

**LOCAL RULES OF THE UNITED STATES BANKRUPTCY COURT FOR THE EASTERN DISTRICT OF  
OKLAHOMA**

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**LOCAL RULES OF THE UNITED STATES BANKRUPTCY COURT FOR THE  
EASTERN DISTRICT OF OKLAHOMA**

**EFFECTIVE AS OF DECEMBER 1, 2009**

**Revised: 04/10/2009**

**Revised: 12/01/2014**

**Revised: 12/01/2015**

**RULE 1001-1. SCOPE OF RULES AND FORMS; DEFINITIONS**

**A. Application.**

1. These rules govern all cases and proceedings pending before this Court on the effective date specified above and thereafter, and shall supersede all local rules and general orders pertaining to rules of procedure previously adopted and entered by the Court, unless such standing order is specifically incorporated herein.
2. These rules, the CM/ECF Administrative Procedures and the General Orders and Miscellaneous Orders entered by this Court shall govern all cases and proceedings before this Court.

**B. Citation.** These rules shall be known as the “Local Rules of the United States Bankruptcy Court for the Eastern District of Oklahoma” and may be cited as “Bankr. E.D. Okla. LR \_\_\_\_” or as “LR \_\_\_\_” or as “Local Rule\_\_\_\_,” as appropriate.

**C. Waiver of Rules.** The Judge assigned to the case has discretion to waive, supplement or modify any provision or requirement of these rules when the administration of justice requires.

**D. Interim General Orders.** These rules may be modified or supplemented from time to time by the Court by General Orders. General Orders shall be maintained by the Clerk and those affecting the general public will be available on the Court’s website (<http://www.okeb.uscourts.gov>).

**E. Administrative Procedures for CM/ECF.** References to “CM/ECF Procedures Guide for CM/ECF” in these rules shall mean the Administrative Procedures for CM/ECF, effective December 1, 2009, or as later amended, which are available on the Court’s website (<http://www.okeb.uscourts.gov>).

**F. Local Forms.** References to “Local Form” in these rules shall mean substantially the forms prescribed by these rules, the Court, or the Clerk, copies of which are available on the Court’s website (<http://www.okeb.uscourts.gov>).

**G. Official Bankruptcy Forms.** References to “Official Bankruptcy Form” or “Official Form” in these rules shall mean substantially the forms prescribed by the Judicial Conference of the United States or the Director of the Administrative Office of the United States, copies of which are available at <http://www.okeb.uscourts.gov/national-bankruptcy-forms>. See Bankruptcy Rules 1001 and 9009.

**H. Definitions.**

1. An Agreed Order means any proposed order that is approved and executed by all "interested persons" or their counsel.
2. An Amendment To a document consists of information that modifies or supplements a document. The original document remains effective except for the amendment. An amendment to a document shall be clearly identified as “Amendment to [name of original document]”.
3. An Amended document consists of a replacement document that entirely supersedes an original document. An amended document shall be clearly identified as “Amended [name of original document].”
4. An Application means a request for ex parte relief.
5. Bankruptcy Appellate Panel. References to “BAP” in these rules shall mean the Bankruptcy Appellate Panel of the United States Court of Appeals for the Tenth Circuit.
6. Bankruptcy Code. References to the “Code” in these rules shall mean the United States Bankruptcy Code.
7. Bankruptcy Court Clerk. References to the “Clerk” in these rules shall mean the Court Clerk of the United States Bankruptcy Court for the Eastern District of Oklahoma.
8. Bankruptcy Rules. References to “Bankruptcy Rules” in these rules shall mean the Federal Rules of Bankruptcy Procedure.
9. CM/ECF System. References to “CM/ECF System” in these rules shall mean the Case Management/Electronic Case Filing System implemented by the United States Bankruptcy Court for the Eastern District of Oklahoma.
10. A Contested Matter means a dispute between parties that is not an adversary proceeding.
11. Court or Bankruptcy Court. References to “Court” or “Bankruptcy Court” in these rules shall mean the United States Bankruptcy Court for the Eastern District of Oklahoma.
12. Court’s Website. References to the “Court’s website” in these rules shall mean (<http://www.okeb.uscourts.gov>).
13. Debtor. The term “debtor” used in these rules shall mean both singular and plural form, as the case may be.
14. Debtor in Possession. Debtor in Possession will be referred to as “DIP” in these rules.
15. District Court. References to “District Court” in these rules shall mean the United States District Court for the Eastern District of Oklahoma.

16. District Court Local Rules. References to “District Court Local Rules” in these rules shall mean the Local Civil Rules of the United States District Court for the Eastern District of Oklahoma.
17. Electronic Signature. The “s/Jane Doe” constitutes the signature of said party or attorney on any electronically filed pleading or other document. See also Local Rule 9011-1.
18. File-Stamped Copy. References to the term “file-stamped copy” in these rules shall refer to a copy of an electronically filed pleading together with a copy of the first page of the “Notice of Electronic Filing” or a manually filed pleading bearing the Clerk’s file stamp.
19. Interested Persons or Parties In Interest means the Trustee/DIP, United States Trustee, and/or those persons whose pecuniary interests may be affected by a dispositive ruling of this Court.
20. Local Rules. References to “Local Rules” in these rules shall mean these Local Rules of the United States Bankruptcy Court for the Eastern District of Oklahoma.
21. Matrix means the official mailing list prepared in compliance with these Local Rules by the debtor for the Clerk to use in noticing the §341 meeting and for the Clerk and other parties to utilize in noticing interested persons. Debtor is solely responsible for its accuracy and shall update the matrix when debtor learns of a new address.
22. A Motion is a request for relief, which may not be obtained without notice and opportunity to be heard to all parties in interest, unless otherwise directed by the Court, these Local Rules or Bankruptcy Rules.
23. PDF. Portable Document Format.
24. A Proposed Order means an order that must accompany all requests for relief, or an order to be prepared by the prevailing party in a contested matter, that contains findings and conclusions sufficient to comply with the applicable Code sections and the Court’s rulings.

## **PART I COMMENCEMENT OF CASE; PROCEEDINGS RELATING TO PETITION AND ORDER FOR RELIEF**

### **RULE 1002-1. PETITION – GENERAL**

#### **A. Specific Requirements.**

1. The petition shall conform to the Official Bankruptcy Form 101 Voluntary Petition for Individuals Filing for Bankruptcy or Official Bankruptcy Form 201 Voluntary Petition for Non-Individuals Filing for Bankruptcy.
2. If the debtor is a corporation, a certified copy of the corporate action authorizing the filing of the petition shall be attached to the petition. Corporations, partnerships, and other artificial entities must be represented by counsel at all times and may not be represented by pro se individuals.
3. Pursuant to 11 U.S.C. § 362 (i)(1) if the landlord has obtained a judgment for possession of the leasehold prior to the date of the filing of the petition against a debtor/tenant, the debtor must complete and file Official Form 101A Initial Statement about an Eviction

Judgment Against You and Official Form 101B Statement of An Eviction Judgment Against you, if applicable. In cases where 11 U.S.C. § 362 (i)(1), is applicable, the Act requires the debtor to deposit with the Clerk of the Court any rent that would become due during the thirty (30) day period after the filing of the bankruptcy petition.

- a) The debtor shall file and transmit contemporaneously with the petition, and transmit to the Court at same time as filed, a certified cashier's check or money order made payable to the lessor (cash is not accepted), and
- b) A copy of the judgment for possession.

**RULE 1003-1. INVOLUNTARY PETITIONS**

An involuntary petition shall not be filed against joint debtors.

**RULE 1005-1. CAPTION REQUIREMENTS FOR PETITIONS**

Every petition filed under the Code shall be captioned:

**UNITED STATES BANKRUPTCY COURT FOR THE EASTERN DISTRICT OF OKLAHOMA**

and filed with the Clerk of the Bankruptcy Court.

**RULE 1006-1. FILING FEE**

- A. Provision for Payment.** Payment of a filing fee shall be in accordance with Local Rules 5080-1 and 5081-1 and the CM/ECF Administrative Guide unless the individual petition is accompanied by an Application for Individuals to Pay the Filing Fee in Installments, prepared as prescribed by the appropriate Official Form 103A, and the first payment equal to no less than 25% of the filing fee for that particular chapter or if individual filing under chapter 7, an application requesting a waiver under 28 U.S.C. §1930(f), prepared as prescribed by the appropriate Official Form B3B 103B Application to Have the Chapter 7 Filing Fee Waived. If debtor makes application to pay in installments, the debtor must certify that they will not make any additional payment or transfer any additional property to an attorney or other person for services in connection with the case until the filing fee is paid in full. An Application for Individuals to Pay the Filing Fee in installments submitted by a Debtor with a filing fee due from a prior case dismissed within 180 days will result in the entry of an order requiring the Debtor to pay the filing fees in both cases. Failure to do so shall result in the case being dismissed. In a Chapter 13 case, the installment payments must be made by the Debtor or the Debtor's Attorney directly to the Clerk and not through the Chapter 13 Plan. If a Chapter 13 case is dismissed or converted before confirmation of a plan, any unpaid filing fee shall be paid by the Trustee from any funds on hand in the case.
- B. Waiver of Filing Fees.** Pursuant to Title 28 U.S.C. § 1930, the Court may waive filing fees in a case under Chapter 7. This Court will waive fees only under very limited circumstances.

The debtor may request a waiver of the filing fee by completing and filing Official Form 103B Application to Have the Chapter 7 Filing Fee Waived with the Clerk of the Court. The Judge may waive the fee only if the debtor's income level is less than 150 per cent of the poverty line applicable to the family size of the debtor and the debtor is unable to pay the fee in installments.

This Court shall not grant waivers of filing fees if an individual is represented by an attorney that has been, or will be, compensated. Representation by an attorney acting pro bono or a legal service attorney that does not charge the debtor will not preclude payment waivers.

The waiver of the filing fee is subject to review, and the Court's ruling waiving the fee may be vacated if developments in the case or administration of the estate demonstrate that the waiver was unwarranted.

If the filing fee of an individual Chapter 7 debtor is waived and that debtor's case is later converted to a case under Chapter 13, the debtor must pay the full Chapter 13 filing fee. The conversion order will give the debtor time in which to either pay the filing fee in full or begin making installment payments.

If an application for filing fee waiver is denied, the order will direct that the debtor either pay the filing fee in full or pay the fee in installments as outlined in the order.

The waiver of filing fees in this case relates to the initial filing fee of a Chapter 7 case, amended schedules and amended matrixes. It will not affect the requirement to pay filing fees for appeals.

- C. Pro Se Debtors.** Payment of a filing fee by a pro se debtor shall be by cash, cashier's check or money order payable to "Clerk, United States Bankruptcy Court." See also [Local Rule 5080-1](#).
- D. Refund Policy.** The Judicial Conference generally prohibits refunds of fees due upon filing, even if a case or document was filed in error, or the Court dismissed the case or proceeding. The Court may make certain exceptions. See CM/ECF Administrative Guide XIX.
- E. Dismissal of Case Upon Failure to Pay Installment Payment. Balance of Filing Fee Due on Dismissal.** The Court may dismiss without any further notice any case where an installment payment is not timely made in the required manner. The balance of the filing fee shall become due immediately upon the dismissal of a case or upon the failure to timely pay any installments.

#### **RULE 1007-1. LISTS, SCHEDULES AND STATEMENTS**

- A. Corporate Ownership Statement.** Any corporation, other than a governmental unit, that is a debtor shall file a statement that identifies all publicly held corporations, other than a governmental unit, that directly or indirectly own ten percent (10%) or more of any class of the corporation's equity interest, or states that there are no such entities to report. The corporate ownership statement shall be made in a separate pleading to be filed concurrently with the petition on [Local Form 7007.1-1](#). A supplemental corporate ownership statement shall be filed promptly to reflect any change in the information that is required to be disclosed. This rule further requires that membership interests in limited liability companies and similar entities that fall under the definition of a corporation in Bankruptcy Code §101 also be included in the ownership statement.
- B. Completing Forms.** Each question or statement shall be answered completely with specific information on all petitions, statements, schedules, summaries, notices and exhibits. If not applicable, so state by denoting "N/A" or "None". The forms must comply substantially with the appropriate Official Forms. All schedules and statements shall be dated and signed by debtor, joint debtor and/or counsel.
- C. Requirement to Obtain Consumer Credit Counseling Prior to Filing Bankruptcy.**

1. **Official Forms Required.** Under 11 U.S.C. §§ 109(h) and 521(b), and Bankruptcy Rule 1007-I [Interim](b)(3), an individual debtor must complete Official form 101 Part 5 Credit Counseling. (Each spouse must complete Part 5, if a joint petition is filed).
2. Failure to Comply with Credit Counseling Requirements.
  - a) **Failure to complete Official Form 101, Part 5.** If Part 5 is not completed, the petition, the petition will be considered nonconforming and the Clerk shall send a deficiency notice. The Clerk shall be directed to serve a notice of deadline to correct the deficiency. If the debtor fails to complete Part 5 by the deadline set in the notice, the case may be dismissed without further notice.
  - b) **Failure to File Certificate.** If Part 5 Box 2 is checked and a conforming credit counseling certificate is not filed within fourteen (14) calendar days from the date the petition is filed, the case may be dismissed without further notice.
  - c) **Failure to Summarize Exigent Circumstances.** If Part 5 Box 3 is checked and is not accompanied by a separate sheet summarizing exigent circumstances, the case may be dismissed without further notice.
  - d) **Failure to File Motion.** If Part 5 Box 4 is checked and is not accompanied by the required motion for determination by the Court the case may be dismissed without further notice.

**D. Equity Security Holders List.** The list of equity security holders in a Chapter 11 case required by Bankruptcy Rule 1007(a)(3) shall be filed in electronic format ("Equity Security Holders List") *and shall be verified* pursuant to Bankruptcy Rule 1008. See [Local Form 1007-1\(D\)](#).

**E. Creditor List.**

1. The list containing the name and address of each creditor required by Bankruptcy Rule 1007(a)(1) (the "Creditor List") shall be filed with the petition in every voluntary case. The official list of creditors for purposes of notice shall be maintained electronically on the CM/ECF System and may be obtained through the CM/ECF System. This list shall be called the creditor "Matrix".
2. The name and address of the Court, Judge, debtor, and debtor's counsel, if any, shall not be listed on the Creditor List. The debtor's ex-spouse, if a creditor, and all parties listed on Official Form 106H Schedule H- Your Codebtors should be included on the list.
3. The Creditor List shall be submitted to the clerk or filed in PDF. Pro se debtor may file the creditor list on paper, but the list should be typed and legible.
4. Each submission of a Creditor or Equity Security Holder List shall be accompanied by a Verification of Creditor List.
5. When a United States agency is listed as a creditor, the debtor shall also list the address for the United States Attorney for the Eastern District on the creditor list.
6. The United States Internal Revenue Service shall be listed on the creditor list in all Chapter 11 cases and all other cases where the Internal Revenue Service is a creditor, using the

address for this region.

- F. Amendment to Creditor List or Equity Security Holders List.**
1. An “Amendment to” the Creditor List shall be made by filing a list containing the name and address of each creditor to be added to the list, or other amendment, accompanied by a Verification of Amendment to Creditor List, and shall be identified as an “Amendment to Creditor List.”
  2. An “Amendment to” the Equity Security Holders List shall be made by filing a list containing the name, address, and ownership interest of any additional security holder, or other amendment, and shall be identified as an “Amendment to Equity Security Holders List.”
  3. Filing an amended Creditor List or Equity Security Holders List is not permitted. See [Local Rule 1009-1\(A\)](#) and [\(D\)](#).
- G. Pro Se Disclosure.** An individual debtor or joint debtor who is not represented by an attorney shall file a “Pro Se Disclosure” on [Local Form 1007-1\(G\)](#) at the time a petition is filed. The Pro Se Disclosure form shall disclose information regarding any assistance received by the pro se debtor in connection with the preparation and filing of the bankruptcy petition and schedules and any compensation paid or promised to be paid therefor. If the debtor cannot fully complete the Pro Se Disclosure form at the time the petition is filed, the debtor shall complete the form as fully as possible and file it, and file an Amended Pro Se Disclosure form within seven (7) days. The form of “Pro Se Disclosure” shall be made available at the Clerk’s Office and on the Court’s website (<http://www.okeb.uscourts.gov>).
- H. Payment Advices.** Within fourteen (14) days of filing a bankruptcy petition, each individual debtor shall file a “Payment Advices Certification” in the form prescribed by [Local Form 1007-1\(H\)](#) together with copies of all payment advices or other evidence of payment (such as paycheck stubs, direct deposit statements, employer’s statement of hours and earnings) received from the debtor’s employer within sixty (60) days before the date the debtor filed his/her bankruptcy case. Failure to timely file the “Payment Advices Certification” shall constitute cause for dismissal of a bankruptcy case without further notice or hearing.
- I. Summary of Schedules, Statistical Summary of Certain Liabilities and Exhibits.** In addition to the time limits for filing certain documents set forth in Bankruptcy Rule 1007(c), in an individual voluntary case, the Official Form 106Sum Summary of Your Assets and Liabilities and Certain Statistical Information or in a Non-Individual voluntary case, the Official Form 206Sum Summary of Assets and Liabilities for Non-Individuals shall be filed with the petition, or within fourteen (14) days thereafter. In an involuntary case, the appropriate Official Form 106Sum or 206Sum shall be filed by the debtor within fourteen (14) days of the entry of the order for relief. In a chapter 11 non-individual case, Official Form 201A Attachment to Voluntary Petition for Non-Individuals filing for Bankruptcy Under Chapter 11 shall be filed with the petition.
- J. Privacy.** The debtor and debtor’s counsel shall redact the following personal data identifiers from

tax returns or transcripts, bank statements, payment advices, and other documents before filing such documents: all but the last four digits of the social security number; all names of minor children (use minors' initials); all but the last four digits of any bank, savings or similar account numbers; and birth date except for the year. The responsibility for redacting personal data identifiers rests solely with the debtor and debtor's counsel. The Clerk will not review documents for compliance with this rule, seal documents containing personal data identifiers without a Court order, or redact such information from documents, whether filed electronically or on paper.

1. No tax information that is correctly filed with the Bankruptcy Court or otherwise provided by the debtor will be available to the general public via the internet, Pacer or CM/ECF. In order for tax information to be electronically entered into a Court's CM/ECF system, the "tax information" event must be selected from the CM/ECF event list. In order to assure privacy protection, it is imperative that all filers utilize the "tax information" event, as this limits access to the filed tax information to those users who are judicial officers and Court employees. All other users will be limited to viewing a docket event on the docket report indicating that tax information has been filed, but these viewers will not be able to open and view that tax information.
2. It is the debtor's duty, when providing tax information, to redact personal information, as such information is subject to the Judicial Conference of the United States Policy on Privacy and Public Access to Electronic Case Files (JCUS Policy). In accordance with the JCUS Policy, the debtor should take the following steps to redact personal identifiers and any tax information filed with the Court or provided to the trustee or the creditors in either electronic or paper form:
  - a) Social Security numbers - If an individual's social security number is included, only the last four digits of that number should appear.
  - b) Names of Minor Children - If a minor child(ren) is/are identified by name, only the child(ren)'s initials should appear. Debtor may also list the child as son or daughter.
  - c) Dates of Birth - If an individual's date of birth is included, only the year should appear.
  - d) Financial Account Numbers - If financial account numbers are provided, only the last four digits of these numbers should appear.

Court employees are not responsible for redacting any of the personal identifying information. The responsibility for redacting personal identifiers rests solely with the debtor.

- K. Statement About Your Social Security Numbers.** An individual debtor who is not represented by an attorney should submit a Statement About Your Social Security Numbers on the appropriate Official Form 121 to the Clerk at the time of filing the petition. When a case is filed electronically by an attorney, the CM/ECF System will allow for the manual input of the full social Security Numbers, thereby negating the need for the original Statement About Your Social Security Number to be filed with the Court. The attorney of record shall maintain the original signed statement in accordance with **Local Rule 9011-1** for a period of one (1) year after the case is

closed.

**L. Instrumentalities of the United States.** Copies of the list of addresses of instrumentalities of the United States shall be made available by the Clerk upon request and are available on the Court's website (<http://www.okeb.uscourts.gov>).

**M. Amendments to Add Property Acquired After the Commencement of the Case.** The debtor shall within fourteen (14) days of acquiring or becoming entitled to acquire any interest in property, where such property or property right is acquired after the commencement of the case, file amendments to the appropriate schedules. This is a continuing duty and is limited to after acquired property as follows:

1. In a Chapter 7 case with respect to property acquired within one hundred eighty (180) days after the filing of the petition.
2. In a Chapter 11 case with respect to property acquired on or before the entry of an order confirming plan.
3. In a Chapter 12 or 13 case with respect to property acquired prior to the entry of an order discharging the debtor.

#### **RULE 1007-2. STATEMENT OF INTENTION FOR INDIVIDUALS FILING UNDER CHAPTER 7**

Within thirty (30) days of filing the petition under Chapter 7 or by the § 341 meeting, an individual debtor shall file Official Form 108 Statement of Intention For Individuals Filing Under Chapter 7 with regard to consumer debt secured by property of the estate pursuant to §521(a)(2). If a creditor is required to provide a reaffirmation agreement or other information necessary for the debtor to timely perform his or her statement of intention under 11 U.S.C. § 521(a)(2) and the creditor refuses to provide the agreement or information, then the debtor may, but is not required to, file a motion to compel the creditor to supply the required agreement or information.

#### **RULE 1008-1. UNSWORN DECLARATION VERIFICATION**

See [Local Form 1008-1](#).

#### **RULE 1009-1. AMENDMENTS TO PETITIONS, LISTS AND SCHEDULES AND STATEMENTS**

**A. Title.** When amending any petition, list, schedule, or statement pursuant to Bankruptcy Rule 1009(a) or (b), the following shall be observed:

1. An "Amendment to" a document consists of information that modifies or supplements a document. The original document remains effective but with consideration of the amendment. An amendment to a document shall be clearly identified as "Amendment to [name of original document]".

2. An “Amended” document consists of a replacement document that entirely supersedes an original document. An amended document shall be clearly identified as “Amended [name of original document].”
- B. Amendment to Petition to Correct Debtor’s Name.** Petitions shall not be amended to change the name (including “all other names” required to be listed on the petition) of the debtor, or delete the name of a joint debtor, except upon motion and Court order. Petitions shall not be amended to add the name of a joint debtor that was not listed as a joint debtor on the original petition, but rather a separate petition must be filed. Amendments to correct the misspelling of the debtor’s names will be allowed.
- C. Signature of Debtor.** All documents filed pursuant to Bankruptcy Rule 1009 must be signed and verified in the same manner as required for the original document.
- D. Notice to Creditors.** If creditors are added to the schedules, the debtor shall give notice to each additional creditor of the commencement of the case and all applicable bar dates and deadlines and file a Certificate of Mailing of such notice. See also [Local Rule 5005-1\(E\)](#).
- E. Amendment to Creditor List, Matrix or Equity Security Holders List.** If amendments to lists, schedules, or statements are made pursuant to Bankruptcy Rule 1009(a) or (b) reflecting a change or addition to the name or address of a creditor, or a change or addition to the name or address of an equity security holder, an amendment to the Creditor List or the Equity Security Holders List, as appropriate, shall be submitted in accordance with [Local Rule 1007-1 \[Interim\] 1\(D\)](#). If additions are made to the creditor list or equity security holders list, the debtor shall give notice to each additional creditor or equity security holder of the commencement of the case and all applicable bar dates and deadlines (i.e. 341 Meeting Notice) and file a Certificate of Mailing of such notice. In addition, if the Debtor is represented by an Attorney, the Attorney shall upload each new creditor to the CM/ECF database. See also [Local Rule 5005-1\(E\)](#). Amended Creditor Lists and Equity Security Holders Lists are not permitted. If Chapter 11, see also [Local Rule 3002-1\(F\)](#).
- F. Amendment to Schedules.** If amendments to schedules are made, a Summary of Schedules shall be attached.
1. An “Amendment to” the Creditor List shall be made by filing a list containing the name and address of each creditor to be added to the list, or other amendment, accompanied by a Verification of Amendment to Creditor List, and shall be identified as an “Amendment to Creditor List.”
  2. An “Amendment to” the Equity Security Holders List shall be made by filing a list containing the name, address, and ownership interest of any additional security holder, or other amendment, and shall be identified as an “Amendment to Equity Security Holders List.”
- G. Amendments to Petitions.** The debtor shall give notice to the trustee and to all creditors listed

on the matrix, of an amendment to the following: the debtor's name, address, social security number, tax id number, aka, dba, mailing address, or street address. The debtor shall file a certificate of mailing with the amendment showing the date of service. A notice of change of address for the debtor shall be considered an amendment to the petition and is required to be mailed to the trustee and to all creditors listed on the matrix. The debtor shall file a certificate of mailing with the notice of change of address. See [Local Form 1009-1\(G\)](#).

**H. Amendments/Corrections to Social Security Number.** If the Petition was electronically filed, the Attorney shall electronically file in the CM/ECF System the debtor's Statement About Your Social Security Numbers, Official Form 121, with the corrected social security number using the event Correction of Debtor(s) Social Security Number. (The Debtor(s) must sign and date Official Form 121). The Attorney shall keep the original form for a period of one year after the case is closed. The Clerk shall make the correction to the social security number in the Electronic Case Filing System. The Attorney shall mail a copy of Official Form 121 to all creditors listed on the matrix. The Attorney shall file a certificate of mailing stating that Official Form 121 was mailed to all creditors and state the date it was mailed. Official Form 121 should **not** be attached to the certificate of mailing. An Amendment to the Petition listing the debtor's last four digits of the social security number is necessary only when the correction is being made to one of the last four listed digits. The attorney shall also file [Local Form 1009-1\(H\)](#), Notice of Correction of Social Security Number and mail the Notice to the National Credit Bureau Agencies and file a certificate of mailing stating that the form was mailed to the three national credit reporting agencies at their last known address on their website.

#### **RULE 1013-1. HEARING AND DISPOSITION IN INVOLUNTARY CASES**

**A. Contested Petition.** If the debtor files a timely answer contesting the petition, the Court will then set the contested petition for hearing.

- B. Motion to Convert Involuntary Chapter 7 Case.** A motion to convert by the debtor in an involuntary chapter 7 proceeding shall be deemed a consent to entry of an order for relief under the chapter to which the case is being converted.

**RULE 1014-1. TRANSFER OF CASES, RELATED CASES AND ADVERSARY PROCEEDINGS**

- A. Related Cases and Adversary Proceedings.** Unless provided for in the order, the transfer of a case shall not include the transfer of any related case unless substantively consolidated, but shall include the transfer of any adversary proceeding in the transferred case, and the transfer of an adversary proceeding shall ordinarily accompany the transfer of the main bankruptcy case, but not include the transfer of any related case or proceeding. The adversary case transfer should include the transfer of the main bankruptcy case. Any exceptions to this should be pursuant to a Court order.
  
- B.** When petitions involving the same or related debtors are filed in different courts the debtor shall notify the court at the time of filing.

**RULE 1015-1. JOINT ADMINISTRATION / CONSOLIDATION AND SEPARATION OF A JOINT PETITION**

When a joint case is commenced by the filing of a single petition by an individual and that individual's spouse as provided in 11 U.S.C. § 302(a), the debtors' estates shall be jointly administered and substantively consolidated unless a party in interest objects or the Court orders otherwise.

- A. Joinder of Spouse.** When a debtor has filed a petition under the Bankruptcy Code and subsequently the debtor's spouse seeks to join the petition, the joining debtor must file a new petition under the same chapter as the pending case and pay the appropriate fees. The petition shall be accompanied by all schedules, statements and lists required for that chapter. The joining debtor may then move for joint administration of the two cases.
  
- B. Separation of Joint Case.** When one debtor in a case commenced by the filing of a joint petition seeks to maintain a separate case within the same chapter that debtor shall file a motion to sever the joint case and shall pay the appropriate fee. The new case number shall be assigned to the case of the movant. When one debtor in a case commenced by the filing of a joint petition seeks to maintain a separate case with the desire to convert the case to one under another chapter that debtor shall file a motion to sever the joint case, pay the appropriate fee for the filing of the motion and any fee associated with the conversion. The new case number shall be assigned to the case filed for the purpose of conversion.
  - 1. **Conversion.** If one of two joint debtors seeks conversion to a chapter other than that under which the joint case is pending, in addition to filing a motion to sever the joint case and paying the applicable fee, as provided in the preceding section, a motion to convert must be filed and applicable fee shall be paid.

2. **Dismissal of Debtor From a Joint Case.** When a debtor seeks to dismiss one debtor from a joint case, a motion to sever is not required.

**C. Joint Administration.** A motion for joint administration shall be filed by the party seeking joint administration.

1. **Content.** Motions for joint administration shall include a statement as to whether joint administration will give rise to any conflict of interest among the estates of the cases to be jointly administered. The motion shall include designation of the lead case, the caption and how claims will be handled.
2. **Notice.** A motion for joint administration shall be considered by the Court after hearing on notice pursuant to [Local Rule 9013-1](#), and in accordance with [Local Form 20A](#).
3. **Local Form Order Required.** A proposed order jointly administering a case shall conform to the applicable local form order jointly administering cases. [Local Form 1015-1\(C\)\(3\)](#).
4. **Manner of Joint Administration.** Jointly administering a case shall follow these guidelines unless otherwise ordered:

a) **Designation of Lead Case.** For cases filed at the same time, the first case filed shall be designated in the joint administration order as the “lead case”. For cases jointly administered subsequent to the original filing date, the order for joint administration shall designate the “lead case”.

b) **Caption.** Court papers filed after joint administration shall be captioned as provided in [Local Rule 9004-2](#) with the exception that the words “Jointly Administered” should be typed under the lead case number.

c) **Docket.** A single case docket shall be maintained after the entry of the order for joint administration, under the case number of the case designated in the joint administration order as the “lead case”.

d) **Claims.** A separate claims register shall not be maintained for each case unless otherwise ordered. Claims shall be filed in the name of the debtor against whom the claim is asserted, followed by the lead case number and the words “Jointly Administered”.

e) **Ballots.** Ballots shall be styled in the case name of the member case for which the plan being voted on was filed, followed by the lead case number and the words “Jointly Administered”.

#### **RULE 1016-1. DEATH OF DEBTOR**

The attorney for the debtor should file a notice or certificate of death in the bankruptcy case as soon as possible after acknowledgment that the debtor is deceased.

## **RULE 1017-1. CONVERSION TO CHAPTER 11, 12 OR 13**

### **A. Conversion from Chapter 7 to Chapter 11, 12 or 13.**

1. Procedure if sought by the debtor - The following procedure shall be employed for conversion by the debtor from Chapter 7 to Chapter 11, 12 or 13:

Conversion shall be accomplished by motion reflected in [Local Form 1017-1\(A\)\(1\)\(a\)](#), pursuant to 11 U.S.C. § 706(a) and Bankruptcy Rule 1017(f)(2) and notice reflected in [Local Form 20A](#) Notice of Motion, Notice of Deadline to File Objection and Notice of Hearing, if Objection is filed, per Local Rule 9013-1(B).

2. Procedure if sought by a party in interest - The following procedure shall be employed for conversion by a party in interest from Chapter 7 to Chapter 11:

Conversion shall be accomplished by motion reflected in [Local Form 1017-1\(A\)\(2\)\(a\)](#) pursuant to 11 U.S.C. § 706(b) and Bankruptcy Rule 1017(f) and notice reflected in [Local Form 20A](#) Notice of Motion, Notice of Deadline to File Objection and Notice of Hearing, if Objection is filed, per Local Rule 9013-1(B).

3. Conversion from a Chapter 7 to a Chapter 12 or 13 by a party in interest is prohibited by 11 U.S.C. § 706(c) absent the debtor's consent.

### **B. Conversion from Chapter 11 to Chapter 7**

1. Procedure if sought by the debtor - The following procedure shall be employed for conversion by the debtor from Chapter 11 to Chapter 7:

Conversion shall be accomplished by motion reflected in [Local Form 1017-1\(B\)\(1\)\(a\)](#) pursuant to 11 U.S.C. § 1112(a) and Bankruptcy Rule 1017(f).

2. Procedure if sought by a party in interest - The following procedure shall be employed for conversion by the party in interest from Chapter 11 to Chapter 7:

Conversion shall be accomplished by motion reflected in [Local Form 1017-1\(B\)\(2\)\(a\)](#) pursuant to 11 U.S.C. § 1112(b) and Bankruptcy Rule 1017(f) and notice reflected in [Local Form 20A](#), Notice of Motion, Notice of Deadline to File Objection and Notice of Hearing per Local Rule 9013-1(B).

**C. Conversion from Chapter 11 to Chapter 12 or 13**

1. Procedure if sought by the DIP - The following procedure shall be employed for conversion by the DIP from Chapter 11 to Chapter 12 or 13:

- a) Conversion shall be accomplished by motion reflected in [Local Form 1017-1\(C\)\(1\)\(a\)](#) pursuant to 11 U.S.C. § 1112 (d) or Bankruptcy Rule 1017(f)(2) and notice reflected in [Local Form 20A](#), Notice of Motion, Notice of Deadline to File Objection and Notice of Hearing per Local Rule 9013-1(B).

- b) Within thirty (30) days after entry of the Order of Conversion, or within the time otherwise ordered by the Court, the DIP shall file a Final Account. See [Local Form 1017-1\(C\)\(1\)\(b\)](#).

2. Procedure if sought by a party in interest - Conversion from a Chapter 11 to a Chapter 12 or 13 by a party in interest is prohibited 11 U.S.C. § 1112(d) without DIP consent.

**D. Conversion from Chapter 12 or 13 to Chapter 7**

1. Procedure if sought by the DIP/debtor - The following procedure shall be employed for conversion by the DIP/debtor from Chapter 12 or 13 to Chapter 7:

Conversion shall be accomplished by Notice of Conversion reflected in [Local Form 1017-1\(D\)\(1\)\(a\)](#) pursuant to 11 U.S.C. §§ 1208(a) or 1307(a).

2. Procedure if sought by a party in interest - The following procedure shall be employed for conversion by a party in interest from Chapter 12 or 13 to Chapter 7:

Conversion shall be accomplished by motion reflected in [Local Form 1017-1\(D\)\(2\)\(a\)](#) pursuant to 11 U.S.C. §§ 1208(d) or 1307(c) and Bankruptcy Rule 1017(f) and notice reflected in [Local Form 20A](#), Notice of Motion, Notice of Deadline to File Objection and Notice of Hearing per Local Rule 9013-1(B).

**E. Conversion from Chapter 12 to Chapter 11 or 13**

1. Procedure if sought by the DIP or by a party in interest - The following procedure shall be employed for conversion by the DIP or a party in interest from Chapter 12 to Chapter 11 or 13:

Conversion shall be accomplished by motion reflected in [Local Form 1017-1\(E\)\(1\)\(a\)](#) pursuant to 11 U.S.C. § 1208 (e) and notice reflected in [Local Form 20A](#), Notice of Motion, Notice of Deadline to File Objection and Notice of Hearing per Local Rule 9013-1(B).

**F. Conversion from Chapter 13 to Chapter 11 or 12**

1. Procedure if sought by the debtor - The following procedure shall be employed for conversion by the debtor or party in interest from Chapter 13 to Chapter 11 or 12:

Conversion shall be accomplished by motion reflected in [Local Form 1017-1\(F\)\(1\)\(a\)](#) pursuant to 11 U.S.C. § 1307(d) and Bankruptcy Rule 1017(f) and notice reflected in [Local Form 20A](#), Notice of Motion, Notice of Deadline to File Objection and Notice of Hearing per Local Rule 9013-1(B).

- G. Information Regarding Domestic Support Obligations.** Within thirty (30) days after the conversion of a case to a case under Chapter 11, 12 or 13, the debtor shall provide the trustee, if a trustee is appointed, with the information required by [Local Rule 4002-1\(B\)](#) on [Local Form 4002-1\(B\)](#).

## **RULE 1017-2. DISMISSAL OR SUSPENSION – CASE OR PROCEEDINGS**

- A. Dismissal of a Chapter 7.** Procedure if sought by the debtor or a party in interest - Dismissal shall be accomplished by motion and notice, pursuant to 11 U.S.C. § 707 and Bankruptcy Rule 1017. Notice shall be accomplished by use of [Local Form 20A](#), Notice of Motion, Notice of Deadline to File Objection and Notice of Hearing per Local Rule 9013-1(B).

**B. Dismissal of a Chapter 11.**

1. Procedure if sought by the DIP or a party in interest - Dismissal shall be accomplished by motion and notice pursuant to 11 U.S.C. § 1112(b) and Bankruptcy Rule 1017. Notice shall be accomplished by use of [Local Form 20A](#), Notice of Motion, Notice of Deadline to File Objection and Notice of Hearing, per Local Rule 9013-1(B).
2. Duties of the DIP
  - a) Within fourteen (14) days after the filing of a Motion to Dismiss, the DIP shall file all Applications for Compensation and Reimbursement of Expenses.
  - b) Within thirty (30) days after entry of the Order of Dismissal, or within the time otherwise ordered by the Court, the DIP shall file a Final Report. See [Local Form 1017-2\(B\)\(2\)\(b\)](#).

**C. Dismissal of a Chapter 12.**

1. Procedure if sought by the debtor - Dismissal shall be accomplished by motion pursuant to 11 U.S.C. § 1208(b) and Bankruptcy Rule 1017.
2. Procedure if sought by a party in interest - Dismissal shall be accomplished by motion pursuant to 11 U.S.C. § 1208(c) and Bankruptcy Rule 1017 and notice [Local Form 20A](#), Notice of Motion, Notice of Deadline to File Objection and Notice of Hearing, if Objection is filed, per Local Rule 9013-1(B).
3. Duties of the DIP - Within fourteen (14) days after the filing of a Motion to Dismiss, the DIP shall file all Applications for Compensation and Reimbursement of Expenses.

**D. Dismissal of a Chapter 13.**

1. Procedure if sought by the debtor - Dismissal shall be accomplished by motion pursuant to 11 U.S.C. § 1307(b) and Bankruptcy Rule 1017.
2. Procedure if sought by a party in interest - Dismissal shall be accomplished by motion pursuant to 11 U.S.C. § 1307(c) and Bankruptcy Rule 1017 and notice [Local Form 20A](#), Notice of Motion, Notice of Deadline to File Objection and Notice of Hearing, if Objection is filed, per Local Rule 9013-1(B).
3. Duties of the Debtor - Within fourteen (14) days after the filing of a Motion to Dismiss, the debtor shall file all Applications for Compensation and Reimbursement of Expenses.

**E. Fees Outstanding at Time of Dismissal.** The balance of any statutory or Court-ordered fees, including filing fees, conversion fees, and United States Trustee's fees, due and owing at the time of dismissal, must be immediately paid in full.

**RULE 1019-1. CONVERSION – PROCEDURE FOLLOWING**

- A. Amendment to Creditor List.** In addition to the requirements of Bankruptcy Rule 1019, the debtor-in-possession or trustee in a superseded Chapter 11 case, and the debtor in a superseded Chapter 12 or 13 case, shall file an amendment to the Creditor List reflecting the names and addresses of all unsecured, unpaid post-petition creditors within fourteen (14) days following the entry of the order converting the case or the filing of a notice of conversion. See also [Local Rule 1009-1\(D\)](#) and [Local Rule 5005-1\(E\)](#).
- B. Information Regarding Domestic Support Obligations.** Within thirty (30) days after the conversion of a case to a case under Chapter 7, the debtor shall provide the trustee with the information required by [Local Rule 4002-1\(B\)](#) on [Local Form 4002-1\(B\)](#).
- C. Filing of Official Form 122 A-C Upon Conversion of Case.** In cases of individual debtors converted to Chapters 11 or 13, the debtor shall file Official Form 122B Chapter 11 Statement of Your Current Monthly Income, or 122C-1 Chapter 13 Statement of Your Current Monthly Income and Calculation of Commitment Period, and if applicable, B122C-2 Chapter 13 Calculation of Your Disposable Income (applicable for the chapter converted to) within fourteen (14) calendar days of entry of the conversion order. In cases converted to Chapter 7 from Chapters 11, 12 or 13, unless otherwise ordered by the Court, the debtor shall file the Official Form 122A-1 Chapter 7 Statement of Your Current Monthly Income, and if applicable, Official Form 122A-2 Chapter 7 Means Text Calculation or Official Form 122A-1Supp Statement of Exemption From Presumption of Abuse Under Sec 707(B)(2) within fourteen (14) calendar days of conversion.
- D. Deadline for Filing Postpetition Claims.** In converted cases, pursuant to Bankruptcy Rule 1019(6), the deadline for filing by a non-government unit of a request for payment of an administrative expense or a claim filed pursuant to 11 U.S.C. § 348(d) of the Bankruptcy Code, shall be ninety (90) calendar days from the date of the post-conversion meeting. This deadline shall be subject

to modification, as applicable, by the provisions of [Local Rule 3002-1](#) and [3003-1](#).

## **PART II OFFICERS AND ADMINISTRATION; NOTICES; MEETINGS; EXAMINATIONS; ELECTIONS; ATTORNEYS AND ACCOUNTANTS**

### **RULE 2002-1. NOTICE TO CREDITORS AND OTHER INTERESTED PARTIES**

- A. Twenty-One Day Notices to Parties in Interest.** The proponent or movant shall prepare and serve the notices required by Bankruptcy Rule 2002(a)(2), (3), (4), (5), and (6) unless the action is initiated by the Court, in which event the appropriate notice shall be served by the Clerk unless the Court directs otherwise. The notices required by Bankruptcy Rule 2002(a)(7) shall be given by the Clerk in cases under Chapters 7, 9, 12 and 13. In a case under Chapter 11, the notices required by Bankruptcy Rule 2002(a)(7) shall be given by the movant. The notices required by Bankruptcy Rule 2002(a)(8) shall be given by the proponent of the plan unless a plan is filed in the correct format concurrently with the petition in a Chapter 12 case, in which event the notices provided for in Bankruptcy Rule 2002(a)(8) shall be given by the Clerk, if permissible.
- B. Twenty-Eight Day Notices to Parties in Interest.** The notices required by Bankruptcy Rule 2002(b) shall be given by the proponent of the plan or the party whose disclosure statement is being considered, unless a plan is filed in the correct format and concurrently with the petition in a Chapter 13 case, in which event the notices provided for in Bankruptcy Rule 2002(b) shall be given by the Clerk, if permissible. See also [Local Rule 3015-1\(B\)](#).
- C. Notice to Equity Security Holders.** The proponent or movant shall prepare and give the notices required by Bankruptcy Rule 2002(d)(3), (4), (5), (6), and (7).
- D. Other Notices.** The notice required by Bankruptcy Rule 2002(f)(7) shall be given by the proponent of the plan. The notice required by Bankruptcy Rule 2002(f)(8) shall be given by the Chapter 7 trustee.
- E. Certificate of Mailing of Notices.** The Notice of Electronic Filing created by the CM/ECF System serves as a Certificate of Mailing.
1. If all parties who are entitled to receive notice are served by the CM/ECF System, no additional Certificate of Mailing is necessary.
  2. For parties not listed on the Notice of Electronic Filing who are entitled to receive notice, the filing party must serve the pleading in accordance with the Federal Rules of Bankruptcy Procedure and shall either include a Certificate of Mailing in the pleading certifying the date of service, the manner of service, and the names and addresses of the persons and entities served or file a separate signed Certificate of Mailing [Local Form 2002-1\(E\)](#) containing the same information. If a separate Certificate of Mailing is filed electronically, the Certificate of Mailing shall specifically identify the notice served, and the docket event shall be related to

the notice served. If the Certificate of Mailing is filed in paper form, the following must be attached: (1) a copy of the first page of the notice served and (2) a copy of the first page of the Notice of Electronic Filing of the notice.

When mailing paper copies of documents that have been electronically filed to parties who are not registered participants of the CM/ECF System, the filing party must include the first page of the Notice of Electronic Filing to provide the recipient with proof of the filing.

3. If a party is required to serve notice of a “Text-Only Order” to parties who are not registered participants of the CM/ECF System, the party shall send a copy of the Notice of Electronic Filing to such recipients. Only those pages of the Notice of Electronic Filing that contain the filing information, the docket entry and the document descriptions need to be served.

**F. Motions to Shorten or Limit Notice.** A motion to shorten the time or limit the distribution of any notice required by Bankruptcy Rule 2002 shall state the cause to shorten or limit notice. Such motions may be ruled upon ex parte.

**G. Addressing Notices.** Notice of Preferred Addresses under 11 U.S.C. § 342(e) and (f) and National Creditor Registration Service.

1. An entity and a notice provider may agree that when the notice provider is directed by the Court to give a notice to that entity, the notice provider shall give the notice to the entity in the manner agreed to and at the address or addresses the entity supplies to the notice provider. That address is conclusively presumed to be a proper address for the notice. The notice provider’s failure to use the supplied address does not invalidate any notice that is otherwise effective under applicable law.
2. The filing of a notice of preferred address pursuant to 11 U.S.C. § 341(f) by a creditor directly with the agency or agencies that provide noticing services for the Bankruptcy Court will constitute the filing of such a notice with the Court.
3. Registration with the National Creditor Registration Service must be accomplished through the agency that provides noticing services for the Bankruptcy Court. Forms and registration information are available at <https.ncrs.uscourts.gov>.
4. Notices of Change of Address by a creditor for this district only, should be accomplished by filing [Local Form 2002-1\(G\)](#).

#### **RULE 2002-2. NOTICE TO UNITED STATES OR FEDERAL AGENCY**

Notices required to be served on an instrumentality of the United States pursuant to Bankruptcy Rule 2002(j) shall clearly designate the department, agency or instrumentality of the United States entitled to notice or the agency through which the debtor became indebted and shall be served at the address listed on the list of addresses maintained by the Clerk in accordance with [Local Rule 1007-I \[Interim\]-1\(L\)](#).

#### **RULE 2003-1. § 341 MEETING**

**A. Documents Required at the § 341 Meeting:**

1. Signed copy of Attorney Fee Contract
2. Signed copy of Petition and Schedules
3. Most recently filed tax returns shall be provided seven (7) days before § 341 meeting.
4. Disclosure Notice required under 11 U.S.C. § § 526, 527 and 528.
5. Debtor shall timely respond to any additional, reasonable request for documents by the trustee.

**B. Requests to Continue or Reschedule the § 341 Meeting, Notice of Re-setting and Extension.** If the debtor or the debtor's attorney knows in advance of the § 341 Meeting that the debtor or attorney cannot attend the § 341 Meeting as scheduled, the debtor's attorney (or the debtor if not represented by an attorney) shall contact the trustee (or the United States Trustee in a Chapter 11 case where no trustee has been appointed) as far in advance of the § 341 Meeting as possible to request a continued hearing date. If continued, the debtor's attorney (or the debtor if not represented by an attorney) shall:

1. prepare and file a notice of the continued or rescheduled § 341 Meeting bearing the trustee's signature;
2. serve notice of the continued or rescheduled § 341 Meeting date on the trustee and on all creditors and parties in interest and on the United States Trustee, in Chapter 11 cases; and
3. file a certificate of service with the Court.

**C. Continuance of the § 341 Meeting Announced at Meeting.** The trustee or the United States Trustee may continue a § 341 Meeting from time to time by announcement at the § 341 Meeting. The trustee or the United States Trustee shall list the continued date, time and location for the continued meeting by making a docket entry using the Court's CM/ECF system. No further notice of the continued date shall be required.

**RULE 2003-2. CORPORATE OWNERSHIP STATEMENT – CREDITORS COMMITTEE**

Any corporation, other than a governmental unit, that accepts appointment to a committee of creditors shall complete and file [Local Form 7007.1-1](#) identifying all publicly held corporations, other than a governmental unit, that directly or indirectly own ten percent (10%) or more of any class of the corporation's equity interest, or stating that there are no such entities to report. The corporate ownership statement shall be filed within fourteen (14) days of an appointment to a committee. A supplemental corporate ownership statement shall be filed promptly to reflect any change in the information that is required to be disclosed.

This Rule further requires that membership interests in limited liability companies and similar entities that fall under the definition of a corporation in Bankruptcy Code § 101 also be included in the disclosure statement.

#### **RULE 2004-1. DEPOSITIONS AND EXAMINATIONS**

- A.** A motion for an examination under Bankruptcy Rule 2004 may be ruled upon by the Court ex parte.
- B.** An examination under Bankruptcy Rule 2004 may be taken by agreement without a motion or order.
- C.** Before filing a motion for the examination of a person, including a debtor or a representative of the debtor, the party seeking to take the examination shall make a good faith effort to confer with the person to be examined, or such person's counsel if that person is represented, to arrange for an agreeable date, time, and place for the examination. The motion shall indicate if an agreement has been reached on the date, time and place for the examination; otherwise the motion shall disclose the efforts made to comply with this rule.

#### **RULE 2014-1. EMPLOYMENT OF PROFESSIONALS**

An application for employment, [Local Form 2014-1\(A\)](#), made pursuant to Bankruptcy Rule 2014, may be ruled upon ex parte or may be set for hearing, at the discretion of the Court. A local proposed order, [Local Form 2014-1\(B\)](#), shall be submitted with such application in compliance with [Local Rule 9072-1](#) and this Court's CM/ECF Administrative Guide.

#### **RULE 2015-1. TRUSTEES - GENERAL**

The duty of a Chapter 7 or Chapter 11 trustee or Chapter 11 DIP to file reports required by 11 U.S.C. §§ 704(a)(8) and 1106(a)(1) and Bankruptcy Rule 2015(a)(3), shall continue until the entry of a final decree, unless the Court directs otherwise, according to the format and time schedule provided by the U. S. Trustee or ordered by the Court.

#### **RULE 2015-2. DUTY TO FILE REPORTS**

- A. Monthly Operating Reports.** The DIP must file an original monthly operating report with the Clerk of the Bankruptcy Court, and serve a copy upon the United States Trustee. The monthly operating reports must be prepared using the forms provided on the United States Trustee's website at <http://www.justice.gov/ust/r20/>. Debtors who are individuals and/or operate a sole proprietorship must complete and file a Monthly Operating Report (Individuals). Debtors who are partnerships, LLC's, professional corporations or corporations, must complete and file the Standard Monthly Operating Report (Business). Small Business Debtors must complete and file a Small Business Monthly Operating Report, in compliance with Bankruptcy Rule 2015(a)(6).

The Chapter 11 Monthly Operating Report must be signed by the Chapter 11 debtor

under penalty of perjury, signed and submitted by the debtor's attorney, filed with the Court and submitted to the United States Trustee. Additional financial information may be required by the United States Trustee.

- B.** The reports required under paragraph "A" above shall be filed with the Clerk of the Bankruptcy Court in Chapter 11 and 12 cases. Debtors shall use the appropriate United States Trustee or Local Forms to file the reports. The report must be signed by the debtor or the debtor's authorized representative under penalty of perjury.
- C.** In cases under Chapter 13 where the trustee files a report with the Court pursuant to 11 U.S.C. § 1302(c), the debtor shall file reports required by 11 U.S.C. § 1304(c) with the Court on the appropriate form. The report must be signed by the debtor under penalty of perjury.
- D.** In cases under Chapter 13, debtors who have income for which no taxes are withheld or debtors who are self-employed but who do not incur trade credit, shall submit Monthly Operating Reports using the appropriate form, to the Chapter 13 trustee unless the trustee waives or modifies this requirement.

#### **RULE 2016-1. COMPENSATION OF PROFESSIONALS**

- A.** The Administrative Office of the U.S. Courts Director's Procedural Form 2030 Disclosure of Compensation of Attorney for Debtor required by 11 U.S.C. § 329(a) and Bankruptcy Rule 2016(b) shall be filed with the petition, but the filing of the statement shall not be a requirement for the commencement of a case under any chapter of the Code.
- B.** In Chapter 11 and Chapter 12 cases, attorneys and accountants shall deposit into a trust account all retainer funds received from the debtor pre-petition that had not been earned and applied pre-petition. No retainer funds shall be withdrawn without an order of the Court.
- C.** All fee applications must comply with the United States Trustee's Guidelines for Reviewing Applications for Compensation & Reimbursement of Expenses filed under 11 U.S.C. §330. [http://www.usdoj.gov/ust/eo/rules\\_regulations/guidelines/index.htm](http://www.usdoj.gov/ust/eo/rules_regulations/guidelines/index.htm).
- D.** Debtors' attorneys seeking compensation or expenses that exceed the Court's presumptive fee (see this Court's General Orders) and all other attorneys seeking compensation or expenses shall submit **Local Form 2016-1(C)** "Application for Compensation for Professional Services or Reimbursement of Expenses by Attorney". The application shall:
  - 1. include as an attachment a copy of the retainer agreement, if any;
  - 2. include as an attachment a detailed description of the actual or estimated services or expenses for which compensation or reimbursement is sought, including time spent in preparing the fee application; and

3. include the amount of any payments previously made to the attorney(s).
- E. Applications for Compensation and Reimbursement of Expenses filed pursuant to Bankruptcy Rule 2016, should comply with the notice of hearing requirements set forth in [Local Rule 9013-1](#). The Notice of Hearing should contain the language set forth in [Local Form 20E Notice of Application Opportunity for Objection and Notice of Possible Hearing](#). All Applications for Compensation and Reimbursement of Expenses are subject to hearing after review by the court. If an order approving fees and expenses is not entered prior to the hearing, the applicant should attend the hearing and be prepared to present legal argument.

#### **RULE 2090-1. ADMISSION OF COUNSEL TO THE BANKRUPTCY COURT**

- A. Roll of Attorneys.** The bar of this Court shall consist of those attorneys admitted to practice before the United States District Court for the Eastern District of Oklahoma who have taken the prescribed oath and submitted the required fee to the District Court. Since this Court derives its jurisdiction and authority from the United States District Court for the Eastern District of Oklahoma, admission to the District Court shall be deemed admission to this Bankruptcy Court.
- B. Procedure for Admission.** Every applicant for admission shall submit to the District Court Clerk, on a form prescribed by the District Court, a written application for admission, which shall be referred to the Committee on Admissions and Grievances for investigation into the applicant's qualifications and fitness to be admitted to the bar of the Eastern District. The committee shall report its recommendations in writing to the District Court Clerk. Upon a favorable report of the Committee, the applicant may be admitted. Each applicant approved by the Committee on Admissions and Grievances shall pay the applicable fee to the District Court Clerk's office prior to the time the applicant is sworn in, which may take place at either the District Court or the Bankruptcy Court, and receives his certificate. See [www.oked.uscourts.gov](http://www.oked.uscourts.gov).
- C. Eligibility.** Any member of the bar of the Supreme Court of the United States, or of any United States Court of Appeals, or of any District Court of the United States, or a member in good standing of the bar of the highest Court of any state of the United States, is eligible for admission to the bar of this Court.
- D. Attorneys for the United States.** Attorneys who are employed or retained by the United States or its agencies may practice in this Court in all cases or proceedings in which they represent the United States or such agencies.
- E. Admission Pro Hac Vice.** Any attorney who has been admitted to practice and remains in good standing before any other Court of the United States, or before the highest Court of any other state, and who is familiar with these Local Rules may practice before this Court by permission of and on such conditions as may be set by the Court. Permission to practice before the Court may be requested by filing a written motion in the main bankruptcy case or by making an oral request

during any proceeding before the Court, followed by a written motion. Attorneys requesting such admission are required to attach to their motion a completed Application for Admission Pro Hac Vice, [Local Form 2090-1\(E\)](#) and pay the appropriate admission fee to the Clerk of the United States District Court for the Eastern District of Oklahoma. A motion and fee should be submitted for each case such attorney seeks admission. Temporary admission shall be restricted to the case and related proceeding for which the motion is granted. An attorney so admitted shall file pleadings and documents electronically with the Court in compliance with these Local Rules and the CM/ECF Administrative Guide. Admission in a particular bankruptcy case shall also serve as admission in all adversary proceedings filed relating to that bankruptcy case and/or consolidated cases.

- F. Appearance of Child Support Creditor or Representative.** Any attorney not admitted to practice before this Court, who desires to appear on behalf of a child support creditor in a case pending before this Court, shall file a written notice detailing the child support debt, its status and other characteristics simultaneously with the first papers filed on Administrative Office of the U.S. Courts Director's Procedural Form 2810, Appearance of Child Support Creditor or Representative.

### **PART III CLAIMS AND DISTRIBUTION TO CREDITORS AND EQUITY INTEREST HOLDERS; PLANS**

#### **RULE 3001-1. TRANSFER OF CLAIM**

When a claim is transferred pursuant to Bankruptcy Rule 3001(e)(2) or (e)(4), the notice of transfer of claim shall include a reference to the claim number of the original Proof of Claim for which the transferee shall be substituted for the transferor and the amount of the claim and shall be filed on Administrative Office of the U.S. Courts Director's Procedural Form 2100A Transfer of Claim Other Than for Security.

## **RULE 3002-1. FILING PROOF OF CLAIM**

- A. Proofs of Claim.** All proofs of claim or interest shall be filed electronically using CM/ECF. Parties who have not obtained limited user passwords, or creditors or interest holders not represented by counsel may file a proof of claim or interest through this court's website using Electronic Proof of Claim interface (ePOC). All claims filed shall be filed on Administrative Office of the U.S. Courts Director's Procedural Form 410. The creditor's complete name, address and telephone number shall be provided on the proof of claim. See [Local Rule 5005-1\(A\)](#).
- B. Converted Cases.** When a case is converted from Chapter 11, 12, or 13 to Chapter 7, the "meeting of creditors" for the purpose of Bankruptcy Rule 3002(c) shall mean the meeting of creditors held in the Chapter 7 case.
- C. Chapter 7 No-Asset Cases and Cases Converted from Chapter 13 to Chapter 7.** Upon the filing of a "Notice of Assets," a deadline for filing claims shall be established as provided by Bankruptcy Rule 3002(c)(5), and noticed pursuant to [Local Rule 2002-1](#). Claims deadlines in Chapter 13 cases converted to Chapter 7 cases shall be established as provided by Bankruptcy Rule 3002(c)(5) and [Local Rule 1019-1\(E\)](#).
- D. Exhibits to Proofs of Claim.** Exhibits (20 page limit of normal type print) in support of a Proof of Claim shall be filed electronically whenever possible and shall be docketed as one event with the Proof of Claim. The exhibits should be electronically imaged and filed in PDF format together with the Proof of Claim. The exhibits shall comply with [Local Rule 9004-1 \(A\)](#) and [\(B\)](#). CM/ECF registered participants shall file proofs of claim electronically. The party filer must add the creditor name exactly as it appears on the claim. The address of the claimant should include the mailing address to which payments should be sent.
- E. Deadline for Filing Claims in Chapter 7 Cases Reopened to Administer Assets.** Upon the filing by a trustee of a "Notice of Assets" in a reopened Chapter 7 case:
1. If no claims deadline was established in the original case or if a claims deadline was established and rendered moot by the filing of a "Report of No Distribution" by the trustee in the original case, the Court shall set a deadline of ninety (90) calendar days from issuance of the Clerk's Notice of Deadline to File Claims. For governmental units, the deadline shall be this deadline or one hundred eighty (180) calendar days after relief was ordered in the original Chapter 7 case, whichever is later. Any claims filed during the pendency of the original case shall be deemed filed in the reopened case.
  2. If a claims deadline established in the original case expired prior to the filing of a "Report of No Distribution" by the trustee, or if a distribution was made to creditors by the trustee subsequent to the expiration of a claims deadline in the original case, no additional claims deadline shall be established. Creditors considered for distributions shall be those creditors who filed claims in the original case.

## **RULE 3003-1. FILING PROOF OF CLAIM IN CHAPTER 9 OR CHAPTER 11**

### **Chapter 11 Cases.**

1. **Claims Bar Date.** In all Chapter 11 cases, the Court shall fix a claims bar date. Such deadline may be specified in the 341 meeting notice.
2. **Notice of Bar Date.** In Chapter 11 cases, unless the Court orders otherwise, the Clerk will serve notice of the claims bar date with a blank proof of claim and instructions that conform substantially to the Administrative Office of the U.S. Courts Director's Procedural Form 410 on all creditors and parties in interest at the time the § 341 meeting of creditors is noticed.
3. **Creditors Added After Claims Bar Date.** If the debtor amends its Chapter 11 schedules to add a creditor or to reduce the amount of a claim or reclassify a claim as contingent, unliquidated, or disputed after having served notice of the claims bar date, then, in addition to serving the amended schedules on the affected creditor, the debtor shall serve the notice of claims bar date upon the affected creditor and shall give written notice that the creditor must file any claim by the bar date or thirty (30) days after the date of the notice, whichever is later, and file a Certificate of Mailing in compliance with [Local Rule 2002-1\(E\)](#) and [5005-1\(E\)](#) within two (2) days thereafter. See [Local Rule 1009-1\(E\)](#).

In a Chapter 9 or 11 case, the DIP or trustee, if one is appointed, shall file a request for order fixing time within which proofs of claim or interest must be filed if the court has not already set a time for filing. The request must be filed and DIP or trustee shall serve the order fixing the time within which to file proofs of claim or interest on the debtor, the trustee, all creditors, indenture trustees, equity security holders, and all persons requesting notice in the case. See also [Local Rule 2002-1\(E\)\(1\)](#) and [\(2\)](#).

## **RULE 3004-1. FILING PROOF OF CLAIM ON BEHALF OF A CREDITOR**

If a debtor files a proof of claim on behalf of a creditor who has failed to file a proof of claim, the debtor shall include the creditor's telephone number on the proof of claim. If the creditor's telephone number is not available, the debtor shall provide the creditor's full account number to the trustee by mail.

## **RULE 3007-1. CLAIMS – OBJECTIONS**

- A. Proofs of interest.** Bankruptcy Rule 3007 also applies to objections to proofs of interest.
- B. Objection to claim or interest.** The caption of an objection to a claim shall identify the claimant and claim number (e.g., Objection to Claim of ACME, Inc. (Claim No. 10)). The objecting party has the burden of overcoming the presumption afforded by Bankruptcy Rule 3001(f). Objections to claims shall be filed and served in compliance with [Local Rule 9013-1\(B\)](#).
- C. Notice of Objections.** The objecting party must provide notice of an objection to the claimant, claimant's counsel, debtor, debtor's counsel, the trustee, and parties in interest that have

requested notice. Notice of hearing shall contain the language set forth in [Local Form 20B](#) Notice of Objection to Claim, Notice of Deadline to File Objection and Notice of Hearing.

**RULE 3008-1. CLAIMS – RECONSIDERATION**

Bankruptcy Rule 3008 shall also apply to proofs of interest.

**RULE 3010-1. DIVIDENDS – SMALL**

- A. Chapter 12 and 13 trustees may distribute payments in amounts less than \$15.00 to creditors without Court order.
- B. Upon satisfactory proof to the Chapter 12 or 13 trustee that a claim is fully satisfied, the payments that would have otherwise been made on that claim may be distributed by the trustee to holders of other allowed claims provided for by the confirmed plan without requiring modification of the plan.

**RULE 3011-1. UNCLAIMED FUNDS**

- A. **Disposition of Unclaimed Funds.** A request by any proper entity for the release of unclaimed funds pursuant to 28 U.S.C. § 2042 shall be made by completing and filing an Application for Payment of Unclaimed Funds with a proposed order on [Local Form 3011-1\(A\)](#). An application shall contain sufficient documentation to establish the identity of the claimant and the authority of the applicant to make the claim. A claimant entitled to such funds may obtain an order directing payment to the claimant upon full proof of the right to payment of such funds. If no response or objection has been filed within fourteen (14) days from the date of filing of the application the Court may set a hearing and/or require additional evidence before ruling on the application and directing payment of such funds. All indications of fraud will be referred to the United States Attorney for the Eastern District of Oklahoma. Proposed orders shall be submitted in compliance with [Local Rule 9072-1](#).
- B. **Notice Required.** Such application shall be served by the claimant on the debtor and debtor's counsel, if any, trustee, United States Trustee, United States Attorney for the Eastern District of Oklahoma, and the original claimant and claimant's counsel, if any, if the applicant is not the original creditor or claimant.

**RULE 3012-1. VALUATION OF COLLATERAL**

- A. **Motions to Determine Secured Claims.** These motions shall be filed separately and shall not be incorporated into the plan in a Chapter 11, 12 or 13 case.

- B. These motions will be ruled upon at the expiration of the time in which to object, or will be set for hearing at the time of confirmation. See [Local Form 3012-1\(B\)](#).
- C. These motions shall be accompanied by a Notice of Motion as set forth in [Local Rule 9013-1\(B\)](#).

#### **RULE 3015-1. CHAPTER 12 AND 13 – PLAN**

- A. **Time for Filing.** If a Chapter 13 plan is not filed with the petition, it shall be filed within fourteen (14) days after the order for relief. If a Chapter 12 plan is not filed with the petition, it shall be filed within ninety (90) days after the order for relief. Failure to timely file the plan shall result in dismissal of the case unless a motion to extend time is timely filed and granted by the Court.
- B. **Chapter 12 Plan.** The Chapter 12 Plan proposed by the DIP shall comply with the requirements of 11 U.S.C. § 1222. Plans must be filed within the time set forth in 11 U.S.C. § 1221 on [Local Form 3015-4](#). This Court’s Local Form may be modified to accommodate the individual DIP, but must comply with the requirements of 11 U.S.C. § 1222.
- C. **Chapter 13 Plan and Plan Summary; Service and Use of Local Form.** If a Chapter 13 plan and plan summary are filed separately in the proper format on the same date as the petition, if permissible, by the Administrative Office of the U.S. Courts and / or Bankruptcy Rules, the Clerk shall transmit copies of the plan summary along with the notices required by Bankruptcy Rule 2002(a)(1) and (b) and any other notices required by the court's local procedures. Service of the Chapter 13 plan summary by the Clerk shall be governed by Local Rule 2002-1(B) or by General Order. If the Chapter 13 plan and plan summary are not filed on the same date as the petition or are filed in an improper format, debtor or debtor’s counsel shall transmit a copy of the plan summary to the debtor, the Chapter 13 trustee, the United States Trustee, all creditors, and parties in interest that have requested notice, and shall file a certificate of mailing thereof the date the plan summary is filed. The Clerk shall notice the debtor or debtor's counsel if the plan and / or summary is in an improper format. The debtor or debtor's counsel shall file a certificate of mailing within three (3) days of receipt of the notice. Chapter 13 plans and plan summaries shall substantially conform to Local Form 3015-1(B) and Local Form for the plan summary.

#### **RULE 3015-2. AMENDMENTS TO CHAPTER 12 & 13 PLANS**

Any “Amendment to” Chapter 12 or 13 Plan or modified plans, shall comply with [Local Form 3015-3\(A\)](#), shall incorporate the terms of the original plan and shall state the material changes to treatment of claims. This document will supersede all prior versions unless otherwise authorized by the Court. A "Chapter 13 Plan Summary" shall be attached to all “Amendments to” plans. The amendment to the plan shall state the changes made and the creditors affected by the amendments with reference to the original plan. A separate pleading entitled “Withdrawal of Prior Plans” and / or “Withdrawal of Plan Summary, shall be filed withdrawing all previous plans, plan summaries, modified plans and/or Amendments thereto on file. The original Chapter 13 plan should not be withdrawn unless the original plan does not comply with [Local Form 3015-3\(A\)](#) “Amendments to” plans, plan summaries and modified

plans shall be filed and mailed to all adversely affected creditors, the United States Trustee and the Chapter 12 or 13 trustee seven (7) days prior to the confirmation hearing, along with a certificate of mailing with the named adversely affected creditors named in the certificate of mailing. The Chapter 12 or 13 trustee shall inform the Court at the confirmation hearing if the amendment adversely affects any creditor not noticed and if the Court needs to continue the confirmation hearing for cause, proper notice or the need for extended objection period.

#### **RULE 3015-3. CHAPTER 12 AND 13 - PRECONFIRMATION CERTIFICATION**

- A. Certification of Payment of Domestic Support Obligations.** Within fourteen (14) days before the date set for confirmation of a Chapter 12 or Chapter 13 plan, if the debtor is required by a judicial or administrative order, or by statute, to pay any domestic support obligation, the debtor shall file a verified statement on [Local Form 3015-2\(A\)](#) (Pre-Confirmation Certification), certifying that the debtor has paid all amounts that are required to be paid under such domestic support obligation in accordance with 11 U.S.C. § 1325(a). If the debtor is not required to pay any amounts under a domestic support obligation, then the debtor shall file a verified statement on [Local Form 3015-2\(A\)](#) (Pre-Confirmation Certification) certifying that the debtor has no such obligations.
- B. Certification Regarding Tax Returns.** Within fourteen (14) days before the date set for confirmation of a plan, the debtor shall file a verified statement on [Local Form 3015-2\(A\)](#) (Pre-Confirmation Certification) certifying that all applicable federal, state and local tax returns required by 11 U.S.C. §§ 1308 and 1325(a)(9) have been filed with the appropriate taxing authority.

#### **RULE 3015-4. MODIFICATION OF THE CHAPTER 12 OR 13 PLAN**

- A.** Modifications made to the Chapter 12 or 13 plan after confirmation pursuant to 11 U.S.C. §§1229 or 1329 shall incorporate the terms of the original plan and state the material changes to treatment of claims unless otherwise approved by the Court. The modified plan will incorporate the original plan, if approved. See [Local Form 3015-4\(A\)](#). A motion to modify must be filed each time a modified plan or amendment to a Modified plan is filed, stating the modifications being made in the Modified plan or amendment to a Modified plan. See [Local Form 3015-4\(B\)](#). The provisions of Local Rule 3015-2(A) apply to amendments to modifications to plan. The debtor shall file [Local Form 3015-3\(C\) \(Pre-Confirmation Certification\)](#) within fourteen (14) days before the date set for confirmation for each modifications to Chapter 12 or Chapter 13 plans.
- B.** When a Motion to Modify Plan is filed pursuant to 11 U.S.C. §§ 1229 or 1329, the moving party shall also file a modified plan and a Notice of Motion, Notice of Deadline to File Objection and Notice of Hearing. See [Local Form 20C](#).

#### **RULE 3015-5. NOTICE OF CHAPTER 12 CONFIRMATION HEARING**

The Clerk shall prepare the notice of confirmation hearing. The Clerk or the DIP if the Court directs, shall mail to the matrix, the notice and plan within seven (7) days of the entry of the notice of confirmation hearing. Proof of service shall be filed within two (2) days of the mailing.

**RULE 3015-6. OBJECTION TO CHAPTER 12 AND 13 PLANS**

Objections to the plan must be filed no later than seven (7) days prior to the confirmation hearing. Each objection shall state specific grounds for the objection and legal authority for objector's position, where applicable. Untimely objections may be disregarded by the Court.

**RULE 3016-1. DISCLOSURE STATEMENT AND CHAPTER 11 PLAN-GENERAL**

- A.** The proponent of the disclosure statement and Chapter 11 Plan shall mail a copy of the disclosure statement in compliance with Bankruptcy Rule 3017(a) within three (3) days of filing. Within two (2) days thereafter, the disclosure statement proponent shall file a certificate of mailing evidencing compliance.
- B.** Any amended disclosure statement or amended Chapter 11 Plan, shall be complete in and of itself and supersede all prior versions unless otherwise authorized by the Court upon request of the plan proponent.
- C. Notice of Disclosure Statement Hearing** - The Clerk or DIP, as the Court may direct, shall prepare and mail the notice of disclosure statement hearing.

**RULE 3017.1. DISCLOSURE STATEMENT - SMALL BUSINESS CASE**

In a small business case, a Chapter 11 plan and disclosure statement filed by any plan proponent must conform to [Local Form 3017.1](#) - Small Business Chapter 11 Disclosure Statement and [Local Form 3017.1\(2\)](#) - Small Business Chapter 11 Plan. Additions or deletions to such local forms may be made provided that the proponent highlights the changes made. The proponent shall obtain hearing dates and appropriate deadlines to include in the Disclosure Statement from this Court's website. The plan proponent shall file an Application for Conditional Approval of the Disclosure Statement pursuant to 11 U.S.C. § 1121(e). Upon application, the Court may, after independent review, enter an order conditionally approving the disclosure statement. All disclosure statements so approved will be considered for final approval at the same time as the hearing on the confirmation of the plan.

**RULE 3017-1. DISCLOSURE STATEMENT - APPROVAL**

Each disclosure statement formulated pursuant to 11 U.S.C. § 1125 must meet the following minimum requirements.

- A. Description of Business.** The debtor must furnish information describing the nature of the business being reorganized under Chapter 11. This analysis must include the competitive conditions in the industry and the debtor's role in that industry. The debtor must disclose whether or not it is dependent upon one or more customers or clients. Where the debtor is a licensed professional whose income is derived from providing services that are billed on an hourly rate, the debtor must provide information giving the creditor a good faith estimate of the number of clients, the anticipated services, the hourly rate, and the anticipated annual billings that will provide the source of his income. The Chapter 11 debtor should provide a description of the service to be rendered, location of principal and branch offices, employee staff and payroll and salaries of officers and directors. Any special property interests, such as patents, trademarks, licenses, or franchises should be disclosed and described.
- B. History of the Debtor.** The Chapter 11 debtor should describe in detail its activities before filing, including the reasons for filing the Chapter 11. This history should be provided in a neutral, objective and noninflammatory manner. Litigation issues are to be described in an objective professional tone, free of any mischaracterization of the issues to be resolved in such litigation. Where possible, the debtor should provide an evaluation of the probable success of any litigation and its effect on the debtor's business or his plans for reorganization under Chapter 11.
- C. Financial Information.** The debtor must provide a pre-petition statement of assets and liabilities, together with a profit and loss analysis. The debtor must also provide financial information sufficient to inform the creditors of all liens, encumbrances, security interests, loans or other financial obligations that may impair the debtor or his assets.
- D. Description of the Plan.** The plan of reorganization must be described in sufficient detail to give the creditor enough information to determine how its rights will be affected.
- E. How the plan is to be executed.**
- F. Liquidation Analysis.**
- G. Management to be retained and the compensation of the personnel retained.**
- H. Projection of Operations.** The debtor should provide the projection of operations subsequent to confirmation so that the Court may determine the feasibility of the plan. The debtor must provide sufficient financial information to determine if the projections for operations subsequent to confirmation are feasible. The debtor is required to make a full, clear and complete disclosure of all underlying assumptions. If the plan assumes an increase in income, the basis for this assumption must be set forth. If the future operations contain a risk of loss of income or anticipated financial instability, the factors that may cause a loss or diminution of income should

be set forth.

- I. Litigation.** All pending or contemplated litigation of whatever nature must be described fully, completely and in detail. Trial dates, where known, must be disclosed. Appeals, filed or contemplated, must be disclosed. The disclosure statement must include a professional evaluation of the probable success of any pending or contemplated litigation.
- J. Transactions with Insiders.** The disclosure statement must describe fully, completely and in detail all transactions with insiders. If there are no such transactions, that shall be stated.
- K. Tax Consequences.** The disclosure statement must reveal the probable tax consequences if the Chapter 11 Plan is confirmed. If there are no tax consequences, the disclosure statement must contain an affirmative statement of that fact.

#### **RULE 3018-1. BALLOTS – VOTING ON PLANS**

Ballots shall conform to [Local Form 3018-1](#). The person designated in a plan to receive ballots to accept or reject a plan shall file a tabulation of the ballots at least seven (7) days prior to the date set for hearing on confirmation of the plan on [Local Form 3020-1\(D\)-1](#). The tabulation shall include the numbers and percentages of acceptances and rejections of each impaired class, and whether each such impaired class is deemed to accept or reject the plan.

#### **RULE 3019-1. AMENDED CHAPTER 11 PLAN**

Any amended Chapter 11 Plan shall be complete in all respects and supersede all prior versions. A separate pleading entitled "Summary of Amendments" shall accompany all amended plans. The summary shall state the changes made and the creditors affected by the amendments with reference to the original plan. This rule may be waived upon request of a party in interest.

#### **RULE 3020-1. CHAPTER 11 – CONFIRMATION**

- A. Ballots.** The plan proponent shall have the original ballots at the hearing on confirmation of a plan. The ballots may be introduced into evidence upon request of the Court or a party in interest.
- B. Notice of Confirmation Hearing.** The Clerk shall prepare the notice of confirmation hearing, unless the Court orders otherwise and the plan proponent should mail to the matrix, the notice, the plan, a ballot, and the approved disclosure statement, in compliance with Bankruptcy Rule 3017(d), within three (3) days of the entry of the notice of confirmation hearing. Proof of service

shall be filed within two (2) days of the mailing.

- C. Deadline for Objections to Confirmation.** Objections to confirmation of a chapter 11 plan shall be filed at least fourteen (14) days before the confirmation hearing unless the Court shortens notice for cause, or in a small business case.
  
- D. Pre-Confirmation Obligation.** The Plan proponent of a Chapter 11 shall file [Local Form 3020-1\(D\)\(1\)](#), Certificate on Acceptance of Plan and Report on Payment of Fees. Individual Chapter 11 debtors shall file [Local Form 3020-1\(D\)\(2\)](#), Pre Confirmation Certification Regarding Domestic Support Obligations and Filing of Required Tax Returns prior to the confirmation hearing in compliance with 11 U.S.C. § 101 (14A) or § 129(a)(14).
  
- E. Payment of Clerk's and United States Trustee's Fees.** A Plan shall not be confirmed unless the plan proponent's report required by this rule certifies that all outstanding fees payable to the Clerk and the United States Trustee under 28 U.S.C. § 1930 have been paid.
  
- F. Implementation Order.** Upon confirmation, the Court shall enter an implementation order pursuant to 11 U.S.C. §1142 as a part of the confirmation order. The post-confirmation debtor shall be required to comply with the mandates of the implementation order.

#### **RULE 3022-1. CHAPTER 11 FINAL REPORT/DECREE**

The plan proponent shall file a Final Report, in compliance with this Court's [Local Form 3022-1](#), Chapter 11 Final Report and Application for Final Decree, along with certificate of mailing, in compliance with this Court's Local Rules within six (6) months after plan confirmation or within thirty (30) days after substantial consummation, under 11 U.S.C. § 1101(2), whichever is earlier. If the debtor is an individual and is eligible for a discharge, upon the filing of a Notice of Completion of Plan payment, Certification of Compliance and Request for Entry of Discharge, a Notice of Motion, Notice of Objection and Hearing pursuant to this Court's [Local Form 20C](#), the case will be automatically reopened pursuant to 11 U.S.C. § 350 without the payment of a fee.

#### **RULE 3070-1. CHAPTER 13 – PAYMENTS**

- A.** Chapter 13 plans shall state a total amount per month to be paid to the Chapter 13 trustee and shall state the length of the plan in months.
  
- B.** The debtor shall commence making payments to the Chapter 13 trustee under a Chapter 13 plan within thirty (30) days after the date of the order for relief. All payments made by the debtor to

the Chapter 13 trustee shall be made by certified or cashier's check or money order. Chapter 13 plan payments made by recipients of wage deduction orders or other payment orders may be made to the Chapter 13 trustee by check. If any entity tenders a plan payment check that is dishonored, the Chapter 13 trustee may require all future Chapter 13 plan payments from such entity to be made by certified or cashier's check or money order.

- C. Cash will not be accepted by the Chapter 13 trustee from any entity as payment under a Chapter 13 plan.
- D. Unless otherwise agreed by the Chapter 13 trustee, Chapter 13 plan payments shall be made to the trustee under a wage deduction order or other payment order directed to an entity from whom the debtor receives income. The debtor shall submit a wage deduction order or payment order on [Local Form 3070-1\(D\)](#) to the trustee for approval and submission to the Court.

**RULE 3070-2. CHAPTER 13 – ADEQUATE PROTECTION**

- A. Each creditor entitled to adequate protection under 11 U.S.C. § 1326(a)(1)(C) shall be provided adequate protection by the Chapter 13 plan in the form of a lien on each pre-confirmation plan payment to the Chapter 13 trustee in the amount stated in the plan for such creditor.
- B. The Chapter 13 plan shall provide for equal monthly amounts to each creditor entitled to adequate protection, unless otherwise agreed by a creditor in writing filed in the case.
- C. The Chapter 13 debtor shall not pay adequate protection payments directly to any creditor.
- D. There shall be a presumption that only the creditors provided a lien on pre confirmation plan payments by the plan are entitled to adequate protection under 11 U.S.C. § 1326(a)(1)(C).
- E. A creditor may file a written objection to the provision for adequate protection in the plan, however, the Chapter 13 plan shall control until otherwise ordered by the Court.
- F. The trustee shall hold all plan payments received (including the portion of the plan payments upon which a lien has been provided for under the plan) until confirmation of a plan, dismissal or conversion of the case. If a plan is confirmed, the trustee shall disburse all payments held as provided in the confirmed plan. If the case is dismissed or is converted to another chapter prior to confirmation of a plan, the adequate protection lien provided for in the plan shall attach to plan payments received by the trustee on or before the date of conversion or dismissal and the

Chapter 13 trustee is authorized to disburse the funds to which the adequate protection lien has attached to the creditor entitled thereto (subject to paragraphs G and H below).

- G.** If one or more amended plans are filed that contain different payment amounts for a creditor entitled to adequate protection and the case is either dismissed or converted to another chapter prior to confirmation of a plan, the lien shall attach to the highest payment amount stated in the plans for that creditor and that amount shall be paid to the creditor by the trustee.
- H.** No adequate protection payments shall be paid to any creditor unless a secured proof of claim has been filed for that creditor. If a secured proof of claim has not been filed by or on behalf of a creditor entitled to adequate protection prior to the date of dismissal or conversion of the case to another chapter prior to confirmation of a plan, the adequate protection lien shall be extinguished and the trustee is hereby authorized to disburse the funds that otherwise would have been disbursed to that creditor to the debtor free and clear of any lien or interest of any creditor.
- I.** All adequate protection payments made by the Chapter 13 trustee shall be made in the ordinary course of Chapter 13 trusteeship business.
- J.** Upon disbursement of adequate protection payments under this order, the Chapter 13 trustee is hereby allowed the trustee's percentage fee as periodically fixed by the United States Attorney General, or his designee, under 28 U.S.C. § 586(e).

#### **RULE 3071-1. CHAPTER 12 – PAYMENTS**

All payments to the Chapter 12 trustee shall be made by certified or cashier's check or money order. Neither personal checks nor cash will be accepted as payment under a Chapter 12 plan.

#### **PART IV THE DEBTOR: DUTIES AND BENEFITS**

##### **RULE 4001-1. AUTOMATIC STAY**

- A.** Relief from the Automatic Stay of 11 U.S.C. § 362(a). A motion for relief from the automatic stay of 11 U.S.C. § 362(a) shall be clearly designated as such in the title of the pleading. Failure to do so may be deemed by the Court to be a waiver of the benefits of an expedited hearing and automatic termination of the stay upon the conditions stated in 11 U.S.C. § 362(e).

**B. Motions Seeking Relief in Addition to Relief from the Automatic Stay of 11 U.S.C. § 362(a) and Abandonment of Property.**

1. Where a motion for relief from the automatic stay of 11 U.S.C. § 362(a) and abandonment of property includes a request for additional relief other than abandonment of property or adequate protection, such request shall constitute a waiver of the right to an expedited hearing and automatic termination of the stay upon the conditions stated in 11 U.S.C. § 362(e) of the code.
2. If a motion for relief is combined with a request for abandonment, the motion shall be served on all creditors pursuant to Bankruptcy Rule 6007 unless an order limiting notice is entered by the Court.
3. If movant seeks a waiver of the 10-day stay under Bankruptcy Rule 4001(a)(3), such request must be clearly designated in the title of the pleading and must explain why such waiver should be granted.
4. A motion for relief may be combined with a request for abandonment under 11 U.S.C. § 554 or alternatively request adequate protection under 11 U.S.C. § 361.

**C. Notice of Motions Under Bankruptcy Rule 4001.** A motion filed under 11 U.S.C. §§ 362, 363(e), or 364 shall be served upon the debtor, debtor’s counsel, counsel for any official committee (or if no committee in a Chapter 11 case, upon the list of 20 largest unsecured creditors), trustee, the United States Trustee, any parties affected by the motion or having an interest in the property affected by the motion, and all parties in interest who have requested notice in the case.

**D. Relief from the Codebtor Stay.** A motion for relief from the codebtor stay provided by 11 U.S.C. §§ 1201(a) or 1301(a) shall be designated as “Motion for Relief from Codebtor Stay.” Failure to do so may be deemed a waiver of the benefit of automatic termination of the stay upon the conditions stated in 11 U.S.C. §§ 1201(d) or 1301(d). The motion shall be served upon the debtor, the debtor’s counsel, trustee, any individual that is liable on the debt with the debtor (i.e., a codebtor), and all parties in interest who have requested notice in the case. The moving party shall also file a Notice, [Local Form 20A](#), Notice of Motion, Notice of Deadline to File Objection and Notice of Hearing.

**E. Discovery.** Responses to discovery requests regarding motions for relief from the automatic stay, are due in 14 days from service of written requests. Depositions may be taken after the expiration of seven (7) days after service of the motion for relief from the automatic stay.

**F. Applicability of Local Rule 9013-1, 9014-1.** [Local Rules 9013-1](#) and [9014-1](#) apply to motions for relief from the automatic stay.

- G. Confirmation that Automatic Stay is Terminated.** A request for an order under 11U.S.C. § 362(j), confirming that the automatic stay has been terminated, may be made by application. An application pursuant to 11 U.S.C. § 362(j) shall provide the following information, as appropriate in the circumstances for each prior case: (1) if the prior filing was in this Court, the complete case caption, date of filing and date of dismissal; and/or (2) if the prior filing was in any other Court, then, in addition to the requirements of (1), the movant shall also file relevant copies of all Court records reflecting the information provided in subsection (1) shall be considered ex parte.
- H. Continuation of the Automatic Stay.** A motion for continuation of the automatic stay under 11 U.S.C. § 362(c)(3)(B) should be filed with the petition in order to comply with completing a hearing thirty (30) days from filing the petition. The debtor shall serve such motion on all creditors, the United States Trustee, the trustee, counsel for any official committee (or if no committee in a Chapter 11 case, upon the list of 20 largest unsecured creditors), and all holders of liens on and interests in any property to be affected by the stay. Failure to comply with this rule may result in denial of the motion without further notice or a hearing. If the Motion to Extend the Automatic Stay is unopposed, the Court may grant the motion under certain circumstances without the necessity of a hearing. In order to do so, ***there must be proper notice and opportunity to object provided to all creditors.*** In addition, in order to grant the motion without a hearing, the Court must find that counsel has properly pled all the elements under § 362(c)(3) including rebutting by clear and convincing evidence the presumption that the case was not filed in good faith 11 U.S.C. § 362(c)(3). The debtor shall serve [Local Form 20G](#), Notice of Motion to Extend Stay, Notice of Deadline to File Objection to Motion and Notice of Hearing.
- I. Consent Motions for Relief from the Automatic Stay.** A consent motion for relief from the automatic stay shall be styled as a “consent motion.” Pursuant to [Local Rule 9013-1](#), a consent motion for relief from the automatic stay need not be set for hearing and may be ruled upon without hearing. The Clerk of Court is authorized to waive the filing fee for a motion for relief from the automatic stay when the motion and proposed order are filed with the written consent and signature of the trustee and all respondents. Consent may be shown by separate certificate of consent or certificate of no opposition signed by the responding party but such consent or no opposition shall be filed as part of the consent motion. All consent motions for relief from stay shall be filed using the proper consent motion event in the CM/ECF system to avoid automatic assessment of the filing fee. Consent motions for relief to proceed with a domestic action do not require the signature of the non-debtor spouse.

#### **RULE 4002-1. DEBTOR – DUTIES**

- A. Failure to Appear at Meeting of Creditors.** In a joint case when only one debtor spouse appears at the meeting of creditors, the non-appearing debtor may be dismissed from the case pursuant to a motion under Bankruptcy Rules 1017 and 2002(a).
- B. Duty to Provide Information about Domestic Support Obligations in Cases Under Chapters 7, 11, 12 and 13.** Within fourteen (14) days after the filing of the schedules and statements or fourteen (14) days after establishment of a domestic support obligation under Bankruptcy Rule 1007(b)(1), an individual debtor in a case under Chapter 7, 11, or 13 shall provide to the trustee on [Local Form 4002-1\(B\)](#) the following information regarding any domestic support obligations (as defined in 11 U.S.C. § 101(14A)): (1) the name, address and telephone number of all domestic support obligation claimants and (2) the current name and address of the debtor's employer until case is closed. The debtor shall notify the trustee of any changes in such information, including any new domestic support obligations, until the case is closed.
- C. Filing of, and Access to, Income Tax Returns.** A party in interest may file and serve upon the debtor and debtor's counsel a request, pursuant to 11 U.S.C. § 521(f), that an individual debtor in a case pending under Chapter 7, 11 or 13, file with the Clerk the debtor's federal income tax returns. Within seven (7) days of the filing of the request, the debtor shall redact personal data identifiers, as specifically set forth in [Local Rule 1007-I \[Interim\]-1\(J\)](#), and file such tax returns as a secure event in accordance with CM/ECF Administrative Guide. A party in interest seeking access to a debtor's tax information 11 U.S.C. § 521(g)(2) shall file a motion that includes: (i) a description of the movant's status in the case, to allow the Court to ascertain whether the movant may properly be given access to the requested tax information; (ii) a description of the specific tax information sought; (iii) a statement indicating that the information cannot be obtained by the movant from any other source; and (iv) a statement showing a demonstrated need for the tax information.

The movant must provide a copy of the motion filed with the Court to the debtor and debtor's counsel, the trustee and the United States Trustee. Further, the movant shall follow the motion practice in the Eastern District of Oklahoma, as outlined in the Administrative Procedures, wherein notice is provided by the movant, outlining the right to file an objection and scheduling the matter for a hearing. If the motion is granted, the requesting party shall pay the appropriate copying fees and provide to the Clerk a stamped, self-addressed envelope or retrieve the permitted tax information in person from the Clerk.

The movant will not be required to prepare an order, as this will be a Court produced order either granting or denying the motion. Any order granting the motion for access to tax information, shall include language advising the movant that the tax information obtained is confidential and should condition dissemination of the tax information as appropriate under the circumstances of the particular case. TAX INFORMATION OBTAINED BY A PARTY IN INTEREST SHALL BE TREATED AS CONFIDENTIAL. SANCTIONS MAY BE IMPOSED FOR IMPROPER USE, DISCLOSURE OR DISSEMINATION OF SUCH TAX INFORMATION.

If the Court grants the motion to allow the movant to obtain access to the tax information, the Court shall either mail a hard copy of the tax information to the movant, or allow the movant to view the tax information at the Clerk's office as further ordered by this Court.

- D.** The debtors shall provide the trustee at least seven (7) days prior to the first date set for the first meeting of creditors a copy of the most recently filed tax return if such return was filed for a tax year ending within four years prior to the filing of the case. If the debtor has not filed a tax return for any of the four years prior to the filing of the case, then the debtor shall advise the trustee at or before the conclusion of the first meeting of creditors whether, in the debtor's opinion, the debtor was not required to file a return for any of said four tax years. If the debtor does not provide the trustee with a copy of the tax return for the most recent tax year because the return was not due under applicable non-bankruptcy law as of the date it was to be provided to the trustee, then the trustee shall announce on the record at the §341 meeting whether the trustee desires the debtor to provide said tax return when it is filed and further, whether the trustee is holding the meeting of creditors open for the purpose of allowing the debtor to provide said return to the trustee. If the trustee holds the meeting of creditors open, then the trustee should announce the date of the continued meeting of creditors.
- E.** In a Chapter 13 case, the debtors shall file all tax returns that they are required to file for any tax period ending during the four-year period ending on the date of the filing of the petition even if said return is not yet due under applicable non-bankruptcy law as of the day before the first date set for the meeting of creditors. If the debtor has not, and cannot reasonably file any tax return by said date, then the debtor must advise the trustee by the day before the date set for the first meeting of creditors and request the trustee hold the meeting of creditors open in order to allow the debtor to file any such unfiled return or report. The Chapter 13 trustee shall announce at the first meeting of creditors if the trustee is holding the meeting open for the debtor to file any such unfiled return or report and shall announce the date of the continued meeting of creditors.
- F. Debtor's Duties to Cooperate With Trustee.** The debtors shall cooperate with the trustee and shall promptly respond to all requests for documentation. If the debtor does not believe that the debtor is required to provide any document or documents requested by the trustee, then the debtor must request an Order of the Court to excuse compliance with the trustee's request.
- G. Chapter 11 and Chapter 12 Status and Scheduling Conference.** A Status and Scheduling Conference shall be set and conducted in all Chapter 11 and Chapter 12 cases. The conference shall be noticed and conducted by the Court. The DIP and counsel for the DIP shall appear at the conference prepared to answer inquiries concerning the status of the case and anticipated plans for reorganization. After the mailing of the §341 meeting notice by the Court, the DIP will be responsible for the mailing of all subsequent notices and reports to interested parties unless otherwise ordered by the Court.

**RULE 4003-1. OBJECTIONS TO EXEMPTIONS**

**A. Content of Objections to Exemptions.** All objections to exemptions shall contain:

1. Specific identification of the property that the debtor(s) has claimed as exempt and to which the objection is addressed.
2. Basis for the objection, setting forth the legal and factual basis that give rise to the objection.

**B. Notice of Objections.** The objecting party must provide Notice of the Objection and Notice of Objection to Claim, Notice of Deadline to File Response and Notice of Hearing, [Local Form 20B](#) to the debtor, debtor's counsel, the trustee and parties in interest that have requested notice.

**C. Deadline to Object in Converted Cases.** Upon conversion of an individual case, a new deadline to object to property claimed as exempt shall be thirty (30) calendar days after the conclusion of the post-conversion meeting of creditors or within thirty (30) calendar days after any amendment to the list of supplemental schedule is filed, whichever is later.

**RULE 4003-2. LIEN AVOIDANCE**

A separate motion, [Local Form 4003-2](#) under Bankruptcy Rule 4003(d), shall be filed with respect to each creditor that holds a lien on exempt property that the debtor seeks to avoid pursuant to 11 U.S.C. § 522(f). These motions shall be filed separately and shall not be incorporated into the plan in a Chapter 11, 12, or 13 case. The motion shall provide a full legal description of the property. The motion shall be served on affected parties in accordance with Bankruptcy Rule 7004(b)(3) and (h). [Local Rule 9013-1](#) and [9014-1](#) shall apply to motions to avoid lien. The moving party shall file [Local Form 20A](#), Notice of Motion, Notice of Deadline to File Objection and Notice of Hearing.

**RULE 4004-1. DISCHARGE**

**A. Statement of Whether 11 U.S.C. § 522(q) is Applicable.** Within twenty-one (21) days following the filing of a notice by an individual debtor in a Chapter 11 case or a trustee in a Chapter 12 or Chapter 13 case that the debtor has paid all payments due under the plan, or in conjunction with the filing of a motion for hardship discharge in a Chapter 12 or Chapter 13 case, the debtor shall file a statement on [Local Form 4004-1\(A\)](#) (Certification of Compliance and Motion for Entry of Discharge) indicating whether 11 U.S.C. § 522(q)(1) may be applicable to the debtor or if there is pending a proceeding in which the debtor may be found guilty of a felony of the kind described in 11 U.S.C. § 522(q)(1)(A) or liable for a debt of the kind described in 11 U.S.C. § 522(q)(1)(B). Such statement shall be served upon the trustee, if any, all creditors and all parties in interest who have requested notice.

**B. Certification of Payment of Domestic Support Obligations.** If the individual debtor in a Chapter 12 or 13 case is required by a judicial or administrative order, or by statute, to pay any domestic support obligation, the debtor shall file a verified statement certifying that the debtor has paid all amounts that are required to be paid under such domestic support obligation in accordance with 11 U.S.C. §§ 1228(a) or 1328(a) on [Local Form 4004-1\(A\)](#) (Certification of Compliance and Motion for Entry of Discharge). If the debtor is not required to pay any amounts under a domestic support obligation, then the debtor shall file a verified statement certifying that the debtor has no such obligations on [Local Form 4004-1\(A\)](#) (Certification of Compliance and Motion for Entry of Discharge).

1. The certification of payment of domestic support obligations shall be filed by the debtor no earlier than the date of the last payment made under the plan or the date of the filing of a motion for entry of discharge under 11 U.S.C. §§ 1228(b) or 1328(b).
2. If the certification of payment of domestic support obligations is not timely filed, the case may be closed without a discharge.

**C. Notice of Hearing.** Motion for Hardship Discharge shall be filed and served with [Local Form 20D](#), Notice of Hearing and Fixing Time for Filing Complaint affording creditors time to object to the debtor's discharge. When the debtor has completed all payments and files Debtor's Certification of Compliance and Motion for Entry of Discharge, the motion shall be filed and served with [Local Form 20C](#), Notice of Motion, Notice of Deadline to File Objections to Motion and Notice of Hearing.

#### **RULE 4008-1. REAFFIRMATION**

**A.** All Reaffirmation Agreements shall substantially conform to the Administrative Office of the U.S. Courts Director's Procedural Form 2400A Reaffirmation Documents or 2400C ALT Reaffirmation Agreement and Official Form 427, Cover Sheet for Reaffirmation Agreement, and shall include the following information:

1. Mark the appropriate presumption box.
2. Include the full legal name of the creditor.
3. If the creditor is a credit union, ensure that the proper box is checked. If the creditor is a credit union, as defined in section 19(b)(1)(A)(iv) of the Federal Reserve Act (codified at 12 U.S.C. § 461), and the debtor is represented by counsel, the Court does not have the authority to review the agreement for undue hardship. See 11 U.S.C. § 524(m)(2).
4. Insert the amount agreed to be reaffirmed.
5. Include the interest rate in the "ANNUAL PERCENTAGE RATE" section of the Reaffirmation Agreement.

- a) Use the appropriate subpart to report the APR for fixed rate credit agreements or variable rate credit agreements.
6. Include the description of the collateral that secures the debt to be reaffirmed. If the collateral is a vehicle, include the VIN. If the collateral is real estate, include the legal description or the address of the property. Include the original purchase price of the collateral or the original amount of the loan that is being reaffirmed.
7. Include the repayment schedule indicating the amount of the payment and terms prior to the date of the bankruptcy and after the Reaffirmation and describe how any “future payment amount” may be different, either explain the changes or attach a copy of the note or other documentation that will show the terms of the agreement including when and how the payments can change.
8. If the monthly payment amount is relatively fixed (i.e. mortgage payments including property tax and insurance escrow amounts), include the amount and include the total number of payments.
9. Briefly describe the credit agreement or attach a copy.
10. If any terms of the Reaffirmation Agreement have been renegotiated, describe the changes to the credit agreement.
11. All parties reaffirming the agreement should sign the Reaffirmation Agreement. If only one debtor has an obligation on the underlying debt, a joint debtor should not be a party to the agreement. The agreement must also be signed and dated by the creditor. **If only one debtor is a party to the agreement, and the case is a joint case, there must be attached documentation to show that only one debtor has an obligation to the debt.**
12. If the debtor is represented by counsel during the course of negotiating the agreement, counsel shall sign the Reaffirmation Agreement and check the box, if a presumption of undue hardship has been established and the debtor is able to make the required payment. The attorney’s signature on the Reaffirmation Agreement indicates that the attorney represented the debtor during the course of negotiating the agreement.
13. The debtor’s present income and expenses should be used when completing Part II. If the debtor has surrendered property or reduced expenses, subtract those changes from Schedule J expenses to arrive at present expenses. If the debtor listed the debt being reaffirmed as an expense on Schedule J, subtract that expense from Schedule J expenses to arrive at present expenses.
14. If the debtor’s present income and expenses differ from those shown on Schedules I and J, it is essential to explain those changes. Without an explanation for any changes in income and expense, it is impossible for the Court to determine whether a presumption of undue hardship exists or to evaluate the impact of reaffirmation of the debt on the debtor. PROVIDING A DETAILED EXPLANATION OF HOW THE DEBTOR CAN AFFORD TO MAKE THE REQUIRED PAYMENTS IS THE SINGLE MOST IMPORTANT FACTOR DETERMINING IF UNDUE HARDSHIP EXISTS.
15. The debtor(s) must sign and date the statement in support of the reaffirmation agreement. This is a verification that the debtor has received information regarding rescission of the reaffirmation agreement.

- B. All reaffirmation agreements must be filed no later than sixty (60) days after the first date set for the meeting of creditors to be enforceable. Any reaffirmation agreement filed after the 60<sup>th</sup> day is rendered unenforceable, unless a timely Motion to Delay the Discharge or Enlarge the Time to File a Reaffirmation Agreement is filed by the debtor, using the proper event code in order for the discharge to be delayed to allow a reaffirmation to be filed.
  
- C. At any time before the Court enters a discharge or before the expiration of the sixty (60) day period that begins on the date the reaffirmation agreement is filed with the Court, whichever occurs later, the debtor has the right to rescind or cancel the reaffirmation agreement. The debtor **shall** notify the creditor in writing that the reaffirmation agreement is rescinded or canceled in order to cancel the agreement. The debtor may use [Local Form 4008-1\(C\)](#) for this creditor notification.
  
- D. If a presumption of hardship is established, the debtor signs a motion for court approval, or the debtor is not represented by counsel during the course of the negotiating of the Reaffirmation Agreement, the debtor and any joint debtor that has an obligation on the Reaffirmation Agreement shall appear at a Reaffirmation hearing.

## **PART V COURTS AND CLERKS**

### **RULE 5001-1. COURT ADMINISTRATION**

- A. **Multi-Court Voice Case Information System (MVCIS).** The United States Bankruptcy Court for the Eastern District of Oklahoma provides Case Information via automated Telephone system known as VCIS (Voice Case Information System).

In 2011, the court joined (MCVIS) Multi-Court VCIS along with many other Bankruptcy Courts across the country to provide a more cost efficient model for the federal judiciary. Multi-Court VCIS works the same way VCIS did. The phone number was changed to a shared pool number 1-866-222-8029. Voice recognition will be added soon.

**Dial 1-866-222-8029**

The MVCIS is available for use twenty-four hours a day, seven (7) days a week.

**B. Public Access to Court Electronic Records (PACER).** This system allows viewing or downloading of docket sheets and claims registers, listing of cases filed the previous day and searches for basic case information, such as case number, debtors name, filing date and chapter under which relief is sought. Following are requirements needed to access the system:

Computer - Capable of running a web browser;

Internet Access;

Printer;

Web Browser - Compatible with Netscape 4.x and above or Internet Explorer 5.x and above. However, it is recommended to use the most recent version of any browser. Mozilla and Firefox are also compatible with PACER;

The PACER system is available twenty-four hours a day, seven (7) days a week.

The PACER login screen is protected by the secure SSL Web server. Software on the page encrypts and protects customer information as it is sent across the Internet.

For PACER registration and cost information call 1-800-676-6856. A link to the PACER manual is available at <http://\pacer.uscourts.gov/documents/pacermanual.pdf>

**C. File Searches.** Telephone requests are accepted for basic information contained on the Court CM/ECF system. More involved requests shall be in writing or in person and may require a fee pursuant to 28 U.S.C. § 1930. Extensive searches shall not be performed by the Clerk's Office.

#### **RULE 5001-2. CLERK - OFFICE LOCATION/HOURS**

**A. Location of the Court.** The Bankruptcy Court is located in the U.S. Post Office and Courthouse Building at 111 W. 4<sup>th</sup> Street (corner of 4<sup>th</sup> and Grand Streets) in Okmulgee, Oklahoma. This is the address that should be used for all deliveries.

**B. Correspondence.** All correspondence shall be addressed to:

Clerk of the Court  
U.S. Bankruptcy Court  
P.O. Box 1347  
Okmulgee, Oklahoma 74447

**C. Business Hours.** Business and telephone hours are from 8:30 a.m. to 4:30 p.m. on all days except Saturdays, Sundays and legal holidays.

**D. Electronic Filings Access.** Court filings are accepted 24 hours a day, seven (7) days a week.

**E. Telephone and FAX Numbers.** The Clerk's Office may be reached at the following telephone and FAX numbers:

(918) 549-7200 - Clerk's number

(918) 549-7248 - FAX number

**F. Website.** This Court maintains a public website, which contains extensive information beneficial to the public [www.okeb.uscourts.gov](http://www.okeb.uscourts.gov).

#### **RULE 5003-1. CLERK - GENERAL**

**A. Exhibits.** Exhibits introduced in any hearing and held by the Clerk shall be disposed of by the Clerk after all appeal deadlines have expired without notice to parties. See also [Local Rule 9017-2\(B\)](#).

**B. Stipulation to Custody of Exhibits by Counsel.** Parties participating in an evidentiary hearing shall stipulate (1) that counsel for the party who introduces exhibits into evidence at the hearing shall maintain custody of the original exhibits; (2) that counsel maintaining custody of the original exhibits shall insure the integrity and availability of the exhibits until ninety (90) days after the case or adversary proceeding is closed; and (3) that counsel maintaining custody of the original exhibits shall tender them to the Clerk in their original form in the event that such exhibits are designated as part of the record on appeal, or in the event that counsel can no longer maintain custody, integrity, or availability of the exhibits (i.e., change in location, retirement from practice, etc.). A written stipulation shall be signed by counsel for all parties participating in the hearing, approved by the Court, and filed in the case or adversary proceeding. A list of all exhibits offered by each party participating in the hearing shall be attached to the stipulation prior to filing.

**C. Official Mailing List (Matrix).** The Clerk shall maintain the Official Matrix and update as necessary, and may order the attorney of record for the debtor to update as necessary, the Matrix for each bankruptcy case, which shall include: (1) the name and address of the debtor, the debtor's counsel, the trustee, the United States Trustee, and any members of any official committee appointed in the case, and its counsel; (2) the names and addresses of all persons or entities on the Creditor List as it may be amended [see [Local Rule 1007-I \[Interim\]-1\(E\)](#)]; (3) the

names and addresses of all persons or entities on the Equity Security Holders List as it may be amended [see [Local Rule 1007-I \[Interim\]-1\(D\)](#)], if applicable; (4) the name and address of all persons or entities who file an entry of appearance and request for notice in the case; (5) the name and address of creditors who file a Proof of Claim in the case; and (6) the name and address of interest holders who file a Proof of Interest in the case. This listing shall be known as the Official Mailing List and the Matrix.

**D. Redaction of Transcripts.** In compliance with the policy on electronic availability of transcripts, access to every electronic transcript filed with the Court will initially be restricted to Court users. The transcript will be available at the office of the Clerk of the Court, for inspection only, for ninety (90) days to allow interested parties the opportunity to review the transcript and file a request for redaction, requesting that personal data identifiers be redacted prior to the transcript being made available to the public electronically. It is the responsibility of the parties to monitor the docket for the filing of the transcript. When a transcript is filed, it is the responsibility of attorneys and pro se parties who attended the hearing to review the transcript for redaction. The scope of an attorney's or pro se party's responsibility includes review of the following portions of a transcript:

- opening and closing statements made on the party's behalf;
- statement of the party;
- the testimony of any witnesses called by the party; and
- any other portion of the transcript as ordered by the Court.

If only part of the transcript is filed, an attorney or pro se party is not responsible for reviewing other parts of the proceeding.

During the 90-day restriction period, the transcript and any redacted versions will not be available via remote electronic access except that an attorney who purchases the transcript during the 90-day period will be given remote electronic access to the transcript and any redacted version filed. PACER charges will be incurred each time the transcript is accessed via CM/ECF even when the attorney has purchased the transcript and the 30 page cap for PACER fees does not apply. Members of the general public, including pro se parties who purchase the transcript, will not be given remote electronic access to the transcript or any redacted version filed during the 90-day period.

Within seven (7) days of the filing by the Court reporter/transcriber of the transcript with the Clerk's office, each party shall inform the Court, by filing a Notice of Redaction with the Clerk, of the party's intent to redact personal data identifiers from the electronic transcript of the Court proceeding. Such personal data identifiers include:

- Social security numbers
- Financial account numbers
- Names of minor children
- Dates of birth

- Home addresses of the individuals

If no such notice is filed within the allotted time, the Court will assume redaction of personal data identifiers from the transcript is not necessary and the transcript will be made electronically available on the ninety-first business day.

If a timely Notice of Redaction is filed by any party following the filing of the transcript with the Clerk's office, the unredacted version of the transcript is not to be made remotely electronically available to the general public until the redaction occurs. Within twenty-one (21) calendar days of the filing of the transcript, or longer if the Court so orders, the parties shall serve a request to the Court reporter/transcriber, the request shall indicate the location of the personal data identifiers in the transcript by including the page and paragraph or line where the personal data identifiers are located. The Court reporter/transcriber shall partially redact these personal data identifiers from the electronic transcript as follows:

- Social security numbers to the last four digits
- Financial account numbers to the last four digits
- Names of minor children to the initials
- Dates of birth to the year
- Home addresses of the individuals to the city and state

During the twenty-one (21) day period, or longer if the Court so orders, attorneys may file a Motion for Protective Order pursuant to Bankruptcy Rule 9037(d) with the Court for any additional redactions to the transcripts. Once a Notice of Redaction is filed, the transcriber has thirty-one (31) days from the date of filing of the transcript to file a redacted transcript. After the redacted transcript is filed, the unredacted transcript shall not be disseminated by any party and is permanently restricted pursuant to Bankruptcy Rule 9037(e).

#### **RULE 5005-1. FILING REQUIREMENTS**

- A. Electronic Filing.** All documents submitted to the Clerk for filing, regardless of where or when the case or proceeding was originally commenced, shall be filed electronically pursuant to these Local Rules and the CM/ECF Administrative Procedures. The foregoing shall not apply to: (1) documents filed by a pro se party; (2) proofs of claim or interest filed by the claimant or interest holder; or (3) reaffirmation agreements. See also [Local Rule 3002-1\(A\)](#). If paper documents are filed, the Clerk shall scan and upload the images to the CM/ECF System. Documents described in subsection (2) and (3) above may be filed electronically. The electronic filing of a pleading or other paper in accordance with these Local Rules and the CM/ECF Administrative Procedures shall constitute entry of that pleading or other paper on the docket kept by the Clerk under Bankruptcy Rule 5003. Any additional exceptions to this Rule shall be granted by specific order of this Court under extraordinary circumstances and requires a motion be filed with the Court outlining the basis of the request of the exception. The Court may direct the party to obtain limited user status and file electronically. See [Local Rule 5005-1\(C\)](#).

- B. Filing Fee.** Any document presented for filing without proper provision for payment of the filing fee may not be accepted for filing by the clerk. If a filing fee is not paid on the calendar date that a pleading is electronically filed, the pleading may be stricken. Any fee not timely paid may result in the attorney being denied access to the CM/ECF system until fees are paid. See [Local Rules 5080-1 and 5081-1\(A\) and \(B\)](#).
- C. Registration.** Each attorney must register with the Court in accordance with the procedures set forth in the CM/ECF Administrative Guide in order to file pleadings and documents electronically. Registered participants of the CM/ECF System shall be responsible for maintaining current registration information on the CM/ECF System, e.g., mailing addresses, email addresses, etc. See [Local Form 5005-1\(C\)\(1\)](#) Electronic Case Filing System Registration for Full ECF Participants, Training Waiver Form or Limited Use Password.
- D. Conversion; Amendment to Creditor List; Fee.** In a Chapter 11, 12, or 13 case that is converted to a case under Chapter 7, no filing fee shall be required for filing the amendment to the Creditor List required by [Local Rule 1019-1 \(A\)](#) if the amendment is filed within fourteen (14) days following the entry of the order converting case or notice of conversion. The debtor shall give notice in compliance with [Local Rule 1009-1\(D\)](#).
- E. Certificate of Mailing of a Document.** The Notice of Electronic Filing created by the CM/ECF System serves as the Certificate of Mailing of a document whether the original document was filed electronically or in paper format.
1. If all parties who are entitled to receive notice are served by the CM/ECF System, no separate Certificate of Mailing is necessary.
  2. For parties not listed on the Notice of Electronic Filing who are entitled to receive notice and parties who are entitled to service pursuant to Bankruptcy Rule 9014(b) and/or 7004, the party serving notice shall either include a Certificate of Mailing in the document certifying the date of service, the manner of service, and the names and addresses of the persons and entities served or file a separate signed Certificate of Mailing, [Local Form 2002-1\(E\)](#) containing the same information. If a separate Certificate of Mailing is filed electronically, the Certificate of Mailing shall specifically identify the document served and the docket entry shall relate the Certificate of Mailing to the document served by docket number. If the Certificate of Mailing is filed in paper form, the following must be attached: (1) a copy of the first page of the document served and (2) a copy of the first page of the Notice of Electronic Filing of the document. See also [Local Rule 2002-1\(E\)](#).
- F. Privacy.** A party filing a document shall redact the following personal data identifiers appearing in pleadings or other papers filed with the Court: names of minor children (use minors' initials); all but the last four digits of any bank, savings or similar financial account numbers; all but the last four digits of any social security number; and all birth date information except the year. The

responsibility for redacting personal identifiers rests solely with the filing party. **THE CLERK WILL NOT REVIEW DOCUMENTS FOR COMPLIANCE WITH THIS RULE, SEAL DOCUMENTS CONTAINING PERSONAL DATA IDENTIFIERS WITHOUT A COURT ORDER, OR REDACT SUCH INFORMATION FROM DOCUMENTS.**

- G. Sealed Documents.** Documents to be placed under seal should be filed electronically by using the event “Sealed Document”. The documents will be filed, sealed and unavailable to public viewing. The filing party must file contemporaneously with the sealed document a Motion to Seal Document from Public Access. If the Motion to Seal Document from Public Access is granted, the related documents will remain under seal and be maintained by the Clerk’s Office as a “Sealed Document” until further order of the Court. The Order of the Court authorizing the filing of such documents under seal will be entered electronically by the Clerk’s Office. If the documents are sensitive in nature and should only be seen by judicial personnel, the filer should call the Court prior to filing. If the motion is denied, the documents under seal will be made viewable to the public by the Court and will no longer be under seal.

#### **RULE 5007-1. INTERPRETERS; SERVICES FOR PERSONS WITH COMMUNICATIONS DISABILITIES**

Except for proceedings initiated by the United States or for those persons with communications disabilities, the Court shall not provide interpreters or other accommodation. There is no requirement that an interpreter provided by any party be federally certified. Persons with communications disabilities needing interpretation services may contact the Clerk of Court for information on obtaining such services.

#### **RULE 5010-1. REOPENING CASES**

- A. Notice.** All motions to reopen a case, [Local Form 5010-1\(A\)](#), must be accompanied by [Local Form 20A](#), Notice of Motion, Notice of Deadline to File Objections and Notice of Hearing, as set forth in [Local Rule 9013-1\(B\)](#) and a proposed order in compliance with [Local Rule 9072-1\(A\)](#).
- B. Fees.** A motion to reopen a case must be accompanied by the filing fee in effect at the time of filing, unless the case is being reopened to correct an administrative error or for actions affecting the discharge of the debtor, or unless the motion is being filed by a trustee and a separate application for deferral of payment of fee until assets are recovered from the estate is filed along with the motion.
- C. Reopening to Add a Creditor or File an Adversary Complaint.** In a no-asset individual Chapter 7 case, a motion to reopen a case to add an omitted creditor must be accompanied by a proposed order conforming to the [Local Form 5010-1\(C\)](#), “Order Reopening Case to Add Omitted Creditor

or File an Adversary Complaint”. No trustee shall be appointed. If the debtor fails to timely comply with the order, the case shall be closed without further notice. If the debtor fails to file an adversary complaint, the fee for reopening the case must be paid to the Clerk of Court.

- D. Reopening to Administer Additional Assets.** In a Chapter 7 case, a motion to reopen a case to administer additional assets and proposed order, [Local Form 5010-1\(D\)](#) may be filed without a reopening fee only if the motion is filed by the trustee and the trustee files a separate application for deferral of the fee pending recovery of assets, along with the motion to reopen. The filing fee shall be paid from any assets recovered.
- E. Reopening to Correct Social Security Number or other Individual Taxpayer Identification Number of Debtor.** A motion to reopen a case to correct the social security number or other individual taxpayer identification number of the debtor must be accompanied by the required reopening fee and must comply with the provisions of [Local Rule 1009-1\(G\)](#) and [\(H\)](#)
- F. Reopening Case to Avoid a Judicial Lien.** A motion to reopen case to avoid judicial lien and a proposed order [Local Form 5010-1\(F\)](#) must be accompanied by the fee required by subdivision (A) of this rule. The motion to reopen must comply with [Local Rule 4003-2](#), and must be served in accordance with Bankruptcy Rule 7004 (b)(3) and (h) using the [Local Form 20A](#), Notice of Motion, Notice of Deadline to File Objections and Notice of Hearing, procedures set forth in [Local Rule 9013-1\(B\)](#). Upon expiration of appeal time of the order on the motion to avoid judicial lien, the case shall be reclosed without further order of the Court.
- G. Reopening Case to File Official Form 423 “Certification of Completion of Financial Management Course.”** If the certificate of completion of the required financial management course is not filed by the time the case is administratively ready for closing, the case shall be closed without entry of the discharge. If the debtor subsequently completes the requirement, the debtor may file the certificate accompanied by a motion to reopen the case to request entry of discharge along with payment of the required reopening fee.
- H. Reopening Case to File Required Local Forms for Issuance of Discharge.** In Chapter 7, 12 or 13 cases closed without entry of a discharge under Bankruptcy Rule 4004, for failure to comply with certification and statement requirements, the debtor may seek to reopen a case for the purposes of obtaining a discharge upon the payment of any required reopening fee and the filing and service of the forms required under Bankruptcy Rule 4004.
- I. Motion to Reopen for Chapter 11 Discharge.** See [Local Rule 3022-1](#).

**RULE 5011-1. WITHDRAWAL OF REFERENCE**

- A. A motion for withdrawal of a case or proceeding, in whole or in part, pursuant to Bankruptcy Rule 5011(a), and responses thereto shall be filed with the Clerk of the Bankruptcy Court in accordance with U. S. District Court Eastern District of Oklahoma LCvR 84.1.
- B. Unless otherwise ordered by the Court, a motion for withdrawal shall not toll, suspend, or otherwise change the time period for filing responsive pleadings or motions in pending matters.
- C. A Notice of Motion in Compliance with this Court's **Local Form 20** for use with motions to withdraw the reference shall be served on all interested parties.
- D. Responses to the Motion to Withdraw the Reference shall be filed within the time set forth in the Court's motion procedure, which is stated in the Court's **Local Form 20** for use with motions to withdraw the reference.
- E. Parties shall file responses to the reported recommendation in manner prescribed in the Court's Report and Recommendation.

**RULE 5011-2. ABSTENTION**

Unless otherwise ordered by the Court, a motion for abstention shall not toll, suspend, or otherwise change the time period for filing responsive pleadings or motions in pending matters.

**RULE 5080-1. FEES - GENERAL**

All fees must be paid on the calendar day on which the transaction requiring a fee occurs. If a filing fee is not timely paid, the pleading or document may be stricken without further notice or a hearing. Any document presented for paper filing without proper provision for payment of the filing fee may not be accepted for filing by the Clerk. If any fee is not timely paid, the filing party shall be denied access to the CM/ECF System until all fees due have been paid.

## **RULE 5081-1. FEES - FORM OF PAYMENT**

**A. Payment from Pro Se Filers (And Other Filers Exempted or Suspended from Credit Card Payment).** Fees or other charges to be paid to the clerk, and any deposits to be deposited with the clerk, must be tendered in one of the following forms:

1. U.S. legal currency if presented in person only, (cash may not be remitted by mail);
2. Check, cashier's check or money order in United States funds made payable to "Clerk, United States Court". Only checks drawn on attorney's trust or operating account (unless the maker is a debtor in a bankruptcy case), on an account of the trustee appointed to the case for which the payment is remitted, or on any United States, state or local government account, will be accepted for payment of filing fees. The clerk will accept a personal or business check for payment of copy, certification or research fees, upon presentation of an official government issued photo identification card of the person who is presenting the check. The clerk will not accept personal checks from the debtor until such case is closed. The clerk reserves the right to rescind or amend this policy of acceptance of personal checks without further notice. Payments must be remitted in the exact amount due for the fee owed. No change will be provided for cash, money order, check or other payment remittances.

**B. Payments From Registered Users of CM/ECF.**

1. Payment by Debit or Credit Card Required. Registered users (other than case trustees, government agencies and other entities which are specifically exempted by the Court or registered users with suspended accounts) must use the CM/ECF credit card module to pay fees for documents filed in CM/ECF.
2. Payment Deadline. Sanctions. The registered user must pay any and all fees for CM/ECF transactions on the date filed. Failing to do so will cause the registered user's electronic filing privileges to be suspended and may result in a bankruptcy petition being dismissed, the document being stricken, or sanctions being imposed. See also [Local Rules 5005-1](#) and [5080-1](#).

**C. NSF Checks.** If any check is returned for insufficient funds or other valid reason by the depository upon which drawn, a returned check fee will be assessed and the clerk may thereafter require cash, cashier's check, or money order from the payor.

## **PART VI COLLECTION AND LIQUIDATION OF THE ESTATE**

### **RULE 6004-1. SALE OF ESTATE PROPERTY**

**A. Notice of Use, Sale, or Lease of Property Not in the Ordinary Course of Business.**

1. [Local Rule 9013-1](#) does not apply to a notice of proposed use, sale, or lease of property made pursuant to Bankruptcy Rule 6004(a).
2. The notice of proposed use, sale, or lease of property not in the ordinary course of business shall include the information set forth in Bankruptcy Rule 2002(c)(1). If a date of the proposed action is included in the notice, the notice shall also include the following statement in a separate paragraph: "Objections to the proposed action [use, sale, lease] of the above-described property must be filed and served not less than seven (7) days before the date set for the proposed action. If no objection is timely filed or served, the proposed action may be taken without further notice or hearing." The notice of proposed use, sale, or lease of property not in the ordinary course of business shall be served in accordance with Bankruptcy Rule 6004(a) and, if applicable, Bankruptcy Rule 2002(d)(3).

**B. Sale Free and Clear of Liens and Other Interests.**

1. [Local Rule 9013-1](#) does *not* apply to a motion for authority to sell personal property free and clear of liens and other interests made pursuant to Bankruptcy Rule 6004(c) or to objections thereto. The motion shall be accompanied by a separate [Local Form 20A](#), Notice of Deadline to File Objections and Notice of Hearing required by Bankruptcy Rules 6004(a), 2002(c)(1) and 6004(c). If no objection is timely filed or served, the Court may strike the hearing and grant the requested relief without further notice or a hearing.
2. [Local Rule 9013-1](#) *does* apply to a motion for authority to sell real property free and clear of liens and other interests made pursuant to Bankruptcy Rule 6004(c) or to objections thereto. The motion shall be accompanied by a separate [Local Form 20C](#), Notice of Motion, Notice of Deadline to File Objections and Notice of Hearing required by Bankruptcy Rules 6004(a) and (c) and 2002(c)(1). A hearing will be held even if no objection is timely filed.
3. The notice shall be served pursuant to Bankruptcy Rule 6004(a) and (c), and, if applicable, Bankruptcy Rule 2002(d)(3). Service of the motion and the notice shall be accomplished the same date as the filing of the motion and notice, and any certificate of service shall be filed the same date. See [Local Rule 2002-1\(E\)](#).

**RULE 6006-1. EXECUTORY CONTRACTS**

Notice of a motion to assume, assume and assign, or reject an executory contract or unexpired lease, or notice of a motion to require the trustee or DIP to assume, assume and assign, or reject an executory contract or unexpired lease shall be given by the moving party to parties identified in Bankruptcy Rule 6006(c) and to the debtor, the trustee, any committee appointed under 11 U.S.C. §§ 705 or 1102, counsel for each of the foregoing, all entities known by the trustee or the DIP to assert or claim a lien or other interest in the contract or lease, and all parties in interest who have requested notice in the case. [Local Form 20A](#), Notice of Motion, Notice of Deadline to File Objections and Notice of Hearing shall be used as notice when a motion under this Rule is filed. If assumption of a contract or lease under which there has been a default is proposed, the motion shall describe the default and proposed method of satisfying the provisions of 11 U.S.C. § 365(b).

**RULE 6007-1. ABANDONMENT**

**A. Service of Notice of Intent to Abandon.**

1. Property with an estimated gross value of \$1,000 or less may be abandoned by a trustee or DIP after filing a report of intent to abandon with the Court, and without any other notice or hearing.
2. Notice by the trustee or DIP of a proposed abandonment of property with an estimated gross value greater than \$1,000 shall be in accordance with Bankruptcy Rule 6007(a) and [Local Rules 2002-1\(E\)](#) and [9013-1\(B\)](#).

**B. Motion by Party in Interest.** Movant shall give notice of the motion to the trustee or DIP and to parties identified in Bankruptcy Rule 6007(a). See [Local Rule 9013-1\(B\)](#).

**C. Objections.** The time to file and serve an objection to a motion filed under Bankruptcy Rule 6007(a) or (b) shall be set forth on [Local Form 20A](#), Notice of Motion, Notice of Deadline to File Objection and Notice of Hearing. See [Local Rule 9013-1\(B\)](#).

**RULE 6008-1. REDEMPTION**

Notice of a motion for redemption of property from a lien or sale shall be given to the debtor, debtor's counsel, trustee, United States Trustee, any parties affected by the motion or having an interest in the property affected by the motion, and all parties in interest who have requested notice in the case. The time to file an objection or response to the motion shall be set forth on [Local Form 20A](#), Notice of Motion, Notice of Deadline to File Objection to Motion and Notice of Hearing as prescribed by Bankruptcy Rule 9006(f). See [Local Rule 9013-1\(B\)](#).

**PART VI I ADVERSARY PROCEEDINGS**

**RULE 7001-1. ADVERSARY PROCEEDING - GENERAL**

- A.** An adversary proceeding is commenced by filing a complaint in compliance with Official Form 416D, with Administrative Office of the U.S. Courts Director's Procedural Form 1040 Adversary Proceeding Cover Sheet, and appropriate filing fee set forth in 28 U.S.C. §1930.
- B.** The parties shall comply with the Court's Instructions Governing Adversary Proceedings, [Local Form 7001-1\(B\)](#), and shall be required to comply with the provisions contained therein.
- C.** A scheduling conference shall be conducted by the Court to set forth deadlines and discuss preliminary issues with regard to the pending adversary. The scheduling conference will be held telephonically unless otherwise ordered by the Court. The Clerk shall send the notice of the scheduling conference to all parties.

- D. Counsel for the parties shall conduct a Rule 26(f) conference in person or by telephone. Counsel for the plaintiff shall initiate the conference and all counsel shall participate in arranging the conference at a mutually agreeable place and time. All counsel shall be prepared to discuss the issues set forth in Rule 26(f) and suggest a discovery plan and exchange information and documentation required by Rule 26(a)(1) of the Federal Rules of Civil Procedure. A Report of Parties' Rule 26(f) Conference should be filed on [Local Form 7001-1\(D\)](#).

#### **RULE 7004-1. SERVICE OF PROCESS**

- A. The Certificate of Service of a pleading upon a domestic or foreign corporation, a partnership, or other unincorporated association pursuant to Bankruptcy Rule 7004(b)(3) or upon an insured depository institution pursuant to Bankruptcy Rule 7004(h) must identify the individual to whom service was addressed by name and/or title.
- B. The Certificate of Service of a pleading upon an insured depository institution pursuant to Bankruptcy Rule 7004(h) shall indicate:
1. That such entity is an insured depository institution;
  2. Whether the institution has appeared by its attorney in the bankruptcy case; and
  3. Manner of service.
- C. If a party is served at the address designated by the party in its proof of claim as the address where notices should be sent, the Certificate of Service shall so indicate.
- D. When serving a summons and complaint on a debtor pursuant to Bankruptcy Rule 7004(b)(9) and 7004(g), service shall also be made on the attorney representing the debtor in the main bankruptcy case, regardless of whether the attorney has or intends to enter an appearance in the adversary proceeding.

#### **RULE 7004-2. SUMMONS**

- A. The Clerk shall issue a summons after an adversary complaint is filed.
- B. If the Complaint is filed through the CM/ECF System, the issued Summons is contained as a hyperlink on the Docket Sheet for the filing attorney to complete and serve. Service of a Summons and a Complaint shall be made pursuant to Bankruptcy Rule 7004. [Local Form 7004-2\(B\)](#) Certificate of Service, shall be attached to the Summons and Complaint and filed as an

executed Return of Service.

- C. In the case of service upon the United States, in addition to the requirements of Bankruptcy Rule 7004(b)(4), if a summons is directed to an agency, department, or instrumentality of the United States, a copy of the summons and complaint shall also be served on the agency, department, or instrumentality at the address specified on the list maintained by the Clerk in accordance with [Local Rule 1007-I \[Interim\]-1\(L\)](#).
- D. A summons and complaint should be served within seven (7) days after the summons is issued. If a summons is not timely served, the plaintiff should request that an alias summons be issued to be served in compliance with Bankruptcy Rule 7004 by docketing the event Request for Issuance of Alias Summons.

#### **RULE 7005-1. CERTIFICATE OF SERVICE (ADVERSARY PROCEEDINGS)**

- A. See [Local Rules 5005-1\(E\)](#) and [2002-1\(E\)](#)
- B. Service under Bankruptcy Rule 7005 for any paper filed after the Adversary Complaint may be accomplished by electronic means through the CM/ECF System upon those persons who have registered in the CM/ECF System. See also [Local Rule 9036-1](#).

#### **RULE 7005-2. FILING OF DISCOVERY MATERIALS**

Requests for oral depositions, interrogatories, requests for production of documents, requests for admissions, and answers and responses thereto shall be served on all parties to the adversary proceeding, but shall not be filed unless so ordered by the Court or attached to a pleading for use in the proceeding. If Court intervention is sought concerning any discovery matter, copies of the portions of the discovery material at issue shall be attached as exhibits to the discovery motion. Copies of relevant discovery materials may also be filed in a like manner in connection with any response to a discovery motion.

#### **RULE 7007-1. MOTION PRACTICE (ADVERSARY PROCEEDINGS)**

- A. **Notice of Motion.** All motions in adversary proceedings must be accompanied by [Local Form 20A](#), for adversary proceedings, Notice of Motion, Notice of Deadline to File Objection to Motion and Notice of Hearing, as set forth in [Local Rule 9013-1\(B\)](#) and a proposed order in compliance with [Local Rule 9072-1\(A\)](#) with the exception of motions under [Local Rule 7056-1](#).

**B. Briefs.** Except for those motions enumerated in paragraph (C) of this rule, each motion, application, or objection filed in an adversary proceeding shall include, or be accompanied by, a concise brief, not exceeding twenty (20) pages in length, exclusive of attachments or appendices. A brief in opposition, not exceeding twenty (20) pages in length, exclusive of attachments or appendices, if filed, shall be filed within fourteen (14) days after the filing of the original motion, application, or objection, and a reply brief to the brief in opposition, not exceeding ten (10) pages in length, exclusive of attachments or appendices, if filed, shall be filed within fourteen (14) days after filing of the brief in opposition. No other briefs shall be permitted without leave of Court. The failure to file a brief with a motion, or failure to file a response brief or reply brief within the time parameters set forth herein shall constitute consent that the Court may rule without further notice on the pleadings timely submitted.

**C. Motions Not Requiring Briefs.** No brief is required by either movant or respondent in connection with the following motions filed in an adversary proceeding:

1. To extend the time for the performance of an action required or allowed to be done, if the request is made before the expiration of the period originally prescribed, or as extended by previous orders;
2. To continue a pre-trial, status, or scheduling conference, a hearing, or the trial of an action;
3. To amend pleadings;
4. To file supplemental pleadings;
5. For substitution of parties;
6. To name additional parties; and
7. To stay proceedings to enforce a judgment.

The motions set forth above shall contain a statement that opposing counsel has been consulted regarding the requested relief and that the opposing party either consents or objects.

**D. Motions for Summary Judgment.** See [Local Rule 7056-1](#) for additional requirements in connection with the form of motions for summary judgment and briefs in support and opposition thereto.

#### **RULE 7007.1-1 CORPORATE OWNERSHIP STATEMENT**

Any corporation, other than a governmental unit, that is a party to an adversary proceeding shall complete and file [Local Form 7007.1-1](#), identifying all publicly held corporations, other than a governmental unit, that directly or indirectly own ten percent (10%) or more of any class of the corporation's equity interest, or stating that there are no such entities to report. The corporate ownership statement shall be filed concurrently with the first pleading filed by a corporate entity in the proceeding. A supplemental corporate ownership statement shall be filed promptly to reflect any change

in the information that is required to be disclosed. See also [Local Rule 9014-1\(B\)](#) regarding participants in contested matters.

This Rule further requires that membership interests in limited liability companies and similar entities that fall under the definition of a corporation in Bankruptcy Code § 101 also be included in the disclosure statement.

In addition, the Court also directs all parties to address any corporate ownership issues at the scheduling conference held before this Court.

#### **RULE 7010-1. FORM OF PLEADINGS**

See [Local Rules 9004-1](#) and [9004-2](#).

#### **RULE 7012-1. RESPONSIVE PLEADINGS**

**Extensions of Time.** Requests for extension of time shall contain a statement that counsel for opposing or adverse party has been consulted regarding the requested extension and that the opposing counsel or adverse party either consents or objects.

#### **RULE 7016-1. PRE-TRIAL PROCEDURES**

- A. Witness and Exhibit Lists.** Seven (7) days prior to the pre-trial conference counsel shall exchange final lists of witnesses and exhibits. The witness list shall contain the name and address of each witness and a brief summary of the witness' anticipated testimony. The exhibit list shall specifically identify the exhibit to be introduced into evidence at trial and a brief description of the intended purpose for its introduction. These lists shall not be filed with the Court.
- B. Exhibits.** Seven (7) days prior to the pre-trial conference, counsel shall exchange copies of all exhibits anticipated for use at trial.
- C. Pre-Trial Memorandum.** Seven (7) days prior to the pre-trial conference counsel shall file a pre-trial memorandum of position, which shall contain: a brief statement of relevant facts; evidence to be introduced that will prove these facts, whether testimonial or documentary; legal issues in controversy; and legal authority to support the party's position with regard to the issues.
- D. Pre-Trial Conference.** The pre-trial conference shall include discussion of all issues between the parties and preparation of the case for trial. Counsel for the plaintiff and defendant and any pro se litigants who will conduct the trial shall attend the pre-trial.

- E. Due Dates.** At pre-trial, the Court may establish the due dates for the final exhibit and witness lists, pre-trial order, proposed findings of fact and conclusions of law and trial briefs. The Court may also set a trial date.
- F. Non-Compliance.** Failure to attend a pre-trial conference or failure to comply with the instructions governing adversary procedures contained in the order setting a pre-trial conference or a scheduling order may result in an order adverse to the party failing to attend or comply, including dismissal or entry of judgment.
- G. Continuance.** A motion to continue a pre-trial conference must state the reason therefor, and shall contain a statement that the adverse party has been consulted regarding the requested continuance and that the adverse party either consents or objects. The motion shall be filed not later than seven (7) days prior to the date set for the pre-trial conference.
- H. Pre-trial Order.** Unless the Court orders otherwise, the plaintiff shall prepare the initial draft of a proposed pre-trial order. The order shall follow the form contained in the Court’s Instructions Governing Adversary Proceedings. The proposed pre-trial order, which shall be prepared in accordance with [Local Rule 9072-1\(C\)](#), shall be the product of cooperation between and among the parties and shall be signed by all parties as an agreed pre-trial order and submitted seven (7) days prior to trial unless otherwise directed by the Court.
- I. Settlement.** The parties should be prepared to discuss the possibility of settlement at the pre-trial conference. In addition, the parties should discuss prior to the pre-trial whether a settlement conference would be beneficial to the parties.
- J. Trial.** Seven (7) days prior to the trial, counsel shall mark all exhibits and provide sufficient copies for opposing counsel, and two (2) copies for the Judge. Plaintiff’s exhibits shall be marked numerically. Defendant’s exhibits shall be marked alphabetically. Each counsel shall also file and provide the Court Recorder Deputy with a witness list containing the names and addresses of each witness and an exhibit list of exhibits set forth sequentially in the order intended to be identified and admitted in accordance with [Local Form 9017-2\(A\)](#). See also [Local Rule 9017-2](#). During the trial, copies of the exhibits shall be provided to the Court Recording Deputy as they are introduced and admitted into evidence.

**RULE 7026-1. DISCOVERY – GENERAL**

- A.** Filing of pleadings and other papers, including certain discovery papers, is governed by [Local Rule 7005-2](#).

- B. Every motion or objection relating to a discovery dispute shall contain a statement that counsel for the moving party or pro se litigant has consulted with counsel for the adverse party or pro se litigant concerning the motion or objection and the parties have failed to resolve the discovery dispute despite good faith efforts. If the parties agree that certain discovery orders such as discovery scheduling orders or protective orders should be entered, the parties may submit a joint motion and a proposed agreed order. The proposed agreed order shall be submitted to the Court in accordance with [Local Rule 9072-1\(A\) and \(D\)](#).

#### **RULE 7030-1. DEPOSITIONS**

Before filing a notice of deposition of a party, counsel for the party seeking to take the deposition shall make a good faith effort to confer with the proposed deponent through deponent's counsel, if any, to arrange an agreeable date, time, and place for the deposition.

#### **RULE 7041-1. DISMISSAL OF ADVERSARY PROCEEDINGS**

- A. A plaintiff may not voluntarily dismiss a complaint objecting to the discharge of the debtor without approval of the Court. A motion to dismiss such a complaint shall:
  1. be prepared in accordance with [Local Rule 9013-1\(B\)](#);
  2. be served upon the trustee, the United States Trustee, and all parties in interest in the underlying bankruptcy case in accordance with [Local Rule 9013-1\(H\)](#);
  3. give notice of the fact that the motion seeks dismissal of an objection to discharge under 11 U.S.C. § 727;
  4. give all parties in interest an opportunity to assume prosecution of the adversary proceeding; and
  5. disclose any consideration given in exchange for the filing of the motion.
- B. Notice of time to file a response to the motion to dismiss shall be made by [Local Form 20A](#) for adversary proceedings, Notice of Motion, Notice of Deadline to File Objection to Motion and Notice of Hearing, if Objection is filed, which complies with Bankruptcy Rules 9013 and 7007, and shall be filed and served upon all parties to the adversary proceeding, United States Trustee, trustee and the matrix in the bankruptcy case, unless the Court orders otherwise.
- C. Rule 41 of the Federal Rules of Civil Procedure, made applicable by Bankruptcy Rule 7041, applies in all contested matters. See Bankruptcy Rule 9014.
- D. If the required adversary complaint filing fee is not paid, the adversary proceeding may be dismissed without further notice.

- E. If the main case has been dismissed, the Court may, sua sponte, dismiss all adversary proceedings arising from the main case.

#### **RULE 7054-1. COSTS – TAXATION**

The Clerk is not authorized to tax costs unless presented with a judgment that specifically awards costs to the party seeking costs. The party must present the Clerk with an Administrative Office of the U.S. Courts Director's Procedural Form 2630, Bill of Costs.

#### **RULE 7055-1. DEFAULT**

**A. Entry of Default by Court Clerk.** To obtain an entry of default pursuant to Rule 55(a) of the Federal Rules of Civil Procedure, made applicable by Bankruptcy Rule 7055, the party shall file a Request for Entry of Default by the Clerk, [Local Form 7055-1\(A\)](#), which shall be accompanied by an affidavit setting forth:

1. The date of issuance of the summons;
2. The date of service of the complaint;
3. The date of filing of an affidavit of service;
4. The date a responsive pleading was due by virtue of Bankruptcy Rule 7012 and extensions of time granted to the defendant;
5. A statement, pursuant to Bankruptcy Rule 55(b)(1) of the Federal Rules of Civil Procedure, that the party against whom default is requested is not an infant or incompetent person; and
6. A statement, pursuant to the Service members Civil Relief Act, 50 U.S.C. App. § 521,
  - a) declaring whether or not the defendant is in the military service and supplying necessary facts to support the declaration; or
  - b) declaring that the plaintiff is unable to determine whether the defendant is in the military service.

Once a proper Request for Entry of Default by the Clerk with accompanying affidavit has been filed, the Clerk will enter default, Local Form 7055-1(B) after independently determining that service has been effected, that the time for response has expired, and that no answer or appearance has been filed.

**B. Entry of Default Judgment.** Once a party is in default, a default judgment pursuant to Rule 55(b) of the Federal Rules of Civil Procedure may be requested by filing a motion for default judgment. The motion shall state the factual basis upon which the plaintiff relies to prove each element of each claim for which a default judgment is requested. See [Local Form 7055-1\(C\)](#).

A Notice of Motion, [Local Form 20A](#), shall be served upon the defendant and the defendant's attorney. The movant shall also submit to the Court a proposed Default Judgment, [Local Form 7005-1\(D\)](#).

The Court will determine whether judgment should be entered and may set the matter for hearing in order to make such determination. Only the Court may enter a judgment of default. The Clerk shall not enter a judgment of default.

#### **RULE 7056-1. SUMMARY JUDGMENT**

- A. Brief in Support of Motion for Summary Judgment.** A motion for summary judgment (or partial summary judgment) shall include or be accompanied by a brief in support thereof, not exceeding twenty (20) pages in length, exclusive of attachments or appendices. A brief in support of a motion for summary judgment (or partial summary judgment) shall begin with a section that contains a concise statement of material facts as to which movant contends no genuine issue exists. Each fact shall be stated in a separately numbered paragraph and shall refer with particularity to those portions of the affidavits, discovery materials, pleadings, or other parts of the record before the Court upon which the movant relies. The movant shall not incorporate by reference arguments, replies, documents or portions of documents that were presented in earlier filings or other proceedings. Affidavits, discovery materials, pleadings, and other relevant portions of the record upon which the movant relies shall be attached to the brief. The statement of material facts shall be followed by the movant's argument and authorities. The Court may strike, or decline to consider, substantive arguments that appear only in affidavits or other supporting documentation.
- B. Response Brief.** A brief in response to a motion for summary judgment (or partial summary judgment), not exceeding twenty (20) pages in length, exclusive of attachments or appendices, shall be filed within fourteen (14) days after the filing of the brief in support of the motion for summary judgment. The response brief shall begin with a section stating, by paragraph number, each of the movant's facts to which the non-movant contends a genuine issue exists, and shall refer with particularity to those portions of affidavits, discovery materials, pleadings, and other relevant parts of the record before the Court upon which the non-movant relies to dispute the movant's fact. All properly supported material facts set forth in the movant's statement shall be deemed admitted for the purpose of summary judgment unless specifically controverted by a statement of the non-movant that is supported by evidentiary material.

If the non-movant contends that other material facts exist that preclude summary judgment, the non-movant shall set forth each such material fact in a separately numbered paragraph and shall refer with particularity to those portions of affidavits, discovery materials, pleadings, and other relevant parts of the record before the Court upon which the non-movant relies. Affidavits, discovery materials, pleadings, and other relevant portions of the record upon which the non-movant relies shall be attached to the brief.

The non-movant's dispute of movant's statement of material facts and statement of other material facts, if any, shall be followed by the non-movant's argument and authorities. The non-movant shall not incorporate by reference arguments, replies, documents or portions of documents that were presented in earlier filings or other proceedings. The Court may strike, or decline to consider, substantive arguments that appear only in affidavits or other supporting documentation.

- C. Reply Briefs to Address New Matters.** The movant may file a reply brief, not exceeding ten (10) pages in length, exclusive of attachments or appendices, within fourteen (14) days after date the response brief was filed, but such reply brief shall address only new matters set forth in the non-movant's response brief. Affidavits, discovery materials, pleadings, and other relevant portions of the record upon which the movant relies in its reply shall be attached to the reply brief. The respondent shall not incorporate by reference arguments, replies, documents or portions of documents that were presented in earlier filings or other proceedings. The Court may strike, or decline to consider, substantive arguments that appear only in affidavits or other supporting documentation.
  
- D. The Record.** The record on summary judgment shall consist of all materials permitted by Rule 56 of the Federal Rules of Civil Procedure that are properly in the record before the Court. Documentary evidence must be authenticated by affidavit or otherwise demonstrated to be admissible under the Federal Rules of Evidence in order to be considered on summary judgment.
  
- E. Hearing.** Unless a hearing was requested by a party, a hearing shall be deemed waived and the motion for summary judgment will be ready for decision upon the expiration of the time for filing responses and replies, if any, under these rules or as otherwise set by the Court.

#### **RULE 7069-1. EXECUTION.**

- A. Authority.** Procedures in aid of execution of a judgment of this Court may be conducted in the same proceeding in which the judgment was entered.
  
- B. Registration of Judgment from Another District.** Judgments entered in another district may be registered in this district prior to or at the time a writ of execution or garnishment is sought by filing, with the clerk, a copy of the judgment (including any bill of costs entered), accompanied by the miscellaneous proceeding fee and the Administrative Office of the U.S. Courts Director's Procedural Form 2650 Certification of Judgment for Registration in Another District, or a certified copy of an order allowing the judgment to be registered in this district.
  
- C. Satisfaction of Judgment.** A satisfaction of judgment shall be filed with the Court promptly upon

collection of the judgment.

## **PART VIII APPEALS TO DISTRICT COURT**

### **RULE 8001-1. NOTICE OF APPEAL**

**Abrogated.**

### **RULE 8001-3. ELECTION FOR DISTRICT COURT DETERMINATION OF APPEAL**

**Abrogated.**

### **RULE 8002-1. TIME FOR FILING NOTICE OF APPEAL**

- A. Time For Filing.** See Bankruptcy Rule 8002.
  
- B. Premature Appeal.** If a notice of appeal is filed after the announcement of a ruling by the Court, but before entry on the docket of the written judgment, order or decree, the notice will be docketed but not served in accordance with the Bankruptcy Rule 8004. Once the judgment is entered on the docket, the notice of appeal will be served by the clerk, noting the date the judgment was entered on the docket as the filing date of the notice of appeal.

### **RULE 8003-1. NOTICE OF APPEAL.**

- A.** All appeals are to the United States Bankruptcy Appellate Panel of the Tenth Circuit unless an election is made to the District Court under Bankruptcy Rule 8005.
  
- B.** An appeal is commenced to the District court or Bankruptcy Appellate Panel by the timely filing of a notice of appeal which should conform to Official Form 417A and appropriate filing fee set forth in 28 U.S.C. §1930. See Bankruptcy Rule 8003.
  
- C.** Appellant must attach to the notice of appeal a file stamped copy of the Bankruptcy Court order or judgment form which the appeal is taken. Every notice of appeal must be signed by counsel for the appellant or, if unrepresented by counsel, each appellant must sign personally.

**RULE 8004-1. MOTIONS FOR LEAVE TO APPEAL.**

- A. Fee Required.** A motion for leave to appeal shall comply with Bankruptcy Rule 8004 and be accompanied by the prescribed filing fee set forth in 28 U.S.C. §1930.
- B. No Designation Required Until Leave to Appeal Docketed.** The filing deadlines set forth in Bankruptcy Rule 8009 shall not begin until the Appellate Court order granting the motion is docketed in the Bankruptcy Court. Within seven (7) days from the entry of the Appellate Court order granting a motion for leave to appeal, the appellant shall pay the prescribed appellate docketing fee to the Clerk of the Bankruptcy Court.

**RULE 8005-1. ELECTION TO HAVE AN APPEAL HEARD BY THE DISTRICT COURT INSTEAD OF THE BAP**

If appellant elects to have the appeal heard in District Court pursuant to 28 U.S.C. §158(c)(1) that fact must be clearly marked on Official Form 417A, which must be used for filing the notice of appeal. Any other party electing to have the appeal heard in the District Court must serve and file Official Form 417B with the Clerk of the BAP clearly marking the election no later than thirty (30) days from service of the notice of appeal.

**RULE 8006-1. DESIGNATION OF RECORD**

**Abrogated.**

**RULE 8007-1. MOTIONS FOR STAY**

Motions for stay pending appeal should first be filed with the Bankruptcy Court to be presented to the Bankruptcy Judge for approval of a supersedeas bond, or other relief pending the appeal. Motions for stay that request relief from the Appellate Court must be filed directly with the Appellate Court once the appeal has been docketed with the Appellate Court. If a stay has been granted by the Appellate Court, it shall be incumbent upon the movant to immediately file a copy of the Appellate Court order with the Clerk of the Bankruptcy Court.

**RULE 8009-1. DESIGNATION OF RECORD, STATEMENT OF ISSUES AND TRANSCRIPT**

- A. Designation of Record and Statement of the Issues to be presented if an election is made under Bankruptcy Rule 8005.** The record for appeal shall be designated and prepared in accordance with Bankruptcy Rule 8009 within fourteen (14) days after filing the notice of appeal or cross appeal. Within fourteen (14) days after the service of the appellant's statement of issues, the appellee may file a designation of additional items to be included in the record on appeal. Additionally, the designation of record shall state the date of filing of each item designated and

the document number for the designated item.

- B.** Exhibits must be on file or filed with the Clerk and designated with a docket entry number in the Designation of Record. Any portion of an exhibit or pleading being designated must be filed in order to be designated.
  
- C.** The clerk shall notify the Bankruptcy Judge if any party fails to take action necessary to enable the clerk to assemble and transmit the record.
  
- D.** Within fourteen (14) days after filing the notice of appeal, appellant must order from the Court Recorder Deputy, on this Court's [Local Form 8007-1\(A\)](#) for Transcript Orders, the portions of the transcript that will be needed on appeal that are not already on file. Fed.R.App.P.10(b). If no transcript is needed, appellant must file a written statement to that effect with the Clerk of the Bankruptcy Court, which may be included in the Designation of Record. When appellant orders less than the entire transcript, appellant must file and serve on the appellee a description of the parts of the transcript that have been ordered and a statement of the issues that he or she intends to present on appeal. Appellee has twenty-one (21) days after service to file and counter-designate additional portions of the transcript and place an appropriate transcript order with the Court Recorder Deputy. All transcript orders must have sufficient payment provided in advance to the transcriber.
  
- E.** The reporter's endorsed request for a transcript extension of time pursuant to Bankruptcy Rule 8007(a) shall be filed with the Clerk.
  
- F.** If any party to an appeal from an order of the Bankruptcy Court to the District Court fails to timely designate the items to be included in the record on appeal, fails to make satisfactory arrangements for the production of a transcript or for the filing of the exhibits or of designated items for the Clerk, or otherwise fails to take action necessary to enable the Clerk to assemble and transmit the record, then:
  - 1. Any other party to the appeal may file in the Bankruptcy Court a motion to dismiss the appeal, in which event the following procedure shall be followed:
    - a) Movant shall, within fourteen (14) days after filing the motion to dismiss the appeal, file with the Clerk and serve on other parties to the appeal a designation of record for purposes of hearing the motion to dismiss, pursuant to Bankruptcy Rule 8007(c);
    - b) Other parties to the appeal shall, within fourteen (14) days after service of the movant's designation under subsection (a) above, file and serve a

designation of additional items to be included in the record for purposes of hearing the motion to dismiss, pursuant to Bankruptcy Rule 8007(c);

c) The parties shall make arrangements for delivery of or ordering copies, transcripts, and the like as prescribed in Bankruptcy Rules 8006 and 8007(a); and

d) When the record is complete for purposes of the motion to dismiss the appeal, the Clerk shall transmit a copy thereof forthwith to the Clerk of the District Court.

2. The Bankruptcy Court may, on its own motion or on request of any party to the appeal, direct the Clerk to transmit the record in its then-existing, incomplete form, together with a certification of the reasons why such record is incomplete, to the Clerk of the District Court.

## **PART IX GENERAL PROVISIONS**

### **RULE 9001-1. DEFINITIONS**

See [Local Rule 1001-1\(H\)](#).

### **RULE 9003-1. EX PARTE CONTACT**

No mail or correspondence should be addressed to the Judge.

### **RULE 9004-1. PAPERS – REQUIREMENTS OF FORM**

- A.** Documents and pleadings filed in a case or proceeding shall be formatted to be 8-1/2 inches wide by 11 inches long, shall be in no less than 12 point font (including footnotes), shall have margins of no less than one inch, and shall be drawn upon one side of the page only. All pleadings and briefs shall be double spaced.
- B.** Documents that were drafted for another purpose, but that are tendered for filing in a case or proceeding as attachments, exhibits, etc., should be enlarged or reduced to conform to the size requirement in subsection (A) of this rule, unless reducing the size of the document will render the document unreadable.

- C. When a document is signed by an attorney, or electronically signed by an attorney, the attorney's full name, state bar number, address, email address, telephone number, facsimile number (if applicable), and name of party or parties represented shall be shown on the document beneath the signature line. See also Section XI of the CM/ECF Administrative Guide.
- D. When a document is signed by a debtor, the debtor's name shall be signed as it appears in the style of the case.
- E. Certificate of Mailing. See [Local Rules 5005-1\(E\)](#), [2002-1\(E\)](#) and [7004-1](#).
- F. When a pleading or other paper is filed electronically in accordance with these Local Rules and the CM/ECF Administrative Guide, the CM/ECF System shall generate and email a Notice of Electronic Filing to the filing party and any other registered party who has requested electronic notice in that case or proceeding.
  - 1. If the recipient is a registered user of the CM/ECF System, the Clerk's emailing of the Notice of Electronic Filing shall be the equivalent of notice of the pleading or other paper by first class mail, postage prepaid, except in the case of a summons and complaint, or other pleading that must be served pursuant to Bankruptcy Rule 7004. See also Bankruptcy Rule 9014(b).
  - 2. Service by electronic means is not effective if the party making service learns that the attempted service was not electronically delivered to the person to be served.
  - 3. Each notice, application or motion shall contain appropriate authority by Code section or by Rule.
  - 4. Each application, unless otherwise specified, notice of motion and motion shall contain a separate certificate of mailing or service to interested parties, if required. See [Local Rule 5005-1\(E\)](#).
- G. Each pleading shall contain only one request for relief. The exception to this rule will be motions requesting combined relief pursuant to 11 U.S.C. § §362, 554 and, alternatively, 361.

**RULE 9004-2. CAPTION**

The caption of each pleading, proposed order or other document shall include the name of the Court, title of the case, the bankruptcy case number and the three initials of the assigned Judge and adversary number and the three initials of the assigned Judge, if any, and shall include, directly under the case number, the number of the chapter of the Code under which the case is pending. The document shall be titled so as to clearly describe the nature of the document. A pleading that fails to identify the case or adversary proceeding in which it is to be filed, may be stricken if electronically filed. It may be received and not accepted for filing by the clerk's office if submitted for filing. See also [Local Rule 1015-1](#) for Joint Administration and Consolidation.

1. An “Amendment to” a document consists of information that modifies or supplements a document. The original document remains effective except for the amendment. An amendment to a document shall be clearly identified as “Amendment to [name of original document].”
2. An “Amended” document consists of a replacement document that entirely supersedes an original document. An amended document shall be clearly identified as “Amended [name of original document].”

**RULE 9006-1. TIME PERIODS; ENLARGEMENT OR REDUCTION AND CONTINUANCES**

**A. Time Computation.** Computing any period of time prescribed by Bankruptcy Rule 9006 shall be calculated beginning from the date of the entry of the document on the docket, rather than from the service of the document.

**B. Enlargement or Reduction of Time.** All applications for enlargement of time under Bankruptcy Rule 9006(b) or reductions of time under Bankruptcy Rule 9006(c) shall include in the caption of the application appropriate language such as “Request for Expedited Hearing” or “Request for Expedited Ruling” or “Request for Shortened Notice” and shall state:

1. The basis for such request;
2. The date due without the requested enlargement or reduction;
3. The dates of any previous applications and the results thereof; and
4. A statement that the consent of the other parties in interest has been requested, whether such parties consent or object, and the identity of parties consenting or objecting; or if consent was not requested, the reason therefor.

**C. Continuances.** All applications for continuances of hearings shall be in writing, shall be filed at least three (3) days prior to the date set for the hearing, shall state cause for such request, and shall contain a statement that all other parties to the hearing have been contacted regarding the requested continuance and whether such parties consent or object. If an emergency renders a timely application impossible, the motion shall describe the emergency and shall represent that a timely application was impossible. Continuances are not favored by the Court and the Court may, in its discretion, deny a request for a continuance notwithstanding consent to a continuance by all parties to the matter or proceeding. A hearing may be continued by the Court from time to time without further notice other than an announcement at the originally scheduled hearing of the date of the continued hearing. Agreed Orders submitted shall comply with [Local Rule 9072-1\(A\)](#) and [\(D\)](#).

**D. Ex Parte Ruling.** Requests described in subsections (B) and (C) of this rule may be ruled upon ex parte.

## **RULE 9010-1. ATTORNEYS – NOTICE OF APPEARANCE**

- A. Entry of Appearance.** An attorney appearing for a party in a case or adversary proceeding who desires to receive notices pursuant to Bankruptcy Rule 2002(g) must file an entry of appearance requesting notices.
- 1. Corporations and Other Business Entities.** A corporation, partnership, trust, or other business entity cannot appear or act on its own behalf without an attorney in a case or proceeding, except to file a request for service of notices (pursuant to Bankruptcy Rule 2002), a proof of claim, notices or a ballot, or to attend and inquire at the meeting of creditors held under 11 U.S.C. § 341 provided that the Court may in its discretion, hear a party in open Court.
  - 2. Parties Represented by Attorney.** A party who has appeared by an attorney cannot thereafter act in its own behalf in the case or proceeding - unless the attorney shall first have withdrawn, pursuant to [Local Rule 9010-1\(B\)](#) - except to file a proof of claim, reaffirmation agreement when the attorney is not involved in negotiations, notices or a ballot, or to attend the meeting of creditors; provided, that the Court may in its discretion hear a party in open Court, notwithstanding the fact that the party has appeared by or is represented by an attorney.
  - 3. Subsequent Entry of Appearance.** An attorney who subsequently enters an appearance in a case on behalf of a pro se debtor, or substitute counsel for a debtor, shall file Administrative Office of the U.S. Courts Director's Procedural Form B2030 Disclosure of Compensation of Attorney for Debtor pursuant to 11 U.S.C. § 329(a) and Bankruptcy Rule 2016(b).
- B. Withdrawal.** An attorney shall be permitted to withdraw from a case or a proceeding, or both, only upon leave of Court. A motion to withdraw shall state the reason therefor, the current status of the case including the pendency of any hearings, and whether substitute counsel has been obtained by the client. The request shall be served upon the client and other parties in interest. Withdrawal may be conditioned upon such terms as the Court may require. Notice shall be served by using [Local Form 20A](#), Notice of Motion, Notice of Deadline to File Objection to Motion and Notice of Hearing if substitute counsel has not entered an appearance at the time the motion is filed.
- C. Rules of Professional Conduct.** The Oklahoma Rules of Professional Conduct and Standards of Practice for the United States District Court for the Eastern District of Oklahoma, LCvR 83.8 are incorporated herein as rules governing attorney conduct before this Court. Failure to abide by these rules may result in sanctions being entered by the Court.

**D. Scheduling Conflicts.** Pursuant to the General Order entered by the United States Court of Appeals for the Tenth Circuit on May 21, 1998, and for the purpose of resolving conflicts that arise in scheduling between this Court and Federal District Courts in the State of Oklahoma, Oklahoma district and Appellate Courts, or the United States Court of Appeals for the Tenth Circuit, the Court adopts the following guidelines:

1. An attorney shall not be deemed to have a conflict unless:
  - a) the attorney is lead counsel in two or more of the actions affected; and
  - b) the attorney certifies that the matters cannot be adequately handled, and the client's interest adequately protected, by other counsel for the party in the action or by other attorneys in the lead counsel's firm; certifies compliance with this rule and has nevertheless been unable to resolve the conflicts; and certifies in the notice a proposed resolution by list of such cases in the order of priority specified by this rule.
2. When an attorney is scheduled for a day certain by trial calendar, special setting or Court order to appear in two or more Courts (trial or appellate, state or federal), the attorney shall give prompt written notice, as specified in (1) above, of the conflict to opposing counsel, to the clerk of each Court and to the Judge before whom each action is set for hearing (or to an appropriate Judge if there has been no designation of a presiding Judge). The written notice shall contain the attorney's proposed resolution of the appearance conflicts in accordance with the priorities established by this rule and shall set forth the order of cases to be tried with a listing of the date and data required by (2)(a)-(d) as to each case arranged in the order in which the cases should prevail under this rule. Attorneys confronted by such conflicts are expected to give written notice as soon as the conflict arises but in any event at least seven (7) days prior to the date of the conflicting settings. In resolving scheduling conflicts, the following priorities should ordinarily prevail:
  - a) Criminal (felony) actions should prevail over civil actions set for trial or appellate proceedings;
  - b) Jury trials shall prevail over non-jury matters, including trials and administrative proceedings;
  - c) Trials should prevail over appellate arguments, hearings, conferences;
  - d) Appellate proceedings prevail over all hearings, other than actual trials;
  - e) Within each of the above categories only, the action that was first set shall take precedence.
3. In addition to the above priorities, consideration should be given to the comparative age of the cases, their complexity, the estimated trial time, the number of attorneys and parties involved, whether the trial involves a jury, and the difficulty or ease of rescheduling.

4. The Judges of the Courts involved in a scheduling conflict shall promptly confer, resolve the conflict, and notify counsel of the resolution. The Judge presiding over the older case (i.e., the earliest filed case) will be responsible for initiating this communication.
5. Conflict resolution shall not require the continuance of the other matter or matters not having priority. In the event the matter determined to have priority is disposed of prior to the scheduled time set, the attorney shall immediately notify all affected parties, including the Court(s) affected, of the disposal and shall, absent good cause shown to the Court(s), proceed with the remaining case or cases that did not have priority if the setting was not vacated.
6. Nothing in these guidelines is intended to prevent Courts from voluntarily yielding a favorable scheduling position, and Judges of all Courts are urged to communicate with each other in an effort to lessen the impact of conflicts and continuances on all Courts.

#### **RULE 9011-1. ATTORNEYS – DUTIES**

Petitions, lists, schedules, statements, amendments, pleadings, affidavits, motions, and other documents that must contain original signatures or that require verification under Bankruptcy Rule 1008 or an unsworn declaration, as provided in 28 U.S.C. § 1746, shall be filed electronically. The attorney of record or the party originating the document shall maintain documents with original signatures filed in a bankruptcy case for at least one year after the case is closed. In adversary proceedings, the attorney of record or party originating the document shall maintain documents with original signatures filed in the proceeding until after the proceeding is concluded and one year after case is closed. Upon request, the original document shall be provided to United States Trustee, trustee or other parties or the Court for review as the Court directs. Failure to comply may result in sanctions or submission to the Judge of the District Court, who may refer the matter to the Committee on Admissions and Grievances for investigation, pursuant to United States District Court Eastern District of Oklahoma LCvR83.6(c).

#### **RULE 9011-2. PRO SE PARTIES**

Pro se filers shall file signed paper originals of all petitions, lists, schedules, statements, amendments, pleadings, affidavits, and other documents that contain original signatures, verifications, or unsworn declarations under any rule or statute. The Clerk shall scan the documents for filing and maintain the original paper documents in accordance with Bankruptcy Rule 5003. Lists of creditors shall be submitted to the Clerk with the filing of the petition.

#### **RULE 9011-3. SIGNATURES**

- A. Every pleading or other document electronically filed shall contain a signature in accordance with this Court's CM/ECF Administrative Guide. In the signature block on all Court papers signed electronically or conventionally, the attorney must be identified by name, state bar number, complete mailing address, telephone number and the name of the party who the attorney represents. The filing attorney shall indicate a signature on each signature line by inserting

“s/Jane Doe” or a scanned signature on each applicable line. Bankruptcy Rule 9011 applies to all documents filed.

- B.** The electronic filing of a petition, pleading, motion, or other paper by an attorney constitutes the signature of that attorney. The attorney signing the document that is filed must match the identity of the attorney whose CM/ECF System password was used to file the document. One attorney cannot file a document using another attorney’s CM/ECF password.
- C.** Dates of signatures on the electronically filed document must be the same as the date the document was actually signed.
- D.** The following procedure applies when a stipulation or other document requires two or more signatures:
  - 1. The filing attorney shall initially confirm that the content of the document to be filed is acceptable to all persons required to sign the document and shall obtain the physical signatures of all parties on the document. For purposes of this rule, physical, facsimile and electronic signatures are permitted. A document may be signed in counterparts.
  - 2. The filing attorney shall then file the document electronically, indicating the signatures, e.g., “s/Jane Doe,” of all appropriate persons.

#### **RULE 9013-1. MOTIONS; FORM AND SERVICE**

- A. Hearing on Request for Relief.** When relief is requested by the filing of a motion or other request for relief, unless a hearing is required by the Code, applicable rules, or a Court order, such a request for relief requires only notice of an opportunity for a hearing.
- B. Notice of Opportunity for Hearing.** Except for requests for relief specified in subsection (C), if a motion or other request for relief is filed for which the Code does not require a hearing but permits an opportunity for a hearing as defined by 11 U.S.C. § 102(1), the movant shall include: **A separate Notice on this Court’s [Local Form 20A](#) titled:** “Notice of Motion, Notice of Deadline to File Objection to Motion and Notice of Hearing, if Objection is Filed.” Hearing dates, times, locations and the last date for filing an objection to a motion are found on the court’s website at [www.okeb.uscourts.gov](http://www.okeb.uscourts.gov) then click on the heading for Hearing Dates for Motions for use to complete the Form 20A. The form must be filed the same day the hearing and objection date are taken from the website. The response time for objections shall always be a date certain in the Notice. The date certain established by the Court on the website will be calculated as fourteen (14) days from the date of entry on the docket which includes the three (3) days for service by

mail in accordance with Bankruptcy Rule 9006 and Local Rule 9006-1(a), unless a different response time is prescribed by applicable statute, rule or order.

After expiration of the time for filing a response or objection, if no response or objection is timely filed and if the movant has complied with this [Local Rule 9013-1\(B\)](#), the Court may grant the relief requested without further notice or a hearing. A proposed order should be submitted to the Court pursuant to [Local Rule 9072-1\(A\)](#) and CM/ECF Administrative Guide XIII. Proposed Orders, at the time of filing of the motion.

**C. Exceptions.** Subsection (B) of this rule does not apply to:

1. A notice of sale not in the ordinary course of business made pursuant to Bankruptcy Rule 6004(a). See [Local Rule 6004-1\(A\)](#).
2. An objection to a proposed use, sale, or lease of property pursuant to Bankruptcy Rule 6004(b). See [Local Rule 6004-1\(A\)](#) and [\(B\)](#).
3. A motion for sale free and clear of liens and/or interests made pursuant to Bankruptcy Rule 6004(c). See [Local Rule 6004-1\(B\)](#).
4. An objection to a disclosure statement made pursuant to Bankruptcy Rule 3017(a) or 3017.1(c)(2).
5. An objection to confirmation of a plan filed pursuant to Bankruptcy Rule 3020(b)(1).
6. An objection to confirmation of a plan in a Chapter 12 or 13 case filed pursuant to Bankruptcy Rule 3015(f).
7. A motion made pursuant to Bankruptcy Rule 9011(c).
8. A motion for withdrawal of a case or proceeding brought pursuant to Bankruptcy Rule 5011(a). See [Local Rule 5011-1](#).
9. A motion to appoint a trustee or examiner pursuant to 11 U.S.C. § 1104.

**D. Corporate Ownership Statement.** Any corporation, other than a governmental unit, that files a motion or other request for relief, including those listed in subsection C, shall complete and file [Local Form 7007.1-1](#) identifying all publicly held corporations, other than a governmental unit, that directly or indirectly own ten percent (10%) or more of any class of the corporation's equity interest, or stating that there are no such entities to report. The corporate ownership statement shall be filed concurrently with such corporation's first request for relief. A supplemental corporate ownership statement shall be filed promptly to reflect any change in the information that is required to be disclosed.

This Rule further requires that membership interests in limited liability companies and similar entities that fall under the definition of a corporation in Bankruptcy Code § 101 also be included in the ownership statement.

- E. Amended Motions.** Unless otherwise ordered, the time for filing a response or objection to a motion filed under [Local Rule 9013-1\(B\)](#) shall recommence upon the filing of any amendment, correction, supplement or modification to the motion, even if such amendment, correction, supplement or modification is in response to a notice of deficiency filed by the Clerk or the Court. Unless the Court orders otherwise, the amendment, correction, supplement or modification shall comply with [Local Rules 9004-1\(F\)](#) and [9013-1\(H\)](#).
- F. Motions Not Prosecuted.** Motions or other requests for relief made under subsection (B) of this rule that are pending in a case at the time a case is closed will be stricken for lack of prosecution.
- G. Untimely Pleadings.** Pleadings, including but not limited to objections, responses, briefs, and supplements to pleadings, that are filed later than the date due may be disregarded by the Court.
- H. Time and Manner of Service of Motions and Notice of Motion and Deadline to File objection and Notice of Hearing.**
1. If the recipient of notice or service is a registered participant in the CM/ECF System, service by the CM/ECF System of the Notice of Electronic Filing shall be the equivalent of service of the pleading by first-class mail, postage prepaid.
  2. If the party entitled to notice or service is not a registered participant in the CM/ECF System, or the party is entitled to service pursuant to Bankruptcy Rule 9014(b) and 7004, when a motion is filed, the motion and notice shall be served by the movant upon all such parties entitled to receive notice thereof the same date of the filing date. Mailing of the motion and notice in compliance with Bankruptcy Rule 7004(b), and in the case of notice to an agency, department or instrumentality of the United States, to the address maintained by the Clerk specified in [Local Rule 1007-I \[Interim\]-1\(J\)](#) , properly addressed, shall constitute compliance with this rule. Movant shall file a Certificate of Mailing the same date as filing the motion and notice in compliance with [Local Rule 5005-1\(E\)](#). If the Certificate of Mailing is not timely filed, the Court may deny the motion without notice to the movant.

#### **RULE 9013-4. APPLICATIONS**

- A.** The Court may grant or deny the relief or set the application for hearing.
- B.** If the Court sets the application for hearing, the matter will be considered a contested matter and be governed by [Local Rule 9014-1](#), applicant and opponent should be prepared to present witnesses, evidence and legal argument at the hearing. If the applicant and/or opponent are going to present evidence, each party shall file a timely Notice of Intent to Present Evidence to ensure both parties are prepared for the hearing.

- C. Relief that may be sought by application includes, but is not limited to:
1. Application by an Individual to Pay the Filing Fee in Installments (Bankruptcy Rule 1006(b)(1));
  2. Application for Employment of Professionals (Bankruptcy Rule 2014(a));
  3. Application for Entry of Final Decree on Consummation of Chapter 11 Plan (Bankruptcy Rule 2015(a)(6));
  4. Application for Appointment of Creditors' Committee (Bankruptcy Rule 2007(a))
  5. Application for Compensation for Services Rendered and Reimbursement of Expenses (Bankruptcy Rule 2016(a));
  6. Application by U.S. Attorney or attorney appointed by the Court for Notice as to Criminal Contempt (Bankruptcy Rule 9020(a)(2));
  7. Application for Removal (Bankruptcy Rule 9027(a));
  8. Application to Shorten Time for Notice (Bankruptcy Rule 9006(d)); and
  9. Application to have the Chapter 7 Filing Fee Waived (28 U.S.C. Sec. 1930(f)).

#### **RULE 9014-1. CONTESTED MATTERS**

- A. Applicability of Notice of Opportunity for Hearing Procedure.** [Local Rule 9013-1](#) applies to motions or objections initiating contested matters, except to the extent excluded by [Local Rule 9013-1\(E\)](#). Initial hearings will be considered preliminary in nature unless the Court orders otherwise. The order resulting from the initial hearing shall govern further scheduling of the evidentiary hearing procedure. See [Local Rule 9014-1\(E\)](#).
- B. Corporate Ownership Statement.** Any corporation, other than a governmental unit, that is a participant in a contested matter shall complete and file [Local Form 7007.1-1](#) identifying all publicly held corporations, other than a governmental unit, that directly or indirectly own ten percent (10%) or more of any class of the corporation's equity interest, or stating that there are no such entities to report. The corporate ownership statement shall be filed concurrently with such corporation's first request for relief or response or objection to a request for relief. A supplemental corporate ownership statement shall be filed promptly to reflect any change in the information that is required to be disclosed.

This Rule further requires that membership interests in limited liability companies and similar entities that fall under the definition of a corporation in Bankruptcy Code § 101 also be included in the ownership statement.

- C. Certificate of Mailing.** See [Local Rule 5005-1\(E\)](#).

- D. Dismissing or Withdrawing Pleadings that Initiate Contested Matters. Bankruptcy Rule 7041 applies to dismissals and withdrawals of motions to which a response or objection has been filed. A motion to which an objection has been filed may not be withdrawn without an order of the Court. An application to withdraw the motion shall indicate that opposing parties either consent or object to withdrawal of the motion.
  
- E. The parties shall comply with the Court's Instructions Governing Evidentiary Hearing Procedure in Contested Matters, [Local Form 9014-1\(E\)](#), and shall be required to comply with the provisions contained herein.

**RULE 9015-1. JURY TRIAL**

- A. Issues triable of right by jury shall, if demanded, be by jury.
  
- B. Any party may demand a trial by jury of any issue triable by a jury by-
  - 1. serving upon the other parties a demand therefor in writing at any time after the commencement of the action and not later than fourteen (14) days after the service of the last pleading directed to such issue, and
  - 2. filing the demand as required by Bankruptcy Rule 5005. Such demand may be indorsed upon a pleading of a party. If so indorsed, the demand shall be set forth separately, at the end of the pleading.
  
- C. In the demand, a party may specify the issues that the party wishes so tried; otherwise the party shall be deemed to have demanded trial by jury for all the issues so triable. If the party has demanded trial by jury for only some of the issues, any other party within fourteen (14) days after service of the demand or such lesser times as the Court may order, may serve a demand for trial by jury of any other or all of the issues of fact in the action.
  
- D. The party making the demand for a trial by jury shall state in the request the legal authority for a trial by jury.
  
- E. The failure of a party to serve and file a demand for jury trial may constitute a waiver by the party of a trial by jury. A demand for trial by jury may not be withdrawn without the consent of the parties.
  
- F. If the right to a jury trial applies and a timely demand has been filed under Rule 38(b), Fed.R.Civ.P., the parties may consent to have a jury trial conducted by the Bankruptcy Judge

under 28 U.S.C. §157(e) by jointly or separately filing a statement of consent no later than thirty (30) days following the initial demand for jury trial.

- G. Assessment of Jury Costs.** Settlement or other disposition of the case other than by trial must be given to the Clerk of the Bankruptcy Court in writing not less than three (3) days prior to the jury trial setting. Should the parties fail to give timely notice, the Court may in an appropriate case assess jury costs against the parties and/or counsel. Any monies collected as a result of said assessment shall be paid to the Clerk of Court for transmittal to the United States Treasury.
  
- H. Consent to Jury Trial by Bankruptcy Court.** If the right to a jury trial applies and a timely demand for trial by a jury has been filed, the parties may consent to have a jury trial conducted by a bankruptcy Judge by jointly or separately filing a statement of consent no later than fourteen (14) days after the last date upon which a timely jury demand may be made.
  
- I. List of Witnesses Called.** Upon completion of a jury trial, the parties shall jointly provide to the courtroom deputy a list of witnesses who testified. The courtroom deputy shall provide the list to the jury to assist in deliberations.
  
- J. List of Exhibits Received.** Upon completion of a jury trial, the parties shall each provide a list of admitted exhibits to the courtroom deputy. The courtroom deputy shall provide the lists to the jury to assist in deliberations.
  
- K. Selection of Jurors.** The jury plan of the District Court governs jury selection in this Court.
  
- L. Communications with Jurors.** The District Court Local Rules regarding attorney communication with jurors applies in cases and proceedings before this Court.

**RULE 9017-1. WITNESSES**

Seven (7) days prior to a trial or evidentiary hearing, each counsel shall file a list containing the name and address of each witness on this Court's [Local Form 9017-1](#). See also [Local Rule 7016-1\(A\)](#).

**RULE 9017-2. EXHIBITS**

- A. Seven (7) days prior to a trial or evidentiary hearing, counsel shall mark all exhibits, provide sufficient copies to opposing counsel, and submit, but not file, two (2) copies of the exhibits for the Judge to the Clerk's Office. The party should present the original exhibits to the Court Recorder Deputy upon admission at the trial or hearing, but not file, unless designated for appeal. See [Local Rule 8006-1\(B\)](#). Plaintiff's/Movants exhibits shall be marked numerically. Defendant's/Respondent's exhibits shall be marked alphabetically. Each counsel shall file an exhibit list of their respective exhibits set forth sequentially in the order intended to be identified and admitted seven (7) days prior to trial on this Court's [Local Form 9017-2\(A\)](#).
  
- B. Exhibits shall be destroyed at the conclusion of all appeal activity without notice to the parties. See also [Local Rule 5003-1\(A\)](#) and [7016-1\(J\)](#).

#### **RULE 9019-1. SETTLEMENTS**

Motions filed by the trustee or DIP pursuant to Bankruptcy Rule 9019 to approve the compromise or settlement of controversies shall be filed in the bankruptcy case and shall be served on the debtor, debtor's counsel, the United States Trustee, and all parties who have requested notices in the Bankruptcy case. If a proposed settlement or compromise of an adversary proceeding affects the estate, the parties shall file a joint motion for approval of such compromise of the adversary proceeding in the bankruptcy case and serve the motion upon the debtor, debtor's counsel, the trustee, the United States Trustee, and all parties who have requested notice in the Bankruptcy case. A motion filed under this rule shall describe with specificity the contentions of the parties and the basis and terms of the settlement. A motion filed under this rule must utilize the procedure for notice of opportunity for hearing contained in [Local Rule 9013-1\(B\)](#). A [Local Form 20A](#), Notice of Motion, Notice of Deadline to File Objection to Motion and Notice of Hearing shall be served on the parties named above pursuant to Bankruptcy Rule 2002(a)(3) and [Local Rule 2002-1\(A\)](#). Once the compromise or settlement has been approved, the parties shall file the appropriate pleadings in the related adversary proceeding within fourteen (14) days from the entry of the compromise or settlement in the Bankruptcy case.

#### **RULE 9019-2. ALTERNATIVE DISPUTE RESOLUTION (ADR)**

- A. **Settlement Conference.** The Court may, upon its own initiative or at the request of any of the parties, order a settlement conference at a time and place to be fixed by the Court.
  
- B. **Settlement Judge Disinterested.** A district judge, a bankruptcy judge (other than the Judge assigned to the case), a magistrate judge, or an adjunct settlement judge designated by the Court, will normally preside at the settlement conference. The settlement judge will take no part in adjudicating the case subsequent to the settlement conference.

- C. Case or Proceeding to Continue.** Unless otherwise ordered by the Court, the scheduling of settlement conferences or other alternate dispute resolution procedures will not continue, delay, or otherwise interfere with scheduling dates set pursuant to other orders in the case or proceedings. Likewise, any modification of a scheduling order will not affect the date of a settlement conference set pursuant to a separate settlement conference order.
- D. Fully Authorized Representatives Required.** At least one attorney for each of the parties who is fully familiar with the case shall appear for each party. A person or representative with full settlement authority as defined in the Court's settlement conference order shall accompany the attorney to the settlement conference. Other parties in interest, such as insurers or indemnitors, shall attend through fully authorized representatives and are subject to the provisions of this rule. The settlement judge may, however, with special permission upon prior written application, allow the party having full settlement authority to be telephonically available. The settlement judge presiding over the settlement conference may make such other and additional requirements of the parties as shall be deemed proper in order to expedite an amicable resolution of the case.
- E. Confidences Kept.** It is expected that the parties, their representatives, and attorneys be completely candid with the settlement judge so that settlement discussions may be properly and productively guided. To encourage candor, the confidential nature of settlement discussions conducted under the auspices of a court-sponsored settlement conference shall be absolutely respected by all participants, and strictly enforced by the Court. The settlement judge may meet jointly or individually with any of the participants. Statements made in any settlement conference will not be shared with participants not party to the settlement conference, unless specific permission of the declarant is obtained. Any statement made in the context of the settlement conference will not constitute an admission and will not be used in any form in the litigation or trial of the case. The settlement judge will not discuss the substance of the conference with the Judge to whom the case is assigned.
- F. Adjunct Settlement Judges.** Adjunct Settlement Judges may be selected by the Court from among members of the bar in good standing and chosen based upon their expertise, experience, actual and apparent impartiality, training, temperament, and reputation for fairness. No adjunct settlement Judge may be called as a witness, except in an action to enforce the settlement agreement. In that instance, the adjunct settlement Judge shall not be deposed, and shall testify as the Court's witness.

**G. Special Projects.** In cases where the settlement effort is expected to be extensive, or in connection with discovery matters, the Court may appoint an Adjunct Settlement Judge as a special project settlement or discovery judge, and order the parties to pay for his or her time at a reasonable hourly rate. Such payment shall be apportioned between the parties as agreed, or as ordered by the Court, on an equitable basis.

**H. Governmental Entities.** In the event a governmental entity that is a party determines that it will be unable to provide a representative with full settlement authority at the settlement conference, the governmental entity shall promptly move for leave to proceed with a representative with limited authority. The motion shall be delivered (not filed) to the settlement judge not later than eleven (11) days prior to the conference and shall contain:

1. The reasons that make it impracticable for a party's representative to appear with full settlement authority;
2. A detailed description of the limited authority to be exercised at the conference; and
3. Alternative proposals by which full authority may be exercised at or subsequent to the conference.

The motion need not be transmitted to the opposing parties. Upon consideration of the motion, the settlement judge may allow the governmental entity to appear with limited authority or may, notwithstanding the motion, require appropriate persons to appear as may be necessary to have full settlement authority at the conference. Any adjunct settlement judge may defer such determination to the bankruptcy judge then supervising the adjunct settlement judge program.

**I. Other Alternative Methods.** The Court may, in its discretion, set any proceeding for mediation, arbitration, or other method of alternative dispute resolution as the Court may deem proper, so long as due process is not abrogated or impaired.

**J. Certificate of Circumstances.** In the event a party, attorney, insurer, or indemnitor fails to comply with the settlement conference order or participate in good faith in any Court-sponsored alternative dispute resolution proceeding, the settlement judge may certify such circumstances in writing to the bankruptcy judge and recommend appropriate action. All parties shall be served with copies of the certification and be afforded an opportunity to respond. The Court may then impose any remedial, compensatory, disciplinary, contempt, or sanction measures it deems appropriate under the circumstances certified.

#### **RULE 9021-1. JUDGMENTS AND ORDERS – ENTRY OF**

All Court orders and notices will be filed electronically. An order may be in the form of a Text-Only Order, which, together with the Notice of Electronic Filing, shall constitute the evidence of an order concerning the matter. Any order filed electronically without the original signature of a Judge has the

same force and effect as if the Judge had affixed the Judge's signature to a paper copy of the order and the order had been entered on the docket in a conventional manner.

#### **RULE 9036-1. NOTICE BY ELECTRONIC TRANSMISSION**

Requesting and receiving a password from the Clerk to participate in the CM/ECF System shall constitute a request and consent to receive notice by electronic means pursuant to Bankruptcy Rule 9036. If an attorney no longer desires to receive notices in a case, the Registered Attorney shall file [Local Form 9036-1](#), Request to Discontinue Service, in each case the attorney no longer desires to receive notice.

#### **RULE 9072-1. ORDERS - PROPOSED**

**A. Submission of Proposed Orders.** Proposed orders and judgments shall be submitted to the Court in accordance with the CM/ECF Administrative Guide XIII. Proposed orders and judgments shall not be attached to the motion at the time of filing except in the following instances, pursuant to Bankruptcy Rule 4001:

1. Motion for Authority to Use Cash Collateral
2. Motion for Authority to Obtain Credit
3. Motion for Approval of an Agreement
  - a) to Provide Adequate Protection;
  - b) to Prohibit or Condition the Use, Sale or Lease of Property;
  - c) to Modify or Terminate the Stay Provided for in § 362;
  - d) to Use Cash Collateral; or
  - e) between the debtor and an entity that has a lien or interest in property of the estate pursuant to which the entity consents to the creation of a lien senior or equal to the entity's lien or interest in such property.

A proposed order shall be submitted simultaneously with the filing of an application or motion that may be ruled upon ex parte. See also the CM/ECF Administrative Guide XIII.

**B. Text-Only Orders.** The Court reserves the right to enter a Text-Only Order in any instance.

**C. Pre-trial Orders.** Parties shall electronically submit pre-trial orders to the Court in accordance with the CM/ECF Administrative Guide XIII. Submission of the proposed pre-trial order constitutes a representation by the party submitting the proposed pre-trial order that the order has been agreed to by all parties involved in the adversary proceeding or contested matter for

which the pre-trial order has been submitted. See also [Local Rule 7016-1\(H\)](#). If the adverse party refuses to assist in preparing the pre-trial order, this should be communicated in the pre-trial order.

- D. Agreed Orders.** Parties shall electronically submit Agreed Orders to the Court in accordance with the CM/ECF Administrative Guide XIII. [Local Rule 9011-3\(D\)](#).

#### **RULE 9073-1. STATUS HEARINGS**

Status hearings will be conducted periodically for the purpose of efficient case administration. Failure to comply with filing requirements set forth in the U.S. Bankruptcy Code, the Bankruptcy Rules, the Local Rules, any order or instructions from the Court, may result in the cause being placed on the status hearing docket. The Court may schedule such hearings as are necessary to prevent delay in case administration with at least seven (7) days notice.

#### **RULE 9075-1. EMERGENCY ORDERS**

Upon filing an application for emergency or expedited consideration, a movant shall contact Judge's Chambers via telephone to advise the Court of the application.

#### **RULE 9076-1. ELECTRONIC SERVICE**

- A. Registered Users consent to Waiver of Non-Electronic Service.** Registered users (1) waive the right to receive notice by first class mail and consent to receive notice electronically via the CM/ECF generated NEF; and (2) waive the right to service by personal service or first class mail and consent to electronic service via the NEF, except with regard to service of a summons and complaint under Bankruptcy Rule 7004. Waiver of service and notice by first class mail applies to notice of the entry of an order or judgment under Bankruptcy Rule 9022.
- B. Elimination of Duplicate Noticing.** To reduce noticing costs and unnecessary duplication of service, registered users who are served with an NEF will not receive duplicate notice served via the BNC except for the §341 notice of commencement of case. This elimination of duplicate noticing will also apply to those registered users who have separately entered into an agreement for e-mail or fax service with the BNC. Registered users receiving notice under this rule shall have access to electronic dockets and case documents as provided under [Local Rule 9036-1](#).