

2023 Local Bankruptcy Rules Committee

Summary of Proposed Changes

- 1007-1: Subsection (a)(1) was changed to reflect the common practice of seeking extensions ex parte. Subsection (b) was changed to provide three clear options regarding the schedules in converted cases.
- 1009-1: Language was deleted from subsection (c)(2) because it exceeds the requirements of the Bankruptcy Code and the notice was rarely given in practice.
- 1017-1: Subsection (a) was changed to coordinate with the complete update of 5005-1. Subsection (b) was changed so that it applies to all debtors. Subsection (c) was changed to better match language used in the form notice of deficient filing. Subsection (f) was changed to account for Subchapter V cases.
- 1072-1: The rule was changed to incorporate a general order and does not actually change anything (“GO Incorporation”).
- 2002-1: The change in subsection (b) is a GO Incorporation necessitated by the enactment of Subchapter V. Subsection (e) was changed to improve the ability to determine adequate service by requiring the matrix to be attached to the proof of service.
- 2014-1: Technical edits were made to subsection (b). Language was added to subsection (c) to provide specific instruction for notifying the Chapter 13 trustees.
- 2015-1: Changes were made to differentiate the reporting requirements for various types of Chapter 11 debtors and to require the use of specific forms where applicable.
- 2016-1: Subsection (a) was changed primarily to clarify that copies of fee applications do not need to be served on the entire matrix. Minor changes were made to subsections (d) and (e).
- 3003-1: This is a GO Incorporation with minor additional edits.
- 3015-1: Language was added to subsection (i) to require post-confirmation plan modification motions to identify the proposed changes from the existing plan. Subsection (j) was changed to expand the scope of domestic support obligations that can be paid directly by the debtor.
- 3015-2: This is a GO Incorporation.
- 3020-1: This is a GO Incorporation necessitated by the enactment of Subchapter V.
- 4001-1: Subsection (a) was eliminated because motions are already governed by 9013-1 and there were various opinions on the meaning of comfort order. The changes to subsection (b) are a GO Incorporation. Subsection (c)(2) was changed to alleviate the risk of non-compliance when a regular motion calendar does not exist between days 21 and 30.

- 4001-2: Subsection (d) was changed to allow the creditor to file a motion to approve a permanent mortgage modification.
- 4004-1: Language was added to subsection (a) to require a debtor to provide current income and expense information when seeking a hardship discharge.
- 4008-1: Subsection (a) was changed to remove surplus language. Subsection (b) was changed to reflect the current form number.
- 5001-1: This is a GO Incorporation.
- 5005-1: This started as a GO Incorporation, but developed into a complete update. Subsection (e) was moved into 9021-1 so that everything about orders is in one place.
- 5005-2: The rule was changed to more closely reflect current practice.
- 7012-1: Certain language was deleted because it has since been adopted in the FRBP.
- 7016-1: A note was added to direct people to the applicable form.
- 7055-1: This is a new rule establishing procedures for orders of default and default judgments. It was drafted based on the Local District Court rule, but tailored to Bankruptcy Court practice. The rule is necessitated in part by the decision to no longer adopt most of the Local District Court rules. See, 9029-2.
- 9003-1: This is a GO Incorporation necessitated by the enactment of Subchapter V.
- 9013-1: Subsection (b)(5) was changed to better align with actual practice and clarify that the filing of an objection or response is what triggers the requirement to confirm a hearing. Subsection (d)(4) was changed because none of the judges required compliance and have different standards. Chambers copies will now be governed by each judge's procedures. Subsection (k) is new and addresses procedures for voluntary dismissal of Chapter 13 cases in light of binding case law that has made requests for ex parte dismissal common. Subsection (l) is new and standardizes the information a Chapter 13 debtor needs to provide with a real property sale motion. Minor changes were made to other subsections.
- 9021-1: Subsection (f) is the old 5005-1(e).
- 9027-1: Subsection (b) was changed to make the timing of a motion to remand the same regardless of whether remand is sought under 28 U.S.C. § 1447 or 1452.
- 9029-1: This rule was changed to clarify that the local rules apply to all pending cases and that general orders will be used when local rule changes are necessary between periodic formal local rule adoption exercises.

9029-2: This rule was changed to eliminate the wholesale incorporation of the Local District Court rules. A more targeted approach was favored as many Local District Court rules are clearly inapplicable to Bankruptcy Court, and wholesale incorporation could cause confusion or be a trap for practitioners.

9042-1: Subsection (b) was changed to allow for multiple terms.

9045-2: This is a GO Incorporation using language approved by the mediation program's executive committee.

9083-1: This is a new rule establishing pro hac vice procedures. It was drafted based on the Local District Court rule, but tailored to Bankruptcy Court practice. The rule is necessitated in part by the decision to no longer adopt most of the Local District Court rules. See, 9029-2.

Chapter 13 Dismissal Order: A new form order dismissing a Chapter 13 case on a debtor's motion was created in conjunction with new 9013-1(k).

Chapter 13 Plan: Numerous changes to the form Chapter 13 plan were made to promote clarity, conform to common practice, and lessen reliance on Section X. The most significant change is the adoption of a uniform waterfall for the payment of secured claims in Section IV.C.

Chapter 13 Hardship Discharge Order: Changes were made to the form order so that it continues to comply with the Bankruptcy Code while better integrating with the Clerk's procedures for entry of discharge and closing the case.