

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

In re)	
)	GENERAL ORDER
ADMENDMENTS TO)	
LOCAL BANKRUPTCY RULES)	No. 08-04
1007-1, 1009-1, 1015-1, 2004-1, 3022-1,)	
4003-2, 6004-1, 7056-1, AND THE)	
ADOPTION OF NEW RULE 9037-1)	
)	

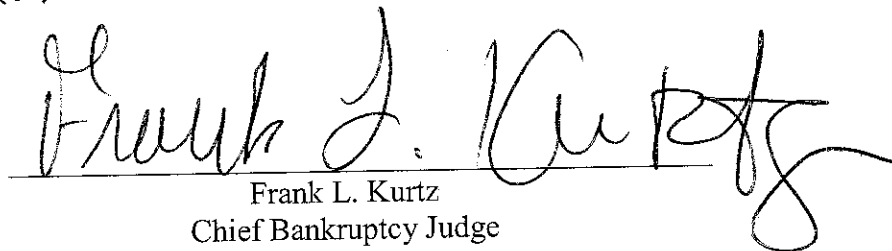
Pursuant to the General Order of the United States District Court for the Eastern District of Washington dated March 6, 1996, FRBP 8018 and 9029, FRCP 83, and 28 U.S.C. § 2071, the following local rules are amended and/or adopted as set out in the attachments hereto:

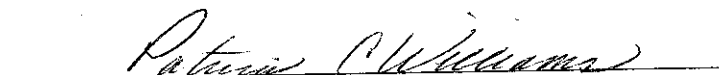
1. LBR 1007-1 – Lists, Schedules, & Statements and Other Documents
2. LBR 1009-1(c) – Amendments to Lists, Schedules and Statements
3. LBR 1015-1 – Joint Administration/Consolidation
4. LBR 2004-1(a), (b), (c), & (d) – Depositions and Examinations
5. LBR 3022-1(a)(1) – Final Decree in Chapter 11 Reorganization Case
6. LBR 4003-2(a), (b)(2)(3)(4)(5), & (c) – Lien Avoidance
7. LBR 6004-1(b)(1)(A)(B)(C)(D)(E)(F), (c), & (d) – Sale of Estate Property
8. LBR 7056-1(b), (c), (d), & (e) – Summary Judgment
9. LBR 9037-1 – Privacy Protection for Filings Made with the Court

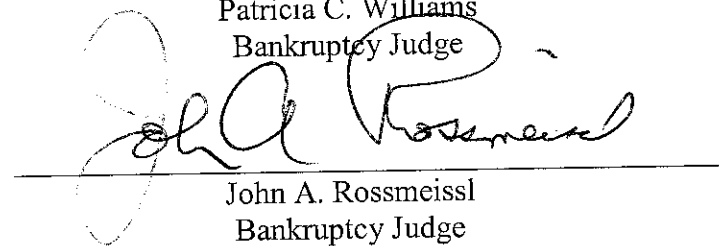
The amendments to the aforementioned local bankruptcy rules, and the adoption of new rule 9037-1, shall be effective December 1, 2008, and shall govern all pending matters, except to the extent, in the opinion of the Court, application of the change would not be feasible or would

work an injustice, in which event the procedure set forth in the former shall apply.

DATED: 12-1-08


Frank L. Kurtz
Chief Bankruptcy Judge


Patricia C. Williams
Bankruptcy Judge


John A. Rossmeissl
Bankruptcy Judge

Rule 1007 - 1

Lists, Schedules, & Statements and Other Documents

- (a) A debtor desiring an extension of time in which to file the schedules and statements, or chapter 12 or 13 plan or other documents shall give five (5) days notice and hearing to the trustee, the United States trustee, and any examiner or creditors committee appointed or elected. The motion shall be filed with the petition for relief or before the time for filing the schedules and statements or the time for filing a chapter 12 or 13 plan has expired, shall contain a brief statement as to the reason why an extension is required, and a specific date when the required documents will be filed.
- (b) Each item in the schedules and statement of affairs and other documents not otherwise filled out, shall be carried out by the entry "none" or "not applicable" as appropriate.

Related Provisions

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

LBR 1007 - 1

~~May 15, 2006~~ *December 1, 2008*

Rule 1009 - 1

Amendments To 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) Affidavits or Certificates of Mailing

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

Related Provisions

FRBP 1009	Amendments
FRBP 2002	Notice and Hearing
FRBP 4003	Exemptions

11 USC 521

Debtor's Duties

28 USC 1746

Unsworn Declarations Under Penalty of Perjury

LBR 1009 - 1

~~October 17, 2005~~ *December 1, 2008*

Rule 1015 - 1

Joint Administration/Consolidation

(a) Joint Cases

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

(b) Non-Joint Related Cases

- (1) A motion for an order that two or more cases be jointly administered or consolidated shall be on twenty (20) days notice and hearing to the case trustee, debtor-in-possession, United States trustee and any entity that filed a request to receive notices.
- (2) The motion shall include an affidavit or unsworn statement under penalty or perjury supporting the motion and describing the effect the granting of the motion will have on any of the cases to be jointly administered or consolidated.
- (3) The motion shall include a statement as to which case is to be designated as the lead case. Except for proofs of claim, transfers of claims, objections to proofs of claim and responses, all documents filed in a jointly administered or consolidated case shall be filed in the lead case, however, reference in the caption shall be made to the non-lead case or cases. Proofs of claim, transfers of claims, objections to proofs of claim and responses are to be filed in the case in which the claim arose.
- (4) The moving party shall provide notice in the manner required by FRBP 2002 of an order of joint administration or consolidation to the Master Mailing List (MML) promptly upon its entry. The notice shall include the requirements set out in subparagraph (b)(3) above.

Related Provisions

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

LBR 1015 - 1

~~September 1, 2007~~ *December 1, 2008*

Rule 2004 - 1

Depositions and Examinations

(a) Motion

A motion by a party in interest for an order to examine any person shall *include a certification* be filed in writing and shall be accompanied by a proposed order. If the proposed order specifies a time and place for the examination, the moving party shall certify in writing that said party has coordinated the time and place of the examination with the person to be examined or specify why it is impossible to do *so*.

(b) Order

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

(c)(b) Location and Attendance

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

(d)(c) Before Whom Conducted

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

Related Provisions

FRBP 2004	Examination
FRBP 9012	Oaths and Affirmations
FRBP 9016	Subpoenas

LBR 2004 - 1

~~May 1, 1996~~ *December 1, 2008*

LBR 3022-1

Final Decree in Chapter 11 Reorganization Case

(a) Final Decree and Closing of Cases

(1) Final Account Filed

~~Twenty (20)~~ *Seven (7)* days following the filing of the final account, the final decree may be entered and *the* case ~~shall be~~ closed unless a motion is filed requesting that the final decree not be so entered.

(2) Final Account Not Filed

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

(3) Exception Where Debtor is an Individual

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

Related Provisions

FRBP 3022 Final Decree in Chapter 11 Reorganization Case

11 USC 1141 Effect of Confirmation

LBR 3022-1

~~June 1, 2007~~ *December 1, 2008*

Rule 4003 - 2

Lien Avoidance

- ~~(a)(1)~~ A party seeking to avoid a lien pursuant to 11 USC 522(f) shall file a motion and give fifteen (15) days notice to the trustee and the creditor holding the lien in accordance with LBR 2002-1.
- ~~(b)(2)~~ The notice and motion shall contain:
- (1) a description and statement of the value of the property encumbered as if there were no liens on the property;
 - ~~(2)(a)~~ a description and the amount of the lien to be avoided;
 - ~~(3)(b)~~ specific identification of the statutory authority for avoiding the fixing of the lien; either a judicial lien or a nonpossessory, non-purchase money security interest;
 - ~~(4)(c)~~ a description and the amount of all other liens on the property, individually identified as to each lien holder, and a statement whether any such liens have or are subject to being avoided under this rule, or a statement that there are no other liens; *and*
 - ~~(5)(d)~~ a statement as to the specific statutory exemption claimed and the amount of the exemption claimed.
- ~~(c)~~ Service of the notice on the lien creditor shall be in accordance with FRBP 7004.

Related Provisions

FRBP 4003

Exemptions

FRBP 9006

Time

FRBP 9014

Contested Matters

LBR 2002-1

Notice to Creditors and Other Interested Parties

11 USC 522(f)

Exemptions

LBR 4003 - 2

~~May 15, 2006~~ *December 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 the *motion* ~~sale~~ shall so state *and include the following information*:
 - (A) *the date and time of the hearing on the motion, which may be obtained from the court's website;*
 - (B) *if no objection is timely filed and served, the moving party may strike the hearing and present ex parte a proposed order;*
 - (C) the estimated fair market value of the property without deductions for interest of entities other than the estate;
 - (D) the amount of each lien or encumbrance claimed against the property and ~~shall state~~ the paragraph of 11 USC 363(f) under which the sale is authorized;
 - (E) if the proceeds of the sale appear to be insufficient to pay all liens and encumbrances claimed against the property, ~~the notice shall state with specificity the liens and encumbrances which may not be paid from the sale proceeds;~~ *and*
 - (F) *a statement specifying* the necessity for the sale.
- (2) All interests in property sold free and clear shall attach to the proceeds of the sale, unless otherwise provided in the notice.

(c) *Service*

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

(d) *Order*

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

LBR 6004-1

~~October 1, 2008~~ December 1, 2008

Related Provisions

FRBP 2002(a)(2),(c)(1)	Notices of Sale
FRBP 6004	Use, Sale, or Lease of Property
FRBP 7004	Service
FRBP 9014	Contested Matters
11 USC 363	Use, Sale, or Lease of Property
11 USC 1107	Rights and Duties of Debtor in Possession
11 USC 1206	Sales of Property
11 USC 1303	Rights and Powers of Debtor
28 USC 1746	Unsworn Declaration Under Penalty of Perjury

LBR 6004 - 1

~~October 1, 2008~~ *December 1, 2008*

Rule 7056 - 1

Summary Judgment

(a) Motion

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

(b) Status Conference

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

~~(b)~~(c) Responsive Memorandum

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

~~(c)~~(d) Reply Memorandum

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

~~(d)~~(e) Assumptions by Court

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

Related Provisions

FRBP 7056 Summary Judgment

LBR 7056-1

~~May 1, 1996~~ *December 1, 2008*

Rule 9037 - 1

Privacy Protection for Filings Made with the Court

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

Related Provisions

FRBP 9037 Privacy Protection for Filings Made with the Court

LBR 9037-1
December 1, 2008