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

THERESE BUTHOD, CLERK
United States Bankruptcy Court
Eastern District of Oklahoma

AMENDMENTS TO LOCAL RULES) GENERAL ORDER NO. 19-07
AND FORMS EFFECTIVE)
DECEMBER 1, 2019)

ORDER REGARDING AMENDMENTS TO LOCAL RULES AND FORMS

The Court finds it necessary to revise Local Rule 9010-1 and 3011-1(A) of this Court to comply with the Committee on the Administration of the Bankruptcy System Best Practices Regarding Unclaimed Funds. In addition, the Court has modified Local Rule 9013-1(B) and Local Rule 9014-1(A) for clarity.

IT IS THEREFORE ORDERED that the modifications are hereby adopted by this Court and become effective December 1, 2019. A lined version is attached to this order.

Dated this 7th day of Nov, 2019.



Tom R. Cornish
United States Bankruptcy Judge

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

LOCAL RULE 9010-1 ATTORNEYS – NOTICE OF APPEARANCE

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, to file an Application for Payment of Unclaimed Funds 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.

LOCAL 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 1340 Application for Payment of Unclaimed Funds 3011-1(A). An ~~application~~ applicant shall file ~~contain sufficient~~ separate supporting documentation to establish the identity of the claimant and the authority of the applicant to make the claim according to the Instructions for Filing Application for Payment of Unclaimed Funds by filing Local Form 1340A Supporting Documentation for Application for Payment of Unclaimed Funds. 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.~~

RULE 9013-1. MOTIONS; FORM AND SERVICE

- 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 then click on the heading for Hearing Dates for Motions for use to complete the Form 420A. 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.

If an objection or response is filed, the matter will be considered a contested matter and will be governed by Local Rule 9014-1.

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. In that event, applicant/movant and opponent should be prepared to present witnesses, evidence and legal argument at the hearing. If the applicant/movant and/or opponent intend to present evidence, each party shall file a timely Notice of Intent to Present Evidence to ensure both parties are prepared for the hearing. The order resulting from any initial preliminary hearing shall govern further scheduling of the evidentiary hearing procedure. See Local Rule 9014-1(E).

**CLEAN COPY OF THE MODIFIED LOCAL RULES
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LOCAL 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 on Local Form 1340 Application for Payment of Unclaimed Funds. An applicant shall file separate supporting documentation to establish the identity of the claimant and the authority of the applicant to make the claim according to the Instructions for Filing Application for Payment of Unclaimed Funds by filing Local Form 1340A Supporting Documentation for Application for Payment of Unclaimed Funds. 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.

RULE 9013-1. MOTIONS; FORM AND SERVICE

- 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 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.

If an objection or response is filed, the matter will be considered a contested matter and will be governed by Local Rule 9014-1.

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. In that event, applicant/movant and opponent should be prepared to present witnesses, evidence and legal argument at the hearing. If the applicant/movant and/or opponent intend to present evidence, each party shall file a timely Notice of Intent to Present Evidence to ensure both parties are prepared for the hearing. The order resulting from any preliminary hearing shall govern further scheduling of the evidentiary hearing procedure. See Local Rule 9014-1(E).