days after service of the notice of appeal to file with the clerk of the bankruptcy appellate panel a written statement of election in accordance with 28 U.S.C. § 158(c)(1) and Fed. R. Bankr. P. 8001(e) that the appeal be heard by the district court. If the statement of election is not timely filed, the bankruptcy appellate panel will hear the appeal.

LR 8004. SERVICE OF NOTICE OF APPEAL.

(a) Service. Not later than 3 days after filing a notice of appeal, the clerk of the bankruptcy court will serve a copy of the notice of appeal on all parties to the appeal. A copy of the notice of appeal will also be sent to the clerk of the bankruptcy appellate panel, unless the appellant has filed a "statement of election to have the appeal heard by the district court instead of the bankruptcy appellate panel" under 28 U.S.C. § 158(c)(1) and Fed. R. Bankr. P. 8001(e).

(b) Notification of bankruptcy appellate panel procedures. When the clerk of the bankruptcy appellate panel receives the notice of appeal, the clerk will notify the parties of the procedures and requirements relating to practice before the bankruptcy appellate panel.

LR 8006. DESIGNATION OF RECORD - APPEAL.

(a) Reproduction of record on appeal.

(1) In cases filed before January 1, 2002, which are on paper, if there is an appeal to the district court or other appellate court, the original pleadings will remain in the custody of the bankruptcy court, unless a bankruptcy judge has issued an order allowing the original case file to be

forwarded to the district court. Pleadings in cases filed on or after January 1, 2002, are in electronic format, and electronic copies can be made and forwarded as necessary.

(2) In addition to the excerpts of the record required by LR 8009, the district court or other appellate court may require that a copy of pleadings from the court's official case/adversary file, as designated, be transmitted to the district court or other appellate court. The clerk of the bankruptcy court will request copies from the party or parties designating the record on appeal. The copies must be tendered to the clerk in chronological order in conformity with LR 9004(c) within 30 days of the clerk's request or within a shorter time if ordered by the district court or other appellate court. When the clerk receives the copies, the clerk will tender a receipt for all items designated. If any party fails to give the clerk copies of designated items before the deadline, the clerk may make copies at the designating party's expense.

(b) Designation and preparation of reporter's and recorder's transcripts.

(1) When designating transcripts on appeal, the party filing the notice of appeal, or other moving party, must specify the date(s), time(s), and type of hearing(s) and identify by name the court reporter or recorder.

(2) The party filing the Notice of Transcript must include in the notice:

(A) All transcripts listed in the designation of record, if any;

(B) Notation of the date of filing, if any; and

(C) The estimated time of filing, whether expedited or in the ordinary course of transcription.

(c) Procedure for requesting preparation of transcript. A transcript order form (AO 435) must be submitted to the clerk and must specify which portions of the designated transcript a particular court reporter or recorder will transcribe. If a court reporter was present, the clerk may arrange for the transcription of the record at the requesting party's expense.

LR 8007. TRANSMISSION OF RECORD ON APPEAL.

When the record, including any transcript, is complete for purposes of appeal, the clerk will transmit a certificate of record to the district court or other appellate court and will notify the parties of the date that the certificate of record was filed. The clerk will retain the record until the district court or other appellate court requests it.

LR 8009. BRIEFS AND APPENDIX.

(a) Excerpts of record. The parties must file excerpts of record to the district court in the same manner as required by Fed. R. Bankr. P. 8009(b) for appeals to the bankruptcy appellate panel. A party filing excerpts of record with the district court must file 2 copies to be bound separately from the briefs. A party filing excerpts of record with the bankruptcy appellate panel must file the number of copies required by the Ninth Circuit Bankruptcy Appellate Panel.

(b) Transcripts. The excerpts of record must include the transcripts necessary for adequate review in light of the standard of review to be applied to the issues before the district court or other appellate court.

LR 8018. LOCAL RULES OF CIRCUIT JUDICIAL COUNCIL OR DISTRICT COURT.

Practice in bankruptcy appeals that may come before the district court will be governed by Part VIII of the Federal Rules of Bankruptcy Procedure, except as provided in LR 8070 or in rules that the district court adopts.

LR 8070. DISMISSAL OF APPEAL FOR NONPROSECUTION.

The court may dismiss the appeal, impose sanctions, or both under circumstances indicated below. This rule may be invoked on motion of a party or by the court on its own motion after notice to the parties:

(a) When an appellant fails to timely pay the filing and/or docket fee for the notice of appeal; file a designation of the reporter's transcript, designation of record, statement of issues and/or brief; file the excerpts of record; or otherwise comply with rules and orders governing the processing of bankruptcy appeals; or

(b) When an appellee fails to timely file a designation of reporter's transcript, designation of record or brief; or otherwise comply with rules and orders governing the processing of the bankruptcy appeals.

LR 9004. REQUIRED FORM OF FILED PAPERS.

(a) Form of papers.

(1) The papers filed with the bankruptcy court must be legibly printed on 8½-by-11-inch paper, with copies reproduced by any method resulting in clear copy. Unless the court orders otherwise, all printing and handwriting must be double-spaced.

(2) The format described above does not apply to:

(A) Exhibits, footnotes and quotations, the identification of counsel, caption, title of the court and the name of the case; and

(B) The title page, which must begin at least one and a half inches from the top of the page.

(b) Print requirements. Printing that uses proportional fonts or equivalent (such as most computer fonts) must be at least 12 points. Monospaced fonts (such as on a typewriter) may not have more than 10 characters per linear inch. All quotations longer than 50 words must be indented. All pages of each pleading or other papers filed with the court (except exhibits) must be numbered consecutively. All pages of each pleading or other papers filed with the court (including exhibits) must be printed only

on one side of the paper.

(c) Papers. Unless electronically filed, papers presented for filing, receiving or lodging with the clerk must be flat, unfolded, firmly bound together at the top and prepunched with 2 holes, centered, 2¾ inches apart, one-half to five-eighths of an inch from the top of the paper.

(d) Number of copies. The clerk maintains a list of copy requirements that specify the minimum number of copies to be submitted for filing. The clerk may revise the list of copy requirements. and will reissue any revised list in full with a notation of the effective date of the revision. The list of copy requirement is available from the clerk and is posted on the court's website.

(e) Exhibits.

(1) All exhibits and copies of exhibits attached to papers must have indexing tabs at the bottom to show the exhibit number or letter. If exhibits are electronically filed, they must be separated by pages inserted and labeled with the exhibit number or letter. Filers must reduce oversize exhibits by xerographic or other similar means to 8½-by-11 inches unless the reduction would destroy legibility or authenticity. An oversize exhibit that cannot be reduced must be filed separately with a captioned cover sheet identifying the exhibit(s) and the document(s) to which it refers.

(2) If affidavits or declarations are used, they must be filed at the same time as the paper they refer to, but as separately captioned documents.

(f) Caption, title of court, name and number of case, description, and date and time of hearing.

(1) The top left corner of the first page of every paper presented for filing must show the name, Nevada or other state bar number, address, telephone number, fax number, and email address of the attorney and any associated attorney(s) appearing for the party filing the petition, or the name, address, and telephone number of a party appearing *pro se*.

(2) Below the identifying information described above, the remainder of the caption on the first page must look like this:

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA

IN RE:	)	BK-N-95-00123-GWZ [applicable case number]
	)	CHAPTER 7 [applicable bankruptcy title]
JOHN DOE,	)	
	)	Adversary Proceeding: BK-N-05-2345-GWZ
	)	[if applicable]
	)	
	)	RESPONSE TO MOTION TO REJECT
	)	EXECUTORY CONTRACT [description]
Debtor(s)	)	
	)	Hearing Date:
	)	Hearing Time:
	)	Estimated Time for hearing:

(g) 11 U.S.C. § 362 pleadings/cover sheet. A properly completed § 362 information cover sheet, on colored paper (unless electronically filed), must be attached as Exhibit A to a motion for relief from the automatic stay under 11 U.S.C. § 362 or opposition to such a motion. Failure to comply with any of these provisions may result in sanctions, denial of the motion, or other adverse ruling.

(h) Facsimile or electronically produced signature. Unless otherwise ordered in a case, the clerk may accept papers for filing that bear a facsimile or electronically produced signature as the equivalent of an original signature. In accordance with the court's electronic filing procedures described in LR 5005, the requirements of the court's electronic filing procedures for safeguarding paper documents with original signatures must be followed. The procedures are available from the clerk or on the court's website.

LR 9006. ORDERS SHORTENING TIME.

(a) Affidavit in support of motion for order shortening time. Unless the court permits otherwise, every motion for an order shortening time must be accompanied by an affidavit explaining why an expedited hearing is required along with a copy of the motion for which an expedited hearing is sought and an "Attorney Information Sheet For Proposed Order Shortening Time," or similar statement indicating the following:

(1) Whether opposing counsel and other interested parties and persons were consulted regarding the proposed order shortening time;

(2) Whether opposing counsel or other persons consent to a hearing on shortened time;

(3) The date counsel or other persons were consulted; and

(4) How the consultation was accomplished or, if counsel or other persons were not consulted, how the moving party attempted to consult with that person or persons.

(b) Format of proposed order shortening time. Parties must include language in the proposed order shortening time so that the following can be easily inserted by the judge:

(1) The date and time for the hearing on the motion;

(2) The date for filing any objections to the entry of an order shortening time;

(3) The date for filing any response to any objection; and

(4) The date by which service of the order shortening time will be completed.

(c) Submission of proposed order shortening time. A proposed order shortening time must be electronically submitted to the court's electronic order program in a format prescribed by the court that will allow the electronic entry of dates for hearing and deadlines and the signing of the order by the judge.

(d) Service of order shortening time. If the motion is granted, the notice of the entry of the order shortening time together with a copy of the motion must be served in the most expeditious manner

possible (e.g., email, facsimile, or hand delivery) within one business day after the order is entered, unless the court orders otherwise.

LR 9009. LOCAL FORMS.

In addition to the official forms prescribed by the Judicial Conference of the United States, the court may provide additional forms, copies of which are available from the clerk and on the court's website.

LR 9010. ATTORNEYS - NOTICE OF APPEARANCE.

Any corporation, partnership, or other business entity, except when acting as a bankruptcy trustee for a corporation or partnership, must be represented by an attorney.

LR 9011. *PRO SE* PARTIES.

(a) Petition preparers.

(1) When a nonlawyer petition preparer is alleged to be in violation of 11 U.S.C. § 110(b) through (g), the court will find the facts and, if warranted, impose the fines set forth in those provisions.

(2) When the fees charged by a nonlawyer petition preparer are alleged to be excessive, the court will find the facts and, if warranted, disallow the excess fee and order it turned over to the bankruptcy trustee or the debtor as warranted by the facts of the case.

(b) Injunctions against petition preparers under 11 U.S.C. § 110(j).

(1) An action seeking an injunction under 11 U.S.C. § 110(j) must be brought in bankruptcy court.

(2) The bankruptcy court will find the facts and order an injunction if warranted.

(3) The bankruptcy court will award a successful plaintiff its fees and costs in bringing an action under 11 U.S.C. § 110(j)(3).

(c) Certification of facts to the district court under 11 U.S.C. § 110(i).

(1) A certification of facts proceeding under 11 U.S.C. § 110(i) starts in bankruptcy court on a motion by the debtor, the trustee, a creditor, or on the court's own motion. The court must:

(A) Give notice to the accused preparer; and

(B) Conduct a hearing before certifying facts to the district court.

(2) In its certification to the district court, the bankruptcy court will include:

(A) Findings of fact it made during the bankruptcy proceeding;

(B) The transcript and the record in the proceeding;

(C) The court's finding of the debtor's actual damages under 11 U.S.C. § 110(i)(1)(A);

(D) The court's finding as to whether the greater sum for inclusion in the penalty under 11 U.S.C. § 110(i)(1)(B) is $2,000 or twice the amount paid by the debtor to the preparer; and

(E) The court's finding as to the amount of the movant's reasonable attorney's fees and costs in connection with the certification proceedings.

(3) When it issues its decision and certifies facts to the district court, the bankruptcy court will also advise the prevailing party in the bankruptcy proceeding that it should file a motion in the district court for imposition of further sanctions under 11 U.S.C. § 110(i).

(4) When the certification of facts is before the district court:

(A) No in-person hearing is required unless the court directs otherwise;

(B) At the hearing, no new evidence will be received, and the hearing will be on the record only;

(C) Only the affected parties will be allowed to submit briefs;

(D) The bankruptcy court's findings of fact will be reviewed under the abuse of discretion standard; and

(E) The bankruptcy court's conclusions of law will be reviewed de novo.

(d) Petition preparer guidelines. The United States trustee may issue guidelines in connection with the provisions of 11 U.S.C. § 110 setting forth positions that the trustee will generally follow in relation to petition preparers. The trustee may revise the guidelines, and when they are revised, they will be reissued in full with a notation of the effective date of the revision. Copies of the guidelines will be available from the United States trustee.

LR 9014. MOTION PRACTICE AND CONTESTED MATTERS - BRIEFS AND MEMORANDA OF LAW.

(a) Hearings and court calendars.

(1) Unless the court directs otherwise, all hearings (including motions in adversary proceedings, objections and other matters for which a hearing is necessary) must be set by counsel or persons acting *pro se* on the calendar of the judge to whom the case is assigned. The court may set any matter for hearing whether or not a hearing is required by statute or rules.

(2) Each judge will maintain a motion calendar and may adopt specific court

procedures, which will be posted on the court's website. The time and dates of each judge's calendar and respective procedures may be obtained from the clerk or from the website.

(3) The judge may deem the first date set for the hearing to be a status and scheduling hearing if the judge determines that further evidence must be taken to resolve a material factual dispute. Unless the court orders otherwise or for good cause, live testimony will not be presented at the first date set for hearing. The judge may order a further hearing at which oral evidence and exhibits will be received, or may order that all evidence be presented by affidavit or declaration.

(b) Notice of hearing, and service of motion and notice.

(1) The movant must obtain a hearing date, and the notice of hearing must be filed with the motion and must, in addition to the requirements of Fed. R. Bankr. P. 2002(c), include the following:

(A) The date, time, and place of the hearing;

(B) A brief description of the relief sought;

(C) A statement of the time for filing and serving objections;

(D) This statement:

> If you object to the relief requested, you *must* file a **WRITTEN** response to this pleading with the court. You *must* also serve your written response on the person who sent you this notice.
>
> If you do not file a written response with the court, or if you do not serve your written response on the person who sent you this notice, then:
>
> - The court may *refuse to allow you to speak* at the scheduled hearing; and
> - The court may *rule against you* without formally calling the matter at the hearing.

(i) Individuals representing themselves are not exempt from this rule.

(ii) To ensure compliance with this rule, the court may deny any motion or request for an order that does not contain the above notice.

(F) If a hearing has been set by an order shortening time, service of the motion and the order shortening time will constitute notice of the hearing.

(2) Service of the motion and notice of it must be made in accordance with these rules and the Federal Rules of Bankruptcy Procedure and must be made within 2 business days of filing

the motion.

(A) The proof of service must show the date and manner of service and the name of the person served. Proof of service may be by written acknowledgment of service or certificate of the person who made service. The court may decline to take action on any papers until proper proof of service is filed. An acknowledgment or certificate of service, if any, must be attached at the end of the paper presented for filing. The notice and accompanying proof of service must be filed not more than 5 business days after the motion is filed.

(B) Failure to make the proof of service required by this rule does not affect the validity of the service. Unless material prejudice would result, the court may at any time allow the proof of service to be amended or supplied.

(C) Unless otherwise provided by statute, the Federal Rules of Bankruptcy Procedure, or the local rules, service must be completed so that all parties are given not less than 25 days' notice of the hearing, unless the court shortens the time.

(c) Contents of motion; affidavits and declarations. See LR 7032 and LR 9017.

(1) The motion must state the facts on which it is based and must contain a legal memorandum. If factual issues are contested, the court will not grant the contested relief unless admissible evidence is offered in support of the relief requested.

(2) If affidavits or declarations are submitted, they must be filed separately, and they must reference the underlying motion or paper. Affidavits and declarations failing to comply substantially with all of the requirements of subsection (c) of this rule may be stricken in whole or in part on the request of an opposing party or on the court's initiative. Affidavits and declarations must be made under penalty of perjury and must:

(A) Identify the affiant, the party on whose behalf the affidavit is submitted, and the motion to which is pertains;

(B) Contain only nonhearsay factual evidentiary matter or expert opinion, conform as far as possible to the requirements of Fed. R. Civ. P. 56(e), and avoid mere general conclusions or arguments.

(C) Identify and authenticate documents and exhibits offered in support of the motion or opposition, unless the documents are already authenticated in the record or have been previously admitted into evidence by the court and are specifically referred to and identified in the motion or opposition; and

(D) If an appraisal, include a statement of the qualifications of the appraiser, and either be made under penalty of perjury or be included by reference into an affidavit or declaration of the appraiser.

(d) Opposition, response, and reply.

(1) Oppositions to a motion must be filed and service must be completed on the movant no later than 15 days after the motion is served except as provided by LR 3007(b) and LR 9006. If the hearing has been set on less than 15 days' notice, the opposition must be filed no later than 5

business days before the hearing, unless the court orders otherwise. The opposition must set forth all relevant facts and any relevant legal authority. An opposition must be supported by affidavits or declarations that conform to the provisions of subsection (c) of this rule.

(2) Except as provided by LR 3007(b), LR 7056(c), and LR 9006, any reply memorandum may be filed and served so as to be received by the court and the opposing party no later than 5 business days before the date set for hearing or within the time otherwise fixed by the court.

(3) Uncontroverted facts may be taken as true. If no response or opposition is filed within the time required by these rules, the matter will be deemed unopposed, the court may enter an order granting the relief requested in the motion without further notice and without a hearing, and no appearance need be made. At the time originally set for hearing unopposed matters, the court may on its own or at the request of any party in interest continue the matter for hearing, in which case an appearance on behalf of the movant will be required at the continued hearing.

(e) Limitation on length of briefs and points and authorities; requirement for index and table of authorities. Unless the court orders otherwise, prehearing and posthearing briefs and points and authorities in support of, or in response to, motions are limited to 20 pages including the motion but excluding exhibits. Reply briefs and points and authorities are limited to 15 pages, excluding exhibits. Where the court enters an order permitting a longer brief or points and authorities, the papers must include an index, table of contents, and table of authorities.

(f) Stipulations.

(1) Stipulations of counsel relating to proceedings before the court must be in writing, signed by the parties to the stipulation, and served on all other parties who have appeared.

(2) Stipulations between the parties relating to proceedings before the court, except stipulations pursuant to Fed. R. Bankr. P. 7029, are not effective until approved by the court and entered on the court's docket.

(3) A dispositive stipulation will be treated as a motion unless the stipulation is approved in writing by all counsel who have appeared for the parties and any party appearing *pro se*.

(4) Whenever any written stipulation contains a provision for continuing a hearing or a provision for vacating a pending hearing, a separate Notice of Continuance of Hearing or Notice Vacating Hearing must be clearly set forth in the caption. Any Notice of Continuance of Hearing must contain the previous hearing date and time and the new date and time. Any Notice Vacating Hearing must contain the vacated date and time.

LR 9015. JURY TRIALS.

(a) Designation to conduct jury trials. The bankruptcy judges of this district are designated to exercise all jurisdiction in civil jury cases under 28 U.S.C. § 157(e). Consent of the parties may be made in writing or orally on the record and, unless the court orders otherwise, must be given at least 30 days before the date first set for trial.

(b) Demand for jury trial. Fed. R. Civ. P. 38 applies in adversary proceedings where there is a right to trial by jury.

(c) Form of demand. A demand for a jury trial must appear immediately following the title of the complaint or answer containing the demand, or in another document as may be permitted by Fed. R. Civ. P. 38(b). Any notation on an adversary proceeding cover sheet filed under LR 7003 concerning whether a jury trial is, or is not, demanded does not constitute a demand for a jury trial under these local rules.

(d) Procedure. In any proceeding in which a demand for jury trial is made, the court will, on a motion of one of the parties or on the court's own motion, determine whether the demand was timely made and whether the demanding party has a right to a jury trial. Even if all the parties have consented to a jury trial, the court may, on its own motion, determine that there is no right to a jury trial in a proceeding.

(e) Consent and withdrawal. If the court determines that the demand was timely made and the party has a right to a jury trial, and if all parties have not filed a written consent to a jury trial, the bankruptcy judge will preside over all pretrial proceedings. When the proceeding is ready to be tried by a jury, the court will certify that fact to the district court, and further certify that the parties have not consented to a jury trial in the bankruptcy court. When the certification has been made, reference of the proceeding will be automatically withdrawn and the matter will be assigned to a district court judge.

(f) Nonjury determination. If the court determines that a jury demand was not timely made, or the demanding party is not entitled to a jury trial, the proceeding will be heard as a nonjury proceeding before the court.

(g) Certification to United States District Court. If, on timely motion of a party or on the court's own motion, the court determines that a claim is a personal injury tort or wrongful death claim requiring trial by a district court judge, the proceeding will be certified to the district court based on that fact in accordance with 28 U.S.C. § 157(b)(5).

LR 9016. SERVICE OF SUBPOENA.

When attendance at an examination in accordance with Fed. R. Bankr. P. 2004, or when the production of documents is required in connection with such an examination, the subpoena may be served on a party who has appeared in the bankruptcy case through any method of service appropriate for service of a summons under Fed. R. Bankr. P. 7004. When the party has appeared through counsel, service on counsel will constitute service on the party.

LR 9017. USE OF ALTERNATE DIRECT TESTIMONY AND EXHIBITS AT TRIALS.

(a) Purpose. The purpose of this procedure is to facilitate pretrial preparation and to streamline the introduction of direct testimony at trials of adversary proceedings and hearings on contested matters. This procedure is known as the "alternate direct testimony procedure." Counsel are encouraged to use the alternate direct testimony procedure whenever possible.

(b) Stipulation for use. If all parties stipulate and the court approves, or if the court orders it, the alternate direct testimony procedure may be used in all trials of adversary proceedings or contested matters. The stipulation must be filed with the court no later than the time of the pretrial conference required by LR 7016 and 7026.

(c) Preparation of direct testimony and exhibits. Unless the court orders otherwise, each attorney must prepare a written declaration or affidavit of the direct testimony of each witness to be called, except hostile or adverse witnesses. The declaration or affidavit must be executed by the witness under penalty of perjury. Each statement of fact or opinion must be set forth in separate sequentially numbered paragraphs and must contain only matters that are admissible under the Federal Rules of Evidence. Declarations and affidavits must conform to the provisions of LR 9014(c).

(d) Submission of declarations, exhibits, and objections. Unless the court orders otherwise, copies of all declarations of witnesses and exhibits that are intended to be presented at trial or at the hearing on a contested matter must be furnished to opposing counsel and lodged with the court as follows:

(1) The plaintiff or movant must submit to opposing counsel all declarations and exhibits in its case in chief not less than 10 business days before the trial or the hearing on the contested matter;

(2) The defendant or respondent must submit all declarations and exhibits in its case 5 business days before the trial or the hearing on the contested matter;

(3) Two business days before trial or the hearing on a contested matter each party must lodge with the courtroom deputy clerk of the judge to whom the matter is assigned, one copy of all declarations and exhibits that the party intends to present at trial, and an original and one copy of that party's written objections to the admission of any of the declarations or exhibits of an opposing party. Copies of exhibits lodged with the clerk must be premarked by counsel, and must be accompanied by a cover sheet index containing a brief description of each exhibit; and

(4) Unless otherwise stipulated by the parties with approval of the court, the declarants must be made available for cross-examination at the trial.

(e) Use of live testimony. All cross-examination, rebuttal, and surrebuttal must be by live testimony unless stipulated by the parties and approved by the court. Notwithstanding the provisions of this rule, the court, in its discretion, may allow the live direct examination of any witness.

LR 9018. SECRET, CONFIDENTIAL, SCANDALOUS, OR DEFAMATORY MATTER.

(a) Motion to file under seal. A motion to file documents under seal (but not the documents themselves) must be filed electronically, unless prohibited by law or unless the filing is exempt or excepted from the requirement of electronic filing. If the motion itself contains confidential information, the movant must serve and file a redacted version clearly marked as such, and submit an unredacted version in camera. If the court requests, the movant must deliver paper copies of the documents proposed to be filed under seal to the presiding judge for *in camera* review.

(b) Order. The court will review the *in camera* submission and enter an appropriate order directing that all or part of it be filed under seal, be made part of the official public file, or be permitted to be withdrawn. If the court orders the document sealed, the moving party must submit an order in compliance to LR 9021, which will be docketed by the clerk. The court order authorizing filing documents under seal will be filed electronically, unless prohibited by law.

(c) Form. If the court grants the motion, in whole or in part, the movant must deliver to the clerk of the court a paper copy of the documents to be filed under seal. Papers submitted for the court's in

camera inspection must be accompanied by a captioned cover sheet complying with LR 9004, indicating that they are being submitted in camera. Counsel must provide to the court an envelope large enough for the in camera papers to be sealed without being folded. A copy of the sealing order on paper must be attached to the sealed documents.

(d) Filing sealed documents. Unless the court orders otherwise, the clerk will file any documents ordered to be filed under seal on paper and not electronically.

LR 9019. SETTLEMENTS AND AGREED ORDERS; ALTERNATIVE DISPUTE RESOLUTION.

(a) Settlement conferences or other alternative dispute resolution.

(1) On its own initiative or at the request of any party in interest, the court may at any time order that a contested matter or adversary proceeding be set for settlement conference or other alternative method of dispute resolution.

(2) The court may by separate order stay the contested matter or adversary proceeding in whole or in part for a specified time or until further order of the court to facilitate the settlement process. If a settlement conference is held, there is no stay or postponement of any calendared matter without prior order of the court.

(b) Notice to court of outcome of settlement conference or other alternative dispute resolution. The plaintiff or moving party must promptly advise the court in writing when any adversary proceeding or contested matter is settled or when the parties have failed to reach a settlement.

(c) Notice of compromise. Unless the court orders otherwise, when any party gives notice of a motion for the approval of a compromise, that party must either include in the notice a summary of the essential terms of the compromise or serve a copy of the compromise with the notice.

LR 9021. ENTRY OF JUDGMENTS AND ORDERS.

(a) Preparation of entry of orders and judgments. Unless otherwise ordered, the attorney for the prevailing party must prepare all proposed findings of fact, conclusions of law, judgments, and orders, formatted in accordance with the court's electronic filing procedures described in LR 5005.

(b) Transmission; approval and disapproval; objections.

(1) Counsel preparing documents listed in subsection (a) above must transmit them by hand delivery, facsimile, email, overnight delivery, or U.S. mail to all counsel or unrepresented parties who appeared at the hearing or filed and served objections, and to any trustee appointed in the case.

(2) Unless the court orders otherwise, parties will have 3 days from receiving proposed orders to communicate their approval or disapproval to the transmitting counsel.

(A) If disapproved, the disapproving party will have until 5 days from receiving the document to serve and file with the court a detailed statement of objections and an alternate proposal for the document.

(B) Any response to the objection must be filed within 5 days after the objection is lodged.

(3) Approval indicates only that the document accurately reflects the ruling of the court, and does not constitute agreement with the ruling or waiver of any rights of appeal.

(c) Certification language.

(1) Documents listed in subsection (a) above must be submitted to the court with the following certification from the submitting counsel:

In accordance with LR 9021, counsel submitting this document certifies as follows (check one):

___ The court has waived the requirement of approval under LR 9021.

___ No parties appeared or filed written objections, and there is no trustee appointed in the case.

___ I have delivered a copy of this proposed order to all counsel who appeared at the hearing, any unrepresented parties who appeared at the hearing, and any trustee appointed in this case, and each has approved or disapproved the order, or failed to respond, as indicated below [list each party and whether the party has approved, disapproved, or failed to respond to the document]:

(2) No language other than "approved" or "disapproved" may appear above opposing counsel's signature; and

(3) Unless the court orders otherwise, "opposing counsel" means any attorney who appeared at the hearing regarding the matter that is the subject of the order or who filed objections.

(4) Variation from the certification language indicated in paragraph (c)(1) may be cause for returning the draft order unsigned by the court.

(d) Orders on applications or motions for which no hearing is held, and no objections are received. If a party requests an order on an application or motion, but did not schedule a hearing on the motion or application, relying instead on the absence of any objection to the requested relief, the party must also submit, with the proposed order, a declaration or affidavit containing the following:

(1) A summary of why a hearing is not necessary in the matter;

(2) A statement of how and when notice of the application or motion was served, and a list of those entities served; and

(3) A statement that the declarant or affiant has not received and knows of no objections to the relief requested as of the time the proposed order was submitted.

LR 9022. NOTICE OF JUDGMENT OR ORDER.

(a) Notice by the clerk. Immediately after the entry of a judgment or order prepared by a bankruptcy judge or by the clerk under the delegation of LR 5075, the clerk will:

(1) Transmit a Notice of Electronic Filing to registered e-filers. Electronic transmission of the Notice of Electronic Filing constitutes the notice required by Fed. R. Bankr. P. 9022;

(2) Give notice on paper to a person who is exempt or excepted from electronic filing in accordance with the Federal Rules of Bankruptcy Procedure.

(b) Notice by an attorney or *pro se* party. Unless the court orders otherwise, any attorney or *pro se* party who prepares and submits a judgment or order to the court must, upon entry of the order or judgment, immediately serve notice of entry of the order on the opposing counsel as defined in LR 9021(a)(3) or on other entities as the court directs. The notice of entry must include a copy of the document and the date it was entered.