LOCAL RULES OF BANKRUPTCY PROCEDURE
WESTERN DISTRICT OF WASHINGTON

Effective Date: December 1, 2023

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RULE 1006-1. FILING FEE: WAIVER OR INSTALLMENTS

(a) General Requirements. Every voluntary petition submitted to the clerk of court for filing shall be accompanied by one of the following payment options: (i) full payment of the applicable filing fee; (ii) a signed application for waiver of the filing fee, if the debtor is eligible; or (iii) a signed application to pay the filing fee in installments.

(b) Application to Pay Filing Fee in Installments. If the debtor is unable to pay the filing fee except in installments, the debtor must file an Application for Individuals to Pay the Filing Fee in Installments (Official Form B 103A) with the voluntary petition.

(1) The initial installment payment for individual chapter 7, 12 or 13 cases shall be $100. The initial installment payment for individual chapter 11 cases shall be $350. The initial installment is due with the voluntary petition.

(2) The chapter 13 trustee is authorized to pay the balance of the filing fee owing in a chapter 13 case in which the debtor has been authorized to pay the filing fee in installments from plan payments made prior to confirmation of the plan.

(3) An application to pay the filing fee in installments will be denied if the debtor or joint debtor has commenced a bankruptcy case within 8 years before the date of the filing of the instant petition, or has a pending case, in which the filing fees are owed to the Bankruptcy Court for the Western District of Washington.

(c) Application for Waiver of Filing Fee. An individual chapter 7 debtor seeking a waiver of the chapter 7 filing fee must file an Application to Have the Chapter 7 Filing Fee Waived (Official Form B 103B) with the voluntary petition. Local Rule W.D. Wash. LCR 3(b) shall not apply in bankruptcy cases.

RULE 1007-1. LISTS, SCHEDULES, STATEMENTS

(a) Extension of Time to File Schedules and Statements.

(1) A motion for extension of time to file schedules, statements, and documents required by Fed. R. Bankr. P. 1007(b)(1)(A), (B), (C), (D), (F), (b)(4), (b)(5) and (b)(6) shall be filed prior to the expiration of the deadline for filing. The motion shall contain:

(A) the date the petition was filed;

(B) the date the schedules and statements are due;

(C) the date set for the 11 U.S.C. § 341 meeting of creditors; and

(D) the reason for the delay.

(2) The court shall not extend the date for filing schedules, statements, and documents to a date within 7 days of the 11 U.S.C. § 341 meeting of creditors, unless the debtor has arranged with either the trustee or the United States trustee for a continuance of the meeting and mails

to all creditors notice of the continuance of the meeting and the extension of time to file schedules and statements.

(3) Debtors on active military duty must so indicate on Schedule I, and those going on active duty or being deployed for a period of 14 days or more after the filing of the petition must file notice setting forth the beginning and end dates of the active duty or deployment, and any new or additional address, attaching a copy of the orders to or official documentation of the active duty or deployment with social security numbers redacted to show only the last four digits, and the names (other than the issuing official) and social security numbers of any non-debtors completely redacted.

(b) Schedules Required in Converted Cases. Where a chapter 7, chapter 13, chapter 12, or individual chapter 11 case is converted to another chapter, the debtor is required to file either:

(1) amendments to all of the schedules, statements, and documents required by Fed. R. Bankr. P. 1007(b)(1), (4), (5), and (6) ("Required Documents");

(2) amendments to only the Required Documents that have changed and a declaration under penalty of perjury that there are no changes to the other Required Documents; or

(3) a declaration under penalty of perjury that there are no changes to any of the Required Documents.

RULE 1009-1. AMENDMENTS TO PETITION, LISTS, SCHEDULES AND STATEMENTS

(a) Case Name and Number; Verification. The debtor's name and the case number shall appear on the first page of any amended petition, or amended or supplemental schedule, statement, or list. Any amendment or supplement shall be verified in the same manner as required for the original document.

(b) Amendment of Petition to Change a Debtor's Name. The name of an original debtor, as stated in the case caption, may be amended by *ex parte* motion.

(c) Addition of Creditors.

(1) *Duty to Supplement Master Mailing List*. A supplemental mailing list shall be filed with any schedule that contains additions to a prior list or schedule of creditors or other interested parties.

(2) *Notice of Amendment of Schedules in Chapter 7, 12, and 13 Cases*. If the debtor in a chapter 7, 12, or 13 case amends the schedules of creditors after the 11 U.S.C. § 341 meeting notice has been mailed, but before the 11 U.S.C. § 341 meeting occurs, the debtor shall serve on any creditors added by the amendment a notice of the amendment, together with a copy of the 11 U.S.C. § 341 meeting notice. The debtor shall file proof that service has been effected on the added creditors.

(3) *Notice of Amendment of Schedules in Chapter 11 Cases*. If the debtor or trustee in a chapter 11 case amends the debtor's schedules to add a creditor's claim or change the amount, nature, classification or characterization of a debt owing to a creditor, the debtor or trustee shall, within

14 days, transmit notice of the amendment to the creditor and notice of the creditor's right to file a proof of claim by the later of the bar date (if any) or 21 days from the date of the notice. The debtor or trustee shall file a certificate of service of the notice with the Clerk within 7 days

(4) *Fee for Amending Schedules.* Every amendment to a debtor's schedules of creditors or equity security holders shall be accompanied by the fee prescribed by the Judicial Conference of the United States.

(d) Amendment to Exemptions. If the debtor amends the claim of exemptions listed on Schedule C, the debtor shall serve a copy of the amendment on the trustee and on any entity affected thereby. The debtor shall file proof that service has been effected on all non-ECF participants.

RULE 1017-1. DISMISSAL OF CASE

(a) Dismissal for Failure to Include Debtor's Signature.

(1) A petition filed by a registered ECF filer must include the signature of the debtor (and joint debtor if applicable) in accordance with Local Bankruptcy Rule 5005-1(c)(1) or be subject to dismissal within 1 business day, without further notice, as to the debtor whose signature is not provided.

(2) A petition submitted for filing by an unrepresented individual must include the signature of the debtor (and joint debtor if applicable) in accordance with Local Bankruptcy Rule 5005-1(c)(2) or be subject to rejection by the clerk of court and returned to the debtor with no bankruptcy case opened. Joint petitions filed without the signature of a joint debtor will be issued a 7-day deficiency notice to provide the missing signature.

(b) Dismissal for Failure to File Statement of Social Security Number or Taxpayer Identification Number with the Petition. A debtor shall file or submit with the voluntary petition a verified statement setting out the debtor's social security number, taxpayer identification number, or a statement that the debtor does not have a social security number or taxpayer identification number. A voluntary petition filed by a registered ECF filer that is not accompanied by this verified statement may be dismissed after 1 business day without further notice. Petitions that are submitted for filing on paper and not accompanied by the verified statement may be rejected by the clerk. For joint petitions accompanied by a verified statement of only one of the joint debtors, the court will accept the petition and generate a 7-day deficiency notice.

(c) Dismissal for Failure to File List of Creditors. A debtor in a voluntary case shall file or submit a list of creditors in the format required by the office of the clerk of court, containing the names and addresses of each entity included or to be included on Schedules D, E/F, G and H, as required by 11 U.S.C. § 521(a)(1)(A) and Fed. R. Bankr. P. 1007(a)(1), no later than 7 days from the date of the filing of the petition. Failure to timely file or submit the creditor list may result in dismissal of the debtor's case.

(d) Dismissal for Failure to File Schedules and Statements. A debtor in a voluntary case shall file or submit with the petition the items required by Fed. R. Bankr. P. 1007(b) and 11 U.S.C.

§ 521(a), as applicable; provided, however, that payment advices or other evidence of payment are governed by Local Bankruptcy Rule 4002-1. Failure to file or submit these schedules and statements may result in dismissal of the debtor's case, provided that the docket shows that the debtor was given 15 days' notice of this provision. The 15-day notice of dismissal for failure to file schedules and statements may be provided with the Official Form B309 Notice of Bankruptcy Case. The United States Trustee may designate the chapter 13 trustee to apply for dismissal pursuant to this rule in chapter 13 cases.

(e) Dismissal for Failure to Attend 11 U.S.C. § 341 Meeting of Creditors. If a debtor in a voluntary case fails to appear at the 11 U.S.C. § 341 meeting of creditors, the debtor's case may be subject to *ex parte* dismissal on application of the United States Trustee. If, in a joint case, only one spouse appears at the 11 U.S.C. § 341 meeting, the United States Trustee may apply for an order dismissing the case as to the nonappearing spouse. The United States Trustee may designate the chapter 13 trustee to apply for dismissal pursuant to this rule in chapter 13 cases. Notice of the United States Trustee's ability to seek dismissal for failure to appear at the 11 U.S.C. §341 meeting of creditors may be provided with the Official Form B309 Notice of Bankruptcy Case .

(f) Small Business Cases. If a debtor in possession in a small business case fails to comply with its obligations under 11 U.S.C. § 1116(1), the court may dismiss the case, provided that the docket contains proof that the debtor in possession was given 7 days' notice of this provision.

(g) Motions to Vacate--Notice Requirement. Unless the court orders otherwise, a motion to vacate an order of dismissal entered pursuant to this rule shall be noted for hearing pursuant to Local Bankruptcy Rule 9013-1 and shall be served on any trustee appointed in the case and all additional parties in interest.

(h) Applicability of Rule. This rule shall not apply in cases converted from one chapter to another.

RULE 1072-1. PLACES OF HOLDING COURT

(a) Case Filings. All cases in which the debtor resides, or has its principal place of business or principal assets, in the counties of Clark, Cowlitz, Grays Harbor, Lewis, Mason, Pacific, Pierce, Skamania, Thurston and Wahkiakum, shall be filed at Tacoma. All other cases shall be filed at Seattle.

(b) Filing of Papers. All pleadings and papers shall be filed where the case is filed.

(c) Calendaring. Unless otherwise ordered by the court, motions shall be noted for hearing as follows:

Debtor's County of Residence/ Principal Place of Business or Assets	**Calendar**
1. Chapter 7 Cases	
Island, San Juan, Skagit, Snohomish, Whatcom	Everett

Debtor's County of Residence/ Principal Place of Business or Assets	Calendar
Clallam, Jefferson, Kitsap	Port Orchard
King	Seattle
Grays Harbor, Lewis, Mason, Pierce, Thurston	Tacoma
Clark, Cowlitz, Pacific, Skamania, Wahkiakum	Vancouver
2. Chapter 9, Chapter 11, Chapter 12 and Chapter 15 Cases	
Clallam, Island, Jefferson, King, Kitsap, San Juan, Skagit, Snohomish, Whatcom	Seattle
Grays Harbor, Lewis, Mason, Pierce, Thurston	Tacoma
Clark, Cowlitz, Pacific, Skamania, Wahkiakum	Vancouver
3. Chapter 13 Cases	
King	Seattle
Island, San Juan, Skagit, Snohomish, Whatcom	Everett
Clallam, Jefferson, Kitsap	Port Orchard
Mason, Grays Harbor, Lewis, Pierce, Thurston,	Tacoma
Clark, Cowlitz, Pacific, Skamania, Wahkiakum	Vancouver

(d) Change of Hearing Location. The place of hearing may be changed for a case or adversary proceeding on notice and hearing, with notice to all creditors or all parties in an adversary proceeding. The place of hearing may also be changed by the court in the event that the case is reassigned to another judge.

(e) Telephone Hearings. Local Bankruptcy Rule 9074-1 applies.

RULE 1073-1. ASSIGNMENT OF CASES

(a) Case Assignment. All cases shall be assigned by the clerk of court to the respective judges of the court. Assignments shall be made on a random basis, including reassignments where necessitated by the recusal or absence of the assigned judge, except in cases filed under chapter 13 and cases assigned according to geographic locale. Related cases may be assigned to the same judge on motion of a party in interest made in accordance with Local Bankruptcy Rule 9013-1, or at the discretion of the court; *provided*, however, that a debtor or petitioning creditor may bring such a motion

ex parte, if notice of the bankruptcy has not yet been sent to creditors. Adversary proceedings shall be assigned to the judge to whom the case has been administratively assigned.

(b) Case Coverage. If immediate action is necessary in any case or proceeding assigned to a particular judge and that judge is unavailable for any reason, any other judge may hear and dispose of the matter requiring immediate attention, but such action shall not constitute a reassignment of the case or proceeding.

RULE 2002-1. NOTICE TO CREDITORS & OTHER INTERESTED PARTIES

(a) Entities Responsible for Giving Notice. Unless otherwise ordered by the court, or required by local or national bankruptcy rules, all notices shall be given by the party or entity requesting relief.

(b) Service of Particular Notices.

(1) *§ 341 Meeting of Creditors.* The clerk of court shall prepare and serve notice of the 11 U.S.C. § 341 meeting of creditors in each new and converted case, pursuant to Fed. R. Bankr. P. 2002(a)(1).

(2) *Notice of Continued or Rescheduled § 341 Meeting.* Local Bankruptcy Rule 2003-1(b)(4) applies.

(3) *Chapter 11 Ballots.* The proponent of the plan in a chapter 11 case shall give notice of the time fixed for accepting or rejecting a plan.

(4) *Chapter 11 Claims Deadline.* The debtor or trustee, if applicable, in a chapter 11 case shall give notice of the deadline for filing claims.

(5) *Notice of Trustee's Final Report and Application for Compensation.* In chapter 7 cases in which the net proceeds realized exceeds the amount in Fed. R. Bankr. P. 2002(f)(8), the chapter 7 trustee shall provide notice of the trustee's final report, fee application and objection deadline using the form "Notice of Trustee's Final Report and Applications for Compensation." (UST Form 101-7 (NFR)).

(6) *Chapter 15, Intention to Communicate.* The clerk of court shall provide notice pursuant to Fed. R. Bankr. P. 2002(q) of the court's hearing on a petition for recognition of a foreign proceeding, and of the court's intention to communicate with a foreign court or foreign representative as prescribed by Fed. R. Bankr. P. 5012.

(c) Delivery of Clerk of Court's Notices. The clerk of court may give notice through the electronic filing system ("ECF"), the Bankruptcy Noticing Center, or similar service.

(d) Large Chapter 11 Cases. In a large chapter 11 case involving numerous parties in interest, the court may require the party initiating the case, or subsequently appointed trustee or examiner, to retain a claims and noticing agent under 28 U.S.C. § 156(c). Application to retain a claims and noticing agent is made by motion under Local Bankruptcy Rule 9013-1. Counsel is encouraged to contact the clerk of the court prior to filing a large chapter 11 case.

(1) The claims and noticing agent has a duty to comply with all relevant statutory provisions and rules of procedure, including these local rules of bankruptcy procedure, general orders and other applicable guidelines.

(2) The debtor or the trustee must obtain a court order authorizing the termination of the services of the claims and noticing agent.

(3) The claims and noticing agent is responsible for working with the clerk of the court to arrange for the transfer and archiving of claims and related records disposition.

(e) Use of Master Mailing List for Noticing. Parties may obtain copies of a master mailing list, as well as a list containing the names and addresses of each entity requesting special notice pursuant to Fed. R. Bankr. P. 2002(i), updated in accordance with Fed. R. Bankr. P. 2002(g), from ECF, or through the court's public information access service ("PACER"). Alternatively, parties may obtain a master mailing list from the clerk of court for a fee in an amount prescribed by the Judicial Conference of the United States. Notice is presumed to be adequate if mailed to all entries on the master mailing list, *provided* that the list is current to within 7 days of mailing. Parties shall attach a copy of the master mailing list used for noticing to the proof of service filed with the court.

(f) Notices in Chapter 7 Cases. In a chapter 7 case, after expiration of the deadline for filing claims and entry of an order allowing or disallowing claims, all notices required to be given to creditors pursuant to Fed. R. Bankr. P. 2002(a)(2), (3), and (6), and 2002(f)(8), may be limited to creditors whose claims have been filed and creditors who are still permitted to file claims by reason of an extension granted by the court.

(g) Notice of Motion. Local Bankruptcy Rule 9013-1(c) applies.

(h) Special Notice to Taxing Agencies. Local Bankruptcy Rule 4001-3(b) applies.

(i) Preferred Mailing Address under 11 U.S.C. § 342.

(1) Pursuant to 11 U.S.C. § 342(f), an entity may specify a preferred mailing address to be used by all bankruptcy courts or particular bankruptcy courts when providing notice. Such request must be made by registering directly with the National Creditor Registration Service at https://bankruptcynotices.uscourts.gov/ .

(2) A creditor that has supplied a notice of preferred address may designate a different address to be used in a particular bankruptcy case pursuant to 11 U.S.C. § 342(e) by filing a notice with the court containing the debtor's name, case number and the creditor's complete service address to be used for that particular case.

(j) Electronic Notice. Notice given electronically shall comply with Local Bankruptcy Rule 5005-1 and the court's Administrative Procedures for Filing, Signing and Verifying Pleadings and Papers by Electronic Means ("Electronic Filing Procedures"), as each is amended from time to time.

(k) Request for Special Notice. A person or entity filing a request for notice pursuant to Fed. R. Bankr. P. 2002(i) must use Local Bankruptcy Form 11 and include in the request the following information:

(1) the name of the person or entity requesting notice;

(2) mailing address, including street address for overnight delivery or personal service;

(3) telephone number;

(4) a statement that the requesting party is a creditor or equity security holder of the debtor and the court has limited notice; and

(5) a statement that the request is limited to notices required to be provided under Fed. R. Bankr. P. 2002(a)(2), (a)(3) and (a)(6) and does not include any moving or responsive or reply documents, any evidence, or any proposed orders or entered orders.

Committee Comment

The practice of requesting special notice has become pervasive and is generally redundant. Counsel who appear in a given case receive electronic notification of all documents filed in that case without the need for filing a request for special notice. Appearing in a case also places counsel on the mailing matrix for the purposes of any notices or documents required to be served conventionally.

RULE 2003-1. MEETING OF CREDITORS AND EQUITY SECURITY HOLDERS

(a) Proof of Identification. Individual debtors must provide an acceptable form of picture identification ("ID") and proof of social security number to the trustee at the meeting of creditors. Acceptable forms of ID include:

(1) driver's license;
(2) government ID;
(3) state picture ID;
(4) student ID;
(5) U.S. Passport;
(6) military ID;
(7) resident alien card; and
(8) consulate card.

Proof of social security number must include all nine digits of the social security number and have been prepared by an entity other than the debtor or an affiliate. Acceptable proof of the social security number may include:

(1) social security card;
(2) medical insurance card;
(3) pay stub;
(4) W-2 form;
(5) Internal Revenue Service Form 1099; and
(6) Social Security Administration report.

(b) Requests to Reschedule or Appear Other than in Person. Requests to reschedule a meeting of creditors or for a debtor's appearance at a meeting of creditors other than in person are disfavored.

(1) *Form and Timing of Request*. Requests should be made at the earliest possible time and in advance of the scheduled date for the meeting of creditors. The request must include a reason for the modification.

(2) *To Whom and How*. Requests to reschedule a meeting of creditors or to appear other than in person must be made by regular mail or email to the chapter 7, 12 or 13 trustee, if applicable, and the United States Trustee by regular mail or email to ustpregion18.se.ecf@usdoj.gov. The subject line of any email request should state "Request to Reschedule" or "Request to Appear Other Than in Person" with the case name, case number, and date of the currently scheduled meeting of creditors. The request should not be filed with the court.

(3) *Approval*. Within three days of receipt, the trustee or the United States Trustee shall advise if the request has been approved or denied. If approved, the trustee or the United States Trustee shall notify the debtor of the new date, time, and location of the rescheduled meeting and/or the acceptable manner in which the debtor may appear.

(4) *Notice*. If the date, time, or location of the meeting of creditors is changed, the party who requested the change must give written notice to all creditors and parties in interest of the date, time, and location of the rescheduled meeting and file a copy of the notice and a certificate of service with the court. If some type of alternate appearance has been approved, the notice shall indicate the manner of the appearance.

(5) *Court Approval*. If the request for a continued hearing or alternate appearance is denied by the trustee or United States Trustee, the debtor may file a motion seeking court approval of the continuance or alternate appearance. Any motion must contain an explanation of the need for the modification and a certification that the debtor sought a continuance from the trustee or United States Trustee under paragraphs (b)(1) and (b)(2) of this Rule.

Committee Comment

Parties wishing to continue an 11 U.S.C. § 341 meeting or appear by telephone or by other alternative means should consult the United States Trustee guidelines and procedures. The guidelines may be found at https://www.justice.gov/ust-regions-r18/region-18-general-information-1.

RULE 2014-1. EMPLOYMENT OF PROFESSIONALS

(a) Requirements. Applications for the appointment of professionals shall disclose whether the professional is a pre-petition creditor of the debtor, and if so, the nature of services rendered, amount owed, whether counsel claims a security interest in property of the estate to secure fees, and identify the collateral subject to the security interest, if any. The application shall also state whether any retainer has been paid or promised, and the anticipated method of compensation, and sources thereof, including third parties and guarantors. Copies of any fee agreements and security interests shall be attached as exhibits. Retainers may not be drawn from trust or compensation paid by any source absent an order approving compensation and/or reimbursement and authorizing application of the

retainer. Each application for employment shall contain a certification that the applicant has read Local Bankruptcy Rule 2016-1.

(b) ***Ex Parte*** **Applications.** Professionals seeking appointment on an *ex parte* basis shall, prior to filing the application with the court, (1) obtain the written endorsement of the United States Trustee's Office of the application, or (2) certify that at least 7 days have passed since the application was served upon and received by the United States Trustee's office, and no objection has been made by the United States Trustee's office to the application. For purposes of this rule, the United States Trustee's Office will accept service by facsimile or electronically at USTPRegion18.SE.ECF@usdoj.gov. *Ex parte* orders authorizing the appointment of professionals do not constitute approval of the terms of any fee agreement or arrangement.

(c) **Chapter 13 Cases.** Local Bankruptcy Rule 2014-1(a) and (b) shall not apply to general counsel for the debtor in a chapter 13 case. The rule shall apply to applications for employment of professionals submitted by the chapter 13 trustee. All other *ex parte* applications for employment in a chapter 13 case shall comply with these provisions, except that the applications shall be submitted to the chapter 13 trustee's office rather than the United States Trustee's office. Ex parte applications for employment shall be sent to the Seattle chapter 13 trustee at courtmail@seattlech13.com and to the Tacoma chapter 13 trustee at specialcounsel@chapter13tacoma.org.

RULE 2015-1. DEBTOR IN POSSESSION DUTIES

(a) **Chapter 11 Monthly Financial Reports**.

(1) A non-small business or non-subchapter V chapter 11 debtor in possession or trustee shall file with the court a monthly financial report, and shall serve the same on counsel for any committees elected or appointed pursuant to the Bankruptcy Code, or if a committee has no counsel, on each member of the committee. Each report shall be due by the 21st day of the subsequent month and, except as otherwise ordered by the court, shall be filed on the form for financial reporting established by the United States Trustee in accordance with 28 U.S.C. § 589b, attaching bank statements for the reported month for any bank accounts used by the debtor.

(2) A small business or subchapter V chapter 11 debtor in possession or trustee shall file with the court a monthly financial report using Official Form B 425C, available on the U.S. Courts' website (www.uscourts.gov) or such other form as the Court may direct or as may be established by the United States Trustee in accordance with 28 U.S.C. § 589b.

(b) **Other Reporting Requirements.** The chapter 11 debtor in possession or chapter 11 trustee shall serve copies of the following on the United States trustee and any committee:

(1) the debtor's federal income tax returns. The debtor in possession shall provide the most recently filed return within 14 days after the entry of the order for relief, and its returns for each subsequent year whenever such returns are submitted to the Internal Revenue Service;

(2) proof of insurance covering estate assets and liability, if applicable. The debtor in possession shall provide initial proof of insurance within 7 days after entry of the order for relief and proof of insurance renewals thereafter as obtained; and

(3) monthly bank statements for any debtor in possession bank accounts, as received.

(c) Projected Budget for Individual Chapter 11 Debtor. An individual debtor in possession shall file a projected budget of income and expenses for the six-month period following the petition date within 14 days after entry of the order for relief.

(d) Insurance. If the debtor in possession fails timely to provide the United States trustee with proof of insurance or insurance renewal, the United States trustee may move to convert or dismiss the case on 7 days' notice to the debtor, parties who have requested notice, and any committee, unless the court allows a shorter period on a showing of exigent circumstances.

(e) Chapter 11 Post-Confirmation Reports. If an application for a final decree has not been filed within 3 months after confirmation of a chapter 11 plan, then the party designated in the plan as the responsible party, such as the reorganized debtor, liquidating trustee, plan proponent, or plan administrator, shall file with the court a post-confirmation quarterly report every three months until a final decree is entered. The first such report shall include the quarter in which the plan was confirmed. Each report shall be due by the 21st day of the month after the quarter ends and, except as otherwise ordered by the court, shall be filed on UST Form 11-PCR.

RULE 2016-1. COMPENSATION OF PROFESSIONALS

(a) General. Unless otherwise ordered by the court, all applications for compensation, except chapter 13 attorney applications, shall contain the following:

(1) the date of entry of the order approving the applicant's employment;

(2) a statement, by date, of the amounts of compensation and reimbursement of expenses previously allowed and amounts paid;

(3) the source of payment for requested compensation and reimbursement of expenses;

(4) the amount of unencumbered funds in the estate;

(5) a narrative summary of the services provided, results obtained and benefit to the estate;

(6) an itemized time record of services for which any time-based award of compensation is sought, including:

(A) the date the service was rendered;

(B) the identity of the person who performed the service and the hourly rate of such individual;

(C) a detailed description of the service rendered and the time spent performing the service;

(D) the total number of hours spent and the total amount of compensation requested; and

(7) a statement of expenses, by category, for which reimbursement is sought. For extraordinary expenses, state:

(A) the date the expense was incurred;

(B) a description of the expense;

(C) the amount of the expense requested; and

(D) the necessity of the expense.

(b) Counsel for Trustees and Debtors in Possession. Where compensation is sought by general counsel for a trustee or debtor in possession, the application shall include the following additional information:

(1) a list of names and functions of all other professionals whose employment has been authorized in the case;

(2) the financial condition of the estate with respect to payment of post-petition expenses, including taxes and the United States trustee's quarterly fees, and any other anticipated expenses that could impact the estate's ability to meet post-petition expenses;

(3) the status of the case, and the progress of the case toward closing or proposal of a plan of reorganization, identifying any significant impediments to closing or confirmation that are expected. If a plan has been filed, the statement shall include a projected date for confirmation. If a plan has been confirmed, the statement shall describe what progress has been made toward consummation of the plan and what remains to be done to close the case.

(c) Requests for Interim Compensation. In any case in which interim compensation is sought, except a chapter 13 case, the application shall also include a description of the tasks remaining to be done and a projection of the applicant's future expenses and fees and the anticipated source of their payment.

(d) Applications of $15,000 or More. Where the cumulative applications for an applicant are projected to equal or exceed $15,000, the narrative summary required by subsection (a)(5) and itemized time entries required by subsection (a)(6) shall be divided into categories according to the nature of the tasks performed, with the total hours, fees, and expenses broken down for each category. Categories include but are not limited to: general administration; claims analysis and objections to claims; financing and cash collateral; sales of assets; disclosure statement and plan, including drafting and confirmation; and adversary proceedings.

(e) Chapter 13 Attorney Applications.

(1) *Presumptive Fee.* Attorneys representing debtors in chapter 13 cases may be awarded fees of up to $5,000 (or such other amount as may be set by general order) (the "presumptive fee") without having first filed a written application. The fee shall be compensation for all services rendered to the debtor(s) through entry of the order confirming plan and shall include, without limitation: the filing of a chapter 13 plan in the form required by Local Bankruptcy Rule 3015-1; filing with the chapter 13 trustee the Chapter 13 Information Sheet together with the documents required by

Fed. R. Bankr. P. 1007; appearing at the 11 U.S.C. § 341 meeting of creditors; responding to objections to confirmation and motions for relief from stay that are resolvable without argument before the court; negotiating and presenting unopposed or agreed orders assuming or rejecting leases; resolving disputes regarding the valuation of collateral or providing for pre-confirmation adequate protection payments to creditors; amending the initial plan as necessary to obtain an order confirming the plan; adding creditors to the schedules and plan; negotiations with the Department of Licensing; and review of claims. Attorneys subsequently requesting compensation above the presumptive fee shall comply with Local Bankruptcy Rule 2016-1(e)(3) and file an itemized time record for all services provided for representation of the debtor in any capacity whatsoever in connection with the case.

(2) *Fees in Excess of Presumptive Fee.* Pre-confirmation attorneys' fees in excess of the presumptive fee may be requested by application filed with the court not more than 21days after the entry of the order of confirmation. The application shall comply with Local Bankruptcy Rule 2016-1(e)(3).

(3) *Applications*. All applications shall conform to Local Bankruptcy Form 13-9. All applications for compensation for services and for reimbursement of necessary costs and expenses shall be served on the debtor and the chapter 13 trustee. A notice of hearing on the application shall be served on the debtor, the chapter 13 trustee, and all creditors holding allowed claims. The application shall include an itemized time record that identifies the date the service was rendered, the identity of the person who performed the service and the hourly rate of the person, a detailed description of the service rendered and the time spent performing the service, and the total number of hours spent and the total compensation requested. A copy of a proposed order approving the application shall be attached to the application as a separate document and the order shall conform to Local Bankruptcy Form 13-10. If compensation is requested as part of a motion that seeks other relief, an application and proposed order that conform to Local Bankruptcy Forms 13-9 and 13-10, respectively, shall be attached to the motion.

(f) Provision of Rights & Responsibilities Disclosure. Attorneys representing debtors in chapter 13 cases shall provide debtors with a copy of Local Bankruptcy Form 13-5 entitled "Rights and Responsibilities of Chapter 13 Debtors and Their Attorney" ("Rights and Responsibilities Disclosure"). The Rights and Responsibilities Disclosure shall be signed by each debtor, certifying receipt, and by the debtor's attorney. Failure to provide a copy of the Rights & Responsibilities Disclosure may result in denial or disgorgement of attorney fees.

Committee Comment

The categories listed in Local Bankruptcy Rule 2016-1(b) and used in the fee application should be tailored to the services performed in a given case. For a list of additional suggested project categories, see the United States trustee's "Guidelines for Reviewing Applications for Compensation & Reimbursement of Expenses filed under 11 U.S.C. § 330, Exhibit A – Project Categories," published in 28 C.F.R. Part 58, Appendix, found at: https://www.justice.gov/ust/fee-guidelines

RULE 2016-2. COMPENSATION OF BANKRUPTCY PETITION PREPARERS

If the amount of compensation disclosed pursuant to 11 U.S.C. §110(h)(2) exceeds $400, the bankruptcy petition preparer shall serve a copy of the filed Official Form B119 on the United States

Trustee along with a disclosure of the compensation received. The form shall include copies of the original signatures of the debtor(s) and the bankruptcy petition preparer. The bankruptcy petition preparer shall serve the Official Form B119 and the disclosure of compensation on the United States Trustee via email to ustpregion18.se.ecf@usdoj.gov within fourteen days after filing.

RULE 2089-1. WITHDRAWAL AND SUBSTITUTION OF COUNSEL

(a) Substitution and Withdrawal. An attorney may withdraw from representing a client if another attorney has agreed to represent the client by filing a notice of withdrawal and substitution signed by the withdrawing attorney and the substituting attorney. The withdrawal and substitution is effective upon the filing of the notice without an order of the court.

(b) Withdrawal. An attorney who wishes to withdraw from representing a client without replacement must obtain an order of the court. Such an order may be sought by:

(1) filing an ex parte stipulation and order signed by the attorney and the client authorizing the attorney to withdraw; or

(2) filing a motion to withdraw and noting it for hearing pursuant to Local Bankruptcy Rule 9013-1(d)(2)(F).

(c) Content. Any motion or stipulation filed pursuant to subsection (b) must contain: (1) the client's mailing address, telephone number and email address or a certification by the attorney that the attorney made all reasonable efforts to obtain the contact information of the client without success, (2) a statement that no deadlines, hearings or trials will be automatically continued as a result of the attorney's withdrawal, and (3) if the client is not an individual, a certification by the attorney that the attorney has notified the client that the client may not appear or file pleadings *pro se*.

(d) Service. A motion filed pursuant to subsection (b)(2) in a bankruptcy case shall be served on the client. A motion filed pursuant to subsection (b)(2) in an adversary proceeding shall be served on the client and all parties.

Committee Comment

Subsection (a) does not authorize the substituting attorney's employment. If a provision of the Bankruptcy Code requires approval of the substituting attorney's employment, the substituting attorney must obtain a separate order approving employment pursuant to 11 U.S.C. §§ 327 or 1103.

RULE 2090-1. LEGAL INTERNS

Local Rules W.D. Wash. LCR 83.4, as modified by this rule, applies:

(a) Application. An application to appear as a legal intern in the bankruptcy court for the Western District of Washington shall be submitted to a bankruptcy court judge for approval or disapproval.

(b) Scope of Practice. In addition to those proceedings identified in Local Rules W.D. Wash. LCR 83.4(c), a legal intern may participate in 11 U.S.C. § 341 meetings and examinations under Fed. R. Bankr. P. 2004 provided that the supervising lawyer or another lawyer from the same office shall be present while the legal intern is participating in those proceedings.

(c) Supervising Lawyer. In addition to the requirements of Local Rules W.D. Wash. LCR 83.4(d), the supervising lawyer shall have been actively involved in the practice of bankruptcy law for at least 3 years at the time the application is filed.

(d) Rule 9 Interns. Notwithstanding anything in this Local Bankruptcy Rule 2090-1, any individual who has been granted a limited license to practice law in Washington State pursuant to Rule 9 of the Washington State Admission and Practice Rules ("Rule 9 Intern"), may appear in the United States Bankruptcy Court for the Western District of Washington in the manner provided in Rule 9 as if such court were specifically identified in Subsection (e)(1)(D) of Rule 9. A Rule 9 Intern appearing in this court shall comply with and be bound by all of the provisions of Rule 9.

RULE 3003-1. CLAIMS AND EQUITY SECURITY INTERESTS - BAR DATE

Except in small business cases and cases proceeding under subchapter V of chapter 11 of the Bankruptcy Code, prior to the first date set for hearing on a disclosure statement, a chapter 11 plan proponent shall apply for an order fixing a deadline by which proofs of claim or interest must be filed. The plan proponent in a small business case shall apply for said order no later than the date the first plan is filed. The court will fix the deadline without an application in cases proceeding under subchapter V of chapter 11 of the Bankruptcy Code. Upon entry of an order fixing the deadline, the plan proponent shall transmit to each creditor and equity security holder a copy of the order or notice containing such deadline. Unless otherwise ordered, notice of the deadline shall be a separate document.

RULE 3007-1. CLAIMS - OBJECTIONS

(a) Chapter 11 Cases. Unless otherwise ordered by the court, objections to claims in chapter 11 cases must be filed and served no later than 60 days after the entry of the order confirming a plan.

(b) Chapter 13 Cases. Objections to claims in chapter 13 cases must be filed and served no later than 270 days from the petition date, unless good cause is shown.

RULE 3015-1. CHAPTER 13 PLANS

(a) Mandatory Form Plan. All plans shall conform to Local Bankruptcy Form 13-4. All appropriate blanks on the form shall be completed. The debtor and the debtor's attorney (if represented by counsel) shall sign and date where indicated.

(b) Nonstandard Plan Provisions. Any nonstandard provisions included in Section X of the plan which modify any of the provisions contained in Sections I through IX shall begin by specifically referencing the section(s) modified, such as "Section IV.A.3 is modified as follows… ."

(c) Notice of the Plan.

(1) If the plan is filed at the same time as the petition, the clerk of court shall mail a copy of the plan to all creditors.

(2) If the plan is filed after the petition, the debtor shall serve copies of the plan on all creditors not less than 14 days prior to the originally scheduled meeting of creditors. Nothing in this subsection excuses compliance with Fed. R. Bankr. P. 3015(b).

(d) Objections to Confirmation. The original plan is treated as a motion; an objection to confirmation is treated as a response. If an objection to confirmation is filed and served on the debtor's counsel, the debtor, the trustee, and any other party requesting notice at least 14 days prior to the hearing on plan confirmation the following provisions shall apply.

(1) *Mandatory Reply.* The debtor shall file a reply to the objection to confirmation no later than 7 days prior to the hearing on plan confirmation. (Note: Local Bankruptcy Rule 9013-1(d)(8) governs the timing of a reply, if any, in all chapter 13 proceedings except plan confirmations subject to this subsection). The filing of an amended plan shall not be considered a reply.

(2) *Default*. If the debtor does not file and serve a reply to the objection to confirmation in accordance with subsection (d)(1), the court may enter an order sustaining the objection to confirmation and denying confirmation of the plan prior to the time set for the confirmation hearing, upon the objecting party's uploading of an order accompanied by proof of service and a declaration of no reply stating the date of service of the objection to confirmation and that no reply was timely received. The uploaded order sustaining an objection to and denying confirmation of the plan shall:

(A) Require that a feasible amended plan be filed no later than 14 days from the date of entry of the order and that the debtor note said amended plan for hearing, with the requisite notice required by Fed. R. Bankr. P. 2002(b) on the next available chapter 13 motion calendar;

(B) Include the following term:

> "The failure to file a feasible amended plan and note it for hearing in accordance with the terms of this Order authorizes the trustee or objecting party to submit an order dismissing this case without further notice."

and;

(C) Require the party uploading the order to serve the order entered by the court on the debtor's counsel, the debtor, the trustee, and any other party requesting notice.

(e) Deviation from Means Test. If the debtor asserts that the debtor is unable to pay the projected disposable income figure that results from the means test, the debtor shall:

(1) provide the trustee with evidence of the change in circumstances;

(2) include in Section IV.E of the plan the minimum amount the debtor shall pay to allowed nonpriority unsecured claims; and

(3) include the following statement in Section X of the plan:

"The debtor is unable to pay all or part of the debtor's $_____ projected disposable income (the monthly disposable income shown on line 45 of Official Form B 122C-2 multiplied by the sixty month applicable commitment period), and instead proposes to pay to allowed nonpriority unsecured claims at least the amount listed in Section IV.E."

(f) Request for Valuation of Security and Modification of Secured Claim in a Plan under 11 U.S.C. § 506. If the debtor seeks to modify a secured claim under 11 U.S.C. § 506 in a plan, the debtor shall:

(1) complete Section IV.C. of the plan and include both "See X" on the line titled "Collateral" before describing the collateral and the proposed monthly payment on the line titled "Monthly Payment" (if the plan completely strips the lien, the monthly payment will be $0);

(2) include the following language in Section X of the plan:

"_____[creditor] holds a security interest or lien against _____[collateral]. The value of the collateral is $_____. The claims of other creditors holding higher priority security interests or liens against the collateral total $_____. Accordingly, the amount of _____[creditor's] secured claim is $_____[collateral value minus total amount of higher priority secured claims]. The balance of _____[creditor's] claim is an unsecured claim. The monthly payment on the secured claim under the plan is $_____.

The final avoidance and/or determination of the secured status of a creditor's lien in this plan is contingent upon the debtor's completion of the plan. If this case is converted to another chapter of the Bankruptcy Code or if this case is dismissed, the relevant provisions of 11 U.S.C. §§ 348 and 349 control the validity of the lien avoidance and/or determination."

(3) file, with the plan, evidence (e.g. a declaration) supporting the debtor's factual assertions regarding the value of the collateral and the amount of the relevant liens;

(4) serve the plan on the holder of the claim in the manner provided for service of a summons and complaint by Federal Rule of Bankruptcy Procedure 7004; and

(5) file, with the plan, a proof of service showing compliance with subsection (f)(4).

(g) Request to Avoid a Judicial Lien or Security Interest in a Plan under 11 U.S.C. § 522(f). If the debtor seeks to modify a judicial lien or security interest using 11 U.S.C. § 522(f) in a plan, the debtor shall:

(1) complete Section IV.C. of the plan and include both "See X" in the line titled "Collateral" before describing the collateral and the proposed monthly payment on the line titled “Monthly Payment” (if the plan completely avoids the lien, the monthly payment will be $0);

(2) include the following language in Section X of the plan:

> "_____[creditor] holds a judicial lien or security interest avoidable under 11 U.S.C. § 522(f) against _____[collateral]. The value of the collateral is $_____. The claims of other creditors holding higher priority security interests or liens against the collateral total $_____. The Debtor is entitled to an exemption under 11 U.S.C. § 522(b) of $_____. Accordingly, the amount of _____[creditor's] secured claim is $_____[collateral value minus total amount of higher priority secured claims minus the Debtor’s exemption]. The balance of _____[creditor's] claim is an unsecured claim. The monthly payment on the secured claim under the plan is $_____."

(3) file, with the plan, evidence (e.g. a declaration) supporting the debtor's factual assertions regarding the value of the collateral, the amount of the debtor’s exemption and the amount of relevant liens;

(4) serve the plan on the holder of the claim in the manner provided for service of a summons and complaint by Federal Rule of Bankruptcy Procedure 7004; and

(5) file, with the plan, a proof of service showing compliance with subsection (g)(4).

(h) Chapter 13 Information Sheet. At the time the petition is filed, the debtor shall submit to the trustee a complete Chapter 13 Information Sheet (Local Bankruptcy Form 13-2).

(i) Plan Modification. A debtor seeking post-confirmation plan modification shall file an amended plan, a motion requesting approval of the amended plan, and a declaration of the debtor explaining the need for the modification. The debtor shall identify in the motion all proposed changes by reference to the plan section number and with the specific changes listed. Contemporaneously with filing the motion and declaration, the debtor shall file supplemental Schedules I and J and provide the trustee copies of all payment advices or other evidence of proof of income received within the last 30 days. A proposed order approving the amended plan shall be attached to the motion as a separate document and shall substantially comply with Local Bankruptcy Form 13-6.

(j) Direct Plan Payments. Unless the court orders otherwise after the debtor justifies an exception, all payments to creditors, including pre-confirmation adequate protection payments made pursuant to 11 U.S.C. § 1326(a)(1)(C), shall be disbursed by the trustee, provided, however, that the debtor may make direct payments on the following obligations: domestic support obligation payments made by an assignment from a debtor’s wages or that are in a current status as of the date of the petition, leases of real and personal property, and deeds of trust/mortgages that are in a current status as of the date of the petition. The trustee shall commence pre-confirmation adequate protection payments on claims secured by personal property provided in Section IV.C.10 of the plan after the creditor files a proof of claim.

(k) Domestic Support Obligations. The trustee shall commence payment on filed claims for current domestic support obligations as soon as unencumbered funds become available, unless otherwise directed by the terms of the proposed plan.

(l) Domestic Support Certification. Within 30 days of completion of all plan payments, debtors must file certifications stating either (1) that they are not liable for any domestic support obligation; or (2) that all domestic support obligations payable by them that became due on or before the date of the certification (including amounts due before the petition was filed, but only to the extent provided for by the plan) under any judicial or administrative order, or by statute, have been paid. Failure to file the certification will result in the case being closed without a discharge.

Committee Comment

A "supplemental" schedule means a schedule with current information as opposed to petition date information.

RULE 3015-2. REQUEST TO INCUR POST-CONFIRMATION DEBT TO FINANCE A MOTOR VEHICLE IN A CHAPTER 13 CASE

In a chapter 13 case, a debtor may make a written request directly to the chapter 13 trustee for authority to incur post-confirmation debt for the purpose of financing the purchase of a motor vehicle. A debtor receiving the chapter 13 trustee's approval to incur post-confirmation debt under this rule does not need to also obtain a court order authorizing the debt. If the chapter 13 trustee denies the debtor's request to incur post-confirmation debt under this rule, the debtor is not precluded from submitting the request to the court by motion pursuant to Local Bankruptcy Rule 9013-1.

RULE 3017-1. DISCLOSURE STATEMENT - APPROVAL

(a) Objection to Disclosure Statement. Unless otherwise ordered by the court, objections to a disclosure statement in a chapter 11 case shall be filed and served not later than 7 days before the hearing on the disclosure statement. The objection shall identify those portions of the disclosure statement that the objecting party asserts are incomplete, misleading, or erroneous, and the basis for such assertions.

(b) Conference of Attorneys. Not later than 5 days before the hearing on the disclosure statement, there shall be a conference of attorneys. It shall be the duty of counsel for the proponent of the disclosure statement ("proponent") to arrange for the conference. The attorney for each objecting party shall attend the conference, either in person or telephonically. At the conference, counsel shall attempt to reach agreement on changes to the disclosure statement.

(c) Summary of Objections to Disclosure Statement. Unless otherwise ordered by the court, the plan proponent's counsel shall file a summary of those objections to the disclosure statement that have not been resolved at the conference of attorneys. The summary shall be filed and served on the objecting parties at least 3 days prior to the hearing on such statement. If the disclosure statement

hearing is continued, an amended summary of objections shall likewise be filed and served at least 3 days prior to the continued hearing.

(d) Notice of Hearing on Disclosure Statement. The proponent's notice of hearing on the disclosure statement shall include the time within which objections must be served under subsection (a) of this rule, and the date, time and place of the conference of attorneys required by subsection (b) of this rule.

(e) Hearing on Disclosure Statement. Failure by an objecting party or proponent to comply with the provisions of this rule may be deemed by the court to be an admission that the objection, or the opposition thereto, is without merit.

(f) Small Business Cases. Local Bankruptcy Rule 3017-2 applies.

RULE 3017-2. DISCLOSURE STATEMENT - SMALL BUSINESS CASES

In a small business case, and upon application for conditional approval of the disclosure statement, the plan proponent shall obtain from the court and provide notice to all creditors on the master mailing matrix of the deadlines for filing objections to the disclosure statement, the deadline for the pre-confirmation report under Local Bankruptcy Rule 3020-1(a), and the deadline for filing and serving objections to confirmation of the plan under Local Bankruptcy Rule 3020-1(b).

RULE 3018-1. BALLOTS - VOTING ON PLANS

At least 3 days prior to the confirmation hearing, the plan proponent shall file a written summary of the ballots cast, and shall serve a copy of the summary on any party that has filed an objection pursuant to Local Bankruptcy Rule 3020-1. The summary shall include the following information for each class of creditors in the plan proponent's plan:

(a) the name of each creditor, whether said creditor has accepted or rejected the plan, the dollar amount of the creditor's claim, and whether the debtor has objected to the claim;

(b) the total dollar amount and number of all allowed claims voted;

(c) the percentage dollar amount of acceptances; and

(d) the percentage number of acceptances.

The original ballots shall not be filed with the court, but shall be retained by the attorney for the plan proponent for a period of not less than 5 years. Upon request, the original ballots must be provided to other parties or the court for review.

RULE 3020-1. CHAPTER 11 - CONFIRMATION

(a) Pre-confirmation Report. The plan proponent shall, not less than 3 days prior to the confirmation hearing, file a memorandum containing the proponent's response to any objections, and a statement as to how each applicable requirement of 11 U.S.C. §§ 1129 and 1191 is satisfied. The plan proponent shall attach, as an exhibit to the memorandum, a version of the plan showing the difference between the version of the plan distributed to creditors in the solicitation package and the version of the plan proposed for confirmation (e.g. redline version). The memorandum shall be served on the debtor, any committee appointed pursuant to the Bankruptcy Code or their authorized agents, and any party that has filed an objection to confirmation. If the confirmation hearing is continued, a revised pre-confirmation report shall likewise be filed and served not less than 3 days prior to the continued hearing.

(b) Objections to Confirmation. Unless otherwise ordered by the court, objections to confirmation of a plan shall be filed and served at least 7 days before the hearing on confirmation of the plan.

RULE 4001-1. AUTOMATIC STAY

(a) Rent Deposits Under § 362(l). Any deposit of rent pursuant to 11 U.S.C. § 362(l)(1)(B) must be in the form of a cashier's check or a money order payable to the order of the lessor, and delivered to the clerk of court upon filing of the petition and certification made under § 362(l)(1). The debtor must at the same time file proof of service of the certification under § 362(l)(1) upon the lessor. Upon receipt of the cashier's check or money order, the clerk of court will promptly transmit the check/money order to the lessor at the address of the lessor as stated in the certification filed by the debtor under § 362(l)(1), unless the clerk of court is instructed in writing by the debtor or lessor to use a different address.

(b) Relief from Stay.

(1) *Motions and Related Documents.* Motions for relief from stay shall comply with Local Bankruptcy Rule 9013-1 and be supported by a declaration or other admissible evidence. In addition, motions for relief from stay involving real property shall include a common address; a copy of any recorded security instrument; the status of any pending foreclosure, action or matter for which relief from stay is sought; the contractual default; and, in a chapter 11, 12 or 13 case, the post-petition default amounts and the current monthly payment amount, including any applicable escrow component.

(2) *Waiver of automatic termination.* If the moving party schedules a hearing for or agrees to continue a hearing to a date more than 30 days after the date the motion was filed, the party shall be deemed to have waived the automatic termination provisions of 11 U.S.C. § 362(e)(1).

(3) *Notice of Motions*. In addition to those parties listed in Fed. R. Bankr. P. 4001, notice shall be given to the debtor, attorney for the debtor, and trustee. In addition, any motion for relief

from the codebtor stay pursuant to 11 U.S.C. § 1201 or 11 U.S.C. § 1301 shall be served upon the codebtors.

(4) *Procedure for Motions Timely Controverted*. If the motion is timely and properly controverted, the originally scheduled hearing will be a final hearing with argument on the documents filed, unless an evidentiary hearing is required. In that event, the initial hearing may be a preliminary hearing at which the court may set a date for final hearing and enter such other orders as may be appropriate.

RULE 4001-2. VOLUNTARY MODIFICATION OF DEBT SECURED BY REAL PROPERTY

(a) Definition of Mortgage Creditor and Temporary or Trial Mortgage Modification. For purposes of this rule, the term "mortgage creditor" includes any creditor secured by a mortgage, deed of trust, or land sale contract on real property. For purposes of this rule, the term "temporary or trial mortgage modification" means a short term modification offered by a mortgage creditor as a precursor to a permanent mortgage modification

(b) Negotiation Does Not Violate Stay. A mortgage creditor is authorized to negotiate with the debtor for a modification of the secured obligation at any time during the pendency of the debtor's case. Any such modification is voluntary on the part of the mortgage creditor and the debtor. If the debtor is represented by counsel, that counsel may consent to allow the mortgage creditor to communicate directly with the debtor. A mortgage creditor's contact with the debtor and/or the debtor's counsel for the purpose of negotiating a loan modification shall not be considered a violation of the automatic stay imposed by 11 U.S.C § 362. If a debtor consents in writing (through counsel if the debtor is represented), participation by a secured creditor in a mediation, either pursuant to state law or by agreement of the parties, shall not constitute a violation of the automatic stay imposed by 11 U.S.C § 362.

(c) Approval of a Temporary or Trial Mortgage Modification in a Chapter 13 Case. A debtor may make a written request directly to the chapter 13 trustee for authority to enter a temporary or trial modification of a debt secured by real property. The debtor's request shall include a copy of the proposed modification agreement. If the debtor was delinquent on the mortgage at the petition date, the trustee is authorized to and shall disburse the modified mortgage payments from debtor's plan payments whether or not the court has confirmed a plan. The debtor shall make plan payments in an amount sufficient (including the trustee's fee) so that the trustee can timely disburse the modified mortgage payments. A debtor receiving the chapter 13 trustee's approval to enter into a modification under this section does not need to also obtain a court order authorizing the modification. If the chapter 13 trustee denies the debtor's request to enter a modification under this section, the debtor is not precluded from submitting the request to the court pursuant to Local Bankruptcy Rule 9013-1(d)(2)(F).

(d) Approval of a Permanent Mortgage Modification in a Chapter 13 Case. A debtor seeking approval to enter a permanent modification of a debt secured by real property shall obtain the court's prior approval on the debtor's own motion or that of the mortgage creditor. The moving party shall include a copy of the modification agreement with the request, in compliance with Fed. R. Bankr. P. 9037.

RULE 4001-3. CASH COLLATERAL

(a) Financing Guidelines. The Guidelines for Cash Collateral and Financing Stipulations (Appendix A to these Local Bankruptcy Rules, as may be modified from time to time and posted on the court's website) apply to all motions for approval of such stipulations, interim and final, and all motions for approval thereof must contain the certification of counsel required by the Guidelines.

(b) Special Notice to Taxing Agencies. Notice of all motions seeking approval of use of cash collateral or financing orders must be served on the United States Attorney's Office, Attn: Bankruptcy Assistant, 700 Stewart Street, Room 5220, Seattle, Washington 98101, and the Attorney General for the State of Washington, Bankruptcy and Collections Unit at 800 Fifth Avenue, 20th floor, Seattle, Washington 98104. The notice required by this rule is in addition to any other applicable notice and service requirements.

(c) Scheduling Emergency Hearings. Local Bankruptcy Rule 9013-1(d)(2)(E) applies.

(d) Motion Practice. Local Bankruptcy Rule 9013-1 applies.

RULE 4002-1. DUTIES OF DEBTOR

(a) Delivery of Documents to Trustee.

(1) *Timing of Production and Declaration*. Unless otherwise ordered, all documents required to be provided to the trustee by the debtor pursuant to 11 U.S.C. §§ 521(a)(1)(B)(iv) and(e)(2)(A)(i) and Fed. R. Bankr. P. 4002(b)(2) and (3) shall be submitted at least 7 days prior to the date first set for the 11 U.S.C. § 341 meeting of creditors. These documents are not to be filed with the court but instead these documents shall be delivered to the trustee in the manner described in subsection (2) below. The documents shall be attached to the debtor's declaration, signed under penalty of perjury, stating that the documents are true copies of the originals.

(2) *Method of Production*. Unless otherwise instructed by the trustee, and except as provided in subsection (3) below, the declaration and documents described in subsection (1) shall be transmitted to the trustee pursuant to the instructions for the individual trustee as listed on the court's website at www.wawb.uscourts.gov/united-states-trustee. If documents are sent to the trustee by email, the email shall reference the case number and the debtor's last name. The debtor's attorney shall retain the original, signed declaration pursuant to the rules governing pleadings filed electronically.

(3) *Exceptions to Production by Electronic Means*. Copies of the declaration and documents may be delivered to the trustee in conventional form by *pro se* debtors and where production of the documents electronically would be unduly burdensome.

(b) Tax Returns. Tax information filed with the court, whether pursuant to 11 U.S.C. § 521 or for any other reason, shall be subject to the procedures for safeguarding confidentiality established by the Director of the Administrative Office of the United States Courts, established pursuant to Fed. R.

Bankr. P. 4002(b)(5), and as may be amended from time to time. Any proposed order granting access to a debtor's tax information must contain the following language:

> Movant is hereby advised that the tax information obtained is confidential and may not be disseminated except as appropriate under the circumstances of the case. Movant is further advised that substantial monetary sanctions (up to $10,000 per disclosure without further notice) and other sanctions may be imposed by the Court for an improper use, disclosure, or dissemination of the tax information.

Requests for tax information filed with the court should be accompanied by a self-addressed, stamped envelope bearing sufficient postage.

Committee Comment

For reference purposes only, the debtor's duties to produce documents are summarized in the chart below:

Type of Document	Definition/Reference	Deadline for Production to Trustee
Payment Advices/Pay Stubs	11 U.S.C. §521(a)(1)(iv), Fed. R. Bankr. P. 1007(b)(1)(E), 1007(c) , and 4002(b)(2)(A)	•Chapter 7 Cases: no later than 7 days prior to the 11 U.S.C. § 341 meeting of creditors •Chapter 13 Cases: no later than 14 days after the filing of the petition
Bank and Investment Account Statements	Fed. R. Bankr. P. 4002(b)(2)(B)	No later than 7 days prior to the 11 U.S.C. § 341 meeting of creditors
Federal Tax Returns	11 U.S.C. § 521(e)(2)(A), Fed. R. Bankr. P. 4002(b)(3)	No later than 7 days prior to the 11 U.S.C. § 341 meeting of creditors

The procedures established by the Administrative Office, referenced in Rule 4002-1(b), may be viewed here: https://www.uscourts.gov/sites/default/files/vol04_ch08.pdf

RULE 4004-1 MOTIONS FOR HARDSHIP DISCHARGE

(a) Content of Motion. Motions for discharge under 11 U.S.C. § 1328(b) shall be filed with the court and served on the trustee, United States trustee, and all creditors at least 21 days preceding the date fixed for hearing. The motion shall set forth the basis for the discharge and provide evidence (including a sworn declaration from the debtor) in support of the motion. Contemporaneously with filing the motion and declaration, the debtor shall file supplemental Schedules I and J and provide the trustee copies of all payment advices or other evidence of proof of income received within the last 30 days. A copy of a proposed order shall be attached as an exhibit to the motion as a separate document and the order shall conform with Local Bankruptcy Form 13-7.

(b) Notice to Creditors. Within 7 days of entry of the Order Re: Debtor(s)' Motion for Hardship Discharge (Local Bankruptcy Form 13-7), debtor or debtor's counsel shall serve the entered order on all creditors in the manner provided in Fed. R. Bankr. P. 2002 and shall file a certificate of service that service has been effected. Absent the filing of a discharge complaint specified in the properly served Local Bankruptcy Form 13-7, and upon the determination that the debtor has met the remaining conditions of a hardship discharge, the Clerk shall enter a hardship discharge order.

Committee Comment

A "supplemental" schedule means a schedule with current information as opposed to petition date information.

RULE 4008-1. REAFFIRMATION

(a) Time of Filing. All reaffirmation agreements must be filed with the court prior to the deadline for filing complaints to determine dischargeability or to deny discharge.

(b) Form of Agreement, Cover Sheet. The Administrative Office of the United States Courts has issued Director's Reaffirmation Agreement forms (available on the court's website) which must be completed for all reaffirmation agreements, and shall be filed with the Reaffirmation Agreement Cover Sheet, Official Form B 427.

(c) Documentation. Copies of any agreements which the debtor has agreed to continue to perform or pay, together with any modifications of those agreements, shall be attached to the reaffirmation agreement together with documentation of any security interest and the perfection of such security interest or a memorandum setting forth why perfection is unnecessary and supporting declaration(s) establishing any required facts. If the reaffirmation is of a debt claimed to be nondischargeable, the creditor shall file a memorandum setting forth the basis for the nondischargeability, together with a declaration(s) establishing a prima facie case.

RULE 5001-1. DEPOSIT OF FUNDS IN THE REGISTRY OF THE BANKRUPTCY COURT

(a) Order for Deposit into Court Registry. Except for deposits required by law or court order, a party desiring to deposit funds into the registry of the court must file an application, which shall include a detailed explanation of the facts and circumstances necessitating the deposit of estate funds into the registry.

(b) Form of Proposed Orders Directing Deposit of Funds into the Court Registry. A proposed order directing the clerk of court to deposit funds into the registry of the court must include the following:

(1) the amount to be deposited;

(2) a direction to the clerk of court to deposit registry funds totaling $25,000 or more into an interest-bearing account; and

(3) a direction to the clerk of court to deposit registry funds totaling less than $25,000 into a non-interest-bearing account with the U.S. Treasury.

(c) Payments from the Registry. Payments authorized by the court and payable by negotiable instrument from funds held in an interest-bearing account in the court registry, must be negotiated within one-year. Negotiable instruments drawn on funds in the court registry and not tendered within one year will be transferred into noninterest-bearing registry accounts.

Committee Comment

Where funds deposited with the court are to be placed in some form of interest-bearing account or invested in a court-approved interest-bearing instrument in accordance with Fed. R. Civ. P. 67 or Fed. R. Bankr. P. 7067, the court is required to deposit said funds into the Court Registry Investment System (CRIS), administered by the Administrative Office of the U.S. Courts. 28 U.S.C. § 2045. Funds held in CRIS are assessed an annualized management fee of 10% of the interest earnings.

RULE 5003-1. CLERK OF COURT - GENERAL/AUTHORITY

(a) Delegation of Ministerial Orders. The clerk of court and such deputies as the clerk of court may designate are authorized to sign and enter without further direction the following orders, which are deemed to be of a ministerial nature:

(1) orders on motions and applications of the type described in Fed. R. Civ. P. 77, except that the clerk of court is not authorized to grant orders or judgments for default;

(2) orders granting applications for payment of filing fees in installments and fixing the number, amount, and dates of payment;

(3) orders denying applications for payment of filing fee in installments if the debtor or joint debtor have commenced a bankruptcy case within 8 years before the date of the filing of the current petition, or have a pending case, in which filing fees are owed to the court;

(4) orders dismissing electronically filed petitions that do not provide for payment of the filing fee as set forth in Local Bankruptcy Rule 1006-1(a);

(5) orders dismissing voluntary petitions filed electronically without the representation of the debtor's or joint debtor's original signature as required by Local Bankruptcy Rule 5005-1(d)(2);

(6) orders dismissing an individual debtor's voluntary petition filed electronically that is not accompanied by the debtor(s)'s signed Your Statement About Your Social Security Numbers (Official Form B 121);

(7) orders closing cases without discharge where the debtor failed to complete an instructional course concerning personal financial management as required by 11 U.S.C. § 727(a)(11);

(8) orders discharging a trustee and closing a case after such case has been fully administered;

(9) orders reopening cases that have been closed due to administrative error;

and

(10) orders requiring debtors to file amended schedules in converted cases.

(b) Text Only Docket Orders. The clerk of court may use Text Only Docket Orders for any of the ministerial orders authorized above. A Text Only Docket Order entered by the clerk of court is an order or judgment electronically entered on the case docket without an attached document and is as official and binding as if the clerk of court had signed a document containing the text. A Text Only Docket Order signed and entered by the clerk of court will so state in the text of said docket entry. A Text Only Docket Order, together with the Notice of Electronic Filing, shall constitute the evidence of an order.

(c) Administrative Regulations. The clerk of court is authorized to promulgate regulations governing administrative matters, including the submission of forms, content and format of creditor mailing lists, mode of payment of filing fees, and disposition of records. Such regulations shall be available for public reference, and shall be published in such publications and at such intervals as the clerk of court deems appropriate.

(d) Custody and Disposition of Exhibits and Depositions. Local Rules W.D. Wash. LCR 79(g) controls the custody of exhibits and depositions.

RULE 5004-1. DISQUALIFICATION OF A JUDGE

A request to disqualify a bankruptcy judge shall be made by motion and determined by the bankruptcy judge whose disqualification is sought.

RULE 5005-1. ELECTRONIC CASE FILING

(a) Electronic Filing Procedures.

(1) The procedures governing electronic case filing are established by the Administrative Procedures and Technical Requirements for Electronic Filing ("Electronic Filing Procedures"), as adopted by the court and modified from time to time.

(2) Attorneys and trustees must file all documents with the court using the court's Case Management and Electronic Case Filing system ("ECF") and are referred to as a "registered ECF filer."

(3) All entities, institutions and individuals who file 10 or more proofs of claim in the United States Bankruptcy Court for the Western District of Washington in any 6-month period must electronically file all proofs of claim and claim-related documents.

(b) Electronic Filing Constitutes an Appearance. The electronic filing of a document in ECF (other than a ballot or a proof of claim) by a registered ECF filer constitutes an appearance in the case for the attorney whose ECF account is used to complete the filing. Additionally, the electronic filing will automatically add the registered ECF filer's name and mailing address to the mailing list in the case and will create an association between the registered ECF filer and the party represented. A separate notice of appearance is not necessary.

(c) Authorized Signatures.

(1) *Signatures Submitted by a Registered ECF Filer.*

(A) A filing made through a registered ECF filer's account and authorized by that registered ECF filer, together with that registered ECF filer's name on the signature block, constitutes the registered ECF filer's signature.

(B) A document filed by a registered ECF filer that includes signatures of other people (e.g., a stipulation or agreed order) shall be submitted with either: (i) the digitally scanned image of a physical signature; or (ii) an "/s/" and the typed name of the person, which is a representation that the registered ECF filer has obtained authorization to sign on their behalf.

(C) When filing a document that requires an original signature or verification, the registered ECF filer complies by filing: (i) a digitally scanned image of the original signed document containing the original ink signature; (ii) the signatory's digital signature created using a commercially available digital signature software product that provides signature authentication; or (iii) a document indicating a signature with "/s/" and the typed name of the person provided the registered ECF filer maintains the original signed document, in hard copy or electronic form, for a period of not less than 5 years.

(2) *Signatures Submitted by Unrepresented Individuals.*

(A) When an unrepresented individual presents a document to the clerk's office over-the-counter, via the postal system, or via the clerk's lobby dropbox, the document must contain an original ink signature.

(B) When an unrepresented individual electronically submits a document to the clerk's office for the purpose of filing, the signature requirement is met by including: (i) the typed name of the unrepresented individual followed by "/s/" on the document's signature page which represents that the signer read and signed the document, (ii) a digitally scanned image or photo of the document's signature page with the original ink signature which represents that the signer read and signed the actual document; or (iii) a digital signature created using a commercially available digital signature software product that provides signature authentication.

Committee Comment

The Electronic Filing Procedures can be found at:
https://www.wawb.uscourts.gov/ElectronicFilingProcedures

RULE 5005-2. SUBMISSIONS ON PAPER (DOCUMENTS NOT SUBMITTED ELECTRONICALLY)

(a) Trial Exhibits. Exhibits for trials and evidentiary hearings shall only be submitted on paper unless otherwise ordered by the court.

(b) Facsimile Documents Not Allowed. The court will not accept documents transmitted by facsimile.

(c) Submissions on Paper exceeding 50 Pages. Documents submitted on paper and exceeding 50 pages including exhibits shall also be provided to the clerk's office in electronic PDF format on a USB flash drive or CD-Rom disk at the time of filing. USB flash drives and CD-Rom disks provided to the court will not be returned to the filer. If the PDF file is more than ten megabytes in size, it must be separated into ten-megabyte segments. Each PDF file shall be clearly labeled to identify the sequence of documents to be filed.

RULE 5010-1. REOPENING CASES

(a) Motions to Reopen. A motion to reopen a case shall state the purpose for reopening the case, whether assets were administered in the case, whether a deadline was established for filing proofs of claim, and whether a trustee needs to be appointed. Except as provided for in subsection (b), the motion shall be noted for hearing in accordance with Local Bankruptcy Rule 9013-1, with notice to the case trustee and any affected parties.

(b) Trustee's and Debtor's Motions to Reopen. The United States Trustee or the debtor may bring motions to reopen on an *ex parte* basis. An *ex parte* motion to reopen shall not contain a request for substantive relief other than appointment of a trustee.

(c) Reopening Fee. Except as otherwise ordered by the court, any filing fees prescribed by 28 U.S.C. § 1930(b) and the Judicial Conference of the United States are due at the time the motion is filed.

(d) Reopening by Clerk of Court. Local Bankruptcy Rule 5003-1(a)(9) applies.

(e) Reclosing. Cases reopened for any purpose other than to administer assets may be reclosed by the clerk of court 60 days after reopening unless matters are then pending.

RULE 5011-1. WITHDRAWAL OF REFERENCE

(a) Caption. A motion for withdrawal of reference shall be designated: "Motion for Withdrawal of Reference."

(b) Filing and Service /Judicial Recommendation. A motion for withdrawal of reference and any response and reply documents, including memoranda and supporting materials as required by Local Rules W.D. Wash. LCR 7(b) shall be filed with the clerk of court of the bankruptcy court. In addition, the bankruptcy court judge may file a recommendation regarding the motion, including but not limited to a recommendation as to whether reference should be withdrawn, the nature and status of the case, and whether there is need for an expedited resolution. A motion for withdrawal of reference shall be filed and served promptly after service of any pleading or document in which the basis for the motion first arises. Response documents shall be filed and served no later than 14 days after service of the motion for withdrawal. If a response is filed, a reply, if any, shall be filed and served no later than 21 days after filing of the motion.

(c) Transmittal of Documents to District Court. Except as otherwise ordered by the bankruptcy court, 28 days after the filing of the motion for withdrawal of reference, or after a response, reply and judicial recommendation have been filed, whichever is earlier, the clerk of the bankruptcy court shall transmit to the district court the motion and related documents that have been filed with the bankruptcy court and any recommendation of the bankruptcy judge. No documents shall be filed by the parties in response to the judicial recommendation. All further documents pertaining to the motion for withdrawal shall be filed with the clerk of the district court. Documents relating to other matters in the bankruptcy case or adversary proceeding shall be filed with the clerk of court of the bankruptcy court unless otherwise ordered by the bankruptcy or district court.

(d) Proceedings in District Court. A motion for withdrawal of reference shall be assigned to a district court judge. Unless otherwise ordered by the district court, a motion for withdrawal of reference will be decided by the court without a hearing. A party desiring oral argument should so indicate by typing "ORAL ARGUMENT REQUESTED" in the caption of its motion or responsive memorandum. The district court may in its discretion grant or deny the motion in whole or in part, and may make such orders as it deems appropriate for the orderly disposition of the case or proceeding. Upon entry of a dispositive order by the district court, the clerk of court of the district court shall forward a copy of the order to the parties and transmit a copy to the bankruptcy court for filing in the bankruptcy case.

RULE 7004-1. SERVICE OF PROCESS

The plaintiff shall file a certificate of service within 14 days after service of a summons and complaint has been effected.

RULE 7004-2. SUMMONS

The clerk of court will issue to the plaintiff a completed summons for service upon each defendant. This paragraph does not excuse compliance with Fed. R. Bankr. P. 7004 or Local Bankruptcy Rule 7004-1.

RULE 7012-1. NOTICE REGARDING FINAL ADJUDICATION AND CONSENT TO ENTRY OF FINAL ORDERS OR JUDGMENTS BY BANKRUPTCY JUDGE IN AN ADVERSARY PROCEEDING

(a) Notice Regarding Final Adjudication and Consent. In an adversary proceeding before a bankruptcy judge, in addition to the statements in the pleadings required by Fed. R. Bankr. P. 7008(a) and 7012(b), each party shall file a separate document with its initial pleading (the complaint, counterclaim, cross-claim, third party complaint, answer or other responsive pleading) to be entitled Notice Regarding Final Adjudication and Consent. The Notice Regarding Final Adjudication and Consent shall include a repetition of the statements required by Fed. R. Bankr. P. 7008(a) and 7012(b).

(b) Removed Actions. A party filing a notice of removal pursuant to Fed. R. Bankr. P. 9027, shall file with the notice of removal a separate document entitled Notice Regarding Final Adjudication and Consent containing the information set forth in (a) above. Not later than 14 days after the filing of the notice of removal and the Notice Regarding Final Adjudication and Consent, any party who has filed a pleading in connection with the removed claim or cause of action, other than the party filing the notice of removal, shall file, in addition to the statements required by Fed. R. Bankr. P. 9027 (e)(3), a separate document entitled Notice Regarding Final Adjudication and Consent containing the information set forth in (a) above.

(c) Deemed Consent. Failure by a party to file a Notice Regarding Final Adjudication and Consent as required by this rule or by a date certain fixed by court order shall constitute that party's consent to entry of final orders or judgments by the bankruptcy judge.

(d) Hearing. The bankruptcy judge may set a hearing at any time prior to trial regarding the ability of the bankruptcy judge to enter final orders or judgments.

RULE 7016-1. PRE-TRIAL PROCEDURES

(a) Pretrial Conferences. Unless excused by the court, counsel and any unrepresented parties shall attend a pretrial conference at the date and time set forth on the summons. The purpose of the pretrial conference shall be to review the nature of the case, the prospects for settlement or alternative dispute resolution, to set a trial date and deadlines for discovery, dispositive motions, pretrial orders, and trial briefs, and to resolve any other matters appropriate to the circumstances of the case, including determinations required under Fed. R. Bank. P. 7016(b).

(b) Pretrial Orders. If the court requires a pretrial order, Local Rules W.D. Wash. LCR 16(h) through (m) and CR 16.1 shall apply, with the exception that the following deadlines shall be observed unless otherwise ordered by the court:

(1) *Plaintiff's Pretrial Statement*. The plaintiff's pretrial statement shall be filed no later than 21 days prior to the filing of the proposed pretrial order.

(2) *Defendant's Pretrial Statement*. The defendant's pretrial statement shall be filed not later than 14 days prior to the filing of the proposed pretrial order.

(3) *Conference of Attorneys*. The conference of attorneys shall be held not later than 7 days prior to the filing of the proposed pretrial order.

(4) *Date for Proposed Pretrial Order*. The proposed pretrial order, signed by all parties or their counsel, shall be filed no later than 7 days prior to the scheduled trial date.

Committee Comment

A form pre-trial order may be found in Local Civil Rules W.D. Wash. No. 16-1.

RULE 7026-1. DISCOVERY - GENERAL

Local Rules W.D. Wash. LCR 26 through LCR 37 apply to adversary proceedings and contested matters, except to the extent they are inconsistent with Fed. R. Bankr. P. 9014(c), and unless otherwise ordered.

RULE 7055-1. DEFAULT; DEFAULT JUDGMENT

(a) Entry of Default. Upon motion by a party and supported by affidavit or otherwise, the court shall enter the default of any party against whom a judgment for affirmative relief is sought in an Adversary Proceeding but who has failed to plead or otherwise defend. The affidavit shall specifically show that the defaulting party was served in a manner authorized by Fed. R. Bankr. P. 7004. A motion for entry of default need not be served on the defaulting party. However, in the case of a defaulting party who has entered an appearance, the moving party must note the motion for an order of default in compliance with Local Bankruptcy Rule 9013-1.

(b) Judgment on Default.

(1) *No Default Judgment Absent a Default.* No motion for judgment by default should be filed against any party unless the court has previously granted a motion for default against that party pursuant to subsection (a). A party may seek the entry of both an order of default and default judgment in the same motion, provided that the order of default and the default judgment are submitted as separate documents for entry.

(2) *Supporting Evidence Required.* The party seeking a default judgment must support a motion for default judgment with a declaration and other evidence establishing that party's entitlement to a sum certain and/or to any nonmonetary relief sought.

(A) The party shall provide a concise explanation of how all amounts were calculated and shall support this explanation with evidence establishing the entitlement to and amount of the principal claim, and, if applicable, any liquidated damages, interest, attorney's fees, or other amounts sought. If the claim is based on a contract, plaintiff shall provide the court with a copy of the contract and cite the relevant provisions.

(B) If the party is seeking interest and claims that an interest rate other than that provided by 28 U.S.C. § 1961 applies, plaintiff shall state the rate and the reasons for applying it. For

prejudgment interest, the party shall state the date on which prejudgment interest began to accrue and the basis for selecting that date.

(C) If the party seeks attorney's fees, the party must state the basis for an award of fees and include a declaration from the party's counsel establishing the reasonable amount of fees to be awarded, including, if applicable, counsel's hourly rate, the number of hours worked, and the tasks performed.

(3) *When Appearance Has Been Received.* Where a defaulting party has entered an appearance, is an infant or incompetent, or is or may be in the military service, a motion for entry of a judgment by default shall be noted in accordance with Local Bankruptcy Rule 9013-1.

(4) *When Appearance Has Not Been Received.* Where a defaulting party has not made an appearance, is not an infant or an incompetent, and is not in military service, a motion for the entry of an order of default and for the entry of judgment by default may be made pursuant to Local Bankruptcy Rule 9013-1(g). The court may conduct such hearing or inquiry upon a motion for entry of judgment by default as it deems necessary under the circumstances of the particular case.

RULE 9003-1. STATUS CONFERENCES IN CHAPTER 11 CASES

If a party in interest believes that a conference with the parties and the court would be beneficial in a chapter 11 case, other than a case under subchapter V of chapter 11, that party may file a request for a status conference pursuant to 11 U.S.C. § 105(d), stating the reasons for the request. No further action is necessary unless ordered by the court.

RULE 9004-1. CAPTION AND FORM OF PAPERS

All petitions, pleadings and other papers filed with the court shall meet the following requirements of form:

(a) Size and Font. All pleadings shall be in 8-1/2 x 11 inch document format, using a standard embedded font, 11 or 12 point, and shall be double spaced.

(b) Format. Orders shall be formatted as set forth in Local Bankruptcy Rule 9021-1. All other pleadings shall conform to the following format:

(1) *Numbered Paper.* Except for Official Bankruptcy Forms or other forms provided by the clerk of court, each pleading shall bear line numbers in the left margin.

(2) *Top Notation***.** The right side of the top of the front page of all pleadings shall contain the name of the judge assigned to the case. Motions and Notices of Hearings shall contain the additional notations required under Local Bankruptcy Rule 9013-1(d).

(3) *Bottom Notation.* The left side of the bottom of each page of all papers shall contain an abbreviated title of the paper, followed by the page number. The right side of the bottom of

each pleading or other paper shall contain the name and current mailing address and telephone number of the attorney, firm, or pro se party preparing the paper.

(4) *Format of Reduced Pleadings or Documents.* Reduced pleadings or documents provided to other parties shall contain no more than 2 pages of reduced standard 8-1/2 x 11 pages per side of the paper using a standard embedded font.

(c) Linking. Every pleading filed in response to or in connection with a motion or other initial pleading must be electronically linked to the initial pleading.

(d) Exhibits and Attachments to Papers. Exhibits, other than trial exhibits, are to be filed electronically with each exhibit linked to the pleading to which it relates. All attachments and exhibits shall be 8-1/2 x 11 inches, photo-reduced if necessary. An exhibit smaller than 8-1/2 x 11 inches shall be attached to or photocopied onto an 8-1/2 x 11 sheet of paper.

(1) *Trial Exhibits*. Trial exhibits should be submitted on paper, in accordance with Local Bankruptcy Rule 5005-2(a), unless otherwise ordered by the court.

Committee Comment

Orders are to be formatted in accordance with Local Bankruptcy Rule 9021-1 and are not governed by the formatting provisions set forth above. Accordingly, an order will not include the name of the judge assigned to the case in the upper right side of the top of the front page.

RULE 9011-1. NOTICE OF CHANGE OF ADDRESS, TELEPHONE NUMBER OR EMAIL ADDRESS

(a) Written Notice of Change of Address, Phone, and Email Address. ECF filers shall comply with Local Bankruptcy Rule 5005-1(a)(3) to accomplish changes of address, telephone number and email address, and shall not file a document or pleading with the court. A written notice of change of address, telephone number, and email address for non-ECF filers must be filed with the court and served on the trustee, parties requesting special notice, and all parties to any adversary proceeding.

(b) Conclusive Address. The address, telephone number, and email address of a party or his or her attorney, as noted on the first pleading filed by that party or attorney or as changed in accordance with subparagraph (a), shall be conclusively presumed to be the last known address, telephone number and email address of said party or attorney.

RULE 9013-1. MOTION PRACTICE

(a) Applicability. As used herein, the term "motion" includes any motion, application, objection, or other request for an order or determination of the court, except one required to be commenced by complaint pursuant to Fed. R. Bankr. P. 7001. The provisions of this rule apply to all motions filed in cases, contested matters, and adversary proceedings, except as otherwise provided by

law or by order of the court. In addition to the procedures set forth herein, practitioners should review General Orders addressing issues of electronic filing practice, as well as the court's website, for practices and procedures for individual judges.

(b) Placing a Motion on the Court's Calendar.

(1) *Hearing Judge*. Motions shall be set on the calendar of the judge to whom the case or adversary proceeding has been administratively assigned, unless counsel is specifically directed otherwise by the judge's chambers.

(2) *Motion Calendars*. Motion calendars shall be held regularly in Seattle and Tacoma, and elsewhere as determined by the judges of the court (See Local Bankruptcy Rule 1072-1). Each judge will maintain a regular motion calendar. A schedule of the motion dates, times, and places for each judge's calendar shall be posted at the office of the clerk of court and on the court's website, and shall be published in such publications and at such intervals as the clerk of court deems appropriate.

(3) *Special Settings*. A party desiring an evidentiary hearing with live testimony shall request a special setting from the judge's chambers.

(4) *Party Responsible for Obtaining Hearing Date*. The moving party shall be responsible for obtaining a hearing date.

(5) *Confirmation of Hearings*. If an objection or response is filed to a motion that has been set for a hearing, a party must confirm the hearing for argument, including a hearing on a continued or rescheduled motion. A registered ECF filer shall confirm a hearing by docketing a notice of intent to argue linked to the motion prior to the scheduled hearing date in accordance with the deadlines set forth in subsection (d)(8) below. An unrepresented individual shall confirm a hearing by calling the judge's chambers by the deadlines set forth in subsection (d)(8) below. Failure to confirm a hearing where confirmation is required may result in the motion being stricken.

(6) *Settlement*. Parties shall docket a notice to the court of settlement or withdrawal of a motion as soon as practicable. This provision does not excuse compliance with Fed. R. Bankr. P. 2002(a)(3) or Fed. R. Bankr. P. 7041.

(7) *Continuance*. A party who dockets a notice requesting a continuance of a hearing on a motion is affirmatively representing to the court that consent to the continuance has been obtained from all parties who have filed an objection or response.

(8) *Striking or Withdrawing a Motion.* The moving party shall not strike or withdraw a motion after an objection or response has been filed without first obtaining the consent of the responding party.

(c) Notice of Motion.

(1) *By Whom Given*. Except as otherwise provided in Local Bankruptcy Rule 2002-1(b) or other applicable rules, notice of a motion shall be given by the moving party.

(2) *To Whom Given*. The types of notices specified in Fed. R. Bankr. P. 2002(a), must be given to the debtor, the debtor's attorney, the trustee, all creditors, all indenture trustees, and any persons requesting special notice under Fed. R. Bankr. P. 2002(i). As to notices not specified in Fed. R. Bankr. P. 2002(a), notice of motions shall be given to all parties in interest. Motions for relief from stay, use of cash collateral and financing shall also comply with Local Bankruptcy Rule 4001-1 and 4001-3, respectively.

(3) *Contents of Notice*. Every motion shall be set for hearing, and the moving party shall give notice of the motion and the hearing.

(A) The notice may be combined with the motion, provided that (i) the caption so indicates, (ii) the notice is the first part of the text of the pleading, and (iii) the parts are separately headed.

(B) The notice shall clearly state (i) the date, time and place of hearing, (ii) the nature of relief requested and the grounds therefor, unless the notice and motion are combined, (iii) that any party opposing the motion must file and serve a written response by the response date, which shall be set out, and (iv) that if no response is filed by the response date, the court may in its discretion grant the motion prior to the hearing, without further notice. The notice shall substantially comply with Local Bankruptcy Form 1 (Notice of Motion and Hearing).

(d) Motions - Requirements.

(1) *Form of Motions, Briefs, or Memoranda*

(A) Required Documents. The moving party shall include in or with its motion (i) a statement of all reasons in support thereof, together with a memorandum of points and authorities as is necessary to support such motion, and (ii) all affidavits, declarations and photographic or documentary evidence to be presented in support of the motion.

(B) Notation of Judge, Chapter, Location, Date, Time of Hearing, and Response Date. The name of the assigned judge, the chapter under which the case is pending, and the location, date and time of hearing, and the response date shall be noted on the top right-hand corner of the motion, notice of hearing, response, and reply.

(C) Length of Memoranda. Without prior court approval, opening and responsive memoranda relating to motions for summary judgment or other dispositive motions shall not exceed 24 pages, and opening and responsive memoranda for all other motions shall not exceed 12 pages. A reply brief shall not exceed ½ the permitted length of the opening brief without prior approval of the court.

(D) Proposed Orders. A copy of a proposed order, except one requested *ex parte* or by stipulation, shall be attached as an exhibit to the motion as a separate document. Opponents may propose alternative orders in the same fashion. Orders and judgments shall be formatted in accordance with Local Bankruptcy Rule 9021-1. Original orders should not be filed in advance of the hearing nor electronically uploaded in the court's electronic case filing system, except as permitted in Local Bankruptcy Rule 9013-1(f)(2).

(2) *Filing and Service - Time.*

(A) Service of Motion and Supporting Papers. In adversary proceedings, in addition to service of the motion, notice and similar papers as specified in Fed. R. Bank. P. 7005, all supporting memoranda of law, briefs, and other documentation shall be filed and served upon every party. In contested matters, in addition to service of notice and the motion as specified in Fed. R. Bank. P. 9014, all supporting memoranda of law, briefs, and other documentation shall be filed and served upon the parties against whom relief is sought.

(B) Filing of Proof of Service. Proof of any conventional (non-ECF) service of the notice and the motion shall be filed by the response date.

(C) Claims Objections. Objections to claims shall be filed and served at least 30 days preceding the date fixed for hearing. Objections to claims shall also comply with Local Bankruptcy Rule 3007-1.

(D) Motions for Summary Judgment and Lien Avoidance. Motions for summary judgment and lien avoidance shall be filed and served at least 28 days preceding the date fixed for hearing.

(E) Cash Collateral Motions. Emergency motions for authorization to use cash collateral or to obtain credit shall be scheduled for hearing with such notice as the court shall prescribe, in accordance with 11 U.S.C. § 363(c)(3) and Fed. R. Bankr. P. 4001(b) and (c).

(F) All Other Motions. All other motions and/or notice thereof shall be filed and served upon the appropriate parties at least 21 days preceding the date fixed for hearing unless a longer period of notice is ordered by the court or prescribed by the Federal Rules of Bankruptcy Procedure or these Local Bankruptcy Rules.

(3) *Motions to shorten time or limit notice.*

(A) Grounds. Motions to shorten time or limit notice are disfavored.

(B) Notice Required. The motion requesting an order shortening time or limiting notice along with the underlying motion papers and a proposed form of order shortening time or limiting notice, shall be filed and served on all parties entitled to notice of the underlying motion unless otherwise ordered by the court.

(C) *Ex Parte* Applications. A motion requesting an order shortening time or limiting notice may be granted *ex parte* in the court's discretion. In the absence of a stipulation signed by counsel for all parties having an interest in the motion including the trustee, the applicant's attorney shall certify in writing the efforts that have been made to give notice to those parties and the reasons why further notice should not be required.

(D) Hearing on the Motion to Shorten Time or Limit Notice. Hearing on the motion to shorten time or limit notice may be scheduled at the court's discretion.

(4) *Copies to be Served on Chambers*. Copies of filed documents are required to be delivered to chambers in accordance with each Judge's procedures, which can be found on the court's website.

(5) *Responses*.

(A) Response Required. Unless otherwise ordered by the court, each party opposing a motion shall file and serve responsive papers not later than 7 days prior to the date set for hearing subject to the provisions of subsection (d)(5)(B) below. See also subsection (d)(8) below.

(B) Effect of Continuance on Timing of Response. If a hearing date is continued prior to the deadline to respond, the response date shall be continued to not later than 7 days prior to the continued hearing date, unless otherwise ordered by the court. If a hearing date is continued after the deadline to respond, the response date will not be continued absent express consent by the movant.

(6) *Reply Permitted*. The moving party may file and serve papers in strict reply to any response. The deadline for filing a reply is set forth in section (d)(8) below. No additional replies will be considered by the court, unless otherwise ordered.

(7) *Noncompliance*. Failure of a party to file and/or serve the papers as required by this rule may be deemed by the court to be an admission that the motion, or opposition to the motion, as the case may be, is without merit.

(8) *Briefing Schedule on Motions.* Unless otherwise ordered by the court, responsive papers, replies, and confirmation of hearings shall be filed as set forth below:

Hearing Date	**Response***	**Confirmation***	**Reply***
Friday	Friday	noon Monday	Tuesday
Thursday	Thursday	noon Friday	Monday
Wednesday	Wednesday	noon Thursday	Friday
Tuesday	Tuesday	noon Wednesday	Thursday
Monday	Monday	noon Tuesday	Wednesday

* All references in these columns are to days of the week preceding the hearing date. In the event any of the days falls upon a legal holiday, then the deadline for the event shall be determined by counting backward until a day that is not a Saturday, Sunday or legal holiday.

(e) Hearings.

(1) *Appearance at Hearings Required*. Except as provided in subsection (f)(2) of this rule, appearance is required at all scheduled hearings. Failure to appear at the date and time appointed for hearing may be deemed by the court to be an admission that the motion, or the opposition to the motion, as the case may be, is without merit.

(2) *Motion Calendars Shall Not Include Oral Testimony*. The court will not hear oral testimony on the regularly-scheduled motion calendars unless approved in advance by the court. Parties desiring to submit oral testimony must seek a special setting as set forth in subsection (b)(3) herein.

(f) Default. With the exception of motions subject to Fed. R. Bankr. P. 7056, if no opposition to a motion has been timely filed and served, in accordance with Local Bankruptcy Rule 9013-1(d)(5), the court in its discretion may:

(1) grant the motion by default at the hearing, or

(2) grant the motion prior to the time set for hearing, upon the moving party's uploading of a received unsigned order, accompanied by proof of the service and a declaration of no objection stating the date of service of the notice of the motion and that no objections were timely received.

(g) *Ex Parte* Motions.

(1) *Contents of Motion*. Every *ex parte* motion, except those for routine administrative orders, shall (A) allege specific facts forming the basis of the request, (B) cite the statute or rule authorizing the court to act, and (C) state specific reasons why the court should proceed without notice or a hearing. If the motion arises in an adversary proceeding or a contested matter as defined in Fed. R. Bankr. P. 9014, the moving party shall, in addition, describe (D) what immediate and irreparable injury, loss or damage will result to the movant before the adverse party or his attorney can be heard in opposition; and (E) the efforts, if any, which have been made to give notice to the adverse party and his attorney.

(2) *Ex Parte Orders*. An ex *parte* order shall contain the words "*ex parte*" in its title.

(3) *Appointment of Professionals*. *Ex parte* motions for the appointment of professionals must also comply with Local Bankruptcy Rule 2014-1.

(h) Motions for Reconsideration. Local Rules W.D. Wash. LCR 7(h) governs motions for reconsideration, except that such motions shall be filed and served within 14 days after entry of the judgment or order, and shall not be noted for hearing unless oral argument is requested by the court. The opposing party shall not respond to a motion for reconsideration unless requested to do so by the court.

(i) Presentation of Orders. Unless the court directs otherwise, a party presenting an order for entry after the hearing on a motion shall serve copies on the parties that were present at the hearing and, unless agreement is reached as to the form of the order, shall give at least 7 days' notice of the time, date and place of presentation. Any party opposing entry of the order shall file and serve an objection not later than 3 days prior to the date set for presentation. Any such objection shall state with particularity the reasons for the objection and shall include as an attachment an alternate order. If no objections are timely filed, a declaration of no objection may be filed and the order noted for presentation may be submitted as a received unsigned order.

(j) Motions for Post-Confirmation Plan Modification. Motions for post-confirmation plan modification in chapter 13 cases shall comply with Local Bankruptcy Rule 3015-1(j).

(k) Chapter 13 Voluntary Dismissal Orders. An order dismissing a chapter 13 case on motion by the debtor shall conform to Local Bankruptcy Form 13-1. If the motion is ex parte, (1) the words “ex parte” shall be added to the title of the order and (2) the debtor shall obtain the chapter 13 trustee’s authorization prior to filing the order as a received unsigned order. Ex parte dismissal orders shall be sent to the Seattle chapter 13 trustee at courtmail@seattlech13.com and to the Tacoma chapter 13 trustee at specialcounsel@chapter13tacoma.org.

(l) Chapter 13 Real Property Sales. A chapter 13 debtor seeking to sell real property shall file a motion requesting approval to sell the property, the purchase and sale agreement and any amendments, and a declaration of the debtor indicating whether the sale is an arm’s length transaction for fair market value. The debtor shall also file an estimated settlement statement prior to the response date for the motion.

Committee Comment

Federal Rule of Bankruptcy Procedure 9006(f), which requires an additional three days of notice in certain circumstances, does not apply to motions governed by Local Bankruptcy Rule 9013-1. Federal Rule of Bankruptcy Procedure 9006(f) is not applicable because a respondent’s deadlines under Local Bankruptcy Rule 9013-1(d)(5) and (8) are based on the hearing date, not the date the motion was filed. There is no “right or requirement to act…within a prescribed period after being served.”

Regarding Local Bankruptcy Rule 9013-1(f), practitioners should consult applicable authority, including *Heinemann v. Satterburg*, 731 F.3d 914 (9th. Cir 2013), to determine the appropriate procedure to resolve uncontested motions for summary judgment.

RULE 9015-1. JURY TRIAL

(a) Applicability of Certain Federal Rules of Civil Procedure and District Court Local Rules. Fed. R. Civ. P. 38, 39, 47-51, and 81(c) (insofar as applicable to jury trials) and Local Rules W.D. Wash. LCR 38, 47, 51, apply in cases and proceedings.

(b) Demand for Jury Trial. Where a jury trial is demanded as permitted by Fed. R. Civ. P. 38, said demand shall be made, whether or not also made in a pleading, in a separate document entitled "Demand for Jury Trial" and be filed

(1) with the notice of removal; or

(2) with a party's first pleading, or within 30 days of the filing of a notice of removal (pursuant to Fed. R. Bankr. P. 9027 and Local Bankruptcy Rule 9027-1), whichever is earlier.

(c) Consent to Have Trial Conducted by Bankruptcy Judge.

(1) If there is a right to jury trial and a demand under Fed. R. Civ. P. 38(b) is timely filed, the parties shall consent or not (28 U.S.C. § 157(e)) to have the trial conducted by the bankruptcy judge by filing a statement of consent or withholding of consent by the later of the time for answer or reply, if the demand is made in a complaint or cross- or counter-claim, or 21 days after the demand is made.

(2) In any proceeding in which a demand for a jury trial is filed, the bankruptcy judge shall determine whether the party has a right to a jury trial and whether the demand was properly filed. If so, the bankruptcy judge shall preside at the jury trial if all parties consent. If there is no consent, the bankruptcy judge may designate a party to file a motion in accordance with Local Bankruptcy Rule 5011-1 for withdrawal of reference.

(d) No Right Created. This rule does not expand or create any right to jury trial where the right does not otherwise exist.

RULE 9018-1. SEALING AND REDACTING OF COURT RECORDS

(a) Presumption of Public Access. There is a strong presumption of public access to the court's records. This rule applies in all instances where a party seeks to overcome that presumption by filing a document under seal, thereby denying public access to that document. Alternatives to filing a document under seal are to be considered, including considering whether the document could be filed in a redacted version to address secrecy, privacy or confidentiality concerns while still providing the relevant information. See Fed. R. Bankr. P. 9037.

(b) Procedure for Motions to File Under Seal. Local Bankruptcy Rule 9013-1 governs the filing of a motion seeking authority to file a document under seal. In some circumstances it may be appropriate for the motion to be filed *ex parte* per Local Bankruptcy Rule 9013-1(g), however, the court has discretion to set the matter for hearing.

(1) *Electronic Filing.* An electronic filer who seeks to file a document under seal must file a motion. The motion to file under seal must include a specific statement of the applicable legal standards and basis, with evidentiary support in the form of declarations where necessary. A proposed order shall be uploaded through ECF.

(A) ECF Event. The designated ECF event for the motion to file under seal will permit documents to be filed under seal without prior court approval pending the court's ruling on the motion to seal. The document(s) sought to be sealed shall be electronically docketed separately from but simultaneously with the motion to file under seal.

(B) Sensitive Material in Motion to Seal. In the rare circumstance that the motion to seal, or the opposition, reply, or declarations in support, if any, must be filed under seal, the filing party must still prepare and file a motion to file the pleading under seal, then file the motion, opposition, reply or declaration as a sealed document using a designated ECF event. *Submissions on Paper.* Parties who are not ECF participants may submit a motion to file under seal and the documents sought to be filed under seal on paper, in accordance with Local Bankruptcy Rule 5005-2.

(2) *Sealing an Exhibit within a Public Document*. If the document to be filed under seal is an exhibit to another document, an otherwise blank page should be inserted into the openly filed document reading "Exhibit __: FILED UNDER SEAL".

(A) Delivery to the Clerk. A document on paper sought to be sealed shall be presented to the Clerk in an envelope with the case caption, case number, and "SEALED DOCUMENT" clearly marked on the outside of the envelope.

(B) Docketing a Submission on Paper. The clerk of court, or his/her designee, will electronically docket the items submitted on paper as set forth in subsection (b)(1) above; the paper copies shall be shredded and destroyed unless the court orders otherwise.

(c) Denial of Motion to File Under Seal. If a motion to file under seal is denied, the document filed under seal will remain under seal and shall not be considered by the court for any purpose. If the filer subsequently wishes to have the document considered by the court, the document must be re-filed using a nonrestricted ECF docket event.

(d) Access to Sealed Documents. Except as provided under 11 U.S.C. §§107(c)(2) and (3) or otherwise ordered by the court, only the filer, members of the judicial chambers assigned to the particular case, and the court's Information Technology staff shall have access to the sealed document. Any other party seeking disclosure of the sealed document must file and serve a motion pursuant to Local Bankruptcy Rule 9013-1 with notice to the party that requested the document be sealed.

(e) Service. A publicly viewable Notice of Electronic Filing (NEF) will be generated when a motion to file under seal, and related sealed document, are placed on the docket. The motion will be viewable electronically through the Notice; however, the sealed document will not be viewable. Service of the motion to seal and the sealed document, where appropriate, must be made in accordance with the Federal Rules of Civil Procedures, Federal Rules of Bankruptcy Procedure and these Local Bankruptcy Rules., and be accompanied by a certificate of service

(f) Documents Remain under Seal. When the court grants a motion to seal a particular document, that document will remain under seal until further order of the Court.

(g) Procedure to Remove Protected Private Information from the Docket. Federal Rule of Bankruptcy Procedure 9037(a) limits the private information that may be disclosed in an electronic filing or non-electronic paper filing and requires the redaction of certain information by the filing party. If a document is filed which discloses protected private information, a party seeking to protect the private information on the publicly-accessed electronic docket may file a motion (See Local Bankruptcy Rule 9013-1) seeking to have the document redacted. Upon receipt of such a motion, the clerk shall temporarily block public access to the document at issue pending the court's determination of the motion. If the motion is granted, then within 7 days of the entry of the order granting the motion, the party who filed the original unredacted document will be responsible for filing a redacted version of the document. When the new redacted document is filed, the clerk shall permanently block public access to the original unredacted version.

RULE 9021-1. JUDGMENTS & ORDERS - FORM AND ENTRY OF

Unless the court directs otherwise,

(a) Findings of Fact/Conclusions of Law. All orders, findings of fact and conclusions of law, and judgments shall be prepared by the prevailing party and submitted electronically.

(b) Order as Separate Document. A proposed form order or judgment, including one requested *ex parte* or by stipulation, must be filed on a document separate from its attendant motion or stipulation.

(c) Orders Signed Electronically. The judges of the court sign orders, findings of fact and conclusions of law, judgments, and other pleadings requiring their signatures by electronic means, and such electronic signatures shall have the same effect as a handwritten signature. Any document signed by a judge that is not dated shall be deemed to be dated as of the date the pleading is entered on the docket.

(d) Formatting Specifications.

(1) *Top 4 Inches for Court Use Only.* For all orders, the first page of the order must have a 4 inch top margin that is left blank for court use only.

(2) *General Formatting Requirements.* Orders shall be in 8-1/2 x 11 inch document format, using a standard embedded font, 11 or 12 point, and shall be double spaced. Each order shall bear line numbers in the left margins.

(3) *"End of Order" Designation, No Date or Signature Line.* The designation "///End of Order///" shall be placed after the final line of text on the order. No date or signature line is to be provided for the judge. The attorney(s) presenting the order shall so indicate in the lower left hand corner of the last page of the order by stating "Presented by" with their name, bar identification number and signature line.

(4) *Text.* Orders and judgments shall contain at least two lines of text on each page.

(e) Text Only Docket Orders. The court reserves the right to enter a Text Only Docket Order in any instance. A Text Only Docket Order is an order or judgment of the court that is electronically entered on the case docket without an attached document and is as official and binding as if the judge had signed a document containing the text. A Text Only Docket Order shall include the name of the judge authorizing the entry of said order and shall be deemed to be dated as of the date it is entered on the docket. A Text Only Docket Order, together with the Notice of Electronic Filing, shall constitute the evidence of an order.

(1) *Service of Text Only Docket Order*. If a party is required to serve notice of a Text Only Docket Order to parties who are not ECF participants, the party shall send a copy of the Notice of Electronic Filing to such recipients. Only those pages of the Notice of Electronic Filing that contain the filing information, the docket entry and the document descriptions need to be served.

(f) Orders Submitted Electronically.

(1) Proposed orders filed in accordance with Local Bankruptcy Rule 9013-1(d)(1)(D) and 9013-1(i) shall be filed electronically as an attachment to the motion.

(2) Original orders that are ready for the judge's signature, including orders filed pursuant to Local Bankruptcy Rules 9013-1(f)(2), 9013-1(g)(2), and 9013-1(i) shall be filed electronically by uploading the order through the court's electronic case filing system as a "Received Unsigned Order".

(3) Orders uploaded in accordance with this rule shall include the words "*ex parte*" in the title of the order and in the docket entry if they are being filed without notice in accordance with Local Bankruptcy Rule 9013-1(g).

Committee Comment

A sample form of order reflecting the above formatting requirements is posted on the court's website, www.wawb.uscourts.gov.

RULE 9027-1. REMOVAL/REMAND

(a) Notice of Removal. Except as provided in section (e) below, a notice of removal required to be filed in the Western District of Washington pursuant to Fed. R. Bankr. P. 9027 shall be filed with the clerk of court of the Bankruptcy Court and shall be accompanied by a filing fee as required for adversary proceedings.

(b) Motions to Remand; Further Pleadings. Any motion to remand shall be served and filed within 30 days of the notice of removal and noted for hearing in accordance with Local Bankruptcy Rule 9013-1. Unless a motion for remand is filed, those parties who have not answered shall do so within 21 days of the notice of removal and all parties shall promptly reply to any cross- or counter-claims.

(c) Report of Proceedings. The removing party shall, within 21 days of the notice of removal, or, if a motion to remand is filed prior to the expiration of such 21-day period, 14 days after the entry of an order denying the motion to remand, file a report of the proceedings in the court from

which the action was removed. The report shall list the operative pleadings, including the complaint, answer, and any other pleadings framing the issues to be decided (complaints, answers, etc., superseded by amended pleadings shall not be listed), any summary judgment or other orders which dispose of all or part of the action, and any pending unresolved motions which the parties intend to present to this court (and supporting and opposing pleadings). The following documents are to be attached to the report as separate exhibits (Local Bankruptcy Rule 9004-1(d) applies):

(1) a copy of the docket of the removed action;

(2) each identified pleading; and

(3) the certificate of service required by Local Rule W.D. Wash. CR 101(b).

(d) Supplementing the Report. Other parties may supplement the removing party's report in the same format within 14 days of its filing. At any time during the pendency of the removed action, the court may require the parties to file additional pleadings from the proceedings in the court from which the action was removed.

(e) Cases Pending in District Court. Removal of a case that is pending in the U.S. District Court, W.D. Washington, shall be by filing a motion in the district court case requesting the district court to enforce the referral of the case to this bankruptcy court pursuant to Local Rules W.D. Wash. LCR 87. Enforcement of the referral shall be at the sole discretion of the district court.

Committee Comment

The addition of subsection (e) is necessitated by the decision in *Stafford v. Suntrust Mortgage, Inc., et al.,* 13-01531-KAO (Bankr. W.D. Wash., January 14, 2014).

RULE 9029-1. LOCAL BANKRUPTCY RULES - GENERAL

(a) Promulgation and citation. These Local Bankruptcy Rules govern practice and procedure in the United States Bankruptcy Court for the Western District of Washington. The rules shall be cited as "Local Rules W.D. Wash. Bankr. XXXX-X" and the forms cited as "Local Forms W.D. Wash. Bankr." To comply with the uniform numbering system prescribed by the Judicial Conference of the United States, the numbering sequence generally coincides with that of the Federal Rules of Bankruptcy Procedure.

(b) Application of local rules. These rules supersede all previous local rules and general orders of the United States Bankruptcy Court for the Western District of Washington to the extent of any inconsistency. Except to the extent inconsistent with these rules, general orders, administrative orders, and administrative regulations are not superseded and remain in effect. These local rules, as amended, shall apply to every bankruptcy case pending in the Western District of Washington, without regard to when the case was filed.

(c) Effect of future general orders. These local rules may be modified by future general orders as necessitated by changes to federal law, the Federal Rules of Civil Procedure, the Federal Rules of Bankruptcy Procedure, or exigent circumstances.

RULE 9029-2. LOCAL RULES - DISTRICT COURT

(a) In addition to the specific Local Civil Rules of the United States District Court for the Western District of Washington ("Local Civil Rules") incorporated elsewhere in these Local Bankruptcy Rules, Local Civil Rules Nos. 54, 78, and 83.3 are rules of the United States Bankruptcy Court for the Western District of Washington.

(b) Any reference to Local Civil Rule 7 in Local Civil Rules that are incorporated into these Local Bankruptcy Rules shall be replaced with a reference to Local Bankruptcy Rule 9013-1.

(c) Any reference to Local Civil Rule 83.1(b) in Local Civil Rules that are incorporated into these Local Bankruptcy Rules shall be replaced with a reference to Local Bankruptcy Rule 9083-1(a).

RULE 9029-3. FEDERAL RULES OF BANKRUPTCY PROCEDURE

The Federal Rules of Bankruptcy Procedure, inclusive of any Interim Federal Rules of Bankruptcy Procedure (herein “Fed. R. Bankr. P.” and ‘Interim Fed. R. Bankr. P.”, respectively) are rules of the United States Bankruptcy Court and govern procedure in cases under Title 11, United States Code. On adoption of Federal Rules of Bankruptcy Procedure superseding the Interim Federal Rules of Bankruptcy Procedure, all references in these Local Bankruptcy Rules to the Interim Federal Rules of Bankruptcy Procedure will be deemed to refer to the Federal Rules of Bankruptcy Procedure.

RULE 9040-1. HONORABLE THOMAS T. GLOVER MEDIATION PROGRAM

Local Bankruptcy Rules 9040-1 through 9050-1 govern the Honorable Thomas T. Glover Mediation Program (the “Program”) in the United States Bankruptcy Court for the Western District of Washington.

RULE 9040-2. PURPOSE AND SCOPE

(a) **Purpose.** The court recognizes that formal litigation of disputes in bankruptcy cases and adversary proceedings frequently imposes significant economic burdens on parties and often delays resolution of those disputes. The procedures established by these Local Bankruptcy Rules are intended primarily to provide litigants with the means to resolve their disputes more quickly, at less cost, and often without the stress and pressure of litigation.

The court also notes that the volume of cases, contested matters and adversary proceedings filed in the Western District of Washington has placed substantial burdens upon counsel, litigants and the court, all of which contribute to the delay in the resolution of disputed matters. A court authorized mediation program, in which litigants and counsel meet with a Mediator, offers an opportunity to parties to settle legal disputes promptly and less expensively, to their mutual satisfaction.

(b) Scope. Local Bankruptcy Rules 9040-1 through 9050-1 apply to all matters referred to the Program. All of the other Local Bankruptcy Rules apply, except to the extent that they are inconsistent with these Local Bankruptcy Rules 9040-1 through 9050-1.

RULE 9040-3. CERTIFICATION

Unless otherwise ordered, no later than 28 days after an answer or other response to the complaint is filed in an adversary proceeding and whenever ordered by the court in other matters, counsel and client shall sign, serve and file a Mediation Certification certifying that they have considered mediation to resolve their dispute. The certification shall be filed on a form established for that purpose by the court and in conformity with the instructions approved by the court. Counsel and client shall certify that both have:

(a) Read the information sheet entitled Honorable Thomas T. Glover Mediation Program Instructions for Parties;

(b) Discussed the available dispute resolution options provided by the court and private entities; and

(c) Considered whether their case might benefit from mediation.

RULE 9041-1. ELIGIBLE CASES

Unless otherwise ordered by the judge handling the particular matter, all controversies arising in an adversary proceeding, contested matter, or other dispute in a bankruptcy case, will be eligible for referral to the Program.

RULE 9042-1. PANEL OF MEDIATORS

(a) Panel Maintained by the Court. The court shall establish and maintain a panel of qualified professionals (the "Panel") who have volunteered and have been chosen to serve as Mediators for the possible resolution of matters referred to the Program. A list of Mediators will be maintained on the court's website.

(b) Two Year Term. Mediators shall serve as members of the Panel for an initial two year term. Mediators may, at their election, and subject to approval by the Executive Committee (as described in Local Bankruptcy Rule 9043-2), be reappointed to additional two year terms.

(c) Application Process. Applications to serve as a member of the Panel, and for reappointment to the Panel, shall be submitted to the Program Administrator by the deadlines established by the court each year, shall set forth the qualifications described below, and should conform to forms promulgated by the court.

RULE 9042-2. QUALIFICATIONS OF MEDIATOR

(a) Attorneys. In order to qualify for service as a Mediator, each attorney applicant shall certify to the court that the applicant:

(1) Is, and has been, a member in good standing of the bar of any state or of the District of Columbia for at least 5 years;

(2) Is a member in good standing of the federal courts for the Western District of Washington;

(3) Has served as the principal attorney of record in a combination of at least 10 bankruptcy cases or adversary proceedings from commencement to conclusion; and

(4) Is willing to:

(A) serve as a Mediator for at least a two year term of appointment;

(B) undertake to evaluate, mediate, and facilitate settlement of Matters no fewer than once each quarter of that term, subject only to unavailability due to conflicts, personal or professional commitments, or other matters which would make such service inappropriate; and

(C) participate as a Mediator in not less than two Matters per year on a pro bono basis, as described in Local Bankruptcy Rule 9051-1(1).

(5) Attorneys who do not have the bankruptcy experience required in Local Bankruptcy Rule 9042-2(a)(3), but who have adequate mediation training and experience to otherwise qualify for appointment as Mediators, may submit an application for appointment provided they satisfy the requirements of Local Bankruptcy Rules 9042-2(a)(1), (2), and (4).

(b) Non-attorney Mediators. Each non-attorney applicant shall submit a statement of professional qualifications, experience, training and other information demonstrating, in the applicant's opinion, why the applicant should be appointed to the Panel. In addition, such applicants shall also

make the same certification required of attorney applicants as set forth in Local Bankruptcy Rule 9042-2(a)(4).

RULE 9042-3. ANNUAL SELECTION OF MEDIATORS

Each year the Executive Committee will select the Panel from the applications submitted, giving due regard to mediation training and experience and such matters as professional experience and location so as to make the Panel appropriately representative of the public being served by the Program. Appointments will be limited to keep the Panel at an appropriate size and to ensure that the Panel is comprised of individuals who have broad-based experience, superior skills and qualifications from a variety of legal specialties and other professions. Accordingly, during its annual review, the Executive Committee may add new mediators, replace mediators whose terms have expired without renewal, and/or renew the terms of existing mediators.

RULE 9042-4. GEOGRAPHIC AREAS OF SERVICE

The Mediators on the Panel will indicate to the court the city or cities within the Western District of Washington in which they are willing to act or serve.

RULE 9042-5. TRAINING

Before first serving as a Mediator on any assigned Matters, each person selected pursuant to Local Bankruptcy Rule 9042-3 shall have completed requisite mediation training provided by the court or approved by the Program Administrator.

RULE 9043-1. ADMINISTRATION OF THE PROGRAM

A staff member of the court will be appointed by the Chief Bankruptcy Judge to serve as the Program Administrator. The Program Administrator will be aided by an Executive Committee, as well as other staff members of the court, who will maintain and collect applications, maintain the roster of the Panel, track and compile results of the Program, and handle such other administrative duties as are necessary.

RULE 9043-2. THE PROGRAM EXECUTIVE COMMITTEE

A committee (the "Executive Committee") of no less than three and no more than five licensed attorneys shall be selected by the Chief Bankruptcy Judge to assist and advise the Program Administrator, and shall be responsible for the selection and maintenance of the Panel. Each member of the Executive Committee shall be selected to a term of at least 3 years, renewable for an additional 2 years, at the discretion of the Chief Bankruptcy Judge.

RULE 9044-1. ASSIGNMENT TO THE PROGRAM

(a) By the Judge. Participation in the Program is voluntary, except when ordered by the court. A contested matter in a case, adversary proceeding, or other dispute (hereinafter collectively referred to as "Matter" or "Matters") may be assigned to the Program by order of the judge at a status conference or other hearing. If a Matter is to be assigned to the Program by the judge, the judge will enter an order assigning the Matter to the Program. The parties will normally be given the opportunity to confer and designate a mutually acceptable Mediator as well as an alternate Mediator, and upon agreement, should follow the procedure set forth in subparagraph (b). If the parties cannot agree, or if the judge deems selection by the Program Administrator, or its designee, to be appropriate and necessary, the Program Administrator will select a Mediator. Nothing contained in these Local Rules of Bankruptcy Procedure is intended to preclude other forms of dispute resolution with the consent of the parties and, where required, approval of the court. The court will enter an order on the Program Administrator's selection of the Mediator.

(b) By Stipulation. Parties to a dispute may stipulate to the submission of a Matter to the Program by filing a Stipulation Appointing Mediator and Assignment to the Program ("Stipulation"). If the parties have already selected a Mediator who has indicated a willingness to serve, they may file the Stipulation and electronically upload an order appointing the proposed Mediator. Upon entry of the Order Appointing Mediator, the party who uploaded the order shall mail a copy of the order to the Mediator. If the parties have not contacted a Mediator in advance, they may file the Stipulation identifying a Mediator and an alternate from the Panel and upload an order appointing both the Mediator and alternate. Upon entry of the Order Appointing Mediator, the party who uploaded the order shall mail a copy of the order to the Mediator and the alternate. Assignment to the Program shall not alter or affect any time limits, deadlines, scheduling matters or orders in any adversary proceeding, contested matter or other proceeding, unless specifically ordered by the court.

RULE 9044-2. SERVICE OF MEDIATOR

No Mediator may serve in any Matter in violation of the standards set forth in 28 U.S.C. § 455, except that parties represented by an attorney may waive a conflict arising under 28 U.S.C. § 455(b)(4) after full disclosure of the conflict by the Mediator. An attorney Mediator shall also promptly determine all conflicts or potential conflicts in the same manner as an attorney would under the Washington Rules of Professional Conduct if any party to the dispute were a client. A non-attorney Mediator shall promptly determine all conflicts or potential conflicts in the same manner as under the

applicable rules pertaining to the Mediator's profession. If the Mediator's firm has represented one or more of the parties, the Mediator shall promptly disclose that circumstance to all parties in writing. A party who believes that the assigned Mediator has a conflict of interest shall promptly bring the matter to the attention of the Mediator. If the Mediator does not withdraw from the assignment, the matter shall be brought to the attention of the court by the Mediator or any of the parties

RULE 9045-1. DISPUTE RESOLUTION PROCEDURES

(a) Availability of Mediator. Promptly after appointment, a Mediator not available to serve in the Matter shall notify the parties, the alternate Mediator, and the Program Administrator of that unavailability. The alternate Mediator shall thereafter serve as the Mediator.

(b) Initial Telephonic Conference. As soon as practicable after notification of appointment, the Mediator shall conduct a telephonic conference with pro se parties and/or counsel for the parties to provide preliminary information to the Mediator concerning the nature of the Matter, the expectations of the parties, and anything else which will facilitate the process (the "Initial Conference").

(c) Mediation Conference Scheduling. Within 7 days of the Initial Conference, the Mediator shall give notice to the parties of the time and place for the mediation conference (the "Mediation Conference"), which shall commence not later than 28 days following the date of appointment of the Mediator, and which shall be held in a suitable neutral setting, such as the office of the Mediator, at a location convenient to the parties. Upon written stipulation between the Mediator and the parties, the Mediation Conference may be continued.

(d) Mediation Statements. Unless modified by the Mediator, no later than 14 days after the date of the order assigning the Matter to the Program, each party shall submit to the Mediator a written mediation statement ("Mediation Statement"). Mediation Statements may be shared with other parties if agreed upon at the Initial Conference. Such statements shall not exceed 10 pages (exclusive of exhibits and attachments). At the Initial Conference the parties and the Mediator shall determine the topics to be addressed in the Mediation Statements. Suggested topics include:

(1) identify the person(s), in addition to counsel, who will attend the session as representative of the party with decision making authority;

(2) describe briefly the substance of the dispute;

(3) address whether there are legal or factual issues whose early resolution might appreciably reduce the scope of the dispute or contribute significantly to settlement;

(4) identify the discovery that could contribute most to equipping the parties for meaningful discussions;

(5) set forth the history of past settlement discussions, including all prior and presently outstanding offers and demands;

(6) make an estimate of the cost and time to be expended for further discovery, pretrial motions, expert witnesses and trial;

(7) indicate presently scheduled key dates related to the dispute, including discovery deadlines, status conferences, pretrial conferences, and trial; and

(8) provide the terms of an acceptable settlement that would conclude the matter and end further litigation expenses.

(e) Statements Not To Be Filed. The Mediation Statements shall not be filed with the court and the court shall not have access to them.

(f) Identification of Participants. Parties may identify in the Mediation Statements any persons connected to a party opponent (including a representative of a party opponent's insurance carrier) whose presence at the Mediation Conference would improve substantially the prospects for making the session productive; the fact that a person has been so identified, shall not, by itself, result in an order compelling that person to attend the Mediation Conference.

(g) Documents. Parties shall attach to their Mediation Statements copies of documents out of which the dispute has arisen, e.g., contracts, or those whose availability would materially advance the purposes of the Mediation Conference.

RULE 9045-2. ATTENDANCE AT MEDIATION CONFERENCE

(a) Counsel. Counsel for each party who is primarily responsible for the Matter shall personally attend the Mediation Conference and any adjourned sessions of that Mediation Conference. Counsel for each party shall come prepared to discuss all liability issues, all damage issues, and the position of the party relative to settlement, in detail and in good faith.

(b) Parties. All individual parties, and representatives with authority to negotiate and to settle the Matter on behalf of parties other than individuals, shall personally attend the Mediation Conference unless the parties and the Mediator have agreed otherwise or a party is excused by the Mediator for cause.

RULE 9046-1. CONDUCT OF THE MEDIATION CONFERENCE

The Mediation Conference shall proceed informally. Rules of evidence shall not apply. There shall be no formal examination or cross-examination of witnesses. Where necessary, the Mediator may conduct continued Mediation Conferences after the initial session. As appropriate, the Mediator may:

(a) Permit each party, through counsel or otherwise, to make an oral presentation of its position;

(b) Help the parties identify areas of agreement and, where feasible, formulate stipulations;

(c) Assess the relative strengths and weaknesses of the parties' contentions and evidence, and explain as carefully as possible the reasoning of the Mediator that supports these assessments;

(d) Assist the parties in settling the dispute;

(e) Estimate, where feasible, the likelihood of liability and the dollar range of damages;

(f) Help the parties devise a plan for sharing the important information and/or conducting the key discovery that will equip them as expeditiously as possible to participate in meaningful settlement discussions or to posture the case for disposition by other means; and

(g) Determine whether some form of follow-up to the conference would contribute to the case development process or to settlement.

RULE 9047-1. CONFIDENTIALITY

(a) Written and Oral Communications. All written and oral communications made in connection with or during any Mediation Conference, including the Mediation Statement referred to in Local Bankruptcy Rule 9045-1(d), shall be subject to all the protections afforded by Fed. R. Evid. 408 and by Fed. R. Civ. P. 68(b). The Mediator may ask the parties to sign a confidentiality agreement. Any confidentiality agreement shall be retained by the Mediator and not filed with the court.

(b) Limitations on Disclosure. No written or oral communication made by any party, attorney, Mediator or other participant in connection with or during any Mediation Conference may be disclosed to anyone not involved in the Matter. Nor may such communication be used in any pending or future proceeding in court to prove liability for or invalidity of a claim or its amount. Such communication may be disclosed, however, if all participants in the Program, including the Mediator, so agree. Notwithstanding the foregoing, this Local Bankruptcy Rule 9047-1 does not require the exclusion of any evidence:

(1) Otherwise discoverable merely because it is presented in the course of a Mediation Conference; or

(2) Offered for another purpose, such as proving bias or prejudice of a witness, negating a contention of undue delay, or proving an effort to obstruct a criminal investigation or prosecution.

(c) Evaluations and Written Agreements. Nothing in this Local Bankruptcy Rule 9047-1 shall be construed to prevent parties, counsel or Mediators from responding in absolute confidentiality, to inquiries or surveys by persons authorized by this court to evaluate the Program. Nor shall anything in this section be construed to prohibit parties from entering into written agreements resolving some or all of the Matter or entering or filing procedural or factual stipulations based on suggestions or agreements made in connection with a Mediation Conference.

RULE 9048-1. SUGGESTIONS AND RECOMMENDATIONS OF MEDIATOR

If the Mediator makes any oral or written suggestions to a party's attorney as to the advisability of a change in that party's position with respect to settlement, the attorney for that party shall promptly transmit that suggestion to the party. The Mediator shall have no obligation to make any written comments or recommendations, but may, as a matter of discretion, provide the parties with a written

settlement recommendation memorandum. No copy of any such memorandum shall be filed with the clerk of court or made available in whole or in part, directly or indirectly, to the court.

RULE 9049-1. PROCEDURES UPON COMPLETION OF MEDIATION CONFERENCE

Upon the conclusion of the Mediation Conference, the following procedure shall be followed:

(a) Agreement Reached. If the parties have reached an agreement regarding the disposition of the Matter, the parties shall determine who shall prepare the writing to dispose of the Matter, and they may continue the Mediation Conference to a date convenient to all parties and the Mediator if necessary. The court will reasonably accommodate parties who desire to place any resolution of a Matter on the record during or following the Mediation Conference. Where required, the parties shall promptly submit the fully executed stipulation to the court for approval.

(b) Certificate of Compliance. Within 14 days of the conclusion of the Mediation Conference, the Mediator shall file with the court a Certificate of Compliance in the form provided by the court. Regardless of the outcome of the Mediation Conference, the Mediator will not provide the court with any details of the substance of the Mediation Conference.

(c) Report of Mediation Conference. In order to assist the Program Administrator in compiling useful data to evaluate the Program, and to aid the Executive Committee in assessing the efforts of the members of the Panel, the Mediator shall provide the Program Administrator with a Report of Mediation Conference that includes an estimate of the number of hours spent in the Mediation Conference, the amount charged by the Mediator, an attendance form showing the participants in the mediation, and any other statistical and evaluative information as required by the court.

RULE 9050-1. PRO BONO MATTERS AND FEES FOR SERVICES OF MEDIATORS

(a) Pro Bono Matters. During each year of every two-year term, each Mediator shall undertake not less than two mediations where a party, whether represented by counsel or not, is permitted to participate without charge ("Pro Bono Matters"). The Mediator shall have discretion to determine whether a particular party is entitled to participate in a Matter without charge because of their financial circumstances. Other parties participating in a Pro Bono Matter who have the ability to pay the fee and who are not, in the discretion of the Mediator entitled to participate without charge, shall pay the fee described in subsection (b) below. After rendering 6 hours of Program related services as provided in subsection (b) below, and subject to the consent of the parties, the Mediator may continue to provide additional services at the hourly rate described in subsection (b) below only if the party participating without charge agrees to pay an equal share of the additional fees or the Mediator agrees to continue the Mediation without charge to such pro bono party and the other parties sharing the Mediator's additional fees are not charged for the pro bono participant's share. Each Mediation in which at least one party participates without charge shall count towards the satisfaction of the Mediator's annual requirement to conduct not less than two Pro Bono Matters.

(b) Other Matters and Fees for Mediator Services. For all Matters other than Pro Bono Matters, Mediators are authorized to charge each party to the Mediation, whether or not represented by counsel, $500. The flat fee will pay for up to 6 hours of Program related services rendered, exclusive of the Initial Conference, and with a minimum of 4 hours spent in the Mediation Conference. For any services rendered in excess of the initial 6 hours, with the consent of the parties, a Mediator may charge the parties a rate not to exceed a total of $450 per hour for services rendered, to be split evenly among the parties, except as provided in subsection (a) above.

Committee Comment

See Washington Rules of Professional Conduct, Rule 1.5(f)(2) regarding flat fee arrangements.

RULE 9074-1. TELEPHONE OR VIDEO CONFERENCES

When an issue is deemed by the court to be capable of resolution through telephonic or video hearing, the court may, upon request of counsel, or on its own motion, conduct a telephonic or video hearing in the interests of judicial economy.

RULE 9083-1. PRO HAC VICE

(a) Eligibility. To be eligible to practice before the United States Bankruptcy Court for the Western District of Washington, an attorney must be a member in good standing of the bar of the United States District Court for the Western District of Washington. See Local Civil Rules W.D. Wash. 83.1 for the procedure for admission. Any attorney so admitted wishing to practice before the Bankruptcy Court shall obtain electronic filing credentials as outlined in the Court's Electronic Filing Procedures. No further action shall be necessary for admission to practice before the Bankruptcy Court.

(b) Permission to Participate in a Particular Case *Pro Hac Vice*; Responsibility of Local Counsel.

(1) *Admission Pro Hac Vice.*

(A) Any member in good standing of the bar of any court of the United States, or of the highest court of any state, or of any organized territory of the United States, and who neither resides nor maintains an office for the practice of law in the Western District of Washington normally will be permitted upon application and upon a showing of particular need to appear and participate in a particular case pro hac vice. The party must also be represented by local counsel, who shall fulfill the responsibilities set forth below. Attorneys who are admitted to the bar of this court but reside outside the district need not associate with local counsel.

(B) An application for leave to appear pro hac vice, and order thereon, shall be promptly filed with the clerk using the required local forms, and shall set forth: (1) the name and address of the applicant's law firm; (2) the basis upon which "particular need" is claimed; (3) a

statement that the applicant understands that he or she is charged with knowing and complying with all applicable local rules; (4) a statement that the applicant has not been disbarred or formally censured by a court of record or by a state bar association; and (5) a statement that there are no pending disciplinary proceedings against the applicant.

(2) *Responsibilities of Local Counsel.*

(A) To qualify to serve as local counsel, an attorney must have a physical office within the geographic boundaries of the Western District of Washington and be admitted to practice before the Bankruptcy Court.

(B) Local counsel must review, sign, and electronically file the applicant's pro hac vice application. By agreeing to serve as local counsel and by signing the pro hac vice application, local counsel attests that he or she is authorized and will be prepared to handle the matter in the event the applicant is unable to be present on any date scheduled by the court.

(C) Unless waived by the court, in addition to the responsibilities in subsection (B) and any assigned by the court, local counsel must review and sign all motions and other filings, ensure that all filings comply with all applicable rules, and remind pro hac vice counsel of the court's commitment to maintaining a high degree of professionalism and civility from the lawyers practicing before the Bankruptcy Court.

Committee Comment

The form motion and order for pro hac vice admission can be found at https://www.wawb.uscourts.gov/pro-hac-vice.

Appendix A to Local Bankruptcy Rules
UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF WASHINGTON
Effective July 1, 2008

GUIDELINES FOR CASH COLLATERAL AND FINANCING STIPULATIONS

The judges of this district are often requested to rule on requests by debtors (or chapter 11 trustees) for authority to enter into cash collateral and financing stipulations and agreements with secured creditors (e.g., under §§ 363(c)(2) or 364(c) (all section references are to the Bankruptcy Code, 11 U.S.C.)). These stipulations and agreements frequently contain provisions that the judges will not normally approve. In an effort to provide guidance to debtors and secured creditors in these circumstances, the judges have adopted the following guidelines.

Except as set forth below, these guidelines apply both to interim and to final requests for use of cash collateral or for authority to enter into a financing arrangement.

A. The following **will not normally be approved in an interim order**, and must be identified and justified in final requests (see C, below):

1. Cross-collateralization clauses, i.e., clauses that secure prepetition debt with postpetition assets in which the secured party would not otherwise have a security interest by virtue of its prepetition security agreement.

2. Provisions or findings of fact that bind the estate (or all parties in interest, or parties not stipulating) with respect to the validity, perfection or amount of the secured party's lien or debt.

3. Provisions or findings of fact that bind the estate (or all parties in interest, or parties not stipulating) with respect to the relative priorities of the secured party's lien and liens held by persons who are not party to the stipulation. This would include, for example, an order approving a stipulation providing that the secured party's lien is a "first-priority" lien.

4. Provisions in an **interim order** that permit the secured party's lien to (i) attach to unsecured property of the estate, or (ii) have priority over other existing secured creditors in property of the estate that is already subject to a secured creditor's lien. *See* § 364(c)(2) and (3).

5. Waivers of § 506(c).

6. Provisions that operate expressly or as a practical matter to divest the debtor, or any other party in interest, of discretion in the formulation of a plan or administration of the estate, or limit access to the court to seek any relief under applicable provisions of law.

7. Releases of liability by the debtor of any claim or cause of action against the secured creditor, including without limitation (i) for the creditor's alleged prepetition torts, breaches of contract, or lender liability, (ii) releases of prepetition or postpetition defenses and/or counterclaims, and (iii) releases of any avoidance actions arising under the Bankruptcy Code.

8. Automatic relief from the stay of § 362(a) upon the debtor's default under the cash collateral or financing agreement or stipulation, conversion to chapter 7, or the appointment of a trustee.

9. Adequate protection provisions that create liens on claims for relief arising under the Bankruptcy Code, including without limitation, claims arising under §§ 506(c), 544, 545, 547, 548, and 549.

10. Waivers, effective on default or expiration of the term of the agreement or stipulation, of the debtor's right to move for a court order pursuant to § 363(c)(2)(B) authorizing the use of cash collateral in the absence of the secured party's consent.

11. Carve outs for administrative expenses that do not treat all professionals equally or on a pro rata basis.

12. Provisions that create an unreasonably short limitation period for the debtor or any other party in interest (including a successor trustee) to bring claims or causes of action against the secured creditor.

13. A finding without supportive evidence to the effect that in consenting to the use of cash collateral or postpetition financing, the secured creditor is acting in good faith.

14. Provisions applicable in the event of dispute or default under the agreement that place venue in any other court.

15. Provisions applicable in the event of a dispute or default under the agreement wherein the debtor waives service of process, the doctrine of forum non conveniens, notice and hearing, or the right to a jury trial.

16. Provisions applicable in the event of a dispute or default authorizing the financing party or anyone else to sue in the name of the debtor.

B. The following provisions will normally be approved:

1. Withdrawal of consent to use cash collateral or termination of further financing, upon occurrence of a default, appointment of a trustee, or conversion to another chapter.

2. Securing any new advances or postpetition diminution in the value of the secured party's collateral with a lien on postpetition collateral of the same type as the secured party had prepetition, if such lien is subordinated to the compensation and expense reimbursement allowed to any trustee thereafter appointed in the case.

3. In connection with an order entered at a final hearing, securing new advances or value diminution with a lien on other assets of the estate, but only if the lien is subordinated to all the expenses of administration of a superseding chapter 7 case.

4. Reservation of rights under § 507(b), unless the stipulation calls for modification of the Bankruptcy Code's priorities in the event of conversion to chapter 7. *See* § 726(b).

5. Reasonable reporting requirements.

6. Reasonable budgets and use restrictions.

7. An expiration date for the term of financing or use of cash collateral under the agreement or stipulation.

C. **In <u>all</u> applications** for court approval of a cash collateral or financing agreement or stipulation, **counsel for the debtor (or trustee) must certify** whether the agreement contains any provision listed in part A, identify any such provision, and explain its justification.