

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF WASHINGTON**

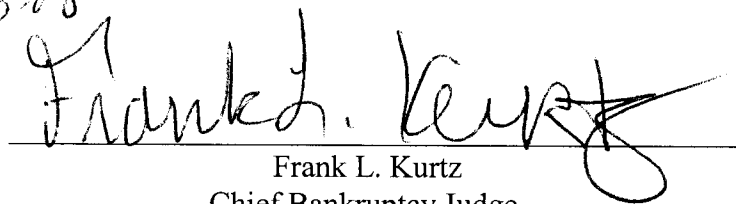
In re:)	
)	
GENERAL ORDER)	AMENDMENTS TO
02-08)	LOCAL BANKRUPTCY RULES
)	2083-1, 4001-2, 4008-1, 5001-2, 6004-1,
)	9010-1, and 9018-1
)	

Pursuant to the 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 28 USC § 2071, the following local rules are amended as set out in the attachments hereto:

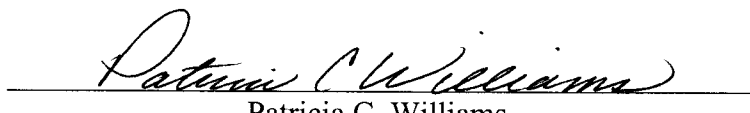
- LBR 2083-1(p)(2)(A) - Chapter 13 - General
- LBR 4001-2(a)(1)(A), (a)(2), (a)(3)(d) - Cash Collateral
- LBR 4008-1(a) - Reaffirmation
- LBR 5001-2(b) - Clerk's Office
- LBR 6004-1(c) - Sale of Estate Property
- LBR 9010-1(b)(5)(A)&(C) - Attorneys - Notice of Appearance
- LBR 9018-1(d) - Secret, Confidential, Scandalous, or Defamatory Matter

The change to Local Bankruptcy Rule 9018-1 shall apply in all cases in which the court currently has custody of documents under seal, unless otherwise ordered. The remaining changes shall be effective October 1, 2008, and shall govern all pending matters, except to the extent, in the opinion of the Court, application of the change would not be feasible or would work an injustice, in which event the procedure set forth in the former shall apply.

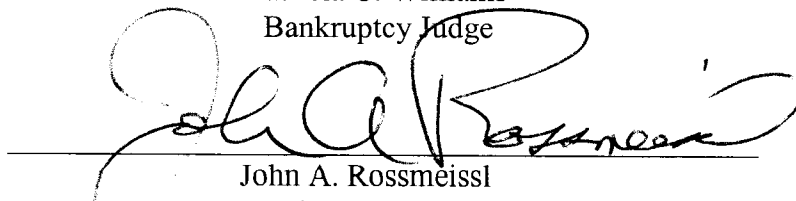
DATED: 9-25-08



Frank L. Kurtz
Chief Bankruptcy Judge



Patricia C. Williams
Bankruptcy Judge



John A. Rossmeissl
Bankruptcy Judge

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

The debtor shall file the following documents as prescribed by the appropriate local form:

- 1) Chapter 13 Plan
- 2) Plan Payment Declaration
- 3) Plan Funding Analysis
- 4) Liquidation Analysis

(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 (k) 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 11 USC 506(d). In the event of dismissal of the case prior to discharge, this voided lien will be reinstated pursuant to 11 USC 349(b)(1)(C) 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 11 USC 522(f) 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 Whose Rights are Modified by the Plan and Arrearages

- (1) If the plan proposes to modify the rights of a creditor secured by real property or, if at the time of the filing a petition for relief, a delinquency exists on any payments for such debt, 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 (l) 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) Challenges to Eligibility of Debtor

Challenges to the eligibility of the debtor should be initiated at the earliest possible time in the case. Such challenges may be made by fifteen (15) days notice and hearing to the Master Mailing List pursuant to LBR 2002 - 1.

(i) Objections to Confirmation

In order to be timely, objections to confirmation of a plan shall be filed and served on the Chapter 13 trustee and the debtor and debtor's attorney no later than five (5) days following the conclusion of the meeting of creditors or twenty-five (25) days following mailing of the original plan pursuant to subparagraph (c) above, whichever is later.

(j) Confirmation

- (1) The debtor shall file a motion for an order confirming the plan and a separate unsworn statement under penalty of perjury in support of the motion. The statement shall state that the requirements of 11 USC 1325(a)(2),(6),(7),(8) and (9) have been satisfied, and both shall be as prescribed by the appropriate local form. The Motion and Statement shall be filed no sooner than the expiration of the time to file objections to confirmation and no later than seven (7) days prior to the hearing.
- (2) The trustee shall file as soon as practicable an unsworn statement under penalty of perjury stating whether or not the plan is feasible and satisfies the requirements of 11 USC 1325(a)(1),(4) and (5).
- (3) If the debtor has filed a request for an order confirming the plan and submitted a proposed order in accordance with LBR 9013-1, and if the requirements of subsections (1) and (2) are satisfied, the debtor, debtor's attorney and trustee need not participate in the hearing unless specifically required by the court.

(k) Modification of Plans

- (1) Modification Prior to Confirmation

Modifications made pursuant to 11 USC 1323 shall be on twenty (20) 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 (20) 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 (20) days notice and hearing to the Chapter 13 trustee and any adversely affected party, and if the modification provides for payment of a postpetition 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) Certificate of Modification

The proponent of a modification pursuant to (1) or (2) above shall serve on the Chapter 13 trustee, promptly after the time to file objections has expired, a copy of the modification and a certificate indicating the date the modification was filed, that notice and hearing were properly given and that no objections were received or filed.

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

(l) 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 11 USC 1326(a)(1), 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

(A) The proponent of a modification shall be responsible to serve notice on the Chapter 13 trustee in writing when a modification becomes effective, either conditionally or permanently, and until so notified the Chapter 13 trustee may make distributions without regard to such modification.

(B) 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) Postpetition Claims

Proofs of claim filed pursuant to 11 USC 1305(a)(1) for postpetition tax claims may be paid without a modification to the plan, however, proofs of claim filed pursuant to 11 USC 1305(a)(2) for consumer debt may only be paid if a modification to the plan so provides.

(5) Disposition of Funds on Conversion or Dismissal

(A) On the conversion or dismissal of a case, the Chapter 13 trustee shall, as soon as practicable, disburse any remaining funds in accordance with 11 USC 1326. If a motion is filed pursuant to 11 USC 348(f)(2) 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.

(B) If a case is dismissed or converted prior to confirmation, then the Chapter 13 trustee shall be entitled to deduct and retain as reimbursement for set up and maintenance costs an amount as established by the Court.

(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. On each such distribution, the Chapter 13 trustee will be entitled to an administrative fee equivalent to that authorized by 11 USC 1326(b). Upon confirmation of the plan, payments will be made as set forth in the plan.

(m) Postconfirmation Sale of Property by Debtor

If the debtor proposes to sell property pursuant to 11 USC 363, then, unless the property is fully exempt or is valued in an amount of seven thousand, five hundred (7500) dollars 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.

(n) 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.

(o) 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.

(p) 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) ~~upon the filing of an objection to the income directive by the debtor prior to the entry thereof; and~~ *after filing of a motion for an order authorizing the debtor to make the plan payments directly to the trustee; and*
 - (B) after ten (10) days notice and hearing to the trustee; and
 - (C) upon a showing of cause.

(q) Motion to Dismiss or Convert Case

- (1) A party in interest desiring that a case be dismissed or converted shall give twenty (20) 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 five (5) 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 (20) days notice for failure to timely make payments required by 11 USC 1326(a) or pursuant to a confirmed plan.
- (3) A debtor shall serve a copy of a request for voluntary dismissal on the trustee.

r) Minimum Plan Payments

A plan that proposes payments of less than fifty (50) dollars 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.

(s) Orders to be Served on Chapter 13 Trustee

A conformed copy of all orders in a Chapter 13 case shall be served on the Chapter 13 trustee by the

party obtaining such order. If the order directs the Chapter 13 trustee to act or refrain from acting, the order shall not be effective as to the Chapter 13 trustee until such service has been accomplished.

(t) 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 local form.

Related Provisions

FRBP 1006	Filing Fees
FRBP 1007	Schedules
FRBP 1017	Dismissal or Conversion of Case
FRBP 1019	Conversion
FRBP 2002	Notice and Hearing
FRBP 2016	Compensation of Attorneys
FRBP 3007	Objection to Claims
FRBP 3012	Valuation of Security
FRBP 3015	Filing of Plan
FRBP 6004	Sale of Estate Property
FRBP 9013	Motions
FRBP 9014	Contested Matters
LBR 2016 - 1	Application of Administrative Expenses
LBR 9011 - 1	Attorney Transactions With Debtors
LBR 3016 - 1	Chapter 11 Cases
LBR 4001 - 2	Cash Collateral
LBR 4003 - 2	Lien Avoidance
11 USC 348	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 1304	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 After Confirmation
28 USC 959	Duties of Managers of Estate Property

LBR 2083-1

June 1, 2007

October 1, 2008

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* 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 fifteen (15) 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 shall be a preliminary hearing conducted by telephonically on the record submitted, which 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 fifteen (15) 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 ~~in the event an order approving such use has not been entered~~. 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
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28 USC 1930 (b)	Bankruptcy Court Fee Schedule
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LBR 4001-2

~~June 15, 2005~~

October 1, 2008

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 the agreement with the Court, ~~along with a request that the agreement be approved,~~ prepared as prescribed by the appropriate local or national form (*Form 240A*). ~~The request shall contain information describing the collateral that is the subject of the agreement, including a statement as to its fair market value.~~ 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 or include such a statement in Part C as required by 11 USC 524(k). If such a statement is made, then section (a) above applies.

Related Provisions

FRBP 4008	Discharge and Reaffirmation Hearing
11 USC 524	Effect of Discharge

LBR 4008-1

June 1, 2007

October 1, 2008

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)** Business may be conducted in person at the Clerk's Office from ~~9:00~~ **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 of Papers
FRBP 9006	Time

GENORD 03-05	Order Establishing Standards For Electronic Filing, Signing and Verification of Documents
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LBR 5001-2

June 1, 2007

October 1, 2008

Rule 6004 - 1

Sale of Estate Property

(a) Notice and Hearing Required

A sale pursuant to 11 USC 363(b), 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 11 USC 363(f) the notice of sale shall so state. The notice shall also state the estimated fair market value of the property without deductions for interests of entities other than the estate; list the amount of each lien or encumbrance claimed against the property and shall state the paragraph of 11 USC 363(f) under which the sale is authorized. If the proceeds of the sale appear to be insufficient to pay all liens and encumbrances claimed against the property, the notice shall state with specificity the liens and encumbrances which may not be paid from the sale proceeds, and shall also state briefly the necessity for the sale. Service of the notice shall be pursuant to FRBP 6004(c).
- (2) All interests in property sold free and clear shall attach to the proceeds of the sale, unless otherwise provided in the notice.

~~(c) — Order~~

~~The Court will not, as a matter of course, enter an order approving or confirming an unopposed sale. A party moving for an unopposed order approving or confirming a sale shall support the motion with an affidavit or unsworn declaration under penalty of perjury showing the necessity for the order.~~

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 Declarations under penalty of perjury

LBR 6004-1

~~June 1, 2007~~

October 1, 2008

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. 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. 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 11 USC 330 when employed pursuant to 11 USC 327 in a matter where admission was not required;
 - (C) Filing a proof of claim;
 - (D) Signing or filing a reaffirmation agreement pursuant to 11 USC 524;
 - (E) Participating in a Meeting of Creditors held pursuant to 11 USC 341; 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.

LBR 9010-1

~~June 15, 2005~~

October 1, 2008

- (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* ~~and serve notice of intent 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 ten (10) days after the service of the notice of intent to withdraw. The notice shall include a statement that the withdrawal shall be effective without an order of the Court unless an objection to the withdrawal is served upon the withdrawing attorney prior to the date set forth in the notice.~~ *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 ~~as set forth in the notice, without order of the Court, upon the filing of the affidavit or certificate of mailing of the notice of intent to withdraw, unless a written objection to the withdrawal~~

~~is served by a party on the withdrawing attorney prior to the date specified as the date of withdrawal in the notice of intent to withdraw. An ex parte order may be presented if desired.~~ *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 or 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
FRBP 2014	Employment of Professional Persons
FRBP 2017	Examination of Debtor's Transactions with Debtor's Attorney
FRBP 9010	Representation and Appearances
FRBP 9011	Signing and Verification of Papers
EDWA LR 83.2	Bar Admission
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 III, section 304 (g); 108 Stat. 4134)

LBR 9010-1
~~June 15, 2005~~
October 1, 2008

LBR 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

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 and is not to be opened without an order of the court and that makes reference to the motion or order by which the document was 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 ten (10) days notice to the party that requested the document be sealed.

d) Disposition of Documents filed Under Seal upon Dismissal or Closing of Case

~~Any documents remaining under seal when a case is dismissed or closed shall be returned sealed to the filing party.~~ *Any documents remaining under seal when a case is dismissed or closed shall be disposed of in accordance with the mandatory Records Disposition Schedule set out by the Judicial Conference of the United States, unless otherwise ordered by the court.*

e) Viewing by Court Personnel

Unless otherwise stated in the motion or the order to seal, 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
LBR 2002-1	Notice to Creditors & Other Interested Parties
LBR 9013-1(b)	Motion Practice
11 USC 102	Rules of Construction
11 USC 107	Public Access To Records

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~~May 15, 2006~~

October 1, 2008