# UNITED STATES BANKRUPTCY COURT EASTERN DISTRICT OF WASHINGTON

In re:	. )	
	)	GENERAL ORDER
AMENDMENTS TO LOCAL	)	
BANKRUPTCY RULES 4001-3	)	No. 16-02
AND 7008-1	)	
	)	

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 U.S.C. §2071, Local Bankruptcy Rules 4001-3 – Relief From Codebtor Stay, and 7008-1 – Statement Regarding Consent in Adversary Proceedings, are amended and/or adopted as set out in the attachment hereto.

The amendments to the aforementioned local bankruptcy rules shall be effective December 10, 2016, 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: DECEMBER 8, 2016

FOR THE COURT:

Honorable Frederick P. Corbit, Chief Judge

Honorable Frank L. Kurtz Honorable John A. Rossmeissl

#### Rule 4001-3

# **Relief From Codebtor Stay**

## (a) Notice

- (1) A party in interest desiring relief from the codebtor stay shall give twenty-one (201) 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 7008-1

## Statement Regarding Consent in Adversary Proceedings

In any adversary proceeding before the bankruptcy court, the following shall contain a statement that the pleader does or does not consent to entry of final orders or judgment by the bankruptcy court:

- (1) the complaint, counterclaim, cross-claim, or third-party complaint; and
- (2) any pleading in response to a pleading set forth in paragraph (1)

Abrogated.

## **Related Provisions**

FRBP 7008

General Rules of Pleading