

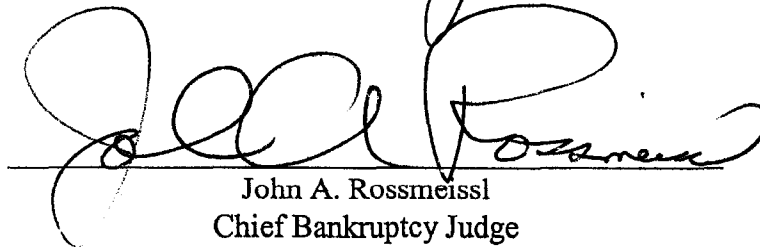
UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF WASHINGTON

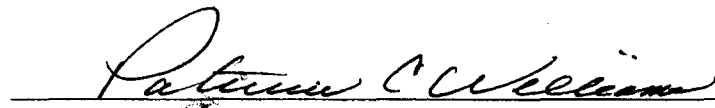
In re:)
GENERAL ORDER) AMENDMENTS TO LOCAL
01-05) RULES 1007-2, 1072-1, 2002-1,
) 4001-1, and 9004-1
)
)

Local Bankruptcy Rules 1007-2, Mailing - List or Matrix, 1072-1, Places of Holding Court, 2002-1, Notice to Creditors and Other Interested Parties, 4001-1, Automatic Stay - Relief From, and 9004-1, Documents - Requirements of Form, have been changed for the United States Bankruptcy Court for the Eastern District of Washington pursuant to that certain General Order of the United States District Court for the Eastern District of Washington dated March 6, 1996, FRBP 8018, and 9029, FRCP 83 and USC 2171.

Changes to rules 1007-1, 1072-1, 2002-1, 4001-1, and 9004-1, shall be effective February 1, 2005 and shall govern all pending matters, except to the extent, in the opinion of the Court that their application in a case pending on February 1, 2005 would not be feasible or would work an injustice, in which event the procedure set forth in the former shall apply.

Dated this 24th day of Jan 2005


John A. Rossmeyssl
Chief Bankruptcy Judge


Patricia C. Williams
Bankruptcy Judge

Rule 1007-2

Mailing - List or Matrix

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). In an involuntary case if relief is ordered, the matrix shall be filed with debtor's schedules or as the Court may direct.

Related Provisions

DMMA 101	Domestic Mail Manual
FRBP 2002(j)	Notices to the United States
FRBP 5003(e)	Register of Mailing Addresses of Federal & State Governmental Units

LBR 1007-2
FEBRUARY 1, 2005

Rule 1072-1

Places of Holding Court

(a) Courtroom Hearings

Courtroom hearings are regularly held in Spokane, Yakima and Richland.

(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

LBR 1072-1
FEBRUARY 1, 2005

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.

(b) Service of Notice

- (1) To Whom Given
 - (A) "Notice," as used in this rule shall mean notice by mail 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) Notification of Mailing of Notice

As soon as practicable, a party giving notice pursuant to this rule shall file as a

separate document, an affidavit of mailing or unsworn declaration under penalty of perjury to which shall be attached a list containing the names and addresses to whom notice was sent along with a copy of the notice, unless electronically linked. If the notice was given to an MML or LML, the affidavit or declaration shall also state the date on which it was retrieved from the data base of the court.

(c) Time Allowed for Objections

- (1) The moving party shall provide at least twenty (20) 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 mailed to all entities on a Master Mailing List or Limited Mailing List prepared by the Clerk within twenty (20) days of the notice.

(A) Master Mailing List (MML)

A Master Mailing List is maintained by the office of the Clerk for each pending case. This list is up-dated 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 address 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

Additions, deletions or amendments to a mailing list shall be by written request of the party requesting such change. 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.

(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 party seeking entry of an ex parte order shall:
 - (A) do so by filing a request for entry of an ex parte order on the prescribed form, and submitting a form of the proposed order endorsed as required by FRBP 9011.
 - (B) If the Court nonetheless wishes to hold the hearing, the Court will inform the moving party of the date of the hearing.

(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 therefor.
- (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 ten (10) 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.

(g) Closing Case Where no Action Taken after Notice or Objection

Issues raised by notice and hearing will 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 objection has been filed; or
- (3) A motion and affidavit or statement under penalty of perjury of explanation that the case not be closed.

Related Provisions

FRBP 2002	Notice to Creditors and the United States
FRBP 9006	Time
FRBP 9007	Authority to Regulate Notices
FRBP 9014	Contested Matters
11 USC 102(1)	Construction of "notice and hearing"
11 USC 350	Closing Case

LBR 2002-1
FEBRUARY 1, 2005

Rule 4001-1

Automatic Stay - Relief From

(a) Stay Against Property of the Estate

(1) General Provisions

- (A) A party in interest desiring relief from the automatic stay of an act against property of the estate shall give twelve (12) days notice to all entities 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) 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)(3).
- (C) Upon the filing of such a motion the Court will promptly provide a notice of the date set for the preliminary hearing to the moving party, the debtor, the debtor's attorney, and the trustee.

(2) When an Objection is Made

- (A) If an objection is received, the moving party must confirm the preliminary hearing with the appropriate chambers. Such confirmation of the preliminary hearing may be accomplished as soon as an objection is received but in no event later than eight (8) days prior to the date set for 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. This duty to confer shall be satisfied prior to the confirming of the hearing.

(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 six (6) days before the preliminary hearing.

- (ii) The opposing party shall file and serve responsive affidavits and opposing memoranda of authority at least three (3) 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 and a copy shall be delivered to the chambers of the Bankruptcy Judge if the document has not been filed at least seven (7) days prior to the hearing.

(E) Waiver

Failure to follow these procedures by the moving party will be deemed to be a waiver of the automatic lifting provisions of 11 USC 362(e) and consent to the continuation of the automatic stay pending the conclusion of the final hearing.

(b) Stay Against Other Acts

- (1) A party in interest desiring relief from the automatic stay of an act other than against property of the estate shall give twelve (12) days notice to the debtor and debtor's attorney in accordance with LBR 2002 - 1.
- (2) If no objection is timely filed and served, the party desiring relief from the stay may present ex parte a proposed order by submitting the proposed order to the Clerk and by filing an affidavit of mailing the notice and an affidavit that no objections were timely filed or served.
- (3) If an objection is timely filed and served, the party desiring relief from the stay shall request a hearing date from the Clerk in accordance with LBR 2002 - 1. The party desiring relief from the stay shall notify the objecting party of the date of the hearing.

(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 to all entities on the Master Mailing List in accordance with subparagraph (a)(1) above.

(e) Non-combining of Motions

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

Related Provisions

FRBP 4001 Relief from Stay and Use of Cash Collateral
FRBP 9006(f) Time

28 USC 1930 (b) Bankruptcy Court Fee Schedule

LBR 4001-1
FEBRUARY 1, 2005

Rule 9004-1

Documents - Requirements of Form

(a) General Requirements of Form

- (1) All papers presented for filing shall be prepared on letter size (8 ½" x 11") paper. Without prior approval of the Court, all attachments shall also be no larger than 8 ½" x 11" letter size paper.
- (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) All papers submitted must be of good quality on which line numbers appear at the left margin. The material thereon 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 paper (except instructions) shall contain the name, mailing address and telephone number of the attorney or firm submitting the paper on the left side above line five.
- (7) At the left side of the bottom of each paper of all papers (other than instructions) an abbreviated name of the paper 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) On a written motion or stipulation, the form of proposed order granting the motion or approving the stipulation shall be submitted separately.
- (10) Any document requiring the signature of the Court shall provide as follows:

Dated:

United States Bankruptcy Judge

and the signature page shall include a portion of the text of the document.

(b) Cover Sheet and Summons

Every Adversary Proceeding not electronically filed shall be accompanied by an Adversary Proceeding Cover Sheet (B104). A form summons need only be prepared by counsel for issuance by the Clerk with sufficient copies for service, if specifically requested by the Clerk.

(c) Prescribed Forms Excepted

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

Related Provisions

FRBP 7010	Form of Pleadings
FRBP 9004	General Requirements of Form
FRBP 9011	Signing and Verification of Papers
FRBP 9021	Entry of Judgment

LBR 9009 - 1 Forms
LBR 9015 - 1 Jury Trial

LBR 9004-1
FEBRUARY 1, 2005