

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

In re:)	
)	GENERAL ORDER
AMENDMENTS TO LOCAL)	
BANKRUPTCY RULES 1009-1, 2083-1,)	No. 21-01
3016-1, 3021-1, 9010-1 AND THE)	
ADOPTION OF LBR 2015-1)	
_____)	

Pursuant to the General Order of the United States District Court for the Eastern District of Washington dated March 6, 1996, FRBP 8026 (previously 8018; renumbered in 2014) and 9029, FRCP 83, and 28 U.S.C. §2071, the following local rules are amended and/or adopted as set out in the attachments hereto.

1. LBR 1009-1 – Amendments of Voluntary Petitions, Lists, Schedules and Statements
2. LBR 2015-1 – Periodic Reporting Requirements in Chapter 11 Cases other than Small Business Cases and Subchapter V Cases
3. LBR 2083-1 – Chapter 13 - General
4. LBR 3016-1 – Chapter 11 Pre-Confirmation Requirements
5. LBR 3021-1 - Post-Confirmation Reporting Requirements in Chapter 11 Small Business and Subchapter V Cases
6. LBR 9010-1 – Attorneys – Notice of Appearance

The amendment and adoption to the aforementioned local bankruptcy rules shall be effective on September 20, 2021, 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: _____

09/20/2021

FOR THE COURT:



Honorable Whitman L. Holt, Chief Judge

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) Content of Notice

The notice required in paragraphs (a) through (c) above shall include the following:

(1) a brief summary describing the substance of the amendment(s) and a reference indicating whether the amendment is (i) adding new item(s) or information, (ii) modifying information previously included, or (iii) deleting information; and

(2) a complete copy of the form or forms constituting the amendment(s).

(d) (e) 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**~~

[SEPTEMBER 20, 2021]

Rule 2015-1

Periodic Reporting Requirements in Chapter 11 Cases other than Small Business Cases and Subchapter V Cases

(a) Pre-confirmation Reports

Debtors in possession and trustees in cases in which the debtor is not a small business debtor (as defined in 11 U.S.C. § 101(51D)) or subchapter V debtor (as defined in 11 U.S.C. § 1182) must file reports in compliance with this Rule and any requirements established by the United States Trustee until the effective date of a confirmed plan, or an order is entered dismissing or converting a case to another Bankruptcy Code chapter.

- (1) Mandatory Form.*** *Monthly operating reports must be filed using the mandatory data-enabled form adopted by the United States Trustee, without alteration.*

(A) *The mandatory form and instructions for its use are available at <https://www.justice.gov/ust/chapter-11-operating-reports>.*

(B) *Monthly operating reports must be filed via the court's CM/ECF system.*

- (2) Jointly Administered Cases.*** *Each debtor in jointly administered cases must file separate monthly reports on a non-consolidated and non-consolidating basis consistent with any requirements set forth by the United States Trustee.*

- (3) Filing Deadline.*** *The report for each month must be filed by no later than the 21st day of the following month.*

- (4) Service.*** *At the same time they are filed, monthly operating reports must be served on:*

(A) *the United States Trustee;*

(B) *any official committee appointed under 11 U.S.C. § 1102;*

(C) *any governmental unit charged with the responsibility for collection or determination of any tax arising out of the bankruptcy estate's operation;*

(D) *any party in interest requesting to be served; and*

(E) *any other party the court orders to be served.*

(b) Post-confirmation Reports

In all chapter 11 cases other than small business cases or cases proceeding under subchapter V, the reorganized debtor or any other party authorized to administer the confirmed plan must file quarterly post-confirmation reports using the appropriate mandatory form until a final decree is entered or the case is dismissed or converted to another Bankruptcy Code chapter.

- (1) Mandatory Form.** *Post-confirmation reports must be filed using the mandatory data-enabled form adopted by the United States Trustee, without alteration.*

 - (A)** *The mandatory form and instructions for its use are available at <https://www.justice.gov/ust/chapter-11-operating-reports>.*
 - (B)** *Post-confirmation reports must be filed via the court's CM/ECF system.*
- (2) Jointly Administered Cases.** *Each reorganized debtor and any other party authorized to administer the confirmed plan in jointly administered cases must file separate post-confirmation reports on a non-consolidated and non-consolidating basis consistent with any requirements set forth by the United States Trustee.*
- (3) Filing Deadline.** *The report for each quarter must be filed by no later than the 21st day of the month following the end of the calendar quarter covered by the report.*
- (4) Service.** *At the same time they are filed, post-confirmation reports must be served on:*

 - (A)** *the United States Trustee;*
 - (B)** *any governmental unit charged with the responsibility for collection or determination of any tax arising out of the reorganized debtor's operation and the administration of the confirmed plan;*
 - (C)** *any party in interest requesting to be served; and*
 - (D)** *any other party the court orders to be served.*

Notes to Rule: *This proposed rule is not intended to alter or impact filing requirements for periodic reports for debtors in possession and trustees in the cases of small business debtors (as defined in 11 U.S.C. § 101(51D)) and subchapter V debtors (as defined in 11 U.S.C. § 1182). Reports in these cases, if any, should continue to be filed in compliance with the form, timing, and service requirements established by 11 U.S.C. § 308, 11 U.S.C. § 1187, Fed. R. Bankr. P. 2015(a), and these Local Rules.*

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 subsection (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.

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~~**DECEMBER 3, 2020**~~

[SEPTEMBER 20, 2021]

(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.

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~~**DECEMBER 3, 2020**~~

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(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

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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

(1) Notice

If the debtor proposes to purchase any property involving a credit transaction that may affect the debtor's ability to satisfy the plan, the debtor, prior to seeking any relief from the court, shall file and serve a Notice of Intent to Incur Post Petition Debt (LF 2083-11), along with an amended statement of income and expenses 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 documents.

(2) Consideration by the Court

(A) The court will decide requests for approval of proposed postpetition incurrence of credit if an objection to the Notice of Intent to Incur Post Petition Debt is filed.

(B) In all other instances, the court may, in its discretion, either resolve the request on the merits or deny the request without reaching the merits. Requests to approve the postpetition incurrence of credit are not, and should not be used as, a substitute for modifying the plan when otherwise required by the applicable statutory provisions and rules. Requests for mere "comfort orders" relating to the postpetition incurrence of credit are disfavored and may be denied as unnecessary.

(m) Debtors Engaged in Business

Debtors engaged in business shall comply with the applicable provisions of LBR 3016-1(e) and 28 U.S.C. § 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

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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 Dismissal and or Conversion t 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. debtor desiring to convert a chapter 13 case to a chapter 7 case pursuant to 11 U.S.C. § 1307(a) must file a notice of conversion using the prescribed local form (LF 2083-1o) or text-only docket entry. No motion is required or will be entertained.~~
- (2) ~~A party in interest or the United States trustee moving for dismissal or conversion shall provide no less than 21 days' notice to all parties on the Master Mailing List.~~
- (3) ~~Notwithstanding section (2), the United States trustee may move the Court for dismissal for failure to timely file schedules or other required documents or attend the meeting of creditors on seven days' notice to the debtor, debtor's attorney, and any entity that has filed and served the United States trustee, or appointee, with a request to receive such notice.~~
- (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

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~~**DECEMBER 3, 2020**~~

[SEPTEMBER 20, 2021]

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

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~~AUGUST 1, 2020~~

[SEPTEMBER 20, 2021]

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.

~~(c) 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)~~ (e) Initial Status Conference

- (1) Except as provided in subsection ~~(f)~~ (e)(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.

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~~AUGUST 1, 2020~~

~~[SEPTEMBER 20, 2021]~~

- (2) The court may extend the period of time for holding a status conference under subsection ~~(f)~~ *(e)*(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)~~ *(e)*(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

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~~AUGUST 1, 2020~~

[SEPTEMBER 20, 2021]

Rule 3021-1

Post-Confirmation *Reporting Requirements in Chapter 11* *Small Business and Subchapter V Cases* 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.~~

- (a) In all chapter 11 small business and subchapter V cases, the reorganized debtor or any other party authorized to administer the confirmed plan must file quarterly post-confirmation reports using the appropriate mandatory form until a final decree is entered or the case is dismissed or converted to another Bankruptcy Code chapter.*
- (b) Jointly Administered Cases. Each reorganized debtor and any other party authorized to administer the confirmed plan in jointly administered cases must file separate post-confirmation reports on a non-consolidated and non-consolidating basis consistent with any requirements set forth by the United States Trustee.*
- (c) In the cases of small business debtors (as defined in 11 U.S.C. § 101(51D)) and subchapter V debtors (as defined in 11 U.S.C. § 1182), post-confirmation reports should continue to be filed in compliance with the form, timing, and service requirements established by 11 U.S.C. § 308, 11 U.S.C. § 1187, Fed. R. Bankr. P. 2015(a), and the Local Bankruptcy Form 3021-1.*

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

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~~**AUGUST 1, 2013**~~
[SEPTEMBER 20, 2021]

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.

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- (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.

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- (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)

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