

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

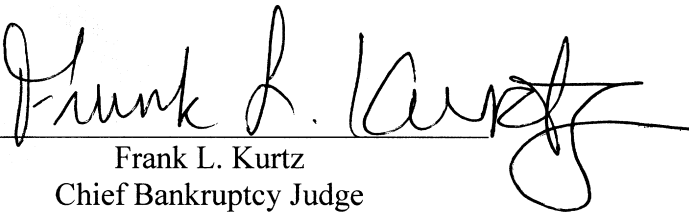
In re:)	
)	GENERAL ORDER
AMENDMENTS TO LOCAL)	
BANKRUPTCY RULES 2002-1, 2016-1,)	No. 12-02
3007-1, 5010-1, 5011-1, 9009-1, 9013-1,)	
9018-1, 9070-1, AND ADOPTION OF)	
NEW RULE 7004-1)	

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:

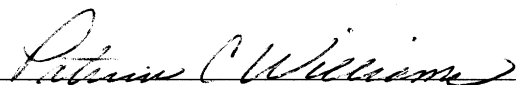
1. LBR 2002-1 – Notice to Creditors & Other Interested Parties
2. LBR 2016-1 – Compensation of Professionals
3. LBR 3007-1 – Claims – Objections
4. LBR 5010-1 – Reopening Cases
5. LBR 5011-1 – Withdrawal of Reference
6. LBR 7004-1 – Service of Summons and Complaint
7. LBR 9009-1 – Forms
8. LBR 9013-1 – Motions and Orders
9. LBR 9018-1 – Secret, Confidential, Scandalous, or Defamatory Matter
10. LBR 9070-1 – Exhibits

The amendments to the aforementioned local bankruptcy rules and adoption of new rule 7004-1 shall be effective August 1, 2012, 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.

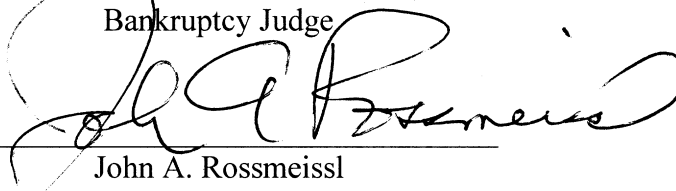
DATED: 7-26-12



Frank L. Kurtz
Chief Bankruptcy Judge



Patricia C. Williams
Bankruptcy Judge



John A. Rossmeissl
Bankruptcy Judge

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; *provided, however, if the pleading or other paper filed is to be considered at a hearing scheduled to occur within 48 hours (excluding weekends and holidays) of the filing, then at or before the time of filing, the filer shall serve the filed papers or pleadings by separate email upon all recipients entitled to service who are registered participants, or shall make such service by facsimile or by hand delivery.*

(4) Certification of Giving Notice

- (A) 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.
- (B) No separate Certificate of Service of the notice and other filings to be considered by the court need be filed if all of the entities entitled to notice are registered participants in the CM/ECF system in the case; provided that the filer designates on the document that all entities entitled to notice of the notice and other filings are registered participants in the CM/ECF system in the case.

(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 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, 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 9006	Computing and Extending Time
FRBP 9007	General 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
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<i>LBR 9073-1</i>	<i>Hearings</i>
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11 USC 102(1)	Rules of Construction
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11 USC 350	Closing and Reopening Cases
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LBR 2002-1

~~AUGUST 1, 2010~~ *August 1, 2012*

Rule 2016-1

Compensation of Professionals

(a) Notice

Where an application exceeds One Thousand Dollars (\$1,000) notice of an Application For Award of Compensation for Services and Reimbursement of Expenses shall be on twenty-one (21) days notice to the Master Mailing List in accordance with LBR 2002-1. The notice shall include the following information:

- (1) The status of the applicant;
- (2) The date the applicant's employment by trustee, debtor in possession or creditors' committee was approved;
- (3) Whether the application is a final or interim application, and the sequential number of the application (i.e. 1st, 2nd etc.);
- (4) The amount of the compensation and reimbursement requested, stated separately;
- (5) The amount of compensation or reimbursement previously received or allowed, stated separately; and
- (6) The basis for the compensation and reimbursement.

(b) Application

- (1) Applications for award of compensation for services or reimbursement of expenses pursuant to § 330 of the Code shall be as prescribed by the appropriate local form and shall include as attachments the following:

(A) Narrative

If the cumulative compensation applied for exceeds ten thousand (10,000) dollars, a narrative summary which describes the background of the case; the financial condition of the estate including comment as to profit and loss, amount of cash on hand or on deposit, amount of accrued unpaid administrative expenses and amount of unencumbered funds in the estate; the status of the case, and if the case is under Chapter 11, information concerning the status of the plan and disclosure statement, payment of quarterly fees to the United States trustee, and submission of monthly operating statements; a description of the tasks or projects for which compensation or reimbursement is sought; and

(B) Itemization of Services Rendered

- (i) Except where the fee is on a fixed or percentage basis, itemization of each service rendered in meaningful detail, including the identification of the person who rendered the service, the date the service was rendered and the project category of the service (i.e. cash collateral, relief from stay) in billing increments of one tenth of an hour, without combining or "lumping"; and
- (ii) If the cumulative application for compensation exceeds ten thousand (10,000) dollars or if required by the Court, the presentation of the itemization shall be by project category, with administrative matters and fee application preparation as separate categories.

(C) Itemization of Expenses

An itemization of expenses in meaningful detail to include the date incurred, description of the expense, person incurring the expense with special emphasis on extraordinary or unusual items.

- (2) A proposed ex parte order submitted to the Court pursuant to LBR 9013-1 allowing compensation and reimbursement of expenses shall be as prescribed by the appropriate local form and shall be supported by a statement of the reviewing trustee that the application was reviewed and the amounts to which the reviewing trustee raises no objection.
- (3) The applicant shall serve a copy of the application and attachments with the notice on the United States trustee, the trustee or debtor in possession, debtor and any creditors' committee appointed pursuant to § 1102 of the Code.

(c) Award and Payment

Payments for compensation or reimbursement from the estate as an administrative expense pursuant to § 330 of the Code shall be made only after award and order of the Court.

(d) Exception in Chapter 13 Case

In a Chapter 13 case, an attorney may choose to be compensated on either an hourly basis or on an agreed flat fee basis. If the attorney chooses to be compensated on an hourly basis, compliance with sub-paragraph (a), (b) and (c) of this rule is required. An attorney who chooses to be compensated on an agreed flat fee basis need only comply with subparagraph (e) of this rule.

(e) Agreed Flat Fee

- (1) The Agreed Flat Fee shall be supported by a Flat Fee Agreement as prescribed by the appropriate local form, between the debtor and the attorney, may not exceed ~~\$2,500~~ **\$3,000** in a consumer case or ~~\$3,500~~ **\$4,000** in a business case as defined in § 1304(a) of the Code, and shall be compensation for all services and associated expenses excluding filing fees and credit counseling/education program fees in connection with the case ~~through confirmation of the plan or thirty (30) days following the expiration of the claims bar date, whichever is later,~~ that are ordinary, necessary and reasonable foreseeable and which includes the following:
 - (A) Preparation and filing of the petition, Schedules, and Statement of Affairs, the Chapter 13 Plan and associated local forms, along with modifications, amendments and supplements, Current Monthly Income and Calculation of Commitment Period and Disposable Income (means test form B22C (Chapter 13)), filing certification of pre-filing counseling, filing evidence of income from employment as required by statute, and filing certification of pre-discharge education; and preparing and filing prior to confirmation certification that the debtor is current in all post-petition domestic support obligations, and has filed all applicable and required federal, state and local tax returns, and, prior to discharge, certification regarding domestic support obligations as provided for in § 1328(a) of the Code;
 - (B) Representation at the Meeting of Creditors or Examinations held pursuant to FRBP 2004; filing motion and statement in support of confirmation; and appearance at initial confirmation hearings, if required;
 - (C) Responding and resolving common and foreseeable issues and objections, including but not limited to objections to confirmation; motions for relief from the automatic stay; assumption or rejection of unexpired leases or executory contracts; valuation of collateral; pre-confirmation adequate protection payments; objection to proofs of claim; tax refunds and bonuses, license reinstatement, and post petition repossessions and garnishments, requests from the office of the United States trustee, and routine motions to dismiss;
 - (D) In business cases, assisting the debtor in the preparation and filing of required financial reports;
 - (E) Filing with the court or making available to the requesting party as provided for in LBR 4002-1 federal income returns or amendments required under applicable law for each tax year while the case is pending pursuant to § 521(f) of the Code.

- (F) If requested, filing with the court or making available to the requesting party as provided for in LBR 4002-1 federal income returns or amendments required under applicable law for each tax year while the case is pending pursuant to 11 USC 521(f).

(2) Flat Fee Agreement

The attorney for the debtor shall submit a copy of the Flat Fee agreement entered into with the debtor to the Chapter 13 trustee prior to the meeting of creditors, as well as a completed copy of the Statement of Money or Property Received or Promised in Connection With This Case Other Than by Application or a Plan (LF 2016A). The Flat Fee agreement shall be as prescribed by the appropriate local form.

(3) Approval of Agreed Flat Fee

Approval of the Agreed Flat Fee shall be included in the order confirming plan, and will be sufficient authority for the attorney to transfer any monies of the debtor held in the attorney's trust account to the attorney and for the trustee to pay any remaining amount to the attorney as directed by the plan.

(4) Supplemental Application

- (A) The attorney may submit a supplemental application for compensation for services not included in the agreed flat fee as set out in sub-paragraph (e)(2) of this rule, whether or not the services were performed before or after confirmation. In the case of a supplemental application the attorney shall comply with sub-paragraph (a), (b), and (c) of this rule as to such additional services. Any such supplemental application shall include a certification by the attorney that the compensation applied for is not reasonable foreseeable with an explanation as to why it was not foreseeable and is outside that contemplated by the agreed flat fee as set out in sub-paragraph (c)(2) of this rule.

- (B) Supplemental fee applications must be filed with the court prior to completion of the plan.

(f) Hold Back of Estimated or Applied for Attorney Fees as Projected Costs of Administration

Following confirmation, the trustee is authorized to hold back estimated attorney fees or attorney fees for which an application has been filed as projected costs of administration in the same manner as if they had been allowed, but may pay them out only as allowed by a separate order of the court.

Related Provisions

FRBP 2014	Employment of Professional Persons
FRBP 2016	Compensation for Services
11 USC 326	Limitation on Trustee's Compensation
11 USC 327	Employment of Professional Persons
11 USC 328	Limitation on Compensation
11 USC 329	Debtor's Transactions with Attorneys
11 USC 330	Compensation of Officers
11 USC 331	Interim Compensation
11 USC 503	Allowance of Administrative Expenses
11 USC 504	Compensation for Services

LBR 2016-1

~~DECEMBER 1, 2009~~ *August 1, 2012*

Rule 3007-1

Claims - Objections

(a) Objection

- (1) An objection to the allowance of a claim shall identify the claimant by name and clerk's docket number and shall include the following:
 - (A) Notice that if the claimant fails to timely file a written response that:
 - (i) The court may rule on the pleadings filed without oral argument and without further notice to the claimant; and
 - (ii) That the claimant will be deemed to have consented to such a determination by the court in accordance with LBR 3007(b)(2)(B);
and
 - (B) The specific date by which a response is considered to be timely filed, which date shall be no less than thirty (30) days from the date the objection is served, plus three (3) additional days as required by FRBP 9006; and
 - (C) an affidavit or unsworn declaration under penalty of perjury that clearly sets forth the basis of the objection sufficient to overcome the prima facie effect of the proof of claim pursuant to FRBP 3001(f).
- (2) The objecting party shall serve a copy of the objection, along with the affidavit or declaration and the notice as required by subparagraph (a)(1) of this rule, on the claimant, debtor, debtor's attorney and the trustee. Service of the Notice of Objection shall be in accordance with FRBP 7004 and 9014.
- (3) If the objection requires the determination of the value of a claim secured by a lien on property in which the estate has an interest, the objecting shall also comply with LBR 3012-1.

(b) Response

- (1) Response Filed
 - (A) If the claimant files a written response to the objection, the claimant shall serve a copy of the response on the objecting party and the trustee.
 - (B) Upon the filing of a response, the Court will promptly set a hearing and provide notice of the date and time set for the hearing to the objecting party, the claimant and the trustee. The hearing shall be conducted unless the objection is resolved prior to the hearing by a stipulated order or withdrawal of the objection.

(2) No Response Filed

- (A) If no response is filed, the objecting party shall, within thirty (30) days of the expiration of time to timely file a response, present an ex parte order, based on the objection and supported by an affidavit or unsworn declaration under penalty of perjury that the objection was filed and served in accordance with sub-section (a) of this rule and that no response was filed or served.
- (B) Failure by the claimant to file a response shall be deemed as consent to have the court consider and determine the issue on the pleadings without oral argument.

(c) **Striking of Objection**

Should the objecting party fail to timely present an order on the objection in accordance with sub-paragraph (b)(2)(A) of this rule, ~~the trustee or any party in interest~~ *the court* may, on seven (7) days notice to the objecting party, ~~request that the objection be stricken~~ *enter an order striking the objection.*

(d) **Hearing**

Notwithstanding sub-paragraph (b)(2) of this rule, any party in interest may request a hearing in accordance with LBR 9073-1.

Related Provisions

FRBP 3007	Objections to Claims
FRBP 7001	Adversary Proceedings
FRBP 9014	Contested Matters
LBR 2002-1	Notice to Creditors and Other Interested Parties
LBR 7003-1	Cover Sheet
11 USC 506	Secured Claims
28 USC 1930(b)	Bankruptcy Fees

LBR 3007-1

~~DECEMBER 1, 2009~~ *August 1, 2012*

Rule 5010-1

Reopening Cases

- (a) A motion to reopen a case may be presented ex parte, shall not be joined with a request for any other relief, except for the appointment of a trustee, and shall be accompanied by:
 - (1) A statement explaining why the case needs to be opened; and
 - (2) The appropriate filing fee or a statement as to why a fee is not required.
- (b) Before taking any action in a closed case that requires notice and hearing to the Master Mailing List (MML), that is governed by FRBP 9014, or that may require further administration, the party taking the action shall cause the case to be reopened.
- (c) A request for the appointment of a trustee in a reopened case shall be supported by a statement as to why a trustee should be appointed.
- (d) A case shall be reopened to further administer matters involving property of the estate *or to obtain a discharge*.

Related Provisions

FRBP 5010	Reopening Cases
FRBP 9014	Contested Matters
11 USC 350	Closing and Reopening Cases
11 USC 541	Property of the Estate
28 USC 1930	Bankruptcy fees

LBR 5010-1

~~JULY 3, 2000~~ *August 1, 2012*

Rule 5011-1

Withdrawal of Reference

(a) Motion

A ~~motion to withdraw~~ *of* the reference of any case or adversary proceeding, in whole or in part, ~~shall~~ *may be initiated by* filed in the B~~ankruptcy C~~*ourt* ~~upon its own motion or on timely motion of any party. and shall not be combined with any other motions.~~

(b) Filing and Service

Any motion for withdrawal of reference of any case, in whole or in part, shall be filed in the bankruptcy court and served promptly after service of any pleading or document in which the basis for the motion first arises. Any motion for withdrawal of reference in an adversary proceeding, in whole or in part, shall be filed in the bankruptcy court no later than 14 days following the entry of the scheduling order. Response documents shall be filed and served no later than 14 days after service of the motion for withdrawal. Reply documents, if any, shall be filed and served no later than 7 days after service of any response.

(c) Transmittal of Documents to District Court

After expiration of the time for filing documents as provided in subsection (b) of this rule, the clerk of the bankruptcy court shall transmit the motion and all related documents that have been filed with the bankruptcy court to the district court. Unless otherwise ordered by the bankruptcy court or district court, parties shall continue to file with the bankruptcy court all documents in the bankruptcy case or adversary proceeding. Any supplemental documents relating to the motion for withdrawal of reference filed after transmittal shall be promptly transmitted by the bankruptcy court to the district court.

NOTE: Please see LBR 7008-1 regarding the right to judgment by the United States District Court for procedures in adversary proceedings which include a claim outside the statutory definition of “core” bankruptcy issues.

Related Provisions

FRBP 5011 Withdrawal and Abstention from Hearing a Proceeding

LBR 7008-1 Right to Judgment by the United States District Court

28 USC 157 ~~Bankruptcy Court Jurisdiction~~ *Procedures*

28 USC 1334 ~~District Court Jurisdiction~~ *Bankruptcy cases and proceedings*

28 USC 1930(b) ~~Bankruptcy Court Fees~~ *Schedule*

LBR 5011-1

MAY1, 1996 *August 1, 2012*

Rule 7004-1

Service of Summons and Complaint

(a) Serving an Individual in a Foreign Country

- (1) Plaintiffs seeking service pursuant to FRCP 4(f)(2)(C)(ii) shall file an affidavit that service by mail is authorized by the domestic law of the foreign country.*
- (2) The plaintiff shall provide to the Clerk the documentation required by the postal service for registered, return receipt international mail, and make arrangements to pay the mailing costs.*

Rule 9009-1

Forms

Whenever a rule requires that information be submitted as prescribed by the appropriate local form, or words to that effect, then the prescribed local form shall be used. Forms may be obtained from the court's Web site at no cost.

Related Provisions

FRBP 9005	Harmless error
FRBP 9009	Forms
LBR 2014-1	Application for Order approving Employment of Professional Persons
LBR 2016-1	Compensation of Professionals
LBR 2083-1	Chapter 13 - General
LBR 3016-1 <i>3022-1</i>	<i>Final Decree in</i> Chapter 11 — Plan <i>Reorganization Case</i>
LBR 4008-1	Reaffirmation
LBR 7016-1	Pretrial Procedures
LF 1007	Statement for Social Security Number
LF 2014	Application For Order Approving Employment
LF 2016	Application For Award of Compensation For Services Rendered and Reimbursement of Expenses Pursuant To 11 USC 330
LF 2016A	Statement of Money or Property Received or Promised In Connection With This Case Other Than By Application Or a Plan
LF 2016B	Summary Supporting Application For Compensation For Services or Reimbursement of Expenses
LF 2016C	Narrative Summary
LF 2016D	Order Awarding Compensation For Services Rendered and Reimbursement of Expenses Pursuant to 11 USC 330 or 331
LF 2106E	Chapter 13 Flat Fee Agreement
LF 2016F	Certification for Supplemental Application
LF 2016G	Statement of Review of Application
LF 2083	Chapter 13 Plan
LF 2083A	Debtor's Plan Payment Analysis
LF 2083B	Chapter 7 Liquidation Analysis
LF 2083C	Plan Funding Analysis
LF 2083O AAP	Application For Order Authorizing Adequate Protection Payments
LF 3001	Proof of Claim
LF 3016	List Classifying Claims and Interests
LF 4008	Request For Approval of Reaffirmation Agreement
LF 4008-B240	Reaffirmation Agreement
LF 5005	Request for Waiver From Filing Electronically
LF 7016	Pretrial Order
LF 9011	Statement of Witness
LF 9013	Request For Entry of Order Granting Motion

LBR 9009-1

~~JUNE 15, 2005~~ *August 1, 2012*

Rule 9013-1

Motions and Orders

(a) Adversary Proceeding

- (1) If the moving party so elects, a motion in an adversary proceeding may be made after notice and hearing pursuant to LBR 2002-1. Notice need be given only to the parties to the adversary proceeding.
- (2) If the election in paragraph (a)(1) is not made, a hearing date of a motion in an adversary proceeding shall be requested from the Court's Web site.

(b) Combining of Motions

- (1) Motions may be combined with other motions, except motions to lift the automatic stay unless permitted by LBR 4001-1, motions to withdraw the reference, or motions to reopen cases.
- (2) If motions are combined, each request shall be clearly identified in the caption and in the body of the pleading.
- (3) If different objection periods or service or notice requirements are required for combined motions, the longest objection period and most complete service or notice shall be used for all the combined motions.
- (4) Motions in adversary proceedings and bankruptcy cases shall not be combined.

(c) Proposed Orders

- (1) ~~Submission of Proposed Orders~~ *Declaration of No Objections*

~~A party desiring that a proposed order be entered shall file the proposed order with a cover sheet on the prescribed form (Request for Entry of Order, Local Form 9013).~~ *an order granting motion that is based on notice and hearing shall file a declaration of no objections, which conforms substantially to local form 9013-1, stating the date of service of the notice and that no objections were timely received. A copy of the order shall be included as an attachment to the declaration of no objections.*

- (2) Form

~~The last page of the proposed order shall be identified by case number and nature of document or contain some portion of the text.~~

- (A) *The first page of the order must have a 4 inch top margin that is left blank for court use only.*
- (B) *The designation “///End of Order///” shall be placed after the final line of text on the order. No date or signature line is to be provided for the judge. The attorney(s) presenting the order shall so indicate in the lower left hand corner of the last page of the order by stating “Presented by” with their name and signature line.*

(3) Orders Upon Stipulations

A party seeking approval of a stipulation shall:

- (A) File the stipulation, accompanied by a motion to approve the stipulation or relate it to a previously filed motion;
- (B) Satisfy notice and hearing requirements as to any provision in the stipulation;
- (C) Not provide for the dismissal or conversion of a case without the need for a separate order; and
- (D) Obtain the endorsement of the Chapter 12 or 13 trustee as appropriate if any of the provisions of the stipulation affect the trustee’s administration of the plan.

(4) Orders Prepared by the Court

Orders resulting from a hearing before the Court will be prepared by the Court unless otherwise directed by the Court.

(d) Memorandum of Authorities

- (1) A party may, or when required by the Court, shall file in support of or in opposition to a motion or other request for an order of the Court, a brief written memorandum of reasons and a list of authorities on which the party relies. Such memorandum must be filed and served on the opposing party in accordance with LBR 5005-1(c).
- (2) Citations to Washington cases in a memorandum of authorities shall be to the Washington Reports. Citations to cases from other states shall be to the National Reporter System. Citations to federal cases shall be to the United States Reports, Federal Reporter, or Federal Supplement. Citations to bankruptcy cases shall be to West's Bankruptcy Reporter, Collier's Bankruptcy Cases or Bankruptcy Court Decisions.

(e) *Motions for Reconsideration*

Motions for reconsideration shall be filed and served within 14 days after entry of the judgment or order, and shall not be noted for hearing unless oral argument is requested by the court. The opposing party need not respond to a motion for reconsideration unless requested to do so by the court.

Related Provisions

FRBP 9013	Motions: Form and Service
FRBP 9014	Contested Matters
FRBP 9021	Entry of Judgment
LBR 2002-1	Notice to Creditors and Other Interested Parties
LBR 4001-1	Automatic Stay Relief From
LBR 5010-1	Reopening Cases
LBR 5011-1	Withdrawal of Reference
LBR 6007-1	Abandonment

LBR 9013-1

~~FEBRUARY 23, 2009~~ **August 1, 2012**

Rule 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 fourteen (14) 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 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.~~

Documents filed under seal ~~are~~ shall be scanned, then destroyed. Documents too voluminous to be scanned will be destroyed upon case closing.

DRAFT

(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)	Motions Practice <i>and Orders</i>
11 USC 102	Rules of Construction
11 USC 107	Public Access To Records

LBR 9018-1

~~DECEMBER 1, 2009~~ *August 1, 2012*

Rule 9070-1

Exhibits

(a) Identification and Presentation

As much as practicable, all exhibits intended to be offered into evidence shall be identified by the party offering the exhibit in the manner prescribed by the Clerk prior to the hearing. A party intending to offer five or more exhibits shall furnish such exhibits in a three-ring binder which shall include an index.

(b) Disposition of Exhibits

- (1) Unless otherwise ordered, upon the conclusion of a hearing or trial, all exhibits, *including sealed exhibits*, marked for identification or introduced into evidence and all depositions and transcripts shall be returned to the party who produced them.
- (2) It is the responsibility of the party who received any documents back in accordance with subparagraph (b)(1) to produce any or all such documents if requested by this Court or any appellate court hearing any appeal taken.