

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-one (21) 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 of 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, transfer 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 sub-paragraph (b)(3) above.

~~**(c) Duplicate Cases**~~

~~If identical cases are filed, and the second case is filed in error, the filing party shall move to consolidate the cases. Notice and hearing is not required. A motion shall be filed in the lead case and an order submitted in the manner set forth in LBR 9013 1(c) contact the clerk's office.~~

Related Provisions

FRBP 1015	Consolidation or Joint Administration <i>of Cases Pending in Same Court</i>
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 <i>or Dismissal</i> of Chapter 11 Cases
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
11 USC 522	Exemptions

LBR 1015-1

~~DECEMBER 1, 2009~~ **AUGUST 1, 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

(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
11 USC 102(1)	Rules of Construction
11 USC 350	Closing and Reopening Cases

LBR 2002-1

~~MAY 10, 2010~~ **AUGUST 1, 2010**

Rule 5001-2

Clerk's Office

(a) Accessibility

The court's website at www.waeb.uscourts.gov is accessible for filing, submission of proposed orders, requesting hearings and general information on all days and at all hours.

(b) Office Hours

Business may be conducted in person at the Clerk's Office from 8:30 a.m. to 4:30 p.m. all days except Saturdays, Sundays and legal holidays as described in FRBP 9006(a). Arrangements to conduct business in person including emergency filings, outside of these business hours, must be made in advance.

Related provisions

FRBP 5001	Courts and Clerks' Offices
FRBP 5005	Filing and Transmittal of Papers
FRBP 9006	Computing and Extending Time

LBR 5005-3

Electronic Filing

~~GENORD 03-05 — Order Establishing Standards for Electronic Filing, Signing and Verification of Documents~~

LBR 5001-2

~~OCTOBER 1, 2008~~ **AUGUST 1, 2010**

Rule 5005-1

Filing Requirements

(a) Methods of Filing

- (1) in person by delivery to the Office of the Clerk at either West 904 Riverside Avenue, Room 304, Spokane, Washington, or East 402 Yakima Avenue, Suite 200, Yakima, Washington; or
- (2) by mail to P.O. Box 2164, Spokane WA 99210-2164 or E. 402 Yakima Avenue, Suite 200, Yakima, Washington 98901;
- (3) by electronic transmission in accordance with ~~The General Order of the Court Establishing Standards for the Electronic Filing, Signing and Verification of Documents~~ **LBR 5005-3**; or
- (4) for documents other than initial petitions for relief or complaints for adversary proceedings, by delivery to a deputy clerk in open court while the Court is in session.

(b) Return of Conformed Copies

A party filing a paper document desiring a conformed copy shall provide such copy along with the document to be filed. If the party desires that the conformed copy be returned by mail, that party must also provide along with the document to be filed a pre-addressed and stamped envelope.

(c) Time of Filing

The time of filing of a document is the local time when the document is received by the court either conventionally or electronically.

Rule 5005-3

Electronic Filing

(a) Scope of Electronic Filing

- (1) *The electronic filing of a document constitutes filing of the document for all purposes, including those of the Federal Rules of Bankruptcy Procedure and Local Rules.*
- (2) *Documents filed in paper will be converted into an electronic format.*

(b) Official Record of the Court

The official record of the Court includes all documents filed electronically, filed in paper and converted to an electronically filed format, filed in paper and not converted to electronic format and text-only entries. Text-only entries are text contained in the docket entry and for which there is no separate electronically recorded image.

(c) Mandatory Electronic Filing

- (1) *All attorneys, including but not limited to examiners, trustees, Office of the United States Trustee, Office of the United States Attorney and any other entity as the clerk deems appropriate are required to file documents electronically.*
- (2) *Attorneys shall be admitted to practice in the United States District Court for the Eastern District of Washington before an electronic filing registration will be accepted.*

(d) Exception to File Documents Electronically

- (1) *Pro se debtors, non-attorney entities that have filed fewer than 12 documents during the most recent 12 month period and entities that have been granted a waiver from filing electronically are excepted from filing a document electronically.*
- (2) *Documents filed under seal shall be in accordance with LBR 9018-1.*

(e) Waiver of Requirement to File Documents Electronically

- (1) *Any entity that is required to file documents electronically may request a waiver of that requirement by submitting a Request for Waiver From Electronic Filing on the prescribed form.*
- (2) *A separate waiver must be filed for each case or adversary proceeding for which a waiver is desired.*

- (3) *Any entity that is required to file documents electronically and that has not been granted a waiver or has an unresolved waiver request pending that files a document non-electronically is subject to sanctions as may be imposed by the Court or to having the document stricken unless, after notification, the document is promptly re-filed electronically or a waiver is requested.*

(f) Signatures

- (1) *All pleadings and other documents requiring signatures filed electronically shall either contain a scanned image of any signature(s) therein or,*
- (A) *indicate the signature by putting “/s/ Jane Doe” on the signature line, or*
- (B) *affixing an electronically produced signature to the document.*
- (2) *Documents Signed under Penalty of Perjury or Under Oath*
- (A) *Where a scanned image of a signature conventionally signed under penalty of perjury is not displayed on the document electronically filed, the filing party shall file with the Court as a separate document a statement that the signature was witnessed and by whom.*
- (B) *The filing party shall retain the document containing the written signature, or a copy made in the ordinary course of business as described in 28 USC § 1732, for a period of not less than five (5) years, the maximum allowable time to complete any appellate process, or the case or adversary proceeding is closed, whichever is later, and shall produce the document upon order of the Court, or a copy made in the regular course of business as described above.*
- (3) *The electronic filing of a document shall constitute the signature of that party for all purposes for which a signature is required in connection with proceedings before the Court, including FRBP 9011. Where an electronically produced signature is used, the electronically produced signature is the signature for all purposes, including orders of the Court.*

Where a document is filed electronically that was initially signed conventionally, the submission of that document constitutes a signature and will have the same force and effect as a written signature for all purposes, including FRBP 9011.

The signature on a document filed in paper when converted to an electronic format by the Court, will likewise constitute a signature and will have the same force and effect as a written signature for all purposes, including FRBP 9011.

(g) Court Retention of Records

Where a document filed in paper is converted to an electronic format by the Court, the document will be retained only so long as required to ensure that the information has been transferred to the Court's database.

(h) Technical Failures

Appropriate relief under FRBP 9006 may be sought from the Court where an electronic filing is made untimely as the result of a technical failure of the Court.

(i) Cases Filed in Error

If a case is filed in error, or in duplicate, the filing party shall notify the clerk's office immediately.

Related Provisions

*FRBP 5005
FRBP 9006*

*Filing and Transmittal of Papers
Computing and Extending Time*

*LBR 5005-1
LBR 9018-1*

*Filing Requirements
Secret, Confidential, Scandalous, or Defamatory Matter*

28 USC 1732

Record made in regular course of business; photographic copies

*Administrative Procedures for Filing and Verifying Documents by
Electronic Means*

Related Provisions

FRBP 5005	Filing of Papers <i>and Transmittal of Papers</i>
FRBP 9006	Service of Motion <i>Computing and Extending Time</i>
FRBP 9011	Signing of Papers; Representations to the Court; Sanctions; Verification and Copies of Papers
FRBP 9036	Notice of <i>by</i> Electronic Transmission
<i>LBR 5005-3</i>	<i>Electronic Filing</i>
LBR 9073-1	Hearings
28 USC 152	Appointment of Bankruptcy Judges
GENORD 03-05	Order Establishing Standards for the Electronic Filing, Signing and Verification of Documents

LBR 5005-1

~~JUNE 1, 2007~~ **AUGUST 1, 2010**

Rule 9004-1

Documents - Requirements of Form

(a) General Requirements of Form

- (1) All documents presented for filing shall be prepared letter size (8 ½" x 11"). Without prior approval of the Court, all attachments shall also be no larger than 8 ½" x 11".
- (2) All documents presented for filing shall be single sided. Documents submitted in paper format containing two or more pages shall be stapled at the top left corner, however, separate documents shall not be stapled together.
- (3) All documents or papers submitted must be of good quality on which line numbers appear at the left margin. The material thereon shall be typed, printed or prepared by a clearly legible duplicating process and shall be double-spaced. Quoted material may be single spaced, however footnotes shall be double-spaced. All typed and printed matter must appear in either a proportionately spaced typeface of 14 points or more, or a monospaced typeface of no more than 10.5 characters per inch may be used in a brief. A proportionately spaced typeface has characters with different widths. A monospaced typeface has characters with the same advanced width. Text shall be in roman (upright letters), non-script type. No pleading, document, or brief may have an average of more than 280 words per page, including footnotes and quotations. The word count does not include addenda containing statutes, rules, regulations, etc.
- (4) On the first page of each pleading or similar document the title of the Court shall appear on or below the fifth line. All pleadings shall be signed as required by FRBP 5005(a)(2) and 9011. Names shall be typed underneath all signature lines.
- (5) In the space to the right of the center of the first page, opposite the caption of the case, there shall be placed:
 - (A) the case number and in the case of an adversary proceeding, the related case number above the adversary proceeding number;
 - (B) the nature of the document, such as complaint, answer, motion, order, affidavit and so forth;
 - (C) the name and status of the party on whose behalf the document is filed;
 - (D) the words "Demand for Jury Trial" or its equivalent when a party demands a jury.

- (6) The first page of every pleading or other document (except instructions) shall contain the name, mailing address and telephone number of the attorney or firm submitting the document on the left side above line five.
- (7) At the left side of the bottom of each document (other than instructions) an abbreviated name of the document should be repeated, followed by the page number.
- (8) All appendices to pleadings shall be paginated progressively, but shall, following the number on the page, show also the appendix number which may be alphabetical, numerical or a combination thereof.
- (9) Proposed orders granting a motion or application shall be submitted separately in accordance with LBR 9013-1.

(b) Prescribed Forms Excepted

Except as to sub-paragraph (a)(2) above, this rule shall not apply where a prescribed form is used.

(c) Electronically Filed Documents

Documents filed electronically shall be in accordance with **LBR 5005-3** ~~standards adopted by the court for the electronic filing of documents~~ and administrative procedures established by the Clerk of Court.

Related Provisions

FRBP 7010	Form of Pleadings
FRBP 9004	General Requirements of Form
FRBP 9011	Signing and Verification of Papers; <i>Representations to the Court; Sanctions; Verification and Copies of Papers</i>
FRBP 9021	Entry of Judgment
<i>LBR 5005-3</i>	<i>Electronic Filing</i>
LBR 9009 - 1	Forms
LBR 9015 - 1	Jury Trial
GENORD 03-05	Order Establishing Standards for Electronic Filing

LBR 9004-1
~~JUNE 1, 2007~~ **AUGUST 1, 2010**

Rule 9073-1

Hearings

(a) Requests for Hearing

A request for a hearing is made to the Clerk and should be made electronically by accessing the Court's website where possible, but may also be by telephone, in writing or in person. The requesting party shall provide to the Clerk the following information:

- (1) Identification of the case or adversary proceeding by name and number;
- (2) The names of all parties, the name, address and telephone number of their attorneys and that of any unrepresented party; and
- (3) A brief statement as to the nature of the hearing, estimated time required, the number of witnesses, if any, and preference as to a telephonic or courtroom hearing; and if the hearing is precipitated by notice and hearing;
 - (i) the date the notice was sent,
 - (ii) a statement as to whether or not objections were made, and
 - (iii) a statement as to whether or not the time for objections has expired.

(b) Notice of Hearing

- (1) As soon as possible after obtaining information concerning the scheduling of a hearing, but in no event later than seven (7) days prior to the hearing, the requesting party shall serve notice of the hearing on all parties to the hearing, as well as any party that has specifically requested notice of all hearings.
- (2) The notice of hearing shall include the date and time set, and whether the hearing will be by telephone or in court. If the hearing is by telephone, the "meet me" telephone number shall be given in the notice.
- (3) The party giving such notice shall promptly file an affidavit or statement under penalty of perjury of service that specifies when and to whom notice was served along with a copy of the notice, unless electronically linked.

(c) Confirmation of Hearings

The party requesting a hearing may be required to confirm with the appropriate chambers that the matter will be heard if so advised by the Court. Failure to confirm when so required may result in the striking of the hearing.

(d) Terms for Failure to Appear at Hearing

LBR 9073-1

~~JUNE 1, 2007~~ **AUGUST 1, 2010**

The Court may impose terms against a party who fails to appear at a hearing when so required.

(e) Filing of Documents to be Considered at Hearings

(1) Except as provided in LBR 4001-2, an application or motion, supporting affidavits or statements under penalty of perjury shall be served and filed no later than seven (7) days prior to the hearing on an application or motion. An opposing party shall serve and file any objections, counter-affidavits or statements under penalty of perjury or other responding documents no later than three (3) days prior to the hearing on the application or motion.

(2) A document intended to be considered by the Court in connection with a scheduled hearing shall be served and filed in accordance with subparagraph (1) above, ~~and a copy shall be delivered to the appropriate chambers if the document has not been filed at least seven (7) days prior to the hearing.~~

Related Provisions

FRBP 9006	Service of Motion
LBR 2002-1	Notice to Creditors and Other Interested Parties
LBR 4001-2	Cash Collateral
LBR 5005-1	Filing Papers & Requirements
28 USC 152	Places of Holding Court

LBR 9073-1
~~JUNE 1, 2007~~ **AUGUST 1, 2010**