

COMMITTEE ON RULES OF PRACTICE AND PROCEDURE
OF THE
JUDICIAL CONFERENCE OF THE UNITED STATES
WASHINGTON, D.C. 20544

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**TO: Hon. David F. Levi, Chair
Standing Committee on Rules of Practice and Procedure**

**FROM: Hon. Thomas S. Zilly, Chair
Advisory Committee on Bankruptcy Rules**

DATE: May 8, 2007

RE: Report of the Advisory Committee on Bankruptcy Rules

I. INTRODUCTION

The Advisory Committee on Bankruptcy Rules met on March 29-30, 2007, at Marco Island, Florida.

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As a result of the meeting and other subsequent action, the Advisory Committee recommends a series of action items to the Standing Committee.

* * * * *

Third, the Committee recommends for publication amendments to four rules (including Rule 9006(a), the Time Template Rule) and two new rules. Fourth, the Committee recommends for publication amendments to the deadlines set out in 39 rules in connection with the Time Computation Template Project.

* * * * *

D. Preliminary Draft of Proposed Amendments to Bankruptcy Rules 1007, 1011, 1019, 1020, 2002, 2003, 2006, 2007, 2007.2, 2008, 2015, 2015.1, 2015.2, 2015.3, 2016, 3001, 3015, 3017, 3019, 3020, 4001, 4002, 4004, 6003, 6004, 6006, 6007, 7004, 7012, 8001, 8002, 8003, 8006, 8009, 8015, 8017, 9006, 9027, and 9033.

The Advisory Committee recommends that the Standing Committee approve the following proposed amendments to the Bankruptcy Rules for publication for comment.

1. *Synopsis of Proposed Amendments.*

The Federal Rules of Appellate, Bankruptcy, Civil, and Criminal Procedure are each being amended to adopt a new method for computing time under the rules. Bankruptcy Rule 9006(a) as set out above implements that change. The rule no longer excludes intermediate Saturdays, Sundays, or holidays. Of course, if a period ends on a Saturday, Sunday, or holiday, the period is extended to the next day that is not a Saturday, Sunday, or holiday.

In addition to the amendments to Rule 9006(a) establishing the new method for computing time, each set of federal rules is being amended to make the deadlines under the rules multiples of seven days for any period less than 30 days. Each bankruptcy rule that is being amended solely to change the deadline to a multiple of seven days is set out below. The various deadlines are amended in the following manner:

- 5 day periods become 7 day periods
- 10 day periods become 14 day periods
- 15 day periods become 14 day periods
- 20 day periods become 21 day periods
- 25 day periods become 28 day periods

The changes in the rules set out in this portion of the document, other than the amendments to Rule 9006(a), are limited to changes in the deadlines as set out above.

2. *Text of Proposed Amendments to Rules 1007, 1011, 1019, 1020, 2002, 2003, 2006, 2007, 2007.2, 2008, 2015, 2015.1, 2015.2, 2015.3, 2016, 3001, 3015, 3017, 3019, 3020, 4001, 4002, 4004, 6003, 6004, 6006, 6007, 7004, 7012, 8001, 8002, 8003, 8006, 8009, 8015, 8017, 9006, 9027, and 9033.*

PROPOSED AMENDMENTS SET OUT SEPARATELY

**PROPOSED AMENDMENTS TO THE FEDERAL
RULES OF BANKRUPTCY PROCEDURE***

Rule 9006. Computing and Extending Time

1 (a) ~~COMPUTATION.~~ In computing any period of
2 time prescribed or allowed by these rules or by the Federal
3 Rules of Civil Procedure made applicable by these rules, by
4 the local rules, by order of court, or by any applicable statute,
5 the day of the act, event, or default from which the designated
6 period of time begins to run shall not be included. The last
7 day of the period so computed shall be included, unless it is
8 a Saturday, a Sunday, or a legal holiday, or, when the act to be
9 done is the filing of a paper in court, a day on which weather
10 or other conditions have made the clerk's office inaccessible,
11 in which event the period runs until the end of the next day
12 which is not one of the aforementioned days. When the period
13 of time prescribed or allowed is less than 8 days, intermediate

* New material is underlined; matter to be omitted is lined through.

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14 ~~Saturdays, Sundays, and legal holidays shall be excluded in~~
15 ~~the computation. As used in this rule and in Rule 5001(c),~~
16 ~~"legal holiday" includes New Year's Day, Birthday of Martin~~
17 ~~Luther King, Jr., Washington's Birthday, Memorial Day,~~
18 ~~Independence Day, Labor Day, Columbus Day, Veterans Day,~~
19 ~~Thanksgiving Day, Christmas Day, and any other day~~
20 ~~appointed as a holiday by the President or the Congress of the~~
21 ~~United States, or by the state in which the court is held.~~

22 (a) COMPUTING TIME. The following rules apply
23 in computing any time period specified in these rules, in the
24 Federal Rules of Civil Procedure, in any local rule or court
25 order, or in any statute that does not specify a method of
26 computing time.

27 (1) *Period Stated in Days or a Longer Unit.*

28 When the period is stated in days or a longer unit of time:

29 (A) exclude the day of the event that triggers
30 the period;

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47 (3) Inaccessibility of the Clerk's Office. Unless
48 the court orders otherwise, if the clerk's office is inaccessible:

49 (A) on the last day for filing under Rule
50 6(a)(1), then the time for filing is extended to the first
51 accessible day that is not a Saturday, Sunday, or legal holiday;
52 or

53 (B) during the last hour for filing under Rule
54 9006(a)(2), then the time for filing is extended to the same
55 time on the first accessible day that is not a Saturday, Sunday,
56 or legal holiday.

57 (4) "Last Day" Defined. Unless a different time
58 is set by a statute, local rule, or court order, the last day ends:

59 (A) for electronic filing, at midnight in the
60 court's time zone; and

61 (B) for filing by other means, when the
62 clerk's office is scheduled to close.

63 (5) “Next Day” Defined. The “next day” is
64 determined by continuing to count forward when the period
65 is measured after an event and backward when measured
66 before an event.

67 (6) “Legal Holiday” Defined. “Legal holiday”
68 means:

69 (A) the day set aside by statute for observing
70 New Year’s Day, Martin Luther King Jr.’s Birthday,
71 Washington’s Birthday, Memorial Day, Independence Day,
72 Labor Day, Columbus Day, Veterans’ Day, Thanksgiving
73 Day, or Christmas Day; and

74 (B) any other day declared a holiday by the
75 President, Congress, or the state where the district court is
76 located. (In this rule, ‘state’ includes the District of Columbia
77 and any United States commonwealth, territory, or
78 possession.)

79 * * * * *

COMMITTEE NOTE

Subdivision (a). Subdivision (a) has been amended to simplify and clarify the provisions that describe how deadlines are computed. Subdivision (a) governs the computation of any time period found in a statute that does not specify a method of computing time, a Federal Rule of Bankruptcy Procedure, a Federal Rule of Civil Procedure, a local rule, or a court order. In accordance with Bankruptcy Rule 9029(a), a local rule may not direct that a deadline be computed in a manner inconsistent with subdivision (a).

The time-computation provisions of subdivision (a) apply only when a time period must be computed. They do not apply when a fixed time to act is set. The amendments thus carry forward the approach taken in *Violette v. P.A. Days, Inc.*, 427 F.3d 1015, 1016 (6th Cir. 2005) (holding that Civil Rule 6(a) “does not apply to situations where the court has established a specific calendar day as a deadline”), and reject the contrary holding of *In re American Healthcare Management, Inc.*, 900 F.2d 827, 832 (5th Cir. 1990) (holding that Bankruptcy Rule 9006(a) governs treatment of date-certain deadline set by court order). If, for example, the date for filing is “no later than November 1, 2007,” subdivision (a) does not govern. But if a filing is required to be made “within 10 days” or “within 72 hours,” subdivision (a) describes how that deadline is computed.

Subdivision (a) does not apply when computing a time period set by a statute if the statute specifies a method of computing time. *See, e.g.*, 11 U.S.C. § 527(a)(2) (debt relief agencies must provide a written notice to an assisted person “not later than 3 business days” after providing bankruptcy assistance services).

Subdivision (a)(1). New subdivision (a)(1) addresses the computation of time periods that are stated in days. It also applies to time periods that are stated in weeks, months, or years. *See, e.g.*, Federal Rule of Civil Procedure 60(b) made applicable to under Rule 9024. Subdivision (a)(1)(B)'s directive to "count every day" is relevant only if the period is stated in days (not weeks, months or years).

Under former Rule 9006(a), a period of eight days or more was computed differently than a period of less than eight days. Intermediate Saturdays, Sundays, and legal holidays were included in computing the longer periods, but excluded in computing the shorter periods. Former Rule 9006(a) thus made computing deadlines unnecessarily complicated and led to counterintuitive results.

Under new subdivision (a)(1), all deadlines stated in days (no matter the length) are computed in the same way. The day of the event that triggers the deadline is not counted. All other days — including intermediate Saturdays, Sundays, and legal holidays — are counted, with only one exception: If the period ends on a Saturday, Sunday, or legal holiday, then the deadline falls on the next day that is not a Saturday, Sunday, or legal holiday. An illustration is provided below in the discussion of subdivision (a)(5). Subdivision (a)(3) addresses filing deadlines that expire on a day when the clerk's office is inaccessible.

Where subdivision (a) formerly referred to the "act, event, or default" that triggers the deadline, new subdivision (a) refers simply to the "event" that triggers the deadline; this change in terminology is adopted for brevity and simplicity, and is not intended to change meaning.

Periods previously expressed as less than eight days will be shortened as a practical matter by the decision to count intermediate Saturdays, Sundays, and legal holidays in computing all periods. Many of those periods have been lengthened to compensate for the change. *See, e.g.*, Rules 2008 (trustee's duty to notify court of acceptance of the appointment within five days is extended to seven days); 6004(b) (time for filing and service of objection to proposed use, sale or lease of property extended from five days prior to the hearing to seven days prior to the hearing); and 9006(d) (time for giving notice of a hearing extended from five days prior to the hearing to days).

Most of the 10-day periods were adjusted to meet the change in computation method by setting 14 days as the new period. *See, e.g.*, Rules 1007(h) (10-day period to file supplemental schedule for property debtor becomes entitled to acquire after the commencement of the case is extended to 14 days); 3020(e) (10-day stay of order confirming a chapter 11 plan extended to 14 days); 8002(a)(10-day period in which to file notice of appeal extended to 14 days). A 14-day period also has the advantage that the final day falls on the same day of the week as the event that triggered the period — the 14th day after a Monday, for example, is a Monday. This advantage of using week-long periods led to adopting seven-day periods to replace some of the periods set at less than 10 days, 21-day periods to replace 20-day periods, and 28-day periods to replace 25-day periods. Thirty-day and longer periods, however, were generally retained without change.

Subdivision (a)(2). New subdivision (a)(2) addresses the computation of time periods that are stated in hours. No such deadline currently appears in the Federal Rules of Bankruptcy Procedure. But some statutes contain deadlines stated in hours, as do some court orders issued in expedited proceedings.

Under subdivision (a)(2), a deadline stated in hours starts to run immediately on the occurrence of the event that triggers the deadline. The deadline generally ends when the time expires. If, however, the time period expires at a specific time (say, 2:17 p.m.) on a Saturday, Sunday, or legal holiday, then the deadline is extended to the same time (2:17 p.m.) on the next day that is not a Saturday, Sunday, or legal holiday. Periods stated in hours are not to be “rounded up” to the next whole hour. Subdivision (a)(3) addresses situations when the clerk’s office is inaccessible during the last hour before a filing deadline expires.

Subdivision (a)(2)(B) directs that every hour be counted. Thus, for example, a 72-hour period that commences at 10:23 a.m. on Friday, November 2, 2007, will run until 9:23 a.m. on Monday, November 5; the discrepancy in start and end times in this example results from the intervening shift from daylight saving time to standard time.

Subdivision (a)(3). When determining the last day of a filing period stated in days or a longer unit of time, a day on which the clerk’s office is not accessible because of the weather or another reason is treated like a Saturday, Sunday, or legal holiday. When determining the end of a filing period stated in hours, if the clerk’s office is inaccessible during the last hour of the filing period computed under subdivision (a)(2) then the period is extended to the same time on the next day that is not a weekend, holiday or day when the clerk’s office is inaccessible.

Subdivision (a)(3)’s extensions apply “[u]nless the court orders otherwise.” In some circumstances, the court might not wish a period of inaccessibility to trigger a full 24-hour extension; in those instances, the court can specify a briefer extension.

The text of the rule no longer refers to “weather or other conditions” as the reason for the inaccessibility of the clerk’s office. The reference to “weather” was deleted from the text to underscore that inaccessibility can occur for reasons unrelated to weather, such as an outage of the electronic filing system. Weather can still be a reason for inaccessibility of the clerk’s office. The rule does not attempt to define inaccessibility. Rather, the concept will continue to develop through caselaw, *see, e.g.*, William G. Phelps, *When Is Office of Clerk of Court Inaccessible Due to Weather or Other Conditions for Purpose of Computing Time Period for Filing Papers under Rule 6(a) of Federal Rules of Bankruptcy Procedure*, 135 A.L.R. Fed. 259 (1996) (collecting cases). In addition, many local provisions address inaccessibility for purposes of electronic filing, *see, e.g.*, D. Kan. Rule 5.4.11 (“A Filing User whose filing is made untimely as the result of a technical failure may seek appropriate relief from the court.”).

Subdivision (a)(4). New subdivision (a)(4) defines the end of the last day of a period for purposes of subdivision (a)(1). Subdivision (a)(4) does not apply in computing periods stated in hours under subdivision (a)(2), and does not apply if a different time is set by a statute, local rule, or order in the case. A local rule may, for example, address the problems that might arise if a single district has clerk’s offices in different time zones, or provide that papers filed in a drop box after the normal hours of the clerk’s office are filed as of the day that is date-stamped on the papers by a device in the drop box.

28 U.S.C. § 452 provides that “[a]ll courts of the United States shall be deemed always open for the purpose of filing proper papers, issuing and returning process, and making motions and orders.” A corresponding provision exists in Rule 5001(a). Some courts have held that these provisions permit an after-hours filing by handing the papers to an appropriate official. *See, e.g., Casaldue v.*

Diaz, 117 F.2d 915, 917 (1st Cir. 1941). Subdivision (a)(4) does not address the effect of the statute on the question of after-hours filing; instead, the rule is designed to deal with filings in the ordinary course without regard to Section 452.

Subdivision (a)(5). New subdivision (a)(5) defines the “next” day for purposes of subdivisions (a)(1)(C) and (a)(2)(C). The Federal Rules of Bankruptcy Procedure contain both forward-looking time periods and backward-looking time periods. A forward-looking time period requires something to be done within a period of time *after* an event. *See, e.g.*, Rules 1007(c) (the schedules and statements, other than the statement of intention, shall be filed by the debtor within 14 days after entry of the order for relief.”); 1019(b)(ii) (“the trustee, not later than 30 days after conversion of the case, shall file and transmit to the United States trustee a final report and account”); and 7012(a) (“If a complaint is duly served, the defendant shall serve an answer within 30 days after the issuance of the summons, except when a different time is prescribed by the court.”).

A backward-looking time period requires something to be done within a period of time *before* an event. *See, e.g.*, Rules 6004(b) (“an objection to a proposed use, sale, or lease of property shall be filed and served not less than five days before the date set for the proposed action”); 9006(d) (“A written motion, other than one which may be heard *ex parte*, and notice of any hearing shall be served not later than five days before the time specified for such hearing”. In determining what is the “next” day for purposes of subdivisions (a)(1)(C) and (a)(2)(C), one should continue counting in the same direction — that is, forward when computing a forward-looking period and backward when computing a backward-looking period. If, for example, a filing is due within 10 days *after* an event, and the tenth day falls on Saturday, September 1, 2007, then the filing is due on Tuesday, September 4, 2007 (Monday, September 3, is Labor

Day). But if a filing is due 10 days *before* an event, and the tenth day falls on Saturday, September 1, then the filing is due on Friday, August 31. If the clerk's office is inaccessible on August 31, then subdivision (a)(3) extends the filing deadline forward to the next accessible day that is not a Saturday, Sunday, or legal holiday — no earlier than Tuesday, September 4.

Subdivision (a)(6). New subdivision (a)(6) defines “legal holiday” for purposes of the Federal Rules of Bankruptcy Procedure, including the time-computation provisions of subdivision (a). Subdivision (a)(6)(B) continues to include within the definition of “legal holiday” days that are “declared a holiday by the President.” For two cases that applied this provision to find a legal holiday on days when the President ordered the government closed for purposes of celebration or commemoration, *see Hart v. Sheahan*, 396 F.3d 887, 891 (7th Cir. 2005) (President included December 26, 2003 within scope of executive order specifying pay for executive department and independent agency employees on legal holidays), and *Mashpee Wampanoag Tribal Council, Inc. v. Norton*, 336 F.3d 1094, 1098 (D.C. Cir. 2003) (executive order provided that “[a]ll executive branch departments and agencies of the Federal Government shall be closed and their employees excused from duty on Monday, December 24, 2001”). Subdivision (a)(6)(B) includes certain state holidays within the definition of legal holidays, and defines the term “state” — for purposes of subdivision (a)(6) — to include the District of Columbia, and any commonwealth, territory, and possession of the United States. Thus, for purposes of subdivision (a)(6)'s definition of “legal holiday,” “state” includes the District of Columbia, Guam, American Samoa, the U.S. Virgin Islands, the Commonwealth of Puerto Rico, and the Commonwealth of the Northern Mariana Islands.

Rule 1007. Lists, Schedules, Statements, and Other Documents; Time Limits¹

1 (a) CORPORATE OWNERSHIP STATEMENT,
2 LIST OF CREDITORS AND EQUITY SECURITY
3 HOLDERS, AND OTHER LISTS.

4 * * * * *

5 (2) *Involuntary Case.* In an involuntary case, the
6 debtor shall file within ~~15~~ 14 days after entry of the order for
7 relief, a list containing the name and address of each entity
8 included or to be included on Schedules D, E, F, G, and H as
9 prescribed by the Official Forms.

10 (3) *Equity Security Holders.* In a chapter 11
11 reorganization case, unless the court orders otherwise, the
12 debtor shall file within ~~15~~ 14 days after entry of the order for
13 relief a list of the debtor's equity security holders of each

¹ Incorporates amendments approved by the Committee on Rules of Practice and Procedure that are due to take effect on December 1, 2008, if the Judicial Conference and Supreme Court approve and if Congress takes no action otherwise.

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14 class showing the number and kind of interests registered in
15 the name of each holder, and the last known address or place
16 of business of each holder.

17 * * * * *

18 (c) TIME LIMITS. In a voluntary case, the schedules,
19 statements, and other documents required by subdivision
20 (b)(1), (4), (5), and (6) shall be filed with the petition or
21 within ~~15~~ 14 days thereafter, except as otherwise provided in
22 subdivisions (d), (e), (f), and (h) of this rule. In an
23 involuntary case, the list in subdivision (a)(2), and the
24 schedules, statements, and other documents required by
25 subdivision (b)(1) shall be filed by the debtor within ~~15~~ 14
26 days of the entry of the order for relief. In a voluntary case,
27 the documents required by paragraphs (A), (C), and (D) of
28 subdivision (b)(3) shall be filed with the petition. Unless the
29 court orders otherwise, a debtor who has filed a statement
30 under subdivision (b)(3)(B), shall file the documents required

31 by subdivision (b)(3)(A) within ~~15~~ 14 days of the order for
32 relief. In a chapter 7 case, the debtor shall file the statement
33 required by subdivision (b)(7) within 45 days after the first
34 date set for the meeting of creditors under § 341 of the Code,
35 and in a chapter 11 or 13 case no later than the date when the
36 last payment was made by the debtor as required by the plan
37 or the filing of a motion for a discharge under § 1141(d)(5)(B)
38 or § 1328(b) of the Code. The court may, at any time and in
39 its discretion, enlarge the time to file the statement required
40 by subdivision (b)(7). The debtor shall file the statement
41 required by subdivision (b)(8) no earlier than the date of the
42 last payment made under the plan or the date of the filing of
43 a motion for a discharge under §§ 1141(d)(5)(B), 1228(b), or
44 1328(b) of the Code. Lists, schedules, statements, and other
45 documents filed prior to the conversion of a case to another
46 chapter shall be deemed filed in the converted case unless the
47 court directs otherwise. Except as provided in § 1116(3), any

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48 extension of time to file schedules, statements, and other
49 documents required under this rule may be granted only on
50 motion for cause shown and on notice to the United States
51 trustee, any committee elected under § 705 or appointed under
52 § 1102 of the Code, trustee, examiner, or other party as the
53 court may direct. Notice of an extension shall be given to the
54 United States trustee and to any committee, trustee, or other
55 party as the court may direct.

56 * * * * *

57 (f) STATEMENT OF SOCIAL SECURITY
58 NUMBER. An individual debtor shall submit a verified
59 statement that sets out the debtor's social security number, or
60 states that the debtor does not have a social security number.
61 In a voluntary case, the debtor shall submit the statement with
62 the petition. In an involuntary case, the debtor shall submit
63 the statement within ~~15~~ 14 days after the entry of the order for
64 relief.

65

* * * * *

66

(h) INTERESTS ACQUIRED OR ARISING AFTER

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PETITION. If, as provided by § 541(a)(5) of the Code, the

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debtor acquires or becomes entitled to acquire any interest in

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property, the debtor shall within ~~10~~ 14 days after the

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information comes to the debtor's knowledge or within such

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further time the court may allow, file a supplemental schedule

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in the chapter 7 liquidation case, chapter 11 reorganization

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case, chapter 12 family farmer's debt adjustment case, or

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chapter 13 individual debt adjustment case. If any of the

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property required to be reported under this subdivision is

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claimed by the debtor as exempt, the debtor shall claim the

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exemptions in the supplemental schedule. The duty to file a

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supplemental schedule in accordance with this subdivision

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continues notwithstanding the closing of the case, except that

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the schedule need not be filed in a chapter 11, chapter 12, or

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chapter 13 case with respect to property acquired after entry

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82 of the order confirming a chapter 11 plan or discharging the
83 debtor in a chapter 12 or chapter 13 case.

84 * * * * *

COMMITTEE NOTE

The rule is amended to implement changes in connection with the amendment to Rule 9006(a) and the manner by which time is computed under the rules. The deadline in the rule is amended to substitute a deadline that is a multiple of seven days. Throughout the rules, deadlines are amended in the following manner:

- 5 day periods become 7 day periods
- 10 day periods become 14 day periods
- 15 day periods become 14 day periods
- 20 day periods become 21 day periods
- 25 day periods become 28 day periods

Rule 1011. Responsive Pleading or Motion in Involuntary and Cross-Border Cases²

* * * * *

² Incorporates amendments approved by the Committee on Rules of Practice and Procedure that are due to take effect on December 1, 2008, if the Judicial Conference and Supreme Court approve and if Congress takes no action otherwise.

1 (b) DEFENSES AND OBJECTIONS; WHEN
2 PRESENTED. Defenses and objections to the petition shall
3 be presented in the manner prescribed by Rule 12 F.R.Civ.P.
4 and shall be filed and served within ~~20~~ 21 days after service
5 of the summons, except that if service is made by publication
6 on a party or partner not residing or found within the state in
7 which the court sits, the court shall prescribe the time for
8 filing and serving the response.

9 * * * * *

COMMITTEE NOTE

The rule is amended to implement changes in connection with the amendment to Rule 9006(a) and the manner by which time is computed under the rules. The deadline in the rule is amended to substitute a deadline that is a multiple of seven days. Throughout the rules, deadlines are amended in the following manner:

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- 20 day periods become 21 day periods
- 25 day periods become 28 day periods

14 of the case, including the name and address of each holder of
15 a claim; and

16 (ii) not later than 30 days after
17 conversion of the case, file and transmit to the United States
18 trustee a final report and account;

19 (B) Conversion of Chapter 13 Case. Unless
20 the court directs otherwise, if a chapter 13 case is converted
21 to chapter 7,

22 (i) the debtor, not later than ~~15~~ 14 days
23 after conversion of the case, shall file a schedule of unpaid
24 debts incurred after the filing of the petition and before
25 conversion of the case, including the name and address of
26 each holder of a claim; and

27 (ii) the trustee, not later than 30 days
28 after conversion of the case, shall file and transmit to the
29 United States trustee a final report and account;

30 * * * * *

COMMITTEE NOTE

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- 25 day periods become 28 day periods

Rule 1020. Small Business Chapter 11 Reorganization Case³

- 1 (a) SMALL BUSINESS DEBTOR DESIGNATION.
- 2 In a voluntary chapter 11 case, the debtor shall state in the
- 3 petition whether the debtor is a small business debtor. In an
- 4 involuntary chapter 11 case, the debtor shall file within ~~15~~ 14
- 5 days after entry of the order for relief a statement as to

³ Incorporates amendments approved by the Committee on Rules of Practice and Procedure that are due to take effect on December 1, 2008, if the Judicial Conference and Supreme Court approve and if Congress takes no action otherwise.

6 whether the debtor is a small business debtor. Except as
7 provided in subdivision (c), the status of the case as a small
8 business case shall be in accordance with the debtor's
9 statement under this subdivision, unless and until the court
10 enters an order finding that the debtor's statement is incorrect.

11 * * * * *

COMMITTEE NOTE

The rule is amended to implement changes in connection with the amendment to Rule 9006(a) and the manner by which time is computed under the rules. The deadline in the rule is amended to substitute a deadline that is a multiple of seven days. Throughout the rules, deadlines are amended in the following manner:

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Rule 2002. Notices to Creditors, Equity Security Holders, Administrators in Foreign Proceedings, Persons Against Whom Provisional Relief is Sought in Ancillary and Other

14 consider approval of a disclosure statement or, under
15 § 1125(f), to make a final determination whether the plan
16 provides adequate information so that a separate disclosure
17 statement is not necessary; and (2) for filing objections and
18 the hearing to consider confirmation of a chapter 9, chapter
19 11, or chapter 13 plan.

20 * * * * *

21 (o) NOTICE OF ORDER FOR RELIEF IN
22 CONSUMER CASE. In a voluntary case commenced by an
23 individual debtor whose debts are primarily consumer debts,
24 the clerk, or some other person as the court may direct, shall
25 give the trustee and all creditors notice by mail of the order
26 for relief within ~~20~~ 21 days from the date thereof.

27 * * * * *

28 (q) NOTICE OF PETITION FOR RECOGNITION OF
29 FOREIGN PROCEEDING AND OF COURT'S INTENTION

26 FEDERAL RULES OF BANKRUPTCY PROCEDURE

30 TO COMMUNICATE WITH FOREIGN COURTS AND
31 FOREIGN REPRESENTATIVES.

32 (1) *Notice of Petition for Recognition.* The clerk,
33 or some other person as the court may direct, shall forthwith
34 give the debtor, all persons or bodies authorized to administer
35 foreign proceedings of the debtor, all entities against whom
36 provisional relief is being sought under § 1519 of the Code,
37 all parties to litigation pending in the United States in which
38 the debtor is a party at the time of the filing of the petition,
39 and such other entities as the court may direct, at least ~~20~~ 21
40 days' notice by mail of the hearing on the petition for
41 recognition of a foreign proceeding. The notice shall state
42 whether the petition seeks recognition as a foreign main
43 proceeding or foreign nonmain proceeding.

44

* * * * *

COMMITTEE NOTE

The rule is amended to implement changes in connection with the amendment to Rule 9006(a) and the manner by which time is computed under the rules. The deadline in the rule is amended to substitute a deadline that is a multiple of seven days. Throughout the rules, deadlines are amended in the following manner:

- 5 day periods become 7 day periods
- 10 day periods become 14 day periods
- 15 day periods become 14 day periods
- 20 day periods become 21 day periods
- 25 day periods become 28 day periods

Rule 2003. Meeting of Creditors or Equity Security Holders⁵

1 (a) DATE AND PLACE. Except as otherwise
2 provided in § 341(e) of the Code, in a chapter 7 liquidation or
3 a chapter 11 reorganization case, the United States trustee
4 shall call a meeting of creditors to be held no fewer than ~~20~~
5 21 and no more than 40 days after the order for relief. In a

⁵ Incorporates amendments approved by the Committee on Rules of Practice and Procedure that are due to take effect on December 1, 2008, if the Judicial Conference and Supreme Court approve and if Congress takes no action otherwise.

28 FEDERAL RULES OF BANKRUPTCY PROCEDURE

6 chapter 12 family farmer debt adjustment case, the United
7 States trustee shall call a meeting of creditors to be held no
8 fewer than ~~20~~ 21 and no more than 35 days after the order for
9 relief. In a chapter 13 individual's debt adjustment case, the
10 United States trustee shall call a meeting of creditors to be
11 held no fewer than ~~20~~ 21 and no more than 50 days after the
12 order for relief. If there is an appeal from or a motion to
13 vacate the order for relief, or if there is a motion to dismiss
14 the case, the United States trustee may set a later date for the
15 meeting. The meeting may be held at a regular place for
16 holding court or at any other place designated by the United
17 States trustee within the district convenient for the parties in
18 interest. If the United States trustee designates a place for the
19 meeting which is not regularly staffed by the United States
20 trustee or an assistant who may preside at the meeting, the
21 meeting may be held not more than 60 days after the order for
22 relief.

23

* * * * *

24

(d) REPORT OF ELECTION AND RESOLUTION

25

OF DISPUTES IN A CHAPTER 7 CASE.

26

* * * * *

27

(2) *Disputed Election.* If the election is disputed,

28

the United States trustee shall promptly file a report stating

29

that the election is disputed, informing the court of the nature

30

of the dispute, and listing the name and address of any

31

candidate elected under any alternative presented by the

32

dispute. No later than the date on which the report is filed,

33

the United States trustee shall mail a copy of the report to any

34

party in interest that has made a request to receive a copy of

35

the report. Pending disposition by the court of a disputed

36

election for trustee, the interim trustee shall continue in office.

37

Unless a motion for the resolution of the dispute is filed no

38

later than ~~10~~ 14 days after the United States trustee files a

30 FEDERAL RULES OF BANKRUPTCY PROCEDURE

39 report of a disputed election for trustee, the interim trustee
40 shall serve as trustee in the case.

41 * * * * *

COMMITTEE NOTE

The rule is amended to implement changes in connection with the amendment to Rule 9006(a) and the manner by which time is computed under the rules. The deadline in the rule is amended to substitute a deadline that is a multiple of seven days. Throughout the rules, deadlines are amended in the following manner:

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- 25 day periods become 28 day periods

Rule 2006. Solicitation and Voting of Proxies in Chapter 7 Liquidation Cases

1 * * * * *

2 (c) AUTHORIZED SOLICITATION.

3 (1) A proxy may be solicited only by (A) a
4 creditor owning an allowable unsecured claim against the
5 estate on the date of the filing of the petition; (B) a committee

6 elected pursuant to § 705 of the Code; (C) a committee of
7 creditors selected by a majority in number and amount of
8 claims of creditors (i) whose claims are not contingent or
9 unliquidated, (ii) who are not disqualified from voting under
10 § 702(a) of the Code, and (iii) who were present or
11 represented at a meeting of which all creditors having claims
12 of over \$500 or the 100 creditors having the largest claims
13 had at least ~~five~~ seven days' notice in writing and of which
14 meeting written minutes were kept and are available reporting
15 the names of the creditors present or represented and voting
16 and the amounts of their claims; or (D) a bona fide trade or
17 credit association, but such association may solicit only
18 creditors who were its members or subscribers in good
19 standing and had allowable unsecured claims on the date of
20 the filing of the petition.

21

* * * * *

COMMITTEE NOTE

The rule is amended to implement changes in connection with the amendment to Rule 9006(a) and the manner by which time is computed under the rules. The deadline in the rule is amended to substitute a deadline that is a multiple of seven days. Throughout the rules, deadlines are amended in the following manner:

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- 25 day periods become 28 day periods

Rule 2007. Review of Appointment of Creditors' Committee Organized Before Commencement of the Case

1

2

(b) SELECTION OF MEMBERS OF COMMITTEE.

3

The court may find that a committee organized by unsecured

4

creditors before the commencement of a chapter 9 or chapter

5

11 case was fairly chosen if:

6

(1) it was selected by a majority in number and

7

amount of claims of unsecured creditors who may vote under

8

§ 702(a) of the Code and were present in person or

9

represented at a meeting of which all creditors having

10 unsecured claims of over \$1,000 or the 100 unsecured
11 creditors having the largest claims had at least ~~five~~ seven
12 days' notice in writing, and of which meeting written minutes
13 reporting the names of the creditors present or represented
14 and voting and the amounts of their claims were kept and are
15 available for inspection;

16

* * * * *

COMMITTEE NOTE

The rule is amended to implement changes in connection with the amendment to Rule 9006(a) and the manner by which time is computed under the rules. The deadline in the rule is amended to substitute a deadline that is a multiple of seven days. Throughout the rules, deadlines are amended in the following manner:

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COMMITTEE NOTE

The rule is amended to implement changes in connection with the amendment to Rule 9006(a) and the manner by which time is computed under the rules. The deadline in the rule is amended to substitute a deadline that is a multiple of seven days. Throughout the rules, deadlines are amended in the following manner:

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- 15 day periods become 14 day periods
- 20 day periods become 21 day periods
- 25 day periods become 28 day periods

Rule 2008. Notice to Trustee of Selection

1 The United States trustee shall immediately notify the
2 person selected as trustee how to qualify and, if applicable,
3 the amount of the trustee's bond. A trustee that has filed a
4 blanket bond pursuant to Rule 2010 and has been selected as
5 trustee in a chapter 7, chapter 12, or chapter 13 case that does
6 not notify the court and the United States trustee in writing of
7 rejection of the office within ~~five~~ seven days after receipt of
8 notice of selection shall be deemed to have accepted the

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9 office. Any other person selected as trustee shall notify the
10 court and the United States trustee in writing of acceptance of
11 the office within ~~five~~ seven days after receipt of notice of
12 selection or shall be deemed to have rejected the office.

13 * * * * *

COMMITTEE NOTE

The rule is amended to implement changes in connection with the amendment to Rule 9006(a) and the manner by which time is computed under the rules. The deadline in the rule is amended to substitute a deadline that is a multiple of seven days. Throughout the rules, deadlines are amended in the following manner:

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- 25 day periods become 28 day periods

Rule 2015. Duty to Keep Records, Make Reports, and Give Notice of Case or Change of Status⁷

⁷ Incorporates amendments approved by the Committee on Rules of Practice and Procedure that are due to take effect on December 1, 2008, if the Judicial Conference and Supreme Court approve and if Congress takes no action otherwise.

1 (a) TRUSTEE OR DEBTOR IN POSSESSION. A
2 trustee or debtor in possession shall:

3 * * * * *

4 (6) in a chapter 11 small business case, unless the
5 court, for cause, sets another reporting interval, file and
6 transmit to the United States trustee for each calendar month
7 after the order for relief, on the appropriate Official Form, the
8 report required by § 308. If the order for relief is within the
9 first 15 days of a calendar month, a report shall be filed for
10 the portion of the month that follows the order for relief. If
11 the order for relief is after the 15th day of a calendar month,
12 the period for the remainder of the month shall be included in
13 the report for the next calendar month. Each report shall be
14 filed no later than ~~20~~ 21 days after the last day of the calendar
15 month following the month covered by the report. The
16 obligation to file reports under this subparagraph terminates

38 FEDERAL RULES OF BANKRUPTCY PROCEDURE

17 on the effective date of the plan, or conversion or dismissal of
18 the case.

19 * * * * *

20 (d) FOREIGN REPRESENTATIVE. In a case in
21 which the court has granted recognition of a foreign
22 proceeding under chapter 15, the foreign representative shall
23 file any notice required under § 1518 of the Code within ~~15~~
24 14 days after the date when the representative becomes aware
25 of the subsequent information.

26 * * * * *

COMMITTEE NOTE

The rule is amended to implement changes in connection with the amendment to Rule 9006(a) and the manner by which time is computed under the rules. The deadline in the rule is amended to substitute a deadline that is a multiple of seven days. Throughout the rules, deadlines are amended in the following manner:

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- 25 day periods become 28 day periods

Rule 2015.1. Patient Care Ombudsman⁸

1 (a) REPORTS. A patient care ombudsman, at least 10
2 14 days before making a report under § 333(b)(2) of the Code,
3 shall give notice that the report will be made to the court,
4 unless the court orders otherwise. The notice shall be
5 transmitted to the United States trustee, posted conspicuously
6 at the health care facility that is the subject of the report, and
7 served on: the debtor; the trustee; all patients; and any
8 committee elected under § 705 or appointed under § 1102 of
9 the Code or its authorized agent, or, if the case is a chapter 9
10 municipality case or a chapter 11 reorganization case and no
11 committee of unsecured creditors has been appointed under
12 § 1102, on the creditors included on the list filed under Rule
13 1007(d); and such other entities as the court may direct. The

⁸ Incorporates amendments approved by the Committee on Rules of Practice and Procedure that are due to take effect on December 1, 2008, if the Judicial Conference and Supreme Court approve and if Congress takes no action otherwise.

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14 notice shall state the date and time when the report will be
15 made, the manner in which the report will be made, and, if the
16 report is in writing, the name, address, telephone number,
17 email address, and website, if any, of the person from whom
18 a copy of the report may be obtained at the debtor's expense.

19 (b) AUTHORIZATION TO REVIEW
20 CONFIDENTIAL PATIENT RECORDS. A motion by a
21 patient care ombudsman under § 333(c) to review confidential
22 patient records shall be governed by Rule 9014, served on the
23 patient and any family member or other contact person whose
24 name and address have been given to the trustee or the debtor
25 for the purpose of providing information regarding the
26 patient's health care, and transmitted to the United States
27 trustee subject to applicable nonbankruptcy law relating to
28 patient privacy. Unless the court orders otherwise, a hearing
29 on the motion may not be commenced earlier than ~~15~~ 14 days
30 after service of the motion.

COMMITTEE NOTE

The rule is amended to implement changes in connection with the amendment to Rule 9006(a) and the manner by which time is computed under the rules. The deadline in the rule is amended to substitute a deadline that is a multiple of seven days. Throughout the rules, deadlines are amended in the following manner:

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- 20 day periods become 21 day periods
- 25 day periods become 28 day periods

Rule 2015.2. Transfer of Patient in Health Care Business Case⁹

1 Unless the court orders otherwise, if the debtor is a
2 health care business, the trustee may not transfer a patient to
3 another health care business under § 704(a)(12) of the Code
4 unless the trustee gives at least ~~10~~ 14 days' notice of the
5 transfer to the patient care ombudsman, if any, the patient,

⁹ Incorporates amendments approved by the Committee on Rules of Practice and Procedure that are due to take effect on December 1, 2008, if the Judicial Conference and Supreme Court approve and if Congress takes no action otherwise.

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6 and any family member or other contact person whose name
7 and address have been given to the trustee or the debtor for
8 the purpose of providing information regarding the patient's
9 health care. The notice is subject to applicable nonbankruptcy
10 law relating to patient privacy.

COMMITTEE NOTE

The rule is amended to implement changes in connection with the amendment to Rule 9006(a) and the manner by which time is computed under the rules. The deadline in the rule is amended to substitute a deadline that is a multiple of seven days. Throughout the rules, deadlines are amended in the following manner:

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- 25 day periods become 28 day periods

Rule 2015.3. Reports of Financial Information on Entities in Which a Chapter 11 Estate Holds a Controlling or Substantial Interest¹⁰

¹⁰ Incorporates amendments approved by the Committee on Rules of Practice and Procedure that are due to take effect on December 1, 2008, if the Judicial Conference and Supreme Court approve and if Congress takes no action otherwise.

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(b) TIME FOR FILING; SERVICE. The first report required by this rule shall be filed no later than five seven days before the first date set for the meeting of creditors under § 341 of the Code. Subsequent reports shall be filed no less frequently than every six months thereafter, until the effective date of a plan or the case is dismissed or converted. Copies of the report shall be served on the United States trustee, any committee appointed under § 1102 of the Code, and any other party in interest that has filed a request therefor.

* * * * *

COMMITTEE NOTE

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- 20 day periods become 21 day periods
- 25 day periods become 28 day periods

Rule 2016. Compensation for Services Rendered and Reimbursement of Expenses

1 * * * * *

2 (b) DISCLOSURE OF COMPENSATION PAID OR
3 PROMISED TO ATTORNEY FOR DEBTOR. Every
4 attorney for a debtor, whether or not the attorney applies for
5 compensation, shall file and transmit to the United States
6 trustee within ~~15~~ 14 days after the order for relief, or at
7 another time as the court may direct, the statement required by
8 § 329 of the Code including whether the attorney has shared
9 or agreed to share the compensation with any other entity.
10 The statement shall include the particulars of any such sharing
11 or agreement to share by the attorney, but the details of any
12 agreement for the sharing of the compensation with a member
13 or regular associate of the attorney's law firm shall not be
14 required. A supplemental statement shall be filed and

15 transmitted to the United States trustee within ~~15~~ 14 days
16 after any payment or agreement not previously disclosed.

17 (c) DISCLOSURE OF COMPENSATION PAID OR
18 PROMISED TO BANKRUPTCY PETITION PREPARER.

19 Every bankruptcy petition preparer for a debtor shall file a
20 declaration under penalty of perjury and transmit the
21 declaration to the United States trustee within ~~10~~ 14 days after
22 the date of the filing of the petition, or at another time as the
23 court may direct, as required by § 110(h)(1). The declaration
24 must disclose any fee, and the source of any fee, received
25 from or on behalf of the debtor within 12 months of the filing
26 of the case and all unpaid fees charged to the debtor. The
27 declaration must describe the services performed and
28 documents prepared or caused to be prepared by the
29 bankruptcy petition preparer. A supplemental statement shall
30 be filed within ~~10~~ 14 days after any payment or agreement not
31 previously disclosed.

COMMITTEE NOTE

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- 15 day periods become 14 day periods
- 20 day periods become 21 day periods
- 25 day periods become 28 day periods

Rule 3001. Proof of Claim

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2

(e) TRANSFERRED CLAIM.

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* * * * *

4

(2) Transfer of Claim Other than for Security after

5

Proof Filed. If a claim other than one based on a publicly

6

traded note, bond, or debenture has been transferred other

7

than for security after the proof of claim has been filed,

8

evidence of the transfer shall be filed by the transferee. The

9

clerk shall immediately notify the alleged transferor by mail

10 of the filing of the evidence of transfer and that objection
11 thereto, if any, must be filed within ~~20~~ 21 days of the mailing
12 of the notice or within any additional time allowed by the
13 court. If the alleged transferor files a timely objection and the
14 court finds, after notice and a hearing, that the claim has been
15 transferred other than for security, it shall enter an order
16 substituting the transferee for the transferor. If a timely
17 objection is not filed by the alleged transferor, the transferee
18 shall be substituted for the transferor.

19 * * * * *

20 (4) *Transfer of Claim for Security after Proof*
21 *Filed.* If a claim other than one based on a publicly traded
22 note, bond, or debenture has been transferred for security after
23 the proof of claim has been filed, evidence of the terms of the
24 transfer shall be filed by the transferee. The clerk shall
25 immediately notify the alleged transferor by mail of the filing
26 of the evidence of transfer and that objection thereto, if any,

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27 must be filed within ~~20~~ 21 days of the mailing of the notice or
28 within any additional time allowed by the court. If a timely
29 objection is filed by the alleged transferor, the court, after
30 notice and a hearing, shall determine whether the claim has
31 been transferred for security. If the transferor or transferee
32 does not file an agreement regarding its relative rights
33 respecting voting of the claim, payment of dividends thereon,
34 or participation in the administration of the estate, on motion
35 by a party in interest and after notice and a hearing, the court
36 shall enter such orders respecting these matters as may be
37 appropriate.

38 * * * * *

COMMITTEE NOTE

The rule is amended to implement changes in connection with the amendment to Rule 9006(a) and the manner by which time is computed under the rules. The deadline in the rule is amended to substitute a deadline that is a multiple of seven days. Throughout the rules, deadlines are amended in the following manner:

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- 25 day periods become 28 day periods

Rule 3015. Filing, Objection to Confirmation, and Modification of a Plan in a Chapter 12 Family Farmer's Debt Adjustment or a Chapter 13 Individual's Debt Adjustment Case

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(b) CHAPTER 13 PLAN. The debtor may file a chapter 13 plan with the petition. If a plan is not filed with the petition, it shall be filed within ~~15~~ 14 days thereafter, and such time may not be further extended except for cause shown and on notice as the court may direct. If a case is converted to chapter 13, a plan shall be filed within ~~15~~ 14 days thereafter, and such time may not be further extended except for cause shown and on notice as the court may direct.

(g) MODIFICATION OF PLAN AFTER CONFIRMATION. A request to modify a plan pursuant to

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13 § 1229 or § 1329 of the Code shall identify the proponent and
14 shall be filed together with the proposed modification. The
15 clerk, or some other person as the court may direct, shall give
16 the debtor, the trustee, and all creditors not less than ~~20~~ 21
17 days' notice by mail of the time fixed for filing objections
18 and, if an objection is filed, the hearing to consider the
19 proposed modification, unless the court orders otherwise with
20 respect to creditors who are not affected by the proposed
21 modification. A copy of the notice shall be transmitted to the
22 United States trustee. A copy of the proposed modification,
23 or a summary thereof, shall be included with the notice. If
24 required by the court, the proponent shall furnish a sufficient
25 number of copies of the proposed modification, or a summary
26 thereof, to enable the clerk to include a copy with each notice.
27 Any objection to the proposed modification shall be filed and
28 served on the debtor, the trustee, and any other entity
29 designated by the court, and shall be transmitted to the United

30 States trustee. An objection to a proposed modification is
31 governed by Rule 9014.

COMMITTEE NOTE

The rule is amended to implement changes in connection with the amendment to Rule 9006(a) and the manner by which time is computed under the rules. The deadline in the rule is amended to substitute a deadline that is a multiple of seven days. Throughout the rules, deadlines are amended in the following manner:

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Rule 3017. Court Consideration of Disclosure Statement in a Chapter 9 Municipality or Chapter 11 Reorganization Case

1 (a) HEARING ON DISCLOSURE STATEMENT AND
2 OBJECTIONS. Except as provided in Rule 3017.1, after a
3 disclosure statement is filed in accordance with Rule 3016(b),
4 the court shall hold a hearing on at least ~~25~~ 28 days' notice to
5 the debtor, creditors, equity security holders and other parties

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6 in interest as provided in Rule 2002 to consider the disclosure
7 statement and any objections or modifications thereto. The
8 plan and the disclosure statement shall be mailed with the
9 notice of the hearing only to the debtor, any trustee or
10 committee appointed under the Code, the Securities and
11 Exchange Commission, and any party in interest who requests
12 in writing a copy of the statement or plan. Objections to the
13 disclosure statement shall be filed and served on the debtor,
14 the trustee, any committee appointed under the Code, and any
15 other entity designated by the court, at any time before the
16 disclosure statement is approved or by an earlier date as the
17 court may fix. In a chapter 11 reorganization case, every
18 notice, plan, disclosure statement, and objection required to
19 be served or mailed pursuant to this subdivision shall be
20 transmitted to the United States trustee within the time
21 provided in this subdivision.

22 * * * * *

23 (f) NOTICE AND TRANSMISSION OF
24 DOCUMENTS TO ENTITIES SUBJECT TO AN
25 INJUNCTION UNDER A PLAN. If a plan provides for an
26 injunction against conduct not otherwise enjoined under the
27 Code and an entity that would be subject to the injunction is
28 not a creditor or equity security holder, at the hearing held
29 under Rule 3017(a), the court shall consider procedures for
30 providing the entity with:

31 (1) at least ~~25~~ 28 days' notice of the time fixed for
32 filing objections and the hearing on confirmation of the plan
33 containing the information described in Rule 2002(c)(3); and

34 (2) to the extent feasible, a copy of the plan and
35 disclosure statement.

COMMITTEE NOTE

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- 25 day periods become 28 day periods

Rule 3019. Modification of Accepted Plan in a Chapter 9 Municipality or Chapter 11 Reorganization Case¹¹

* * * * *

1 (b) MODIFICATION OF PLAN AFTER
2 CONFIRMATION IN INDIVIDUAL DEBTOR CASE. If the
3 debtor is an individual, a request to modify the plan under
4 § 1127(e) of the Code is governed by Rule 9014. The request
5 shall identify the proponent and shall be filed together with
6 the proposed modification. The clerk, or some other person
7 as the court may direct, shall give the debtor, the trustee, and
8 all creditors not less than ~~20~~ 21 days' notice by mail of the
9 time fixed to file objections and, if an objection is filed, the

¹¹ Incorporates amendments approved by the Committee on Rules of Practice and Procedure that are due to take effect on December 1, 2008, if the Judicial Conference and Supreme Court approve and if Congress takes no action otherwise.

10 hearing to consider the proposed modification, unless the
11 court orders otherwise with respect to creditors who are not
12 affected by the proposed modification. A copy of the notice
13 shall be transmitted to the United States trustee, together with
14 a copy of the proposed modification. Any objection to the
15 proposed modification shall be filed and served on the debtor,
16 the proponent of the modification, the trustee, and any other
17 entity designated by the court, and shall be transmitted to the
18 United States trustee.

COMMITTEE NOTE

The rule is amended to implement changes in connection with the amendment to Rule 9006(a) and the manner by which time is computed under the rules. The deadline in the rule is amended to substitute a deadline that is a multiple of seven days. Throughout the rules, deadlines are amended in the following manner:

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Rule 3020. Deposit; Confirmation of Plan in a Chapter 9 Municipality or Chapter 11 Reorganization Case

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* * * * *

2

(e) STAY OF CONFIRMATION ORDER. An order

3

confirming a plan is stayed until the expiration of ~~10~~ 14 days

4

after the entry of the order, unless the court orders otherwise.

COMMITTEE NOTE

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Rule 4001. Relief from Automatic Stay; Prohibiting or Conditioning the Use, Sale, or Lease of Property; Use of Cash Collateral; Obtaining Credit; Agreements

1 (a) RELIEF FROM STAY; PROHIBITING OR
2 CONDITIONING THE USE, SALE, OR LEASE OF
3 PROPERTY.

4 * * * * *

5 (3) *Stay of Order.* An order granting a motion for
6 relief from an automatic stay made in accordance with Rule
7 4001(a)(1) is stayed until the expiration of ~~10~~ 14 days after
8 the entry of the order, unless the court orders otherwise.

9 (b) USE OF CASH COLLATERAL.

10 * * * * *

11 (2) *Hearing.* The court may commence a final
12 hearing on a motion for authorization to use cash collateral no
13 earlier than ~~15~~ 14 days after service of the motion. If the
14 motion so requests, the court may conduct a preliminary
15 hearing before such ~~15~~ 14 day period expires, but the court
16 may authorize the use of only that amount of cash collateral

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17 as is necessary to avoid immediate and irreparable harm to the
18 estate pending a final hearing.

19 * * * * *

20 (c) OBTAINING CREDIT.

21 * * * * *

22 (2) *Hearing.* The court may commence a final
23 hearing on a motion for authority to obtain credit no earlier
24 than ~~15~~ 14 days after service of the motion. If the motion so
25 requests, the court may conduct a hearing before such ~~15~~ 14
26 day period expires, but the court may authorize the obtaining
27 of credit only to the extent necessary to avoid immediate and
28 irreparable harm to the estate pending a final hearing.

29 * * * * *

COMMITTEE NOTE

The rule is amended to implement changes in connection with the amendment to Rule 9006(a) and the manner by which time is computed under the rules. The deadline in the rule is amended to substitute a deadline that is a multiple of seven days. Throughout the rules, deadlines are amended in the following manner:

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11 to the requesting creditor a copy of the return, including any
12 attachments, or a transcript of the tax return, or provide a
13 written statement that the documentation does not exist.

14 * * * * *

COMMITTEE NOTE

The rule is amended to implement changes in connection with the amendment to Rule 9006(a) and the manner by which time is computed under the rules. The deadline in the rule is amended to substitute a deadline that is a multiple of seven days. Throughout the rules, deadlines are amended in the following manner:

- 5 day periods become 7 day periods
- 10 day periods become 14 day periods
- 15 day periods become 14 day periods
- 20 day periods become 21 day periods
- 25 day periods become 28 day periods

Rule 4004. Grant or Denial of Discharge

1 (a) TIME FOR FILING COMPLAINT OBJECTING
2 TO DISCHARGE; NOTICE OF TIME FIXED. In a chapter
3 7 liquidation case a complaint objecting to the debtor's
4 discharge under § 727(a) of the Code shall be filed no later
5 than 60 days after the first date set for the meeting of creditors

6 under § 341(a). In a chapter 11 reorganization case, the
7 complaint shall be filed no later than the first date set for the
8 hearing on confirmation. At least ~~25~~ 28 days' notice of the
9 time so fixed shall be given to the United States trustee and
10 all creditors as provided in Rule 2002(f) and (k), and to the
11 trustee and the trustee's attorney.

12 * * * * *

COMMITTEE NOTE

The rule is amended to implement changes in connection with the amendment to Rule 9006(a) and the manner by which time is computed under the rules. The deadline in the rule is amended to substitute a deadline that is a multiple of seven days. Throughout the rules, deadlines are amended in the following manner:

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- 10 day periods become 14 day periods
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- 25 day periods become 28 day periods

Rule 6003. Interim and Final Relief Immediately Following the Commencement of the Case—Applications for Employment; Motions for Use, Sale, or Lease of

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**Property; and Motions for Assumption or Assignment of
Executory Contracts¹³**

1 Except to the extent that relief is necessary to avoid
2 immediate and irreparable harm, the court shall not, within 20
3 21 days after the filing of the petition, grant relief regarding
4 the following:

5 (a) an application under Rule 2014;

6 (b) a motion to use, sell, lease, or otherwise incur an
7 obligation regarding property of the estate, including a motion
8 to pay all or part of a claim that arose before the filing of the
9 petition, but not a motion under Rule 4001; and

10 (c) a motion to assume or assign an executory contract
11 or unexpired lease in accordance with § 365.

COMMITTEE NOTE

The rule is amended to implement changes in connection
with the amendment to Rule 9006(a) and the manner by which time

¹³ Incorporates amendments that are due to take effect on December 1,
2007, unless Congress Acts otherwise.

is computed under the rules. The deadline in the rule is amended to substitute a deadline that is a multiple of seven days. Throughout the rules, deadlines are amended in the following manner:

- 5 day periods become 7 day periods
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- 25 day periods become 28 day periods

Rule 6004. Use, Sale, or Lease of Property¹⁴

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(b) OBJECTION TO PROPOSAL. Except as provided in subdivisions (c) and (d) of this rule, an objection to a proposed use, sale, or lease of property shall be filed and served not less than ~~five~~ seven days before the date set for the proposed action or within the time fixed by the court. An objection to the proposed use, sale, or lease of property is governed by Rule 9014.

¹⁴ Incorporates amendments approved by the Committee on Rules of Practice and Procedure that are due to take effect on December 1, 2008, if the Judicial Conference and Supreme Court approve and if Congress takes no action otherwise.

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* * * * *

10 (d) SALE OF PROPERTY UNDER \$2,500.

11 Notwithstanding subdivision (a) of this rule, when all of the
12 nonexempt property of the estate has an aggregate gross value
13 less than \$2,500, it shall be sufficient to give a general notice
14 of intent to sell such property other than in the ordinary course
15 of business to all creditors, indenture trustees, committees
16 appointed or elected pursuant to the Code, the United States
17 trustee and other persons as the court may direct. An
18 objection to any such sale may be filed and served by a party
19 in interest within ~~15~~ 14 days of the mailing of the notice, or
20 within the time fixed by the court. An objection is governed
21 by Rule 9014.

22

* * * * *

23 (g) SALE OF PERSONALLY IDENTIFIABLE
24 INFORMATION.

25

* * * * *

26 (2) *Appointment.* If a consumer privacy
27 ombudsman is appointed under § 332, no later than 5 seven
28 days before the hearing on the motion under § 363(b)(1)(B),
29 the United States trustee shall file a notice of the appointment,
30 including the name and address of the person appointed. The
31 United States trustee's notice shall be accompanied by a
32 verified statement of the person appointed setting forth the
33 person's connections with the debtor, creditors, any other
34 party in interest, their respective attorneys and accountants,
35 the United States trustee, or any person employed in the office
36 of the United States trustee.

37 (h) STAY OF ORDER AUTHORIZING USE, SALE,
38 OR LEASE OF PROPERTY. An order authorizing the use,
39 sale, or lease of property other than cash collateral is stayed
40 until the expiration of ~~10~~ 14 days after entry of the order,
41 unless the court orders otherwise.

COMMITTEE NOTE

The rule is amended to implement changes in connection with the amendment to Rule 9006(a) and the manner by which time is computed under the rules. The deadline in the rule is amended to substitute a deadline that is a multiple of seven days. Throughout the rules, deadlines are amended in the following manner:

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- 25 day periods become 28 day periods

Rule 6006. Assumption, Rejection or Assignment of Executory Contract or Unexpired Lease

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(d) STAY OF ORDER AUTHORIZING

3

ASSIGNMENT. An order authorizing the trustee to assign an

4

executory contract or unexpired lease under § 365(f) is stayed

5

until the expiration of ~~10~~ 14 days after the entry of the order,

6

unless the court orders otherwise.

COMMITTEE NOTE

The rule is amended to implement changes in connection with the amendment to Rule 9006(a) and the manner by which time

is computed under the rules. The deadline in the rule is amended to substitute a deadline that is a multiple of seven days. Throughout the rules, deadlines are amended in the following manner:

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Rule 6007. Abandonment or Disposition of Property

1 (a) NOTICE OF PROPOSED ABANDONMENT OR
2 DISPOSITION; OBJECTIONS; HEARING. Unless
3 otherwise directed by the court, the trustee or debtor in
4 possession shall give notice of a proposed abandonment or
5 disposition of property to the United States trustee, all
6 creditors, indenture trustees, and committees elected pursuant
7 to § 705 or appointed pursuant to § 1102 of the Code. A party
8 in interest may file and serve an objection within ~~15~~ 14 days
9 of the mailing of the notice, or within the time fixed by the
10 court. If a timely objection is made, the court shall set a

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11 hearing on notice to the United States trustee and to other
12 entities as the court may direct.

13 * * * * *

COMMITTEE NOTE

The rule is amended to implement changes in connection with the amendment to Rule 9006(a) and the manner by which time is computed under the rules. The deadline in the rule is amended to substitute a deadline that is a multiple of seven days. Throughout the rules, deadlines are amended in the following manner:

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Rule 7004. Process; Service of Summons, Complaint

1 * * * * *

2 (e) SUMMONS: TIME LIMIT FOR SERVICE
3 WITHIN THE UNITED STATES. Service made under Rule
4 4(e), (g), (h)(1), (i), or (j)(2) F.R.Civ.P. shall be by delivery of
5 the summons and complaint within ~~10~~ 14 days after the
6 summons is issued. If service is by any authorized form of

7 mail, the summons and complaint shall be deposited in the
8 mail within ~~10~~ 14 days after the summons is issued. If a
9 summons is not timely delivered or mailed, another summons
10 shall be issued and served. This subdivision does not apply
11 to service in a foreign country.

12 * * * * *

COMMITTEE NOTE

The rule is amended to implement changes in connection with the amendment to Rule 9006(a) and the manner by which time is computed under the rules. The deadline in the rule is amended to substitute a deadline that is a multiple of seven days. Throughout the rules, deadlines are amended in the following manner:

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Rule 7012. Defenses and Objections—When and How Presented—By Pleading or Motion—Motion for Judgment on the Pleadings

1 (a) WHEN PRESENTED. If a complaint is duly
2 served, the defendant shall serve an answer within 30 days

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3 after the issuance of the summons, except when a different
4 time is prescribed by the court. The court shall prescribe the
5 time for service of the answer when service of a complaint is
6 made by publication or upon a party in a foreign country. A
7 party served with a pleading stating a cross-claim shall serve
8 an answer thereto within ~~20~~ 21 days after service. The
9 plaintiff shall serve a reply to a counterclaim in the answer
10 within ~~20~~ 21 days after service of the answer or, if a reply is
11 ordered by the court, within ~~20~~ 21 days after service of the
12 order, unless the order otherwise directs. The United States
13 or an officer or agency thereof shall serve an answer to a
14 complaint within 35 days after the issuance of the summons,
15 and shall serve an answer to a cross-claim, or a reply to a
16 counterclaim, within 35 days after service upon the United
17 States attorney of the pleading in which the claim is asserted.
18 The service of a motion permitted under this rule alters these
19 periods of time as follows, unless a different time is fixed by

20 order of the court: (1) if the court denies the motion or
21 postpones its disposition until the trial on the merits, the
22 responsive pleading shall be served within ~~10~~ 14 days after
23 notice of the court's action; (2) if the court grants a motion for
24 a more definite statement, the responsive pleading shall be
25 served within ~~10~~ 14 days after the service of a more definite
26 statement.

27 * * * * *

COMMITTEE NOTE

The rule is amended to implement changes in connection with the amendment to Rule 9006(a) and the manner by which time is computed under the rules. The deadline in the rule is amended to substitute a deadline that is a multiple of seven days. Throughout the rules, deadlines are amended in the following manner:

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Rule 8001. Manner of Taking Appeal; Voluntary Dismissal; Certification to Court of Appeals¹⁵

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2

(f) CERTIFICATION FOR DIRECT APPEAL TO

3

COURT OF APPEALS.

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(3) *Request for Certification; Filing; Service;*

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Contents.

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* * * * *

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(D) A party may file a response to a request

9

for certification or a cross request within ~~10~~ 14 days after the

10

notice of the request is served, or another time fixed by the

11

court.

12

* * * * *

13

(4) *Certification on Court's Own Initiative.*

¹⁵ Incorporates amendments approved by the Committee on Rules of Practice and Procedure that are due to take effect on December 1, 2008, if the Judicial Conference and Supreme Court approve and if Congress takes no action otherwise.

14

* * * * *

15

(B) A party may file a supplementary short

16

statement of the basis for certification within ~~10~~ 14 days after

17

the certification.

18

* * * * *

COMMITTEE NOTE

The rule is amended to implement changes in connection with the amendment to Rule 9006(a) and the manner by which time is computed under the rules. The deadline in the rule is amended to substitute a deadline that is a multiple of seven days. Throughout the rules, deadlines are amended in the following manner:

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Rule 8002. Time for Filing Notice of Appeal

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(a) ~~TEN-~~ FOURTEEN-DAY PERIOD. The notice of

2

appeal shall be filed with the clerk within ~~10~~ 14 days of the

3

date of the entry of the judgment, order, or decree appealed

4

from. If a timely notice of appeal is filed by a party, any other

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5 party may file a notice of appeal within ~~10~~ 14 days of the date
6 on which the first notice of appeal was filed, or within the
7 time otherwise prescribed by this rule, whichever period last
8 expires. A notice of appeal filed after the announcement of a
9 decision or order but before entry of the judgment, order, or
10 decree shall be treated as filed after such entry and on the day
11 thereof. If a notice of appeal is mistakenly filed with the
12 district court or the bankruptcy appellate panel, the clerk of
13 the district court or the clerk of the bankruptcy appellate panel
14 shall note thereon the date on which it was received and
15 transmit it to the clerk and it shall be deemed filed with the
16 clerk on the date so noted.

17 (b) EFFECT OF MOTION ON TIME FOR APPEAL.

18 If any party makes a timely motion of a type specified
19 immediately below, the time for appeal for all parties runs
20 from the entry of the order disposing of the last such motion
21 outstanding. This provision applies to a timely motion:

22

* * * * *

23

(4) for relief under Rule 9024 if the motion is filed

24

no later than ~~10~~ 14 days after the entry of judgment. A notice

25

of appeal filed after announcement or entry of the judgment,

26

order, or decree but before disposition of any of the above

27

motions is ineffective to appeal from the judgment, order, or

28

decree, or part thereof, specified in the notice of appeal, until

29

the entry of the order disposing of the last such motion

30

outstanding. Appellate review of an order disposing of any of

31

the above motions requires the party, in compliance with Rule

32

8001, to amend a previously filed notice of appeal. A party

33

intending to challenge an alteration or amendment of the

34

judgment, order, or decree shall file a notice, or an amended

35

notice, of appeal within the time prescribed by this Rule 8002

36

measured from the entry of the order disposing of the last

37

such motion outstanding. No additional fees will be required

38

for filing an amended notice.

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39 (c) EXTENSION OF TIME FOR APPEAL.

40 * * * * *

41 (2) A request to extend the time for filing a notice
42 of appeal must be made by written motion filed before the
43 time for filing a notice of appeal has expired, except that such
44 a motion filed not later than ~~20~~ 21 days after the expiration of
45 the time for filing a notice of appeal may be granted upon a
46 showing of excusable neglect. An extension of time for filing
47 a notice of appeal may not exceed ~~20~~ 21 days from the
48 expiration of the time for filing a notice of appeal otherwise
49 prescribed by this rule or ~~10~~ 14 days from the date of entry of
50 the order granting the motion, whichever is later.

COMMITTEE NOTE

The rule is amended to implement changes in connection with the amendment to Rule 9006(a) and the manner by which time is computed under the rules. The deadline in the rule is amended to substitute a deadline that is a multiple of seven days. Throughout the rules, deadlines are amended in the following manner:

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Rule 8003. Leave to Appeal

1 (a) CONTENT OF MOTION; ANSWER. A motion for
2 leave to appeal under 28 U.S.C. § 158(a) shall contain: (1) a
3 statement of the facts necessary to an understanding of the
4 questions to be presented by the appeal; (2) a statement of
5 those questions and of the relief sought; (3) a statement of the
6 reasons why an appeal should be granted; and (4) a copy of
7 the judgment, order, or decree complained of and of any
8 opinion or memorandum relating thereto. Within ~~10~~ 14 days
9 after service of the motion an adverse party may file with the
10 clerk an answer in opposition.

11 * * * * *

12 (c) APPEAL IMPROPERLY TAKEN REGARDED AS
13 A MOTION FOR LEAVE TO APPEAL. If a required
14 motion for leave to appeal is not filed, but a notice of appeal

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15 is timely filed, the district court or bankruptcy appellate panel
16 may grant leave to appeal or direct that a motion for leave to
17 appeal be filed. The district court or the bankruptcy appellate
18 panel may also deny leave to appeal but in so doing shall
19 consider the notice of appeal as a motion for leave to appeal.
20 Unless an order directing that a motion for leave to appeal be
21 filed provides otherwise, the motion shall be filed within ~~10~~
22 14 days of entry of the order.

23 * * * * *

COMMITTEE NOTE

The rule is amended to implement changes in connection with the amendment to Rule 9006(a) and the manner by which time is computed under the rules. The deadline in the rule is amended to substitute a deadline that is a multiple of seven days. Throughout the rules, deadlines are amended in the following manner:

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Rule 8006. Record and Issues on Appeal

1 Within ~~10~~ 14 days after filing the notice of appeal as
2 provided by Rule 8001(a), entry of an order granting leave to
3 appeal, or entry of an order disposing of the last timely
4 motion outstanding of a type specified in Rule 8002(b),
5 whichever is later, the appellant shall file with the clerk and
6 serve on the appellee a designation of the items to be included
7 in the record on appeal and a statement of the issues to be
8 presented. Within ~~10~~ 14 days after the service of the
9 appellant's statement the appellee may file and serve on the
10 appellant a designation of additional items to be included in
11 the record on appeal and, if the appellee has filed a cross
12 appeal, the appellee as cross appellant shall file and serve a
13 statement of the issues to be presented on the cross appeal and
14 a designation of additional items to be included in the record.
15 A cross appellee may, within ~~10~~ 14 days of service of the
16 cross appellant's statement, file and serve on the cross
17 appellant a designation of additional items to be included in

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18 the record. The record on appeal shall include the items so
19 designated by the parties, the notice of appeal, the judgment,
20 order, or decree appealed from, and any opinion, findings of
21 fact, and conclusions of law of the court. Any party filing a
22 designation of the items to be included in the record shall
23 provide to the clerk a copy of the items designated or, if the
24 party fails to provide the copy, the clerk shall prepare the copy
25 at the party's expense. If the record designated by any party
26 includes a transcript of any proceeding or a part thereof, the
27 party shall, immediately after filing the designation, deliver to
28 the reporter and file with the clerk a written request for the
29 transcript and make satisfactory arrangements for payment of
30 its cost. All parties shall take any other action necessary to
31 enable the clerk to assemble and transmit the record.

COMMITTEE NOTE

The rule is amended to implement changes in connection with the amendment to Rule 9006(a) and the manner by which time is computed under the rules. The deadline in the rule is amended to

substitute a deadline that is a multiple of seven days. Throughout the rules, deadlines are amended in the following manner:

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- 25 day periods become 28 day periods

Rule 8009. Briefs and Appendix; Filing and Service

1 (a) BRIEFS. Unless the district court or the bankruptcy
2 appellate panel by local rule or by order excuses the filing of
3 briefs or specifies different time limits:

4 (1) The appellant shall serve and file a brief within
5 ~~15~~ 14 days after entry of the appeal on the docket pursuant to
6 Rule 8007.

7 (2) The appellee shall serve and file a brief within
8 ~~15~~ 14 days after service of the brief of appellant. If the
9 appellee has filed a cross appeal, the brief of the appellee shall
10 contain the issues and argument pertinent to the cross appeal,

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11 denominated as such, and the response to the brief of the appellant.

12 (3) The appellant may serve and file a reply brief
13 within ~~10~~ 14 days after service of the brief of the appellee,
14 and if the appellee has cross-appealed, the appellee may file
15 and serve a reply brief to the response of the appellant to the
16 issues presented in the cross appeal within ~~10~~ 14 days after
17 service of the reply brief of the appellant. No further briefs
18 may be filed except with leave of the district court or the
19 bankruptcy appellate panel.

20

* * * * *

COMMITTEE NOTE

The rule is amended to implement changes in connection with the amendment to Rule 9006(a) and the manner by which time is computed under the rules. The deadline in the rule is amended to substitute a deadline that is a multiple of seven days. Throughout the rules, deadlines are amended in the following manner:

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Rule 8015. Motion for Rehearing

1 Unless the district court or the bankruptcy appellate
2 panel by local rule or by court order otherwise provides, a
3 motion for rehearing may be filed within ~~10~~ 14 days after
4 entry of the judgment of the district court or the bankruptcy
5 appellate panel. If a timely motion for rehearing is filed, the
6 time for appeal to the court of appeals for all parties shall run
7 from the entry of the order denying rehearing or the entry of
8 a subsequent judgment.

COMMITTEE NOTE

The rule is amended to implement changes in connection with the amendment to Rule 9006(a) and the manner by which time is computed under the rules. The deadline in the rule is amended to substitute a deadline that is a multiple of seven days. Throughout the rules, deadlines are amended in the following manner:

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2 (d) FOR MOTIONS—AFFIDAVITS. A written
3 motion, other than one which may be heard ex parte, and
4 notice of any hearing shall be served not later than ~~five~~ seven
5 days before the time specified for such hearing, unless a
6 different period is fixed by these rules or by order of the court.
7 Such an order may for cause shown be made on ex parte
8 application. When a motion is supported by affidavit, the
9 affidavit shall be served with the motion; and, except as
10 otherwise provided in Rule 9023, opposing affidavits may be
11 served not later than one day before the hearing, unless the
12 court permits them to be served at some other time.

13 * * * * *

COMMITTEE NOTE

The rule is amended to implement changes in connection with the amendment to Rule 9006(a) and the manner by which time is computed under the rules. The deadline in the rule is amended to substitute a deadline that is a multiple of seven days. Throughout the rules, deadlines are amended in the following manner:

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Rule 9027. Removal

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(e) PROCEDURE AFTER REMOVAL.

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(3) Any party who has filed a pleading in connection with the removed claim or cause of action, other than the party filing the notice of removal, shall file a statement admitting or denying any allegation in the notice of removal that upon removal of the claim or cause of action the proceeding is core or non-core. If the statement alleges that the proceeding is non-core, it shall state that the party does or does not consent to entry of final orders or judgment by the bankruptcy judge. A statement required by this paragraph shall be signed pursuant to Rule 9011 and shall be filed not later than ~~10~~ 14 days after the filing of the notice of removal.

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15 Any party who files a statement pursuant to this paragraph
16 shall mail a copy to every other party to the removed claim or
17 cause of action.

18 * * * * *

19 (g) APPLICABILITY OF PART VII. The rules of Part
20 VII apply to a claim or cause of action removed to a district
21 court from a federal or state court and govern procedure after
22 removal. Repleading is not necessary unless the court so
23 orders. In a removed action in which the defendant has not
24 answered, the defendant shall answer or present the other
25 defenses or objections available under the rules of Part VII
26 within ~~20~~ 21 days following the receipt through service or
27 otherwise of a copy of the initial pleading setting forth the
28 claim for relief on which the action or proceeding is based, or
29 within ~~20~~ 21 days following the service of summons on such
30 initial pleading, or within ~~five~~ seven days following the filing
31 of the notice of removal, whichever period is longest.

* * * * *

COMMITTEE NOTE

The rule is amended to implement changes in connection with the amendment to Rule 9006(a) and the manner by which time is computed under the rules. The deadline in the rule is amended to substitute a deadline that is a multiple of seven days. Throughout the rules, deadlines are amended in the following manner:

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Rule 9033. Review of Proposed Findings of Fact and Conclusions of Law in Non-Core Proceedings

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* * * * *

2

(b) OBJECTIONS: TIME FOR FILING. Within ~~10~~ 14

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days after being served with a copy of the proposed findings

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of fact and conclusions of law a party may serve and file with

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the clerk written objections which identify the specific

6

proposed findings or conclusions objected to and state the

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grounds for such objection. A party may respond to another

8 party's objections within ~~10~~ 14 days after being served with
9 a copy thereof. A party objecting to the bankruptcy judge's
10 proposed findings or conclusions shall arrange promptly for
11 the transcription of the record, or such portions of it as all
12 parties may agree upon or the bankruptcy judge deems
13 sufficient, unless the district judge otherwise directs.

14 (c) EXTENSION OF TIME. The bankruptcy judge may
15 for cause extend the time for filing objections by any party for
16 a period not to exceed ~~20~~ 21 days from the expiration of the
17 time otherwise prescribed by this rule. A request to extend
18 the time for filing objections must be made before the time for
19 filing objections has expired, except that a request made no
20 more than ~~20~~ 21 days after the expiration of the time for filing
21 objections may be granted upon a showing of excusable
22 neglect.

23 * * * * *

COMMITTEE NOTE

The rule is amended to implement changes in connection with the amendment to Rule 9006(a) and the manner by which time is computed under the rules. The deadline in the rule is amended to substitute a deadline that is a multiple of seven days. Throughout the rules, deadlines are amended in the following manner:

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