

Bankruptcy Rules Made Easy (2001): A Guide to the Federal Rules of Civil Procedure that Apply in Bankruptcy

by

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The lists in this guide correlate the Federal Rules of Civil Procedure (“Civil Rules”) with the Federal Rules of Bankruptcy Procedure (“Bankruptcy Rules”). They were devised as a survival tool for a federal civil litigator who found himself in bankruptcy court.

Many professionals—lawyers and judges alike—erroneously assume that the Civil Rules do not apply in bankruptcy. To be sure, Rule 81(a)(1)¹ does say that the Civil Rules “do not apply in proceedings in bankruptcy . . . *except* insofar as they may be made applicable thereto by rules promulgated by the Supreme Court.² When one, however, examines the “except” clause, it turns out that seventy-seven of the eighty-nine Civil Rules are imported, in whole or part, into the Bankruptcy Rules—sixty-seven by way of express incorporation and another ten by restatement in essentially identical language.³ The exception has largely swallowed the rule.

The puzzle is why there is not general recognition that bankruptcy prac-

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¹In this Article, rules with one or two digits (e.g., Rule 6 or 37) refer to the Federal Rules of Civil Procedure, and rules with four digits (e.g., Rule 7037) refer to the Federal Rules of Bankruptcy Procedure.

²The full text of Rule 81(a)(1) provides:

(1) These rules do not apply to prize proceedings in admiralty governed by Title 10, U.S.C. §§ 7651-7681. They do not apply to proceedings in bankruptcy or proceedings in copyright under Title 17, U.S.C., *except* in so far as they may be made applicable thereto by rules promulgated by the Supreme Court of the United States. They do not apply to mental health proceedings in the United States District Court for the District of Columbia.

FED. R. CIV. P. 81(a)(1). (emphasis added).

³There are, arguably, more than ten examples of restatement. The line has been drawn on a subjective basis based on whether one might be assisted in knowing about that particular bridge between the Civil and Bankruptcy Rules.

tice, especially bankruptcy litigation, is governed in large measure by the same rules of procedure that apply in general federal civil practice. It is fascinating to observe how infrequently lawyers and courts draw upon the rich lore of federal procedure when facing basic procedural questions and, instead, restrict themselves to citing only bankruptcy precedents. There has been a curiously unlaywerly failure to examine the Rule 81(a)(1) "except" clause to ascertain which of the Civil Rules have been made applicable in bankruptcy.

The likely explanation is that the idiosyncratic structure and the sheer volume of the Bankruptcy Rules frustrate the effort. Able civil practitioners often despair of making their way through the Bankruptcy Rules labyrinth, scorn the rules as a barrier to entry that was erected to protect a perceived bankruptcy club, and surrender bankruptcy litigation to the bankruptcy specialists. This is a pity and a mistake.⁴

I. THE CORRELATION LISTS

Five correlation lists are included in this Article. The first is a footnoted master list of the seventy-seven Civil Rules that have been imported into bankruptcy. Then follow four unfootnoted subsidiary lists that identify the rules that apply in each of the four categories of bankruptcy matters: adversary proceedings, contested matters, contested petitions, and matters generally.

The master list is footnoted to indicate the nature of the importation (express incorporation or restatement) and the types of proceedings in which each rule applies. The term "express incorporation" means that the particular Civil Rule has explicitly been made applicable in bankruptcy. Rule 9017 ("Rules 43, 44 and 44.1, F. R. Civ. P. apply in cases under the Code")⁵ is an example of express incorporation. An example of restatement is found in Bankruptcy Rule 1001 ("Scope of Rules and Forms; Short Title"), which addresses the same subject matter as Civil Rule 1 ("Scope and Purpose of Rules") making appropriate changes referring to bankruptcy and which repeats Rule 1's key clause requiring that the rules "shall be construed to secure

⁴Judge Dreher accurately describes why good general federal litigators can thrive in bankruptcy court.

[G]ood litigation counsel have a real advantage in bankruptcy court when litigation skills are important. This is because the great bulk of bankruptcy courtroom practice is motion practice. Accordingly, bankruptcy lawyers are very good at motion practice; the good ones are also very skillful negotiators; and the really good ones are also good litigators. Thus, skillful litigation counsel may have the very skills needed when negotiation fails and a real trial occurs.

Honorable Nancy C. Dreher, *Stopping the Clock: The Automatic Stay*, LITIGATION, Winter 1996, at 16, 21 & 65.

⁵FED. R. BANKR. P. 9017. The rule also provides that the Federal Rules of Evidence apply in bankruptcy, the necessity for which is unclear in light of the provisions in Federal Rule of Evidence 1101 that unambiguously make those rules applicable in bankruptcy. See FED. R. EVID. 1101(a), (b).

the just, speedy, and inexpensive determination” of matters within their scope.

The need for specifying the type of proceedings in which the rule applies arises from a phenomenon of multiple incorporation in the Bankruptcy Rules. Take, for example, Civil Rule 37. From the face of Bankruptcy Rule 7037 (“Rule 37 F. R. Civ. P. applies in adversary proceedings”),⁶ one gets the impression that the incorporation is limited to adversary proceedings. But Rule 1018 provides that Rule 7037 applies in contested petitions.⁷ And Rule 9014 provides that Rule 7037 applies in contested matters.⁸ Thus, Rule 37 applies in adversary proceedings, contested petitions, and contested matters, which comprise all the litigation known to bankruptcy.

II. TYPES OF BANKRUPTCY MATTERS

Since the correlation lists are intended to make bankruptcy procedure more accessible to nonspecialists, a synopsis of the categories of bankruptcy matters is in order.

A. BANKRUPTCY CASE

The bankruptcy case, sometimes called the “parent case” or merely the “case,” is the umbrella under which all proceedings and other matters occur. The case commences with the filing of a petition, either voluntary⁹ or involuntary,¹⁰ and ends when the case is closed.¹¹

Much routine bankruptcy administration occurs in the case without need for judicial involvement by way of any subsidiary adversary proceedings, contested matters, or contested petitions.¹² For example, the debtor’s various schedules and statements are filed in the parent case. The meeting of creditors occurs. Rule 2004 examinations may be taken to ferret out the true financial affairs of the debtor and the estate.¹³ Assets are gathered. Claims

⁶FED. R. BANKR. P. 7037.

⁷FED. R. BANKR. P. 1018 (“The following rules in Part VII apply to all proceedings relating to a contested involuntary petition, to proceedings relating to a contested petition commencing a case ancillary to a foreign proceedings, and to all proceedings to vacate an order for relief: Rules . . . 7037 . . . except as otherwise provided in Part I of these rules and unless the court otherwise directs.”).

⁸FED. R. BANKR. P. 9014 (“The motion shall be served in the manner provided for service of a summons and complaint by Rule 7004, and, unless the court otherwise directs, the following rules apply: . . . 7037 . . .”).

⁹11 U.S.C. § 301 (1994).

¹⁰*Id.* § 303(b).

¹¹*Id.* § 350.

¹²For a discussion of the implications of this structure, see *Menk v. LaPaglia* (*In re Menk*), 241 B.R. 896, 907-10 (B.A.P. 9th Cir. 1999). See also Ralph Brubaker, *On the Nature of Federal Bankruptcy Jurisdiction: A General Statutory and Constitutional Theory*, 41 WM. & MARY L. REV. 743, 835-50 (2000).

¹³Under Rule 2004, the court may order the examination of any entity relating:

only to the acts, conduct, or property or to the liabilities and financial condition of

are filed and reviewed. And the discharge is entered. In the absence of specific disputes suitable for litigation, these items and others all occur in the administrative routine of the parent case.

The list that is entitled "All matters, Even Uncontested Matters" identifies the twenty-two Civil Rules that apply in every bankruptcy case.

B. ADVERSARY PROCEEDING

An "adversary proceeding" is an ordinary lawsuit that is tried in the federal bankruptcy court under essentially the same rules of procedure as a "civil action" in a federal district court. All seventy-seven of the rules imported from the Civil Rules apply in adversary proceedings. Each adversary proceeding has a separate docket number, features a summons and complaint, an answer, pretrial procedure, discovery, and formal trial, and ends with judgment or with dismissal. Since the deviations from the Civil Rules are relatively minor,¹⁴ there is little reason for seasoned federal civil litigators to shy away.

Part VII of the Bankruptcy Rules ("Adversary Proceedings;" Rules 7001-7087) specifically applies to adversary proceedings and incorporates fifty of the seventy Civil Rules that apply. Most of the remainder of the Bankruptcy Rules are located in Part IX ("General Provisions;" Rules 9001-9033), including such trial procedure rules as Civil Rules 43 and 45, as well as Civil Rules 58-60 relating to judgments.

Rule 7001 deems the following matters to be adversary proceedings:

- An action to recover money or property (except recovery of property by trustee from debtor, abandonment, disposition of certain property, or recovery from custodians or attorneys).
- An action to determine the validity, priority, or extent of a lien or other interest in property (except lien avoidance by the debtor per 11 U.S.C. § 522(f)).
- An action to determine the dischargeability of a debt.

the debtor, or to any matter which may affect the administration of the debtor's estate, or to the debtor's right to a discharge [and, generally, in Chapter 11, 12, and 13 cases,] the operation of any business and the desirability of its continuance, the source of any money or property acquired or to be acquired by the debtor for the purposes of consummating a plan and the consideration given or offered therefor, and any other matter relevant to the case or to the formulation of a plan.

FED. R. BANKR. P. 2004(b).

¹⁴Perhaps the most significant deviation from the Civil Rules relates to the service of process. Service can be accomplished nationwide by first class mail. FED. R. BANKR. P. 7004(b), (d). Service of process is complete upon mailing to the correct address. FED. R. BANKR. P. 9006(e). The summons is good for only ten days rather than indefinitely (but may be reissued). FED. R. BANKR. P. 7004(f). The answer is due thirty days after the summons is issued rather than twenty days after service. FED. R. BANKR. P. 7012(a).

- An action to object to or revoke the discharge.
- An action for approval of a sale of an interest of the estate and of a co-owner in property per 11 U.S.C. § 363(h).
- An action to revoke an order of confirmation of a plan.
- An action to subordinate a claim or interest, except under a plan.
- An action to obtain an injunction or other equitable relief, except pursuant to a plan.
- A declaratory judgment action relating to any of the above.
- An action removed from state court pursuant to 28 U.S.C. § 1452.

As the list is nonexclusive, the court may require that other matters be handled as adversary proceedings.

C. CONTESTED MATTER

A “contested matter” may be resolved by a “short-cause” motion in the parent bankruptcy case on a faster track than would be possible in an adversary proceeding. It is, by a wide margin, the most common form of bankruptcy litigation.

Rule 9014 governs contested matters and, under the phenomenon of multiple incorporation, makes applicable twenty-five of the adversary proceeding rules from Part VII, in addition to the Civil Rules that apply by virtue of other parts of the Bankruptcy Rules. Rule 9014 also prescribes a procedure by which the court may order that additional adversary proceeding rules apply. Unless additional rules have specifically been ordered by the court to apply to the particular contested matter, a total of forty-seven of the imported Civil Rules apply, including all of the discovery rules, and the rules providing for taking of evidence,¹⁵ subpoena, findings of fact and conclusions of law, entry of judgment, and relief from judgments.

The “contested matter” is a flexible concept that is not susceptible of ready definition. Although any motion that is not made within an adversary proceeding may become a contested matter if there is opposition, twenty-six specific motions, objections, and applications are defined (or referred to) in the Bankruptcy Rules as contested matters:

- A motion to dismiss the bankruptcy case or to convert the bankruptcy case to a different chapter of the Bankruptcy Code, other than: (1) conversion by debtors as of right

¹⁵A key consequence of defining a contested matter as a motion is FED. R. CIV. P. 43(e) (“Evidence on Motions”), which permits the court to hear the matter on affidavits or depositions rather than oral testimony in open court. See FED. R. BANKR. P. 9017 (incorporating Civil Rule 43).

- per 11 U.S.C. §§ 706(a), 112(a), and 1307(a); and (2) dismissal as of right by the debtor per 11 U.S.C. § 1307(b).¹⁶
- A motion for an order to appoint a trustee or an examiner in a Chapter 11 case.¹⁷
 - An application for compensation of a professional, if opposed.¹⁸
 - A motion to examine the debtor's transactions with an attorney.¹⁹
 - A proceeding to contest any act or failure to act by the United States Trustee.²⁰
 - An objection to a proof of claim, except that a counterclaim necessitates an adversary proceeding.²¹
 - An objection to the confirmation of a Chapter 12 or Chapter 13 plan.²²
 - An objection to the modification of a Chapter 12 or Chapter 13 plan.²³
 - An objection to the disclosure statement.²⁴
 - An objection to the confirmation of a Chapter 9 or Chapter 11 plan.²⁵
 - A motion for relief from the automatic stay.²⁶
 - A motion to prohibit or condition the use, sale, or lease of property per 11 U.S.C. § 363(e).²⁷
 - A motion for authorization to use cash collateral.²⁸
 - A motion for authority to obtain credit per 11 U.S.C. § 364.²⁹
 - An objection to the debtor's claim of exemption per 11 U.S.C. § 522.³⁰
 - A motion to avoid a lien that impairs an exemption per 11

¹⁶FED. R. BANKR. P. 1017(d).

¹⁷FED. R. BANKR. P. 2007.1.

¹⁸FED. R. BANKR. P. 2016 and 9014, Advisory Committee Note.

¹⁹FED. R. BANKR. P. 2017, Advisory Committee Note.

²⁰FED. R. BANKR. P. 2020.

²¹FED. R. BANKR. P. 3007, Advisory Committee Note.

²²FED. R. BANKR. P. 3015(f).

²³FED. R. BANKR. P. 3015(g).

²⁴FED. R. BANKR. P. 3017 and 9014, Advisory Committee Note.

²⁵FED. R. BANKR. P. 3020(b)(1).

²⁶FED. R. BANKR. P. 4001(a).

²⁷*Id.*

²⁸FED. R. BANKR. P. 4001(b).

²⁹FED. R. BANKR. P. 4001(c).

³⁰FED. R. BANKR. P. 4003(b) and 9014, Advisory Committee Note.

U.S.C. § 522(f).³¹

- A motion for abstention pursuant to 28 U.S.C. § 1334(c).³²
- A motion to review an accounting by a custodian who turns over property per 11 U.S.C. § 543.³³
- An objection to the proposed use, sale, or lease of property per 11 U.S.C. § 363.³⁴
- A motion for authority to sell property free and clear of liens or other interests (except interests of co-owners) per 11 U.S.C. § 363(f).³⁵
- An objection to the general notice of an intent to sell non-exempt property of an aggregate gross value of less than \$2500.³⁶
- A motion to assume, reject, or assign an executory contract, unexpired lease, or timeshare interest (other than as part of a plan).³⁷
- A motion to require the trustee, debtor in possession, or debtor to determine whether to assume or reject an executory contract, unexpired lease, or timeshare interest.³⁸
- An objection to the proposed disposition or abandonment of property.³⁹
- A motion to authorize the redemption of property from a lien or from a sale to enforce a lien.⁴⁰
- A motion to remand a removed claim or cause of action.⁴¹

Whether other motions made outside of adversary proceedings are to be treated as contested matters depends upon the context of the situation. The operative principle is that “[w]henver there is an actual dispute, other than an adversary proceeding, before the bankruptcy court, the litigation to resolve that dispute is a contested matter.”⁴²

³¹FED. R. BANKR. P. 4003(d).

³²FED. R. BANKR. P. 5011(b).

³³FED. R. BANKR. P. 6002, Advisory Committee Note.

³⁴FED. R. BANKR. P. 6004(b).

³⁵FED. R. BANKR. P. 6004(c).

³⁶FED. R. BANKR. P. 6004(d).

³⁷FED. R. BANKR. P. 6006(a).

³⁸FED. R. BANKR. P. 6006(b).

³⁹FED. R. BANKR. P. 6007, Advisory Committee Note.

⁴⁰FED. R. BANKR. P. 6008.

⁴¹FED. R. BANKR. P. 9027(d).

⁴²FED. R. BANKR. P. 9014, Advisory Committee Note.

D. CONTESTED PETITION

"Contested Petition" is a generic term for involuntary petitions, contested petitions commencing ancillary cases, and proceedings to vacate an order for relief. Contested petitions are uncommon and, when they arise, typically involve involuntary petitions. The phenomenon of multiple incorporation operates to borrow some of the Part VII adversary proceeding rules for use with contested petitions, with the result that a total of forty-five Civil Rules apply. And, as with contested matters, the court has the discretion to order that other Part VII adversary proceeding rules apply.

CONCLUSION

The correlation lists that follow function as road maps for those who find themselves in circumstances in which procedure matters. They are intended to be suitable for bench books and desk books. But, like other summary aids, they should be used with the caveat that they reflect the inherently personal judgments, interpretations, and tastes of the compiler (especially in the descriptions of the variations). There is no substitute for consulting the actual text of the rules.

MASTER LIST CORRELATING FEDERAL RULES OF CIVIL
PROCEDURE WITH FEDERAL RULES OF BANKRUPTCY
PROCEDURE

| FED. R. CIV. P. | NAME OF RULE | FED. R. BANKR. P. |
|-----------------|--------------------------------------|----------------------|
| 1 | Scope of Rules ⁴³ | 1001 |
| 3 | Commencement of Action ⁴⁴ | 7003 |
| 4 | Process (supplemented) ⁴⁵ | 7004 1010 9014 |

⁴³FED. R. CIV. P. 1 and FED. R. BANKR. P. 1001 define the scope of the respective rules, each providing that the rules "shall be construed to secure the just, speedy, and inexpensive determination" of matters within their scope. They are applicable to all bankruptcy matters.

⁴⁴FED. R. CIV. P. 3 is expressly made applicable by FED. R. BANKR. P. 7003. It applies only in adversary proceedings.

⁴⁵FED. R. CIV. P. 4 is expressly made applicable by FED. R. BANKR. P. 7004(a), with the exception of subsections (c)(2); (d)(2)-(5); (k) and (n). It is supplemented by FED. R. BANKR. P. 7004.

A critical difference from general civil practice is that FED. R. BANKR. P. 7004(e) provides that the summons expires ten days after issuance (and may be reissued of right) and (together with FED. R. BANKR. P. 9006(e)) that service of process by mail is complete upon mailing. Correlatively, FED. R. BANKR. P. 7012(a) requires that the answer be filed within thirty days after the summons is issued rather than the twenty days following service as provided by FED. R. CIV. P. 12(a).

Although FED. R. BANKR. P. 7004 formally applies only in adversary proceedings, FED. R. BANKR. P.

| FED. R. CIV. P. | NAME OF RULE | FED. R. BANKR. P. |
|-----------------|--|-------------------|
| 5 | Service and Filing of Pleadings and Other Papers ⁴⁶ (supplemented) | 7005 |
| | | 1010 |
| | | 2002 |
| | | 5005 |
| 6 | Time ⁴⁷ (supplemented) | 9006 |
| 7 | Pleadings Allowed ⁴⁸ (supplemented) | 7007 |
| | | 9013 |
| 8 | General Rules of Pleading ⁴⁹ (supplemented) | 7008 |
| | | 1018 |
| 9 | Pleading Special Matters ⁵⁰ | 7009 |
| | | 1018 |
| 10 | Form of Pleadings ⁵¹ (supplemented) | 7010 |
| | | 1018 |

1010 and 9014 require that service in “contested petitions” and “contested matters” is to be made “in the manner” provided by this rule.

⁴⁶FED. R. CIV. P. 5 is expressly made applicable by FED. R. BANKR. P. 7005 and is supplemented by FED. R. BANKR. P. 2002 (generally applicable notices in bankruptcy) and 5005 (filing). It applies in adversary proceedings and, per FED. R. BANKR. P. 1010, in contested petitions, but not contested matters. Provisions drawn from FED. R. CIV. P. 5 also appear in restated form for use in all bankruptcy matters as FED. R. BANKR. P. 5005.

⁴⁷FED. R. CIV. P. 6 appears in restated form as FED. R. BANKR. P. 9006, which applies to all bankruptcy matters including adversary proceedings, contested petitions, and contested matters. FED. R. CIV. P. 6(a) is identical to FED. R. BANKR. P. 9006(a) except that intermediate weekends and holidays are excluded when the specified time is less than eight, rather than eleven, days; the primary impact of the difference being that the ten-day appeal period specified by FED. R. BANKR. P. 8002(a) is not extended by intermediate weekends and holidays. The procedures of FED. R. CIV. P. 6(b) for enlarging time before and after time expires are restated as FED. R. BANKR. P. 9006(b) with different restrictions. FED. R. CIV. P. 6(d) and (e) are restated as FED. R. BANKR. P. 9006(d) and (f) with differences that are merely stylistic. FED. R. BANKR. P. 9006(e) ties in with FED. R. BANKR. P. 7004 and 7012 by providing that service, including service of process, is complete upon mailing. FED. R. BANKR. P. 9006 applies in all bankruptcy matters including adversary proceedings, contested petitions, and contested matters.

⁴⁸FED. R. CIV. P. 7 is expressly made applicable by FED. R. BANKR. P. 7007. Although it applies only in adversary proceedings, FED. R. CIV. P. 7(b)(1) relating to motions is (together with the requirement of service drawn from FED. R. CIV. P. 5(a)) restated at FED. R. BANKR. P. 9013, which applies to all bankruptcy matters including adversary proceedings, contested petitions, and contested matters.

⁴⁹FED. R. CIV. P. 8 is expressly made applicable by FED. R. BANKR. P. 7008, which also prescribes requirements for allegations of jurisdiction, core or noncore status, and for requesting attorneys’ fees. It applies in both adversary proceedings and, per FED. R. BANKR. P. 1018, in contested petitions, but not contested matters.

⁵⁰FED. R. CIV. P. 9 is expressly made applicable by FED. R. BANKR. P. 7009. It applies in adversary proceedings and, per Fed. R. Bankr. P. 1018, in contested petitions, but not contested matters.

⁵¹FED. R. CIV. P. 10 is expressly made applicable by FED. R. BANKR. P. 7010, except that a different form of caption is prescribed. Although it applies only in adversary proceedings and, per FED. R. BANKR. P. 1018, contested petitions, it is supplemented by FED. R. BANKR. P. 9004(b) (form of pleadings, captions, name of parties), which applies in all bankruptcy matters.

| FED. R. CIV. P. | NAME OF RULE | FED. R. BANKR. P. |
|-----------------|---|-------------------|
| 11 | Signing and Verification of Papers ⁵² (revised) | 9011 |
| 12 | Defenses and Objections - When and How Presented - By Pleadings or Motion - Motion for Judgment on Pleadings ⁵³ (revised) | 7012 1011 |
| 13 | Counterclaim and Cross-Claim ⁵⁴ (revised) | 7013 |
| 14 | Third-Party Practice ⁵⁵ | 7014 |
| 15 | Amended and Supplemental Pleadings ⁵⁶ | 7015 1018 |
| 16 | Pretrial Procedure; Formulating Issues ⁵⁷ | 7016 1018 |
| 17 | Parties Plaintiff and Defendant; Capacity ⁵⁸ (supplemented) | 7017 |
| 18 | Joinder of Claims and Remedies ⁵⁹ | 7018 |

⁵²FED. R. CIV. P. 11 is restated as FED. R. BANKR. P. 9011. The few differences are essentially stylistic and excuse an attorney from the duty of signing a debtor's list, schedule, or statement. It applies to all bankruptcy matters including adversary proceedings, contested petitions, and contested matters.

⁵³FED. R. CIV. P. 12(b)-(h) is expressly made applicable by FED. R. BANKR. P. 7012(b). FED. R. CIV. P. 12(a) is restated as FED. R. BANKR. P. 7012(a), with three changes: (1) the answer is due thirty days after the summons is issued rather than twenty days after service (*see* FED. R. BANKR. P. 7004 & 9006(e)); (2) the court must set the time for answer where service is made by publication or upon a party in a foreign country; and (3) the United States has thirty-five rather than sixty days in which to answer or to reply to a counterclaim. The language of FED. R. CIV. P. 12(a) and FED. R. BANKR. P. 7012(a) is otherwise identical. The rule applies in adversary proceedings and, per FED. R. BANKR. P. 1011(b)-(c), contested petitions, but not contested matters.

⁵⁴FED. R. CIV. P. 13 is expressly made applicable by FED. R. BANKR. P. 7013. Two exceptions are made to the compulsory counterclaim rule: (1) a creditor who is sued by a trustee or debtor in possession need not state an otherwise compulsory counterclaim that arose prepetition; and (2) a trustee or debtor in possession does not lose a compulsory counterclaim that is not pled through oversight, inadvertence, excusable neglect, or when justice so requires. This rule applies only in adversary proceedings.

⁵⁵FED. R. CIV. P. 14 is expressly made applicable by FED. R. BANKR. P. 7014. It applies only in adversary proceedings.

⁵⁶FED. R. CIV. P. 15 is expressly made applicable by FED. R. BANKR. P. 7015. It applies in adversary proceedings and, per FED. R. BANKR. P. 1018, contested petitions, but not contested matters.

⁵⁷FED. R. CIV. P. 16 is expressly made applicable by FED. R. BANKR. P. 7016. It applies in adversary proceedings and, per FED. R. BANKR. P. 1018, contested petitions, but not contested matters.

⁵⁸FED. R. CIV. P. 17 is expressly made applicable by FED. R. BANKR. P. 7017 with one stated exception. A proceeding on a trustee's bond, per FED. R. BANKR. P. 2010(b), may be brought by any party in interest in the name of the United States for the use of the entity injured by the breach of condition. FED. R. BANKR. P. 7017 applies only in adversary proceedings.

⁵⁹FED. R. CIV. P. 18 is expressly made applicable by FED. R. BANKR. P. 7018. It applies only in adversary proceedings.

| FED. R. CIV. P. | NAME OF RULE | FED. R. BANKR. P. |
|-----------------|---|------------------------------|
| 19 | Joinder of Persons Needed for Just Determination ⁶⁰ (supplemented) | 7019 |
| 20 | Permissive Joinder of Parties ⁶¹ | 7020 |
| 21 | Misjoinder and Nonjoinder of Parties ⁶² | 7021 9014 |
| 22(1) | Interpleader ⁶³ | 7022 |
| 23 | Class Proceedings ⁶⁴ | 7023 |
| 23.1 | Derivative Proceedings by Shareholders ⁶⁵ | 7023.1 |
| 23.2 | Actions Relating to Unincorporated Associations ⁶⁶ | 7023.2 |
| 24 | Intervention ⁶⁷ | 7024 1018 2018 |
| 25 | Substitution of Parties ⁶⁸ (supplemented) | 7025 1018 2012 9014 |

⁶⁰FED. R. CIV. P. 19 is expressly made applicable by FED. R. BANKR. P. 7019 with two exceptions permitting: (1) dismissal of a joined party who successfully raises a defense of lack of subject matter jurisdiction; and (2) transfer of all or part of an adversary proceeding after a joined party successfully raises a defense of improper venue. It applies only in adversary proceedings.

⁶¹FED. R. CIV. P. 20 is expressly made applicable by FED. R. BANKR. P. 7020. It applies only in adversary proceedings.

⁶²FED. R. CIV. P. 21 is expressly made applicable by FED. R. BANKR. P. 7021. It applies in adversary proceedings and, per FED. R. BANKR. P. 9014, contested matters, but not contested petitions.

⁶³FED. R. CIV. P. 22(1) is expressly made applicable by FED. R. BANKR. P. 7022. It applies only in adversary proceedings.

⁶⁴FED. R. CIV. P. 23 is expressly made applicable by FED. R. BANKR. P. 7023. It applies only in adversary proceedings.

⁶⁵FED. R. CIV. P. 23.1 is expressly made applicable by FED. R. BANKR. P. 7023.1. It applies only in adversary proceedings.

⁶⁶FED. R. CIV. P. 23.2 is expressly made applicable by FED. R. BANKR. P. 7023.2. It applies only in adversary proceedings.

⁶⁷FED. R. CIV. P. 24 is expressly made applicable by FED. R. BANKR. P. 7024. It applies in adversary proceedings and, per FED. R. BANKR. P. 1018, contested petitions, but not contested matters. In addition, FED. R. BANKR. P. 2018, which applies to all bankruptcy matters, provides for permissive intervention by interested parties in cases, a state attorney general on behalf of consumer creditors, the Secretary of the Treasury and representatives of states in Chapter 9 cases, and labor unions on the question of economic soundness of plans affecting the interest of employees.

⁶⁸FED. R. CIV. P. 25 is expressly made applicable by FED. R. BANKR. P. 7025. It is supplemented by FED. R. BANKR. P. 2012 relating to substitution of a trustee and a successor trustee. It applies in adversary proceedings and, per FED. R. BANKR. P. 1018 and 9014, contested petitions and contested matters.

| FED. R. CIV. P. | NAME OF RULE | FED. R. BANKR. P. |
|-----------------|---|-------------------|
| 26 | General Provisions Governing Discovery; Duty of Disclosure ⁶⁹ | 7026 |
| | | 1018 |
| | | 9014 |
| 27 | Depositions Before Action or Pending Appeal ⁷⁰ | 7027 |
| | | 9014 |
| 28 | Persons Before Whom Depositions May be Taken ⁷¹ | 7028 |
| | | 1018 |
| | | 9014 |
| 29 | Stipulations Regarding Discovery Procedure ⁷² | 7029 |
| | | 1018 |
| | | 9014 |
| 30 | Depositions Upon Oral Examination ⁷³ | 7030 |
| | | 1018 |
| | | 9014 |
| 31 | Depositions Upon Written Questions ⁷⁴ | 7031 |
| | | 1018 |
| | | 9014 |
| 32 | Use of Depositions in Court Proceedings ⁷⁵ | 7032 |
| | | 1018 |
| | | 9014 |
| 33 | Interrogatories to Parties ⁷⁶ | 7033 |
| | | 1018 |
| | | 9014 |

⁶⁹FED. R. CIV. P. 26 is expressly made applicable by FED. R. BANKR. P. 7026. It applies in adversary proceedings and, per FED. R. BANKR. P. 1018 and 9014, contested petitions and contested matters.

⁷⁰FED. R. CIV. P. 27 is expressly made applicable by FED. R. BANKR. P. 7027. It applies in adversary proceedings but not contested petitions. In contested matters, a party desiring to perpetuate testimony may, per FED. R. BANKR. P. 9014, "proceed in the same manner as provided in Rule 7027."

⁷¹FED. R. CIV. P. 28 is expressly made applicable by FED. R. BANKR. P. 7028. It applies in adversary proceedings and, per FED. R. BANKR. P. 1018 and 9014, contested petitions and contested matters.

⁷²FED. R. CIV. P. 29 is expressly made applicable by FED. R. BANKR. P. 7029. It applies in adversary proceedings and, per FED. R. BANKR. P. 1018 and 9014, contested petitions and contested matters.

⁷³FED. R. CIV. P. 30 is expressly made applicable by FED. R. BANKR. P. 7030. It applies in adversary proceedings and, per FED. R. BANKR. P. 1018 and 9014, contested petitions and contested matters.

⁷⁴FED. R. CIV. P. 31 is expressly made applicable by FED. R. BANKR. P. 7031. It applies in adversary proceedings and, per FED. R. BANKR. P. 1018 and 9014, contested petitions and contested matters.

⁷⁵FED. R. CIV. P. 32 is expressly made applicable by FED. R. BANKR. P. 7032. It applies in adversary proceedings and, per FED. R. BANKR. P. 1018 and 9014, contested petitions and contested matters.

⁷⁶FED. R. CIV. P. 33 is expressly made applicable by FED. R. BANKR. P. 7033. It applies in adversary proceedings and, per FED. R. BANKR. P. 1018 and 9014, contested petitions and contested matters.

| FED. R. CIV. P. | NAME OF RULE | FED. R. BANKR. P. |
|-----------------|--|-------------------|
| 34 | Production of Documents and | 7034 |
| | Things and Entry Upon Land for | 1018 |
| | Inspection and Other Purposes ⁷⁷ | 9014 |
| 35 | Physical and Mental Examination | 7035 |
| | of Persons ⁷⁸ | 1018 |
| | | 9014 |
| 36 | Requests for Admission ⁷⁹ | 7036 |
| | | 1018 |
| | | 9014 |
| 37 | Failure to Make or Cooperate in | 7037 |
| | Discovery: Sanctions ⁸⁰ | 1018 |
| 38 | Jury Trial of Right ⁸¹ (revised) | 9015 |
| 39 | Trial by Jury or by the Court ⁸² | 9015 |
| 40 | Assignment of Cases for Trial ⁸³ | 7040 |
| 41 | Dismissal of Actions ⁸⁴ (revised) | 7041 |
| | | 1018 |
| | | 9014 |
| 42 | Consolidation; Separate Trials ⁸⁵ | 7042 |
| | | 9014 |
| 43 | Taking of Testimony ⁸⁶ | 9017 |
| | | 9012(b) |

⁷⁷FED. R. CIV. P. 34 is expressly made applicable by FED. R. BANKR. P. 7034. It applies in adversary proceedings and, per FED. R. BANKR. P. 1018 and 9014, contested petitions and contested matters.

⁷⁸FED. R. CIV. P. 35 is expressly made applicable by FED. R. BANKR. P. 7035. It applies in adversary proceedings and, per FED. R. BANKR. P. 1018 and 9014, contested petitions and contested matters.

⁷⁹FED. R. CIV. P. 36 is expressly made applicable by FED. R. BANKR. P. 7036. It applies in adversary proceedings and, per FED. R. BANKR. P. 1018 and 9014, contested petitions and contested matters.

⁸⁰FED. R. CIV. P. 37 is expressly made applicable by FED. R. BANKR. P. 7037. It applies in adversary proceedings and, per FED. R. BANKR. P. 1018 and 9014, contested petitions and contested matters.

⁸¹FED. R. CIV. P. 38 is expressly made applicable by FED. R. BANKR. P. 7038. It applies in all bankruptcy matters including adversary proceedings, contested petitions and contested matters. A jury demand per FED. R. CIV. P. 38(b) must be filed in accordance with FED. R. BANKR. P. 5005 matters.

⁸²FED. R. CIV. P. 39 is expressly made applicable by FED. R. BANKR. P. 9015. It applies in all bankruptcy matters including adversary proceedings, contested petitions, and contested matters.

⁸³FED. R. CIV. P. 40 is expressly made applicable by FED. R. BANKR. P. 7040. It applies only in adversary proceedings.

⁸⁴FED. R. CIV. P. 41 is expressly made applicable by FED. R. BANKR. P. 7041. It applies in adversary proceedings and, per FED. R. BANKR. P. 1018 and 9014, contested petitions and contested matters.

⁸⁵FED. R. CIV. P. 42 is expressly made applicable by FED. R. BANKR. P. 7042. It applies in adversary proceedings and, per FED. R. BANKR. P. 9014, in contested matters but not contested petitions.

⁸⁶FED. R. CIV. P. 43 is expressly made applicable by FED. R. BANKR. P. 9017. In addition, FED. R. CIV. P. 43(d) is restated as FED. R. BANKR. P. 9012(b). FED. R. CIV. P. 43 applies in all bankruptcy matters including adversary proceedings, contested petitions, and contested matters.

| FED. R. CIV. P. | NAME OF RULE | FED. R. BANKR. P. |
|-----------------|---|----------------------|
| 44 | Proof of Official Record ⁸⁷ | 9017 |
| 44.1 | Determination of Foreign Law ⁸⁸ | 9017 |
| 45 | Subpoena ⁸⁹ | 9016 |
| 46 | Exceptions Unnecessary ⁹⁰ | 9026 |
| 47 | Selection of Jurors ⁹¹ | 9015 |
| 48 | Number of Jurors - Participation in Verdict ⁹² | 9015 |
| 49 | Special Verdicts and Interrogatories ⁹³ | 9015 |
| 50 | Judgment as a Matter of Law in Jury Trials; Alternative Motion for New Trial; Conditional Rulings ⁹⁴ | 9015 |
| 51 | Instructions to Jury; Objection ⁹⁵ | 9015 |
| 52 | Findings by the Court ⁹⁶ | 7052 1018 9014 |
| 54 | Judgments; Costs ⁹⁷ (revised) | 7054 1018 9014 |

⁸⁷FED. R. CIV. P. 44 is expressly made applicable by FED. R. BANKR. P. 9017. It applies in all bankruptcy matters including adversary proceedings, contested petitions and contested matters.

⁸⁸FED. R. CIV. P. 44.1 is expressly made applicable by FED. R. BANKR. P. 9017. It applies in all bankruptcy matters including adversary proceedings, contested petitions and contested matters.

⁸⁹FED. R. CIV. P. 45 is expressly made applicable by FED. R. BANKR. P. 9016. It applies in all bankruptcy matters including adversary proceedings, contested petitions and contested matters.

⁹⁰FED. R. CIV. P. 46 is expressly made applicable by FED. R. BANKR. P. 9026. It applies in all bankruptcy matters including adversary proceedings, contested petitions and contested matters.

⁹¹FED. R. CIV. P. 47 is expressly made applicable by FED. R. BANKR. P. 9015. It applies in all bankruptcy matters including adversary proceedings, contested petitions and contested matters.

⁹²FED. R. CIV. P. 48 is expressly made applicable by FED. R. BANKR. P. 9015. It applies in all bankruptcy matters including adversary proceedings, contested petitions and contested matters.

⁹³FED. R. CIV. P. 49 is expressly made applicable by FED. R. BANKR. P. 9015. It applies in all bankruptcy matters including adversary proceedings, contested petitions and contested matters.

⁹⁴FED. R. CIV. P. 50 is expressly made applicable by FED. R. BANKR. P. 9015. It applies in all bankruptcy matters including adversary proceedings, contested petitions and contested matters.

⁹⁵FED. R. CIV. P. 51 is expressly made applicable by FED. R. BANKR. P. 9015. It applies in all bankruptcy matters including adversary proceedings, contested petitions and contested matters.

⁹⁶FED. R. CIV. P. 52 is expressly made applicable by FED. R. BANKR. P. 7052. It applies in adversary proceedings and, per FED. R. BANKR. P. 1018 and 9014, contested petitions and contested matters.

⁹⁷FED. R. CIV. P. 54 is expressly made applicable by FED. R. BANKR. P. 7054. Awards of costs are made discretionary rather than "of course." It applies in adversary proceedings and, per FED. R. BANKR. P. 1018 and 9014, contested petitions and contested matters. It applies in all bankruptcy matters including adversary proceedings, contested petitions and contested matters.

| FED. R. CIV. P. | NAME OF RULE | FED. R. BANKR. P. |
|-----------------|--|----------------------|
| 55 | Default ⁹⁸ | 7055 9014 |
| 56 | Summary Judgment ⁹⁹ | 7056 1018 9014 |
| 58 | Entry of Judgment ¹⁰⁰ (revised) | 9021 |
| 59 | New Trials; Amendment of Judgments ¹⁰¹ (supplemented) | 9023 |
| 60 | Relief from Judgment or Order ¹⁰² (supplemented) | 9024 |
| 61 | Harmless Error (supplemented) ¹⁰³ | 9005 |
| 62 | Stay of Proceedings to Enforce a Judgment ¹⁰⁴ (supplemented) | 7062 1018 9014 |
| 63 | Disability of a Judge ¹⁰⁵ | 9028 |

⁹⁸FED. R. CIV. P. 55 is expressly made applicable by FED. R. BANKR. P. 7055. It applies in adversary proceedings and, per FED. R. BANKR. P. 9014, contested matters, but not contested petitions.

⁹⁹FED. R. CIV. P. 56 is expressly made applicable by FED. R. BANKR. P. 7056. It applies in adversary proceedings and, per FED. R. BANKR. P. 1018 and 9014, contested petitions and contested matters.

¹⁰⁰FED. R. CIV. P. 58 is expressly made applicable by FED. R. BANKR. P. 9021, with two stated modifications: (1) the separate document requirement applies only in adversary proceedings and contested matters; and (2) entry of judgment is pursuant to FED. R. BANKR. P. 5003 rather than FED. R. CIV. P. 79. It applies, as modified, in all bankruptcy matters including adversary proceedings, contested petitions, and contested matters.

¹⁰¹FED. R. CIV. P. 59 is expressly made applicable by FED. R. BANKR. P. 9023, with the exception that it does not apply to reconsideration of claims pursuant to 11 U.S.C. § 502(j) and FED. R. BANKR. P. 3008. It applies in all bankruptcy matters including adversary proceedings, contested petitions, and contested matters.

¹⁰²FED. R. CIV. P. 60 is expressly made applicable by FED. R. BANKR. P. 9024, with three stated exceptions: (1) reopening a case or reconsidering claims that were allowed or disallowed without contest are not subject to a one-year limitation; (2) complaints to revoke discharge are governed by the times specified at 11 U.S.C. § 727(c); and (3) complaints to revoke orders confirming a plan are governed by the times specified at 11 U.S.C. §§ 1144, 1230, and 1330. It applies in all bankruptcy matters including adversary proceedings, contested petitions, and contested matters.

¹⁰³FED. R. CIV. P. 61 is expressly made applicable by FED. R. BANKR. P. 9005. The court is also authorized to correct or cure errors, defects, or omissions that do not affect substantial rights. It applies in all bankruptcy matters, including adversary proceedings, contested petitions, and contested matters.

¹⁰⁴FED. R. CIV. P. 62 is expressly made applicable by FED. R. BANKR. P. 7062. Additional exceptions to FED. R. CIV. P. 62(a) are made for: (1) orders granting relief from the automatic stay; (2) cash collateral orders; (3) orders regarding the use, sale, or lease of property of the estate; (4) orders authorizing the trustee to obtain credit; and (5) orders on assumption or assignment of executory contracts and unexpired leases. It applies in adversary proceedings and, per FED. R. BANKR. P. 1018 and 9014, contested petitions and contested matters.

¹⁰⁵FED. R. CIV. P. 63 is expressly made applicable by FED. R. BANKR. P. 9028. It applies in all bankruptcy matters including adversary proceedings, contested petitions, and contested matters.

| FED. R. CIV. P. | NAME OF RULE | FED. R. BANKR. P. |
|-----------------|---|-------------------|
| 64 | Seizure of Person or Property ¹⁰⁶ | 7064 9014 |
| 65 | Injunctions ¹⁰⁷ (supplemented) | 7065 |
| 65.1 | Security: Proceedings Against Sureties ¹⁰⁸ (revised) | 9025 |
| 67 | Deposit in Court ¹⁰⁹ | 7067 |
| 68 | Offer of Judgment ¹¹⁰ | 7068 |
| 69 | Execution ¹¹¹ | 7069 9014 |
| 70 | Judgment for Specific Acts; Vesting Title ¹¹² (supplemented) | 7070 |
| 71 | Process in Behalf of and Against Persons Not Parties ¹¹³ | 7071 9014 |
| 77(a) | District Courts Always Open ¹¹⁴ (revised) | 5001(a) |
| 77(b) | Trials and Hearings; Orders in Chambers ¹¹⁵ (revised) | 5001(b) |

¹⁰⁶FED. R. CIV. P. 64 is expressly made applicable by FED. R. BANKR. P. 9028. It applies in all adversary proceedings and, per FED. R. BANKR. P. 9014, contested matters, but not contested petitions.

¹⁰⁷FED. R. CIV. P. 65 is expressly made applicable by FED. R. BANKR. P. 7065. The court is given the discretion to excuse a trustee, a debtor, or a debtor in possession from the requirement of a bond in connection with a temporary restraining order or preliminary injunction. The rule applies only in adversary proceedings.

¹⁰⁸FED. R. CIV. P. 65.1 is restated as FED. R. BANKR. P. 9025, with two main differences: (1) a proceeding against a surety must be by adversary proceeding rather than by motion; and (2) the clerk is not made the agent for purposes of service. It applies in all bankruptcy matters including adversary proceedings, contested petitions, and contested matters.

¹⁰⁹FED. R. CIV. P. 67 is expressly made applicable by FED. R. BANKR. P. 7067. It applies only in adversary proceedings.

¹¹⁰FED. R. CIV. P. 68 is expressly made applicable by FED. R. BANKR. P. 7068. It applies only in adversary proceedings.

¹¹¹FED. R. CIV. P. 69 is expressly made applicable by FED. R. BANKR. P. 7069. It applies in adversary proceedings and, per FED. R. BANKR. P. 9014, contested matters, but not contested petitions.

¹¹²FED. R. CIV. P. 70 is expressly made applicable by FED. R. BANKR. P. 7070, with the addition that the court may enter judgment vesting or divesting title in real or personal property wherever located (so long as it is within the jurisdiction of the court) without the limitation that the property be located in the judicial district. It applies only in adversary proceedings.

¹¹³FED. R. CIV. P. 71 is expressly made applicable by FED. R. BANKR. P. 7071. It applies in adversary proceedings and, per FED. R. BANKR. P. 9014, contested matters, but not contested petitions.

¹¹⁴FED. R. CIV. P. 77(a) is restated as FED. R. BANKR. P. 5001(a), with stylistic changes. It applies in all bankruptcy matters including adversary proceedings, contested petitions, and contested matters.

¹¹⁵FED. R. CIV. P. 77(b) is restated as FED. R. BANKR. P. 5001(b). The language is identical, except for the deletion of the phrase "without the attendance of the clerk or other court officials" from the clause regarding acts and proceedings conducted in chambers. It applies in all bankruptcy matters including adversary proceedings, contested petitions, and contested matters.

| FED. R. CIV. P. | NAME OF RULE | FED. R. BANKR. P. |
|-----------------|--|-------------------|
| 77(c) | Clerk's Office and Orders by Clerk ¹¹⁶ (revised) | 5001(c) |
| 77(d) | Notice of Orders or Judgments ¹¹⁷ (revised) | 9022(a) |
| 79 | Books and Records Kept by the Clerk and Entries Therein ¹¹⁸ (revised) | 5003 |
| 80(c) | Stenographer; Stenographic Report or Transcript as Evidence ¹¹⁹ (revised) | 5007 |
| 81(c) | Applicability in General: Removed Actions ¹²⁰ (revised) | 9027 |
| 82 | Jurisdiction and Venue Unaffected ¹²¹ (revised) | 9030 |
| 83 | Rules by District Courts ¹²² (revised) | 9029 |

¹¹⁶The first sentence of FED. R. CIV. P. 77(c), relating to the hours of business in the clerk's office, is restated as FED. R. BANKR. P. 5001(c). The remainder of FED. R. CIV. P. 77(c), relating to orders by the clerk, is omitted. FED. R. BANKR. P. 5001(c) applies in all bankruptcy matters including adversary proceedings, contested petitions, and contested matters.

¹¹⁷FED. R. CIV. P. 77(d) is restated as FED. R. BANKR. P. 9022(a), with modification of the entities to whom the judgment or order is to be sent and applies whenever a bankruptcy judge signs the order or judgment. When a district judge signs the order or judgment, FED. R. BANKR. P. 9022(b) provides that FED. R. CIV. P. 77(d) applies, with the additional requirement that (except in a Chapter 9 case) a copy be sent to the United States Trustee. FED. R. BANKR. P. 9022 applies in all bankruptcy matters including adversary proceedings, contested petitions, and contested matters.

¹¹⁸FED. R. CIV. P. 79 is restated as FED. R. BANKR. P. 5003, with adjustments to reflect the type of records involved in bankruptcy. It applies in all bankruptcy matters including adversary proceedings, contested petitions, and contested matters.

¹¹⁹FED. R. CIV. P. 80(c) is restated as FED. R. BANKR. P. 5007(c), which provides that "a certified sound recording or a transcript of a proceeding shall be admissible as prima facie evidence to establish the record." It applies in all bankruptcy matters including adversary proceedings, contested petitions, and contested matters.

¹²⁰FED. R. CIV. P. 81(c) is expressly made applicable insofar as it applies to jury trials by FED. R. BANKR. P. 9015. The balance of FED. R. CIV. P. 81(c) is restated as FED. R. BANKR. P. 9027(g), without the provisions relating to a jury trial. Although the rules in the 9000 series apply to all bankruptcy matters, this rule appears to have its sole impact in adversary proceedings because it applies only to actions removed from state courts all of which are treated as adversary proceedings.

¹²¹FED. R. CIV. P. 82 is restated as FED. R. BANKR. P. 9030. It applies in all bankruptcy matters including adversary proceedings, contested petitions, and contested matters.

¹²²FED. R. CIV. P. 83 is restated as FED. R. BANKR. P. 9029. The district court makes local bankruptcy rules but may delegate that power to the bankruptcy judges. The procedures of FED. R. CIV. P. 83 apply in either event.

ADVERSARY PROCEEDINGS

| FED. R. CIV. P. | NAME OF RULE | FED. R. BANKR. P. |
|-----------------|--|----------------------|
| 1 | Scope of Rules | 1001 |
| 3 | Commencement of Action | 7003 |
| 4 | Process (supplemented) | 7004 |
| 5 | Service and Filing of Pleadings and Other Papers (supplemented) | 7005 2002 5005 |
| 6 | Time (supplemented) | 9006 |
| 7 | Pleadings Allowed | 7007 |
| 8 | General Rules of Pleading (supplemented) | 7008 |
| 9 | Pleading Special Matters | 7009 |
| 10 | Form of Pleadings (supplemented) | 7010 9004(b) |
| 11 | Signing and Verification of Papers (revised) | 9011 |
| 12 | Defenses and Objections - When and How Presented - By Pleading or Motion - Motion for Judgment on Pleadings (revised) | 7012 |
| 13 | Counterclaim and Cross-Claim (revised) | 7013 |
| 14 | Third-Party Practice | 7014 |
| 15 | Amended and Supplemental Pleadings | 7015 |
| 16 | Pretrial Procedure; Formulating Issues | 7016 |
| 17 | Parties Plaintiff and Defendant; Capacity (supplemented) | 7017 |
| 18 | Joinder of Claims and Remedies | 7018 |
| 19 | Joinder of Persons Needed for Just Determination (supplemented) | 7019 |
| 20 | Permissive Joinder of Parties | 7020 |
| 21 | Misjoinder and Nonjoinder of Parties | 7021 |
| 22(1) | Interpleader | 7022 |
| 23 | Class Proceedings | 7023 |
| 23.1 | Derivative Proceedings by Shareholders | 7023.1 |

ADVERSARY PROCEEDINGS

| FED. R. CIV. P. | NAME OF RULE | FED. R. BANKR. P. |
|-----------------|--|----------------------|
| 1 | Scope of Rules | 1001 |
| 3 | Commencement of Action | 7003 |
| 4 | Process (supplemented) | 7004 |
| 5 | Service and Filing of Pleadings and Other Papers (supplemented) | 7005 2002 5005 |
| 6 | Time (supplemented) | 9006 |
| 7 | Pleadings Allowed | 7007 |
| 8 | General Rules of Pleading (supplemented) | 7008 |
| 9 | Pleading Special Matters | 7009 |
| 10 | Form of Pleadings (supplemented) | 7010 9004(b) |
| 11 | Signing and Verification of Papers (revised) | 9011 |
| 12 | Defenses and Objections - When and How Presented - By Pleading or Motion - Motion for Judgment on Pleadings (revised) | 7012 |
| 13 | Counterclaim and Cross-Claim (revised) | 7013 |
| 14 | Third-Party Practice | 7014 |
| 15 | Amended and Supplemental Pleadings | 7015 |
| 16 | Pretrial Procedure; Formulating Issues | 7016 |
| 17 | Parties Plaintiff and Defendant; Capacity (supplemented) | 7017 |
| 18 | Joinder of Claims and Remedies | 7018 |
| 19 | Joinder of Persons Needed for Just Determination (supplemented) | 7019 |
| 20 | Permissive Joinder of Parties | 7020 |
| 21 | Misjoinder and Nonjoinder of Parties | 7021 |
| 22(1) | Interpleader | 7022 |
| 23 | Class Proceedings | 7023 |
| 23.1 | Derivative Proceedings by Shareholders | 7023.1 |

| FED. R. CIV. P. | NAME OF RULE | FED. R. BANKR. P. |
|-----------------|--|-------------------|
| 23.2 | Actions Relating to Unincorporated Associations | 7023.2 |
| 24 | Intervention | 7024 2018 |
| 25 | Substitution of Parties (supplemented) | 7025 |
| 26 | General Provisions Governing Discovery; Duty of Disclosure | 7026 |
| 27 | Depositions Before Action or Pending Appeal | 7027 |
| 28 | Persons Before Whom Depositions May Be Taken | 7028 |
| 29 | Stipulations Regarding Discovery Procedure | 7029 |
| 30 | Depositions Upon Oral Examination | 7030 |
| 31 | Depositions Upon Written Questions | 7031 |
| 32 | Use of Depositions in Court Proceedings | 7032 |
| 33 | Interrogatories to Parties | 7033 |
| 34 | Production of Documents and Things and Entry Upon Land for Inspection and Other Purposes | 7034 |
| 35 | Physical and Mental Examination of Persons | 7035 |
| 36 | Requests for Admission | 7036 |
| 37 | Failure to Make or Cooperate in Discovery: Sanctions | 7037 |
| 38 | Jury Trial of Right | 9015 |
| 39 | Trial by Jury or by the Court | 9015 |
| 40 | Assignment of Cases for Trial | 7040 |
| 41 | Dismissal of Actions (revised) | 7041 |
| 42 | Consolidation; Separate Trials | 7042 |
| 43 | Taking of Testimony | 9017 9012(b) |
| 44 | Proof of Official Record | 9017 |
| 44.1 | Determination of Foreign Law | 9017 |
| 45 | Subpoena | 9016 |
| 46 | Exceptions Unnecessary | 9026 |

| FED. R. CIV. P. | NAME OF RULE | FED. R. BANKR. P. |
|-----------------|---|-------------------|
| 47 | Selection of Jurors | 9015 |
| 48 | Number of Jurors - Participation in Verdict | 9015 |
| 49 | Special Verdicts and Interrogatories | 9015 |
| 50 | Judgment as a Matter of Law in Jury Trials; Alternative Motion for New Trial; Conditional Rulings | 9015 |
| 51 | Instructions to Jury; Objection | 9015 |
| 52 | Findings by the Court | 7052 |
| 54 | Judgments; Costs (revised) | 7054 |
| 55 | Default | 7055 |
| 56 | Summary Judgment | 7056 |
| 58 | Entry of Judgment (revised) | 9021 |
| 59 | New Trials; Amendment of Judgments (supplemented) | 9023 |
| 60 | Relief from Judgment or Order (supplemented) | 9024 |
| 61 | Harmless Error (supplemented) | 9005 |
| 62 | Stay of Proceedings to Enforce a Judgment (supplemented) | 7062 |
| 63 | Disability of a Judge | 9028 |
| 64 | Seizure of Person or Property | 7064 |
| 65 | Injunctions (supplemented) | 7065 |
| 65.1 | Security: Proceedings Against Sureties (revised) | 9025 |
| 67 | Deposit in Court | 7067 |
| 68 | Offer of Judgment | 7068 |
| 69 | Execution | 7069 |
| 70 | Judgment for Specific Acts; Vesting Title (supplemented) | 7070 |
| 71 | Process in Behalf of and Against Persons Not Parties | 7071 |
| 77 | District Courts and Clerks (revised) | 5001 9022(a) |
| 79 | Books and Records Kept by the Clerk and Entries Therein (revised) | 5003 |
| 80 | Stenographer; Stenographic Report or Transcript as Evidence (revised) | 5007 |
| 81 | Applicability in General: Removed Actions (revised) | 9015 9027 |

| FED. R. CIV. P. | NAME OF RULE | FED. R. BANKR. P. |
|-----------------|--|-------------------|
| 82 | Jurisdiction and Venue Unaffected (revised) | 9030 |
| 83 | Rules by District Courts (revised) | 9029 |

CONTESTED MATTERS

| FED. R. CIV. P. | NAME OF RULE | FED. R. BANKR. P. |
|-----------------|---|----------------------|
| 1 | Scope of Rules | 1001 |
| 4 | Process (supplemented) | 9014 7004 |
| 5 | Service and Filing of Pleadings and Other Papers | 2002 5005 |
| 6 | Time (supplemented) | 9006 |
| 7 | Pleadings Allowed (revised) | 9013 |
| 10 | Form of Pleadings (supplemented) | 9004(b) |
| 11 | Signing and Verification of Papers (revised) | 9011 |
| 21 | Misjoinder and Nonjoinder of Parties | 9014 7021 |
| 24 | Intervention (revised) | 2018 |
| 25 | Substitution of Parties (supplemented) | 9014 2012 7025 |
| 26 | General Provisions Governing Discovery; Duty of Disclosure | 9014 7026 |
| 27 | Depositions Before Action or Pending Appeal | 9014 7027 |
| 28 | Persons Before Whom Depositions May be Taken | 9014 7028 |
| 29 | Stipulations Regarding Discovery Procedure | 9014 7029 |
| 30 | Depositions Upon Oral Examination | 9014 7030 |
| 31 | Depositions Upon Written Questions | 9014 7031 |
| 32 | Use of Depositions in Court Proceedings | 9014 7032 |
| 33 | Interrogatories to Parties | 9014 7033 |

| FED. R. CIV. P. | NAME OF RULE | FED. R. BANKR. P. |
|-----------------|---|-------------------|
| 34. | Production of Documents and Things and Entry Upon Land for Inspection and Other Purposes | 9014 7034 |
| 35 | Physical and Mental Examination of Persons | 9014 7035 |
| 36 | Requests for Admission | 9014 7036 |
| 37 | Failure to Make or Cooperate in Discovery: Sanctions | 9014 7037 |
| 38 | Jury Trial of Right | 9015 |
| 39 | Trial by Jury or by the Court | 9015 |
| 41 | Dismissal of Actions (revised) | 9014 7041 |
| 42 | Consolidation; Separate Trials | 9014 7042 |
| 43 | Taking of Testimony | 9017 9012 |
| 44 | Proof of Official Record | 9017 |
| 44.1 | Determination of Foreign Law | 9017 |
| 45 | Subpoena | 9016 |
| 46 | Exceptions Unnecessary | 9026 |
| 47 | Selection of Jurors | 9015 |
| 48 | Number of Jurors - Participation in Verdict | 9015 |
| 49 | Special Verdicts and Interrogatories | 9015 |
| 50 | Judgment as a Matter of Law in Jury Trials; Alternative Motion for New Trial; Conditional Rulings | 9015 |
| 51 | Instructions to Jury; Objection | 9015 |
| 52 | Findings by the Court | 9014 7052 |
| 54 | Judgments; Costs (revised) | 9014 7054 |
| 55 | Default | 9014 7055 |
| 56 | Summary Judgment | 9014 7056 |
| 58 | Entry of Judgment (revised) | 9021 |
| 59 | New Trials; Amendment of Judgments (supplemented) | 9023 |

| FED. R. CIV. P. | NAME OF RULE | FED. R. BANKR. P. |
|-----------------|--|-------------------|
| 60 | Relief from Judgment or Order (supplemented) | 9024 |
| 61 | Harmless Error (supplemented) | 9005 |
| 62 | Stay of Proceedings to Enforce a Judgment (supplemented) | 9014 7062 |
| 63 | Disability of a Judge | 9028 |
| 64 | Seizure of Person or Property | 9014 7064 |
| 65.1 | Security: Proceedings Against Sureties (revised) | 9025 |
| 69 | Execution | 9014 7069 |
| 71 | Process in Behalf of and Against Persons Not Parties | 9014 7071 |
| 77 | District Courts and Clerks (revised) | 5001 9022(a) |
| 79 | Books and Records Kept by the Clerk and Entries Therein (revised) | 5003 |
| 80 | Stenographer; Stenographic Report and Transcript as Evidence (revised) | 5007 |
| 82 | Jurisdiction and Venue Unaffected (revised) | 9030 |
| 83 | Rules by District Courts (revised) | 9029 |

INVOLUNTARY AND UNCONTESTED PETITIONS

| FED. R. CIV. P. | NAME OF RULE | FED. R. BANKR. P. |
|-----------------|--|------------------------------|
| 1 | Scope of Rules | 1001 |
| 4 | Process (supplemented) | 1010 7004 |
| 5 | Service and Filing of Pleadings and Other Papers (supplemented) | 1010 2002 5005 7005 |
| 6 | Time (supplemented) | 9006 |
| 7 | Pleadings Allowed (revised) | 9013 |
| 8 | General Rules of Pleading (supplemented) | 1018 7008 |

| FED. R. CIV. P. | NAME OF RULE | FED. R. BANKR. P. |
|-----------------|--|-------------------------|
| 9 | Pleading Special Matters | 1018 7009 |
| 10 | Form of Pleadings (supplemented) | 1018 7010 9004(b) |
| 11 | Signing and Verification of Papers (revised) | 9011 |
| 12 | Defenses and Objections When and How Presented - By Pleading or Motion - Motion for Judgment on Pleadings (revised) | 1011 7012 |
| 15 | Amended and Supplemental Pleadings | 1018 7015 |
| 16 | Pretrial Procedure; Formulating Issues | 1018 7016 |
| 24 | Intervention | 1018 2018 7024 |
| 25 | Substitution of Parties (supplemented) | 1018 2012 7025 |
| 26 | General Provisions Governing Discovery; Duty of Disclosure | 1018 7026 |
| 28 | Persons Before Whom Depositions May Be Taken | 1018 7028 |
| 29 | Stipulations Regarding Discovery Procedure | 1018 7029 |
| 30 | Depositions Upon Oral Examination | 1018 7030 |
| 31 | Depositions Upon Written Questions | 1018 7031 |
| 32 | Use of Depositions in Court Proceedings | 1018 7032 |
| 33 | Interrogatories to Parties | 1018 7033 |
| 34 | Production of Documents and Things and Entry Upon Land for Inspection and Other Purposes | 1018 7034 |
| 35 | Physical and Mental Examination of Persons | 1018 7035 |

| FED. R. CIV. P. | NAME OF RULE | FED. R. BANKR. P. |
|-----------------|---|-------------------|
| 36 | Requests for Admission | 1018 7036 |
| 37 | Failure to Make or Cooperate in Discovery: Sanctions | 1018 7037 |
| 38 | Jury Trial of Right | 9015 |
| 39 | Trial by Jury or by the Court | 9015 |
| 43 | Taking of Testimony | 9017 9012(b) |
| 44 | Proof of Official Record | 9017 |
| 44.1 | Determination of Foreign Law | 9017 |
| 45 | Subpoena | 9016 |
| 46 | Exceptions Unnecessary | 9026 |
| 47 | Selection of Jurors | 9015 |
| 48 | Number of Jurors - Participation in Verdict | 9015 |
| 49 | Special Verdicts and Interrogatories | 9015 |
| 50 | Judgment as a Matter of Law in Jury Trials; Alternative Motion for New Trial; Conditional Rulings | 9015 |
| 51 | Instructions by Jury; Objection | 9015 |
| 52 | Findings by the Court | 1018 7052 |
| 54 | Judgments: Costs (revised) | 1018 7054 |
| 56 | Summary Judgment | 1018 7056 |
| 58 | Entry of Judgment (revised) | 9021 |
| 59 | New Trials; Amendment of Judgments (supplemented) | 9023 |
| 60 | Relief from Judgment or Order (supplemented) | 9024 |
| 61 | Harmless Error (supplemented) | 9005 |
| 62 | Stay of Proceedings to Enforce a Judgment (supplemented) | 1018 7062 |
| 63 | Disability of a Judge | 9028 |
| 65.1 | Security: Proceedings Against Sureties (revised) | 9025 |
| 77 | District Courts and Clerks (revised) | 5001 9022(a) |

| FED. R. CIV. P. | NAME OF RULE | FED. R. BANKR. P. |
|-----------------|---|-------------------|
| 79 | Books and Records Kept by the Clerk and Entries Therein (revised) | 5003 |
| 80 | Stenographer; Stenographic Report or Transcript as Evidence (revised) | 5007 |
| 82 | Jurisdiction and Venue Unaffected (revised) | 9030 |
| 83 | Rules by District Courts (revised) | 9029 |

ALL MATTERS, EVEN UNCONTESTED MATTERS

| FED. R. CIV. P. | NAME OF RULE | FED. R. BANKR. P. |
|-----------------|---|-------------------|
| 1 | Scope of Rules | 1001 |
| 5 | Service and Filing of Pleadings and Other Papers (supplemented) | 2002 |
| 6 | Time (supplemented) | 9006 |
| 7 | Pleadings Allowed (revised) | 9013 |
| 10 | Form of Pleadings (supplemented) | 9004(b) |
| 11 | Signing and Verification of Papers (pre-1993 version) (revised) | 9011(a) |
| 24 | Intervention (revised) | 2018 |
| 38 | Jury Trial of Right | 9015 |
| 39 | Trial by Jury or by the Court | 9015 |
| 43 | Taking of Testimony | 9017 |
| | | 9012(b) |
| 44 | Proof of Official Record | 9017 |
| 44.1 | Determination of Foreign Law | 9017 |
| 45 | Subpoena | 9016 |
| 46 | Exceptions Unnecessary | 9026 |
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| 65.1 | Security: Proceedings Against Sureties (revised) | 9025 |
| 77 | District Courts and Clerks (revised) | 5001 9022(a) |
| 79 | Books and Records Kept by the Clerk and Entries Therein (revised) | 5003 |
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