

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

**Rule 1011. Responsive Pleading or Motion in Involuntary
and Ancillary Cases**

1 (a) WHO MAY CONTEST PETITION. The debtor named
2 in an involuntary petition or a party in interest to a petition
3 commencing a case ancillary to a foreign proceeding may
4 contest the petition. In the case of a petition against a
5 partnership under Rule 1004 (~~b~~), a nonpetitioning general
6 partner, or a person who is alleged to be a general partner but
7 denies the allegation, may contest the petition.

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COMMITTEE NOTE

The amendment to Rule 1004 that became effective on December 1, 2002, deleted former subdivision (a) of that rule leaving only the provisions relating to involuntary petitions against partnerships. The rule no longer includes subdivisions. Therefore, this technical amendment changes the reference to Rule 1004(b) to Rule 1004.

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

2 FEDERAL RULES OF BANKRUPTCY PROCEDURE

**Rule 2002. Notices to Creditors, Equity Security Holders,
United States, and United States Trustee**

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2 (j) NOTICES TO THE UNITED STATES. Copies of
3 notices required to be mailed to all creditors under this rule
4 shall be mailed (1) in a chapter 11 reorganization case, to the
5 Securities and Exchange Commission at any place the
6 Commission designates, if the Commission has filed either a
7 notice of appearance in the case or a written request to receive
8 notices; (2) in a commodity broker case, to the Commodity
9 Futures Trading Commission at Washington, D.C.; (3) in a
10 chapter 11 case, to the ~~District Director~~ of Internal Revenue
11 Service at its address set out in the register maintained under
12 Rule 5003(e) for the district in which the case is pending; (4)
13 if the papers in the case disclose a debt to the United States
14 other than for taxes, to the United States attorney for the
15 district in which the case is pending and to the department,

16 agency, or instrumentality of the United States through which
17 the debtor became indebted; or (5) if the filed papers disclose
18 a stock interest of the United States, to the Secretary of the
19 Treasury at Washington, D.C.

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COMMITTEE NOTE

The rule is amended to reflect that the structure of the Internal Revenue Service no longer includes a District Director. Thus, rather than sending notice to the District Director, the rule now requires that the notices be sent to the location designated by the Service and set out in the register of addresses maintained by the clerk under Rule 5003(e). The other change is stylistic.

Rule 9014. Contested Matters

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2 (c) APPLICATION OF PART VII RULES. Except as
3 otherwise provided in this rule, and unless ~~Unless~~ the court
4 directs otherwise, the following rules shall apply: 7009, 7017,
5 7021, 7025, 7026, 7028-7037, 7041, 7042, 7052, 7054-7056,
6 7064, 7069, and 7071. The following subdivisions of Fed. R.

4 FEDERAL RULES OF BANKRUPTCY PROCEDURE
7 Civ. P. 26, as incorporated by Rule 7026, shall not apply in a
8 contested matter unless the court directs otherwise: 26(a)(1)
9 (mandatory disclosure), 26(a)(2) (disclosures regarding expert
10 testimony) and 26(a)(3) (additional pre-trial disclosure), and
11 26(f) (mandatory meeting before scheduling
12 conference/discovery plan). An entity that desires to
13 perpetuate testimony may proceed in the same manner as
14 provided in Rule 7027 for the taking of a deposition before an
15 adversary proceeding. The court may at any stage in a
16 particular matter direct that one or more of the other rules in
17 Part VII shall apply. The court shall give the parties notice of
18 any order issued under this paragraph to afford them a
19 reasonable opportunity to comply with the procedures
20 prescribed by the order.

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COMMITTEE NOTE

The rule is amended to provide that the mandatory disclosure requirements of Fed. R. Civ. P. 26, as incorporated by Rule 7026, do not apply in contested matters. The typically short time between the commencement and resolution of most contested matters makes the mandatory disclosure provisions of Rule 26 ineffective. Nevertheless, the court may by local rule or by order in a particular case provide that these provisions of the rule apply in a contested matter.

Changes Made After Publication. No changes since publication.