

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF OREGON

In re:)
)
Temporary Means Testing Exclusion for Qualifying) GENERAL ORDER NO. 09-1
Armed Forces Reservists and National Guard Personnel;)
Miscellaneous and Technical Modifications)
)

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 1002-1\(b\)](#) is modified to read as follows:

“(b) Chapter 7 or 13—Consumer Debt Presumption. A case filed by an individual will be presumed to be filed by a debtor whose debts are primarily consumer debts unless another nature of debt is checked on the petition.”

3. [LBR 1007-1](#) is modified to add a cross-reference that reads as follows:

“Cross-reference: Temporary Exclusion From Means Testing - [LBR 9001-1\(q\)](#).”

4. The LBRs are modified to add a new [LBR 1080-1](#) to read as follows:

“Chapter 15—Petition for Recognition. The proceeding for which a petition for recognition is filed will be presumed to be a foreign main proceeding unless the petition clearly indicates that it relates to a foreign nonmain proceeding.”

Cross-reference: Service of Notice - [LBR 2002-1\(a\)](#).”

5. [LBR 2002-1\(a\)\(6\)](#) is modified to read as follows:

“(6) Chapter 15. A foreign representative filing a case must serve the notice required under FRBP 2002(q)(1), and any notice required pursuant to FRBP 2002(q)(2).”

6. The third paragraph in the body of the hearing template in [LBR 2002-1\(c\)](#) is modified to read as follows:

“[Insert a statement as to whether or not testimony may be offered, and received if admissible, under [\(d\)](#).]”

7. [LBR 2002-1](#) is modified to add a new subsection [\(j\)](#) to read as follows:

“(j) **Chapter 7, 12 or 13 Case—Limited Notice.** Unless provided otherwise in an FRBP or LBR, after the deadline for filing each type of claim has expired, a party required to serve notice need do so only on the debtor, a creditor that filed a proof of claim, and an entity that filed a request to receive a copy of all notices.”

8. [LBR 2014-1\(b\)](#) is modified to read as follows:

“(b) **Chapter 11 Professional Employment Application.** [LBF #1114](#) must be attached to an application.”

9. [LBR 2015-1\(a\)\(2\)](#) is modified to read:

“(2) **Final Report.** The trustee must file [LBF #740](#) to request that estate assets be distributed to claimants.”

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

“(3) **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, file [LBF #740.05](#) no later than 35 days after entry of the appropriate order.
- (C) If a distribution order on [LBF #740.3](#) has been entered, provide a final account on [LBF #740.5](#) to the UST 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.

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

“(A) **General.** If the debtor will receive a discharge upon confirmation, or is an individual who will not request a discharge under [LBR 4004-1](#), the following entity must file [LBF #1195](#) no later than 120 days after entry of a plan confirmation order: (i) a plan agent appointed under the plan to serve after confirmation; or (ii) if no plan agent was appointed, the debtor.”

12. [LBR 2016-1\(d\)\(1\)](#) is modified to read as follows:

“(1) **Attorney.** An application for initial or supplemental compensation or expense reimbursement must be filed on [LBF #1214](#) no later than 28 days after service of the trustee’s notice of plan completion. The applicant must file and serve notice of the application on [LBF #1214.5](#).”

13. [LBR 2016-1\(e\)\(2\)](#) is modified to read as follows:

“(2) **Postconfirmation Supplemental Compensation Application.** If permitted under the applicable provisions of the [LBF #1305](#) filed in the case, the application must be filed on [LBF #1307](#) no later than 28 days after service of the trustee’s notice of plan completion.”

14. [LBR 4004-1\(b\)](#) is modified to read as follows:

“(b) **Chapter 11 Discharge for Individual.** To obtain a discharge, upon completion of all payments under the plan a debtor must file a motion for entry of discharge on [LBF #1191.3](#), and, if the case is closed, contemporaneously file a motion to reopen the case and pay the required reopening fee.”

15. [LBR 5003-1\(a\)](#) is modified to read as follows:

“(a) Requiring the filing of missing or corrected documents.”

16. [LBR 5005-4\(d\)](#) is modified to read as follows:

“(d) **ECF Participant Waiver.** By accepting an ECF login and password, an ECF Participant waives the right to receive notice or other documents, including notice of the entry of an order or judgment under FRBP 9022, by any manner other than electronically, and agrees to accept all service electronically. The waiver, however, does not apply regarding service of a paper copy of a summons and complaint under FRBP 7004, or a subpoena under FRBP 9016, on an actual party (i.e., as opposed to an ECF Participant attorney for that party).”

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

“(3) Timing Requirements.

(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 nondiscovery motion.

(B) Reply. No reply may be filed, except for one in support of a motion for summary judgment, which must be filed and served no later than 14 days after the date of filing of the opposition.”

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

“(f) Timeliness of Discovery Motion. A motion to compel or for other relief with respect to a discovery request must be filed by the earlier of either: (1) the discovery completion deadline; or (2) 14 days after the discovery response is received, or if no response is timely made, within 14 days after the response is due. Failure to timely file a motion constitutes a waiver of the right to any relief.”

19. The initial paragraph of [LBR 9001-1](#) is modified to read as follows:

“Titles and headings are part of the LBRs. A word or phrase not otherwise defined in an LBR or LBF has the meaning and construction assigned to it in the Code or an FRBP, unless the specific definitions below or the context require otherwise. All singular words include the plural, and any reference to one gender includes both genders. A list of items following a colon will generally be read to be joined by an ‘and.’ However, if the colon follows the word ‘either,’ the list will be read to be joined by an ‘or.’ The following definitions apply in these LBRs and to all LBFs:”

20. [LBR 9001-1\(q\)](#) is modified to read as follows:

“(q) ‘FRBP’ means a Federal Rule of Bankruptcy Procedure, and Interim Federal Rule of Bankruptcy Procedure (IFRBP) 1007-I (re Temporary Exclusion From Means Testing) until it is superseded by an FRBP, or the statute to which it relates expires by law.”

21. [LBR 9001-1\(t\)](#) is modified to read as follows:

“(t) ‘LBF’ means a form promulgated by the court, plus any pages the filing party is required to attach in order to include all essential text.”

22. The document caption template in [LBR 9004-2\(b\)](#) is modified to read as follows:

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF OREGON

In re) Case No.** [Insert case number]
)
[NOTE: Insertion of the “other names) TITLE [Insert description of the document]
used” included on the petition under [LBR](#))
[1005-1\(b\)](#) is not required, except on notices) [NOTE: Add the following if filed in
under FRBP 2002(n)]) response to a noticed hearing:]
)
Debtor(s).) DATE OF HEARING: _____
) TIME OF HEARING: _____
)
) [NOTE: Add the following if district court
has matter for review under either
) [LR 2100.4](#) or [LR 2100.11](#), or on appeal
) under [LR 2200](#).:]
)
) REFERRED [or ON APPEAL] TO
) U.S. DISTRICT COURT
)
) U.S. Dist. Ct. Case No. [Insert, if any]
)
) [NOTE: Add the following to first pleading
if demanding jury trial:]
)
) DEMAND FOR JURY TRIAL

23. The document caption in [LBR 9004-2\(c\)](#) is modified to read as follows:

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF OREGON

In re) Case No. [Insert case number]
)
)
[NOTE: Insertion of the “other names) Adv. Proc. No.*** [Insert Adv. Proc.
used” included on the petition under [LBR](#)) No.]
[1005-1\(b\)](#) is not required, except on notices)
under FRBP 2002(n)])
) TITLE [Insert description of the
) document]
)
Debtor(s).)
) [NOTE: Add the following if filed in
) response to a noticed hearing:]
)
[Insert plaintiff names])
Plaintiff(s).) DATE OF HEARING: _____
) TIME OF HEARING: _____
)
v.)
) [NOTE: Add the following if district court
) has matter for review under either
) [LR 2100.4](#) or [LR 2100.11](#), or on appeal
) under [LR 2200](#):]
)
)
) REFERRED [or ON APPEAL] TO U.S.
) DISTRICT COURT
)
) U.S. Dist. Ct. Case No. [Insert, if any]
)
) [NOTE: Add the following to first
) pleading if demanding jury trial:]
)
) DEMAND FOR JURY TRIAL

24. [LBR 9015-1\(b\)](#) is modified to read as follows:

“(b) **Demand.** A demand for jury trial endorsed on a pleading must be set out in the title of the pleading in the format provided under [LBRs 9004-2\(b\) and \(c\)](#). In a case removed from another court when the demanding party has already filed a pleading, demand may be made in a separate document.”

25. [LBR 9021-1\(a\)\(2\)\(A\)](#) is modified to read as follows:

“(A) **General.** Except for a stipulated order or judgment, or an order lodged under (B), a copy of a proposed order or judgment must be served on all interested parties no later than three business days before lodging the proposed order or judgment. Unless provided otherwise under (B), a proposed order or judgment must not be lodged until it is appropriate for the court to sign the document.”

26. [LBR 9021-1\(a\)\(2\)\(B\)\(iv\)](#) is modified to add a subsection (IV) to read as follows:

“(IV) Expedited hearing.”

27. [LBR 9050-1\(a\)\(1\)](#) is modified to read as follows:

“(1) **General.** The court will seal only an entire document; it will not seal parts of a document. Documents permitted to be filed on paper will be scanned, entered into ECF, and then promptly destroyed unless filed with a SASE for return to the filing party after entry.”

/s/ Elizabeth L. Perris

Elizabeth L. Perris

Chief Bankruptcy Judge