

Below is the Order of the Court.





Marc Barreca
U.S. Bankruptcy Judge

(Dated as of Entered on Docket date above)

**UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF WASHINGTON**

In re:

AMENDING LOCAL RULES OF
BANKRUPTCY PROCEDURE 2002-1,
3001-1, 3020-1, and 9003-1

General Order No. 2020-2

On August 23, 2019, the Small Business Reorganization Act of 2019 (the SBRA) was enacted into law. The SBRA makes many substantive and procedural changes to the Bankruptcy Code and requires changes to the Federal Rules of Bankruptcy Procedure (the Bankruptcy Rules) to implement those changes. However, the February 19, 2020 effective date of the SBRA occurs long before the Bankruptcy Rules can be amended under the three-year process required by the Rules Enabling Act. Accordingly, the Advisory Committee on Bankruptcy Rules (the Advisory Committee) drafted, published for comment, and subsequently approved interim bankruptcy rules (the Interim Rules) for distribution to the courts. The Committee on Rules of Practice and Procedure approved the Interim Rules, and the Judicial Conference of the United States authorized distribution of the Interim Rules to courts for adoption locally to facilitate uniform implementation of the changes mandated by the SBRA. The Western District of Washington Bankruptcy Court adopted the Interim Rules in General Order No. 2020-1.

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Exhibit A

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 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 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 21 days of mailing as evidenced by (1) the notation on the list showing the date it was extracted from ECF or PACER, (2) counsel's verification in the affidavit of service, or (3) clerk of court's certification.

(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://ncrs.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:

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

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

(iii) telephone number;

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

(v) 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 3003-1. BAR DATE FOR CLAIMS AND EQUITY SECURITY INTERESTS IN CHAPTER 11 CASES

Except in cases of a small business debtor, 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 cases of a small business debtor shall apply for said order no later than the date the first plan is filed. Upon entry of the order, the plan proponent shall transmit to each creditor and equity security holder a copy of the order or notice containing such deadline. Notice of the deadline shall be a separate document.

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 are 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 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.