

U S Bankruptcy Court - Western District of Tennessee

Local Bankruptcy Rules

Effective, as amended, December 1, 1995

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SEE LOCAL BANKRUPTCY RULE [9029-1](#) for effective date of these amended rules and for citation format.

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L.B.R. 1002-1

**COMMENCEMENT OF §§301 AND 302 VOLUNTARY CASES
AND FILING RELATED PAPERS**

- (a) **Voluntary Cases.** A voluntary case is commenced by filing a petition (see Official Bankruptcy Forms appended to the Federal Rules of Bankruptcy Procedure (Fed. R. Bankr. P.)); filing a matrix (see Local Bankruptcy Rule (L.B.R.) [1007\(a\)-1](#) and Appendix 1); filing the lists, schedules or statements required by the Bankruptcy Code; and by either paying the filing fee or, if the debtor is an individual, making application to pay the fee in installments. (See Local Form 1).
- (b) **Divisions.** The Clerk maintains an Office in each Division of this Judicial District.⁽¹⁾
- (c) **Emergency Voluntary Case Filing.** In the event of an emergency that necessitates the commencement of a voluntary case before the submission of documents that otherwise accompany a petition, a debtor may commence a case by filing a petition; the matrix (see L.B.R. [1007\(a\)-1](#)); the required filing fee (or an individual debtor's application to pay the fee in installments pursuant to Fed. R. Bankr. P. 1006); and in chapter 11 cases a list of the names and addresses of the creditors holding the twenty largest unsecured claims. See Fed. R. Bankr. P. 1007(d).
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L.B.R. 1003-1

**COMMENCEMENT OF §303 INVOLUNTARY CASES
AND §304 CASES ANCILLARY TO FOREIGN PROCEEDINGS**

To commence an involuntary case under §303, or a case ancillary to a foreign proceeding under §304, the following documents shall be filed and the following fee shall be paid:

original and four (4) copies of the petition (see Official Bankruptcy Forms); original summons (see Local Form 4); and the filing fee as required by 28 U.S.C. §1930, paid by cashier's check, money order, attorney's business check, or cash.

L.B.R. 1006(b)-1

FILING FEES - INSTALLMENT AND PAYMENT

- (a) **Filing Fee.** The filing fee, or approved installment payment thereof, is payable to the Clerk by cashier's check, money order, attorney's business check, or cash. (28 U.S.C. §1930(a) and (b), Fed. R. Bankr. P. 1006(b)(1)).
- (b) **Clerk's Approval of Installment or Deferred Fee.** The Clerk shall have the authority to grant an application filed by an individual debtor to pay the filing fee in installments, as provided in Fed. R. Bankr. P. 1006 and, where applicable, to approve a trustee's application to defer payment of any proceeding fee and special charges due from the estate. (See Local Form 1).
- (c) **In Forma Pauperis.** The Western District of Tennessee is currently one of six districts selected by Congress to participate in a pilot program to study the effects of allowing a chapter 7 no-asset debtor to receive a discharge of debts without paying the required filing fee. H.R. 2519, §111(d). Guidelines and procedures have been adopted in this District by Standing Order, Misc. No. 94-3, and a copy of those guidelines and procedures may be obtained from the Clerk's office. The pilot study is for a period of three years, beginning on October 1, 1994.

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L.B.R. 1007(a)-1

MAILING - LIST OR MATRIX

(a) Address Matrix.

- (1) Along with the voluntary petition, the debtor also shall file a list of the names and addresses (including zip codes) of all creditors and interested parties (excluding the debtor(s) and debtor's counsel) arranged in the matrix format specified as follows:
 - (A) Each page shall contain a single column of addresses, not to exceed 5 lines per address and not to exceed 40 characters per line.
 - (B) There must be at least one blank line separating each address.
 - (C) Typeface or print style must be either Courier 10 pitch, Prestige Elite, or Letter Gothic.
 - (D) The minimum margin at top, bottom, and sides is one-half inch.
 - (E) The zip code must appear in the last line of each address, and nine digit zip codes must have a hyphen between the fifth and sixth digits.
- (2) The address matrix shall be prepared with reference to the guidelines in Appendix 1.
- (3) If the debtor owes the United States for taxes, then the address matrix shall include the current address of the Special Procedures/Insolvency Unit of the Internal Revenue Service. As of the time of promulgation of these Rules that address is as follows:

Special Procedures
IRS - Stop 31
P. O. Box 1107
Nashville, TN 37202
- (4) If the debtor owes the United States for a debt other than taxes, then the address matrix shall include one entry for the federal agency, department, or instrumentality through which the debtor became indebted; and the matrix shall include a second entry for the United States Attorney for this District. These two matrix entries shall conform to the following format:

Matrix entry for federal agency:	[agency name]
	[agency address]
Matrix entry for U.S. Attorney:	United States Attorneys Office (name of agency)
(Western Division cases)	167 North Main Street, Room 800
(or current address if it has changed)	Memphis, TN 38103
Matrix entry for U.S. Attorney:	United States Attorneys Office (name of agency)
(Eastern Division cases)	109 S. Highland Avenue, Suite 300
(or current address if it has changed)	Jackson, TN 38301
- (5) If the debtor owes other taxing authorities, then the address matrix shall include the address of the office or agency that is responsible for assessment or collection of the tax owed.

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- (6) Whenever required by the Federal Rules of Bankruptcy Procedure, notice to the State of Tennessee or to its Agencies or Departments shall be accomplished by notice to the Tennessee Attorney General's Office at the address below.

The first line of the address of the notice shall name the agency(ies) or department(s) of the State of Tennessee that is directly involved or interested, if known.

Agencies or Departments of the State of Tennessee include, but are not limited to:

Tennessee Department of Revenue	Tennessee Department of Finance and Administration
Tennessee Alcoholic Beverage Commission	Tennessee Department of Financial Institutions
Tennessee Board of Paroles	Tennessee Department of Health
Tennessee Board of Regents (and member institutions)	Tennessee Department of Human Services
Tennessee Housing Development Agency	Tennessee Department of Labor
Tennessee Public Service Commission	Tennessee Department of Mental Health
Tennessee Secretary of State	Tennessee Department of Military
Tennessee Student Assistance Corporation	Tennessee Department of Personnel
Tennessee Department of Agriculture	Tennessee Department of Safety
Tennessee Department of Commerce and Insurance	Tennessee Department of Tourist Development
Tennessee Department of Consumer Affairs	Tennessee Department of Transportation
Tennessee Department of Corrections	Tennessee Department of Veteran's Affairs
Tennessee Department of Economic and Community Development	Tennessee Department of Youth Development
Tennessee Department of Employment Security	University of Tennessee (and member Institutions)
Tennessee Department of Environment and Conservation	

Form of address and notice:

(Agency or Department Name or Names)
TN Attorney General's Office, Bankr. Unit
425 Fifth Avenue N., 2nd Floor
Nashville, TN 37243-0488

- (b) Debtor Information.** All notices to creditors from the debtor(s) must comply with 11 U.S.C. §342, which includes a requirement for the debtor(s) to set forth the debtor(s)' name, address and taxpayer identification (or social security) number.

L.B.R. 1007(b)-1

VOLUNTARY PETITION: LISTS, SCHEDULES AND STATEMENTS

- (a) Copies.** When filing the voluntary petition and accompanying documents (or amendments thereto), the debtor must submit the original and the number of copies indicated:
- chapter 7: Original plus four (4) copies.
 - chapter 9: Original plus six (6) copies.
 - chapter 11: Original plus six (6) copies.
 - chapter 12: Original plus six (6) copies.
 - chapter 13: Original plus three (3) copies.
- (b)** The Court or Clerk may require additional copies to facilitate adequate notice to parties in interest.

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L.B.R. 1017-1

CONVERSION OF CASE

Unless the Court directs otherwise, if a case is converted from one operative chapter to another, the debtor shall file new lists, statements, and schedules pursuant to L.B.R. [1007\(b\)-1](#) above within the time limits of Fed. R. Bankr. P. 1007(c).

L.B.R. 1017-2

DISMISSAL OF CASE OR PROCEEDING

When it appears that a plaintiff, movant, or applicant has failed to obtain service on a party, failed to prosecute an action, or is unduly delaying the disposition of a case or proceeding, then the Court, on its own motion or on motion of a party in interest, after notice and opportunity for hearing, may dismiss the case or proceeding.

L.B.R. 1073-1

CONCURRENT JURISDICTION AMONG BANKRUPTCY JUDGES

Once a case or proceeding assignment has been made to a Bankruptcy Judge in accordance with the current assignment procedures, and even though the assigned Judge shall have primary responsibility for a case or proceeding, the other Bankruptcy Judges for this Judicial District shall have concurrent jurisdiction of each case or proceeding. Accordingly, if a Judge is absent from the District or otherwise unavailable, the other Judges in their discretion may exercise concurrent jurisdiction to process the absent Judge's paperwork, including signing appropriate orders, and hearing, for example, certain priority calendar matters. By mutual consent of the Judges, a Judge may transfer a case and/or proceeding therein to another Judge in this District.

If it appears that a matter or proceeding demands immediate attention in the nature of a judicial determination such as a temporary restraining order and the Judge to whom the case is assigned is not reasonably available, then the party seeking the action shall request the Clerk of the Court to assign the matter or proceeding temporarily to a Judge who is available and who consents to hear the matter. Any such temporary transfer shall not be deemed a permanent reassignment of the case or a proceeding therein.

L.B.R. 2001-1

ADVERSARY PROCEEDINGS AND CONTESTED MATTERS

- (a) **Pre-Trial Orders, Memoranda of Facts and Law.** In the discretion of the Court, attorneys may be permitted or required, at any time before or after argument or trial of any matter or proceeding, to submit to the Court a joint pre-trial order (see Local Form No. 14), a joint pretrial statement and/or to submit a memorandum of facts and law. The memorandum of facts and law shall be accompanied by a certificate of service upon opposing counsel. The original and one (1) copy of all memoranda of facts and law shall be filed with the Clerk. Such memorandum shall not exceed twenty-five (25) pages without prior approval of the Court.
- (b) **Citations.** Unless an opinion being cited by counsel in a memorandum or in open Court appears in Federal Reporter, Federal Supplement, Tennessee Decisions, Bankruptcy Reporter (West), Bankruptcy Court Decisions (LRP), Bankruptcy Law Reporter (CCH) or Collier's Bankruptcy Cases (Matthew Bender), counsel shall attach to the memorandum or present to the Judge's Law Clerk a copy of the cited case within five (5) days before the hearing.
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L.B.R. 2002(j)-1

NOTICE TO UNITED STATES

See L.B.R. [1007\(a\)-1](#).

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L.B.R. 2004-1
EXAMINATIONS

(a) Fed. R. Bankr. P. 2004 Examinations - Procedure.

- (1) In those instances where a creditor or other party in interest seeks an examination of the debtor(s), or a representative of a non-individual debtor, pursuant to Fed. R. Bankr. P. 2004, a motion requesting an order for the examination shall be filed with the Clerk and the motion shall be accompanied by a proposed order authorizing such examination. Such an order may be signed by the Court without a hearing, but the order shall be entered without prejudice to the debtor(s) moving to quash, vacate, or modify such order prior to the scheduled examination.
- (2) In all other instances where a Rule 2004 examination is requested, including the debtor moving to take the Rule 2004 examination of another entity or a creditor moving to take a Rule 2004 examination of an entity other than the debtor(s), the movant shall file with the Clerk a motion requesting authority to conduct an examination and such a motion shall thereafter be governed by L.B.R. [9013](#). The movant shall additionally file with such motion a completed Order and Notice of Hearing (Local Form 5 or 6) and shall otherwise comply with L.B.R. [9013](#), giving the entity proposed to be examined, the United States Trustee, and the case trustee, a notice and opportunity for hearing.

(b) Scheduling.

- (1) Unless the Court expressly directs otherwise, all Rule 2004 examinations shall be scheduled by the moving party in a location other than one of the Bankruptcy Courtrooms or Bankruptcy Court facilities. The Clerk shall not schedule Rule 2004 examinations.
- (2) After issuance, the order will be returned to the party for service on the entity to be examined.

- (c) Attendance.** A party authorized by Court order to conduct a Rule 2004 examination may compel attendance of the party to be examined by subpoena. Compulsory attendance of non-debtors is subject to the requirements and limitations of Fed. R. Civ. P. 45. (See Fed. R. Bankr. P. 2004(c) and 9016).
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L.B.R. 2081-1
CHAPTER 11 - ESTATE ADMINISTRATION

(a) Financial Reports.

- (1) Upon the filing of a chapter 11 case, the United States Trustee shall promptly transmit a monthly financial report form to the debtor in possession or to the case trustee if one has been appointed.
- (2) On a form provided by the United States Trustee, the debtor in possession or case trustee shall file monthly financial reports with the Clerk, setting forth the information required by Fed. R. Bankr. P. 2015(a)(3) and shall continue to file reports until plan confirmation, case dismissal, case conversion to chapter 7, or as otherwise ordered by the Court.
- (3) Each report shall cover a calendar month; the first report is due 30 days after the case is commenced, and each subsequent monthly report is due by the 15th day of the following month.
- (4) The entity filing the report with the Clerk shall certify thereon that a copy was served on the United States Trustee.
- (5) Upon written request from the unsecured creditors' committee or other interested party, the debtor in possession or trustee shall send the requester a copy of the monthly financial reports for which reasonable costs may be charged.
- (6) Failure to comply with this Rule may constitute cause resulting in a case dismissal or conversion to a case under chapter 7 of the Code.

(b) Small Business Chapter 11 Cases.

- (1) **Election to be considered a small business in a chapter 11 case.** In a chapter 11 case, a debtor that is a small business may elect to be considered a small business by filing a written statement of election not later than 60 days after the date of the order for relief or by a later date as the Court, for cause, may fix.

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- (2) **Conditional Approval of Disclosure Statement.** If the debtor is a statutorily defined small business and has made a timely election to be considered a small business in a chapter 11 case, the Court may, on motion of the plan proponent, conditionally approve a disclosure statement filed in accordance with Fed. R. Bankr. P. 3016. On or before conditional approval of the disclosure statement, the Court shall:
- (A) fix a time within which the holders of claims and interests may accept or reject the plan;
 - (B) fix a time for filing objections to the disclosure statement;
 - (C) fix a date for the hearing on final approval of the disclosure statement to be held if a timely objection is filed; and
 - (D) fix a date for the hearing on confirmation.
- (3) **Application of Fed. R. Bankr. P. 3017.** If the disclosure statement is conditionally approved, Fed. R. Bankr. P. 3017(a), (b), (c) and (e) do not apply. Conditional approval of the disclosure statement is considered approval of the disclosure statement for the purpose of applying Fed. R. Bankr. P. 3017(d).
- (4) **Objections and Hearing on Final Approval.** Notice of the time fixed for filing objections and the hearing to consider final approval of the disclosure statement shall be given in accordance with Fed. R. Bankr. P. 2002 and may be combined with notice of the hearing on confirmation of the plan. Objections to the disclosure statement shall be filed, transmitted to the United States Trustee and served on the debtor, the trustee, any committee appointed under the Bankruptcy Code and any other entity designated by the Court at any time before final approval of the disclosure statement or by an earlier date as the Court may fix. If a timely objection to the disclosure statement is filed, the Court shall hold a hearing to consider final approval before or combined with the hearing on confirmation of the plan.

(c) **Other Chapter 11 Disclosure Statements.** For Chapter 11 cases that are not small businesses, see L.B.R. [3018-1](#).

L.B.R. 2082-1

CHAPTER 12 - ESTATE ADMINISTRATION

(a) Financial Reports.

- (1) The United States Trustee shall promptly transmit a monthly financial report form to the debtor in possession after commencement of the case.
- (2) On a form provided by the United States Trustee, the debtor in possession shall file monthly financial reports with the Clerk, setting forth the information required by Fed. R. Bankr. P. 2015(b) and continue to file reports until plan confirmation, case dismissal, case conversion to chapter 7, or as otherwise ordered by the Court.
- (3) Each report shall cover a calendar month; the first report is due 30 days after the case is commenced, and each subsequent monthly report is due by the 15th day of the following month.
- (4) The entity submitting the report shall certify thereon that a copy was served on the case trustee and the United States Trustee.
- (5) Upon written request from any interested party, the debtor in possession shall send the requester a copy of the monthly financial reports for which reasonable costs may be charged.
- (6) Failure to comply with this Rule may constitute cause resulting in a dismissal of the case.

(b) Summary of Operations. Debtors in possession shall complete and provide the case trustee and the United States Trustee a Summary of Operations on the form which the United States Trustee shall transmit to the debtor in possession after commencement of the case. The completed form shall be received in the chapter 12 trustee's office, with a copy to the United States Trustee, at least five (5) days prior to the first setting of the §341 meeting of creditors.

(c) Insurance Statement. Within ten (10) days after commencement of the case, the debtor shall provide the chapter 12 trustee and the United States Trustee with a verified statement or written evidence from an insurance carrier that the debtor has fire and extended coverage on buildings and contents, inventory, equipment, and motor vehicles.

(d) Tax Returns. The debtor shall serve on the chapter 12 trustee and the United States Trustee a copy of all tax returns due during the pendency of the case, as those returns are filed with the appropriate taxing authorities.

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- (e) **Other Reports.** The chapter 12 trustee, the United States Trustee and the Court may require any other reports deemed appropriate during the administration of the estate.
- (f) **Proposed orders.** Before submission to the Court, all proposed orders in chapter 12 cases shall be submitted to the chapter 12 trustee for signature as a party in interest and shall be approved or disapproved by the trustee within five (5) days of receipt. Within two (2) days after approval, the chapter 12 trustee shall file all proposed orders with the Clerk. (See also L.B.R. [9013-1](#) and [9074-1](#)).
- (g) **Objections to Confirmation.** Objections to confirmation must be written; filed within the time fixed by the Court order setting the hearing on confirmation; and served on the debtor in possession, the chapter 12 trustee and the United States Trustee. Objections will be heard at the confirmation hearing.
- (h) **Motion Practice.** See L.B.R. [9013-1](#) for local procedure on chapter 12 motion practice and for notice and opportunity for hearing.

L.B.R. 2083-1

CHAPTER 13 - ESTATE ADMINISTRATION

- (a) **Proposed orders.** Before submission to the Court, all proposed orders in chapter 13 cases shall be submitted to the chapter 13 trustee for signature as a party in interest and shall be approved or disapproved by the trustee within five (5) days of receipt. Within two (2) days after approval, the chapter 13 trustee shall file all proposed orders with the Clerk. (See also L.B.R. [9013-1](#) and [9074-1](#)).
- (b) **Financial Reports.** Pursuant to §1304(c) and Fed. R. Bankr. P. 2015(c)(1), a chapter 13 debtor engaged in business shall file monthly financial reports with the Court, setting forth the information required by Fed. R. Bankr. P. 2015(a)(1)-(4). The first monthly financial report shall be filed within thirty (30) days of the commencement of the case. The debtor shall certify on each report that copies have been served on the chapter 13 trustee, United States Trustee, and any creditor or interested party who has made written request therefor.

Upon written request from any interested party, the debtor shall send the requester a copy of the monthly financial reports for which reasonable costs may be charged.

Failure to comply with this Rule may constitute cause resulting in a case dismissal or conversion to a case under chapter 7 of the Code.
- (c) **Confirmation and Objections.**
 - (1) The debtor shall file a plan that substantially complies with Local Form 2.
 - (2) Any party objecting to confirmation must file a written objection within seven (7) days after the conclusion of the §341(a) meeting of creditors and must serve the objection on the debtor's attorney, the debtor, and the chapter 13 trustee. Any objection may be deemed waived if the objection is not filed and served timely, or if the objector fails to appear at the confirmation hearing.
 - (3) If a party files a written objection to confirmation and appears at the time and date set for the originally scheduled confirmation hearing, the matter will be called on the Court's docket and set for hearing on the merits on a subsequent date.
- (d) **Motion Practice.** See L.B.R. [9013-1](#) for local procedure on chapter 13 motion practice and for notice and opportunity for hearing.

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L.B.R. 2090-1

ATTORNEYS - ADMISSION TO PRACTICE

- (a) **Admission.** The Bar of this Court shall consist of all present members and those attorneys hereafter admitted to practice before the United States District Court for the Western District of Tennessee (see Local Rules of the United States District Court, Western District of Tennessee).
- (b) **Admission Pro Hac Vice.** Any attorney who is in good standing as a member of the Bar of another State may be admitted pro hac vice by comity, upon a proper showing of qualifications, to handle a particular case or proceeding before this Court. Admission pro hac vice is by written motion accompanied by movant's declaration, signed under penalty of perjury, asserting good standing in the state and federal bars where movant maintains a law office. A proposed order and the necessary fee for such admission shall accompany the motion.
- (c) **Representation of Good Standing.** Unless the Court is affirmatively advised to the contrary, an attorney appearing before the Court representing a client thereby avows compliance with (a) or (b) above and further avows that such attorney is not presently under a disbarment or suspension from any other court.
- (d) **Entry of Appearance.** An attorney appearing for a party in a case or proceeding may enter an appearance by signing and filing a pleading or an entry of appearance. The signing of a petition commencing a case by or against a debtor shall constitute an entry of appearance.
- (e) **New Counsel.** In the event a party adds or substitutes counsel, new counsel must enter an appearance. It is the obligation of new counsel to provide the Clerk with a written notice of appearance in order to be placed on the mailing matrix.
- (f) **Withdrawal.** Debtor(s)' counsel may be permitted to withdraw only upon leave of Court with reasonable notice to the debtor and to other parties in interest as the Court may direct. Counsel for any other party in interest, who has filed an adversary proceeding or a contested matter, may be permitted to withdraw only upon leave of Court with reasonable notice to the client and opposing counsel. Withdrawal of a party's counsel may be conditioned upon such terms as the Court directs, until that party appears pro se or through new counsel.
- (g) **Attorney(s)' Information.** Every pleading, motion, or other document must be signed individually by at least one attorney of record who also shall include the attorney's address, zip code, telephone number, fax number, if any, and state bar disciplinary number.

L.B.R. 2091-1

ATTORNEYS - DISCIPLINE AND DISBARMENT

Discipline. The standards of professional conduct of attorneys and law firms practicing in this Court shall include the American Bar Association's Code of Professional Responsibility and the Local Rules of the United States District Court for the Western District of Tennessee (which include that Court's adoption of Guidelines For Professional Courtesy and Conduct) relating to conduct of attorneys and law firms. For a willful violation of those standards or these Rules, an attorney may be subjected to appropriate disciplinary action by the Court. Any attorney who is convicted of, or pleads nolo contendere to, a felony or is disbarred from practice in any state or Federal Court, is also thereby disbarred from this Court, unless re-admitted upon written motion by such attorney after hearing on such a notice as designated by the Court.

L.B.R. 3018-1

ACCEPTANCE OR REJECTION OF CHAPTER 11 PLANS

- (a) Within seven (7) days after entry of an Order Approving Disclosure Statement, which will also provide notice of the confirmation hearing (see Official Bankruptcy Form 13), the proponent of the plan shall send a ballot conforming to Official Bankruptcy Form 14, along with copies of the Order, the approved disclosure statement, and the proposed plan to each entity entitled to accept or reject the plan. Each ballot shall indicate the class of claims in which it may be cast. At the same time, the plan proponent will send copies of the Order, the proposed plan and approved disclosure statement to interested parties, including the United States Trustee.

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- (b) The holders of claims or interests who elect to accept or reject a plan must file with the Clerk a ballot at least ten (10) days before the date of the original hearing on confirmation of the plan.
- (c) Not less than five (5) days prior to the date of the original confirmation hearing, the proponent of the plan shall file with the Clerk an original and one copy of a tally of the ballots, and serve on the United States Trustee, stating for each class of claims, the number and dollar amount of acceptances and rejections; and stating for each class of interests, the dollar amount of acceptances and rejections. (See Local Form 19).

L.B.R. 3020-1

CHAPTER 11 CONFIRMATION

- (a) Objections to confirmation must be written, filed within the time fixed by the Order Approving Disclosure Statement, and served on the proponent of the plan and the United States Trustee. Objections will be heard at the confirmation hearing.
- (b) Within ten (10) days of the Court's ruling that a plan shall be confirmed, the proponent of the plan shall prepare and present to the Court an Order Confirming Plan and a separate Notice of Entry of Order Confirming Plan. The Order Confirming Plan shall include a requirement that the plan proponent submit a Final Report within thirty (30) days of entry of the Order.

L.B.R. 3022-1

FINAL REPORT - DECREE

- (a) **Final Report.** Within thirty (30) days after entry of the Order Confirming the Plan, the plan proponent shall file a Final Report (Local Form 15) and shall serve it on the United States Trustee.
- (b) **Motion for Final Decree in Chapter 11 Cases.**
 - (1) Within thirty (30) days after substantial consummation of a plan, as defined in §1101(2), the plan proponent shall file a Motion for Final Decree pursuant to Fed. R. Bankr. P. 3022 (Local Form 16), or shall file a statement setting forth why such motion is premature. The motion and an original proposed Final Decree (Local Form 17), or the statement in lieu thereof, shall be served on the United States Trustee. If the United States Trustee approves the proposed Final Decree, it shall be filed promptly with the Clerk.
 - (2) If the plan proponent and the United States Trustee are unable to agree on the appropriateness of the entry of a Final Decree, the plan proponent or the United States Trustee shall request the Clerk to set the motion for hearing. The Clerk shall issue a Notice of Hearing, and the one requesting a hearing shall promptly certify service of the Notice on the other interested parties.
 - (3) On the plan proponent's motion, the Court may extend the time fixed by this Rule for filing a Motion for Final Decree. A motion for such extension shall be made within thirty (30) days after substantial consummation of the plan.

L.B.R. 4001-1

RELIEF FROM STAY

Motions Seeking Relief from the Automatic Stay (all chapters). A motion pursuant to §362(d) and Fed. R. Bankr. P. 4001 seeking relief from the automatic stay shall be served in the manner provided for by Fed. R. Bankr. P. 9014 and 7004. Additionally, such motion shall be served on any entity having a known interest in the subject property or the outcome of the motion; on the United States Trustee; on the case trustee; on any chapter 11 creditors' committee (or its agent); on the creditors listed pursuant to Fed. R. Bankr. P. 1007 (only in the absence of duly appointed creditors' committees); and on those entities that have filed requests for the receipt of all notices in the case or proceeding and have served such requests on the trustee or debtor in possession. It shall be the responsibility of the movant to obtain from the Clerk, and from the trustee or debtor in possession, a list, if any, of those entities who have requested that all notices be mailed to them.

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L.B.R. 5003-1

CLERK OF THE BANKRUPTCY COURT - GENERAL AUTHORITY

- (a) **Reference to Bankruptcy Court Clerk.** The Clerk of the Bankruptcy Court is referred to herein as the "Clerk."
- (b) **Legal Advice.** The Clerk and Deputy Clerks desire to be of help to attorneys, parties in interest, and the public, however, interpreting the substantive bankruptcy laws and rules of procedure and giving legal advice are not permitted functions. **NOTICE IS HEREBY GIVEN** to attorneys, parties in interest, and the public that the Clerk and Deputy Clerks assume no responsibility for information respecting applicable procedural rules, substantive law or interpretation of these Local Rules and Forms.
- (c) **Copies Requested From Clerk's Office.** Any entity seeking copies or certification of copies of materials on file with the Clerk shall submit a request in writing or in person, which request shall be accompanied by a business check, money order or cashier's check in the proper amount for copies and any applicable search fee. The check or money order shall be payable to the Clerk of the Bankruptcy Court. The Bankruptcy Court miscellaneous fee schedule, pursuant to 28 U.S.C. §1930(b), may be obtained from the Clerk. Fees for other services will be assessed according to 28 U.S.C. §1930. No fees are to be charged for copies or services rendered on behalf of the United States of America.

L.B.R. 5003-2

COURT PAPERS

Removal of Court Papers. No case, proceeding or claim file shall be removed from the Office of the Clerk without a written order signed by a Bankruptcy Judge. An entity seeking to remove a file shall first prepare and file a written motion setting forth with particularity the need and reasons therefore, accompanied with an appropriate proposed order. Retention of removed files shall in no instance exceed one (1) week, absent extenuating circumstances, and then only by a written Court order.

L.B.R. 5005-1

FILING AND TRANSMITTAL OF PAPERS

- (a) **Requests for Relief.** All requests for relief or action in the Bankruptcy Court, other than those properly submitted in open Court shall be presented by written motion, complaint or other pleading filed with the Clerk. Such requests submitted by letter to the Judge may not be acted upon except in the discretion of the Court. See L.B.R. [9003-1](#).
- (b) **Motions, Applications, Complaints, and Orders.** The original and one (1) copy of a motion, application, complaint, or order shall be submitted to the Clerk. When required, only an original Order and Notice of Hearing (Local Form 5 or 6) need be submitted. See L.B.R. [9013-1](#) regarding motion practice generally.
- (c) **Initial Delivery to the Clerk.** All pleadings and Court papers (including proposed orders) shall be delivered to and filed with the Clerk, and if appropriate, for forwarding to the Judge. Proposed orders, bearing the signatures required by L.B.R. 9074-1 may also be presented in open Court. Upon filing, original orders may not be withdrawn by counsel, but copies may be obtained from the Clerk. A request for expedited signature by the Judge and entry by the Clerk shall be made at the Clerk's intake counter or to the Courtroom Deputy Clerk, not to a Judge or Judge's staff.

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L.B.R. 5070-1

CALENDARS & SCHEDULING

- (a) **Hearings.** See L.B.R. [9013-1](#) generally for local procedure on motion practice and for notice and opportunity for hearing.
- (b) **Notice of Settlements.** Whenever a contested matter or adversary proceeding is settled or otherwise disposed of out of Court (or whenever it becomes obvious that a contested matter or adversary proceeding that is set for trial or hearing cannot be tried or disposed of at the time of its setting), it shall be the duty of counsel for all parties to see that immediate notice thereof is given to the appropriate Courtroom Deputy Clerk. Such notice does not, however, obviate the necessity for a written motion for a continuance. To effectuate a compromise or settlement, a motion may be required pursuant to Fed. R. Bankr. P. 9019 with appropriate notice thereof pursuant to Fed. R. Bankr. P. 2002(a)(3).
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L.B.R. 5071-1

CONTINUANCES

- (a) **Hearings.** A request for a continuance shall be directed to the appropriate Courtroom Deputy Clerk and shall be requested at the earliest time that the necessity therefor appears to counsel. Absent consent of all parties and Court approval, requests for continuances shall be by written motion or, in emergencies, by oral motion made in open Court. The party who moves for a continuance shall give proper notice of the requested continuances to all interested parties. A party who successfully moves for a continuance of a trial or hearing shall forthwith submit to the Courtroom Deputy Clerk a completed "Notice of Continuance" form. See Local Form 13. The successful party moving for the continuance shall forthwith give notice to all interested parties of the continued date, unless otherwise directed by the Court.
- (b) **Continuance of §341 Meeting of Creditors.** Requests for continuance of the §341 Meeting of Creditors shall be addressed initially to the case trustee or, in chapter 11 cases, to the United States Trustee. If a continuance of the meeting of creditors is granted at the request of a party in interest, then that party shall notify creditors and interested parties in writing, to the extent feasible. If the continuance is granted within five (5) days of the §341 meeting date, the notice shall be by telephone.
-

L.B.R. 5076-1

COURT RECORDING SYSTEM

This Bankruptcy Court has adopted the electronic sound recording system as the official record of cases and proceedings unless, upon written motion or sua sponte, a Judge for cause in a particular proceeding or matter orders otherwise. Deputy Court Clerks known as Court Recorder Operators ("CRO's") shall take the official record of cases and proceedings rather than private stenographic or court reporters.

The production of an acceptable record of a legal proceeding requires discipline and order in the Courtroom. Extraneous noise, unnecessary interruptions of witnesses or attorneys, and low or mumbled speech may make production of a quality transcript more difficult than it should be. To assure the quality of the audio tape record, all persons are requested to speak into a Courtroom microphone. The CRO or the Court will remind anyone who is not being recorded properly to speak more clearly or closer to the microphone. Attorneys are requested to identify themselves and whom they represent at the commencement of each case or proceeding, and to conduct their examinations in front of a microphone.

L.B.R. 5077-1 TRANSCRIPTS

Orders for transcripts (Form AO 435) and tapes (Form AO 436) shall be made to the appropriate CRO using the pre-printed forms provided by the Administrative Office of the United States Courts, which pre-printed forms may be obtained from the CRO's for subsequent completion. General instructions for ordering transcripts and tapes are contained on the backs of the pre-printed forms (Form AO 435 and Form AO 436).

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L.B.R. 6007-1 ABANDONMENT OF PROPERTY

- (a) **No Asset Chapter 7 Cases.** In chapter 7 cases in which a no asset notice is issued and not superseded by an asset notice, the §341 notice shall contain a notice to creditors that the trustee may abandon property at or after the §341 meeting of creditors, and the trustee is relieved of the requirement of giving additional notice of abandonment or disposition of property under §554 and Fed. R. Bankr. P. 6007(a).
- (b) **Notice Requirements - Asset Cases.**
- (1) The trustee or debtor in possession is relieved of the notice requirement imposed by §554 and Fed. R. Bankr. P. 6007(a), other than the notice contained in the §341 notice (see part (a) of this Rule), where the proposed abandonment relates to property of the estate with a net value to the estate of less than \$1,000.00 per item and less than \$2,500.00 in the aggregate. (See Local Form 11).
 - (2) In all other instances where creditors are entitled to notice of an abandonment under §554 and Fed. R. Bankr. P. 6007(a), the party seeking the abandonment shall request that relief by motion pursuant to L.B.R. [9013-1](#) or, alternatively, shall comply with the procedures contemplated by use of Local Form 12.

L.B.R. 6070-1

TAX RETURNS AND TAX REFUNDS

- (a) Pursuant to applicable tax laws, the entity required to make timely payment of taxes incurred by the debtor or the debtor's estate during the pendency of the case and required to submit timely tax returns shall do so. In chapter 11 cases, copies of such returns shall be served on the United States Trustee. The foregoing shall not apply to individual chapter 7 debtors.
- (b) Unless excused by the United States Trustee, or the Court, any entity operating the debtor's business during the pendency of the case shall segregate and deposit all sales taxes and all payroll taxes withheld from employee earnings into a separate bank account. All funds so deposited shall be used solely for payment of payroll tax liability, either by direct payment to the taxing authority or by payment with Federal Tax Deposit Coupons submitted to authorized financial institutions.
- (c) Failure to comply with this Rule may constitute cause resulting in a case dismissal or conversion of the case, or in removal of the debtor in possession or trustee.

L.B.R. 7003-1

COMMENCEMENT OF ADVERSARY PROCEEDING

Cover Sheet, Summons and Notice. A complaint commencing an adversary proceeding shall be filed with an Adversary Cover Sheet (Local Form 3) and, for each defendant, a Summons and Notice of Pre-Trial Conference (Local Form 10). The time and place of the Pre-Trial Conference shall be left for the Clerk to complete on the Summons and Notice form(s).

L.B.R. 7004-1

PROCESS: SERVICE OF SUMMONS, COMPLAINT

- (a) **Service in Adversary Proceedings.** After the Summons and Notice of Pre-Trial Conference is completed by the Clerk and returned to the plaintiff, the plaintiff shall serve it or cause it to be served pursuant to Fed. R. Bankr. P. 7004. The person serving the complaint and summons shall execute the Certificate of Service on the summons and notice form and promptly file it with the Clerk within the time allowed for the defendant to answer.
- (b) **Motion Practice.** See L.B.R. 9013-1 for service of motions.
- (c) **Chapter 13 Turnover Complaints.** See L.B.R. 9075-1(d) and Local Form 9 for procedure and restrictions on turnover of estate property in chapter 13 cases.

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L.B.R. 7026-1

GENERAL PROVISIONS GOVERNING DISCOVERY

- (a) **Discovery Procedure.** All discovery is governed generally by the applicable Fed. R. Civ. P. as incorporated in Fed. R. Bankr. P., Part VII. Discovery pleadings should not be filed with the Clerk unless it is necessary to make them a part of the docketed pleadings or unless it is necessary to bring them to the attention of a Judge. In the event of any discovery dispute and prior to the filing of a motion, it shall be necessary for all counsel (and any pro se parties) to confer at least telephonically in an effort to resolve the dispute, and the motion concerning a discovery dispute must contain a certification signed by the movant's counsel (or moving pro se party) that such a conference has occurred.
- (b) **Opt out.** By Miscellaneous Order 93-2 the Bankruptcy Judges in this District have opted out generally of the mandatory disclosure provisions contained in Fed. R. Civ. P. 26(a) (1-4) and (f). However, in a particular proceeding or contested matter a Judge may, after notice and opportunity for hearing, require compliance with one or more of these opt out provisions.

L.B.R. 7065-1

TEMPORARY RESTRAINING ORDERS AND INJUNCTIONS

Upon the filing of an adversary proceeding, any application for a temporary restraining order and/or injunction shall be made in writing, except where extraordinary circumstances render an oral application the only method reasonably practicable. See Fed. R. Bankr. P. 7001(7). An application hereunder shall be made in strict compliance with Fed. R. Bankr. P. 7065.

L.B.R. 8001-1

NOTICE OF APPEAL

When a Fed. R. Bankr. P. 8002 notice of appeal is filed with the Clerk, it shall, in addition to containing the information required by Fed. R. Bankr. P. 8001(a), set forth a very specific and definite statement regarding the pertinent and relevant portion(s) of the final judgment, order, or decree with which the appellant is aggrieved and from which the appeal or cross-appeal is taken. General statements that a given order is being appealed, without specifically identifying the pertinent and relevant portion(s) of the order appealed from, is not acceptable and shall result in the record on appeal being considered incomplete.

L.B.R. 8006-1

DESIGNATION OF RECORD

- (a) When the appellant and appellee file the Fed. R. Bankr. P. 8006 designations of the items to be included in the record on appeal and statements of the issues to be presented, such designations of the record and statements of the issues shall expressly identify the specific items, document by document, to be included in the record on appeal and specific issues to be presented. Moreover, general, catch-all designations of the items to be included in the record on appeal such as "all bankruptcy files," "the entire case and/or proceeding record" or similar phrase and general, vague, non-specific statements of the issues are not acceptable and shall result in the record on appeal being considered incomplete. Only that part of the record necessary for the appeal should be designated.
- (b) All parties to the appeal shall strictly comply with the foregoing so as to enable the Clerk to promptly assemble and transmit the complete record on appeal for an effective and efficient review by the District Court. Failure of any party to comply with the foregoing shall be ground for such action as the Bankruptcy Court or District Court deems appropriate, which may include ultimate dismissal of the appeal and/or cross appeal by the District Court.

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L.B.R. 9003-1

EX PARTE CONTACT

Due to the prohibition of ex parte meetings and communications with the Court, any pleading for which a special or expedited setting is sought, and any pleading seeking emergency or ex parte relief shall be presented by filing the original document with the Clerk.

L.B.R. 9013-1

MOTIONS: FORMS AND SERVICE

- (a) Scope.** Local Rule 9013-1 governs all motions, applications, objections to claims, contested matters, similar pleadings, and proposed orders whereby relief is sought by order of the Court after notice and hearing; provided however that this Rule does not apply to petitions commencing a case pursuant to §§301, 302, 303, or 304 to motions for final decrees pursuant to Fed. R. Bankr. P. 3022 in chapter 11 cases, or to motions for examination of debtors pursuant to Fed. R. Bankr. P. 2004. See L.B.R. 1002-1, 1003-1, 2004-1(a)(1), and 3022-1 regarding matters excepted from this Rule.
- (b) Chapter 7, 11, and 12 Cases.**
- (1) The party seeking an order (Movant) shall:
 - (A) file a pleading or proposed order and a completed Notice of Hearing (Local Form 6), leaving only paragraphs 1 and 2 of the notice for completion by the Clerk who will fix a period of not less than 20 days for the filing of objections, unless otherwise ordered by the Court, and will then return the completed notice to the movant for service;
 - (B) within five (5) days of receipt of the completed notice from the Clerk, mail a copy of the notice and the pleading or proposed order to all parties entitled to notice; and
 - (C) within three (3) days of mailing the Notice of Hearing to parties, execute and file a certificate of service (Local Form 7) that explicitly identifies the pleading or proposed order served and sets out the names and addresses of all entities served.
 - (2) If no objection is timely filed, the relief sought may be granted without an actual hearing, and the movant shall immediately submit an order with a certificate of movant's compliance with this Rule (Local Form 8). In the event of compliance with this sub-part of the Rules, only the signature of the party or attorney preparing the order must appear on the order. See generally L.B.R. 9074-1 for the signatures required on other orders submitted to the Court.
 - (3) If an objection is timely filed, the matter will be heard, and the party instructed by the Court to submit an order will do so.
 - (4) Objections must specifically state the grounds therefore and include copies of supporting documents; conspicuously recite in the first paragraph the date of the hearing; and include a certification of service on the movant, the debtor, the case trustee, the United States Trustee, and, in matters where the United States is an interested party, the United States Attorney, as well as other affected parties.
 - (5) After entry, a copy of each order will be returned to the party responsible for service [see L.B.R. 9074-1] and that party shall
 - (A) within five (5) days of receipt, mail copies of the order, bearing the date of docket entry, to the parties who were served with the Notice of Hearing and to the debtor, the case trustee, the United States Trustee and, in matters where the United States is an interested party, the United States Attorney; and
 - (B) within three (3) days of mailing the order to parties, certify service by executing and filing a certificate of service (Local Form 7) that explicitly identifies the order served and sets out the names and addresses of all entities served.
- (c) Chapter 13 Cases.**
- (1) The party seeking an order (Movant) shall:
 - (A) file a pleading or proposed order and a completed Notice of Hearing (Local Form 5), leaving only paragraphs 1 and 2 of the notice for completion by the Clerk who will set a date calculated to give interested parties not less than 20 days notice of the matter, unless otherwise ordered by the Court, and will then return the completed notice to the Movant for service;

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- (B) within five (5) days of receipt of the completed notice from the Clerk, mail a copy of the notice and the pleading or proposed order to all parties entitled to notice; and
 - (C) within three (3) days of mailing the Notice of Hearing to parties, execute and file a certificate of service (Local Form 7) that explicitly identifies the pleading or proposed order served and sets out the names and addresses of all entities served.
- (2) As the Court docket is called by a Courtroom Deputy Clerk in conjunction with the chapter 13 trustee on the date and time set by the Notice of Hearing, if no party appears to resist the relief sought, it may be granted without hearing; the movant will so advise the Courtroom Deputy Clerk and the chapter 13 trustee and promptly submit an order for entry. See also L.B.R. 9074-1 for the signatures required on orders submitted to the Court.

On the date and time set by the Notice of Hearing, parties also may announce an agreement regarding the relief sought and submit an order accordingly.

If counsel for a party affected by the relief sought is known to movant's counsel, then movant's counsel will make a good faith effort, prior to or at the docket call, to confer with opposing counsel regarding the matter.

- (3) As the docket is called on the date and time set by the Notice of Hearing, if a party appears and objects to the relief sought, the Courtroom Deputy Clerk shall set the matter for a hearing on a subsequent date and so advise those present. After such subsequent hearing, the party instructed by the Court to submit an order will do so.
- (4) After entry, a copy of each order will be returned to the party responsible for service [see L.B.R. 9074-1] who shall
 - (A) within five (5) days of receipt, mail copies of the order, bearing the date of docket entry, to the parties who were served with the Notice of Hearing and to the debtor, the case trustee, and in matters where the United States is an interested party, the United States Attorney; and
 - (B) within three (3) days of mailing the order to parties, certify service by executing and filing a certificate of service (Local Form 7) that explicitly identifies the order served and sets out the names and addresses of all entities served.

(d) Responsibility for Service.

- (1) Whenever a party is directed by these Rules to serve a notice, order, or other document, it is the responsibility of that party to identify (by judicial determination, if necessary) and serve all parties upon whom service is required by the Court, the Bankruptcy Code, Fed. R. Bankr. P., these Local Rules, or the Clerk. To assist the responsible party, the Clerk may provide a mailing list of names and addresses when returning notices or orders for service.
- (2) The party responsible for serving an order pursuant to this Rule is the party who drafted or approved the draft of the order. When two or more parties approve the draft of an order, they shall also designate the one responsible for service by placing an asterisk by that party's name on the order.

(e) Service by the Clerk. The other provisions of these Rules notwithstanding, the Clerk will serve the following:

- (1) notice of entry of orders of conversion or dismissal, including notices required by Fed. R. Bankr. P. 1017;
- (2) notice of the §341 meeting of creditors, the date fixed for filing claims against surplus funds of the estate, and the date fixed for filing proofs of claims;
- (3) notice of the filing of a proof of claim by the debtor or the trustee;
- (4) notice of the date fixed for filing complaints pursuant to §727 and §523(c);
- (5) notice of the filing of a notice of appeal;
- (6) notice of entry of orders denying, revoking, or waiving discharge;
- (7) notice of hearing regarding contempt of court;
- (8) notice of entry of judgment or order [Note: This does not obligate the Clerk to mail copies of all orders.];
- (9) upon request of the case trustee of an estate with no available funds, the notices, orders, or other documents that would otherwise be served by the case trustee; and
- (10) pursuant to Court order, any document that, absent the order, should be served by another party.

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- (f) **Notice to Creditors Added by Amendment.** Whenever the debtor or interested party adds a creditor by amendment, the debtor or interested party shall, within five (5) days, serve the added creditors with each notice that previously has been served on all creditors in the case, without regard for who initially served the previous notices.
- (g) **Expenses of Noticing.** Without the necessity of a Court order, the debtor in possession or the case trustee is authorized to pay the expenses of serving notices, orders, or other documents required by these Rules to be served by the debtor-in-possession or case trustee. Any such payment shall be subject to the Court's review and shall be disclosed in any application for reimbursement.

L.B.R. 9015-1

JURY TRIALS

- (a) **Applicability of certain Federal Rules of Civil Procedure.** Rules 38, 39, and 47-51 Fed. R. Civ. P., and Rule 81(c) Fed. R. Civ. P., insofar as may apply to jury trials, apply in cases and proceedings, except that a demand made under Rule 38(b) Fed. R. Civ. P. shall be filed in accordance with Fed. R. Bankr. P. 5005.
- (b) **Consent to have trial conducted by Bankruptcy Judge.** If the right to a jury trial applies and a timely demand has been filed under Fed. R. Civ. P. 38(b), the parties may expressly consent to have a jury trial conducted by a Bankruptcy Judge under 28 USC §157(e) by jointly filing a statement of consent no later than a date to be set by the Court in a pretrial and scheduling order. A consent form (Local Form 18) must be executed by all the parties before it is filed with the Clerk. This consent should never be filed with the Clerk unless all parties to a proceeding expressly and jointly consent in writing to a jury trial by the Bankruptcy Judge by actually signing and approving the consent form. Failure of all parties to a proceeding to jointly sign and file the consent form shall be deemed by the Bankruptcy Judge that all of the parties do not expressly consent to a jury trial by the Bankruptcy Judge. Consent to a jury trial is deemed consent that the Bankruptcy Judge can enter a final order in noncore proceedings.

L.B.R. 9029-1

EFFECTIVE DATE, APPLICABILITY, AND CITATIONS

- (a) **Effective Date.** These amended Local Rules and Forms of the United States Bankruptcy Court for this Judicial District shall take effect on December 1, 1995. These Local Rules and Forms, as amended, apply in all cases and proceedings pending on, or commenced after, the effective date except to the extent the Court determines that their application to a particular case or proceeding pending on the effective date would not be feasible or would result in an injustice, in which event the former procedures will apply.
- (b) **Citations.** Provisions of the United States Bankruptcy Code, Title 11 of the U.S. Code, are cited herein as "§ ____." Provisions of the Federal Rules of Bankruptcy Procedure are cited herein as "Fed. R. Bankr. P. ____." These Local Bankruptcy Rules are cited herein as "L.B.R. ____." The Local Bankruptcy Forms are cited herein as "Local Form ____."
- (c) **Local Forms.** These Local Rules include accompanying forms prescribed for stated purposes. The Local Forms shall be used in their given format with only such minor alteration as necessary to accommodate other word processing and printing equipment.

L.B.R. 9070-1

COPIES

See L.B.R. 1007(b)-1 and 5005-1(b) for requirements of number of copies of pleadings.

L.B.R. 9072-1

EXHIBITS

After the final determination of any contested matter or adversary proceeding, counsel shall have thirty (30) days to properly withdraw exhibits introduced into evidence. If exhibits are not timely withdrawn, the Clerk may destroy them without further notice, unless the Court orders otherwise.

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L.B.R. 9074-1

SUBMISSION OF PROPOSED ORDERS

(a) Consent Orders:

- (1) **Scope.** This Rule governs the submission of proposed orders which are not dispositive of any prior pleading and which may be properly issued upon consent or stipulations of all affected parties.
- (2) **Designation of Party Responsible for Serving Orders.** The party responsible for serving orders pursuant to this Rule is the party who approved the draft of the order. When the draft has been approved by more than one party, the one responsible for serving it shall be designated thereon with an asterisk by that party's name.
- (3) **Notice of Entry.** After entry, a copy of each order will be returned to the party responsible for service who shall
 - (A) within five (5) days of receipt, mail copies of the order, bearing the date of entry, to the affected parties, including the debtor; the case trustee; the United States Trustee (except in chapter 13 cases); and in cases where the United States is an interested party, the United States Attorney; and
 - (B) within three (3) days of mailing the order to parties, certify service by executing and filing Local Form 7 with a copy of the order attached.

(b) Orders on Bench Rulings. Upon the Court's announcement from the bench of an oral ruling in any action, the prevailing party or the party designated by the Court shall prepare an order that briefly and accurately sets forth the ruling and shall present it to opposing counsel for approval, unless otherwise directed by the Court. An order approved by the parties shall be presented to the Judge within ten (10) days from the issuance of the ruling, unless approval by all parties can not be obtained in which event the procedure of L.B.R. 9074-1(d)(2) shall be followed.

Counsel are encouraged to make written notes when oral rulings are announced from the bench. If the parties cannot agree on the content of an order, each party (or jointly) shall file a written motion accompanied by a proposed order. Before such motion is made, the movant shall listen to the tape recording of the oral ruling and shall so certify in the motion. See L.B.R. 5076-1.

(c) Form of Orders. All orders must contain the correct case name(s) and case number. If the order is submitted in an adversary proceeding, the caption must include the adversary proceeding name and number. Moreover, if the order contains more than one page, each following page(s) must contain at the top the correct case and adversary name(s) and number(s).

(d) Signatures on Orders.

- (1) An order in any contested proceeding or matter must be signed by the contesting parties or their attorneys before it is submitted to the Court. An order in any uncontested proceeding or matter must be signed by the party or attorney who prepared it before it is submitted to the Court. A consent order within the scope of these Local Rules must be signed by the affected parties or their attorneys, before it is submitted to the Court. In addition to the foregoing, orders in chapter 12 or chapter 13 cases must also be signed by the case trustee. See L.B.R. 2082-1 and 2083-1.
- (2) In the event that the attorney who prepares an order is unable, after diligent effort, to obtain the required signatures thereon, that attorney may submit the order to the Court with the following certificate:

"I, _____, certify that I, as counsel for a party to this proceeding or matter, have mailed, by first class mail, postage prepaid, on the day of _____, 19____, a copy of this order to all opposing parties and/or counsel, giving them at least ten days to approve and return the said order to me. I further certify that an approved order has not been returned to me by (name of party or counsel). I further certify that I have on (at least three business days prior to submission) notified said party or counsel that this order is being submitted to the Court.

Signature

Date: _____

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L.B.R. 9075-1
HEARINGS

- (a) Mandatory Hearings.** Notwithstanding other provisions in these Rules concerning notice and opportunity for hearings, the Court shall set and hold hearings on the following matters:
- (1) approval of chapter 11 disclosure statements (see L.B.R. 2081-1(c) for conditional approval);
 - (2) confirmation of chapter 9, 11, 12, and 13 plans;
 - (3) motions for abstention from a case or proceeding;
 - (4) motions seeking a citation for contempt or the imposition of sanctions under Fed. R. Bankr. P. 9011;
 - (5) motions for the appointment of a trustee or examiner; and
 - (6) motions filed in adversary proceedings, unless the Court determines sua sponte that no hearing is warranted.
- (b) Special or Expedited Settings.** Any pleading for which a special or expedited setting is sought, and any pleading seeking emergency or ex parte relief, including those requesting relief under §362 or 363(e), shall so state in the caption and shall specifically state the grounds for such relief.
- (c) Unwarranted Requests For Expedited Hearing or Emergency Relief.** Unwarranted requests for expedited hearing or emergency relief may subject counsel and/or the parties to sanctions.
- (d) §542(a) Turnover Complaints in Chapter 13 Cases.** Because of the urgency of relief typically requested in certain turnover complaints in chapter 13 cases, they are entitled to expedited settings. Expedited settings, under this provision, shall be restricted to the chapter 13 debtor(s)' complaint for turnover of vehicles or banking accounts. In all other instances, a motion to expedite the trial of a turnover complaint will be required. Pursuant to Fed. R. Bankr. P. 9006(c)(1), the time for notice of hearings on these certain turnover complaints is shortened to the time set by the Clerk who is hereby authorized to issue the Notice of Expedited Hearing (Local Form 9) in these certain turnover complaints in chapter 13 cases.
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L.B.R. 9078-1
CERTIFICATE OF SERVICE

See L.B.R. [7004-1](#), [9013-1](#) and [9074-1](#) for certificates of service required.

1. The Western Division of this Judicial District at Memphis consists of the following counties: Dyer, Fayette, Lauderdale, Shelby and Tipton. The Eastern Division of this Judicial District at Jackson consists of the following counties: Benton, Carroll, Chester, Crockett, Decatur, Gibson, Hardeman, Hardin, Haywood, Henderson, Henry, Lake, McNairy, Madison, Obion, Perry, and Weakley. 28 U.S.C. §123.

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