

**UNITED STATES DISTRICT AND BANKRUPTCY COURT  
FOR THE DISTRICT OF IDAHO**

James A. McClure Federal Building and U.S. Courthouse  
550 W. Fort Street  
Boise, Idaho 83724  
TEL 208-334-1373  
FAX (208) 334-9362



**Cameron S. Burke**  
Court Executive/Clerk of Court

Cam\_Burke@id.uscourts.gov

January 7, 2009

**MEMORANDUM**

TO: Members of the Bankruptcy Bar

FROM: Cameron Burke

SUBJECT: Bankruptcy Court Local Rules Changes

Below you will find a summary of the changes to the Bankruptcy Court Local Rules that became effective on January 1, 2009. For access to a redlined version of the Local Rules as well as the new forms, standard orders and Chapter 13 plan, please use the following link. (The forms are at the end of the Local Rules).

[http://www.id.uscourts.gov/announcements/lbr2009Red\\_NewRules.pdf](http://www.id.uscourts.gov/announcements/lbr2009Red_NewRules.pdf)

**Rule 1007.5 Statement of Domestic Support Obligations** - This Rule now requires individual and joint debtors to file a DSO statement not only in Chapter 7 cases, but also in chapter 11, 12 and 13 cases. In addition, the standard form was altered so there is now a form for each debtor as opposed to the combined form you used in the past. These new forms are available on the Court's website.

**Rule 2002.2 Notice and Hearing** - This is one of the biggest changes with respect to noticing. Under LBR 2002.2(d), the Court provides and now requires a new form of notice whenever a party wishes to use negative noticing and request that an order be entered without further notice or hearing. The new form language is shown below.

The minimum number of days for negative noticing was changed from 15 days to 14 days, unless another notice period is applicable under the Federal Rules of Bankruptcy Procedure or the Local Bankruptcy Rules.

If no objection is filed within the applicable notice period, LBR 2002(d) now requires the movant to file an *Affidavit of No Objection* in order to obtain the requested order. The affidavit must contain the docket number for the initial notice and any related certificate of service, and it must contain a certification that no objection has been received to the requested relief.

If an objection is filed and the objecting party does not schedule a hearing as provided in the notice, the new LBR 2002.2(d) allows the moving party to request the court schedule a hearing.

**Notice of Motion for [name of motion or application]  
and Opportunity to Object and for a Hearing**

No Objection. The Court may consider this request for an order without further notice or hearing unless a party in interest files an objection within [\_\_\_\_] days of the date of this notice.

If an objection is not filed within the time permitted, the Court may consider that there is no opposition to the granting of the requested relief and may grant the relief without further notice or hearing.

Objection. Any objection shall set out the legal and/or factual basis for the objection. A copy of the objection shall be served on the movant.

Hearing on Objection. The objecting party shall also contact the court's calendar clerk to schedule a hearing on the objection and file a separate notice of hearing.

**Rule 2004.1 Examinations** - This is a new Rule. If a party seeks an order for examination of an entity, and seeks the production of documents, the proposed production and the time and place shall be included in the motion. Motions under this Rule are subject to new LBR 2002.2(d).

If the time frame for objection has expired, an order may be submitted for entry. Upon agreement of the parties, if the order is endorsed by the entity to be examined, it may be entered immediately.

In addition, the Rule makes it clear that any 2004 exam disputes are subject to LBR 7037.1 and the meet and confer requirements found therein.

**Rule 2014.1 Approval of Employment of Professional Persons** - The time period for the U.S. Trustee or party in interest to object to an application for approval of employment of professionals was lengthened from 14 days to 21 days. However, as before, any order of approval of employment entered by the court will relate back to the date of service of the application. A new requirement under the rule, however, is that you include that relation back date in the proposed order.

**Rule 3007.1 Procedures and Hearings for Objections to Claims** - This is a new rule that specifies that a party objecting to a proof of claim may set the matter for hearing at the time the objection is filed or may wait to set the hearing until a response is received. Such a response to an objection to claim must be filed and served not later than thirty (30) days after service of the objection. If a response is not timely filed, the court may sustain the objection without a hearing.

If a response is filed, the objecting party shall, within twenty-one (21) days after service of the claimant's response, either: (1) withdraw its objection to claim, or (2) file and serve a notice of hearing that provides the proper notice as required by Fed. R. Bankr. P. 3007. If the objecting party fails to withdraw the objection or set a hearing, the claimant may set a hearing date.

If the parties intend to offer evidence, the parties, not later than five (5) days prior to any scheduled hearing, shall: (1) file a list of witnesses; (2) file a list of exhibits; and (3) exchange copies of any exhibits.

**Rule 4001.2 Motions for Relief from Stay** - The amendment requires the moving party to use a standard approved form of stay relief order for this District that is available on the Court's website. Any additions, deletions, or other modifications to the form must be clearly identified.

**Rule 6006.1 Assumption, Rejection or Assignment of An Executory Contract or Unexpired Lease** - This is a new Rule. A motion to *reject* an executory contract or unexpired lease must be served on the parties to the contract or lease and, except in a chapter 9 municipality case, the U.S. Trustee. In a chapter 11 case, a motion to *reject* shall also be served on the members of any creditors' committee or, if no creditors' committee has been appointed, on the twenty (20) largest unsecured creditors.

A motion to *assume or assign* an executory contract or unexpired lease shall be served on all creditors and interested parties and, except in a chapter 9 municipality case, on the U.S. Trustee.

**Rule 6007.1 Motions For Abandonment** - This is a new Rule. A motion by a party in interest under 11 U.S.C. § 554(b) for an order requiring a trustee to abandon property of the estate must be served on creditors and parties in interest in accord with the requirements of Fed. R. Bankr. P. 6007(a).

**Rule 7056.1 Motions for Summary Judgment and Proceedings Thereon** - The revisions to this Rule add additional requirements for the form of the motion and supporting documents (statement of undisputed fact, etc). Statements of undisputed facts may not be in a narrative form. Each fact must be presented in a separate numbered paragraph and must contain citations to affidavits, depositions or other documents. The opposing party shall also file a responsive brief and a statement of disputed and undisputed facts which responds to the moving party's statement.

**Rule 9004.1 Form of Orders** - The amendments changed the location where proposed orders are submitted (due to new case assignments) as noted in the ECF procedures.

**Rule 9037.1 Privacy Protection** - Requires Counsel to redact information contained in transcripts filed with the Court and you can find the procedures on our website.

**New Chapter 13 Plan** - There are several substantive changes to the Form 13 Plan. Please refer to the Plan on the Court's website.