

UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF OREGON

In re: )  
 )  
Miscellaneous Modifications ) GENERAL ORDER NO. 09-2  
 )  
 ) **(WITH EDITOR'S NOTES)**  
 )

IT IS ORDERED THAT:

1. This General Order (G.O.) is effective immediately. It applies to all bankruptcy cases and all adversary proceedings filed in those cases.

2. [LBR 2002-1\(b\)\(3\)](#) is modified to read as follows:

**“(3) Proposed Sale of Property Free and Clear of Liens and Other Interests.** A notice of intent to sell property that includes a motion under §363(f) must be served on [LBF #760.5](#), instead of under (1), unless the motion either (A) seeks authority to sell personally identifiable information about individuals under §363(b) or (B) is being filed in a chapter 11 case. In a chapter 11 case the notice and motion may be filed in another format, but the document must include all the information required by [LBF #760.5](#).”

**EDITOR’S NOTE:** Adds provision for optional formatting of LBF in Ch. 11 case.

3. [LBR 2015-1\(a\)](#) is modified to read as follows:

**“(a) Chapter 7.**

**(1) Inventory and Report of Assets.**

**(A) Initial.** The trustee must enter the appropriate docket entry no later than 14 days after the meeting of creditors concludes.

(B) **Amended.** The trustee must file an amended report using the appropriate docket entry no later than 14 days after the actual or constructive receipt of assets if the preceding report was one of “No Assets” or “Undetermined Assets.”

(2) **Final Account.** A trustee who has actually or constructively received any estate assets must:

(A) If all collected nominal assets will be returned and the case is to be treated as a no-asset case, enter the appropriate docket entry no later than 14 days after returning all assets.

(B) If the case is dismissed, transferred, or converted, enter the appropriate docket entry no later than 35 days after entry of the relevant order.

(C) If a distribution order on [LBF #740.3](#) has been entered, provide a final account to the UST on the appropriate UST form no later than 14 days after receiving all initial bank statements indicating a zero balance from each of the trustee’s depositories in which a deposit account was maintained in the case. The UST must file the final account no later than 30 days after its receipt from the trustee. A case may be closed without further notice after the final account is filed.”

**EDITOR’S NOTE:** Eliminates use of certain LBFs per new UST procedures effective 4/1/09.

4. [LBR 2015-1\(b\)\(2\)\(B\)](#) is modified to read as follows:

“(B) **Upon Order of Confirmation, Conversion, Transfer, or Dismissal.** A court-appointed trustee must file [LBF #1198](#) no later than 35 days after entry of the order.”

**EDITOR’S NOTE:** Adds requirement to file LBF upon confirmation.

5. [LBR 2015-1\(c\)](#) is modified to read as follows:

“(c) **Chapter 12 or 13 Notice of Plan Completion.** Upon completion of plan payments, and no less than 35 days before filing a request for the court to enter a discharge, the trustee must serve, but not file, a notice of plan completion on the debtor and debtor’s attorney.”

**EDITOR’S NOTE:** Eliminates LBF #1375 per new UST procedure effective 4/1/09.

6. [LBR 4008-1\(b\)](#) is modified to read as follows:

“(b) **Cover Sheet.** Until the amendment to FRBP 4008 makes the use of an OBF cover sheet effective, [LBF #718.05](#) must be attached as a cover sheet to each agreement.”

**EDITOR’S NOTE:** Adds that any new OBF will supersede filing of LBF.

7. The title of [LBR 7007-1\(b\)](#) is modified to read as follows:

“(b) **Brief Supporting Motion, Opposition Statement, or Reply.**”

**EDITOR’S NOTE:** Makes this subsection applicable to all motions in an adversary proceeding.

8. [LBRs 7007-1\(b\)\(1\)\(D\) & \(E\)](#) are modified to read as follows:

“(D) Be accompanied by one or more separate affidavits or declarations, not exceeding a total of 20 pages in length for nondiscovery briefs or ten pages in length for discovery briefs, exclusive of exhibits, supporting factual contentions.

(E) Not exceed 20 pages in length for nondiscovery briefs or ten pages in length for discovery briefs, exclusive of exhibits, unless the court authorizes an over-length brief. A motion to authorize the filing of an over-length brief must be filed no later than three business days before the document’s filing deadline. An over-length brief must have a table of contents and a table of cases with page references.”

**EDITOR’S NOTE:** Moves briefing provisions for discovery motions here from LBR 7037-1.

9. [LBR 7007-1\(b\)\(3\)\(A\)](#) is modified to read as follows:

“(A) **Opposition.** Any opposition statement and supporting brief must be filed and served no later than 14 days after the date of filing of a motion.”

**EDITOR’S NOTE:** Make this subsection applicable to all motions in an adversary proceeding to cover a prior gap re discovery motions.

10. [LBR 7026-1\(c\)](#) is modified to read as follows:

“(c) **Non-filing of Discovery Documents.** ‘Discovery documents’ must not be filed. Discovery documents include required and optional disclosures described in FRCP 26, deposition notices, subpoenas, transcripts, exhibits, interrogatories, requests for production or inspection, requests for admission, answers, and objections. Not filing a discovery document does not preclude its use as an exhibit or as evidence.”

**EDITOR’S NOTE:** Adds “subpoenas” as an example of discovery documents that must not be filed.

11. [LBR 7037-1](#) is modified to read as follows:

**“Rule 7037-1. Discovery Motion.**

(a) **General.** [LBR 7007-1](#) applies.

(b) **Content.** A motion must set forth only the relevant discovery request, response, or order provision, and the legal argument of the party.

(c) **Waiver of Oral Argument.** A party’s failure to timely file a response constitutes waiver of oral argument.

(d) **Deadline to Comply with Order to Compel.** The party against whom an order to compel has been entered must comply within 14 days after entry of the order.”

**EDITOR’S NOTE:** Streamlined for clarity and to simply incorporate pertinent LR 37 provisions re discovery motions to compel.

12. [LBR 9013-1\(b\)\(1\)](#) is modified to read as follows:

“(1) **Briefs.** Except as provided in [LBR 9013-1\(d\)](#), [LBRs 7007-1\(b\)\(1\), \(2\) and \(3\)\(B\)](#) apply.”

**EDITOR’S NOTE:** Clarifies briefing requirements for briefs filed in contested matters.

13. [LBR 9013-1\(d\)](#) is modified to read as follows:

**“(d) Objection/Response and Reply.**

**(1) Objection/Response.**

**(A) Filing Deadline.**

**(i) If Notice of Intent, Motion, or Application Served Ten or More Days Before Hearing.** Unless a different deadline is set in an FRBP, LBR, order, or notice, no later than seven days before the date set for hearing a party objecting to requested relief must file an objection/response identifying the interest of the filer and stating with particularity the grounds for objection/response.

**(ii) Notice of Intent, Motion, or Application Served Fewer Than Ten Days Before Hearing.**

**(I) Deadline.** Any objection/response must be filed no later than 4:30 p.m. on the business day before the hearing.

**(II) Required Judge’s Copy.** A clearly marked ‘JUDGE’S COPY’ must be delivered to the court by the same deadline.

**(B) Failure to Object/Respond.** A motion to which no timely objection/response has been filed may be decided on the moving documents without a hearing.

**(2) Reply in Chapter 11 Cases.**

**(A) If Objection/Response Served Ten or More Days Before Hearing.** Any reply must be filed no later than three days before the hearing date.

**(B) If Objection/Response Served Fewer Than Ten Days Before Hearing.**

**(i) Deadline.** Any reply must be filed no later than 4:30 p.m. on the business day before the hearing.

**(ii) Required Judge's Copy.** A clearly marked 'JUDGE'S COPY' must be delivered to the court by the same deadline.

**(3) Further Pleading.** No further pleading is allowed.”

**EDITOR'S NOTES:** Adds provisions re timing of responses and replies.

/s/ Elizabeth L. Perris

Elizabeth L. Perris

Chief Bankruptcy Judge