UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF WASHINGTON

LOCAL RULES

EASTERN DISTRICT OF WASHINGTON
BANKRUPTCY COURT
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Rule 1006-1

Filing Fee

(a) Payment of Filing Fee in Installments

All applications to pay filing fees in installments shall be filed using Official Form 103A, Application for Individuals to Pay the Filing Fee in Installments. Seventy-five dollars ($75) of the filing fee shall be due at the time the petition is filed for debtors applying to pay the filing fee in installments. The court will enter an order or set the matter for hearing.

(b) Waiver of Filing Fee

All applications to waive the Chapter 7 filing fee shall be filed using Official Form 103B, Application to Have the Chapter 7 Filing Fee Waived. The court will enter an order or set the matter for hearing. An order granting an application for waiver of the Chapter 7 filing fee may be reconsidered and vacated by the court on its own motion or on motion of a party in interest if developments in the case show that the waiver was not warranted at the time of the application or that factors leading to the initial waiver no longer exist.

Related Provisions

FRBP 1006	Filing Fee
11 USC 105(a)	Power of Court
28 USC 1930	Bankruptcy Fees

Rule 1007-1

Lists, Schedules, Statements and Other Documents

(a) A debtor desiring an extension of time in which to file the schedules and statements, or chapter 12 or 13 plan or other documents shall give seven (7) days' notice and hearing to the trustee, the United States trustee, and any examiner or creditors committee appointed or elected. The motion shall be filed with the petition for relief or before the time for filing the schedules and statements or the time for filing a chapter 12 or 13 plan has expired, shall contain a brief statement as to the reason why an extension is required, and a specific date when the required documents will be filed.

(b) Each item in the schedules and statement of affairs and other documents not otherwise filled out, shall be carried out by the entry "none" or "not applicable" as appropriate.

(c) In a voluntary case, an individual debtor shall file with the petition or within 14 days thereafter a Declaration Regarding Payments using Local Form 1007-1. In an involuntary case, the Declaration Regarding Payments shall be filed by the debtor within 14 days after the entry of the order for relief.

Related Provisions

FRBP 1002	Voluntary Petition
FRBP 1004	Partnership Petition
FRBP 1005	Caption of Petition
FRBP 1007	Lists, Schedules and Statements
FRBP 1008	Verification of Papers
LBR 5005 - 2	Filing Papers - Numbers of Copies
11 USC 109	Who May Be a Debtor
11 USC 301	Voluntary Cases
11 USC 303(b)(3)	Partnership Petitions
11 USC 521	Debtor's Duties

Rule 1007-2

Matrix

(a) Voluntary Petition

A voluntary petition shall be accompanied by a matrix in a format designated by the Clerk containing the typed name and address of each creditor. In a case under chapter 11, the matrix shall include the names and addresses of equity security holders. If the United States is a creditor, other than for taxes, the matrix shall contain the name and address of the United States Attorney for the Eastern District of Washington, and any other entity as required by FRBP 2002(j).

(b) Involuntary Petition

In an involuntary case if relief is ordered, the matrix shall be filed within seven days of the order for relief or as the Court may direct.

(c) Amendment to Matrix

If creditors or equity security holders are added either by an amendment to the creditor schedules or the filing of a schedule of unpaid debts, the amendment shall only include those creditors or equity security holders.

(d) Removal From Matrix

A creditor or equity security holder may be removed from the matrix without an order of the court only at the written request of the creditor or equity security holder.

Related Provisions

DMMA 101	Domestic Mail Manual
FRBP 1007	Lists, Schedules, Statements, and Other Documents; Time Limits
FRBP 1009	Amendments of Voluntary Petitions, Lists, Schedules and Statements
FRBP 1019	Conversion of a Chapter 11 Reorganization Case, Chapter 12 Family Farmer's Debt Adjustments Case, or Chapter 13 Individual's Debt Adjustment Case to a Chapter 7 Liquidation Case
FRBP 2002(j)	Notices to the United States
FRBP 5003(e)	Register of Mailing Addresses of Federal and State Governmental Units and Certain Taxing Authorities
LBR 1009-1	Amendments of Voluntary Petitions, Lists, Schedules and Statements
LF 1007-2.FM	Matrix Format Guidelines for Non-Electronic Filers

Rule 1007-3

Notice of Relief Available

(a) The notice required by § 342 (b) of the Code to be given to each individual who files a petition for relief and whose debts are primarily consumer debts is available from the Court's website at www.waeb.uscourts.gov.

(b) The debtor, if the petition is not signed by an attorney or petition preparer as noted in §521(a)(1)(B)(iii)(II) of the Code, shall obtain and read the notice referred to in sub-section (a) above and shall file with the petition a certificate to that effect.

(c) Where a petition is signed by an attorney or petition preparer as noted in §521(a)(1)(B)(iii)(I) of the Code, that attorney or petition preparer shall deliver to the debtor the notice referred to in sub-section (a) above, and shall file a certificate to that effect.

Related Provisions

11 USC 342(b)	Notice
11 USC 521(a)(1)(B)	Debtor's Duties
11 USC 527(a)	Disclosures

LBR 1007-3
OCTOBER 17, 2005

Rule 1009-1

Amendments of Voluntary Petitions, Lists, Schedules and Statements

(a) Amendment to Schedules

When a schedule is amended to include additional creditors or equity security holders, the amendment, if not filed electronically, shall be accompanied by a matrix listing only those additional creditors or equity security holders. If the notice for the meeting of creditors or equity security holders, as applicable, has already been given, the amending party shall provide, with the notice required by FRBP 1009, a notice of the meeting of creditors or equity security holders, as applicable, to the additional creditors or equity security holders, in the manner required by FRBP 2002 and 9036.

(b) Amendment to Exemptions

When a claim of exemptions is amended, the party filing the amendment shall mail to all parties on the Master Mailing List a copy of such amendment and a notice stating the time limits for making objections to such amendment.

(c) Amendment to Voluntary Petition

When a voluntary petition is amended to correct the spelling of a debtor's name, the debtor shall provide notice of the amendment to the Master Mailing List.

(d) Affidavits or Certificates of Mailing

Any party filing an amendment to lists, schedules, statements, or voluntary petition shall file along with such amendment an affidavit of mailing or unsworn declaration under penalty of perjury, as appropriate.

Related Provisions

FRBP 1009	Amendments of Voluntary Petitions, Lists, Schedules, and Statements
FRBP 2002	Notices to Creditors, Equity Security Holders, Administrators in Foreign Proceedings, Persons Against Whom Provisional Relief is Sought in Ancillary and Other Cross-Border Cases, United States, and United States Trustee
FRBP 4003	Exemptions
11 USC 521	Debtor's Duties
28 USC 1746	Unsworn Declarations Under Penalty of Perjury

LBR 1009-1
MAY 10, 2010

Rule 1014-1

Dismissal of Chapter 7 and 13 Cases

(a) Order Dismissing Case

(1) A request by a party in interest that an order of dismissal be entered pursuant to § 521(i)(2) of the Code shall contain an unsworn statement under penalty of perjury by the requesting party as to which of the documents required to be filed pursuant to § 521(a)(1) of the Code were not filed, whether or not a motion was filed pursuant to § 521(i)(3) or (4) of the Code, and the disposition of any motion so filed.

(2) The proposed order dismissing the case may be submitted without notice pursuant to LBR 9013-1, except that if a motion was filed pursuant to § 521 (i)(3) or (4) of the Code, then five days (5) notice and hearing is required to the debtor, debtor's attorney and trustee.

(b) Motion For Order Extending Time to File Documents

A motion for an extension of time in which to file documents pursuant to § 521(i)(3) of the Code shall be made within 45 days of the filing of the petition for relief and as otherwise required by LBR 1007-1.

(c) Dismissal of Case Where no Order Entered

Unless or until an order of dismissal is requested and entered pursuant to sub-section (a) above, the administration of the case may continue in the ordinary manner.

Related Provisions

LBR 1007-1	Lists, Schedules, Statements
11 USC 521(i)	Debtor's Duties

Rule 1015-1

Joint Administration/Consolidation

(a) Joint Cases

The estates of debtor spouses filing a joint petition shall be jointly administered unless, at or before the Meeting of Creditors, the trustee, or other party in interest objects.

(b) Non-Joint Related Cases

(1) A motion for an order that two or more cases be jointly administered or consolidated shall be on twenty-one (21) days notice and hearing to the case trustee, Debtor in Possession, United States trustee and any entity that filed a request to receive notices.

(2) The motion shall include an affidavit or unsworn statement under penalty of perjury supporting the motion and describing the effect the granting of the motion will have on any of the cases to be jointly administered or consolidated.

(3) The motion shall include a statement as to which case is to be designated as the lead case. Except for proofs of claim, transfers of claims, objections to proofs of claim and responses, all documents filed in a jointly administered or consolidated case shall be filed in the lead case, however, reference in the caption shall be made to the non-lead case or cases. Proofs of Claim, transfer of claims, objections to proofs of claim and responses are to be filed in the case in which the claim arose.

(4) The moving party shall provide notice in the manner required by FRBP 2002 of an order of joint administration or consolidation to the Master Mailing List (MML) promptly upon its entry. The notice shall include the requirements set out in sub-paragraph (b)(3) above.

Related Provisions

FRBP 1015	Consolidation or Joint Administration of Cases Pending in Same Court
FRBP 3001	Proof of Claim
LBR 1017-1	Conversion or Dismissal of Joint Cases
LBR 1017-2	Conversion of Chapter 11 Case to Chapter 12 or Chapter 13 Case
LBR 1017-3	Conversion or Dismissal of Chapter 11 Cases
LBR 1017-4	Dividing of Joint Cases
LBR 2002-1(d)(2)	Notice in Non-Lead Consolidated or Joint Administration Case
11 USC 302	Joint Cases
11 USC 522	Exemptions

LBR 1015-1
AUGUST 1, 2010

Rule 1017-1

Conversion or Dismissal of Joint Cases

(a) A joint case may not be individually converted by one debtor to another chapter unless the case is first divided into two separate cases.

(b) One debtor in a joint case may move for a separate dismissal without need to first have the case divided into two separate cases.

Related Provisions

FRBP 1015	Consolidation or Joint Administration
FRBP 1017(f)	Procedure for Dismissal, Conversion or Suspension
FRBP 1019	Conversion of a Chapter 11, 12 or 13 Case
LBR 1015-1	Joint Administration/Consolidation
LBR 1017-2	Conversion of Chapter 11, 12, or 13 Case
LBR 1017-3	Conversion or Dismissal of Chapter 11 Cases
LBR 1017-4	Dividing of Joint Cases
11 USC 302	Joint Cases
11 USC 706	Conversion
11 USC 1112	Conversion or Dismissal
11 USC 1208	Conversion or Dismissal
11 USC 1307	Conversion or Dismissal

Rule 1017-2

Conversion of Chapter 11 Case to Chapter 12 or Chapter 13 Case

(a) Notice

A Chapter 11 debtor may request conversion of the case to a case under Chapter 12 or Chapter 13 only after twenty-one (21) days notice and hearing to all parties on the Master Mailing List in accordance with LBR 2002-1.

(b) Information Required

The request to convert shall include information that the debtor is eligible to be a debtor under the chapter to which the case is to be converted and has not been discharged under § 1141(d) of the Code.

(b) Conversion to Chapter 12

In the case of conversion to a Chapter 12 case, the request shall also include an affidavit or statement under penalty of perjury as to why the conversion is equitable.

Related Provisions

FRBP 2002	Notices to Creditors
LBR 1017-1	Conversion or Dismissal of Joint Cases
LBR 1017-3	Conversion or Dismissal of Chapter 11 Cases
LBR 1017-4	Dividing of Joint Cases
LBR 2002-1	Notices to Creditors & Other Interested Parties
11 USC 1112(d)	Conversion or Dismissal

Rule 1017-3

Conversion or Dismissal of Chapter 11 Cases

(a) Notice Requirement

A party in interest desiring that a Chapter 11 case be converted or dismissed pursuant to § 1112 (b) of the Code shall do so by motion and give twenty-one (21) days notice and hearing to the debtor or debtor in possession, the attorney for the debtor or the debtor in possession, the trustee if one is appointed, the United States trustee and the Master Mailing List (MML) in accordance with LBR 2002-1.

(b) Obtaining Hearing Date

(1) Prior to filing the motion, the moving party shall obtain a hearing date and time pursuant to LBR 9073-1(a).

(2) Failure to obtain a hearing date prior to the filing of the motion in accordance with (b)(1) above waives the requirement for a hearing within 30 days pursuant to § 1112 (b)(3) of the Code.

(c) Information Required in Motion and Notice

In addition to the information required by LBR 2002-1(a), the notice and motion shall also contain a detailed statement as to the cause that forms the basis of the motion and the time and place of the hearing of the motion.

Related Provisions

FRBP 1017	Dismissal or Conversion of Case; Suspension
FRBP 2002(a)	Twenty-One Day Notices to Parties in Interest
LBR 1017-1	Conversion or Dismissal of Joint Cases
LBR 1017-2	Conversion of Chapter 11 Case to Chapter 12 or Chapter 13 Case
LBR 1017-4	Dividing of Joint Cases
LBR 2001-1	Notice to Creditors and Other Interested Parties
LBR 9073-1	Hearings
11 USC 1112	Conversion and Dismissal

Rule 1017-4

Dividing of Joint Cases

(a) Motion and Notice

A debtor in a joint case desiring that the case be divided shall file a motion, with fourteen (14) days' notice and hearing to a non-joining debtor, attorney for the debtor and the trustee.

(b) Supporting Documentation

The motion shall be accompanied by the requisite fee and affidavit or unsworn statement under penalty of perjury supporting the motion and describing the effect on the administration of either of the cases or estates that the granting of the motion would likely have.

Related Provisions

FRBP 1017(f)	Procedure for Dismissal, Conversion or Suspension
FRBP 1019	Conversion of a Chapter 11, 12 or 13 Case
LBR 1015-1	Joint Administration/Consolidation
LBR 1017-1	Conversion or Dismissal of Joint Cases
LBR 1017-2	Conversion of Chapter 11 Case to Chapter 12 or Chapter 13 Case
LBR 1017-3	Conversion or Dismissal of Chapter 11 Cases
11 USC 302	Joint Cases
11 USC 541	Property of the Estate
11 USC 1208	Conversion of Dismissal
11 USC 1307	Conversion or Dismissal

Rule 1072-1

Places of Holding Court

(a) Courtroom Hearings

Courtroom hearings are regularly held in Spokane and Yakima.

(b) Telephonic Hearings

Telephonic hearings are regularly held for the convenience of the parties or the Court.

(c) Participation at Telephonic Hearings

Any party in interest who desires to be heard at a telephonic hearing and who has not filed a pleading in the matter at issue should notify the appropriate chambers no less than one (1) day prior to the hearing of such desire.

(d) Attendance at Hearings

(1) Members of the public may attend all bankruptcy hearings.

(A) In the case of a courtroom hearing, a party need only be present in the designated courtroom at the appointed time.

(B) In the case of a telephonic hearing, the party need only call in on the designated telephone number at the appointed time.

(C) A party desiring to use court operated telephonic equipment need only present themselves to the appropriate chambers sixty (60) minutes prior to the hearing if they wish to attend by the use of court operated telephonic equipment.

(2) Attendees at all hearings shall conduct themselves in a manner so as not to disturb the hearing or the participants.

Related Provisions

FRBP 5001	Courts and Clerks' Offices
28 USC 152	Places of Holding Court

Rule 2002-1

Notice to Creditors & Other Interested Parties

(a) Notice

(1) Unless otherwise provided in the Bankruptcy Code, the Federal Rules of Bankruptcy Procedure, or these rules, whenever the Code or Rules authorizes any act, or authorizes the Court to enter an order, "after notice and hearing" or a similar phrase, the party giving the notice shall clearly state in the notice:

(A) The purpose of the notice;

(B) What a party receiving the notice must do in order to object to the action contemplated by the notice and the time within which an objecting party must act; and

(C) That the act may be performed or the Court may enter an order without an actual hearing or further notice unless a written objection is timely served and filed.

(2) A notice may be included with a motion in which case the pleading shall be captioned as a motion and notice.

(b) Service of Notice

(1) To Whom Given

(A) "Notice," as used in this rule shall mean notice to all creditors, equity security holders, indenture trustees, the debtor, the chairperson of any committee appointed in the case, the United States trustee, and any other parties in interest.

(B) Less inclusive notice may be given if not prohibited by the Code or Rules and specifically allowed by the Court or local rules. Notice is appropriate if it reaches all those with a potential good faith objection to the proposed order or action.

(2) By Whom Given

Any party seeking an order or other authority based on notice and hearing shall be responsible to give such notice as is required.

(3) How Given

If the recipient is a registered participant in the case in which the notice is being filed, the Notice of Electronic Filing (NEF) is service of the notice; provided, however, if the notice filed is to be considered at a hearing scheduled to occur within 48 hours (excluding weekends and holidays) of the filing, then at or before the time of filing, the filer shall serve the notice by separate email upon all recipients entitled to notice who are registered participants, or shall provide such notice by facsimile or by hand delivery. If the recipient is not a registered participant, notice shall be by first-class mail.

(4) Certification of Giving Notice

As soon as practicable, a party giving notice pursuant to this rule shall forthwith file as a separate document, or as a text-only entry, an affidavit of mailing or unsworn declaration under penalty of perjury, which shall include a list of all entities entitled to notice and the physical address to which notice was sent, or a designation that the entity is a registered participant in the CM/ECF system in the case. If the notice was given to a Master Mailing List (MML) or Limited Mailing List (LML), the affidavit or declaration shall also state the date on which it was retrieved from the database of the court.

(c) Time Allowed for Objections

(1) The moving party shall provide at least twenty-one (21) days, plus three (3) additional days if required by FRBP 9006(f), for objections prior to presentation of an order or the taking of an action, unless a different time is prescribed.

(2) A motion for an order reducing the time for making objections to a proposed action may be made and granted after notice and hearing for cause shown. Notice of such a motion shall clearly state the reasons supporting the necessity for a reduction of time and that objections may be made to the requested reduction. The objections will be considered by the court at the time of hearing on the motion for the principal relief requested. A motion for an order as to the principal relief requested and for the reduction in time may be combined provided both motions are clearly captioned and the requests separated in the body of the combined pleading.

(d) Mailing Lists

(1) The addressees of notices shall be in accordance with FRBP 2002(g). Notice required to be given to all creditors is presumed to be appropriate if provided to all entities on an MML or LML retrieved from the database of the court within five (5) days of the notice, and as required by FRBP 2002 and 9036.

(A) Master Mailing List (MML)

A Master Mailing List is maintained by the office of the Clerk for each pending

case. This list is updated in accordance with FRBP 2002(g). The Master Mailing List is produced and maintained using the matrix provided by the debtor pursuant to LBR 1007-2, requests from governmental agencies, written requests by entities who wish to be added, deleted or have their addresses changed, and proofs of claim.

(B) Limited Mailing List (LML)

A Limited Mailing List is maintained by the office of the Clerk and is based on an order of the Court. A party desiring that a Limited Mailing List be established in a case shall do so by notice and hearing. The proposed order establishing a Limited Mailing List shall contain a list of each entity to be listed on the Limited Mailing List, with directions, if appropriate, as to classes or types of entities to be added. The order shall also state the scope and duration of the order. Once established, the Limited Mailing List will be maintained by the Clerk in the manner provided in subparagraph (A) above.

(C) Changes to Mailing Lists

Withdrawal by an attorney from a case is not sufficient for removal of such attorney's name from the Master Mailing List or the Limited Mailing List, however, a formal notice of appearance in a case by an attorney is sufficient to add such attorney to the Master Mailing List or the Limited Mailing List. A written request to receive all notices will be sufficient to add such requesting party to both the Master Mailing List and the Limited Mailing List.

(2) Notice in Non-lead Consolidated or Joint Administration Cases

In order to be presumed appropriate, notice given to the MML or LML of a non-lead case that was consolidated or where joint administration was ordered shall include, in addition to the names contained on the MML or LML of the non-lead case, all entities that filed a request for notice in the lead case after the cases were consolidated or joint administration ordered.

(3) A party in interest who wishes to receive all notices, in addition to notices required to be sent to the MML or LML, shall give notice to the MML or LML as appropriate, and file a certificate of mailing as required by sub-section (b)(4) above.

(e) Signing of Orders Where No Objection is Pending

(1) If no objection is made as provided in paragraph (f) of this Rule or if withdrawal of an objection is filed or the objecting party has endorsed the related order, an actual hearing is not required for any "notice and hearing" matter.

(2) The submission of ex parte orders shall be as prescribed in LBR 9013-1(c)(2) & (3).

(f) Objection

(1) A party objecting to an act or the entry of an order contemplated by a notice shall file with the Clerk and serve on the moving party a written objection within the time set forth in the notice. The objection shall state briefly the grounds therefore.

(2) If an objection states no grounds, the Court may strike the objection on ex parte motion of the moving party. The moving party, however, may make such ex parte motion to strike only after the objecting party fails within seven (7) days to respond to a request by the moving party for a brief statement of the grounds for the objection.

(3) If an objection is filed, the moving party shall promptly request a hearing date from the Clerk.

Related Provisions

FRBP 2002	Notices to Creditors, Equity Security Holders, Administrators in Foreign Proceedings, Persons Against Whom Provisional Relief is Sought in Ancillary and Other Cross-Border Cases, United States, and United States Trustee
FRBP 9006	Computing and Extending Time
FRBP 9007	General Authority to Regulate Notices
FRBP 9014	Contested Matters

FRCP 5(b)(2)(E) & (b)(3) Serving and Filing Pleadings and Other Papers

LBR 9013-1	Motions and Orders
LBR 9073-1	Hearings

11 USC 102(1)	Rules of Construction
11 USC 350	Closing and Reopening Cases

Rule 2003-1

Meeting of Creditors or Equity Security Holders

(a) Non-Convening of Meeting of Creditors or Equity Security Holders

Where the debtor has filed a plan as to which the debtor has solicited acceptances prior to the commencement of the case, a party in interest may request that the court order the United States trustee not to convene a meeting of creditors, or to cancel a meeting if one has been convened.

(1) If the notice of the meeting of creditors has not been given pursuant to FRBP 2002(a)(1), the debtor may request that the meeting not be set on fourteen (14) days notice to the United States trustee and to the list of 20 largest creditors required by FRBP 1007(d). If the request is granted, the notice to creditors of the commencement of the case will so provide.

(2) If the notice of the meeting of creditors was given, then a party in interest may request that it be cancelled on twenty-one (21) days notice and hearing to the Master Mailing List.

Related Provisions

11 USC 341(e) Meetings of Creditors

Rule 2004-1

Depositions and Examinations

(a) Motion

A motion by a party in interest for an order to examine any person shall include a certification that said party has coordinated the time and place of the examination with the person to be examined or specify why it is impossible to do so.

(b) Order

The proposed order shall be filed in accordance with LBR 9013-1(c).

(c) Location and Attendance

The person to be examined may be examined or compelled to produce tangible evidence at any time and place designated by order of the Court without the need for a subpoena.

(d) Before Whom Conducted

An examination may be conducted before any person authorized to administer oaths, except a bankruptcy judge. The time and place of the examination shall be coordinated with the person before whom the examination is to be conducted.

Related Provisions

FRBP 2004	Examination
FRBP 9012	Oaths and Affirmations
FRBP 9016	Subpoenas

LBR 2004-1
DECEMBER 1, 2008

Rule 2007.1-1

Trustees & Examiners (Chapter 11)

Abrogated.

Rule 2014-1

Employment & Professional Persons

(a) Application

An application for an order approving the employment of a professional by the trustee, debtor in possession, creditors' committee or a debtor exercising powers under § 1303 of the Code, other than an application pursuant to § 328 or § 329 of the Code, shall be in the prescribed local form and may be submitted ex parte without notice unless otherwise directed by the Court, except that

(1) In Chapter 11 cases, the applicant if being employed as an attorney or an accountant shall give seven (7) days notice and hearing to the United States trustee pursuant to LBR 2002-1(a).

(2) In Chapter 13 cases, the applicant, if being employed as an attorney by a debtor exercising powers under § 1303 of the Code, shall give seven (7) days notice and hearing to the Chapter 13 trustee pursuant to LBR 2002-1.

(b) Terms of Employment

If the applicant desires that the order also establish the actual rate of compensation and terms of employment, then the applicant shall give notice and hearing to the Master Mailing List pursuant to LBR 2002-1 of the proposed actual rate of compensation and terms of employment.

Related Provisions

FRBP 2014	Employment of Professional Persons
LBR 9010-1	Attorneys - Notice of Appearance
11 USC 327	Employment of Professional Persons
11 USC 1103	Powers and Duties of Committees

Rule 2015-1

Trustees - General

Abrogated.

Rule 2016-1

Compensation of Professionals

(a) Notice

Where an application exceeds $1,000, notice of an Application For Award of Compensation for Services and Reimbursement of Expenses shall be on twenty-one (21) days' notice to the Master Mailing List in accordance with LBR 2002-1. The notice shall include the following information:

(1) The status of the applicant;

(2) The date the applicant's employment by trustee, debtor in possession or creditors' committee was approved;

(3) Whether the application is a final or interim application, and the sequential number of the application (i.e. 1st, 2nd etc.);

(4) The amount of the compensation and reimbursement requested, stated separately;

(5) The amount of compensation or reimbursement previously received or allowed, stated separately; and

(6) The basis for the compensation and reimbursement.

(b) Application

(1) Applications for award of compensation for services or reimbursement of expenses pursuant to § 330 of the Code shall be prepared as prescribed by the appropriate local form (LF 2016) and shall include as attachments the following:

(A) Narrative (LF 2016C)

If the cumulative compensation applied for exceeds $10,000, a narrative summary which describes the background of the case; the financial condition of the estate including comment as to profit and loss, amount of cash on hand or on deposit, amount of accrued unpaid administrative expenses and amount of unencumbered funds in the estate; the status of the case, and if the case is under Chapter 11, information concerning the status of the plan and disclosure statement, payment of quarterly fees to the United States trustee, and submission of monthly operating statements; a description of the tasks or projects for which compensation or reimbursement is sought; and

(B) Itemization of Services Rendered (LF 2016B)

(i) Except where the fee is on a fixed or percentage basis, itemization of each service rendered in meaningful detail, including the identification of the person who rendered the service, the date the service was rendered and the project category of the service (i.e. cash collateral, relief from stay) in billing increments of one tenth of an hour, without combining or "lumping"; and

(ii) If the cumulative application for compensation exceeds $10,000 or if required by the Court, the presentation of the itemization shall be by project category, with administrative matters and fee application preparation as separate categories.

(C) Itemization of Expenses

An itemization of expenses in meaningful detail to include the date incurred, description of the expense, person incurring the expense with special emphasis on extraordinary or unusual items.

(2) A proposed ex parte order submitted to the Court pursuant to LBR 9013-1(c)(2) allowing compensation and reimbursement of expenses shall be prepared as prescribed by the appropriate local form (LF 2016D).

(3) The applicant shall serve a copy of the application and attachments with the notice on the United States trustee, the trustee or debtor in possession, debtor and any creditors' committee appointed pursuant to § 1102 of the Code.

(c) Award and Payment

Payments for compensation or reimbursement from the estate as an administrative expense pursuant to § 330 of the Code shall be made only after award and order of the Court.

(d) Exception in Chapter 13 Case

In a Chapter 13 case, an attorney may choose to be compensated on either an hourly basis or on an agreed flat fee basis. If the attorney chooses to be compensated on an hourly basis, compliance with sub-paragraph (a), (b) and (c) of this rule is required. An attorney who chooses to be compensated on an agreed flat fee basis need only comply with subparagraph (e) of this rule.

(e) Agreed Flat Fee

(1) The Agreed Flat Fee shall be supported by a Flat Fee Agreement prepared as prescribed by the appropriate local form (LF 2016E), between the debtor and the attorney, may not exceed $4,000 in a consumer case or $5,000 in a business case as defined in § 1304(a) of the Code, and shall be compensation for all services and associated expenses excluding filing fees and credit counseling/education program fees in connection with the case that are ordinary, necessary and reasonably foreseeable and which includes the following:

(A) Preparation and filing of the petition, Schedules, and Statement of Affairs, the Chapter 13 Plan and associated local forms, along with modifications, amendments and supplements, Current Monthly Income and Calculation of Commitment Period (Official Form 122C-1) and Disposable Income (Official Form 122C-2), filing certification of pre-filing counseling, filing evidence of income from employment as required by statute, and filing certification of pre-discharge education; and preparing and filing prior to confirmation certification that the debtor is current in all post-petition domestic support obligations, and has filed all applicable and required federal, state and local tax returns, and, prior to discharge, certification regarding domestic support obligations as provided for in § 1328(a) of the Code;

(B) Representation at the Meeting of Creditors or Examinations held pursuant to FRBP 2004; filing motion and statement in support of confirmation; and appearance at initial confirmation hearings, if required;

(C) Responding and resolving common and foreseeable issues and objections, including but not limited to objections to confirmation; motions for relief from the automatic stay; assumption or rejection of unexpired leases or executory contracts; valuation of collateral; pre-confirmation adequate protection payments; objections to proofs of claim; tax refunds and bonuses, license reinstatement, and post-petition repossessions and garnishments, requests from the office of the United States trustee, and routine motions to dismiss;

(D) In business cases, assisting the debtor in the preparation and filing of required financial reports;

(E) If requested, filing with the court or making available to the requesting party as provided for in LBR 4002-1 federal income tax returns or amendments required under applicable law for each tax year while the case is pending pursuant to 11 USC 521(f) of the Code.

(2) Flat Fee Agreement

The attorney for the debtor shall submit a copy of the Flat Fee agreement entered into with the debtor to the Chapter 13 trustee prior to the meeting of creditors, as well as a completed copy of the Statement of Money or Property Received or Promised in Connection With This Case Other Than by Application or a Plan (LF 2016A). The Flat Fee agreement shall be prepared as prescribed by the appropriate local form (LF 2016E).

(3) Approval of Agreed Flat Fee

Approval of the Agreed Flat Fee shall be included in the order confirming plan, and will be sufficient authority for the attorney to transfer any monies of the debtor held in the attorney's trust account to the attorney and for the trustee to pay any remaining amount to the attorney as directed by the plan.

(4) Supplemental Application

(A) The attorney may submit a supplemental application for compensation for services not included in the agreed flat fee as set out in sub-paragraph (e)(2) of this rule, whether or not the services were performed before or after confirmation. In the case of a supplemental application the attorney shall comply with sub-paragraph (a), (b), and (c) of this rule as to such additional services. Any such supplemental application shall include a certification by the attorney that the compensation applied for was not reasonably foreseeable with an explanation as to why it was not foreseeable and is outside that contemplated by the agreed flat fee as set out in sub-paragraph (c)(2) of this rule.

(B) Supplemental fee applications must be filed with the court prior to completion of the plan.

(f) Hold Back of Estimated or Applied for Attorney Fees as Projected Costs of Administration

Following confirmation, the trustee is authorized to hold back estimated attorney fees or attorney fees for which an application has been filed as projected costs of administration in the same manner as if they had been allowed, but may pay them out only as allowed by a separate order of the court.

Related Provisions

FRBP 2014	Employment of Professional Persons
FRBP 2016	Compensation for Services
11 USC 326	Limitation on Trustee's Compensation
11 USC 327	Employment of Professional Persons
11 USC 328	Limitation on Compensation
11 USC 329	Debtor's Transactions with Attorneys
11 USC 330	Compensation of Officers
11 USC 331	Interim Compensation
11 USC 503	Allowance of Administrative Expenses
11 USC 504	Compensation for Services

Rule 2071-1

Committees

In a case in which the debtor is a small business, a request that a creditors' committee not be appointed shall be on notice and hearing to the United States trustee and the creditors on the list filed pursuant to FRBP 1007(d) in accordance with FRBP 2002.

Related Provisions

FRBP 1007(d)	List of 20 Largest Creditors
FRBP 2002	Notice and Hearing
LBR 3016 -1(b)	Chapter 11 Cases
11 USC 1102	Creditors' Committees

LBR 2071-1
JUNE 1, 2007

Rule 2072-1

Notice to Other Courts

A debtor who is a party to an action in any other court shall, as soon as possible following the filing of a petition for relief, give notice to the court, any judge to whom the case is assigned and all other parties. The notice shall identify the court, case caption, docket number and date such petition was filed.

Related Provisions

RCW 6.01.050	Writ of Attachment or Execution Against Debtor in Bankruptcy

LBR 2072-1
SEPTEMBER 1, 1998

Rule 2082-1

Chapter 12 - General

(a) Applicability

This rule applies only to cases under Chapter 12 of the Bankruptcy Code.

(b) Tax Returns

The debtor shall provide to the trustee, and any creditor who requests, at least seven (7) days before the meeting of creditors, a copy of federal income tax returns filed for the three (3) years prior to the year in which the petition is filed together with all schedules thereto.

(c) Funds of the Estate

(1) The debtor shall open a new bank account immediately upon filing a case under Chapter 12. The bank account shall be in the name of the debtor as "CHAPTER 12 DEBTOR". The account shall be separate from any account used by the debtor prior to filing of the Chapter 12 case. All amounts from the debtor's previous bank accounts shall be transferred to the new account. All receipts, including cash, after filing the case shall be deposited into the new account. The debtor shall file with the Clerk, the Chapter 12 trustee, and the United States trustee information as to the identity and location of the debtor's bank and the new account number.

(2) All bills shall be paid by check written to a named payee. Checks written to the debtor may only be for the payment of incidental family or household expenses.

(d) Compensation of Attorney for Debtor

(1) Requests for Compensation to be paid from the estate shall be made pursuant to FRBP 2016(a) and LBR 2016.

(2) A copy of the Attorney Statement of Compensation, and any amendments thereto, required to be filed by § 329 of the Code and FRBP 2016(b), shall be promptly served on the United States trustee and the Chapter 12 trustee.

(e) Monthly Operating Statement

(1) The debtor shall file and serve upon the Chapter 12 trustee a monthly statement of the estate's cash receipts and disbursements. The first monthly statement shall be filed within fifteen (15) days of the close of the month during which the case was filed. A monthly statement shall be filed within fifteen (15) days of the close of each month thereafter until the plan is completed or the case is converted or dismissed. A copy of the bank statement for the corresponding month shall be attached to the monthly statement.

(2) The monthly statement shall itemize each receipt according to the type and quantity of product sold. Disbursements relating to farming operations shall be similarly itemized. Disbursements for household and family living expenses shall not be itemized, but shall be shown as a single, lump sum amount. Disbursements made to an attorney shall be separately stated and itemized.

(3) The monthly statement shall include a certification that all taxes due since the filing of the case have been paid or deposited. The amount paid or deposited during the month, the date of payment or deposit, and the taxing agency paid or the place the tax was deposited shall be indicated in the monthly statement.

(4) The debtor shall keep a copy of all receipts, bills and invoices for all purchases or payments on behalf of the farming operation.

(5) The Chapter 12 trustee or any party in interest may present, upon seven (7) days' notice and hearing, an order to dismiss if the debtor becomes delinquent in filing any monthly statement.

(f) Valuation of Security, Determination of Extent of Lien, and Lien Avoidance

(1) Valuation of claims secured by a lien on property in which the estate has an interest shall be by a separate motion pursuant to LBR 3012-1. The order valuing the claim voids the lien to the extent of the unsecured portion of the claim pursuant to § 506(d) of the Code. In the event of dismissal of the case prior to discharge, this voided lien will be reinstated pursuant to § 349(b)(1)(C) of the Code unless otherwise ordered.

(2) All actions to determine the validity, priority or, other than (1) above, the extent of a lien, shall be made by adversary proceeding, however, such relief may also be sought in an objection to allowance of claim pursuant to LBR 3007-1.

(3) Actions to avoid judicial or non-possessory non-purchase money security interests under § 522(f) of the Code shall be by separate motion pursuant to LBR 4003-2.

(g) Motion For Valuation Hearing

(1) If the debtor intends to treat any secured creditor as other than fully secured, the debtor shall file a motion to value the property claimed as security for the claim. This motion and notice thereof shall be filed no later than thirty (30) days from the date of filing the petition initiating the Chapter 12 case, or upon the filing of the plan, whichever is sooner. Service on the Master Mailing List shall be initiated at the same time the motion is filed.

(2) Written objections for this motion shall be filed and served on the debtor within fourteen (14) days from the date of filing the notice. The objection shall state the specific grounds upon which it is based. Hearing on these objections will be held at

the valuation hearing. An entity which fails to object to the motion to value may not participate at the valuation hearing.

(3) The debtor, any objecting party, or the trustee may request that a status conference be conducted in the case at any time after the expiration of the time for objection to the motion to value. The status conference will be conducted by telephone upon seven (7) days' notice to the debtor, all parties who have filed objections, and the Chapter 12 trustee.

(4) The valuation hearing shall be scheduled ninety (90) to one hundred five (105) days from the filing of the petition initiating the case. Notice of this hearing shall be included with the notice of the meeting of creditors.

(5) At least ten (10) days prior to the valuation hearing all parties participating in the hearing shall exchange and deliver to the appropriate chambers a list of witnesses expected to testify at the hearing, a summary of the expected testimony, copies of the appraisals to be introduced at the hearing, and a list identifying the comparable sales information to be relied upon in supporting the valuation. Each appraisal submitted shall identify the date of the appraisal and the name and credentials of the appraiser. Failure to comply with this rule may result in the imposition of sanctions.

(6) The Court may limit, on its own motion or at the request of a party, introduction of evidence on direct examination by affidavit only, provided, however, that said affiant be present at the time of hearing and available for cross examination.

(7) The moving party shall immediately notify the Court of the settlement of any valuation disputes prior to the valuation hearing and shall place into the record at that hearing the details of any such settlement.

(h) The Plan

(1) Filing

(A) A plan shall be filed within ninety (90) days of the filing of the petition initiating the case. An extension of time to file the plan may be allowed if an application is made prior to the expiration of the ninety (90) days from the filing of the petition. The application shall be supported by an affidavit or unsworn declaration under penalty of perjury which clearly sets forth the basis for the extension and establishes good cause for the request. The application may be made ex parte. A copy of the order of extension shall be served upon the Master Mailing List as soon as practicable by the debtor.

(B) Simultaneous with the filing of the plan the debtor shall serve upon the Master Mailing List a copy of the plan, notice of the time to file objections, and notice of the hearing on confirmation.

(2) Objections

Objection to the confirmation of the plan shall be made within fourteen (14) days of the mailing of the notice of the filing of the plan, shall include the specific basis for the objection of the plan, and shall be filed with the Court and served on the debtor, the debtor's attorney, and the Chapter 12 trustee. A party who has made an objection and who fails to appear at the hearing on confirmation or at any other hearing scheduled on the objection may be deemed to have waived such objection.

(3) Plans Filed Within Sixty (60) Days - Status Conference

If a plan is filed within sixty (60) days of the filing of the petition initiating the case, the Court will conduct a status conference as soon as practical after the expiration of the time for objections to the plan. The status conference will be conducted by telephone conference upon five (5) days' notice to the debtor, all parties who have filed objections and the Chapter 12 trustee. Among the matters to be discussed at this status conference will be possible revision of the hearing schedule in the case in light of the early filing of the plan.

(4) Contents of the Plan

The plan shall meet the requirements of § 1222 of the Code and shall also contain the following information:

(A) A schedule showing the dates, amounts, and payees of all payments to be made by the debtor and the payments to be made through the office of the Chapter 12 trustee;

(B) A cash flow budget for the current crop year and for all future crop years for the life of the plan. The cash flow budget shall describe the crops intended to be grown, the farm products intended to be produced, and the projected gross income expected to be received for each crop or product. Assumptions upon which the cash flow projections are based with historical or other data justifying such assumptions shall be included. Operating expenses and loan payments shall be detailed in the budget. Living expenses of the debtor and the debtor's family shall be listed as a lump sum and shall not be described in greater detail;

(C) Projected administrative expenses, including attorney fees;

(D) The probable tax consequences to the debtor resulting from the plan;

(E) A statement, with detailed information, specifying the need, if any, for the plan payments to be made over a period longer than three (3) years; and

(F) A liquidation analysis.

(i) Trustee's Confirmation Summary

The Chapter 12 trustee shall file a confirmation summary no less than seven (7) days prior to the date set for the confirmation hearing. At the same time a copy shall be served on the debtor, the debtor's attorney, and any party objecting to the plan. The confirmation summary shall make a recommendation as to confirmation and shall comment on each of the following:

(1) The debtor's eligibility for relief under Chapter 12;

(2) The liquidation statement, the cash flow budget, and proposed order confirming the plan;

(3) Objections to the confirmation of the plan;

(4) The status of any valuation disputes;

(5) The feasibility of the plan;

(6) The validity of the secured claims; and

(7) The appropriateness of attorney fees disclosed by the Attorney Statement of Compensation and of the total attorney fees estimated to be paid either as a cost of administration or directly by the debtor.

(j) Hearing on Confirmation

(1) The confirmation hearing shall be scheduled one hundred twenty (120) to one hundred thirty-five (135) days from the filing of the petition. Notice thereof shall be given with the notice of the meeting of creditors and at the time the plan is filed.

(2) Objections to confirmation shall be heard at the confirmation hearing. The Court will require production of evidence supporting confirmation of the plan even if no objections are before the Court. This evidence will include, but is not limited to, proof of eligibility for relief under Chapter 12, a liquidation analysis supporting the assertion that the unsecured claims will not receive less than they would receive in a Chapter 7 liquidation, and projections of future operations supporting the contention that the plan is feasible. If no objection is before the Court, the Court may determine, without receiving additional evidence, that the plan has been proposed in good faith and not by any means forbidden by law. If no objection is before the Court and the debtor requests, evidence supporting confirmation of a plan may be submitted by affidavit and the confirmation hearing conducted by telephone conference; provided, however, in such a case that the debtor must participate in such phone conference and be available under oath to answer such questions as the Court may have relating to confirmation.

(k) Preconfirmation Modification of the Plan

If, in connection with the confirmation hearing, parties modify the plan as an accommodation or settlement, the Court may conditionally approve the modified plan, adjourn the hearing on confirmation, and order notice of the modification pursuant to § 1229(b) of the Code reserving the signing of the order of confirmation until the time for objections to modification has passed without objection.

(l) Postconfirmation Modification of the Plan

(1) A party requesting modification of the plan after confirmation shall give thirty (30) days' notice and an opportunity to be heard to the debtor, all creditors, the Chapter 12 trustee, and all other parties on the Master Mailing List.

(2) Once the plan has been modified as above, without objection, the proponent of the modification shall forthwith serve on the Chapter 12 trustee a copy of the modification together with a certificate stating that:

(A) The modification has been filed with the Clerk;

(B) Notice has been given in accordance with this rule; and

(C) No objections have been filed or served. If the plan is modified after objection and Court hearing, the proponent of the modification shall serve a copy of the modification and order approving the modification on the Chapter 12 trustee.

(3) If a modified plan provides for the payment of claims not listed on the original schedules, notice of the modification shall be given to the additional creditors.

(4) The Chapter 12 trustee may pay postpetition claims only if the plan is modified as above and the postpetition creditor affirmatively agrees in writing to payment under the plan.

(m) Dismissal of Case by Debtor

Absent an order to the contrary, a debtor desiring to dismiss the case shall give notice to the Master Mailing List in accordance with LBR 2002–1.

(n) Discharge of Debtor

Upon completion of all payments under the plan, the debtor(s) shall file a motion for entry of discharge on the prescribed local form (LF 2082-1) and provide ten (10) days' notice to the Master Mailing List or file a written request to waive discharge.

Related Provisions

FRBP 1017(f)	Procedure for Dismissal, Conversion, or Suspension
FRBP 2002	Notices to Creditors, Equity Security Holders, Administrators in Foreign Proceedings, Persons Against Whom Provisional Relief is Sought in Ancillary and Other Cross-Border Cases, United States, and Unites States Trustee
FRBP 2015	Duty to Keep Records, Make Reports, and Give Notice of Case or Change in Status
FRBP 2016	Compensation for Services Rendered and Reimbursement of Expenses
FRBP 3012	Valuation of Security
FRBP 3015	Filing, Objection to Confirmation, and Modification of a Plan in a Chapter 12 Family Farmer's Debt Adjustment or a Chapter 13 Individual's Debt Adjustment Case
FRBP 3019	Modification of Plan
FRBP 3020	Confirmation of Plan
FRBP 9013	Motions: Form and Service
11 USC 329	Debtor's Transactions with Attorneys
11 USC 349	Effect of Dismissal
11 USC 704(a)	Duties of Trustee
11 USC 1106(a)	Duties of Trustee and Examiner
11 USC 1203	Rights and Powers of Debtor
11 USC 1204	Removal of Debtor as Debtor in Possession
11 USC 1221	Filing of Plan
11 USC 1222	Contents of Plan
11 USC 1223	Modification of Plan Before Confirmation
11 USC 1224	Confirmation Hearing
11 USC 1225	Confirmation of Plan
11 USC 1228	Discharge
11 USC 1229	Modification of Plan After Confirmation

Rule 2083-1

Chapter 13 - General

(a) Applicability

This rule shall apply only to cases under Chapter 13 of the Bankruptcy Code.

(b) Filing the Plan and Other Documents

(1) The debtor shall file the following documents separately using the prescribed local forms:

(A) Chapter 13 Plan (LF 2083)
(B) Plan Payment Declaration (LF 2083A)
(C) Plan Funding Analysis (LF 2083B)
(D) Liquidation Analysis (LF 2083C)

(2) A Certificate of Debtor's Regarding Payments to and Disbursements by the Chapter 13 Trustee (LF 2083-1F) shall be filed as a separate document.

(c) Mailing of Plan to Parties in Interest

A copy of the plan required to be provided to all creditors pursuant to FRBP 3015(d) shall be as directed by the Clerk of Court. Notice of modifications and copies required to be sent to all creditors shall be provided by the party making the modification in accordance with sub-section (i) of this rule.

(d) Valuation of Security, Determination of Extent of Lien, and Lien Avoidance

(1) Valuation of claims secured by a lien on property in which the estate has an interest shall be by a separate motion pursuant to LBR 3012-1. The order valuing the claim voids the lien to the extent of the unsecured portion of the claim pursuant to § 506(d) of the Code. In the event of dismissal of the case prior to discharge, this voided lien will be reinstated pursuant to § 349(b)(1)(C) of the Code unless otherwise ordered.

(2) All actions to determine the validity, priority or, other than (1) above, the extent of a lien, shall be made by Adversary Proceeding, however, such relief may also be sought in an objection to allowance of claim pursuant to LBR 3007-1.

(3) Actions to avoid judicial or non-possessory non-purchase money security interests under § 522(f) of the Code shall be by a separate motion pursuant to LBR 4003-2.

(e) Delinquent Tax Returns

A statement as to whether or not the debtor is delinquent in the filing of any tax return shall be included in the plan as well as a statement as to when any delinquencies in filing will be cured.

(f) Treatment of Secured Creditors Secured by Real Property

(1) If at the time of the filing a petition for relief, a delinquency exists on any payments for debt secured by real property, then all payments, both current and delinquent, for such debt shall be paid through the office of the Chapter 13 trustee.

(2) If during the pendency of the plan a debt secured by real property falls into arrearage, then the plan may be modified pursuant to subsection (k) of this rule to require payments, both current and delinquent, to be paid through the office of the Chapter 13 trustee.

(3) If during the pendency of the plan arrearages are brought current, then the plan may be modified to allow for payments to be made directly to the creditor by the debtor.

(g) Funding of Plan by Sales

(1) If the debtor proposes to partially fund the plan through the sale of property of the estate, then the debtor must also file a marketing plan with the plan. The marketing plan shall include:

(A) A description of the property to be sold;
(B) Identification of all lien holders and the amount of each lien;
(C) If a broker is to be employed, the name of the broker and when the property was or will be listed;
(D) The terms of the broker's agreement;
(E) The price sought for the property;
(F) The method used in arriving at the value of the property; and
(G) The time frame, including mileposts where appropriate, during which the property will be marketed.

(2) The debtor shall provide quarterly status reports to the Chapter 13 trustee.

(h) Confirmation

(1) Upon resolution of all objections, the trustee shall file as soon as practicable an unsworn statement under penalty of perjury stating the plan is feasible and satisfies the requirements of §1325(a)(1),(4) and (5) of the Code.

(2) The court will prepare the confirmation order.

(i) Modification of Plans

(1) Modification Prior to Confirmation

Modifications made pursuant to § 1323 of the Code shall be on twenty-one (21) days' notice and hearing in accordance with LBR 2002-1. A plan shall not be confirmed until the time to object to any such modification has expired and all objections resolved.

(2) Modification After Confirmation

(A) A modification proposed by any entity other than the debtor shall be on twenty-one (21) days' notice and hearing to any adversely affected party, the Chapter 13 trustee, debtor and debtor's attorney. The modification shall become effective upon the expiration of the time to file objections, if there are no objections, or upon resolution of all objections made.

(B) A modification proposed by the debtor shall be on twenty-one (21) days' notice and hearing to the Chapter 13 trustee and any adversely affected party, and if the modification provides for payment of a post-petition debt, the holder of such debt. The modification shall become conditionally effective upon the filing and service of the notice. The modification shall become permanent upon the expiration of the time to file objections if no objections are timely made or upon resolution of all objections made.

(3) Effect of Disallowance of Modifications

If a proposed modification is disallowed, the plan in effect immediately prior to such modification shall be the plan, and debtor shall be responsible for curing any default occurring during the period of conditional modification.

(4) Modification by Stipulation Between Chapter 13 Trustee and Debtor

The Chapter 13 trustee and the debtor may stipulate to a modification before or after confirmation where no parties are adversely affected. Such modifications shall be effective upon the filing of the stipulation.

(5) The debtor shall file an amended Plan Funding Analysis (LF 2083B) upon the making or proposing of a modification pursuant to subparagraph (i) (1) or (2) of this rule.

(j) Payments To and Distributions By Chapter 13 Trustee

(1) Payments to Chapter 13 Trustee

The debtor shall make all pre- and post confirmation payments on obligations for leases of personal property and obligations owed to a creditor that has a security

interest in personal property to the Chapter 13 trustee including all obligations provided by § 1326(a)(1) of the Code, as well as obligations secured by real property as required by sub-paragraph (f) of the rule, unless otherwise ordered by the court.

(2) Filing Fee Installments

Installment payments of filing fees where allowed shall be paid directly to the Clerk, however, if such fees are received by the Chapter 13 trustee, the Chapter 13 trustee may return them to the payor or deliver them to the Clerk without further order of the Court.

(3) Distributions by Chapter 13 Trustee Based on Modifications

Distributions may be made by the Chapter 13 trustee in accordance with a conditional modification until such modification becomes permanent, is disallowed or otherwise ordered, and the Chapter 13 trustee is served with a copy of such order by the objecting party.

(4) Post-petition Claims

Proofs of claim filed pursuant to § 1305(a)(1) of the Code for post-petition tax claims may be paid without a modification to the plan, however, proofs of claim filed pursuant to § 1305(a)(2) of the Code for consumer debt may only be paid if a modification to the plan so provides.

(5) Disposition of Funds on Conversion or Dismissal

On the conversion or dismissal of a case, the Chapter 13 trustee shall, as soon as practicable, disburse any remaining funds in accordance with § 1326 of the Code. If a motion is filed pursuant to § 348(f)(2) of the Code and the trustee is served a copy thereof prior to disbursement, then the Chapter 13 trustee shall not further disburse until resolution of the motion.

(6) Pre-Confirmation Distributions

The Chapter 13 trustee is authorized to make distributions prior to the confirmation of the plan on obligations for leases of personal property, and on obligations secured by personal or real property. Such pre-confirmation distributions shall be made in the sequence and in the amount set forth in the debtor's plan. If the Trustee has insufficient funds on hand to make the distributions to all classes, the funds will be distributed as provided in the plan to the extent the funds are available. Claims within a particular class which cannot be paid the proposed distribution shall be paid a pro rata share of the funds available. Upon confirmation of the plan, payments will be made as set forth in the plan.

(k) Post-confirmation Sale of Property by Debtor

If the debtor proposes to sell property pursuant to § 363 of the Code, then, unless the property is fully exempt or is valued in an amount of $7,500 or less, the debtor shall promptly provide to the Chapter 13 trustee an amended statement of income and expenses as prescribed by the appropriate official form projecting any changes occasioned by the sale and a good faith estimate of closing costs or other similar document and any other documents requested by the Chapter 13 trustee relating to such sale.

(l) Incurring Credit by Debtor During the Pendency of the Plan

If the debtor proposes to purchase any property involving a credit transaction that may potentially affect the debtor's ability to satisfy the plan, the debtor, in addition to obtaining the Chapter 13 trustee's approval if practicable, shall transmit to the Chapter 13 trustee an amended statement of income and expense as prescribed by the appropriate official form projecting any changes caused by the purchase, and if the transaction involves real estate, a good faith estimate of closing costs or other similar document and any other documents requested by the Chapter 13 trustee.

(m) Debtors Engaged in Business

Debtors engaged in business shall comply with the applicable provisions of LBR 3016-1(e) and 28 USC 959(b), and serve a copy of the Monthly Financial Report on the trustee.

(n) Income Directive

(1) The Chapter 13 trustee may, at any time, issue a Trustee's Income Directive or present an ex-parte order, based upon a proposed or confirmed plan requiring any entity from whom the debtor receives money to pay all or part of such income to the Chapter 13 trustee.

(2) In any case in which a debtor desires to make plan payments directly to the trustee in lieu of an income directive, the debtor may do so only upon the entry of an order of the court authorizing such direct payments. Such an order will be entered only:

(A) After filing of a motion for an order authorizing the debtor to make the plan payments directly to the trustee; and

(B) After seven (7) days' notice and hearing to the trustee; and

(C) Upon a showing of cause.

(o) Motion to Dismiss or Convert Case

(1) A party in interest desiring that a case be dismissed or converted shall give twenty-one (21) days' notice and hearing to the Master Mailing List.

(2) The Chapter 13 trustee may move the Court for an order of dismissal or conversion on seven (7) days' notice to the debtor and debtor's attorney and any entity that has filed and served the Chapter 13 trustee with a request to receive such notice for failure to timely file schedules or other required documents or attend the meeting of creditors and on twenty-one (21) days' notice for failure to timely make payments required by § 1326(a) of the Code or pursuant to a confirmed plan.

(3) A debtor shall serve a copy of a request for voluntary dismissal on the trustee.

(p) Minimum Plan Payments

A plan that proposes payments of less than $50 per month to be paid to the Chapter 13 trustee shall be supported by an affidavit or unsworn declaration under penalty of perjury explaining the necessity of such minimum payments.

(q) Domestic Support Obligation Certificate

Upon completion of all payments by the debtor under the plan, each debtor shall file a Domestic Support Obligation Certificate as prescribed by the appropriate form (Official Form 2830).

Related Provisions

FRBP 1006	Filing Fees
FRBP 1007	Lists, Schedules, Statements and Other Documents; Time Limits
FRBP 1017	Dismissal or Conversion of Case; Suspension
FRBP 1019	Conversion of a Chapter 11 Reorganization Case, Chapter 12 Family Farmer's Debt Adjustment Case, or Chapter 13 Individual's Debt Adjustment Case to a Chapter 7 Liquidation Case
FRBP 2002	Notices to Creditors, Equity Security Holders, Administrators in Foreign Proceedings, Persons Against Whom Provisional Relief is Sought in Ancillary and Other Cross-Border Cases, United States, and United States Trustee
FRBP 2016	Compensation for Services Rendered and Reimbursement of Expenses
FRBP 3007	Objection to Claims
FRBP 3012	Valuation of Security
FRBP 3015	Filing, Objection to Confirmation, and Modification of a Plan in a Chapter 12 Family Farmer's Debt Adjustment or a Chapter 13 Individual's Debt Adjustment Case
FRBP 6004	Use, Sale, or Lease of Estate Property
FRBP 9013	Motions; Form and Service
FRBP 9014	Contested Matters
LBR 2016-1	Compensation of Professionals
LBR 3016-1	Chapter 11 Pre-Confirmation Requirements
LBR 4001-2	Cash Collateral
LBR 4003-2	Lien Avoidance
LBR 9011-1	Attorney Duties
11 USC 348	Effect of Conversion
11 USC 349	Effect of Dismissal
11 USC 506	Determination of Secured Status
11 USC 522(f)	Avoidance of Liens
11 USC 1304	Debtor Engaged in Business
11 USC 1305	Filing and allowance of postpetition claims
11 USC 1307	Conversion or Dismissal
11 USC 1323	Modification before confirmation
11 USC 1325(c)	Income Directive
11 USC 1326	Payments
11 USC 1329	Modification of plan after confirmation
28 USC 959	Trustees and receivers suable; Management; State Laws

Rule 3001-1

Claims & Equity Security Interests – General

(a) Post Petition Claims

A claimant who files a proof of claim for a claim against the debtor that arose after the date of the order of relief shall serve a copy of the proof of claim on the debtor's attorney or debtor, if unrepresented.

(b) Tardily Filed Proof of Claim

A claimant who files a proof of claim after expiration of the time fixed for the filing of proofs of claim shall serve a copy thereof on the debtor's attorney or debtor, if unrepresented.

(c) Claims in Chapter 11

(1) In a Chapter 11 case, any creditor or equity security holder whose claim or interest is not scheduled or is scheduled as disputed, contingent, or unliquidated shall file a proof of claim or interest within ninety (90) days after the first date set for the meeting of creditors.

(2) Claims "deemed filed" in a Chapter 11 case pursuant to § 1111(a) of the Code shall be deemed filed only so long as the case remains in Chapter 11. If the Chapter 11 case is converted, an actual proof of claim must be filed.

Rule 3002-1

Notice of Payment Changes

Abrogated.

Rule 3002.1-1

Designation of Servicing Agent in Chapter 13 Cases

If the holder of a claim secured by an interest in the debtor's real property designates a servicing agent for that claim, notice of that designation, or a change in the designation, shall be filed with the court and served upon the debtor, debtors' attorney and the trustee within thirty (30) days of such designation or change in designation.

Related Provisions

FRBP 3002.1	Notice Relating to Claims Secured by Security Interest in the Debtor's Principal Residence

Rule 3007-1

Claims - Objections

(a) Objection

(1) An objection to the allowance of a claim shall identify the claimant by name and clerk's docket number and shall include an affidavit or unsworn declaration under penalty of perjury that clearly sets forth the basis of the objection sufficient to overcome the prima facie effect of the proof of claim pursuant to FRBP 3001(f).

(2) If the objection requires the determination of the value of a claim secured by a lien on property in which the estate has an interest, the objecting party shall also comply with LBR 3012-1.

(b) Notice of Objection

(1) The objection, notice, and the affidavit or unsworn declaration shall be served in accordance with FRBP 3007.

(2) The notice shall include the date, time, and place of the hearing on the objection, which may be obtained from the court's website.

(c) Response

(1) Any written response shall be filed at least seven days prior to the hearing on the objection to claim.

(2) If the claimant files a response to the objection, the claimant shall serve a copy of the response on the objecting party and the trustee.

(3) Failure by the claimant to file a response shall be deemed as consent to have the court consider and determine the issue on the pleadings without oral argument.

Related Provisions

FRBP 3007	Objections to Claims
FRBP 7001	Scope of Rules of Part VII
FRBP 9014	Contested Matters
LBR 2002-1	Notice to Creditors and Other Interested Parties
LBR 7003-1	Commencement of Adversary Proceeding
11 USC 506	Determination of Secured Status
28 USC 1930(b)	Bankruptcy Fees

Rule 3012-1

Valuation of Security

(a) Motion

A motion to determine the value of a claim secured by a lien on property in which the estate has an interest may be by separate motion or may be included in an objection to the allowance of a claim made pursuant to LBR 3007-1.

(b) Service

(1) Service of the notice shall be made on twenty-one (21) days notice and hearing:

(A) To the master mailing list pursuant to LBR 2002-1; and

(B) To the trustee and any holder of a lien to be valued as required by FRBP 9014 and 7004.

(2) In the case of Chapter 13, notice need only be given as required by sub-section (b)(1)(B) of this rule.

(c) Content of Notice

(1) The notice of this motion shall contain the following information:

(A) A description of the property to be valued;

(B) The value placed on the property by the moving party;

(C) The names of all holders of liens in the property; and

(D) With respect to each holder;

(i) The amount placed on each holder's interest by the moving party;

(ii) The priority in the property attributed to each holders's interest by the moving party; and

(iii) Whether the holder's interest is to be treated as fully secured, under-secured or unsecured.

Related Provisions

FRBP 2002	Notice and Hearing
FRBP 3012	Valuation and Security
FRBP 7004	Service
FRBP 9006	Time
FRBP 9014	Contested Matters
LBR 2082-1	Chapter 12 - General
LBR 2083-1	Chapter 13 - General

LBR 3012-1
DECEMBER 1, 2009

Rule 3016-1

Chapter 11 Pre-Confirmation Requirements

(a) Applicability

This rule applies only to cases under Chapter 11 of the Bankruptcy Code.

(b) Affidavit or Certificate

The debtor shall file with the petition for relief under Chapter 11, or within fifteen (15) days thereafter an affidavit or certificate under penalty of perjury that discloses the following information:

(1) The name and addresses of the members of any creditors' committee organized before the order for relief under Chapter 11;

(2) If the debtor is operating a business, the following information for the thirty (30) day period following the order for relief:

(A) The amount proposed to be paid pursuant to subdivision (d) below to insiders if the debtor is a corporation, or to the debtor, insiders or members of the partnership if the debtor is an individual or partnership;

(B) The proposed payroll for employee labor exclusive of (A) above;

(C) The operating expenses, exclusive of (A) and (B) above;

(D) The estimated profit or loss, after deduction of expenses under (A), (B), and (C) above; and

(E) Any non-cash operating expenses proposed not to be paid for any reason.

(3) An averment that no compensation shall be paid in violation of subdivision (c) of this rule.

(c) Compensation

(1) If the trustee or debtor in possession is operating a business, no compensation shall be paid to the debtor, or to insiders from the order of relief until the confirmation of a plan, except in accordance with the provisions of this subdivision.

(2) The trustee or debtor in possession shall give notice to all parties on the Master Mailing List of the intent to pay compensation. The notice shall state the amount of

compensation, to whom the compensation is to be paid, the amount of compensation paid over the past twelve (12) months, and the nature of the services to be performed. The notice shall summarize the provisions of subparagraph (3) below and shall further state that any party in interest may object to the compensation and request a hearing at any time prior to confirmation.

(3) Compensation may commence after notice is given. Any party in interest objecting to the compensation shall do so in writing, and has the duty to request a hearing on the objection. The compensation shall continue until the Court orders otherwise. The Court shall provide an expedited hearing on the objection. If the Court rules that the amount received prior to the hearing is excessive, it may order disgorgement of funds back to the estate.

(d) Funds of the Estate

Upon entry of an order for relief in a case under Chapter 11, the debtor in possession shall open or designate a depository account or accounts in the name of the debtor in possession, and close all old accounts. All funds of the estate shall be transferred to the new account or accounts. All receipts and disbursements of the debtor in possession shall be through the new account or accounts. All disbursements for living expenses of the debtor or for salary or living expenses of the debtor or insider pursuant to subparagraph (c) of this rule shall be in form of a check made payable to the debtor or insider.

(e) Monthly Financial Report

(1) A debtor in possession or trustee operating a business shall file with the Court a monthly balance sheet and profit and loss statement prepared on an accrual basis, unless such requirement is modified by the court for cause shown.

(2) The above financial information shall be filed within twenty-one (21) days of the close of the month during which relief was ordered and within twenty-one (21) days of the close of every month thereafter, until a plan is confirmed or the case is converted or dismissed. A copy of each monthly balance sheet and profit and loss statement shall be sent to the chairman of any creditors' committee by the debtor in possession or trustee.

(3) If the debtor is a farmer, monthly reports shall be made as required by LBR 2082-1(f).

(f) Initial Status Conference

(1) Except as provided in subsection (f)(2), not later than 60 days after the entry of the order for relief in any Chapter 11 case, the court shall hold a status conference to further the expeditious and economical resolution of the case.

(2) The court may extend the period of time for holding a status conference under subsection (f)(1) if the need for an extension is attributable to circumstances for which the debtor should not justly be accountable.

(3) Not later than 14 days before the date of the status conference under subsection (f)(1), the debtor shall file with the court and serve on all parties in interest a report that details the efforts the debtor has undertaken and will undertake to attain a consensual plan of reorganization.

Related Provisions

FRBP 2002	Notices to Creditors, Equity Security Holders, Administrators in Foreign Proceedings, Persons Against Whom Provisional Relief Is Sought in Ancillary and Other Cross-Border Cases, United States, and United States Trustee
FRBP 3016	Filing of Plan and Disclosure Statement in a Chapter 9 Municipality or Chapter 11 Reorganization Case
FRBP 3017	Court Consideration of Disclosure Statement in a Chapter 9 Municipality or Chapter 11 Reorganization Case
FRBP 3018	Acceptance or Rejection of Plan in a Chapter 9 Municipality or a Chapter 11 Reorganization Case
FRBP 3019	Modification of Accepted Plan in a Chapter 9 Municipality or a Chapter 11 Reorganization Case
FRBP 3020	Deposit; Confirmation of Plan in a Chapter 9 Municipality or Chapter 11 Reorganization Case
LBR 3017-1	Disclosure Statement and Plan - General
LBR 3018-1	Chapter 11 Plan Confirmation
LBR 3021-1	Chapter 11 Post-Confirmation Disbursement Report
LBR 3022-1	Final Account and Decree in Chapter 11 Reorganization Cases
11 USC 101(51C)	Small Business Case Defined
11 USC 1121	Who May File a Plan
11 USC 1125	Postpetition Disclosure and Solicitation
11 USC 1126	Acceptance of Plan
11 USC 1127	Modification of Plan
11 USC 1128	Confirmation Hearing
11 USC 1129	Confirmation of Plan

Rule 3017-1

Disclosure Statement and Plan - General

(a) Minimum Information Required in Disclosure Statement

The disclosure statement shall include, at a minimum, detailed information regarding the following:

(1) Description of the business of the debtor;
(2) History of the debtor prior to filing;
(3) Current financial information;
(4) Description of the plan;
(5) How the plan is to be executed;
(6) Liquidation analysis;
(7) Management to be retained and their compensation;
(8) Detailed financial projections of operations and discussion of underlying assumptions;
(9) Litigation pending or contemplated;
(10) Payments made for services in connection with the case or plan;
(11) Transactions with insiders; and
(12) Tax consequences.

(b) Approval of Disclosure Statement

Unless the disclosure statement is conditionally approved, or the court has granted a motion not requiring a separate disclosure statement, approval of the disclosure statement shall be governed by FRBP 3017(a).

(c) Disclosure Statement in Case of Small Business Debtor and in Subchapter V Small Business Debtor Reorganization Cases if §1125 is applicable.

(1) A motion for an order determining that a separate disclosure statement is not necessary or for conditional approval of a disclosure statement shall be on seven (7) days notice and hearing to the United States trustee pursuant to LBR 2002-1.

(2) The proposed disclosure statement and plan shall be filed as an attachment to the motion.

(3) If either of the above motions is granted, then the proponent of the plan shall promptly file the approved combined plan or conditionally approved disclosure statement and plan, as appropriate, and comply with LBR 3018-1.

(d) Contents of Plan

(1) The plan shall clearly set forth what acts or events constitute substantial

consummation of the plan.

(2) A plan providing for liquidation of property of the estate shall set a date certain by which liquidation must occur and shall provide for an alternative if liquidation does not occur by the date so set.

(e) List Classifying Claims

A list classifying claims shall be filed with the plan and disclosure statement and shall be in the prescribed format.

Related Provisions

FRBP 2002	Notices
FRBP 3016	Filing Plan and Disclosure Statement
FRBP 3017	Disclosure Hearing
FRBP 3017.1	Disclosure Statement in Small Business Case
FRBP 3018	Acceptance or Rejection of Plan
FRBP 3019	Modification to Plan
FRBP 3020	Confirmation of Plan
LBR 3017-1	Chapter 11 - Plan and Pre-Confirmation Requirements
LBR 3018-1	Chapter 11 Plan Confirmation
LBR 3022-1	Final Account and Decree in Chapter 11 Reorganization Case
11 USC 101(51C)	Small Business Defined
11 USC 1121	Who May File a Plan
11 USC 1125	Postpetition Disclosure and Solicitation
11 USC 1126	Acceptance of Plan
11 USC 1127	Modification of Plan
11 USC 1128	Confirmation Hearing
11 USC 1129	Confirmation of Plan

Rule 3018-1

Chapter 11 Plan Confirmation

(a) Notice of Filing Disclosure Statement and Plan

The party filing a disclosure statement and proposed plan shall give twenty-eight (28) days notice in the prescribed form to the Master Mailing List in accordance with LBR 2002-1 of the opportunity to object to the disclosure statement and provide a copy of the disclosure statement and proposed plan to those entities required by FRBP 3017.

(b) Notice of Approval of Disclosure Statement and Opportunity to Object to Proposed Plan

The proponent of a plan, where the disclosure statement has been approved by the court, shall give twenty-eight (28) days notice to the Master Mailing List in accordance with LBR 2002-1 of the opportunity to object to the confirmation of the plan along with a copy of the following items:

(1) Notice of Approval of Disclosure Statement and Matters Relating to Confirmation of Plan in the prescribed local form;

(2) Approved Disclosure Statement;

(3) Proposed plan;

(4) Ballot for Accepting or Rejecting Plan of Reorganization in the prescribed local form;

(5) List Classifying Claims in the prescribed local form.

(c) Notice of Conditionally Approved Disclosure Statement or Combined Plan and Disclosure Statement

The proponent of a plan in the case of a small business debtor where the court has conditionally approved the disclosure statement, or approved a combined plan and disclosure statement, shall give twenty-eight (28) days notice to the Master Mailing List in accordance with LBR 2002-1 of the opportunity to object to the disclosure statement or confirmation of the plan along with a copy of the following items:

(1) Conditionally Approved Disclosure Statement;

(2) Proposed Plan

(3) Ballot for Accepting or Rejecting Plan of Reorganization in the prescribed local form.

(4) List Classifying Claims in the prescribed local form.

(d) Modification of Plan Before or After Confirmation

(1) Before Acceptance and Confirmation

Sub-section (a) of this rule shall apply where the proponent modifies the disclosure statement or the proposed plan prior to acceptance of the proposed plan, unless otherwise ordered by the court.

(2) After Acceptance but before Confirmation

If proponent seeks an order determining that modification to a plan does not have any adverse affect pursuant to FRBP 3019, the proponent shall give twenty-one (21) days notice to trustee, UST, any committee appointed or if none appointed, then to the list of 20 largest creditors required by FRBP 1007(d), debtor and debtor's attorney.

(3) If the effect of a modification to the proposed plan so requires, an amended List Classifying Claims shall be filed.

(4) After Confirmation

The proponent of a modification to a confirmed plan pursuant to § 1127(e) of the Code shall give all notices related to the request for modification.

(e) Acceptance or Rejection of Plan

(1) Ballots accepting or rejecting the plan shall be filed with the Court, unless otherwise ordered by the court.

(2) The proponent, or other entity as the court may direct, shall certify to the Court the results of balloting, as prescribed by the appropriate local form.

Related Provisions

FRBP 2002	Notices
FRBP 3016	Filing Plan and Disclosure Statement
FRBP 3017	Disclosure Hearing
FRBP 3017.1	Disclosure Statement in Small Business Case
FRBP 3018	Acceptance or Rejection of Plan
FRBP 3019	Modification to Plan
FRBP 3020	Confirmation of Plan
11 USC 101(51C)	Small Business Defined
11 USC 1121	Who May File a Plan
11 USC 1125	Postpetition Disclosure and Solicitation
11 USC 1126	Acceptance of Plan
11 USC 1127	Modification of Plan
11 USC 1128	Confirmation Hearing
11 USC 1129	Confirmation of Plan

Rule 3021-1

Chapter 11 Post-Confirmation Disbursement Report

Until the case is closed, each reorganized debtor shall file with the court on the prescribed local form (LF 3021-1) a post-confirmation disbursement report for each calendar quarter (or portion thereof). The report shall be filed within fifteen (15) days of the close of the quarter.

Related Provisions

FRBP 3021	Distribution Under Plan
LBR 3017-1	Disclosure Statement and Plan - General
LBR 3018-1	Chapter 11 Plan Confirmation
LBR 3022-1	Final Account and Decree in Chapter 11 Reorganization Case

Rule 3022-1

Final Account and Decree in Chapter 11 Reorganization Case

(a) Final Account

Upon completion of the plan, unless excepted under paragraph (b)(2), a final account shall be filed on the prescribed local form (LF 3022-1a).

(b) Final Decree and Closing of Cases

(1) Final Account Filed

Seven (7) days following the filing of the final account, the final decree may be entered and the case closed unless a motion is filed requesting that the final decree not be so entered.

(2) Final Account Not Filed

If a final account has not been filed within one hundred eighty (180) days following the confirmation of the plan, a final decree may be entered and the case closed unless a party in interest has filed a written objection. The notice of the confirmation of the plan shall include notice that the final decree will be entered and the case closed without a final account unless an objection is filed within one hundred eighty (180) days following confirmation.

(c) Exception Where Debtor is an Individual

(1) Notwithstanding paragraph (1) and (2) above, cases in which the debtor is an individual shall not be closed until a discharge has been granted, denied, or waived by the debtor.

(2) Upon completion of the confirmed plan or upon eligibility for discharge, the debtor shall file a motion for entry of discharge on the prescribed local form (LF 3022-1) and provide twenty-one (21) days notice to the Master Mailing List or file a written request to waive discharge.

Related Provisions

FRBP 3022	Final Decree in Chapter 11 Reorganization Case
LBR 3016-1	Chapter 11 Pre-Confirmation Requirements
LBR 3017-1	Disclosure Statement and Plan - General
LBR 3018-1	Chapter 11 Plan Confirmation
LBR 3021-1	Chapter 11 Post-Confirmation Disbursement Report
11 USC 1141	Effect of Confirmation

Rule 4001-1

Automatic Stay

(a) Relief From Automatic Stay

(1) Notice

(A) As to Property of the Estate

A party in interest desiring relief from the automatic stay of an act against property of the estate shall file a motion and give fourteen (14) days' notice in accordance with FRBP 4001 and LBR 2002-1 to the debtor(s), attorney for the debtor(s), trustee, United States Trustee, those requiring notice under FRBP 2002(i) and FRBP 4001, and any other party known to movant claiming an interest in the subject property.

(B) As to Other Acts

A party in interest desiring relief from the automatic stay of an act other than against property of the estate shall file a motion and give fourteen (14) days' notice to the debtor and debtor's attorney in accordance with LBR 2002-1.

(C) Content of Notice

The notice and motion shall describe the property or interest involved, including a statement as to its fair market value and encumbrances thereon.

(D) General Provision

The date of the request shall be the date that a motion requesting a modification to the automatic stay is filed along with the certificate required by LBR 2002-1(b)(4).

(2) When an Objection is Made

(A) If an objection is timely filed and served, the party desiring relief from the stay shall obtain a hearing date and time from the court's Web site and shall notify the objecting party of the date of the hearing.

(B) The preliminary hearing will be by telephonic conference and based on affidavits only, but may be supported by written memoranda.

(C) Duty to Confer

The moving party has a duty to confer with an objecting party for the purpose of attempting to resolve the differences between the parties.

(D) Timing of Filing Affidavits and Supporting Memoranda

(i) Notwithstanding LBR 5005-1(c), the moving party shall file and serve affidavits in support of request for modification of stay together with any memoranda of authority at least seven (7) days before the preliminary hearing.

(ii) The opposing party shall file and serve responsive affidavits and opposing memoranda of authority at least seven (7) days before the preliminary hearing.

(iii) Notwithstanding LBR 5005-1(c), a document intended to be considered by the Court in connection with a scheduled hearing or a request for modification of stay shall be served and filed in accordance with subparagraphs (i) and (ii) above.

(E) Waiver

Failure to follow these procedures by the moving party will be deemed to be a waiver of the automatic lifting provisions of § 362(e) of the Code and consent to the continuation of the automatic stay pending the conclusion of the final hearing.

(b) Confirmation That No Stay is in Effect, Continuation or for Reimposition of Stay

(1) A party in interest desiring an order confirming that no stay is in effect pursuant to § 362(c)(4)(A)(ii) of the Code, shall file a motion and shall give fourteen (14) days' notice and hearing to the Master Mailing List in accordance with LBR 2002-1.

(2) A party in interest desiring that the stay continue in effect pursuant to § 362(c)(3)(B) of the Code shall file a motion and give fourteen (14) days' notice and hearing to the Master Mailing List in accordance with LBR 2002-1.

The motion shall be filed no later than seven (7) days following the filing of the petition for relief.

The date and time of the hearing shall be included in the notice and shall be within thirty (30) days of the filing of the petition for relief.

(3) A party in interest desiring the automatic stay to take effect pursuant to § 362(c)(4)(B) of the Code shall file a motion and give fourteen (14) days' notice and hearing to the Master Mailing List in accordance with LBR 2002-1.

(c) Proof of Interest

A party desiring relief from the stay shall provide to the trustee or debtor in possession, with the notice, copies of documents evidencing the interest of the requesting party, and the perfection of that interest, if appropriate.

(d) Stipulation

A stipulation of the debtor allowing relief from the stay is effective only as to acts against the debtor or the debtor's property. A stipulation of the trustee or debtor in possession allowing relief from the stay is effective only after notice has been given in accordance with subparagraph (a)(1) above.

(e) Combining of Motions

(1) A motion for relief from the automatic stay or adequate protection shall not be combined with any other motion except a motion for abandonment or for relief from the codebtor stay.

(2) If motions are combined, each request shall be clearly identified in the caption and in the body of the pleading.

(f) Where No Objection is Made

If no objection is timely filed and served, the party desiring relief from the stay may present ex parte a proposed order in accordance with LBR 9013-1.

Related Provisions

FRBP 4001	Relief from Automatic Stay; Prohibiting or Conditioning the Use, Sale or Lease of Property; Use of Cash Collateral; Obtaining Credit; Agreements
FRBP 9006	Computing and Extending Time
LBR 2002-1	Notice to Creditors & Other Interested Parties
LBR 9073-1	Hearings
11 USC 362	Automatic Stay
28 USC 1930(b)	Bankruptcy Court Fee Schedule

Rule 4001-2

Cash Collateral

(a) Contested Use of Cash Collateral

(1) Notice

(A) Unless the consent of each entity having an interest in the cash collateral is obtained, a trustee or debtor in possession desiring to use, sell, or lease cash collateral shall file and serve a motion, along with a form of the order as an attachment as required by FRBP 4001(b), and shall give fourteen (14) days' notice to parties with an interest in the collateral, to any committee appointed under the Code or its authorized agent, or, if no committee has been appointed, the creditors included on the list filed pursuant to FRBP 1007(d) and to such other entities as the Court may direct. If an objection is timely filed, the trustee or debtor in possession shall request a final hearing date in accordance with LBR 2002 - 1(f)(3).

(B) For good cause shown, the trustee or debtor in possession may apply ex parte for an order shortening time for notice and setting a date for an interim hearing. The interim hearing will ordinarily be scheduled by the Court within five (5) days of the application. The trustee or debtor in possession shall promptly give telephonic notice of the interim hearing to entities with an interest in the collateral.

(2) Interim Hearing

The interim hearing may be conducted telephonically on the record submitted. The record shall include affidavits or declarations in support of or in resistance to the requested use of cash collateral. Affidavits or declarations shall be served and filed as soon as practicable. The parties may present testimony at the interim hearing only on request of a party and approval of the Court. In the event testimony is permitted and fourteen (14) days' notice has been provided in accordance with the provisions of subparagraph (a)(1)(A) of this Rule, then the interim hearing may be treated by the Court as a final hearing.

(3) Final Hearing

The date for the final hearing shall be set by the Court at the conclusion of any interim hearing. An interim order providing for use of cash collateral may, by its terms, become a final order approving use of cash collateral if notice of the interim order is provided as set out in subparagraph (a)(1)(A) of this Rule and no objection is timely filed**.**

(b) Agreement Concerning Use of Cash Collateral Involving Adequate Protection and/or Security Interest in Post-Petition Assets

(1) Any agreement concerning use of cash collateral involving adequate protection and/or granting of a security interest in post-petition assets of the debtor must be approved by order of the Court in accordance with FRBP 4001(d).

(2) The provisions of this Rule pertaining to use of cash collateral set out in subparagraph (a) hereof shall also be applicable as to approval of agreements for use of cash collateral involving adequate protection and/or granting of a security interest in post-petition assets of the debtor.

(c) Agreements Concerning Use of Cash Collateral Not Involving Adequate Protection and/or Security Interest in Post-Petition Assets

Agreements between a trustee or debtor in possession and all parties having an interest in cash collateral that do not involve granting of adequate protection and/or security interests in post-petition assets of the debtor are not subject to approval by the Court, and notice of such agreements are not subject to the notice requirements of subparagraph (a) of this Rule.

(d) Motion to Prohibit Use of Cash Collateral

A party in interest may bring a motion to prohibit use by the trustee or debtor in possession of cash collateral. A motion to prohibit use of cash collateral shall be subject to the requirements of subparagraph (a) of this Rule.

(e) Use of Cash Collateral in Chapter 13 Case

In a case under Chapter 13, the debtor shall prepare all pleadings and documents if the debtor intends to use, sell or lease cash collateral. The debtor shall sign the pleadings, serve them on all required entities, including the Chapter 13 trustee, and file them with the Court. It shall be the debtor's responsibility to timely obtain the Chapter 13 trustee's signature on any necessary documents, to set any necessary hearings and to appear and argue at all hearings.

Related Provisions

FRBP 4001	Relief from Stay and Use of Cash Collateral
FRBP 9006(f)	Time
11 USC 353(a)(c)	Cash Collateral
28 USC 1930(b)	Bankruptcy Court Fee Schedule

Rule 4001-3

Relief From Codebtor Stay

(a) Notice

(1) A party in interest desiring relief from the codebtor stay shall give twenty (20) days' notice to the debtor and codebtor in accordance with LBR 2002-1.

(2) Service on the debtor and codebtor shall be in accordance with FRBP 9014.

(3) The notice shall state:

(A) That as between the debtor and the codebtor, which party received the consideration for the claim held by the creditor; and

(B) Whether the plan filed by the debtor proposes to pay or not pay the claim; and

(C) Whether or not the creditor's interest would be irreparably harmed by the continuation of the stay; and

(D) That the stay may be terminated with respect to the party seeking relief unless the debtor or codebtor files and serves a written objection; and

(E) Identity of codebtor by name.

(b) Order

If an order is desired it shall be requested in accordance with LBR 9013-1(c).

Related Provisions

11 USC 1201	Stay of Action against Codebtor
11 USC 1301	Stay of Action against Codebtor
FRBP 7004	Process; Service of Summons, Complaint
FRBP 9014	Contested Matters
LBR 2002-1	Notice to Creditors & Other Parties in Interest
LBR 4001-1(e)	Non-Combining of Motions
LBR 9013-1	Motions and Orders

Rule 4001-4

Deposit of Rent

(a) Deposit of Rent by Debtor

When a debtor is required to deposit with the clerk of the court any rent that would fall due during the 30 day period after the filing of the petition for relief, pursuant to § 362(l)(1)(B) of the Code, that deposit shall be in the form of a certified check or money order made payable to the lessor.

(b) Transmittal By Clerk

Upon receipt of such deposit, the clerk of the court shall promptly transmit the instrument to the lessor.

Related References

11 USC 362 Automatic Stay

Rule 4001-5

Voluntary Modification of Debt Secured by Debtor's Residence

(a) Definition of Mortgage Creditor

For purposes of this rule, the term "mortgage creditor" includes any creditor secured by a mortgage, deed of trust, or land sale contract on real property that was used as the debtor's principal residence at the time the petition was filed.

(b) Negotiation Does Not Violate Stay

A mortgage creditor is authorized to negotiate with the debtor for a modification of the secured obligation at any time during the pendency of the debtor's case. Any such modification is voluntary on the part of the mortgage creditor and the debtor. If the debtor is represented by counsel, that counsel may consent to allow the mortgage creditor to communicate directly with the debtor. A mortgage creditor's contact with the debtor and/or the debtor's counsel for the purpose of negotiating a loan modification shall not be considered a violation of the automatic stay imposed by 11 U.S.C. § 362. If a debtor consents in writing (through counsel if the debtor is represented), participation by a secured creditor in a mediation, either pursuant to state law or by agreement of the parties, shall not constitute a violation of the automatic stay imposed by 11 U.S.C. § 362.

(c) Court Approval

The terms of any agreement reached under this section are subject to approval by the court.

Related Provisions

11 USC 362 Automatic Stay

Rule 4002-1

Debtor - Duties

(a) Inventory or Equipment

When inventory or business equipment is scheduled, the debtor shall, immediately after the general description thereof, list a present inventory, append a brief explanation of its exact location, the name and address of the custodian thereof, the protection being given such property, and the amount of fire and theft insurance, if any, and state whether prompt additional attention or protection is necessary.

(b) Need for Immediate Attention

If a property of the estate includes perishable goods or if the business premises otherwise needs immediate attention or protection, the debtor or the attorney for the debtor, when relief is ordered under Chapter 7, 12 or 13 or a trustee is appointed under Chapter 11, shall notify the United States trustee of the need for immediate action. Notification shall be by personal communication or by telephone.

(c) Tax and Other Information Where Case is Pending

(1) Where a request is made that the debtor file tax and other information pursuant to § 521(f) of the Code, the information shall be filed electronically if filed by an attorney, or if by the debtor conventionally in accordance with LBR 9018-1, in which case the debtor shall promptly notify the party requesting that the information has been filed.

(2) Where the party requesting that the information desires to view the information, such request shall be made in accordance with LBR 9018-1.

(3) If the requesting party and debtor so elect, the debtor may provide the requested information directly to the requesting party.

Related Provisions

11 USC 521	Debtor's Duties
11 USC 707	Duties of Trustee

LBR 4002-1
MAY 15, 2006

Rule 4003-2

Lien Avoidance

(a) A party seeking to avoid a lien pursuant to § 522(f) of the Code shall file a motion and give fourteen (14) days notice to the trustee and the creditor holding the lien in accordance with LBR 2002-1.

(b) The motion shall contain:

(1) A description and statement of the value of the property encumbered as if there were no liens on the property;

(2) A description and the amount of the lien to be avoided;

(3) Specific identification of the statutory authority for avoiding the fixing of the lien; either a judicial lien or a non-possessory, non-purchase money security interest;

(4) A description and the amount of all other liens on the property, individually identified as to each lien holder, and a statement whether any such liens have or are subject to being avoided under this rule, or a statement that there are no other liens; and

(5) A statement as to the specific statutory exemption claimed and the amount of the exemption claimed.

(c) Service of the notice and motion on the lien creditor shall be in accordance with FRBP 7004.

Related Provisions

FRBP 4003	Exemptions
FRBP 9006	Computing and Extending Time
FRBP 9014	Contested Matters
LBR 2002-1	Notice to Creditors and Other Interested Parties
11 USC 522(f)	Exemptions

Rule 4008-1

Reaffirmation

(a) Agreement Not Negotiated by Attorney for Unrepresented Debtor

An individual not represented by an attorney during the course of negotiating a reaffirmation agreement shall file a cover sheet, the agreement and a motion with the Court, prepared as prescribed by the appropriate forms (Official Forms 427, 2400A and 2400B or Official Forms 427 and 2400A/B ALT). The Court may approve the agreement without an actual hearing or may schedule a hearing.

(b) Agreement Not Negotiated by Attorney for Represented Debtor

A debtor's attorney who has not represented the debtor during the course of negotiating a reaffirmation agreement on behalf of the debtor shall file, as a separate document, a statement to that effect. If such a statement is made, then section (a) above applies.

Related Provisions

FRBP 4008	Filing of Reaffirmation Agreement; Statement in Support of Reaffirmation Agreement
11 USC 524	Effect of Discharge

Rule 5001-2

Clerk's Office

(a) Accessibility

The court's website at www.waeb.uscourts.gov is accessible for filing, submission of proposed orders, requesting hearings and general information on all days and at all hours.

(b) Office Hours

Business may be conducted in person at the Clerk's Office from 8:30 a.m. to 4:30 p.m. all days except Saturdays, Sundays and legal holidays as described in FRBP 9006(a). Arrangements to conduct business in person including emergency filings, outside of these business hours, must be made in advance.

Related provisions

FRBP 5001	Courts and Clerks' Offices
FRBP 5005	Filing and Transmittal of Papers
FRBP 9006	Computing and Extending Time
LBR 5005-3	Electronic Filing

Rule 5003-2

Court Papers - Removal of

Abrogated.

Rule 5005-1

Filing Requirements

(a) Methods of Filing

(1) In person by delivery to the Office of the Clerk at either West 904 Riverside Avenue, Room 304, Spokane, Washington, or East 402 Yakima Avenue, Suite 200, Yakima, Washington; or

(2) By mail to P.O. Box 2164, Spokane WA 99210-2164 or E. 402 Yakima Avenue, Suite 200, Yakima, Washington 98901;

(3) By electronic transmission in accordance with LBR 5005-3; or

(4) For documents other than initial petitions for relief or complaints for adversary proceedings, by delivery to a deputy clerk in open court while the Court is in session.

(b) Return of Conformed Copies

A party filing a paper document desiring a conformed copy shall provide such copy along with the document to be filed. If the party desires that the conformed copy be returned by mail, that party must also provide along with the document to be filed a pre-addressed and stamped envelope.

(c) Time of Filing

The time of filing of a document is the local time when the document is received by the court either conventionally or electronically.

Related Provisions

FRBP 5005	Filing and Transmittal of Papers
FRBP 9006	Computing and Extending Time
FRBP 9011	Signing of Papers; Representations to the Court; Sanctions; Verification and Copies of Papers
FRBP 9036	Notice by Electronic Transmission
LBR 5005-3	Electronic Filing
LBR 9073-1	Hearings
28 USC 152	Appointment of Bankruptcy Judge

Rule 5005-2

Filing Papers – Numbers of Copies

Abrogated.

Rule 5005-3

Electronic Filing

(a) Scope of Electronic Filing

(1) The electronic filing of a document constitutes filing of the document for all purposes, including those of the Federal Rules of Bankruptcy Procedure and Local Rules.

(2) Documents filed in paper will be converted into an electronic format.

(b) Official Record of the Court

The official record of the Court includes all documents filed electronically, filed in paper and converted to an electronically filed format, filed in paper and not converted to electronic format and text-only entries. Text-only entries are text contained in the docket entry and for which there is no separate electronically recorded image.

(c) Mandatory Electronic Filing

(1) All attorneys, including but not limited to examiners, trustees, Office of the United States Trustee, Office of the United States Attorney and any other entity as the clerk deems appropriate are required to file documents electronically.

(2) Electronic filing privileges shall only be granted to attorneys admitted to practice in the United States District Court for the Eastern District of Washington. Other entities are granted filing privileges for limited purposes.

(d) Exception to File Documents Electronically

(1) Pro se debtors, non-attorney entities that have filed fewer than 3 documents during the most recent 12-month period and entities that have been granted a waiver from filing electronically are excepted from filing a document electronically.

(2) Documents filed under seal shall be in accordance with LBR 9018-1.

(e) Waiver of Requirement to File Documents Electronically

(1) Any entity that is required to file documents electronically may request a waiver of that requirement by submitting a Request for Waiver From Electronic Filing on the prescribed form.

(2) A separate waiver must be filed for each case or adversary proceeding for which a waiver is desired.

(3) Any entity that is required to file documents electronically and that has not been granted a waiver or has an unresolved waiver request pending that files a document non-electronically is subject to sanctions as may be imposed by the Court or to having the document stricken unless, after notification, the document is promptly re-filed electronically or a waiver is requested.

(f) Signatures

(1) All pleadings and other documents requiring signatures that are filed electronically shall either contain a scanned image of any signature(s) therein or,

(A) indicate the signature by putting "/s/ Jane Doe" on the signature line, or

(B) affixing an electronically produced signature to the document.

(2) Documents Signed under Penalty of Perjury or Under Oath

(A) Where a scanned image of a signature conventionally signed under penalty of perjury is not displayed on the document electronically filed, the filing party shall file contemporaneously with the Court as a separate document a statement that the signature was witnessed and by whom.

(B) The filing party shall retain the document containing the written signature, or a copy made in the ordinary course of business as described in 28 USC § 1732, for a period of not less than five (5) years, the maximum allowable time to complete any appellate process, or the case or adversary proceeding is closed, whichever is later, and shall produce the document upon order of the Court, or a copy made in the regular course of business as described above.

(3) The electronic filing of a document shall constitute the signature of that party for all purposes for which a signature is required in connection with proceedings before the Court, including FRBP 9011. Where an electronically produced signature is used, the electronically produced signature is the signature for all purposes, including orders of the Court.

Where a document is filed electronically that was initially signed conventionally, the submission of that document constitutes a signature and will have the same force and effect as a written signature for all purposes, including FRBP 9011.

The signature on a document filed in paper when converted to an electronic format by the Court, will likewise constitute a signature and will have the same force and effect as a written signature for all purposes, including FRBP 9011.

(g) Court Retention of Records

Where a document filed in paper is converted to an electronic format by the Court, the document will be retained only so long as required to ensure that the information has been transferred to the Court's database.

(h) Technical Failures

Appropriate relief under FRBP 9006 may be sought from the Court where an electronic filing is made untimely as the result of a technical failure of the Court.

(i) Cases Filed in Error

If a case is filed in error, or in duplicate, the filing party shall notify the clerk's office immediately.

(j) Documents

(1) Combined motions shall be identified by selecting appropriate docket events.

(2) A single docket event shall not be used to file more than one document, except when otherwise allowed by local or national rules.

Related Provisions

FRBP 5005	Filing and Transmittal of Papers
FRBP 9006	Computing and Extending Time
LBR 5005-1	Filing Requirements
LBR 9018-1	Secret, Confidential, Scandalous, or Defamatory Matter
28 USC 1732	Record made in regular course of business; photographic copies
	Administrative Procedures for Filing and Verifying Documents by Electronic Means

Rule 5009-1

Closing Cases

(a) Issues raised by notice and hearing shall be deemed moot for purposes of case closing thirty (30) days following the time to object to an act or entry of an order or from the filing of an objection unless:

(1) An order has been presented ex parte if no objection has been filed;

(2) A hearing has been requested if an objection has been filed; or

(3) A motion and an affidavit or statement under penalty of perjury have been filed requesting that the case remain open.

(b) Issues raised by motion, which do not require notice, shall be deemed moot for purposes of case closing if no order has been submitted within 60 days of the date the motion was filed.

Rule 5010-1

Reopening Cases

(a) A motion to reopen a case may be presented ex parte, shall not be joined with a request for any other relief, except for the appointment of a trustee, and shall be accompanied by:

(1) A statement explaining why the case needs to be opened; and

(2) The appropriate filing fee or a statement as to why a fee is not required.

(b) Before taking any action in a closed case that requires notice and hearing to the Master Mailing List (MML), that is governed by FRBP 9014, or that may require further administration, the party taking the action shall cause the case to be reopened.

(c) A request for the appointment of a trustee in a reopened case shall be supported by a statement as to why a trustee should be appointed.

(d) A case shall be reopened to further administer matters involving property of the estate or to obtain a discharge.

Related Provisions

FRBP 5010	Reopening Cases
FRBP 9014	Contested Matters
11 USC 350	Closing and Reopening Cases
11 USC 541	Property of the Estate
28 USC 1930	Bankruptcy fees

LBR 5010-1
AUGUST 1, 2012

Rule 5011-1

Withdrawal of Reference

(a) Motion

A withdrawal of reference of any case or adversary proceeding, in whole or in part, may be initiated by the bankruptcy court upon its own motion or on timely motion of any party.

(b) Filing and Service

Any motion for withdrawal of reference of any case, in whole or in part, shall be filed in the bankruptcy court and served promptly after service of any pleading or document in which the basis for the motion first arises. Any motion for withdrawal of reference in an adversary proceeding, in whole or in part, shall be filed in the bankruptcy court no later than 14 days following the entry of the scheduling order. Response documents shall be filed and served no later than 14 days after service of the motion for withdrawal. Reply documents, if any, shall be filed and served no later than 7 days after service of any response.

(c) Transmittal of Documents to District Court

After expiration of the time for filing documents as provided in subsection (b) of this rule, the clerk of the bankruptcy court shall transmit the motion and all related documents that have been filed with the bankruptcy court to the district court. The transmittal may include comments by the bankruptcy judge, including an analysis of the issue(s) and, if applicable, the impact of the adversary proceeding upon the underlying case. The moving party shall note the matter for hearing in accordance with LCivR7(i) of the Local Rules of the United States District Court.

After the clerk of the bankruptcy court has transmitted the motion and all related documents to the district court, all further documents related to the motion to withdraw the reference shall be filed with the clerk of the district court. Unless otherwise ordered by the bankruptcy court or district court, parties shall continue to file with the clerk of the bankruptcy court all documents relating to other matters in the case or adversary proceeding.

Related Provisions

FRBP 5011	Withdrawal and Abstention from Hearing a Proceeding
LBR 7008-1	Statement Regarding Consent in Adversary Proceedings
28 USC 157	Procedures
28 USC 1334	Bankruptcy cases and proceedings
28 USC 1930	Bankruptcy fees

Rule 5071-1

Continuances

The court may continue hearings on its own motion or by motion of a party based on an agreement of the parties, or a motion of a party after notice to opposing parties, served and filed at least seven (7) days prior to the scheduled hearing. The motion shall be accompanied by an affidavit or statement under penalty of perjury stating the reasons for the necessity of the continuance. A counter affidavit or statement may be filed by the opposing party.

Rule 5073-1

Photography, Recording Devices and Broadcasting

During any proceeding over which a judicial officer of this Court is presiding, the taking of photographs, making of recordings or broadcasting of such proceeding is prohibited, except by authorized court personnel. The use of computers, cellular phones, and other equipment is governed by order of the United States District Court.

Related Provisions

USDC EDWA General Order 05-54-1	General Order Re Security and Entry into U.S. Courthouses and Federal Court Facilities in the Eastern District of Washington

LBR 5073-1
JUNE 1, 2007

Rule 6004-1

Sale of Estate Property

(a) Notice and Hearing Required

A sale pursuant to § 363(b) of the Code, including a sale free and clear of any interest of an entity other than the estate, is initiated by notice and hearing and is subject to LBR 2002-1. An action to determine the validity, priority, or extent of any interest of an entity other than the estate shall be brought separately as an adversary proceeding.

(b) Sale Free and Clear of Interests

(1) If the property is to be sold free and clear pursuant to § 363(f) of the Code, the notice of the motion shall so state and include the following information:

(A) The date and time of the hearing on the motion, which may be obtained from the court's website;

(B) If no objection is timely filed and served, the moving party may strike the hearing and present ex parte a proposed order;

(C) The estimated fair market value of the property without deductions for interest of entities other than the estate;

(D) The amount of each lien or encumbrance claimed against the property and the paragraph of § 363(f) of the Code under which the sale is authorized;

(E) If the proceeds of the sale appear to be insufficient to pay all liens and encumbrances claimed against the property, the liens and encumbrances which may not be paid from the sale proceeds; and

(F) A statement specifying the necessity for the sale.

(2) All interests in property sold free and clear shall attach to the proceeds of the sale, unless otherwise provided in the notice.

(c) Service

Service of the notice shall be pursuant to FRBP 6004(c).

(d) Order

The proposed order shall be filed in accordance with LBR 9013-1(c).

Related Provisions

FRBP 2002(a)(2),(c)(1)	Notices of Sale
FRBP 6004	Use, Sale, or Lease of Property
FRBP 7004	Service
FRBP 9014	Contested Matters

11 USC 363	Use, Sale, or Lease of Property
11 USC 1107	Rights and Duties of Debtor in Possession
11 USC 1206	Sales of Property
11 USC 1303	Rights and Powers of Debtor
28 USC 1746	Unsworn Declaration Under Penalty of Perjury

LBR 6004-1
DECEMBER 1, 2008

Rule 6006-1

Executory Contracts

(a) Assumption or Rejection

Except as provided in § 365(d)(1) or § 365(d)(4) of the Code, a trustee or debtor in possession desiring to assume or reject any executory contract or unexpired lease of the debtor shall give twenty-one (21) days notice to all parties on the Master Mailing List in accordance with LBR 2002-1. The notice shall include a brief summary of the significant terms of the contract or lease. If assumption is desired and the contract is in default, the notice shall include terms of the cure, compensation for loss, and adequate assurance of future performance.

(b) Assignment

If the trustee or debtor in possession intends, upon assumption, to assign the executory contract or unexpired lease, the terms of the assignment shall be included in the notice described in paragraph (a) above. If the intent to assign is formed after the notice described in paragraph (a) is given, a separate notice detailing the terms of the assignment shall be given in the manner described in paragraph (a).

(c) Order Requiring the Trustee, Debtor in Possession or Debtor to Act

(1) A party to an executory contract or unexpired lease of the debtor requesting an order requiring the trustee, debtor in possession or debtor to assume or reject the contract or to reject a contract previously assumed shall give twenty-one (21) days notice to all parties on the Master Mailing List in accordance with LBR 2002-1. The notice shall include a brief summary of the significant terms of the contract or lease and shall be accompanied by a summary of the proposed order described in subparagraph (2).

(A) An order requiring the trustee, debtor in possession or debtor to act shall:

(i) State a date certain by which the trustee, debtor in possession or debtor must either assume or reject the contract which date shall be no sooner than twenty-one (21) days after the notice required by subparagraph (c)(1) is given,

(ii) State that the contract shall be deemed rejected if the trustee, debtor in possession or debtor does not act before the specified date, and

(iii) Include provisions for cure, compensation for loss, and adequate assurance of future performance if the contract is assumed.

(B) The order may include provisions requiring the trustee, debtor in possession or debtor to vacate or surrender possession of property of the estate in the event the contract is rejected, however, such provisions shall comport with the

requirements of applicable non-bankruptcy law.

(d) Request by Debtor for Chapter 13 Trustee to Act

In a case under Chapter 13, the debtor shall prepare all pleadings and documents for the performance of duties required by the Chapter 13 trustee if the debtor desires to have the trustee assume or reject any executory contract or unexpired lease. The debtor shall approve the pleadings, serve them upon all required entities, and file them with the Court. It shall be the debtor's responsibility to timely obtain the Chapter 13 trustee's signature on the appropriate documents, to set any necessary hearings, and to appear and argue at all hearings.

Related Provisions

FRBP 6006	Executory Contracts
11 USC 365	Executory Contracts and Unexpired Leases
11 USC 1303	Power of Debtor
11 USC 1322(c)(7)	Contents of Plan

Rule 6007-1

Abandonment

(a) Notice

A party desiring the trustee or debtor in possession to abandon property of the estate in which the estate may have an interest shall file a motion and give fourteen (14) days notice to all parties on the Master Mailing List in accordance with LBR 2002-1. The notice shall describe the property or interest involved, including a statement as to its fair market value and any encumbrances thereon.

(b) Proof of Interest

A party desiring an order requiring the trustee to abandon property of the estate shall provide to the trustee, along with the notice, copies of documents evidencing the interest of the requesting party, and the perfection of that interest, if appropriate.

Related Provisions

FRBP 6007	Abandonment
FRBP 9006(f)	Time
LBR 2002-1	Notice to Creditors & Other Interested Parties
11 USC 554	Abandonment
28 USC 1930(b)	Bankruptcy Court Fee Schedule

Rule 6008-1

Redemption

A debtor seeking to redeem property pursuant to § 722 of the Code shall file a motion and give fourteen (14) days notice to the trustee and the creditor holding the lien. The property seeking to be redeemed shall be specifically and clearly described along with a statement as to its value in the notice and motion. Service on the lien holder shall be pursuant to FRCP 9014. LBR 2002-1 applies in all other respects.

Related provisions

FRBP 6008	Redemption of Property from Lien or Sale
FRBP 7004	Process
FRBP 9014	Contested Matters
11 USC 722	Redemption

Rule 7001-1

Contested Matters & Adversary Proceedings - Infants and Incompetent Persons

In contested matters and adversary proceedings, infants and incompetent persons shall be represented by a duly appointed general guardian, conservator, next friend, guardian ad litem or other like fiduciary. A certified copy of the order appointing such representative shall be filed prior to any action in the matter being taken on behalf of the infant or incompetent person.

Related Provisions

FRBP 7017	Parties Plaintiff and Defendant

LBR 7001-1
MAY 1, 1996

Rule 7003-1

Commencement of Adversary Proceeding

(a) Adversary Proceeding Cover Sheet

Every Adversary Proceeding not electronically filed shall be accompanied by an Adversary Proceeding Cover Sheet (Official Form 1040).

(b) Summons

A form summons need only be prepared by Plaintiff for issuance by the Clerk if specifically requested by the Clerk.

Related Provisions

B-104	Director's Procedural Form Adversary Proceeding Cover Sheet
B-250	Director's Procedural Form Summons
FRBP 7004	Process, Service of Summons, Complaint

Rule 7004-1

Service of Summons and Complaint

(a) Serving an Individual in a Foreign Country

(1) Plaintiffs seeking service pursuant to FRCP 4(f)(2)(C)(ii) shall file an affidavit that service by mail is authorized by the domestic law of the foreign country.

(2) The plaintiff shall provide to the Clerk the documentation required by the postal service for registered, return receipt international mail, and make arrangements to pay the mailing costs.

Rule 7008-1

Statement Regarding Consent in Adversary Proceedings

Abrogated.

Related Provisions

FRBP 7008	General Rules of Pleading

Rule 7016-1

Pretrial Procedures

(a) Applicability

This rule applies to the pretrial procedure in all adversary proceedings and those contested matters specifically identified by the judge assigned the case.

(b) Scheduling Conference

A scheduling conference shall be set by the Court. The scheduling conference is conducted for the purpose of addressing matters contemplated by FRCP 16(b).

(1) Written Report

The attorney for the plaintiff shall timely call a meeting as required by FRCP 26(f). In accordance with that rule, but in no event no less than five (5) days prior to the date set for the scheduling conference, the attorneys of record and all unrepresented parties shall file a written report as contemplated by FRCP 26(f). Should the parties be unable to agree on a written report, then each party shall prepare and file a separate written report.

(2) In addition to the items set out in FRCP 16(b), the written report shall also contain information or estimates regarding:

(A) The length of the trial, and

(B) Preference as to location of the trial.

(c) Pretrial Conference

A pretrial conference may be set by the Court for the purpose of addressing items contemplated by FRCP 16(c) or other items of interest.

(1) Proposed Pretrial Order

(A) The attorney for the plaintiff shall insure that the attorneys of record and all unrepresented parties confer prior to the date of the pretrial conference and in good faith attempt to formulate a pretrial order. Should the parties be unable to agree on a pretrial order, then each party shall serve and submit to the Court a separate proposed pretrial order.

(B) All proposed pretrial orders shall be submitted in the manner set forth in LBR 9013-1(c) no less than five (5) days prior to the date set for the pretrial conference and shall be in the prescribed local format.

Related Provisions

FRBP 7016	Pretrial Procedure
FRBP 7026	Disclosure and Discovery

LBR 7016-1
SEPTEMBER 15, 2009

Rule 7024-2

Unconstitutionality, Claim of

Upon the commencement of any adversary proceeding or contested matter in which the constitutionality of any federal or state statute is brought into question and in which the United States or the state, respectively, or any agency, officer, or employee thereof is not a party, the party raising the constitutional issue shall file a copy of a notice giving the title of the case, a reference to the questioned statute, and the respects in which the party asserts the statute is unconstitutional. The party shall forthwith serve notice on the United States Attorney or the State Attorney General, as appropriate, and shall file a certification that the notice has been so served.

Related Provisions

28 USC 2403 Claim of Unconstitutionality

LBR 7024-2
MAY 1, 1996

Rule 7026-1

Discovery - General

(a) Form of Motions to Compel

Motions to compel disclosure or answers to interrogatories or questions, or to determine the sufficiency of disclosure or answers and all objections to requests for admissions shall identify and quote in full each interrogatory or question and the answer, if any, or the admission sought to be obtained. Motions for production and motions for protective orders must set forth, without reference to other pleadings or documents, the objects sought to be produced or protected.

(b) Obligation to Confer

A motion to compel disclosure, discovery or for a protective order shall not be heard unless the parties have conferred and attempted to resolve their differences. The moving parties shall call for such a conference within five (5) days after the motion has been served, and the conference shall be held within five (5) days thereafter. At least five (5) days before the date of the hearing, the parties shall file a statement setting forth the matters on which they have been unable to agree, together with memoranda in support of or in opposition to the motion.

(c) Time for Compliance

The party against whom an order to compel has been entered shall comply with the order within ten (10) days after receiving notice of the order, unless the order specifies a different period.

(d) Filing of Discovery Documents

Disclosure or discovery documents, including depositions, interrogatories, and answers thereto, shall not be filed. Those portions of disclosure or discovery necessary to the disposition of motions, applications or requests shall be appended to the pleadings. The initiating party shall have the responsibility for maintaining discovery material and making it available as may be required during the proceedings.

Related Provisions

FRBP 7026	Compelling Discovery
FRBP 9016	Subpoena

LBR 7026-1
MAY 1, 1996

Rule 7041-1

Dismissal of Adversary Proceedings

A complaint objecting to the granting or for the revocation of discharge shall not be voluntarily dismissed at any party's instance without notice and hearing to the trustee, United States Trustee and the Master Mailing List (MML) pursuant to LBR 2002-1.

Related Provisions

FRBP 7041	Dismissal of Adversary Proceedings
FRBP 4004	Grant or Denial of Discharge
FRBP 4005	Burden of Proof of Objecting to Discharge
FRBP 4006	Notice of No Discharge
FRBP 7001	Scope of Rules of Part VII
LBR 2001-1	Notice to Creditors and Interested Parties
11 USC 727	Discharge

Rule 7054-1

Cost Bill

A party allowed costs shall file the Bill of Costs, using Local Form 7054-1, and provide notice pursuant to FRBP 7054, within 14 days of the entry of the judgment allowing the costs.

Related Provisions

FRBP 7054	Judgments; Costs

Rule 7055-1

Default - Failure To Prosecute

(a) Entry

A party seeking entry of default pursuant to FRCP 55(a) must provide fourteen (14) days written notice to the party in default. Any party so served may respond to the pleading or otherwise defend at any time before the presentment.

(b) Judgment

A party entitled to have the Clerk enter judgment pursuant to FRCP 55(b)(1) shall file an affidavit showing the principal amount due, which shall not exceed the amount demanded in the complaint, giving credit for any payments and showing the amounts and dates thereof, a computation of interest to the date of judgment, and costs and taxable disbursements claimed. The affidavit shall further state that:

(1) The party against whom judgment is sought is not an infant or an incompetent person and is not protected by the Soldiers and Sailors Civil Relief Act;

(2) A default has been entered by the Clerk; and

(3) The disbursements sought to be taxed have been made in the action, or will necessarily be made or incurred. The Clerk shall thereupon enter judgment for the principal, interest, and costs pursuant to said rule.

(c) Dismissal For Want of Prosecution

In any adversary proceeding in which no action of record has been taken by the parties for the preceding six (6) months, the Clerk shall note the case for dismissal and shall give thirty (30) days notice to the counsel of record. If no action is taken nor an objection filed, an order of dismissal without prejudice may be entered by the Court.

Related Provisions

FRBP 7001	Adversary Proceedings
FRBP 7055	Default

Rule 7056-1

Summary Judgment

(a) Motion

Any party filing a motion for summary judgment shall set forth separately from the memorandum of law, and in full, the specific facts relied upon in support of the motion. The specific facts shall be set forth in serial fashion and not in narrative form. As to each fact, the statement shall refer to the specific portion of the record where the fact is found (i.e., affidavit, deposition, etc.). The specific portions of the record relied upon shall be attached to the statement of material facts.

(b) Status Conference

A telephone status conference shall be held as soon as practicable. The party filing the motion for summary judgment shall file and serve notice of the status conference upon the other party with the notice of motion for summary judgment. A date and time for the status conference should be requested via the Court's website. At the status conference the Court shall set the time for filing and serving the responsive memorandum prescribed in (c), the reply memorandum prescribed in (d), and the date and time for oral argument on the motion for summary judgment.

(c) Responsive Memorandum

Any party opposing a motion for summary judgment must file with its responsive memorandum a statement in the form prescribed in (a), setting forth the specific facts which the opposing party asserts establishes a genuine issue of material fact precluding summary judgment. Each fact must explicitly identify any fact(s) asserted by the moving party which the opposing party disputes or clarifies. (E.g.: "Defendant's fact #1: Contrary to plaintiff's fact #1, . . .") Following the fact and record citation, the opposing party may briefly describe any evidentiary reason the moving party's fact is disputed. (E.g.: "Defendant's supplemental objection to plaintiff's fact #1: hearsay.")

(d) Reply Memorandum

The moving party may file with its reply memorandum, if any, a statement in the form prescribed in (a), setting forth the specific facts which the moving party asserts establishes the absence of genuine material fact disputes. Each fact must explicitly identify any fact(s) asserted by the opposing party which the moving party disputes or clarifies, although the moving party need not repeat facts asserted in its initial statement of facts. (E.g.: "Plaintiff's fact #1: Contrary to defendant's fact #1, . . . ") Following the fact and record citation, the moving party may briefly describe any evidentiary reason the opposing party's fact is disputed. (E.g.:"Plaintiff's supplemental objection to defendant's fact #1: Party admission exception to hearsay.")

(e) Assumptions by Court

In determining any motion for summary judgment, the Court may assume that the facts as claimed by the moving party are admitted to exist without controversy except as and to the extent that such facts are controverted by the record set forth in paragraph (c) above.

Related Provisions

FRBP 7056 Summary Judgment

Rule 9001-1

Definitions

The following words and phrases used in these rules have the meanings indicated:

(1) "Debtor." For purposes of FRBP 9001(5), the debtor shall include the officers and members of the board of directors of a corporation and in the case of a partnership, all general partners.

An order designating some other individual as the debtor for purposes of FRBP 9001(5) may be presented on fourteen (14) days' notice and hearing to the attorney for the debtor.

(2) "Mailing." Whenever the term "mailing" or "mail" is used in conjunction with providing service or notice, it includes any form of electronic transmission authorized by FRBP 9036.

Related Provisions

FRBP 9001	General Definitions

Rule 9004-1

Documents - Requirements of Form

(a) General Requirements of Form

(1) All documents presented for filing shall be prepared letter size (8 ½" x 11"). Without prior approval of the Court, all attachments shall also be no larger than 8 ½" x 11".

(2) All documents presented for filing shall be single sided. Documents submitted in paper format containing two or more pages shall be stapled at the top left corner, however, separate documents shall not be stapled together.

(3) The material on all documents presented for filing shall be typed, printed or prepared by a clearly legible duplicating process and shall be double-spaced. Quoted material may be single spaced, however footnotes shall be double-spaced. All typed and printed matter must appear in either a proportionately spaced typeface of 14 points or more, or a monospaced typeface of no more than 10.5 characters per inch may be used in a brief. A proportionately spaced typeface has characters with different widths. A monospaced typeface has characters with the same advanced width. Text shall be in roman (upright letters), non-script type. No pleading, document, or brief may have an average of more than 280 words per page, including footnotes and quotations. The word count does not include addenda containing statutes, rules, regulations, etc.

(4) On the first page of each pleading or similar document the title of the Court shall appear on or below the fifth line. All pleadings shall be signed as required by FRBP 5005(a)(2) and 9011. Names shall be typed underneath all signature lines.

(5) In the space to the right of the center of the first page, opposite the caption of the case, there shall be placed:

(A) The case number and in the case of an adversary proceeding, the related case number above the adversary proceeding number;

(B) The nature of the document, such as complaint, answer, motion, order, affidavit and so forth;

(C) The name and status of the party on whose behalf the document is filed;

(D) The words "Demand for Jury Trial" or its equivalent when a party demands a jury.

(6) The first page of every pleading or other document (except instructions) shall contain

the name, mailing address and telephone number of the attorney or firm submitting the document on the left side above line five.

(7) At the left side of the bottom of each document (other than instructions) an abbreviated name of the document should be repeated, followed by the page number.

(8) All appendices to pleadings shall be paginated progressively, but shall, following the number on the page, show also the appendix number which may be alphabetical, numerical or a combination thereof.

(9) Proposed orders granting a motion or application shall be submitted separately in accordance with LBR 9013-1.

(b) Prescribed Forms Excepted

Except as to sub-paragraph (a)(2) above, this rule shall not apply where a prescribed form is used.

(c) Electronically Filed Documents

Documents filed electronically shall be in accordance with LBR 5005-3 and administrative procedures established by the Clerk of Court.

Related Provisions

FRBP 7010	Form of Pleadings
FRBP 9004	General Requirements of Form
FRBP 9011	Signing of Papers; Representations to the Court; Sanctions; Verification and Copies of Papers
FRBP 9021	Entry of Judgment
LBR 5005-3	Electronic Filing
LBR 9009 - 1	Forms

Rule 9009-1

Forms

Whenever a rule requires that information be submitted as prescribed by the appropriate local form, or words to that effect, then the prescribed local form shall be used. Forms may be obtained from the court's website at no cost.

Related Provisions

FRBP 9005	Harmless error
FRBP 9009	Forms
LBR 2014-1	Application for Order approving Employment of Professional Persons
LBR 2016-1	Compensation of Professionals
LBR 2083-1	Chapter 13 - General
LBR 3022-1	Final Account and Decree in Chapter 11 Reorganization Case
LBR 7016-1	Pretrial Procedures

Rule 9010-1

Attorneys - Notice of Appearance

(a) Eligibility to Practice

(1) Any attorney who is admitted to practice to the bar of the United States District Court for the Eastern District of Washington is eligible to appear and practice before this court. Matters concerning eligibility, procedure for admission, permission to practice in a particular case pro hac vice or discipline shall be controlled by the rules of the District Court.

(2) Persons who have been granted a limited license to engage in the practice of law pursuant to Rule 9 of the Admission to Practice Rules of the State of Washington may practice before this Court. Any person who practices under this rule shall comply with and be bound by the provisions of Rule 9.

(3) A motion for an attorney to be admitted to practice in a particular case pro hac vice shall be filed with the Bankruptcy Court in the style and format prescribed by the rules of the District Court. A proposed order granting the motion is to be submitted to the Bankruptcy Court pursuant to LBR 9013-1(c)(2). The application fee shall be paid directly to the District Court.

(4) An attorney need not be admitted in representing a client in the following matters:

(A) Requesting special notice pursuant to FRBP 2002 or to be added to a MML pursuant to LBR 2002-1(d);

(B) Seeking compensation pursuant to § 330 of the Code when employed pursuant to § 327 of the Code in a matter where admission was not required;

(C) Filing a proof of claim;

(D) Signing or filing a reaffirmation agreement pursuant to § 524 of the Code;

(E) Participating in a Meeting of Creditors held pursuant to § 341 of the Code; and

(F) Representing a child support creditor so long as the appropriate form is filed.

(b) Appearances, Withdrawal, and Substitution

(1) An appearance may be made by filing a formal notice of appearance. Alternatively, the filing of any pleading shall constitute an appearance by the attorney who signs the pleading.

(2) A party who appeared by an attorney may not thereafter appear or act pro se in the cause, unless an order of substitution shall first have been made to the Court, after notice to the attorney then of record of such party and to other parties.

(3) When an attorney having appeared in a cause is removed, withdraws, dies or otherwise ceases to act as such, a party for whom he or she has acted as attorney must, before any further proceedings are had in the action on that party's behalf, appoint another attorney or file a statement of appearance pro se, unless such party is already represented by another attorney.

(4) The authority and duty of an attorney of record in an adversary proceeding shall continue until withdrawal or substitution and after final judgment for all proper purposes. The authority and duty of an attorney of record in a bankruptcy case shall continue until withdrawal, substitution or the closing of the case.

(5) Withdrawal by Attorney

(A) An attorney who wishes to withdraw from a case or adversary proceeding shall file a motion and serve notice of the motion to withdraw pursuant to LBR 2002-1 on the parties set forth in subparagraph (B) hereof. The notice shall specify a date when the attorney intends to withdraw, which date shall be at least fourteen (14) days after the service of the notice of intent to withdraw. The notice shall include a statement that the withdrawal shall be effective upon entry of an order of the court. If notice is given before trial or any scheduled hearing, the notice shall include the date set for such trial or hearing. The notice shall include the names and last known addresses of the persons represented by the withdrawing attorney.

(B) Service of the notice of withdrawal shall be as follows:

(i) Attorney for debtor, trustee, or debtor in possession: all entities on the Master Mailing List.

(ii) Attorney representing a party to an adversary proceeding or scheduled hearing: party represented and all other parties to the adversary proceeding or scheduled hearing.

(iii) All other attorneys: on their client.

(C) The withdrawal shall be effective upon entry of an order of the court. The withdrawing attorney may submit an ex parte order to the court upon expiration of the notice period, unless a written objection to the withdrawal has been filed with the court.

(D) If a timely written objection is served, withdrawal shall be by order of the Court.

(6) Substitution of attorneys shall be accomplished by the filing of a substitution document which shall include the effective date of substitution. The document shall be signed by both attorneys, or signed by the new attorney and the client with notice to the original attorney. Court approval of substitution of attorneys is required only where a provision of the Bankruptcy Code or Federal Rules of Bankruptcy Procedure requires approval of the employment of an attorney in the first instance. Notice of substitution shall be served on the parties set forth in subparagraph (b)(5)(B).

(7) If an additional attorney is associated during the pendency of a case or proceeding, or if the original attorney dies, withdraws, or otherwise ceases to act, notice of the appointment of a new attorney shall be filed and served on the parties set forth in subparagraph (b)(5)(B).

(c) Multiple Counsel

If more than one attorney represents a party, only one attorney shall examine or cross-examine a single witness and only one attorney shall argue the merits before the Court, except by permission of the Court.

(d) Familiarity with Local Rules

Every member of the bar of this Court or attorney practicing before it shall be familiar with and comply with the Local Rules of this Court and shall maintain the respect due courts of justice and judicial officers; shall perform with the honesty, care, and decorum required for the fair and efficient administration of justice and shall discharge the obligations owed to clients and to the judges of the Court.

Related Provisions

FRBP 2006	Solicitation and Voting of Proxies in Chapter 7 Liquidation Cases
FRBP 2014	Employment of Professional Persons
FRBP 2017	Examination of Debtor's Transactions with Debtor's Attorney
FRBP 9010	Representation and Appearances; Powers of Attorney
FRBP 9011	Signing of Papers; Representations to the Court; Sanctions; Verification and Copies of Papers
EDWA LR 83.2	Bar Admission and Appearance(s) in a Case
EDWA LR 83.3	Attorney Discipline
LBR 9011 - 1	Attorneys - Duties
11 USC 327	Employment of Professional Persons
11 USC 501 - NOTE	Appearance Before Court of Child Support Creditors or Representatives (See P.L. 103-394, Title IV, section 304 (g); 108 Stat. 4134)

LBR 9010-1
APRIL 10, 2014

Rule 9011-1

Attorneys - Duties

(a) Service of Attorney Statement of Compensation

A copy of the statement of compensation, as well as any supplements, required to be filed by § 329 of the Code and FRBP 2016 shall be promptly served on the United States trustee and any trustee appointed in the case. In addition to the information required by FRBP 2016(b) and § 329(a) of the Code, the statement shall also describe the services rendered or to be rendered, the nature of any arrangement for payment of services, including any related liens or security interests given or taken and the disposition of any funds received.

(b) Administrative Expenses

Payment of attorney fees for compensation of services rendered or reimbursement of expenses as administrative expenses pursuant to § 503 of the Code shall only be in accordance with § 330 of the Code and FRBP 2016, including postconfirmation payment for preconfirmation services or expenses.

(c) Attorney Defined

For purposes of this rule, the term "Attorney" shall include the named attorney, and if the named attorney is a law partnership or corporation, any attorney employed as a partner, member or regular associate of such partnership or corporation, and if the named attorney is a member, partner, regular associate of a partnership or corporation, any other member, partner, or regular associate thereof. The disclosure shall be on behalf of the named attorney and all members, partners or regular associates with whom the named attorney is associated.

Related Provisions

FRBP 2002	Notice and Hearing
FRBP 2104	Employment of Professional Persons
FRBP 2016	Compensation for Services Rendered
FRBP 2017	Examination of Debtor's Transactions with Attorney
FRBP 2019	Representation of Creditors' Committees
FRBP 9010	Representations and Appearances
LBR 2016-1	Compensation of Professionals
LBR 2082-1	Chapter 12 - General
LBR 9010-1	Attorneys - Notice of Appearance
11 USC 327	Employment of Professional Persons
11 USC 328	Limitation on Compensation of Professional Persons
11 USC 329	Debtor's Transactions With Attorneys
11 USC 330	Compensation of Officers
11 USC 331	Interim Compensation
18 USC 152	Concealment of Assets
18 USC 153	Embezzlement
18 USC 154	Adverse Interest and Conduct of Officers
18 USC 155	Fee Arrangements in Cases Under Title 11

Rule 9013-1

Motions and Orders

(a) Adversary Proceeding

(1) If the moving party so elects, a motion in an adversary proceeding may be made after notice and hearing pursuant to LBR 2002-1. Notice need be given only to the parties to the adversary proceeding.

2) If the election in paragraph (a)(1) is not made, a hearing date on a motion in an adversary proceeding shall be requested on the court's website. Once a hearing date is obtained, the moving party must provide adequate time for objections to be filed in accordance with LBR 2002-1(c).

(b) Combining of Motions

(1) Motions may be combined with other motions, except motions to lift the automatic stay unless permitted by LBR 4001-1, motions to withdraw the reference, or motions to reopen cases.

(2) If motions are combined, each request shall be clearly identified in the caption and in the body of the pleading.

(3) If different objection periods or service or notice requirements are required for combined motions, the longest objection period and most complete service or notice shall be used for all the combined motions.

(4) Motions in adversary proceedings and bankruptcy cases shall not be combined.

(c) Proposed Orders

(1) Request for Entry of Order

(A) Upon expiration of the requisite notice period, a party desiring an order granting motion that is based on notice and hearing shall file a Declaration of No Objections (text-only).

(B) Subsequent to the submission of the declaration referenced in subparagraph (1)(A), a party may upload an order for the court's execution. A party may not submit an ex parte order for the court's execution prior to the expiration of any applicable notice period.

(2) Form

(A) The first page of any order must have a 4 inch top margin that is left blank for court use only.

(B) The designation "///End of Order///" shall be placed after the final line of text on the order. No date or signature line is to be provided for the judge. The attorney(s) presenting the order shall so indicate in the lower left hand corner of the last page of the order by stating "Presented by" with their name and signature line.

(3) Orders Upon Stipulations

A party seeking approval of a stipulation shall:

(A) File the stipulation, accompanied by a motion to approve the stipulation or relate it to a previously filed motion;

(B) Satisfy notice and hearing requirements as to any provision in the stipulation;

(C) Not provide for the dismissal or conversion of a case without the need for a separate order; and

(D) Obtain the endorsement of the Chapter 12 or 13 trustee as appropriate if any of the provisions of the stipulation affect the trustee's administration of the plan.

(4) Orders Prepared by the Court

(A) Orders resulting from a hearing before the Court will be prepared by the Court unless otherwise directed by the Court.

(B) The Court may enter a text-only order in any instance. A text-only order is an order or judgment that is electronically entered on the case docket without an attached document; and is as official and binding as if the judge had signed a document containing the text. A text-only order shall include the name of the judge authorizing entry of said order and shall be deemed dated as of the date it is entered on the docket.

(C) If a party or the Clerk is required to serve notice of a text-only order to parties who are not ECF participants, the party or Clerk shall send via first-class mail a copy of the NEF with the filing information, the docket entry, and the document description.

(d) Memorandum of Authorities

(1) A party may, or when required by the Court, shall file in support of or in opposition to a motion or other request for an order of the Court, a brief written memorandum of reasons and a list of authorities on which the party relies. Such memorandum must be filed and served on the opposing party in accordance with LBR 5005-1(c).

(2) Citations to Washington cases in a memorandum of authorities shall be to the Washington Reports. Citations to cases from other states shall be to the National Reporter System. Citations to federal cases shall be to the United States Reports, Federal Reporter, or Federal Supplement. Citations to bankruptcy cases shall be to West's Bankruptcy Reporter, Collier's Bankruptcy Cases or Bankruptcy Court Decisions.

(e) Motions for Reconsideration

Motions for reconsideration shall be filed and served within 14 days after entry of the judgment or order, and shall not be noted for hearing unless oral argument is requested by the court. The opposing party need not respond to a motion for reconsideration unless requested to do so by the court.

Related Provisions

FRBP 9006	Computing and Extending Time, Time for Motion Papers
FRBP 9013	Motions: Form and Service
FRBP 9014	Contested Matters
FRBP 9021	Entry of Judgment
LBR 2002-1	Notice to Creditors and Other Interested Parties
LBR 4001-1	Automatic Stay
LBR 5010-1	Reopening Cases
LBR 5011-1	Withdrawal of Reference
LBR 6007-1	Abandonment

Rule 9014-1

Contested Matters

Abrogated.

Rule 9014-1

Consent to Bankruptcy Court Adjudication in Contested Matters

Any party contending that the bankruptcy court cannot exercise final adjudicatory power regarding a matter shall file and serve a memorandum of points and authorities, along with any relevant evidence, objecting to the bankruptcy court's final adjudication of the matter by no less than 14 days before the initial status conference in an adversary proceeding or by the objection deadline that would otherwise apply regarding the motion or other request for relief regarding such matter. Any response must be filed at least 7 days before such initial status conference or by the otherwise applicable reply deadline. **Failure to file and serve papers in a timely manner will be deemed to be implied consent to the bankruptcy court's final adjudication of the matter.**

Advisory Committee Note – June 2020

The bankruptcy court is not an Article III court and thus is constitutionally unable to exercise the judicial power necessary to finally adjudicate certain matters. See Stern v. Marshall, 564 U.S. 462, 482-503 (2011). Nevertheless, litigants before a bankruptcy court can consent to its exercise of final adjudicatory power, which consent may be express or implied. See Wellness Int'l Network, Ltd. v. Sharif, 575 U.S. ___, 135 S. Ct. 1932, 1947-49 (2015). FRBP 7008 requires certain pleadings in adversary proceedings to contain a statement that the pleader does or does not consent to entry of final orders or judgment by the bankruptcy court. This rule provides a procedure regarding consent to the entry of final orders or judgment by the bankruptcy court in contested matters that may not satisfy the statutory definition of core proceedings or that may be statutorily core but nevertheless outside the scope of final Non-Article III adjudication without consent of the parties.

Related Provisions

FRBP 7008 General Rules of Pleading

FRBP 7012 Defenses and Objections

FRBP 9027 Removal

FRBP 9033 Proposed Findings of Fact and Conclusions of Law

LBR 9033-1 Proposed Findings of Fact and Conclusions of Law

28 USC 157 Procedures

28 USC 1334 Bankruptcy cases and proceedings

Rule 9015-1

Jury Trial

Abrogated.

Rule 9018-1

Secret, Confidential, Scandalous, or Defamatory Matter

(a) Motion to Seal

(1) A motion to seal may be made on an ex parte basis without notice on any grounds permitted by law, and shall contain the basis for why sealing is required. The order shall be submitted in the manner required by LBR 9013-1(c).

(2) As soon as practicable the document to be sealed shall be filed in the manner prescribed by sub-paragraph (b) of this rule. The document shall be filed provisionally under seal, and will remain provisionally under seal until the court rules on the motion.

(3) If discussion of protected materials or information is necessary to support the motion, such discussion shall be limited to an affidavit or declaration under penalty of perjury, which shall also be provisionally sealed.

(b) Filing of Sealed or Provisionally Sealed Document

(1) Any document to be filed under seal or provisional seal shall be filed electronically using the docket event specifically designated for sealed documents.

(2) In the event a party has been excepted from filing electronically as provided in LBR 5005-3(d), any document filed under seal or provisional seal shall be contained in a sealed envelope to which shall be affixed a captioned pleading that identifies the document, contains language to clearly indicate that the document in the sealed envelope has been filed under seal or provisional seal, and references the motion or order by which the document is sealed or provisionally sealed.

(c) Motion to Unseal

A motion to unseal a document may be made on any grounds permitted by law. Notice of such a motion shall be in accordance with LBR 9013-1, with fourteen (14) days' notice to the party that requested the document be sealed.

(d) Disposition of Documents filed Under Seal

Any sealed or provisionally sealed documents filed conventionally (in paper) shall be scanned and electronically sealed on the docket, then destroyed.

(e) Viewing by Court Personnel

Unless otherwise ordered, the seal will not preclude court staff from viewing sealed materials.

Related Provisions

FRBP 9018	Secret, Confidential, Scandalous, or Defamatory Matter
FRBP 9013	Motions: Form and Service
FRBP 9037	Privacy Protection for Filings Made with the Court
LBR 2002-1	Notice to Creditors & Other Interested Parties
LBR 9013-1	Motions and Orders
LBR 9037-1	Privacy Protection for Filings Made with the Court
11 USC 102	Rules of Construction
11 USC 107	Public Access to Records

Rule 9019-1

Compromise or Settlement of Controversies

(a) Notice

On motion by a trustee, debtor in possession or debtor exercising powers under § 1303 of the Code, and after notice and hearing, the court may approve a compromise or settlement of a controversy. Notice shall be given to the Master Mailing List, the United States Trustee, and the trustee as provided in LBR 2002-1.

(b) Applicability

This rule shall apply to any claim that is being compromised or settled with another entity and that has not been abandoned pursuant to § 554 of the Code.

Related Provisions

FRBP 2002	Notice to Creditors and Other Interested Parties
FRBP 9019	Compromise and Arbitration
LBR 2002-1	Notice to Creditors and Other Interested Parties
LBR 2014-1	Employment of Professional Persons
LBR 2016-1	Compensation of Professionals
11 USC 323(b)	Role and Capacity of Trustee
11 USC 327	Employment of Professional Persons
11 USC 541	Property of the Estate
11 USC 554	Abandonment of Property of the Estate
11 USC 1303	Rights and Powers of Debtor
11 USC 1306	Property of the Estate

Rule 9019-2

Alternative Dispute Resolution

(a) Requirement in Adversary Proceedings

The parties in adversary proceedings shall consider alternative dispute resolution and be prepared to discuss it at the time of the first scheduling conference.

(b) Stay

Mediation shall not alter or affect any time limits, deadlines, scheduling matters or orders in any adversary proceeding, contested matter or other proceeding, unless specifically ordered by the court.

(c) Mediation Panel

(1) The judges of the district shall establish and maintain a register of qualified attorneys who have volunteered to serve, without compensation, as mediators in civil cases. Under appropriate circumstances, it may be necessary for the parties to provide payment at usual and customary rates as determined by the court, for the services of an attorney designated under this rule. Appointment of a mediator is made from a panel of mediators maintained by the court. A list of members appointed to the panel as well as a biographical sketch of each is available on the court's website. The selection of a particular mediator, and an alternate, is based on the preference of the parties.

(2) Applications for appointment to the Mediation Panel shall be submitted on the prescribed local form (ADR Form 1).

(3) Panel mediators shall serve on the panel until they request to be removed or are removed by the court.

(4) No mediator may serve in any matter in violation of the standards set forth in 28 U.S.C. § 455. An attorney mediator shall also promptly determine all conflicts or potential conflicts in the same manner as an attorney would under the Washington Rules of Professional Conduct if any party to the dispute were a client. A non-attorney mediator shall promptly determine all conflicts or potential conflicts in the same manner as under the applicable rules pertaining to the mediator's profession. If the mediator's firm has represented one or more of the parties, the mediator shall promptly disclose that circumstance to all parties in writing. A party who believes that the mediator has a conflict of interest shall promptly bring the matter to the attention of the mediator. If the mediator does not withdraw from the mediation, the matter shall be brought to the attention of the court by the mediator or any of the parties.

(5) Nothing herein shall preclude parties from using a judge or other non-panel mediator with subject matter expertise.

(6) The presiding judge may refer matters for mediation to a magistrate judge, a district judge, or a bankruptcy judge designated by the presiding judge in his or her sole discretion. Matters referred shall be governed by the directives in the assigned judge's scheduling order or standing order regarding mediation.

(d) Dispute Resolution Procedures

(1) The parties, or the court, shall prepare for entry an order appointing mediator (ADR Form 2).

(2) Participation and Preparation by Counsel. The attorney who is primarily responsible for each party's case shall personally attend the mediation conference and any adjourned sessions of that conference. The attorney for each party shall come prepared to discuss the following matters in detail and in good faith:

a. All liability issues;
b. All damages issues; and
c. The position of his/her client relative to settlement.

(3) In Person Attendance. Attendance by a party and its representative with full settlement authority at the mediation is mandatory, unless the mediator permits otherwise.

(4) Failure to Attend. Willful failure to attend the mediation conference, unless excused by the mediator, shall be reported to the presiding judge by the mediator and may result in the imposition of sanctions.

(5) When appropriate, the mediator may offer an evaluation of the case and/or recommend a settlement.

(e) Confidentiality

(1) Written and Oral Communications. All written and oral communications made in connection with or during any mediation conference shall be subject to all the protections afforded by Fed. R. Evid. 408 and by Fed. R. Bankr. P. 7068. The mediator may ask the parties to sign a confidentiality agreement. Any confidentiality agreement shall be retained by the mediator and not filed with the court.

(2) Evaluations and Written Agreements. No provision of this rule shall be construed to prevent parties, counsel or mediators from responding in absolute confidentiality to inquiries or surveys by persons authorized by this court to evaluate the mediation.

Nor shall anything in this section be construed to prohibit the parties from entering into written agreements resolving some or all of the matters or entering or filing procedural or factual stipulations based on suggestions or agreements made in connection with a mediation conference.

(f) Civil Immunity of Mediators

All persons serving as mediators under this rule shall be deemed to be performing quasi-judicial functions and shall be entitled to all of the privileges, immunities and protections that the applicable law accords to persons serving in such capacity.

(g) Parties Retain Option to Pursue Settlement

Nothing in this rule shall prohibit parties from pursuing settlement by any other means not contrary to statute or court rule.

Related Provisions

18 USC 4	Misprision of Felony
18 USC 3057	Bankruptcy Investigations
28 USC 651	Authorization of Alternative Dispute Resolution

Rule 9029-1

Local Rules - General

(a) Scope

These local rules govern practice and procedure in the United States Bankruptcy Court for the Eastern District of Washington, and shall be cited as "LBR-__".

(b) Applicability

Unless otherwise indicated, each of these local rules applies to all cases commenced under the Bankruptcy Code, contested matters and adversary proceedings.

(c) Meaning of Words and Phrases

The definition and construction of words and phrases in the Bankruptcy Code and Federal Rules of Bankruptcy Procedure govern the use of those words and phrases in these rules.

Related Provisions

FRBP 1001	Scope of Rules
FRBP 9001	General Definitions
FRBP 9002	Meaning of Words
FRBP 9029	Power to Promulgate
11 USC 101	Definitions
11 USC 102	Rules of Construction
11 USC 741	Definitions of Stockbroker Liquidation
11 USC 1101	Chapter 11 Definitions

Rule 9033-1

Proposed Findings of Fact and Conclusions of Law

(a) General

Pursuant to 28 U.S.C. § 157(c), FRBP 9033, and LCivR 83.5(a) of the Local Rules of the United States District Court, absent the parties' consent, in non-core proceedings and in core proceedings that the bankruptcy court determines may not be finally adjudicated by a non-Article III tribunal, the bankruptcy court for this district may hear such proceedings and submit proposed findings of fact and conclusions of law to the district court.

(b) Subsequent Filings

(1) Objections

A party shall file in the bankruptcy court and serve specific written objections to the proposed findings and conclusions in accordance with FRBP 9033(b). A party shall respond to another party's objections in accordance with FRBP 9033(b). Any reply shall be filed within 7 days after the filing of objections.

(2) Motion for Extension

A motion for an extension of time for filing an objection or a response shall be filed in the bankruptcy court within the time limits prescribed by FRBP 9033(c) and shall be accompanied by a proof of service of the motion reflecting service on the other interested parties. The motion and accompanying declaration shall state the date the objection or response is due, how many previous extensions have been granted, when the objection or response was first due, and whether any previous requests for extension of time have been denied. The motion and declaration must also state the reasons why such an extension is necessary, the amount of additional time requested, and the position of the opponent regarding the proposed extension or why the moving party has been unable to obtain a statement of the opponent's position.

(c) Transmittal of Documents to District Court

After expiration of the time for filing documents as provided in subsection (b) of this rule, the clerk of the bankruptcy court shall transmit the proposed findings of fact and conclusions of law and all related documents that have been filed with the bankruptcy court to the district court. The prevailing party shall note the matter for hearing in accordance with LCivR 7(i) of the Local Rules of the United States District Court.

After the clerk of the bankruptcy court has transmitted the proposed findings of fact and conclusions of law and all related documents to the district court, all further documents related thereto shall be filed with the clerk of the district court. Unless otherwise ordered

by the bankruptcy court or district court, parties shall continue to file with the clerk of the bankruptcy court all documents relating to other matters in the case or adversary proceeding.

Related Provisions

FRBP 9033	Proposed Findings of Fact and Conclusions of Law
LCivR 83.5	Bankruptcy Cases, Proceedings and Appeals
LBR 9014-1	Consent to Bankruptcy Court Adjudication in Contested Matters
28 USC 157	Procedures
28 USC 1334	Bankruptcy cases and proceedings

Rule 9037-1

Privacy Protection for Filings Made with the Court

If a document is filed which fails to comply with FRBP 9037(a), immediately upon being made aware of such, the party who filed the document shall file a redacted version of the document and request the clerk restrict access to the unredacted document.

Related Provisions

FRBP 9037	Privacy Protection for Filings Made with the Court

LBR 9037-1
DECEMBER 1, 2008

Rule 9070-1

Exhibits

(a) Identification and Presentation

As much as practicable, all exhibits intended to be offered into evidence shall be identified by the party offering the exhibit in the manner prescribed by the Courtroom Deputy prior to the hearing. A party intending to offer five or more exhibits shall furnish such exhibits in a three-ring binder or electronic format, and include an index.

(b) Disposition of Exhibits

(1) Unless otherwise ordered, upon the conclusion of a hearing or trial, all exhibits, including sealed exhibits, marked for identification or introduced into evidence and all depositions and transcripts shall be returned to the party who produced them.

(2) It is the responsibility of the party who received any documents back in accordance with subparagraph (b)(1) to produce any or all such documents if requested by this Court or any appellate court hearing any appeal taken.

Rule 9073-1

Hearings

(a) Requests for Hearing

A request for a hearing is made to the Clerk and should be made electronically by accessing the Court's website where possible, but may also be by telephone, in writing or in person. The requesting party shall provide to the Clerk the following information:

(1) Identification of the case or adversary proceeding by name and number;

(2) The names of all parties, the name, address and telephone number of their attorneys and that of any unrepresented party; and

(3) A brief statement as to the nature of the hearing, estimated time required, the number of witnesses, if any, and preference as to a telephonic or courtroom hearing; and if the hearing is precipitated by notice and hearing:

(A) The date the notice was sent,

(B) A statement as to whether or not objections were made, and

(C) A statement as to whether or not the time for objections has expired.

(b) Notice of Hearing

(1) As soon as possible after obtaining information concerning the scheduling of a hearing, but in no event later than seven (7) days prior to the hearing, the requesting party shall serve notice of the hearing on all parties to the hearing, as well as any party that has specifically requested notice of all hearings.

(2) The notice of hearing shall include the date and time set, and whether the hearing will be by telephone or in court. If the hearing is by telephone, the "meet me" telephone number shall be given in the notice.

(3) The party giving such notice shall promptly file an affidavit or statement under penalty of perjury of service that specifies when and to whom notice was served along with a copy of the notice, unless electronically linked.

(c) Terms for Failure to Appear at Hearing

The Court may impose terms against a party who fails to appear at a hearing when so required.

(d) **Cameras**

Video and audio recording, transmitting, and broadcasting of federal court proceedings conducted in open court is permissible if it is authorized by the presiding judge and it is in compliance with the applicable statutes, procedural rules, and Judicial Conference and Ninth Circuit rules and guidelines.

Related Provisions

FRBP 9006	Computing and Extending Time
LBR 2002-1	Notice to Creditors & Other Interested Parties
LBR 4001-2	Cash Collateral
LBR 5005-1	Filing Requirements