LOCAL RULES FOR
THE UNITED STATES BANKRUPTCY COURT WESTERN DISTRICT OF TENNESSEE

(Effective September 24, 2026)



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TNWB LBR 1001-1
SCOPE OF RULES

(a) **Implementation.**
These rules shall be known as the "Local Bankruptcy Rules for the United States Bankruptcy Court for the Western District of Tennessee." They supplement the Federal Rules of Bankruptcy Procedure (Fed. R. Bankr. P.) and their official forms and shall be construed consistently with the Federal Rules to promote the just, efficient, and economical determination of every case, matter, and proceeding. They may be cited as "TNWB LBR ____."

(b) **ECF Guidelines, Local Forms, and General Orders.**
The Court's Website should be consulted for the latest versions of Electronic Case Filing Guidelines, local bankruptcy forms, and Standing Orders. The ECF Guidelines, Local Forms, and Standing Orders supplement these Local Rules and may be modified from time to time by a Standing Order of the Court without amendment to these Rules.

(c) **Waivers.**
On motion of a party in interest or on the initiative of the court, a judge may waive the provisions of these Local Rules in any case or proceeding for cause and in the interest of justice.

(d) **Form Number References.**
All references to Local and Official Forms are to the most recent versions in effect. The Local Rules may be amended at any time to reflect changes to the relevant Local or Official Form numbers.

(e) **Effective Date and Applicability.**
These amended Local Rules of the United States Bankruptcy Court for the Western District of Tennessee shall take effect on April 3, 2017. These Local Rules, as amended, apply in all cases and proceedings pending on, or commenced after, the effective date except to the extent that 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.

TNWB LBR 1001-2
DEFINITIONS

(a) The term "Bankruptcy Code" means title 11 of the United States Code.

(b) The term "Clerk" refers to the clerk of court for the United States Bankruptcy Court for the Western District of Tennessee.

(c) The term "Court" means the United States Bankruptcy Court for the Western District of Tennessee.

(d) The term "court" or "judge" means the judicial officer before whom a case or proceeding is pending.

(e) The term "Courtroom Deputy" means a deputy clerk who is responsible for setting the dates and times of hearings. The names and telephone numbers of each of the Courtroom Deputies may be found on the Court's Website under "Judges/Chambers."

(f) The term "Court's Website" means the website maintained by the United States Bankruptcy Court for the Western District of Tennessee which may be found at www.tnwb.uscourts.gov.

(g) The term "ECF Guidelines" means guidelines for electronically filing documents with the Clerk of the Court.

(h) The term "Local Forms" means those local forms adopted for use in the United States Bankruptcy Court for the Western District of Tennessee.

(i) The term "Local Rules" or "Rules" refers to these Local Bankruptcy Rules for the United States Bankruptcy Court for the Western District of Tennessee and any amendments.

(j) The term "Mailing List" means the matrix or list of names and addresses of creditors and interested parties described at Federal Rule of Bankruptcy Procedure 1007(a).

(k) The term "Meeting of Creditors" refers to the meeting described at section 341 of the Bankruptcy Code.

(l) The term "Official Forms" refers to the official bankruptcy forms prescribed by the Judicial Conference of the United States and any additional forms issued by the Director of the Administrative Office of the United States Courts. See Fed. R. Bankr. P. 9009. The Official Forms may be found at www.uscourts.gov/forms/bankruptcy-forms.

(m) The term "Rule 2004 Examination" refers to the examination of an entity provided for in Federal Rule of Bankruptcy Procedure 2004.

(n) The term "Standing Orders" refers to standing or general orders adopted by the Court from time to time available on the Court's Website.

(o) The term "United States Trustee" means the United States trustee for the Western District of Tennessee.

TNWB LBR 1001-3 ATTORNEYS – ADMISSION TO PRACTICE

(a) **Representation.**
Only individuals may represent themselves. Any non-individual debtor, creditor, or other party of interest appearing in a case, contested matter, or adversary proceeding must be represented by an attorney admitted to practice before this Court.

(b) **The Bar of this Court.**
The bar of this Court shall consist of all persons admitted to practice before the United States District for the Western District of Tennessee. See Local Rules of the United States District Court, Western District of Tennessee. As a courtesy, every newly admitted attorney should be introduced to the bankruptcy judges by an attorney previously admitted to practice before this Court.

(c) **Admission Pro Hac Vice.**
Any person who is a licensed attorney admitted to practice and in good standing of the bar of another Federal District Court may be admitted *pro hac vice* (i.e., for a particular case or proceeding only) upon a proper showing of qualifications to handle a particular case or proceeding before this Court. A written motion for admission pro hac vice must be accompanied by the movant's declaration, signed under penalty of perjury, that he is in good standing in all state and federal courts to which he has been admitted to practice, a proposed order, and the fee specified on the Court's Website.

(d) **Representation of Good Standing.**
Unless the Court is affirmatively advised to the contrary, an attorney appearing before the Court on behalf

of a client affirmatively represents that he is in compliance with subsection (a) or (b) above and further represents that he is not presently disbarred or suspended from practice before any other court.

(e) **Entry of Appearance.**
An attorney appearing for a party in a case or proceeding may enter his appearance by signing and filing a notice of appearance. The signing of a petition commencing a case by or against a debtor shall constitute an entry of appearance. The filing of a complaint commencing an adversary proceeding by an attorney shall constitute an entry of appearance on behalf of the filing party.

(f) **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 his name and address in order to be placed on the Mailing List.

(g) **Withdrawal.**
Debtor's counsel will be permitted to withdraw only with leave of court after providing 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 will be permitted to withdraw only with leave of court after providing 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.

(h) **Attorney Information.**
Every pleading, motion, or other document filed with the Clerk must bear the signature of at least one attorney of record and shall also include the attorney's address, zip code, telephone number, email address, fax number, if any, and state bar disciplinary number. See the ECF Guidelines for direction concerning electronic signatures.

TNWB LBR 1001-4 ATTORNEYS – DISCIPLINE

The standards of professional conduct for attorneys practicing before this Court shall include the Tennessee Rules of Professional Conduct and the Local Rules of the United States District Court for the Western District of Tennessee (which include Guidelines for Professional Courtesy and Conduct). For a willful violation of those standards or these Rules, an attorney may be disciplined by the Court. Discipline may include a fine, an order to attend continuing legal education courses, a temporary suspension from practice before the Court, and, in extreme cases, a permanent prohibition against practicing before the Court. If any attorney is convicted of or pleads nolo contendere to a felony or is disbarred from practice in any state or federal court, such attorney's right to practice before the Court shall be suspended immediately and may be restored only after application and hearing in accordance with the procedures referenced in the Local Rules of the United States District Court for the Western District of Tennessee.

TNWB LBR 1002-1 COMMENCEMENT OF VOLUNTARY CASES AND FILING RELATED PAPERS

(a) Voluntary Cases.
A voluntary case is commenced by:

(1) Filing a petition (Official Form B101 or B201); and

(2) Paying the relevant filing fee specified at 28 U.S.C. § 1930, or, if the debtor is an individual

(A) filing an application to pay the filing fee in installments pursuant to 28 U.S.C. § 1930(a) and Fed.

R. Bankr. P. 1006(b) (Official Form B103A); or

(B) if the debtor is seeking relief under Chapter 7, making application to have the filing fee waived pursuant to 28 U.S.C. § 1930(f)(1) and Fed. R. Bankr. P. 1006(c); and

(3) Filing the Mailing List. See TNWB LBR 1007-1(a).

(b) Emergency Voluntary Case Filing.
In the event of an emergency that necessitates the commencement of a voluntary case before the submission of lists, schedules, and statements that otherwise accompany a petition, a debtor may commence a case by:

(1) Filing a petition (Official Form B101 or B201); and

(2) Paying the filing fee, or, if the debtor is an individual –

(A) filing an application to pay the filing fee in installments pursuant to 28 U.S.C. § 1930(a) and Fed. R. Bankr. P. 1006(b) (Official Form B103A), or

(B) if the debtor is seeking relief under Chapter 7, making application to have the filing fee waived pursuant to 28 U.S.C. § 1930(f)(1) and Fed. R. Bankr. P. 1006(c); and

(3) Filing the Mailing List. See TNWB LBR 1007-1(a); and

(4) In Chapter 11 cases, filing a list of the names and addresses of the creditors holding the twenty (20) largest unsecured claims. See Fed. R. Bankr. P. 1007(d).

TNWB LBR 1003-1 COMMENCEMENT OF INVOLUNTARY CASES

An involuntary case is commenced by filing an involuntary petition (Official Form B105 or B205) and paying the relevant filing fee specified at 28 U.S.C. § 1930.

TNWB LBR 1006-1 FILING FEES – PAYMENT, INSTALLMENT, WAIVER

(a) **Filing Fee.**
The filing fee, or approved installment payment, is payable to the Clerk by cashier's check, money order, attorney's business check, or electronic payment. In the Western Division of the District, payment may also be made by 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 is authorized to approve an application filed by an individual debtor to pay the filing fee in installments (Official Form B103A) as provided in 28 U.S.C. § 1930(a) and Federal Rule of Bankruptcy Procedure 1006 and, where applicable, to approve a trustee's application to defer payment of any proceeding fee or special charges due from the estate.

(c) **Waiver of Filing Fee.**
If an individual debtor in a voluntary Chapter 7 case meets the standards set forth in 28 U.S.C. § 1930(f)(1) and Federal Rule of Bankruptcy Procedure 1006(c), the debtor may apply for waiver of the filing fee by

completing and filing the Application to Have the Chapter 7 Filing Fee Waived (Official Form B103B). The application for waiver of the filing fee is subject to approval by the court.

TNWB LBR 1007-1
MAILING LIST

(a) **Mailing List.**
Along with the voluntary petition, the debtor shall file a list of the names and addresses (including zip codes) of all creditors and interested parties (excluding the debtor and debtor's counsel) arranged in the format specified on the Court's Website.

(b) **Notice to the United States Trustee.**
The appropriate address for service on the United States Trustee may be found on the Court's Website.

(c) **Notice to the United States.**
Many of the addresses for service on the United States, its agencies, departments, and instrumentalities may be found on the Court's Website.

(d) **Notice to the State of Tennessee.**
Many of the addresses for service on the State of Tennessee, its agencies, departments, and instrumentalities may be found on the Court's Website.

(e) **Conversion.**
Unless the court orders otherwise, if a case is converted from one operative chapter to another, the debtor shall file new lists, statements, and schedules within the time limits set out at Federal Rule of Bankruptcy Procedure 1007(c).

TNWB LBR 2004-1
EXAMINATIONS

(a) **Consultation and Scheduling.**
Prior to filing a motion to conduct a Rule 2004 Examination, the parties and their attorneys shall confer with one another to determine a mutually agreed upon date, time, and place for the examination. Unless the Court expressly orders otherwise, all Rule 2004 Examinations shall be scheduled by the moving party in a location other than Court facilities.

(b) **Rule 2004 Examinations – Procedure.**

(1) Examination of the Debtor.
In those instances, in which a creditor or other party in interest seeks an examination of the debtor or a representative of the debtor pursuant to Federal Rule of Bankruptcy Procedure 2004, a motion requesting an order for the examination should be filed with the Clerk accompanied by a proposed order authorizing such examination. The order may be signed by the court without a hearing, but the order shall be entered without prejudice to the debtor moving to quash, vacate, or modify the order prior to the scheduled examination.

(2) Examination of other Entities.
In all other instances in which a Rule 2004 Examination is sought, a motion requesting authority to conduct an examination shall be filed with the Clerk. Such motion shall be governed by TNWB LBR 9013, and the entity proposed to be examined, the United States Trustee, and the case trustee shall be given notice and opportunity for hearing.

(c) **Service.**
After entry, the order setting the examination will be returned to the party for service on the entity to be examined.

(d) **Attendance.**
A party authorized by the Court 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 Federal Rule of Civil Procedure 45. See Fed. R. Bankr. P. 2004(c) and 9016.

TNWB LBR 2016-1 Compensation for Services Rendered and Reimbursement of Expenses

(a) **Presumptively Reasonable Fee.**
In chapter 13 cases the Court, by Standing Order, which may be amended from time to time, shall set the presumptively reasonable fee ("PRF") for debtors' attorneys. While the PRF is intended to compensate counsel for all services for representing the interest of the debtor in the chapter 13 case, the debtor's attorney may provide in the Attorney Fee Disclosure Statement (Official Form B2030) that the PRF does not include any service, fees, and expenses in connection with—

(1) an adversary proceeding under Fed. R. Bankr. P. 7001;
(2) a contempt proceeding;
(3) employing an expert witness; or
(4) an appeal.

(b) **Fee Approval Procedure in Chapter 13.**
An attorney representing a debtor in a chapter 13 case may obtain approval of attorney's fees without the filing of a formal fee application and a hearing when the attorney and the debtor(s) agree in writing that the fee for representation will be less than or equal to the PRF. Unless the Court orders otherwise, the PRF or any lesser amount is deemed an allowed administrative claim under 11 U.S.C. § 503(b)(2). The amount must be claimed by the attorney's filing of the Attorney Fee Disclosure Statement pursuant to Fed. R. Bankr. P. 2016(b) (Official Form B2030). Official Form B2030 shall clearly indicate the fee agreed upon, the amount paid to date, and the amount to be paid through the chapter 13 plan.

(c) **Fee Award Other Than or in Addition to the PRF.**
In any case in which a chapter 13 debtor's attorney seeks compensation other than or in addition to the PRF authorized in subdivision (a) of this rule, the attorney must file a fee application conforming to Fed. R. Bankr. P. 2016(a). The application must include an itemized statement and be supported by contemporaneous time and expense records. Notice of the fee application must be given in accordance with Fed. R. Bankr. P. 2002(a)(6). For any fees sought in addition to the PRF, the application must include sufficient detail to demonstrate the PRF award does not adequately compensate the debtor's attorney for the legal services rendered or include a statement that the services for which the attorney is seeking additional compensation were specifically excluded from the services included in the PRF award.

(d) **Fee in Cases in Which Attorney Does Not Complete Representation.**
If an attorney has been awarded a PRF under subdivision (b) and for any reason the attorney's representation ends before the case is closed, the Court, either sua sponte or on request of a party, may order disgorgement of fees received but not earned and vacate any balance of the award that has not been received. A PRF award to the initial attorney in the case does not prohibit a successor attorney from being awarded compensation for providing the necessary services to complete representation of the debtor in the case. A successor attorney may request compensation pursuant to subdivision (b) or (c) but the total PRF awarded

pursuant to subdivision (b) in any case shall not exceed the amount set by the Court pursuant to subdivision (a).

TNWB LBR 2081-1 CHAPTER 11 – ESTATE ADMINISTRATION

(a) **Forms.**
Upon the filing of a petition seeking relief under Chapter 11 of the Bankruptcy Code, the United States Trustee shall promptly transmit a format for the filing of financial reports to the debtor in possession or to the trustee if one has been appointed.

(b) **Filing Requirement.**
Unless otherwise ordered by the court, the debtor in possession or trustee shall electronically file financial reports with the Clerk setting forth the information required by Federal Rule of Bankruptcy Procedure 2015(a)(3) in the format provided by the United States Trustee. The debtor in possession or trustee shall continue to file monthly reports until the case is dismissed, converted, or closed, or as otherwise ordered by the court.

(c) **Timing.**
Unless otherwise ordered by the court, each report shall cover a calendar month; the first report shall be filed thirty (30) days after the case is commenced, and each subsequent report shall be filed by the 15th day of the following month.

(d) **Copy to the United States Trustee.**
The person filing the report with the Clerk shall certify that a copy was provided to the United States Trustee.

(e) **Copies to Committees and Interested Parties.**
Upon written request from an official committee appointed in a case or other interested party, the debtor in possession or trustee shall provide copies of the financial reports.

(f) **Failure to Comply.**
Failure to comply with this Local Rule may constitute cause for dismissal or conversion of the case to a case under Chapter 7 of the Bankruptcy Code.

(g) **Mailing and Service of Plans and Ballots.**
Within seven (7) days after entry of an Order Approving Disclosure Statement, which will also provide notice of the confirmation hearing, the proponent of a plan of reorganization or liquidation shall send a ballot conforming to Official Form B314, or such other form as may be approved by the court, together 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 shall serve copies of the order, the proposed plan and approved disclosure statement to all interested parties, including the United States Trustee.

(h) **Acceptance or Rejection of Plan.**
The holders of claims or interests who elect to accept or reject a plan must serve a ballot upon the attorney for the plan proponent before the deadline set forth in the approved disclosure statement or as otherwise ordered by the court.

(i) **Tally of Ballots.**
Not less than seven (7) days prior to the date of the original confirmation hearing, the plan proponent shall

file a tally of the ballots (Local Form 019F) with the Clerk and serve it upon 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.

(j) **Confirmation.**

(1) **Objections to Confirmation.**
Objections to confirmation must be written, filed within the time fixed by the Order Approving Disclosure Statement, and served on the plan proponent and the United States Trustee. Objections will be heard at the confirmation hearing.

(2) **Order Confirming Plan.**
Within fourteen (14) days of the court's ruling that the plan may be confirmed, the proponent of the plan shall prepare and present to the court an order confirming the plan.

(k) **Substantial Consummation.**

(1) Final Report.
Within sixty (60) days after entry of the order confirming the plan or such other date as the court may set, the plan proponent shall file a Final Report (Local Form 015F) and shall serve it on the United States Trustee.

(2) Motion for Final Decree in Chapter 11 Cases.

(A) **Approval by United States Trustee.**
Within sixty (60) days after substantial consummation of a plan as defined in Bankruptcy Code § 1101(2), or, in the case of an individual Chapter 11 debtor, within sixty (60) days after completion of all payments required by the plan, the plan proponent shall file a Motion for Final Decree pursuant to Federal Rule of Bankruptcy Procedure 3022 (Local Form 016F), or shall file a statement stating why such motion is premature. The motion and a proposed Final Decree (Local Form 017F), 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 submitted promptly to the Clerk for approval and entry.

(B) **Disputes.**
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 ask the Clerk to set the Motion for Final Decree for hearing. The Clerk shall issue a notice of hearing and shall cause such notice to be served on the debtor, the United States Trustee, and other interested parties.

(C) **Extension of Time.**
On motion of the plan proponent, the court may extend the time fixed by this Rule for filing a Motion for Final Decree. A motion for extension of time shall be made within sixty (60) days after substantial consummation of the plan.

TNWB LBR 2082-1 CHAPTER 12 – ESTATE ADMINISTRATION

(a) **Financial Reports.**

(1) **Forms.**
The United States Trustee shall promptly transmit a form for the filing of financial reports to the debtor in possession after commencement of the case.

(2) **Filing Requirement**
Unless otherwise ordered by the court, the debtor in possession shall file financial reports with the Clerk setting forth the information required by Federal Rule of Bankruptcy Procedure 2015(b) in the format provided by the United States Trustee and shall continue to file monthly reports until confirmation of a plan, dismissal, or conversion of the case to a case under Chapter 7 of the Bankruptcy Code.

(3) **Timing.**
Unless otherwise ordered by the court, each report shall cover a calendar month; the first report shall be filed thirty (30) days after the case is commenced, and each subsequent report shall be filed by the 15th day of the following month.

(4) **Copies to Trustee and United States Trustee.**
The person submitting each financial report shall certify that a copy was provided to the Chapter 12 trustee and the United States Trustee.

(5) **Copies to Interested Parties.**
Upon written request from any interested party, the debtor in possession shall provide copies of the financial reports for a reasonable cost.

(6) **Failure to Comply.**
Failure to comply with this Local Rule may constitute cause for dismissal of the case.

(b) **Summary of Operations.**
The debtor in possession shall complete and provide to the Chapter 12 trustee and the United States Trustee a summary of operations in a format provided by the United States Trustee. The completed summary shall be delivered to the Chapter 12 trustee and the United States Trustee at least seven (7) days prior to the first setting of the Meeting of Creditors.

(c) **Insurance Statement.**
Within fourteen (14) days after commencement of the case, the debtor shall provide the Chapter 12 trustee and the United States Trustee 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 provide the Chapter 12 trustee and the United States Trustee a copy of all tax returns due during the pendency of the case within fourteen (14) days after the return is filed with the appropriate taxing authorities.

(e) **Other Reports.**
The Chapter 12 trustee, the United States Trustee, and the court may require other reports deemed appropriate during the administration of the case.

TNWB LBR 2083-1 CHAPTER 13 – ESTATE ADMINISTRATION

(a) **Financial Reports.**

(1) Filing Requirement.
Pursuant to Bankruptcy Code § 1304(c) and Federal Rule of Bankruptcy Procedure 2015(c)(1), a Chapter 13 debtor engaged in business shall file monthly financial reports with the Clerk, setting forth the information required by Federal Rule of Bankruptcy Procedure 2015(a)(1)-(4).

(2) Timing.
Unless otherwise ordered by the court, each report shall cover a calendar month; the first report shall be filed thirty (30) days after the case is commenced, and each subsequent report shall be filed by the 15th of the following month.

(3) Copies to the Chapter 13 Trustee and United States Trustee.
The debtor shall certify on each financial report that copies have been provided to the Chapter 13 trustee and the United States Trustee.

(4) Copies to Interested Parties.
Upon written request from any interested party, the debtor shall provide copies of the financial reports for a reasonable cost.

(5) Failure to Comply.
Failure to comply with this Local Rule may constitute cause for dismissal or conversion of the case to a case under Chapter 7 of the Bankruptcy Code.

(b) **Plan Filing, Objections, and Confirmation.**

(1) Form of Plan.
The debtor shall file a plan that substantially complies with Local Form 002F.

(2) Objections.
Any party objecting to confirmation must file a written objection seven (7) days prior to the confirmation hearing 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 timely filed and served, or if the objector fails to appear at the confirmation hearing.

(3) Hearing on Objections.
If a party files a written objection to confirmation and appears at the time and date set for the originally scheduled confirmation hearing but the parties are unable to agree on a disposition of the objection, the confirmation hearing will be set for hearing on the merits in accordance with chamber's practice.

(4) Confirmation.
If no objection is timely filed, the plan may be confirmed.

TNWB LBR 3011-1 DISBURSMENT OF UNCLAIMED FUNDS

(a) Deposit of Unclaimed Funds into the Court.
Funds deposited into the Court as unclaimed property pursuant to 11 U.S.C. § 347 shall be deposited into the United States Treasury. The Clerk's Office maintains a searchable database of unclaimed funds

deposited with the Court pursuant to 11 U.S.C. § 347.

(b) Procedure for Collecting Unclaimed Funds.
The following shall apply to the release of unclaimed funds:

(1) **Application for Payment of Unclaimed Funds.**
An Application for Payment of Unclaimed Funds (Director's Form B 1340) shall be filed with the Clerk. The form can be found on the Forms page of the Court's Website, www.tnwb.uscourts.gov. It is not necessary that a closed case be reopened before a party can file an Application for Payment of Unclaimed Funds.

(2) **Definitions.**

(A) "Claimant" is the party entitled to the unclaimed funds.

(B) "Applicant" is the party filing the Application. The Applicant and Claimant may be the same.

(C) "Owner of Record" is the original payee.

(D) "Successor Claimant" is an individual or entity other than the Owner of Record who has become legally entitled to the funds.

(E) "Claimant Representative" is an individual or entity who has legal authorization and power to seek collection of unclaimed funds on behalf of the Claimant or Successor Claimant.

(3) **Proof of Identity and Right to Funds.**
In addition to the Application for Payment of Unclaimed Funds, the identity of the Claimant/Successor Claimant and right of the Claimant/Successor Claimant to the unclaimed funds must be demonstrated as follows:

(A) All Claimants must submit the following with the Application for Payment of Unclaimed Funds:

i. a copy of an unexpired passport or valid driver's license to establish the identity of an individual Claimant;

ii. the last four digits of the social security number or tax identification number of the Claimant; and

iii. any additional documentation that establishes the Claimant's right to the unclaimed funds and evidences its identity (e.g., a copy of proof of claim or a copy of a utility bill from an old address).

(B) Successor Claimants must submit the following additional information with the Application for Payment of Unclaimed Funds:

i. Proof of identity of the Owner of Record, proof of identity of the Successor Claimant, and documentation evidencing the transfer of claim and the Successor Claimant's entitlement to collect the funds; or

ii. Representatives of estates must provide proof of identity of the Owner of Record, proof of

identity of the estate's representative and certified copies of documents establishing the representative's right to act on behalf of the estate.

(C) Claimant Representatives, in addition to compliance with subparagraph (b)(1) and/or (2) above, must submit the following additional information with the Application for Payment of Unclaimed Funds:

i. a notarized original power of attorney signed by the Claimant/Successor Claimant on whose behalf the representative is acting, acknowledging the representative's authorization to seek funds on behalf of the Claimant/Successor Claimant and acknowledging that the Claimant/Successor Claimant is aware of the right to seek collection of the funds without the assistance of the Claimant Representative;

ii. proof of identity of the Claimant Representative; and

iii. a copy of the letter of engagement with the Claimant Representative, or other documentation of the agreement between the Claimant/Successor Claimant and the Claimant Representative, disclosing the fee to be collected by the Claimant Representative.

(4) **AO-213P or W-9 Required.**

Pursuant to the Vendor Administration and 1099 Issuance Procedures, the Court requires the claimant to complete either an AO-213P or a W-9 form that includes the Claimant's social security or tax identification number and signature. These forms may be found on the Court's Website www.tnwb.uscourts.gov and must be provided to the Court at the time of the filing of the Application for Payment of Unclaimed Funds. If the application is being electronically filed, the AO-213P or W-9 shall be filed as "Personal Supporting Documentation (Unclaimed Funds Use Only)." Failure to complete, sign, and return this form may result in non-payment.

(5) **Service.**

An Application for Payment of Unclaimed Funds shall be served on the Owner of Record if the Claimant is not the Owner of Record, the debtor and debtor's counsel of record in the bankruptcy case, the United States Trustee, and the United States Attorney for the Western District of Tennessee.

(6) **Objections.**

Any party objecting to the relief sought in the Application for Payment of Unclaimed Funds shall, within twenty-one (21) days after filing and service thereof, serve upon the Applicant and other appropriate parties and file with the Court an objection to the Application. If an objection is timely filed, the Court will schedule a hearing. If no objection is filed with the Court within twenty-one (21) days after the filing and service of the application, the Court may enter an Order directing the Clerk to disburse the funds. Following entry of an Order, the funds will be disbursed upon the expiration of the fourteen (14) day time period to appeal the Order. The Court retains the discretion to set any Application for hearing whether or not an objection has been filed.

(f) **Deficient Applications.**

If an Application for Payment of Unclaimed Funds is deficient, the Clerk shall notify the Claimant, Successor Claimant and/or Claimant Representative of the deficiency. The Clerk may at their discretion contact the Claimant, Successor Claimant, and/or Claimant Representative for additional proof of identity, entitlement to the funds, and/or authorization to file the Application for Payment of Unclaimed Funds.

RELIEF FROM STAY

(a) **Motions Seeking Relief from the Automatic Stay (all chapters).**
A motion seeking relief from the automatic stay shall be served in the manner provided by Federal Rule of Bankruptcy Procedure 7004. In addition, the motion shall be served on any entity known to have an interest in the subject property or the outcome of the motion; on the United States Trustee; on the case trustee; on any official committee appointed by the United States Trustee or on the twenty (20) largest creditors if no committee was appointed; and on those entities that have requested notice of all filings in the case. The moving party may obtain a list of all creditors and interested parties from the Clerk.

(b) **Exhibits to Motions.**
Any exhibits to a motion for relief from the automatic stay must be filed in Portable Document Format unless the ECF Guidelines permit another method. If it is not feasible to file exhibits in PDF format, the moving party may summarize the exhibits in the motion and recite that copies of the exhibits may be obtained from the moving party or its attorney. If requested, a paper copy of exhibits must be furnished without cost to the United States Trustee, the case trustee, and the court. Any other party requesting a paper copy of an exhibit may be required to reimburse actual and reasonable copy costs.

TNWB LBR 4001-2 MOTIONS FOR ORDERS THAT NO STAY IS IN EFFECT

Motion for Orders that No Stay Is In Effect (all chapters). In those instances, in which a creditor or other party in interest seeks an order that the automatic stay did not come into effect upon the filing of a petition because of the operation of Bankruptcy Code §§ 362(b) or 362(c)(4), a motion setting forth the basis for such order shall be filed with the Clerk and served as set forth in TNWB LBR 9013-1. Such order may be signed by the court without hearing fourteen (14) days after service of the motion if no party in interest objects. Nothing in this Local Rule shall limit the court, sua sponte, from setting the motion for a hearing.

TNWB LBR 4003-1
EXEMPTIONS

Specificity. A debtor's claim of exemptions shall be specific and shall, as to each item or category of items, designate the title, section, and subsection of the applicable statute giving rise to the claim of exemption. The debtor should be prepared to provide detailed information regarding assets claimed as exempt at the Meeting of Creditors or at any subsequent examination.

TNWB LBR 5003-1 CLERK OF THE BANKRUPTCY COURT – GENERAL AUTHORITY

(a) Legal Advice.
While the Clerk and deputy clerks desire to be of help to attorneys, parties in interest, and the public, they are not permitted to interpret substantive bankruptcy laws or rules of procedure and may not give legal advice. The Clerk and deputy clerks assume no responsibility for information respecting applicable procedural rules, substantive law, or interpretation of these Local Rules or Forms.

(b) Copies Requested from Clerk's Office.
Any entity seeking copies or certification of copies of documents 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, cashier's check, or, in the Western Division only, cash in the proper amount for copies and any applicable search fee. The check or money order shall be made payable to the "Clerk of the Bankruptcy Court." The fee for copies will be calculated according to the Bankruptcy Court Miscellaneous Fee Schedule published at 28 U.S.C. § 1930(b), a copy of which may be found on the Court's Website.

(c) **TNWB LBR 5070-1 NOTICES OF SETTLEMENT**

Whenever a contested matter or adversary proceeding is settled or otherwise disposed of outside of a hearing, counsel shall immediately notify the Courtroom Deputy assigned to the case and any trustee appointed in the case and shall promptly submit a proposed consent order for approval and entry. In addition, to obtain approval of a compromise or settlement in an adversary proceeding, a motion must be filed in the main bankruptcy case pursuant to Federal Rule of Bankruptcy Procedure 9019 and served as directed in Federal Rule of Bankruptcy Procedure 2002(a)(3).

TNWB LBR 5071-1
CONTINUANCES

(a) **Continuance of Hearings.**

(1) If the parties agree, a request for a continuance in Chapter 7, 11, or 12 case may be directed to the Courtroom Deputy assigned to the case. A request for a continuance in a Chapter 13 case should be directed to the Chapter 13 trustee.

(2) If the parties cannot agree, a motion for continuance should be made. All requests for continuance should be made at the earliest time that the necessity for continuance appears to counsel. Requests for continuance should be made by written motion or, in emergencies, by oral motion in open court. The party who moves for continuance must give notice of the requested continuance to all interested parties. If the motion is granted, the moving party shall give notice of the new hearing date to all interested parties unless otherwise directed by the court.

(b) **Continuance of Meetings of Creditors.**
Requests for continuance of a Meeting of Creditors should be addressed to the case trustee or, in Chapter 11 cases, to the United States Trustee.

TNWB LBR 5076-1
COURT RECORDING SYSTEM

(a) Official Record.
The Court has adopted an electronic sound recording system as the official record of hearings. Unless the court orders otherwise, deputy clerks known as "Electronic Court Recorder Operators" will make the official recording of all hearings.

(b) Courtroom Decorum.
The production of an acceptable record of a hearing 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 recording and transcript more difficult. To assure the quality of the audio recording, all persons are requested to speak clearly into a courtroom microphone and not to interrupt other attorneys, witnesses, or the court.

(c) Appearances.
In order to create an accurate record, every attorney must state his/her name, the name of his law firm, the name of his/her client, and the case or proceeding number in which he/she is interested at the beginning of each announcement or hearing.

TNWB LBR 5077-1
TRANSCRIPTS

Instructions for ordering audio recordings or transcripts of hearings may be found on the Court's Website.

TNWB LBR 6007-1
ABANDONMENT OF PROPERTY

(a) **No Asset Chapter 7 Cases.**
In Chapter 7 cases in which the debtor estimates that no assets will be available for distribution to unsecured creditors, the Clerk will issue a Notice of Chapter 7 Bankruptcy Case–No Proof of Claim Deadline (Official Form 309A) which will give notice to creditors that the trustee may abandon property at or after the Meeting of Creditors. In that event, no additional notice of the trustee's intent to abandon property is required. See Bankruptcy Code § 554 and Fed. R. Bankr. P. 6007(a).

(b) **Notice Requirements – Asset Cases.**

(1) **Property Valued Under $2,000.**
Notwithstanding Bankruptcy Code § 554 and Federal Rule of Bankruptcy Procedure 6007(a), a trustee or debtor in possession need not give notice of abandonment of property with a net value to the estate of less than $2,000 per item and less than $5,000 in the aggregate.

(2) **All Other Instances.**
In all other instances, any party seeking abandonment of property of the estate should file a motion to compel abandonment that conforms to TNWB LBR 9013-1.

TNWB LBR 6070-1
TAX RETURNS

(a) Filing of Tax Returns.
The entity required by applicable tax laws to file timely returns and make timely tax payments on behalf of the estate shall do so. In Chapter 11 and 12 cases, copies of such returns shall be provided to the United States Trustee.

(b) Tax Deposits.
Unless excused by the United States Trustee or the court, any entity operating the debtor's business during the pendency of a bankruptcy case shall segregate and deposit all sales taxes and all payroll taxes withheld from employee earnings into a separate bank account. Such funds shall be used solely for payment of sales or payroll taxes to the appropriate taxing authority.

(c) Failure to Comply.
Failure to comply with this Local Rule may constitute cause for dismissal or conversion of the case, or for the appointment of a trustee.

TNWB LBR 7016-1
CONTESTED MATTERS AND ADVERSARY

PROCEEDINGS

(a) Scheduling Orders, Pretrial Statements, Memoranda of Facts and Law.
In the discretion of the court, parties to a contested matter or adversary proceeding may be permitted or required to submit a proposed scheduling order, pretrial statement, or a memorandum of facts and law. Any memoranda of facts and law shall be served upon the parties, their counsel, any trustee, and the United States Trustee. Memoranda should not exceed twenty-five (25) pages without prior approval of the court.

(b) **Citations**.
Unless an opinion cited in a memorandum or in open court is available electronically through Westlaw® or Lexis®, counsel shall attach a copy of the cited case to its memorandum or provide a copy to the court at least seven (7) days before the hearing.

TNWB LBR 7026-1
GENERAL PROVISIONS GOVERNING DISCOVERY

(a) Discovery Procedure.
All discoveries are governed by Federal Rules of Bankruptcy Procedure 7026-37. Interrogatories, requests, answers, and objections should not be filed with the Clerk unless it is necessary to make them a part of a discovery or other motion.

(b) Discovery Disputes.
In the event of a discovery dispute and prior to the filing of a motion, all counsel (and any unrepresented parties) shall confer at least telephonically in an effort to resolve the dispute. All discovery motions must certify that a reasonable effort has been made to reach agreement on disputed issues.

(c) Electronic Filing.
Any discovery filed with the Clerk should be filed in Portable Document Format if possible. If this is not possible, then a summary of the discovery should be filed electronically and the original retained pending further order or resolution of the dispute.

(d) Opt Out.
By Miscellaneous Order 93-2, the bankruptcy judges in this District have opted out of the mandatory disclosure provisions contained in Federal Rule of Civil Procedure 26(a) (1-4) and (f). In a particular contested matter or adversary proceeding, however, the court may require compliance with one or more of these provisions.

TNWB LBR 8009-1
DESIGNATION OF RECORD ON APPEAL

Specificity of Designations. Designations of the items to be included in the record on appeal shall identify the specific items, document by document, to be included in the record on appeal. General, catch-all designations of the items to be included in the record such as “all bankruptcy files” or “the entire case and/or proceeding record,” may result in the record being considered incomplete by the appellate court. Only that part of the record necessary for the appeal should be designated.

TNWB LBR 9003-1
REQUESTS FOR SPECIAL SETTINGS AND EX PARTE RELIEF

All motions for which a special or expedited setting is sought and all motions seeking emergency or ex parte relief should be filed with the Clerk who will promptly refer the motion to the Courtroom Deputy assigned to the case for setting.

(a) Unwarranted Requests for Expedited Hearing or Emergency Relief.
Unwarranted requests for expedited hearing or emergency relief may subject counsel and/or the parties to discipline.

(b) Turnover Complaints in Chapter 13 Cases.
Complaints for turnover of vehicles and deposit accounts in Chapter 13 cases are entitled to an expedited setting. Pursuant to Federal Rule of Bankruptcy Procedure 9006(c)(1), notice of these hearings shall be shortened to the time set by the Courtroom Deputy without the need for a separate motion requesting an expedited hearing. In all other instances a motion to expedite the trial of a complaint for turnover should be filed.

TNWB LBR 9013-1
MOTIONS – FORMS AND SERVICE

(a) **Scope.**
This Rule applies to all motions, applications, objections to claims, and proposed consent orders in which relief is sought after notice and hearing. See Bankruptcy Code § 102(1). This Rule does not apply to voluntary or involuntary petitions, motions for final decree, or motions for Rule 2004 Examinations of debtors. See TNWB LBR 1002-1, 1003-1, 2004-1, and 2081-1 regarding matters excepted from this Rule.

(b) **Chapter 7, 11, or 12 Cases.**

(1) **Deadline for Objections.**
A party seeking an order in a Chapter 7, 11, or 12 case should file a motion or application with the Clerk. Unless otherwise ordered by the court, the Courtroom Deputy will fix a date for the filing of objections, if any, and an initial date and time for hearing. The moving party must serve a copy of the pleading as directed in Federal Rule of Bankruptcy Procedure 9013.

(2) **If No Objection is Filed.**
If no objection is timely filed, the relief sought may be granted without an actual hearing. Once the deadline for filing objections has passed, the moving party may submit a proposed order together with a certificate indicating that the moving party has reviewed the docket and determined that no objection was timely filed (Local Form 008F). Only the signature of the party or attorney preparing the order must appear on the order. See generally TNWB LBR 9074-1 for the signatures required on other proposed orders.

(3) **If an Objection is Filed.**
If an objection is timely filed, the matter will be heard when scheduled.

(4) **Content of Objections.**
Objections must: (i) state the basis for the objection; (ii) include copies of supporting documents; (iii) set out the date of the hearing in the first paragraph; and (iv) include a certificate of service stating when and how the objection was served upon the movant, the debtor, the case trustee, the United States Trustee, and, in matters in which the United States is an interested party, the United States Attorney, as well as other affected parties.

(c) **Chapter 13 Cases.**

(1) **Filing a Motion or Application.**
A party seeking an order in a Chapter 13 case should file a motion or application with the Clerk. The Courtroom Deputy assigned to the case will set a date for hearing calculated to give interested parties not less than twenty-one (21) days' notice prior to the scheduled hearing unless otherwise ordered by the court. The moving party must serve a copy of the motion or application as directed in Federal Rule of Bankruptcy Procedure 9013.

(2) **At the Hearing.**

(A) **If No Party Objects.**
If no party appears to resist the relief sought at the date and time set for hearing, the motion, application, or objection may be granted or sustained without hearing. The moving party should advise the Courtroom Deputy and the Chapter 13 trustee and should promptly submit a proposed order to the Chapter 13 trustee for signature. See TNWB LBR 9074-1 for the signatures required on proposed orders.

(B) **If the Parties Agree.**
If the parties agree on the disposition of a contested matter, they may announce their agreement on the date and time set for hearing and submit a proposed order to the Chapter 13 trustee for signature.

(C) **Conferring with Opposing Counsel.**
If counsel for a party affected by the relief sought is known to counsel for the moving party, then counsel should make a good faith effort to confer with opposing counsel regarding the matter prior to the scheduled hearing.

(D) **If There is an Objection.**
If a party appears at the scheduled hearing and objects to the relief sought, the Courtroom Deputy will set the matter for hearing in accordance with chamber's practice.

(d) **Responsibility for Service.**
Whenever a party is directed by Local Rule to serve a notice, motion, application, or other document, it is the responsibility of that party to identify (by judicial determination, if necessary) and serve all entities upon whom service is required by the court, the Bankruptcy Code, the Federal Rules of Bankruptcy Procedure, these Rules, or the Clerk. To assist the responsible party, the Clerk will provide a copy of the Mailing List when returning documents for service.

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

(1) All orders;

(2) Notice of entry of orders of conversion or dismissal, including notices required by Federal Rule of Bankruptcy Procedure 1017;

(3) Notice of the Meeting of Creditors, the date fixed for filing claims against surplus funds of the estate, and the date fixed for filing proofs of claim;

(4) Notice of the filing of a proof of claim by the debtor or the trustee.

(5) Notice of the date fixed for filing complaints pursuant to Bankruptcy Code §§ 727 and 523(c);

(6) Notice of the filing of a notice of appeal;

(7) Notice of entry of orders denying, revoking, or waiving discharge; and

(8) Notice of hearing regarding contempt of court.

(g) **Expenses of Noticing.**
Without the necessity of an order, the debtor in possession or the trustee is authorized to pay the expenses of serving notices or other documents required by the Federal Rules of Bankruptcy Procedure or these Local Rules. The cost of service shall be disclosed in any subsequent application for reimbursement of expenses, which shall be subject to review and approval by the court.

TNWB LBR 9019-1
MEDIATION

(a) **Types of Matters Subject to Mediation.**
Upon consent and/or request of the parties, the court may assign any dispute arising in a bankruptcy case to mediation, whether or not any contested matter or adversary proceeding is presently pending with respect to the dispute. Parties to a contested matter, adversary proceeding, or dispute not yet pending before the Court may also stipulate to mediation subject to court approval.

(b) **Mediator.**
The court may, subject to the parties' consent and the availability of such persons, appoint one of the following persons to serve as the Mediator.

(1) An independent mediator agreed upon by the parties; or

(2) Another judge to whom the bankruptcy case, contested matter, adversary proceeding, or dispute in such a case or proceeding is not assigned. Should a bankruptcy judge serve as the Mediator in any dispute, TNWB LBR 9019-1 shall not apply, and the parties shall comply with the Order Setting Scheduling Conference entered by the Court.

(c) **Effects of Mediation on Pending Matters.**
The assignment of a matter to mediation does not relieve the parties to that matter from complying with any other court orders or applicable provisions of the United States Code, the Bankruptcy Rules, or these Local Rules. Unless otherwise ordered by the Court, the assignment to mediation does not delay or stay discovery, pretrial hearing dates, or trial schedules. Any party may seek such delay or stay, and the court, after notice and hearing, may enter appropriate orders.

(d) **The Mediation Conference.**

(1) **Informal Mediation Discussions.**

The Mediator shall be entitled to confer with any or all (i) counsel, (ii) pro se parties, (iii) parties represented by counsel, with the permission of counsel to such party, and (iv) other representatives and professionals of the parties, with the permission of a pro se party or counsel to a party, prior to, during or after the commencement of the mediation conference (the "Mediation Process"). The Mediator shall notify all Mediation Participants (as defined in subparagraph (d)(4)(A) below) of the occurrence of such communications, but no advance notice of permission from the other Mediation Participants shall be required. The topic of such discussions may include all matters which the Mediator believes will be beneficial at the mediation conference or the conduct of the Mediation Process, including, without limitation, those matters which will ordinarily be included in a Submission under subparagraph (d)(3) below. All such discussions held shall be subject to the confidentiality requirements of subsection (e) of this Local Rule.

(2) **Time and Place of Mediation Conference.**

After consulting with the parties and their counsel, as appropriate, the Mediator shall schedule a time and place for the mediation conference that is acceptable to the parties and the Mediator. Failing an agreement with the parties on the date and location for the mediation conference, the Mediator shall establish the time and place of the mediation conference on no less than twenty-one (21) days' written notice to all counsels and pro se parties. The mediation conference may be concluded after any number of sessions, all of which shall be considered part of the mediation conference for purposes of this Local Rule.

(3) **Submission Materials.**

Each Mediation Participant (as defined in subparagraph (d)(iv)(A) below) shall submit directly to the Mediator such materials (the "Submission") as are directed by the Mediator after consultation with the Mediation Participants. The Mediator may confer with the Mediation Participants, or such of them as the Mediator determines appropriate, to discuss what materials would be beneficial to include in the Submission, the timing of the Submission, and what portion of such materials, if any, should be provided to the Mediator but not to the other parties. No Mediation Participant shall be required to provide its Submission, or any part thereof, to another party without the consent of the submitting Mediation Participant. The Submission shall not be filed with the court, and the court shall not have access to the Submission. A Submission shall ordinarily include an overview of the facts and law, a narrative of the strengths and weaknesses of a party's case, the anticipated cost of litigation, the status of any settlement discussions and the perceived barriers to a negotiated settlement.

(4) **Attendance at Mediation Conference.**

(A) **Persons Required to Attend.**

Unless excused by the Mediator upon a showing of hardship, or if the Mediator determines that it is consistent with the goals of the mediation to excuse such party, the following persons (the "Mediation Participants") must attend the mediation conference personally:

(i) Natural Persons.

Each party that is a natural person;

(ii) Corporation or Other Entity.

A party other than a natural person (e.g., a corporation or some other entity or association) satisfies the attendance requirement if represented by one or more persons, other than outside counsel, who have authority to settle and who are knowledgeable about the facts

and circumstances of the case and the claims being made.

(iii) **Governmental Entity.**
A unit or agency of government satisfies the attendance requirement if represented by one or more persons who have, to the greatest extent feasible, authority to settle, and who are knowledgeable about the facts of the case, the agency's or unit's position, and the procedures and policies under which the agency or unit decides whether to enter into proposed settlements. If the action is brought by the government on behalf of one or more individuals, at least one such individual shall also attend;

(iv) **Other Interested Parties.**
Other interested parties, such as insurers or indemnitors, whose presence is necessary or beneficial to reaching a full resolution of the matter assigned to mediation, and such attendance shall be governed in all respects by the provisions of this subparagraph (d)(iv); and

(v) **Attorneys**.
The attorney who has primary responsibility for each party's case.

(B) **Persons Allowed to Attend.**
Other interested parties in the bankruptcy case who are not direct parties to the dispute, i.e., representatives of creditors' committees, may be allowed to attend the mediation conference, but only with the prior consent of the Mediator and the Mediation Participants, who will establish the terms, scope, and conditions of such participation. Any such interested party that does participate in the mediation conference will be subject to the confidentiality provisions of this Local Rule and shall be deemed a Mediation Participant.

(C) **Failure to Attend.**
Willful failure of a Mediation Participant to attend any mediation conference, and any other material violation of this Local Rule, may be reported to the court by any party, and may result in the imposition of sanctions by the court. Any such report shall comply with the confidentiality requirement of this Local Rule.

(D) **Mediation Conference Procedures.**
After consultation with the Mediation Participants or their counsel, as appropriate, the Mediator may establish procedures for the mediation conference.

(E) **Settlement Prior to Mediation Conference.**
In the event the parties reach an agreement in principle after the matter has been assigned to mediation, but prior to the mediation conference, the parties shall promptly advise the Mediator in writing. If the parties agree that a settlement in principle has been reached, the mediation conference shall be continued (to a date certain or generally as the Mediator determines) to provide the parties sufficient time to take all steps necessary to finalize the settlement. As soon as practicable, but in no event later than thirty (30) days after the parties report of an agreement in principle, the parties shall confirm to the Mediator that the settlement has been finalized. If the agreement in principle has not been finalized, the mediation conference shall go forward, unless further extended by the Mediator, or by the Court.

(e) **Confidentiality of Mediation Proceedings.**

(1) **Protection of Information Disclosed at Mediation.**

The Mediator and the Mediation Participants are prohibited from divulging, outside of the mediation, any oral or written information disclosed by the Mediation Participants or by witnesses in the course of the mediation (the "Mediation Communications"). No person, including without limitation, the Mediation Participants and any person who is not a party to the dispute being mediated or the Mediation Process, may rely on or introduce as evidence in any arbitral, judicial, or other proceeding, evidence pertaining to any aspect of the Mediation Communications, including but not limited to: (i) views expressed or suggestions made by a party with respect to a possible settlement of the dispute; (ii) the fact that another party had or had not indicated willingness to accept a proposal for settlement made by the Mediator; (iii) proposals made or views expressed by the Mediator; (iv) statements or admissions made by a party in the course of the mediation; and (v) documents prepared for the purpose of, in the course of, or pursuant to the mediation. In addition, without limiting the foregoing, Rule 408 of the Federal Rules of Evidence, and any applicable federal or state statute, rule, common law, or judicial precedent relating to the privileged nature of settlement discussions, mediations, or other alternative dispute resolution procedures shall apply. Information otherwise discoverable or admissible in evidence does not become exempt from discovery, or inadmissible in evidence, merely by being used by a party in the mediation. However, except as set forth in the previous sentence, no person shall seek discovery from any of the Mediation Participants with respect to the Mediation Communications.

(2) **Discovery from Mediator.**

The Mediator shall not be compelled to disclose to the court or to any person outside the mediation conference any of the records, reports, summaries, notes, Mediation Communications, or other documents received or made by the Mediator while serving in such capacity. The Mediator shall not testify or be compelled to testify in regard to the mediation or the Mediation Communications in connection with any arbitral, judicial, or other proceeding. The Mediator shall not be a necessary party in any proceedings relating to the mediation. Nothing contained in this paragraph shall prevent the Mediator from reporting the status, but not the substance, of the mediation effort to the court in writing, from filing a final report as required herein, or from otherwise complying with the obligations set forth in this Local Rule.

(3) **Protection of Proprietary Information.**

The Mediation Participants and the Mediator shall protect proprietary information. Proprietary information should be designated as such by the Mediation Participant seeking such protection, in writing, to all Mediation Participants, prior to any disclosure of such proprietary information. Such designation shall not require the disclosure of the proprietary information, but shall include a description of the type of information for which protection is sought. Any disputes as to the protection of proprietary information may be decided by the court.

(4) **Preservation of Privileges.**

The disclosure by a party of privileged information to the Mediator does not waive or otherwise adversely affect the privileged nature of the information.

(f) **Recommendations by Mediator.**

The Mediator is not required to prepare written comments or recommendations to the parties. The Mediator may present a written settlement recommendation memorandum to parties, or any of them, but not to the court.

(h) **Post-Mediation Procedures.**

(1) **Filings by the Parties.**

If an agreement in principle for settlement is reached (even if the agreement in principle is subject to

the execution of a definitive settlement agreement or court approval) during the mediation conference, one or more of the Mediation Participants shall file a notice of settlement or, where required, a motion seeking court approval of the settlement.

(2) Mediator's Certificate of Completion.
After the conclusion of the mediation conference (as determined by the Mediator), the Mediator shall file with the Clerk a certificate ("Certificate of Completion") notifying the court as to whether or not a settlement has been reached. Regardless of the outcome of the Mediation Process, the Mediator shall not provide the court with any details of the substance of the conference or the settlement, if any.

(3) If the Agreement in Principle is Not Completed.
If the parties are not able or willing to consummate the agreement in principle that was reached during the mediation conference, the substance of the proposed settlement shall remain confidential and shall not be disclosed to the court by the Mediator or any of the Mediation Participants.

(i) **Withdrawal from Mediation.**
Any matter assigned to mediation under this Local Rule may be withdrawn from mediation by the court at any time. Any Mediation Participant may file a motion seeking authority to withdraw from the mediation or seeking to withdraw any matter assigned to mediation from such mediation.

(j) **Termination of Mediation.**
Upon the filing of a mediator's Certificate of Completion under subparagraph (g)(2) or the entry of an order withdrawing a matter from mediation under subsection (g), the mediation will be deemed terminated and the Mediator excused and relievedfrom further responsibilities in the matter without further order. If the Mediation Process does not result in a resolution of all of the disputes in the assigned matter, the matter shall proceed to trial or hearing. However, the court may, upon the consent of the parties, reinstitute the Mediation Process if the judge determines that such action is the most appropriate course under the circumstances. In such event, this Local Rule shall apply in the same manner as if the mediation were first beginning pursuant to this Rule.

(k) **Applicability of Local Rules to Particular Mediation.**
The court may, upon request of one or more parties to the mediation, or on the judge's own motion, declare that one or more of provisions of this Local Rule may be suspended or rendered inapplicable with respect to a particular mediation except subsections (e) and (k). Otherwise, this Local Rule shall control any mediation related to a case under the Bankruptcy Code.

(l) **Immunity.**
Aside from proof of actual fraud or other willful misconduct, Mediators shall be immune from claims arising out of acts or omissions incident or related to their service as mediators appointed by the bankruptcy court. See Wagshal v. Foster, 28 F.3d. 1249 (D.C. Cir. 1994). Appointed Mediators are judicial officers clothed with the same immunities as judges and to the same extent set forth in Title 28 of the United States Code.

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EXHIBITS

After the final determination of any contested matter or adversary proceeding, counsel shall have thirty (30) days to 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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SUBMISSION OF PROPOSED ORDERS

(a) **Consent Orders.**
Parties may submit proposed orders for approval and entry that are not dispositive of any prior pleading, but which may be issued upon consent or stipulation of all affected parties. Such orders shall be signed by all affected parties as provided in subsection (e) of this Rule.

(b) **Proposed Orders.**

(1) **Chapter 12 Cases.**
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 who shall approve or disapprove the proposed order within seven (7) days after receipt. After signing the Chapter 12 trustee shall submit all proposed orders to the court for approval and entry.

(2) **Chapter 13 Cases.**
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 who shall approve or disapprove the proposed order within seven (7) days after receipt. After signing the Chapter 13 trustee shall submit all proposed orders to the court for approval and entry.

(c) **Orders on Bench Rulings.**
When the court announces an oral ruling in any matter, the judge may direct that the prevailing or other party prepare a proposed order that briefly and accurately sets forth the ruling and present it to other counsel for approval. Once approved by all parties, the proposed order should be presented to the court for approval and entry not more than ten (10) days after the ruling. If the parties cannot agree on the content of an order, each party (or the parties jointly) shall file a written motion for entry of an order accompanied by their proposed orders. Before such motion is made, the attorneys for the parties must listen to the audio recording of the ruling and certify that they have done so.

(d) **Form of Orders.**
The caption of all orders must contain the name of the debtor and the case number. The caption of orders submitted in adversary proceedings must also include the adversary proceeding parties and number.

(e) **Signatures on Orders.**

(1) **Required Signatures.**
An order in any contested matter or adversary proceeding must be signed electronically by the parties or their attorneys before it is submitted for approval and entry. An order in any uncontested matter must be signed by the party or attorney who prepared it before it is submitted for approval and entry. A consent order within the scope of these Local Rules must be signed by the affected parties or their attorneys before it is submitted for approval and entry. In addition, orders in Chapter 12 and 13 cases must be signed by the standing Chapter 12 or 13 trustee before being submitted for approval and entry.

(2) **If a Required Signature Cannot be Obtained.**
In the event that the attorney who prepares an order is unable, after diligent effort, to obtain the required signatures, that attorney should submit the order for entry 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, emailed, or sent by other electronic means [specify means], on the day of , , a copy of this order to all opposing parties and/or counsel, giving them at least ten (10) 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 for entry.

_____
Signature
Date _____

(f) **Service and Notice of Entry**
The Clerk will cause a copy of all orders approved and entered to be served upon the parties indicated in the request for service which should be contained in the order.