

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF WASHINGTON

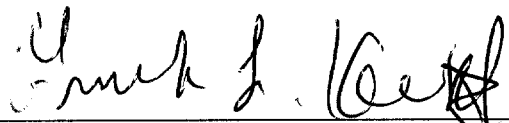
In re: )  
 ) GENERAL ORDER  
AMENDMENTS TO LOCAL )  
BANKRUPTCY RULES 1009-1, 2002-1, ) No. 10-01  
3022-1, 4003-2, 4008-1, 9001-1, and 9010-1 )  
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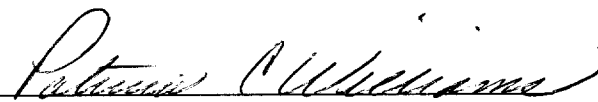
Pursuant to the General Order of the United States District Court for the Eastern District of Washington dated March 6, 1996, FRBP 8018 and 9029, FRCP 83, and 28 USC §2071, the following local rules are amended as set out in the attachments hereto:

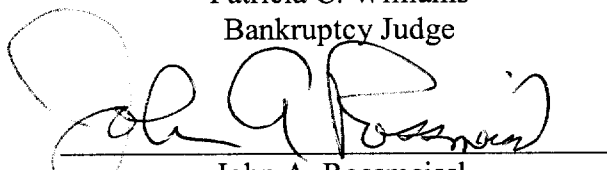
1. LBR 1009-1 – Amendments of Voluntary Petitions, Lists, Schedules and Statements
2. LBR 2002-1 – Notice to Creditors & Other Interested Parties
3. LBR 3022-1 – Final Decree in Chapter 11 Reorganization Case
4. LBR 4003-2 – Lien Avoidance
5. LBR 4008-1 – Reaffirmation
6. LBR 9001-1 – Definitions
7. LBR 9010-1 – Attorneys – Notice of Appearance

The amendments to the aforementioned local bankruptcy rules shall be effective May 10, 2010, 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: 05/06/10

  
\_\_\_\_\_  
Frank L. Kurtz  
Chief Bankruptcy Judge

  
\_\_\_\_\_  
Patricia C. Williams  
Bankruptcy Judge

  
\_\_\_\_\_  
John A. Rossmeissl  
Bankruptcy Judge

## **Rule 1009-1**

### **Amendments To *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.*

#### **(e)(d) Affidavits or Certificates of Mailing**

Any party filing an amendment to lists, schedules, ~~and~~ 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 <i>of Voluntary Petitions, Lists, Schedules, and Statements</i>
FRBP 2002	Notices <del>and Hearing</del> <i>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</i>
FRBP 4003	Exemptions
11 USC 521	Debtor's Duties
28 USC 1746	Unsworn Declarations Under Penalty of Perjury

**LBR 1009-1**  
**MAY 10, 2010**

## **Rule 2002-1**

### **Notice to Creditors & Other Interested Parties**

#### **(a) Notice**

- (1) Unless otherwise provided in the Bankruptcy Code, the Federal Rules of Bankruptcy Procedure, or these rules, whenever the Code or Rules authorizes any act, or authorizes the Court to enter an order, "after notice and hearing" or a similar phrase, the party giving the notice shall clearly state in the notice:
  - (A) The purpose of the notice;
  - (B) What a party receiving the notice must do in order to object to the action contemplated by the notice and the time within which an objecting party must act; and
  - (C) That the act may be performed or the Court may enter an order without an actual hearing or further notice unless a written objection is timely served and filed.
- (2) A notice may be included with a motion in which case the pleading shall be captioned as a motion and notice.

#### **(b) Service of Notice**

- (1) To Whom Given
  - (A) "Notice," as used in this rule shall mean notice to all creditors, equity security holders, indenture trustees, the debtor, the chairperson of any committee appointed in the case, the United States trustee, and any other parties in interest.
  - (B) Less inclusive notice may be given if not prohibited by the Code or Rules and specifically allowed by the Court or local rules. Notice is appropriate if it reaches all those with a potential good faith objection to the proposed order or action.

- (2) By Whom Given

Any party seeking an order or other authority based on notice and hearing shall be responsible to give such notice as is required.

(3) How Given

All notices shall be by first-class mail, unless the recipient is a registered participant in the CM/ECF system in the case in which the pleading or other paper is being filed. If the recipient is a registered participant, the Notice of Electronic Filing (NEF) is deemed the equivalent of service of the pleading or other paper by first-class mail.

(4) Certification of Giving Notice

As soon as practicable, a party giving notice pursuant to this rule shall forthwith file as a separate document, an affidavit of mailing or unsworn declaration under penalty of perjury, which shall include a list of the names and addresses to whom notice was sent. If the notice was given to a Master Mailing List (MML) or Limited Mailing List (LML), the affidavit or declaration shall also state the date on which it was retrieved from the database of the court.

**(c) Time Allowed for Objections**

- (1) The moving party shall provide at least twenty-one (21) days, plus three (3) additional days if required by FRBP 9006(f), for objections prior to presentation of an order or the taking of an action, unless a different time is prescribed.
- (2) A motion for an order reducing the time for making objections to a proposed action may be made and granted after notice and hearing for cause shown. Notice of such a motion shall clearly state the reasons supporting the necessity for a reduction of time and that objections may be made to the requested reduction. The objections will be considered by the court at the time of hearing on the motion for the principal relief requested. A motion for an order as to the principal relief requested and for the reduction in time may be combined provided both motions are clearly captioned and the requests separated in the body of the combined pleading.

**(d) Mailing Lists**

- (1) The addressees of notices shall be in accordance with FRBP 2002(g). Notice required to be given to all creditors is presumed to be appropriate if provided to all entities on an MML or LML retrieved from the database of the court within five (5) days of the notice, and as required by FRBP 2002 and 9036.

(A) Master Mailing List (MML)

A Master Mailing List is maintained by the office of the Clerk for each pending case. This list is updated in accordance with FRBP 2002(g). The Master Mailing List is produced and maintained using the matrix provided by the debtor pursuant to LBR 1007-2, requests from governmental agencies, written requests by entities who wish to be added, deleted or have their addresses changed, and proofs of claim.

(B) Limited Mailing List (LML)

A Limited Mailing List is maintained by the office of the Clerk and is based on an order of the Court. A party desiring that a Limited Mailing List be established in a case shall do so by notice and hearing. The proposed order establishing a Limited Mailing List shall contain a list of each entity to be listed on the Limited Mailing List, with directions, if appropriate, as to classes or types of entities to be added. The order shall also state the scope and duration of the order. Once established, the Limited Mailing List will be maintained by the Clerk in the manner provided in subparagraph (A) above.

(C) Changes to Mailing Lists

Withdrawal by an attorney from a case is not sufficient for removal of such attorney's name from the Master Mailing List or the Limited Mailing List, however, a formal notice of appearance in a case by an attorney is sufficient to add such attorney to the Master Mailing List or the Limited Mailing List. A written request to receive all notices will be sufficient to add such requesting party to both the Master Mailing List and the Limited Mailing List.

(2) Notice in non-lead Consolidated or Joint Administration Cases

In order to be presumed appropriate, notice given to the MML or LML of a non-lead case that was consolidated or where joint administration was ordered shall include, in addition to the names contained on the MML or LML of the non-lead case, all entities that filed a request for notice in the lead case after the cases were consolidated or joint administration ordered.

- (3) A party in interest who wishes to receive all notices, in addition to notices required to be sent to the MML or LML, shall give notice to the MML or LML as appropriate, and file a certificate of mailing as required by sub-section (b)(4) above.

**(e) Signing of Orders Where No Objection is Pending**

- (1) If no objection is made as provided in paragraph (f) of this Rule or if withdrawal of an objection is filed or the objecting party has endorsed the related order, an actual hearing is not required for any "notice and hearing" matter.
- (2) The submission of ex parte orders shall be as prescribed in LBR 9013-1.

**(f) Objection**

- (1) A party objecting to an act or the entry of an order contemplated by a notice shall file with the Clerk and serve on the moving party a written objection within the time set forth in the notice. The objection shall state briefly the grounds therefore.

- (2) If an objection states no grounds, the Court may strike the objection on ex parte motion of the moving party. The moving party, however, may make such ex parte motion to strike only after the objecting party fails within ~~ten (10)~~ **seven (7)** days to respond to a request by the moving party for a brief statement of the grounds for the objection.
- (3) If an objection is filed, the moving party shall promptly request a hearing date from the Clerk.

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

Issues raised by notice and hearing will be deemed moot for purposes of case closing thirty (30) days following the time to object to an act or entry of an order or from the filing of an objection unless:

- (1) An order has been presented ex parte if no objection has been filed;
- (2) A hearing has been requested if an objection has been filed; or
- (3) A motion and an affidavit or statement under penalty of perjury have been filed requesting that the case remain open.

**Related Provisions**

FRBP 2002	Notices to Creditors, <i>Equity Security Holders, Administrators in Foreign Proceedings, Persons Against Whom Provisional Relief is Sought in Ancillary and Other Cross-Border Cases, and the United States, and United States Trustee</i>
FRBP 9006	<i>Computing and Extending</i> Time
FRBP 9007	<i>General</i> Authority to Regulate Notices
FRBP 9014	Contested Matters
FRCP 5(b)(2)(E) & (b)(3)	Serving and Filing Pleadings and Other Papers
LBR 9013-1	Motions and Orders
11 USC 102(1)	<i>Rules of</i> Construction of Notice and Hearing
11 USC 350	Closing <i>and Reopening</i> Cases

**LBR 2002-1  
MAY 10, 2010**

## Rule 3022-1

### Final Decree in Chapter 11 Reorganization Case

#### (a) Final Decree and Closing of Cases

##### (1) Final Account Filed

Seven (7) days following the filing of the final account, the final decree may be entered and the case 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.

#### (b) Exception Where Debtor is an Individual

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

**(2)** *Upon completion of all payments under the plan, the debtor shall file a motion for entry of discharge on the prescribed local form and provide twenty-one (21) days notice to the Master Mailing List or file a written request to waive discharge.*

#### Related Provisions

FRBP 3022                      Final Decree in Chapter 11 Reorganization Case

11 USC 1141                  Effect of Confirmation

**LBR 3022-1**  
**MAY 10, 2010**



## Rule 4003-2

### Lien Avoidance

- (a) A party seeking to avoid a lien pursuant to 11 USC 522(f) shall file a motion and give fourteen (14) days notice to the trustee and the creditor holding the lien in accordance with LBR 2002-1.
- (b) 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 description and the amount of the lien to be avoided;
  - (3) specific identification of the statutory authority for avoiding the fixing of the lien; either a judicial lien or a non-possessory, non-purchase money security interest;
  - (4) 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) a statement as to the specific statutory exemption claimed and the amount of the exemption claimed.
- (c) Service of the notice *and motion* on the lien creditor shall be in accordance with FRBP 7004.

### Related Provisions

FRBP 4003  
FRBP 9006  
FRBP 9014

Exemptions  
*Computing and Extending* Time  
Contested Matters

LBR 2002-1

Notice to Creditors and Other Interested Parties

11 USC 522(f)

Exemptions

**LBR 4003-2**  
**MAY 10, 2010**

## 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 *a cover sheet*, the agreement *and a motion* with the Court, prepared as prescribed by the appropriate national forms (Forms *B27, B240A and B240B or Forms B27 and B240A/B ALT*). 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~~ *Filing of Reaffirmation Hearing Agreement;  
Statement in Support of Reaffirmation Agreement*

11 USC 524

Effect of Discharge

**LBR 4008-1**

**MAY 10, 2010**

## **Rule 9001-1**

### **Definitions**

The following words and phrases used in these rules have the meanings indicated:

- (1) “Debtor.” For purposes of FRBP 9001(5), the debtor shall include the officers and members of the board of directors of a corporation and in the case of a partnership, all general partners.

An order designating some other individual as the debtor for purposes of FRBP 9001(5) may be presented on ~~ten (10)~~ *fourteen (14)* days notice and hearing to the attorney for the debtor.

- (2) “Mailing.” Whenever the term “mailing” or “mail” is used in conjunction with providing service or notice, it includes any form of electronic transmission authorized by FRBP 9036.

### **Related Provisions**

FRBP 9001                      General Definitions

**LBR 9001-1**  
**MAY 10, 2010**

## **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.

- (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 ~~ten (10)~~ **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.

(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 <i>in Chapter 7 Liquidation Cases</i>
FRBP 2014	Employment of Professional Persons
FRBP 2017	Examination of Debtor's Transactions with Debtor's Attorney
FRBP 9010	Representation and Appearances; <i>Powers of Attorney</i>
FRBP 9011	Signing and Verification of Papers; <i>Representations to the Court; Sanctions; Verification and Copies of Papers</i>
EDWA LR 83.2	Bar Admission <i>and Appearance(s) in a Case</i>
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 <i>IV</i> , section 304 (g); 108 Stat. 4134)

**LBR 9010-1**  
**MAY 10, 2010**