

20. **PROPOSED DELETION OF LOCAL RULE 5005-2.**

The Bankruptcy Judges recommend deleting Local Rule 5005-2 which provides for drop boxes, which have been eliminated because of electronic filing.

~~RULE 5005-2 EASTERN DIVISION DROP BOX~~

- ~~(1) Papers may be filed in the Eastern Division by placing them in one of the clerk drop boxes located in the Everett McKinley Dirksen United States Courthouse. The courthouse is open to the public from 7 a.m. to 6 p.m. Monday through Friday, excluding federal holidays.~~
- ~~(2) Documents placed in a drop box must meet the following guidelines:
 - ~~(a) all documents must be stamped "received" with the time stamp provided;~~
 - ~~(b) a self-addressed stamped envelope must be included for documents to be returned;~~
 - ~~(c) the name, address, and telephone number of the filing party shall be included; and~~
 - ~~(d) any document for which a filing fee is required shall be accompanied by a check or money order acceptable to the clerk.~~~~
- ~~(3) Emergency matters, notices of appeal, and cash shall not be placed in the drop boxes.~~
- ~~(4) Documents placed in the drop box in compliance with this Rule and time-stamped before 6:00 p.m. on a business day shall be deemed filed on the date stamped received. If a document is removed from the drop box in the morning of the business day following its deposit, and if the time stamp is missing or illegible, it will be stamped as having been filed on that business day. Documents deposited in the drop box and time-stamped after 6:00 p.m. on a business day or at any time on a non-business day shall be deemed to have been filed on the next business day.~~

21. PROPOSED AMENDMENT TO LOCAL RULE 5005-3.

The Bankruptcy Judges recommend amending Local Rule 5005-3, which prescribes the format of filed documents, as follows:

- a. The rule should refer to “documents” instead of “papers” given the advent of electronic filing.
- b. Subsection A should be amended to eliminate the need to respond to motions paragraph-by-paragraph. Such formal responses will be limited to responses to pleadings.
- c. Subsection B should be amended to require all documents to be double-spaced, with type no smaller than 12 points, and margins no smaller than one inch.
- d. The requirement that attorneys include their state registration number can be eliminated because of electronic filing.
- e. Section E can be eliminated because of electronic filing.

RULE 5005-3 **FORMAT OF ~~PAPERS~~ DOCUMENTS FILED**

A. **Numbering Paragraphs in Pleadings**

Allegations in any pleading ~~or request for an order shall~~ **must** be made in numbered paragraphs, each of which ~~shall~~ **must** be limited, as far as practicable, to a statement of a single set of circumstances. Responses ~~to pleadings shall~~ **must** be made in numbered paragraphs, first setting forth the complete content of the paragraph to which the response is directed, and then setting forth the response.

B. ~~Size of Paper; Binding; Caption; Signature, Name, Address, and Phone Number of Person Filing Pleading~~ **Requirements**

- (1) Each document filed ~~on paper shall~~ **must** be flat and unfolded on opaque, unglazed, white paper approximately 8 ½ x 11 inches in size. It ~~shall~~ **must** be plainly written, or typed, or printed, or prepared by means of a duplicating process, without erasures or interlineations which materially deface it, and ~~shall~~ **must** be secured by staples or other devices piercing the paper on the top at the left corner of the document. Paper clips or other clips not piercing the paper are not acceptable.
- (2) Where the document is typed, line spacing ~~shall~~ **must** be at least ~~1½~~ **2** lines.
- (3) Where ~~it~~ **the document** is typed or printed:
 - (a) the size of the type in the ~~body of the text document~~ **document** ~~shall~~ **must** be ~~12 points and that in footnotes, no less~~ **smaller** than ~~12~~ **12** points, and
 - (b) the margins, left-hand, right-hand, top, and bottom, ~~shall~~ **must** each be ~~no smaller than~~ **1** inch.
- (4) The first page of each document ~~shall~~ **must** bear the caption, descriptive

title, and number of the action or proceeding in which it is filed, the case caption and chapter of the related bankruptcy case, the name of the judge to whom the case is assigned, and the next date and time, if any, that the matter is set.

- (5) The final page of each document ~~required to be signed by counsel shall be signed by at least one licensed attorney or by an individual party pro se.~~ That final page must contain the name, ~~the state attorney registration number,~~ address, and telephone number of the attorney in active charge of the case as well as that of the attorney signing the pleading, or the address and telephone number of the individual party filing *pro se*.
- (6) Copies of exhibits appended to documents filed ~~shall~~ **must** be legible.
- (7) Each page of a ~~pleading document~~ **shall must** be consecutively numbered.
- (8) Each document filed electronically must be formatted similarly to documents filed on paper.
- (9) Signatures on documents must comply with the Administrative Procedures (II-C).

C. Briefs Limited to Fifteen Pages

No brief ~~shall~~ **may** exceed fifteen pages without prior approval of the court.

D. Documents Not Complying with Rule Subject to Being Stricken

Any document filed in violation of this Rule may be stricken by the court without prior notice. The judge may allow a document not in conformity with this Rule to remain on file or may direct the filing of any communication to the court deemed appropriate for filing.

E. Judge's Copy

~~Each person or party filing a pleading, motion, memorandum, or any document other than a deposition or exhibit, shall file, in addition to the record copy, a copy for use by the judge, unless otherwise provided by the Administrative Procedures for Electronic Filing.~~

F. Proof of Service

All documents filed with the clerk ~~shall~~ **must** be accompanied by a proof of service consistent with Rules 7005-1 and 9013-3.

22. **PROPOSED AMENDMENT TO LOCAL RULE 5005-4.**

The Bankruptcy Judges recommend amending Local Rule 5005-4, which deals with restricted access to documents, to clarify the procedures.

RULE 5005-4 RESTRICTED DOCUMENTS

~~A. Restricting Order~~

~~On written motion and for good cause shown, the court may enter an order directing that access to one or more documents be restricted. The order shall specify the persons, if any, who are to have access to the documents without further order of court. Unless such an order is entered, access to any document filed with the clerk shall not be restricted.~~

A. Definitions

For the purpose of this Rule:

- (1) “Restricted Document” means a document to which access has been restricted either by a court order or by law.
- (2) “Redacted Document” means an altered form of a Restricted Document that may appear in the public record because portions of it have been deleted or obliterated.
- (3) “Sealed Document” means a Restricted Document that the court has directed be maintained within a sealed enclosure such that access to the document requires breaking the seal of the enclosure.
- (4) “Restricting Order” means any order restricting access to a document submitted to or filed with the clerk.

B. General Rule of Access

All documents filed with the clerk, both electronically and on paper, are accessible to the public unless covered by a Restricting Order.

C. Methods of Restriction

- (1) The court may order that a document not be filed but instead be submitted to the clerk as a Sealed Document.
- (2) The court may order that a document be filed as a Redacted Document. When ordering that a Redacted Document be filed, the court may order that an unredacted version of the document be submitted to the clerk as a Sealed Document.

D. Filing and Submitting Restricted Documents

- (1)** No attorney or party may file or submit a Restricted Document without prior order of the court specifying the particular document or portion of a document that may be filed as restricted.
- (2)** The final paragraph of any Restricting Order must contain (a) the identity of the persons entitled to access to the documents without further order of the court and (b) instructions for the disposition of the Restricted Documents following the conclusion of the case, consistent with section G of this Rule.
- (3)** A copy of the Restricting Order must be attached to a Sealed Document submitted to the clerk and to a Redacted Document filed with the clerk.
- (4)** The attorney or party submitting a Sealed Document to the clerk must present it in a sealed enclosure that conspicuously states on the face of the enclosure the attorney's or party's name and address, including the email address if the attorney is a registrant under CM/ECF, the caption of the case, and the title of the document.

BE. Docket Entries

On written motion and for good cause ~~shown~~, the court may ~~enter an order directing~~ that the docket entry for a ~~r~~**R**estricted ~~d~~**D**ocument show only that the document was filed without any notation indicating its nature. Absent such an order ~~that a~~ ~~r~~**R**estricted ~~d~~**D**ocument ~~shall~~**must** be docketed in the same manner as any other document, except ~~that~~ the entry will indicate that access to the document is restricted.

EF. Inspection of ~~Restricted~~Sealed** Documents**

The clerk ~~shall~~**must** maintain a record, in a manner provided by internal operating procedures, of persons permitted access to ~~restricted d~~**Sealed D**ocuments. Such procedures may require anyone seeking access to show identification and to sign a statement to the effect that they have been authorized to examine the ~~restricted d~~**Sealed D**ocument. The clerk shall also keep a log of all such inspections.

D. ~~Disposition of Restricted Documents~~

- ~~(1) —~~ When a case is closed in which an order was entered pursuant to section B of this rule, the clerk shall maintain the documents as restricted documents for a period of 63 days following the final disposition of the case including appeals. Except where the court orders otherwise in response to a request of a party made pursuant to this section or on its own motion at the end of the 63-day period, the clerk shall place the restricted documents in the public file.

- ~~(2) Any party may on written motion request that one or more of the restricted documents be turned over to that party. Such motion shall be filed not more than 63 days following the closing of the case. In ruling on a motion filed pursuant to this section or on its own motion, the court may authorize the clerk to do one of the following for any document covered by the order:~~
- ~~(a) turn over a document to a party; or~~
 - ~~(b) destroy a document; or~~
 - ~~(c) retain a document as a restricted document for a period not to exceed 20 years and thereafter destroy it.~~

G. Disposition of Sealed Documents

When a case is closed in which a Restricting Order has been entered, the clerk must maintain any Sealed Documents for a period of 63 days following the final disposition of the case including appeals. Except where the court, at the request of a party or on its own motion, orders otherwise, at the end of the 63-day period the clerk shall return any Sealed Documents to the submitting attorney or party. If reasonable attempts by the clerk to return the Sealed Documents are not successful, the clerk may destroy them.

23. PROPOSED AMENDMENT TO LOCAL RULE 5082-1.

The Bankruptcy Judges recommend amending Local Rule 5082-1 so that fee itemizations include the amount of the fee for each entry.

RULE 5082-1 **APPLICATIONS FOR COMPENSATION
AND REIMBURSEMENT FOR
PROFESSIONAL SERVICES IN CASES
UNDER CHAPTERS 7, 9, 11 AND 12.**

A. Applications

~~Each~~ Any application for interim or final compensation for services performed and reimbursement of expenses incurred by a professional person employed in a case filed under Chapter 7, 9, 11 or 12 of the Bankruptcy Code ~~shall~~ must begin with a completed and signed cover sheet in a form approved by the court and published by the clerk. The application ~~shall~~ must also include both a narrative summary and a detailed statement of the applicant's services for which compensation is sought.

B. Narrative Summary

- (1) The narrative summary ~~shall~~ must set forth the following for the period covered by the application:
 - (a) a summary list of all principal activities of the applicant, giving the total compensation requested in connection with each such activity;
 - (b) a separate description of each of the applicant's principal activities, including details as to individual tasks performed within such activity, and a description sufficient to demonstrate to the court that each task and activity is compensable in the amount sought;
 - (c) a statement of all time and total compensation sought in the application for preparation of the current or any prior application by that applicant for compensation;
 - (d) the name and position (partner, associate, paralegal, etc.) of each person who performed work on each task and activity, the approximate hours worked, and the total compensation sought for each person's work on each such separate task and activity;
 - (e) the hourly rate for each professional and paraprofessional for whom compensation is requested, with the total number of hours expended by each person and the total compensation sought for each;
 - (f) a statement of the compensation previously sought and allowed;
 - (g) the total amount of expenses for which reimbursement is sought, supported by a statement of those expenses, including any additional charges added to the actual cost to the applicant.

- (2) The narrative summary shall must conclude with a statement as to whether the requested fees and expenses are sought to be merely allowed or both allowed and paid. If the latter, the narrative summary shall must state the source of the proposed payment.

C. Detailed Statement of Services

The applicant's detailed time records may constitute the detailed statement required by Fed. R. Bankr. P. 2016(a). Such statement shall must be divided by task and activity to match those set forth in the narrative description. Each time entry shall must state:

- (1) the date the work was performed,
- (2) the name of the person performing the work,
- (3) a brief statement of the nature of the work,
- (4) the time expended on the work in increments of tenth of an hour; and
- (5) the fee charged for the work described in the entry.

24. PROPOSED AMENDMENT TO LOCAL RULE 5082-2.

The Bankruptcy Judges recommend amending Local Rule 5082-2 regarding chapter 13 fee applications to reflect the substance of prior general and standing orders.

RULE 5082-2 APPLICATIONS FOR COMPENSATION AND REIMBURSEMENT FOR PROFESSIONAL SERVICES IN CASES UNDER CHAPTER 13

~~In all cases filed under Chapter 13 of the Bankruptcy Code, each application for compensation for services performed and reimbursement of expenses incurred by a professional person shall be set forth in a form approved by the court and published by the clerk.~~

A. Definitions

For the purpose of this Rule:

- (1) “Form Itemization” means Local Bankruptcy Forms 21 and 22.
- (2) “Form Fee Application” means Local Bankruptcy Form 23.
- (3) “Form Fee Order” means Local Bankruptcy Form 23a or 23b.
- (4) “Model Retention Agreement” means Local Bankruptcy Form 23c.
- (5) “Flat fee” means a fee not supported by an itemization of time and services
- (6) “Creditors Meeting Notice” means the Official Notice of Chapter 13 Bankruptcy Case, Meeting of Creditors, and Deadlines. (Official Form B9L.)
- (7) “Original Confirmation Date” means the date of the confirmation hearing specified in the Creditors Meeting Notice.

B. Requirements

- (1) All requests for awards of compensation to debtor’s counsel in chapter 13 cases must be made using the Form Fee Application, which must be accompanied by a completed Form Fee Order specifying the amounts requested.
- (2) Applications for original fees must be noticed for hearing on the Original Confirmation Date at the time for confirmation hearings.

C. Model Retention Agreement

- (1) If debtor’s counsel and the debtor have entered into the Model Retention Agreement, counsel may apply for a Flat Fee not to exceed the amount authorized by the applicable General Order.
- (2) If debtor’s counsel and the debtor have not entered into the Model

Retention Agreement, the Form Fee Application must be accompanied by a completed Form Itemization.

D. Notice

- (1) All fee applications must be filed with the clerk, served on the debtor, the trustee, and all creditors, and noticed for hearing as an original motion in accordance with Rule 9013-3. However, a fee application need not be served on all creditors if

 - (a) the Creditor Meeting Notice is attached to the application, has been served on all creditors, and discloses the amount of original compensation sought; and
 - (b) the hearing on compensation is noticed for the Original Confirmation Date.
- (2) Rule 9013-1, which governs the dates for the presentment of motions, does not apply to requests under this Rule.

E. Compensation Following Dismissal

- (1) When a chapter 13 case is dismissed, the court will retain jurisdiction to hear requests from debtor's counsel as follows:

 - (a) In cases heard in Chicago and Rockford, jurisdiction will be retained for 30 days following the date of dismissal.
 - (b) In cases not heard in Chicago or Rockford, jurisdiction will be retained for 45 days following the date of dismissal.
- (2) Notice of a request for compensation under this subsection E must be given in accordance with subsection D.
- (3) If a request for compensation has not been both filed and heard before the end of the period during which the court has retained jurisdiction, the trustee may disburse any funds the trustee has on hand in accordance with the policies of the trustee's office.

25. **PROPOSED DELETION OF LOCAL RULE 7007-1.**

The Bankruptcy Judges recommend deleting Local Rule 7007-1 which requires filing of a corporate disclosure statement, because the local rule is obviated by Federal Rule of Bankruptcy Procedure 7007.1, which became effective in 2003.

~~**RULE 7007-1 — CORPORATE DISCLOSURE STATEMENT**~~

~~**A. — When Necessary**~~

~~Any non-governmental corporation that is a debtor, or is a party in an adversary proceeding, or otherwise requests relief in a bankruptcy case other than by the filing of a proof of claim, shall file a disclosure statement (“Statement”) identifying all of its publicly held parent corporations and any publicly held company that directly or indirectly owns, controls, or holds, with power to vote, 10 percent or more of the outstanding voting securities of the corporation required to file the Statement. Opposition to an objection to claim is within this Rule. The Statement shall bear the case heading and be titled “Corporate Disclosure Statement of [registered name of corporation as well as any pseudonym or other name under which it does business].”²²~~

~~**B. — Filing and Updates**~~

~~The Corporate Disclosure Statement shall be filed with the clerk at the same time the corporation files its initial motion, pleading or other document. After a corporation complies with this Rule it shall not be required to file another Statement in any later-filed case or adversary proceeding, in which it appears, except that any corporation that has filed a Statement shall file a “Supplemental Statement” in the later filed case or adversary proceeding noting any change in the information of the last filed Supplemental Statement or original Statement. The clerk will maintain a list of all Corporate Disclosure Statements filed under this Rule on the court’s web site and will regularly update such list.~~

~~**C. — Definition**~~

~~For the purpose of this Rule, the term “publicly held” corporation or company refers to a corporation the securities of which are listed on a stock exchange or are the subject of quotations collected and reported by the National Association of Securities Dealers Automated Quotations System (NASDAQ).~~

26. PROPOSED ADDITION OF NEW LOCAL RULE 7020-1.

The Bankruptcy Judges recommend adopting new Local Rule 7020-1 to limit multi-defendant adversary proceedings. It is common for a chapter 11 debtor or chapter 7 trustee in a bankruptcy case to file multiple complaints, each of which seeks to recover preferential or fraudulent transfers from a separate defendant. On occasion, however, a debtor or trustee will file a single such adversary complaint aimed at multiple defendants – sometimes as many as several hundred defendants. The result is an adversary proceeding so cumbersome that it cannot be administered. The misjoinder rule (Federal Rule 21, made applicable by Bankruptcy Rule 7021) provides no solution. This Rule is intended to prohibit multi-defendant complaints of this kind and require the filing of separate adversary proceedings except in the circumstances specified.

RULE 7020-1

MULTI-DEFENDANT AVOIDANCE ACTIONS

Claims under 11 U.S.C. §§ 547, 548, or 550 against multiple defendants may not be asserted in a single adversary proceeding, and a separate adversary proceeding asserting such claims must be commenced for each defendant, unless all of the claims in the adversary proceeding arise out of a transaction involving all of the defendants.

27. ***PROPOSED ADDITION OF NEW LOCAL RULE 7037-1.***

The Bankruptcy Judges recommend adopting a new Local Rule on discovery motions. It is similar to District Court Rule 37.2.

RULE 7037-1

DISCOVERY MOTIONS

All motions under Rules 26 through 37 of the Federal Rules of Civil Procedure (made applicable by Fed. R. Bankr. P. 7026 through 7037) relating to a discovery dispute, including any motion under Fed. R. Bankr. P. 37(a) to compel discovery, must include a statement that:

- (1) after consultation in person or by telephone, and after good faith attempts to resolve differences, the parties are unable to reach an accord; or
- (2) counsel's attempts to engage in such a consultation were unsuccessful due to no fault of counsel.

Where consultation has occurred, the statement in the motion must recite the date, time, and place of the consultation, and the names of all persons participating. Where counsel was unsuccessful in engaging in the consultation, the statement in the motion must recite in detail the efforts counsel made to engage in the consultation.

28. **PROPOSED DELETION OF LOCAL RULE 7055-1.**

The Bankruptcy Judges recommend deleting Local Rule 7055-1 as misleading and unnecessary.

~~**RULE 7055-1 — DISMISSAL FOR FAILURE TO APPEAR IN ADVERSARY PROCEEDINGS**~~

~~If a party fails to attend a hearing of an adversary proceeding, the court may dismiss the proceeding for want of prosecution or enter an order of default or default judgment.~~

29. **PROPOSED AMENDMENT TO LOCAL RULE 7056-1.**

The Bankruptcy Judges recommend amending Local Rule 7056-1 by changing the word “movant’s” to the phrase “opposing party’s.” This change corrects a drafting error.

RULE 7056-1 MOTIONS FOR SUMMARY JUDGMENT; MOVING PARTY

A. Supporting Documents Required

With each motion for summary judgment filed under Fed. R. Bankr. P. 7056, the moving party ~~shall~~ **must** serve and file a supporting memorandum of law and a statement of material facts as to which the moving party contends there is no genuine issue and that entitles the moving party to judgment as a matter of law, and that also includes:

- (1) a description of the parties;
- (2) all facts supporting venue and jurisdiction in this court; and
- (3) any affidavits and other materials referred to in Fed. R. Civ. P. 56(e).

B. Form - Statement of Facts

The statement of facts ~~shall~~ **must** consist of short numbered paragraphs, including within each paragraph specific references to the affidavits, parts of the record, and other supporting materials relied upon to support the facts set forth in that paragraph. Failure to submit such a statement constitutes grounds for denial of the motion.

C. Subsequent Filings by Moving Party

If additional material facts are submitted by the opposing party pursuant to Rule 7056-2, the moving party may submit a concise reply in the form prescribed in Rule 7056-2 for response. All material facts set forth in the ~~movant’s~~ **opposing party’s** statement filed under section A(2)(b) of Rule 7056-2 will be deemed admitted unless controverted by the statement of the moving party.

30. **PROPOSED DELETION OF LOCAL RULE 7067-1.**

The Bankruptcy Judges recommend deleting Local Rule 7067-1 as unnecessary.

**RULE 7067-1 INVESTMENT OF FUNDS DEPOSITED IN THE
REGISTRY ACCOUNT OF THE COURT**

A. Clerk to Maintain Registry Account

~~Pursuant to Fed. R. Bankr. P. 7067, the clerk shall maintain an interest-bearing registry account. The conditions and terms of the agreement between the clerk and the bank maintaining the registry account shall be approved by and be subject to the supervision of the chief judge.~~

B. Orders Requiring the Investment of Funds by the Clerk

~~All funds ordered deposited with the clerk pursuant to 28 U.S.C. § 2041 for deposit into the registry fund of the court shall be deposited in the registry account specified in section A above, provided that, for cause shown, the judge may direct the clerk to hold the funds deposited in some other form of interest-bearing investment. Where the judge so orders, the order shall specify (1) the reason or reasons for such alternative form of investment, (2) the amount to be invested, (3) the type of account or instrument in which the funds are to be invested, and (4) the term of the investment.~~

C. Time period for Depositing Funds

~~The clerk shall take all reasonable steps to assure that the funds are invested promptly. For the purpose of this Rule, “promptly” shall mean not more than 15 days following entry of the order or the deposit of funds with the clerk, whichever is later.~~

31. **PROPOSED AMENDMENT TO LOCAL RULE 9013-3.**

The Bankruptcy Judges recommend amending Local Rule 9013-3 to delete a sentence in Section A, to make certain stylistic changes, to conform the certificate of service language to the Administrative Procedures, and to require that a copy of the motion be included in the notice.

RULE 9013-3

**MOTIONS – NOTICE OF MOTIONS AND
CERTIFICATE OF SERVICE**

A. Notice of Motion

Except ~~in the case of~~for an emergency motion under Rule 5096-1, written notice of the presentment of a motion must be personally served at or before 4:00 p.m. ~~of~~ the second business day preceding the date of presentment. Where service of such notice is by mail, the notice ~~shall~~must be mailed at least ~~five~~ seven business days before the date of presentment. The written notice ~~shall~~must specify the motion to be presented, the date of presentment, and time of presentment, and the judge before whom the motion will be presented. The written notice must include a copy of the motion. Any motion not noticed in accordance with this ~~r~~Rule may be stricken by the court without notice. ~~Ex parte motions and motions agreed to in writing by all parties in interest may be presented without notice directly to the judge's courtroom deputy without compliance with Rule 9013-4.~~

B. Personal Service

Personal service ~~shall~~ includes actual delivery within the time specified by this section by a service organization providing for delivery within a specified time (e.g. overnight service) or by facsimile transmission (“fax”).

C. Exhibits

Where a motion incorporates specified exhibits as part of the motion, legible copies of the specified exhibits ~~shall~~ must be appended to and served with the motion and notice, unless excused by court order.

D. Certificate of Service

Each motion, other than one filed *ex parte* or by stipulation, ~~shall~~ must be accompanied by a certificate of service indicating the date ~~and~~ manner of service, name and address or e-mail address of each recipient, and a statement that copies of documents required to be served by Fed. ~~F~~ R. Civ. P. 5(a), made applicable by Fed. R. Bankr. P. 7005, have been served. A motion filed *ex parte* ~~shall~~ must be accompanied by an affidavit showing cause therefor and stating whether a previous application for similar

relief has been made.

E. Fax Service

- (1) Where service is by fax, the certificate ~~shall~~ must be accompanied by a copy of the transaction statement produced by the fax machine. Such transaction statement ~~shall~~ must include the date and time of service, the telephone number to which the documents were transmitted, and an acknowledgment from the receiving fax machine that the transmission was received or, in the event that the receiving fax machine did not produce the acknowledgment to the transmitting fax machine, an affidavit or, if by an attorney, a certificate setting forth the date and time of service and telephone number to which documents were transmitted.
- (2) Facsimile transmission of documents to the court is not permitted under this Rule.

32. **PROPOSED AMENDMENT TO LOCAL RULE 9013-4.**

The Bankruptcy Judges recommend amending Local Rule 9013-4 in light of electronic filing.

RULE 9013-4

**MOTIONS - DATE ~~OF FILING ORIGINALS AND~~
~~COPIES WITH THE CLERK~~ AND TIME OF FILING**

A. Motions Filed Electronically

The date and time of filing of a motion filed electronically are those shown on the Notice of Electronic Filing issued by CM/ECF as described in the Administrative Procedures (II-A-2).

B. Paper Motions

The date of filing of a paper motion ~~will be~~ is the date on which the ~~copy of the~~ motion ~~was~~ is received by the clerk ~~as provided in Rules 5005-1 and 5005-2.~~ The original and one copy of each motion, together with the notice of motion and certificate of service ~~must be received in the clerk's office by 4:30 p.m. or deposited in the clerk's drop box by 6:00 p.m. on the second business day preceding the date of presentment. The court may strike without notice motions not filed in accordance with this Rule.~~

33. **PROPOSED AMENDMENT TO LOCAL RULE 9013-6.**

The Bankruptcy Judges recommend amending Local Rule 9013-6 in light of electronic filing.

RULE 9013-6 MOTIONS - ~~MINUTE ORDER FORMS AND ORDERS TO BE PRESENTED WITH MOTIONS~~ TITLES

~~The provisions of this Rule are subject to the Administrative Procedures for Electronic Filing adopted pursuant to Rule 5005-1(c).~~

A. Requirement

Each motion ~~shall~~ must be accompanied by a ~~minute order form and proposed draft order.~~ order, in the form required by the Administrative Procedures.

~~B. Minute Order Forms~~

~~On request, the clerk shall provide blank minute order forms for use in complying with this Rule. Only minute order forms provided by the clerk or reproductions of such forms will be accepted as complying with this Rule.~~

B. Titles of Motions

Each motion must be titled as one of the events contained in CM/ECF, unless no event accurately describes the subject of the motion.

~~C. Draft Orders~~

~~Draft orders shall have descriptive titles referring to the relief granted (e.g., “Order Allowing Creditor’s Motion to Modify Stay” or “Order Setting Trial Date.” In lieu of a separate draft order, the court may accept a minute order.~~

C. Titles of Proposed Orders

Proposed orders must have descriptive titles referring to the relief granted (e.g., “Order Allowing Creditor’s Motion to Modify Stay” or “Order Setting Trial Date”).

34. **PROPOSED AMENDMENT TO LOCAL RULE 9013-7.**

The Bankruptcy Judges recommend amending Local Rule 9013-7 in light of electronic order filing.

RULE 9013-7

**MOTIONS – SERVICE OF COPIES
OF ORDERS**

~~————The provisions of this Rule are subject to the Administrative Procedures for Electronic Filings adopted pursuant to Rule 5005-1 (c). Unless excused by the court CM/ECF automatically notifies counsel registered under CM/ECF of orders entered. If a party whose rights are affected by an order is not represented by counsel or if counsel for the affected party is not registered with CM/ECF, counsel who drafted ~~an~~ the order entered (or the clerk if no counsel drafted the order) shall must serve forthwith a conformed copy of that the order on all parties of record and all other parties whose rights or interests are directly or adversely affected (“Interested Parties”). If the draft order appended to the motion is entered without modification, and has been previously served on the Interested Parties, the order need not be reserved such affected parties, unless the court orders otherwise.~~

35. **PROPOSED AMENDMENT TO LOCAL RULE 9013-9(A).**

The Bankruptcy Judges recommend amending Local Rule 9013-9(A), the list of “routine” motions, to:

- a. *Delete motions for admission of counsel pro hac vice, as such motions will no longer be required under proposed amendment number 11, above.*
- b. *Delete motions to lift the automatic stay in chapter 7 cases in which the trustee has filed a no-asset report;*
- c. *Add requests for payment of administrative expenses other than fees and expenses of attorneys and other professionals.*

RULE 9013-9

ROUTINE AND UNCONTESTED MOTIONS

A. Routine Motion or Application Defined

A party presenting any of the following, upon required notice, may designate it as a “routine motion” or “routine application”, as the case may be:

- ~~(1) application for admission of counsel pro hac vice under Rule 2090-3;~~
- (1) request for payment of administrative expenses other than fees and reimbursement of expenses pursuant to section 330 or 331 of the Bankruptcy Code;
- (2) motion to be added to the notice list under Rule 2002-2;
- (3) motion to pay bond premium;
- (4) motion to destroy books and records of a debtor;
- (5) motion to extend time for filing complaints to determine dischargeability and objections to discharge;
- (6) motion to extend by no more than ~~30~~ 28 days the unexpired time to file an appearance, pleading, or response to a discovery request, provided that the motion states the next set court date and states that no court date will be affected by the extension;
- (7) motion for leave to appear as an attorney or an additional attorney, or to substitute one attorney for another with the written consent of the client, except as to attorneys for a debtor in possession, trustee, or an official committee;
- (8) motion to dismiss or withdraw all or any part of an adversary proceeding by agreement, which motion shall set forth any consideration promised or received for the dismissal or withdrawal and shall specify whether the dismissal or withdrawal is with or without prejudice, provided, however, that this subsection shall not apply to adversary proceedings under 11 U.S.C. § 727 (see Rule 7041-1) nor to any motion by a trustee that, if granted, would effectively abandon a cause of action;
- (9) motion to avoid a lien pursuant to § 522(f) of the Bankruptcy Code;
- (10) motion for leave to conduct examinations pursuant to Fed. R. Bankr. P. 2004, subject to Rule 7026-1;

- (11) in cases under chapter 13 of the Bankruptcy Code, on notice to the standing trustee and all creditors:
 - (a) motion to increase the payments by the debtor into the plan; and
 - (b) motion to extend the duration of the plan, without reduction of periodic payments, where the proposed extension does not result in a duration of the plan beyond 60 months after the date of confirmation of the plan;
- (12) motion by the trustee or debtor in possession, with notice to all creditors, to abandon property of the estate pursuant to § 554 of the Bankruptcy Code and Fed. R. Bankr. P. 6007(a); and
- (13) motions by the debtor:
 - (a) to convert or dismiss under §§ 1208(b) or 1307(b) of the Bankruptcy Code; and
 - (b) to convert under §§ 706(a) and 1112(a) of the Bankruptcy Code.
- ~~(14) motions to lift the automatic stay in chapter 7 cases in which the movant represents that a no-asset report has been filed by the trustee in the case.~~

36. **PROPOSED AMENDMENT TO LOCAL RULE 9029-3.**

The Bankruptcy Judges recommend amending Local Rule 9029-3 by deleting the first sentence as unnecessary, given the inclusion of general orders in proposed Local Rule 1000-2(D).

RULE 9029-3

~~**GENERAL ORDERS**~~/**INTERNAL OPERATING PROCEDURES**

~~Pursuant to 28 U.S.C. § 154(a) the judges shall by majority vote adopt general orders of the court to determine the division of work among the judges.~~ The judges may ~~also~~ by majority vote adopt general orders of the court with respect to internal court and clerical administrative matters (“Internal Operating Procedures”), provided that no such general order of the court ~~shall~~ may conflict with applicable law, the Fed. R. Bankr. P., these Rules, or applicable local rules of the District Court. All such general orders and Internal Operating Procedures ~~shall~~ must be assigned numbers and be made public by the clerk.