

1 UNITED STATES BANKRUPTCY COURT
2 FOR THE WESTERN DISTRICT OF WASHINGTON

3 ADOPTION OF:
4 INTERIM LOCAL RULES OF
5 BANKRUPTCY PROCEDURE
6

GENERAL ORDER NO. BAPCPA-2
(Adopting Amendments to Local Rules)

7 WHEREAS on April 20, 2005, the Bankruptcy Abuse Prevention and Consumer
8 Protection Act of 2005 (the "Act") was enacted into law; and

9 WHEREAS, most provisions of the Act are effective on October 17, 2005; and

10 WHEREAS, the Bankruptcy Court for the Western District of Washington has
11 entered General Order No. BAPCPA-1, adopting Interim Rules of Bankruptcy Procedure
12 and Official Forms, to apply to all bankruptcy cases filed on and after October 17, 2005;
13 and

14 WHEREAS, the general effective date of the Act and Interim Rules has not provided
15 sufficient time to promulgate local rules of bankruptcy procedure after appropriate public
16 notice and an opportunity for comment;

17 NOW THEREFORE, pursuant to 28 U.S.C. § 2071, Rule 83 of the Federal Rules of
18 Civil Procedure and Rule 9029 of the Federal Rules of Bankruptcy Procedure, it is

19 ORDERED:

20 1. Amendments to the Local Bankruptcy Rules for the Western District of
21 Washington attached hereto as Exhibit A are adopted by a majority of the judges of this
22 Court.

23 2. The amended rules attached hereto shall be cited as "Interim LBR."

24 3. The Interim LBR shall be effective as to cases filed on and after October 17,
25 2005, **except** that the following amended rules shall be effective on October 17, 2005 as to
26 all cases, including cases filed prior to October 17, 2005: Interim LBR 1009-1, 1072-1,

GENERAL ORDER NO. BAPCPA-2

1 2002-1, 2015-2, 2015-3, 2015-5, 3015-1, 3020-1, 4001-2, 5005-1, 5005-2, and 9013-1.

2 4. Except as provided herein, the existing Local Rules of Bankruptcy Procedure
3 for the Western District of Washington ("LBR") and existing General Orders apply.

4 DATED: October 14, 2005

6 FOR THE COURT:

7 

8

Honorable Karen A. Overstreet
9 Chief Judge

10 Honorable Samuel J. Steiner
11 Honorable Thomas T. Glover
12 Honorable Philip H. Brandt
13 Honorable Paul B. Snyder

EXHIBIT A

AMENDMENTS TO LOCAL BANKRUPTCY RULES
WESTERN DISTRICT OF WASHINGTON

RULE 1006-1. WAIVER OF FILING FEE. [Cases filed on or after October 17, 2005]

Any application by an individual for a waiver of any filing fee must be made by filing the prescribed Official Form with the voluntary petition. CR 3(b), Local Rules W.D. Wash., shall not apply in bankruptcy cases.

RULE 1007-1. LISTS, SCHEDULES, & STATEMENTS [Cases filed on or after October 17, 2005]

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

(1) A motion for extension of time to file schedules, statements, and documents required by Rule 1007(b)(1)(A), (B), (C), (D), (F), (b)(4), (b)(5), and (b)(6), Interim Fed.Bankr.P., shall be filed prior to the expiration of the deadline for filing. Such a motion shall be made on 7 calendar days' notice to those specified in Rule 1007c), Interim Fed.R.Bankr.P., and to entities requesting notice pursuant to Rule 2002(i), Fed.R.Bankr.P. If no objection is timely filed, an order may be presented *ex parte*. 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 section 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 calendar days of the section 341 meeting of creditors, unless the debtor has arranged with either the trustee or the United States trustee for a continuance of the meeting. In such event, the debtor shall mail to all creditors notice of the continuance of the meeting and the extension of time to file schedules and statements.

(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 shall be required to file amended schedules, statements, and documents required by Rule 1007(b)(1), (4), (5), and (6), Interim Fed.R.Bankr.P., or a declaration under penalty of perjury that there has been no change in the schedules, statements, and documents; *provided*, however, that a statement of current monthly income (means testing form) shall not be required if the time for filing a motion under § 707(b) or (c), or any extension thereof, expired during the time the case was previously pending under chapter 7.

RULE 1009-1. AMENDMENTS TO LISTS & SCHEDULES [All Cases]

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

(b) Amendment of Petition to Add Party. A petition may not be amended to add a spouse as a joint debtor after the order for relief has been entered.

(c) Addition of Creditors.

(1) *Duty to Supplement Master Mailing List.* An 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.* If the debtor amends its schedules of creditors after the section 341 meeting notice has been mailed, the debtor shall mail to any creditors added by the amendment a notice of the amendment, together with a copy of the section 341 meeting notice. The notice of amendment shall inform the creditor that, on motion by the creditor made before the expiration of any applicable deadlines set forth in the section 341 meeting notice, the court may for cause extend the time for filing 1) proofs of claim, 2) objections to the debtor's exemptions, 3) complaints objecting to discharge, and 4) complaints to determine the dischargeability of a debt.

(3) *Fee for Amending Schedules.* Except in chapter 13 cases, every amendment to a debtor's schedules of creditors or equity security holders shall be accompanied by a fee prescribed by the Judicial Conference of the United States.

RULE 1017-2. DISMISSAL OR SUSPENSION - CASE OR PROCEEDINGS
[Cases filed on or after October 17, 2005]

(a) Dismissal for Failure to File Documents. If a debtor in a voluntary case fails to file with the petition the documents and/or information required by (i) Rule 1007(a), (d), or (f), Fed.R.Bankr.P., or (ii) Rule 1007(b)(3), Interim Fed.R.Bankr.P., the court may dismiss the case, provided that the file shows that the debtor was given 5 court days' notice of this provision. The debtor must file Official Form 1 (Petition, 10/05) or the case may be dismissed in the foregoing manner.

(b) Dismissal for Failure to File Schedules, Statements, and Lists, or for Failure to Attend Section 341 Meeting of Creditors. If a debtor in a voluntary case fails timely to file the required schedules, statements, and other documents required by Rule 1007(b)(1) [except for (b)(1)(E)], (4), (5), and (6), Interim Fed.R.Bankr.P., or fails to appear at the section 341 meeting of creditors, the United States trustee may apply for an order of dismissal; *provided* that the file shows that the debtor was notified of this provision, as well as the deadline for filing the documents and/or the date and time of the meeting, and the debtor has not filed a motion seeking an extension of time pursuant to Local Bankruptcy Rule 1007-1(a). If, in a joint case, only one spouse appears at the section 341 meeting, the United States trustee may apply for an order dismissing the case as to the nonappearing spouse.

(c) Small Business Debtors. If a small business debtor fails to comply with its obligations under 11 U.S.C. § 1116(1), the court may dismiss the case, provided that the file contains proof that the debtor was given 5 court days' notice of this provision.

(d) Motions to Vacate--Notice Requirement. 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 the United States trustee, any trustee appointed in the case, those entities requesting special notice pursuant to Rule 2002(i), Fed.R.Bankr.P., and any additional parties in interest as the court directs.

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

RULE 1020-1. CHAPTER 11 SMALL BUSINESS CASES – GENERAL [Cases
filed on or after October 17, 2005]

Repealed.

RULE 1072-1. PLACES OF HOLDING COURT [All Cases]

(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 for a particular motion, motions shall be noted for hearing as follows:

Debtor's County of Residence/ Principal Place of Business or Assets	Calendar
1. Chapter 7 and Chapter 12 Cases	
Island, San Juan, Skagit, Snohomish, Whatcom	Everett
Clallam, Jefferson, Kitsap	Bremerton
King	Seattle
Grays Harbor, Lewis, Mason, Pierce, Thurston	Tacoma
Clark, Cowlitz, Pacific, Skamania, Wahkiakum	Vancouver
2. Chapter 11 Cases	
Clallam, Island, Jefferson, King, Kitsap, San Juan, Skagit, Snohomish, Whatcom	Seattle
Grays Harbor, Lewis, Mason, Pierce, Thurston	Tacoma
Clark, Cowlitz, Skamania, Pacific, Wahkiakum	Vancouver
3. Chapter 13 Cases	
King	Seattle
Island, San Juan, Skagit, Snohomish, Whatcom	Everett
Clallam, Jefferson, Kitsap	Bremerton
Pierce, Thurston, Mason, Grays Harbor, Lewis	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 and the United States trustee. The place of hearing may also be changed by the court in the event that the case is reassigned to another judge.

Motions in a chapter 11 or chapter 13 case may be noted in Everett or Bremerton if the judge to whom the case is assigned hears that calendar.

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

RULE 2002-1. NOTICE TO CREDITORS & OTHER INTERESTED PARTIES
[All Cases]

(a) Entities Responsible for Giving Notice. Unless otherwise ordered by the court, all notices shall be given by the party requesting relief, except that the clerk shall be responsible for sending the following notices:

(1) notice of the section 341 meeting of creditors, pursuant to Rule 2002(a)(1), Fed.R.Bankr.P., and those notices described in Rule 2002(f), Fed.R.Bankr.P.; except that the debtor or movant in a chapter 11 shall give notice of the deadline for filing claims and the time fixed for accepting or rejecting a plan.

(2) notice pursuant to Rule 2002(q)(2), Interim Fed.R.Bankr.P. of the court's intention to communicate with a foreign court or foreign representative as prescribed by Rule 5012, Interim Fed.R.Bankr.P.

(b) Delivery of Clerk's Notices. Notices sent by the clerk may be through its electronic filing system or through the Bankruptcy Noticing Center or similar service.

(c) Large Cases. When a case involves an unusually large number of creditors such that giving notice will unduly burden the clerk's office, the clerk may require the party initiating the case to provide assistance in preparing and mailing notices.

(d) Use of Master Mailing List for Noticing. Parties may obtain from the clerk copies of a master mailing list, as well as a list containing the names and addresses of each entity requesting special notice pursuant to Rule 2002(i), Fed.R.Bankr.P., updated in accordance with Rule 2002(g), Fed.R.Bankr.P., for a fee in an amount prescribed by the Judicial Conference of the United States. Alternatively, parties may obtain a master mailing list through the court's public information access service ("PACER"). Notice is presumed to be adequate if mailed to all entries on the appropriate mailing list, *provided* that the list is current as evidenced by (1) the clerk's certification, (2) counsel's verification in the affidavit of service, or (3) the notation on the list showing the date it was extracted from PACER.

(e) Notices to Creditors Whose Claims are Filed. 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 Rule 2002(a)(2), (3), and (7), and 2002(f)(8), Fed.R.Bankr.P., 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.

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

(g) Special Notice to Taxing Agencies. Local Bankruptcy Rule 4001-2(a) applies.

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

(1) An entity and a notice provider may agree that when the notice provider is directed by the court to give a notice to that entity, the notice provider shall give the notice to the entity in the manner agreed to and at the address or addresses the entity supplies to the notice provider. That address is conclusively presumed to be a proper address for the notice. The notice provider's failure to use the supplied address does not invalidate any notice that is otherwise effective under applicable law. The filing of a notice of preferred address pursuant to 11 U.S.C. §342(f) by a creditor directly with the agency or agencies that provide noticing services for the Bankruptcy Court will constitute the filing of such a notice with the court. Registration with the National Creditor Registration Service must be accomplished through the

agency that provides noticing services for the Bankruptcy Court. Forms and registration information is available at www.ncrsuscourts.com.

(2) A local form for use by creditors in filing a notice of preferred address under 11 U.S.C. §342(e) is available on the court's website at www.wawb.uscourts.gov. The form must be filed electronically using the proper electronic filing event for section 342(e) notices, or delivered in paper form to the clerk and served on the debtor.

RULE 2003-1. MEETING OF CREDITORS & EQUITY SECURITY HOLDERS
[Cases filed on or after October 17, 2005]

Repealed.

RULE 2015-2. DEBTOR-IN-POSSESSION DUTIES [All Cases]

(a) Chapter 11 Monthly Financial Reports. A chapter 11 debtor in possession or trustee shall file with the court and serve on the United States trustee and each member of any committees elected or appointed pursuant to the Bankruptcy Code and to their authorized agents, a monthly financial report. Each report shall be due by the fifteenth day of the subsequent month and, except as otherwise ordered by the court, shall include the following:

- (1) balance sheet;
- (2) income statement;
- (3) statement of cash receipts and disbursements;
- (4) statement of accrued receivables. The statement shall disclose amounts considered to be uncollectible;
- (5) statement of post-petition accrued payables, including professional fees. The statement shall list the name of each creditor and the amounts owing and remaining unpaid for over 30 days;
- (6) tax disclosure statement. The statement shall list post-petition taxes due or tax deposits required, the name of the taxing agency, the amount due, the date due, and an explanation for any failure to make such payments or deposits;
- (7) compensation statement. The statement shall disclose the amount of compensation paid to all insiders, as defined in 11 U.S.C. § 101(31).

(b) Chapter 11 Tax Returns. Within 7 calendar days after the filing of the petition, the debtor in possession or chapter 11 trustee shall file, and serve on the United States trustee, a copy of the debtor's most recent federal income tax return, and shall file and serve on the United States trustee its federal income tax returns for each year that a return becomes due during the pendency of the case, whenever such returns are submitted to the Internal Revenue Service.

(c) Chapter 11 Post-Confirmation Reports. If an application for a final decree has not been filed within three months after confirmation of a chapter 11 plan, then a chapter 11 plan proponent shall file and mail to the United States trustee a post-confirmation report within three months after entry of the order confirming the plan of reorganization, and every three months thereafter until a final decree has been entered. The post-confirmation report shall disclose progress of the plan toward consummation and shall include the following:

- (1) a summary, by class, of amounts distributed or property transferred to each recipient under the plan, and an explanation of the failure to make any distributions or transfers of property under the plan;
- (2) debtor's projections as to its continuing ability to comply with the terms of the plan;
- (3) a report of any pending or anticipated litigation, including the nature of each matter, the parties involved, and an estimated date when the matter will be resolved;
- (4) a description of any other factors that may materially affect the debtor's ability to consummate the plan;

the court. (5) an estimated date when an application for final decree will be filed with

**RULE 2015-3. TRUSTEES - REPORTS AND DISPOSITION OF RECORDS [All
Cases]**

Repealed.

RULE 2015-5. TRUSTEES - CHAPTER 13 [All Cases]

Repealed.

RULE 2016-1. COMPENSATION OF PROFESSIONALS [Cases filed on or after October 17, 2005]¹

(a) General. Unless otherwise ordered by the court, all applications for compensation for services and for reimbursement of necessary expenses incurred in providing those services shall be served on the debtor and shall include 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 an 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;
- (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 counsel for a trustee or debtor in possession, the application shall include a list of names and functions of all other professionals whose employment has been authorized in the case.

¹ The existing rule is found in LBR 2016-1, General Order No. 1 (dated February 28, 2000), and General Order No. 03-01 (dated June 4, 2003).

(c) Requests for Interim Compensation. In any case in which interim compensation is sought, the application shall include the following additional information:

- (1) the financial condition of the estate with respect to payment of post-petition expenses, significant impediments to plan confirmation, and general prospects for reorganization;
- (2) a projection of the applicant's future expenses and fees and the anticipated source of their payment;
- (3) the status of the case, and the progress of the case toward closing or proposal of a plan of reorganization. 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.

(d) Applications of \$15,000 or More. In applications for compensation involving \$15,000 or more in the aggregate, the narrative summary required by subsection (a)(5) shall be divided into general categories according to the nature of the tasks performed, with the total hours, fees, and expenses broken down for each category, including but not limited to general administration, objections to claims, plan confirmation, and major adversary proceedings.

(e) Original Attorney Fees/Chapter 13 Cases. Attorneys representing debtors in Chapter 13 cases may be entitled to receive a fee of up to \$1,800 without having first submitted a written application for fees. The fee shall be compensation for all services rendered the debtor through entry of the Order Confirming Plan and shall include without limitation the following: 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 Rule 1007, Interim Fed.R.Bank.P.; appearing at the Section 341 Meetings of Creditors; responding to objections to confirmation and motions for relief from stay which 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 the trustee's statement of filed claims.

Original attorney fees in excess of \$1,800 may be requested at any time before the confirmation order is entered by motion, provided the fee request is accompanied by an itemized breakdown of time and is submitted in the form and manner required by Local Bankruptcy Rule 2016-1(f).

(f) Chapter 13 Fee Applications. In chapter 13 cases, all applications for compensation for services and for reimbursement of necessary expenses in excess of \$500 shall be served on the debtor, the chapter 13 trustee, the United States trustee, all creditors holding allowed claims and all parties requesting notice pursuant to Rule 2002, Fed.R.Bankr.P., and shall include the following:

- (1) a statement, by date, of the amounts of compensation and reimbursement of expenses previously allowed and amounts paid;
- (2) a narrative summary of the services provided;
- (3) an itemized time record of services for which an 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;

(4) an explanation of the effect the additional compensation will have on the plan and plan disbursements to creditors;

(5) an itemized time record for all services provided since the date the case was originally filed.

(g) Ex Parte Fee Applications in Chapter 13 Cases. In chapter 13 cases, applications for compensation and reimbursement of expenses for \$500 or less shall be served on the chapter 13 Trustee, the debtor, and all parties requesting notice pursuant to Rule 2002, Fed.R.Bankr.P. In addition to including the information set forth in paragraph (f) above, such application shall include all services rendered and expenses incurred up to a specified date not more than fifteen (15) days before the date of the applications, and in the case of post-confirmation applications, shall include a certification that no pre-confirmation services are included in the application and that the fee set forth in paragraph (e) above has been earned. The application shall be served at least twenty (20) days before an ex parte order approving the sum requested is submitted through the chapter 13 Trustee.

Only one ex parte application may be made per case for services rendered post-confirmation.

RULE 3001-1. CLAIMS AND EQUITY SECURITY INTERESTS - GENERAL
[Cases filed on or after October 17, 2005]

Except in small business cases, 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 upon application for conditional approval of the disclosure statement. 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 3007-1. CLAIMS - OBJECTIONS [Cases filed on or after October 17, 2005]

(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.

(i) *Objections.* 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.

(ii) *Late-Filed Claims.* In chapter 13 cases, except as provided in 11 U.S.C. § 502(b)(9), proofs of claim filed after the claims bar date will be deemed disallowed, without need for formal objection or a hearing, if the chapter 13 trustee sends a notice to the late filing creditor substantially in the form of Local Bankruptcy Form 3. Failure to file a motion to allow the late filed claim within 20 days of being served with said notice will be deemed an admission that the subject claim is disallowed.

RULE 3015-1. CHAPTER 13 PLAN & INFORMATION SHEET [All Cases]

See General Order BAPCPA-3 approving the following amendments:

(a) Chapter 13 Plan. Chapter 13 Plan. All chapter 13 plans (original and amended), filed in cases commencing on or after October 17, 2005 shall conform to Local Bankruptcy Form 13 -3. Any plan or amended plan filed in a chapter 13 case commenced before October 17, 2005 shall conform to Local Bankruptcy Form 13-1. All appropriate blanks on the form shall be complete including any additional provisions which shall be set forth in paragraph 10 of the plan. Debtors shall provide the last four digits of their social security numbers where indicated and, if the plan provides for or affects traffic or criminal fines, forfeitures, or sanctions, their dates of birth. Debtors and their attorneys (if represented by counsel) shall sign and date where indicated.

(b) Other Plan Provisions. Any additional provisions included in paragraph 10 of the plan, which modify any of the provisions contained in paragraphs 1 through 10, shall begin by specifically referencing the paragraph(s) modified, such as "Paragraph 5 is modified as follows..."

(c) Notice of the Plan.

(1) Upon filing of a petition and a master mailing list as required by Local Bankruptcy Rule 1007-2, the clerk of court shall mail notice of the section 341 meeting of creditors.

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

(3) If the plan is filed after the petition, the debtor shall be required to mail copies of the plan to all creditors not less than fourteen calendar days prior to the originally scheduled meeting of creditors. Nothing in this subsection excuses compliance with Rule 3015(b) Fed.R. Bankr.P.

(d) Objections to Confirmation. Objections to confirmation must be filed and served on the debtor's counsel (or the debtor if unrepresented), chapter 13 trustee, United States trustee, and any other entity designated by the court, not less than seven (7) calendar days prior to the originally scheduled confirmation hearing date. In the event the objection to confirmation is going to be argued, the party making the objection shall confirm the hearing no later than noon three (3) court days prior to the hearing (e.g., by noon on the Friday preceding a Wednesday hearing). A reply to the objection may be filed by the plan proponent no later than three (3) court days prior to the hearing.

(e) Chapter 13 Information Sheet. Debtor shall at the time the petition is filed submit to the trustee a complete Chapter 13 Information Sheet (Local Bankruptcy Form 13-2, amended).

(f) Domestic Support Obligations. The chapter 13 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.

(g) Discharge - ALL DEBTORS. In all cases filed on or after October 17, 2005, upon completion of all plan payments, debtors must file certifications stating either that (i) they are not liable for any domestic support obligation; or (ii) 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.

RULE 3015-2. CHAPTER 13 - AMENDMENTS TO PLANS [Cases filed on or after October 17, 2005]

Repealed.

RULE 3017-1. DISCLOSURE STATEMENT - APPROVAL [Cases filed on or after October 17, 2005]

(a) Objection to Disclosure Statement. Unless otherwise ordered by the court, any party wishing to object to a disclosure statement in a chapter 11 case shall file and serve an objection to disclosure statement not later than 7 calendar days before the hearing on the disclosure statement. The objection shall identify those portions of the disclosure statement which the objecting party asserts are incomplete, misleading or erroneous, and the basis for such assertions.

(b) Conference of Attorneys. Not later than 5 calendar 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, the United States trustee, and the judge's chambers at least 3 calendar 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 calendar 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 3017.1-1 applies.

RULE 3017.1-1. DISCLOSURE STATEMENT - SMALL BUSINESS CASES

[Cases filed on or after October 17, 2005]

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 3017-2 DISCLOSURE STATEMENT - SMALL BUSINESS CASES
[Cases filed on or after October 17, 2005]

Repealed.

RULE 3020-1. CHAPTER 11 - CONFIRMATION [All Cases]

(a) Preconfirmation Report. The plan proponent shall, not less than 3 calendar days prior to the confirmation hearing, file a memorandum containing the proponent's response to any objections, and a statement as to how each requirement of 11 U.S.C. § 1129 is satisfied. The memorandum shall be served on the debtor, the United States trustee, 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 preconfirmation report shall likewise be filed and served not less than 3 calendar 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 calendar days before the hearing on confirmation of the plan.

RULE 4001-1. AUTOMATIC STAY [Cases filed on or after October 17, 2005]

(a) Comfort Orders. Any party seeking an order confirming the automatic termination of the stay pursuant to any applicable provision of the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005 must file a motion pursuant to Local Bankruptcy Rule 9013-1.

(b) Rent Deposits Under Section 362(l). Any deposit of rent made by or on behalf of a debtor 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 upon filing of the petition and certification made under Section 362(l)(1). The debtor must at the same time file a copy of the judgment of possession or eviction and proof of service of the certification under Section 362(l)(1) upon the lessor. Upon receipt of the cashier's check or money order, the clerk will promptly transmit the check/money order to the lessor by certified mail/return receipt requested, at the address of the lessor as stated in the certification filed by the debtor under Section 362(l)(1), unless the clerk is instructed in writing by the debtor or landlord to use a different address.

(c) Motion For Relief From Stay. Motions for relief from stay must be filed pursuant to Local Bankruptcy Rule 9013-1 and must contain a statement of the factual basis for relief and the status of any pending foreclosure. Where equity in real property is an issue, the motion and notice of motion shall contain a legal description and a common address.

(d) Notice of Motion. The moving party shall schedule the matter for hearing not less than 24 nor more than 30 days after the date such motion is filed. 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). In addition to those parties listed in Rule 4001, Fed.R.Bankr.P., notice shall be given to the debtor, attorney for the debtor, trustee, the United States trustee, and to any persons requesting special notice under Rule 2002(i), Fed.R.Bankr.P. 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 codebtor, if any.

(e) 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 submitted, unless the court deems it necessary to set an evidentiary hearing. 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. CASH COLLATERAL [All Cases]

(a) 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 900 Fourth Avenue, Suite 2000, Seattle, Washington 98164. This rule does not supersede other applicable notice and service requirements.

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

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

RULE 4002-1. DUTIES OF DEBTOR [Cases filed on or after October 17, 2005]

(a) Payment Advices/Pay Stubs. Unless otherwise ordered, the debtor shall not file with the court the payment advices and other evidence of payment required by 11 U.S.C. § 521(a)(1)(B)(iv), but shall instead deliver those documents to the trustee within the time required by Rule 1007(c), Interim Fed.R.Bank.P., and in the manner described in subsection (c) below. The debtor shall also provide a copy of those documents to any party in interest who requests in writing a copy.

(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 "Director's Interim Guidance Regarding Tax Information Under 11 U.S.C. § 521" established pursuant to Rule 4002(b)(5), Interim Fed.R.Bank.P., 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.

(c) Delivery of Documents to Trustee.

(1) *Timing of Production and Declaration.* All documents required to be provided to the trustee by the debtor pursuant to 11 U.S.C. § 521(e)(2)(A)(i) and Interim Fed.R.Bankr.P. 4002(b)(2) and (3) shall be submitted at least 7 calendar days prior to the date first set for the section 341 meeting of creditors. 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.* Except as provided in subsection (3) and unless otherwise instructed by the trustee, the declaration and documents shall be transmitted to the trustee as a PDF attachment to an email directed to the trustee at the email address referenced in the docket. 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 by (i) *pro se* debtors, (ii) attorneys not required to file pleadings by ECF, and (iii) where production of the documents electronically would be unduly burdensome.

RULE 4008-1. REAFFIRMATION [Cases filed on or after October 17, 2005]

(a) Time of Filing. All reaffirmation agreements must be filed with the court prior to discharge of the debtor.

(b) Court Approval Not Required. A reaffirmation agreement that does not require court approval must be filed together with Procedural Form 240 (Reaffirmation Agreement).

(c) Court Approval Required. If court approval of a reaffirmation agreement is required, the reaffirmation agreement must be filed together with

(i) Procedural Forms 240 (Reaffirmation Agreement), 240M (Motion for Approval of Reaffirmation Agreement), and 240O (Order Approving Reaffirmation Agreement)(available on the court's website);

(ii) a copy of the underlying credit agreement and the changes, if any, made in connection with the reaffirmation;

(iii) a statement as to the date, nature and amount of any alleged default, and how it is to be treated under the reaffirmation agreement;

(iv) a statement showing the creditor's name and address, and the name, address if different, and telephone number of the creditor's representative (typed or printed), and that person's certification that the procedural forms filed in support of the reaffirmation do not vary in any material respect from the Procedural Forms described in subsection (i) above;

(v) copies of the security agreement and evidence of perfection if a security interest is claimed, or a statement setting forth why perfection is not required; and

(vi) if the reaffirmation is of a purportedly nondischargeable debt, the creditor's sworn declarations or affidavits establishing a prima facie case for nondischargeability and the amount of the debt.

RULE 5003-1. CLERK - GENERAL/AUTHORITY [Cases filed on or after October 17, 2005]

(a) Delegation of Ministerial Orders. The clerk and such deputies as the clerk 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 Rule 77, Fed.R.Civ.P., except that the clerk is not authorized to grant orders or judgments for default;
- (2) orders permitting the payment of filing fees in installments and fixing the number, amount, and dates of payment;
- (3) orders granting an initial 30-day extension of the time to file a certificate that the debtor has received a briefing from an approved credit counseling agency, as provided in 11 U.S.C. § 109(h)(3);
- (4) orders discharging a trustee and closing a case after such case has been fully administered;
- (5) orders reopening cases that have been closed due to administrative error;
- (6) orders authorizing the trustee to pay expenses of administration of \$500.00 or less in chapter 7 cases; and
- (7) orders requiring debtors to file amended schedules in a converted case.

(b) Administrative Regulations. The clerk 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 deems appropriate.

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

(d) Deposit of Funds in the Registry of the Bankruptcy Court.

(1) *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. The application and a proposed order shall be delivered to the financial deputy clerk, who will review the proposed order for compliance with this rule prior to submitting the proposed order to the court.

(2) *Proposed Orders Directing Deposit of Funds by Clerk.* A proposed order directing the clerk to deposit funds into the registry of the court must include the following:

- (A) the amount to be deposited;
- (B) a direction to the clerk to deposit registry funds of \$25,000 or more in accordance with 31 C.F.R. Part 202;

(C) a direction to the clerk to deposit funds of less than \$25,000 into a non-interest bearing account with the U.S. Treasury; and

(D) language directing the clerk to deduct from the income earned on the deposit a fee as prescribed by the Judicial Conference of the United States, without further order of the court.

RULE 5005-1 ELECTRONIC CASE FILING [All Cases]

Unless otherwise ordered by the court, electronic filing is required in all cases consistent with technical standards, if any, that the Judicial Conference of the United States establishes. The clerk may accept documents for filing, establish electronic service requirements, issue notices, serve orders and otherwise specify practices and procedures in electronic case management consistent with the Administrative Procedures for Filing, Signing and Verifying Pleadings and Papers by Electronic Means approved by the court through general orders.

RULE 5005-2. CONVENTIONAL FILING [All Cases]

(a) Return Copies of Documents Filed. A person seeking the return by mail of a copy of any document filed shall submit an additional copy of the document requested, together with a self-addressed, stamped envelope.

(b) Facsimile Filing. CR 10(d), Local Rules W.D. Wash., applies to all cases and adversary proceedings.

(c) Filing papers - Pages exceeding 50 in Number. Documents or pleadings which are conventionally filed and which exceed 50 pages, including exhibits, must be electronically imaged (i.e., "scanned") using the Portable Document Format (PDF) and filed on a 3.5 inch disk or CD-Rom disk.

RULE 5080-1. FEES - GENERAL [Cases filed on or after October 17, 2005]

Repealed.

RULE 9013-1. MOTION PRACTICE [All Cases]

(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 Rule 7001, Fed.R.Bankr.P. 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.

(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, except as permitted in Local Bankruptcy Rule 1073-1.

(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 the court and on the court's website, and shall be published in such publications and at such intervals as the clerk deems appropriate.

(3) *Special Settings.* A party desiring an evidentiary hearing with live testimony shall obtain a special setting from the judge's secretary or scheduling clerk.

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

(5) *Confirmation of Hearings.* In the event a motion is to be argued, counsel shall notify the chambers of the judge before whom the motion will be heard by noon 3 court days prior to the hearing. Failure to confirm a hearing may result in the motion being stricken, unless an agreed order is to be entered and the court is so advised by the time for confirmation, or a default order has been signed pursuant to subsection (f)(2) of this rule.

(6) *Settlement.* Parties shall notify the court as soon as practicable if a matter has been settled or motion withdrawn prior to hearing. This provision does not excuse compliance with Rules 2002(a)(3) or 7041, Fed.R.Bankr.P.

(c) Notice of Motion.

(1) *By Whom Given.* Except as otherwise provided in Local Bankruptcy Rule 2002-1(a) 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 Rule 2002(a), Fed.R.Bankr.P., must be given to the debtor, the debtor's attorney, the trustee, the United States trustee, all creditors, all indenture trustees, and any persons requesting special notice under Rule 2002(i), Fed.R.Bankr.P. As to notices not specified in Rule 2002(a), Fed.R.Bankr.P., 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 Rules 4001-1, 4001-2, 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. The notice may be combined with the motion, provided that (A) the caption so indicates, (B) the notice is the first part of the text of the pleading, and (C) the parts are separately headed.

The notice shall clearly state (A) the date, time and place of hearing, (B) the nature of relief requested and the grounds therefor, unless the notice and motion are combined, (C) that any party opposing the motion must file and serve a written response by the response date, which shall be set out, and (D) 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.

(d) Motions - Requirements.

(1) *Form of Motions.*

(A) Required Pleadings. 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, and Time of Hearing. 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 all papers filed in connection with and in response to the motion.

(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 twenty-four pages, and opening and responsive memoranda for all other motions shall not exceed twelve pages. A reply brief shall not exceed one-half the permitted length of the opening brief without prior approval of the court.

(D) Proposed Orders. A copy of a proposed order, including 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 contain at least one line of text on the same page as the date and signature lines and shall indicate the date and time the matter was heard or scheduled to be heard. Original orders should not be submitted in advance of the hearing nor filed electronically as *received unsigned orders*, except as permitted in Local Bankruptcy Rule 9013-1(f)(2).

(2) *Filing and Service - Time.*

(A) In adversary proceedings and contested matters, the motion, all supporting memoranda and other documentation shall be filed and served with the motion upon all parties in interest.

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

(C) Objections to claims shall be filed and served at least 30 calendar days preceding the date fixed for hearing, exclusive of the time required for mailing pursuant to Rule 9006(f), Fed.R.Bankr.P. Objections to claims shall also comply with Local Bankruptcy Rule 3007-1.

(D) Motions for summary judgment, relief from stay, and lien avoidance shall be filed and served at least 24 calendar days preceding the date fixed for hearing, exclusive of the time required for service pursuant to Rule 9006(f), Fed.R.Bankr.P. Motions for Relief From Stay shall also comply with Local Bankruptcy Rule 4001-1.

(E) 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 Rules 4001(b) and 4001(c), Fed.R.Bankr.P.

(F) All other motions and/or notice thereof shall be filed and served upon the appropriate parties at least 21 calendar 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.* Orders to shorten time shall be the exception to the rule, and will be granted only upon a showing of exigent or exceptional circumstances. An order shortening time may be granted *ex parte* at the court's discretion. The applicant's attorney shall certify in writing the efforts, if any, that have been made to give notice and the reasons that further notice should not be required. An order shortening time shall be served immediately, along with the underlying motion papers, on all parties entitled to notice of the underlying motion.

(4) *Copies to be Served on Chambers.* Copies of the original motion, response, and reply, including affidavits or certificates of service, whether said originals are filed conventionally or by electronic means, do not need to be provided to the chambers of the judge before whom the motion will be heard or delivered to the clerk's office unless the papers, together with supporting documents, in total exceed 25 pages in length, or as otherwise ordered by the court. In the event said papers and supporting documents exceed 25 pages in total length, the original must bear proof that two copies have been timely served on the chambers of the judge before whom the motion will be heard, or delivered to the appropriate box in the office of the clerk. Copies shall be clearly identified with the word "COPY" appearing conspicuously on the first page.

(5) *Response Required.* Each party opposing a motion shall file and serve responsive papers not later than 7 calendar days prior to the hearing, or the court day preceding the day so computed in the event that it falls on a Saturday, Sunday, or legal holiday.

(6) *Reply Permitted.* Not later than 3 court days preceding the date set for hearing, or on the court day preceding the day so computed in the event that it falls on a Saturday, Sunday, or legal holiday, the moving party may file and serve papers in strict reply to any response. 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.

(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. If no opposition to a motion has been timely filed and served, and provided the period allowed for responses after service of the notice equals or exceeds the minimum notice period required by statute or rule, 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 *ex parte* presentation of a proposed order, accompanied by proof of service and a declaration or statement in the proposed order that no objections were timely received. The proposed order shall contain the date and time for which the hearing was scheduled.

(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 Rule 9014, Fed.R.Bankr.P., 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.* A proposed *ex parte* order shall contain the words "*ex parte*" in its title. A party desiring a conformed copy of the order shall provide to the court an extra copy of the proposed order and a pre-addressed, stamped envelope.

(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. CR 7(h), Local Rules W.D. Wash. shall govern motions for reconsideration, except that such motions shall be filed and served within 10 **calendar** 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. A party presenting a proposed order at a time subsequent to hearing on a motion shall serve copies of the proposed order on parties that were present at the hearing and, unless agreement is reached as to the form of the order, shall give at least 7 calendar days' notice of the time, date and place of presentation of the proposed order.

**REDLINE VERSION SHOWING CHANGES TO LOCAL BANKRUPTCY RULES
WESTERN DISTRICT OF WASHINGTON**

Deletions are shown with the following attributes and color:

~~Strikeout~~, **Blue** RGB(0,0,255).

Deleted text is shown as full text.

Insertions are shown with the following attributes and color:

Double Underline, Redline, **Red** RGB(255,0,0).

RULE 1006-1. WAIVER OF FILING FEE. [Cases filed on or after October 17, 2005]

Any application by an individual for a waiver of any filing fee must be made by filing the prescribed Official Form with the voluntary petition. CR 3(b), Local Rules W.D. Wash., shall not apply in bankruptcy cases.

→ **RULE 1007-1. LISTS, SCHEDULES, & STATEMENTS- [Cases filed on or after October 17, 2005]**

~~(a) Copies of Petitions, Schedules, Statements, and Lists. In addition to the original signed petition, schedules, statements, and lists (including the master mailing list described in Local Bankruptcy Rule 1007-2) required by the Federal Rules of Bankruptcy Procedure, the debtor shall file:~~

~~(1) three copies in cases filed under chapters 7 and 12;~~

~~(2) two copies in cases filed under chapter 13; and~~

~~(3) four copies in cases filed under chapters 9 and 11.~~

→ ~~(b)~~

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

→ (1) A motion for extension of time to file schedules ~~and statements~~ statements, and documents required by Rule 1007(b)(1)(A), (B), (C), (D), (F), (b)(4), (b)(5), and (b)(6), Interim Fed.Bankr.P. shall be filed prior to the expiration of the deadline for filing. Such a motion shall be made on five7 calendar days' notice to those specified in Rule ~~1007(a)(4)1007c~~, Interim Fed.R.Bankr.P., and to entities requesting notice pursuant to Rule 2002(i), Fed.R.Bankr.P. If no objection is timely filed, an order may be presented *ex parte*. 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 section 341 meeting of creditors; and

(D) the reason for the delay.

→ (2) The court shall not extend the date for filing schedules ~~and~~ statements ~~and documents~~ to a date within five7 calendar days of the section 341 meeting of creditors, unless the debtor has arranged with either the trustee or the United States trustee for a continuance of the meeting. In such event, the debtor shall mail to all creditors notice of the continuance of the meeting and the extension of time to file schedules and statements.

~~**RULE 1007-2. MAILING - LIST OR MATRIX**~~

~~(a) Contents of List. Every bankruptcy petition shall be accompanied by a master mailing list containing the names and addresses of all creditors and the United States trustee.~~

→ In (b) Schedules Required in Converted Cases. Where a chapter 7, chapter 13, chapter 12, or individual chapter 11 cases, the list shall also include the taxing authority for any county in which the debtor holds an interest in real estate, whether or not taxes are owed on the property.

~~(b) Format of List. The master mailing list shall be submitted in the format designated by administrative regulation of the clerk. (See Local Amended Administrative Regulation I.)~~

→ ~~(c) — Accuracy of Master Mailing List.~~ The filing of the list shall be deemed to be a verification by the debtor that the list is a complete and accurate listing of all creditors, with the last known mailing address of each party listed. The clerk's office shall not case is converted to another chapter, the debtor shall be required to compare the names and addresses shown on the master mailing list with those on the schedules or amendments thereto file amended schedules, statements, and documents required by Rule 1007(b)(1), (4), (5), and (6), Interim Fed.R.Bankr.P., or a declaration under penalty of perjury that there has been no change in the schedules, statements, and documents; *provided*, however, that the clerk shall add to the list any creditors or parties in interest who have filed proofs of claim or written requests for notice, unless the trustee files a Report of No Distribution. The debtor shall notify the clerk promptly of any corrections or changes to the master mailing list.

→ ~~(d) — Duty to Supplement Master Mailing List.~~ Local Bankruptcy Rule 1009-1(d)(1) applies.

→ ~~(e) — Use of Master Mailing List for Noticing.~~ Local Bankruptcy Rule 2002-1(c) applies a statement of current monthly income (means testing form) shall not be required if the time for filing a motion under § 707(b) or (c), or any extension thereof, expired during the time the case was previously pending under chapter 7.

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→ **RULE 1009-1. AMENDMENTS TO LISTS & SCHEDULES** [All Cases]

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

~~(b) Number of Copies. Amended petitions, lists, schedules, and statements shall be filed in the same numbers as prescribed by Local Bankruptcy Rule 1007-1(a), and shall be served on any trustee.~~

→ ~~(c) Amendment of Petition to Add Party.~~ A petition may not be amended to add a spouse as a joint debtor after the order for relief has been entered.

→ ~~(d) 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. ~~The supplemental list shall be submitted in a format designated by the clerk pursuant to administrative regulation.~~

(2) *Notice of Amendment.* If the debtor amends its schedules of creditors after the section 341 meeting notice has been mailed, the debtor shall mail to ~~the trustee and~~ any creditors added by the amendment a notice of the amendment, together with a copy of the section 341 meeting notice. The notice of amendment shall inform the creditor that, on motion by the creditor made before the expiration of any applicable deadlines set forth in the section 341 meeting notice, the court may for cause extend the time for filing 1) proofs of claim, 2) objections to the debtor's exemptions, 3) complaints objecting to discharge, and 4) complaints to determine the dischargeability of a debt.

→ ~~(3) Fee for Amending Schedules.~~ Except in chapter 13 cases, every amendment to a debtor's schedules of creditors or equity security holders, ~~after notice to creditors,~~ shall be accompanied by a fee prescribed by the Judicial Conference of the United States.

~~(e) Amendment to Schedules.~~ Any amendment to a debtor's schedules of property and/or liabilities shall be accompanied by a completed Amendment Cover Sheet in the form of Local Bankruptcy Form 2.

~~(f) Amendment of List.~~ A supplemental mailing list shall be filed with any schedule or amended schedule which contains additions to the original list. The supplemental list shall conform to the format designated by the clerk pursuant to administrative regulation.

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→ **RULE 1017-2. DISMISSAL OR SUSPENSION - CASE OR PROCEEDINGS**

→ (a) [Cases filed on or after October 17, 2005]

→ **(a) Dismissal for Failure to File Documents.** If a debtor in a voluntary case fails to file with the petition the documents and/or information required by (i) Rule 1007(a), (d), or (f), Fed.R.Bankr.P., or (ii) Rule 1007(b)(3), Interim Fed.R.Bankr.P., the court may dismiss the case, provided that the file shows that the debtor was given 5 court days' notice of this provision. The debtor must file Official Form 1 (Petition, 10/05) or the case may be dismissed in the foregoing manner.

→ **(b) Dismissal for Failure to File Schedules, Statements, and Lists, or for Failure to Attend Section 341 Meeting of Creditors.** If a debtor in a voluntary case fails to timely to file the required schedules, statements, ~~or lists~~ and other documents required by Rule 1007(b)(1) [except for (b)(1)(E)], (4), (5), and (6), Interim Fed.R.Bankr.P., or fails to appear at the section 341 meeting of creditors, the United States trustee may apply for an order of dismissal on five days' notice to the debtor, debtor's counsel, any trustee, and those entities requesting special notice pursuant to Rule 2002(i), Fed.R.Bankr.P.; provided that the file contains proof shows that the debtor was notified of this provision, as well as the deadline for filing the documents ~~or and/or~~ the date and time of the meeting, and the case may be. Upon receipt of a written objection prior to presentation of an order of dismissal, the United States trustee may note the matter for hearing on no less than ten days' notice ~~debtor has not filed a motion seeking an extension of time pursuant to Local Bankruptcy Rule 1007-1(a)~~. If, in a joint case, only one spouse appears at the section 341 meeting, the United States trustee may apply for an order dismissing the case as to the nonappearing spouse.

→ **(c) Small Business Debtors.** If a small business debtor fails to comply with its obligations under 11 U.S.C. § 1116(1), the court may dismiss the case, provided that the file contains proof that the debtor was given 5 court days' notice of this provision.

→ **(bd) Motions to Vacate--Notice Requirement.** 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 the United States trustee, any trustee appointed in the case, those entities requesting special notice pursuant to Rule 2002(i), Fed.R.Bankr.P., and any additional parties in interest as the court directs.

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

→ **RULE 1020--1. CHAPTER 11 CHAPTER 11 SMALL BUSINESS CASES -**
→ **GENERAL**—Cases filed on or after October 17, 2005]

~~(a) Notice of Election. In a Chapter 11 bankruptcy proceeding in which the debtor elects under 11 U.S.C. § 1121(e) to be considered a small business, such election shall be clearly stated in a separate pleading entitled, “Notice of Small Business Election Under Section 1121(e)” and filed with the court. Within three days of the filing of the Notice, the debtor shall serve copies of the Notice on all creditors or parties in interest and the United States trustee’s office. Upon election, all pleadings filed with the court shall contain the designation “Chapter 11 FAST TRACK” in the top notation (See Local Bankruptcy Rule 9013-1(d)(1)(B)).~~

→ ~~(b) Proof of Claim Deadline. Local Bankruptcy Rule 3001-1(b) applies.~~

→ **Repealed.**

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→ **RULE 1072-1. PLACES OF HOLDING COURT** [All Cases]

(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 for a particular motion, motions shall be noted for hearing as follows:

Debtor's County of Residence/ Principal Place of Business or Assets	Calendar
1. Chapter 7 and 12 and Chapter 12 Cases	
Island, San Juan, Skagit, Snohomish, Whatcom	Everett
Clallam, Jefferson, Kitsap	Bremerton
King	Seattle
→	
→	
Grays Harbor, Lewis, Mason, Pierce, Thurston	Tacoma
	Vancouver
→	
→	
Clark, Cowlitz, Pacific, Skamania, Wahkiakum	
2. Chapter 11 Cases	
Clallam, Island, Jefferson, King, Kitsap, San Juan, Skagit, Snohomish, Whatcom	Seattle
Grays Harbor, Lewis, Mason, Pierce, Thurston	Tacoma
Clark, Cowlitz, Skamania, Pacific, Wahkiakum	Vancouver
3. Chapter 13 Cases	
→ Clallam, <u>King</u>	<u>Seattle</u>
→	
→ Island, Jefferson, King, Kitsap, San Juan, Skagit, Snohomish, Whatcom	<u>Seattle</u> <u>Everett</u>
→ Mason <u>Clallam, Jefferson, Kitsap</u>	<u>Bremerton</u>
→	
→ Pierce, Thurston, <u>Mason, Grays Harbor, Lewis</u>	Tacoma
Clark, Cowlitz, Grays Harbor, Lewis, 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 and the United States trustee. The place of hearing may also be changed by the court in the event that the case is reassigned to another judge.

Motions in a chapter 11 or chapter 13 case may be noted in Everett or Bremerton if the judge to whom the case is assigned hears that calendar.

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

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→ **RULE 2002-1. NOTICE TO CREDITORS & OTHER INTERESTED PARTIES.**
→ [All Cases]

(a) Entities Responsible for Giving Notice. Unless otherwise ordered by the court, all notices shall be given by the party requesting relief, except that the clerk shall be responsible for sending the following notices:

(1) notice of the section 341 meeting of creditors, pursuant to Rule 2002(a)(1), Fed.R.Bankr.P.; ~~provided, however, in chapter 13 cases the chapter 13 trustee shall be responsible for sending notice of the section 341 meeting of creditors, and said notice shall include the following:~~

_____ (A) the date of the section 341 meeting;

_____ (B) the date of the confirmation hearing;

_____ (C) a statement that objections to confirmation of the proposed plan shall be filed not less than four (4) days before the originally scheduled confirmation hearing, or on the court day preceding the day so computed in the event that it falls on a Saturday, Sunday, or legal holiday;

_____ (D) a statement that the plan may be confirmed without further hearing if no timely objection is filed;

→ _____ (2) notice of the time allowed, and those notices described in Rule 2002(f), Fed.R.Bankr.P.; except that the debtor or movant in a chapter 11 shall give notice of the deadline for filing claims pursuant to Rule 3002, Fed.R.Bankr.P., in accordance with Rule 2002(f)(3), Fed.R.Bankr.P.; ~~provided, however, that a plan proponent shall give such notice in a chapter 11 case;~~

→ _____ (3) notice of and the time fixed for filing a complaint objecting to the debtor's discharge pursuant to 11 U.S.C. § 727 as provided in Rule 4004, Fed.R.Bankr.P.; accepting or rejecting a plan.

→ _____ (2) notice pursuant to Rule 2002(f)(4), Interim Fed.R.Bankr.P.; ~~provided, however, that a plan proponent shall give such notice in a chapter 11 case;~~

→ _____ (b) of the court's intention to communicate with a foreign court or foreign representative as prescribed by Rule 5012, Interim Fed.R.Bankr.P.

→ _____ (b) Delivery of Clerk's Notices. Notices sent by the clerk may be through its electronic filing system or through the Bankruptcy Noticing Center or similar service.

→ _____ (c) Large Cases. When a case involves an unusually large number of creditors such that giving notice will unduly burden the clerk's office, the clerk may require the party initiating the case to provide assistance in preparing and mailing notices.

→ _____ (cd) Use of Master Mailing List for Noticing. Parties may obtain from the clerk copies of a master mailing list, as well as a list containing the names and addresses of each entity requesting special notice pursuant to Rule 2002(i), Fed.R.Bankr.P., updated in accordance with Rule 2002(g), Fed.R.Bankr.P., for a fee in an amount prescribed by the Judicial Conference of the United States. Alternatively, parties may obtain a master mailing list through the court's public information access service ("PACER"). Notice is presumed to be adequate if mailed to all entries on the appropriate mailing list, *provided* that the list is current ~~to within twenty days of mailing~~ as evidenced by (1) the clerk's certification, (2) counsel's verification in the affidavit of service, or (3) the notation on the list showing the date it was extracted from PACER.

→ **(de) Notices to Creditors Whose Claims are Filed.** 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 Rule 2002(a)(2), (3), and (7), and 2002(f)(8), Fed.R.Bankr.P., 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.

→ **(ef) Notice of Motion.** Local Bankruptcy Rule 9013-1(c) applies.

→ **(fg) Special Notice to Taxing Agencies.** Local Bankruptcy Rule 4001-2(a) applies.

→ ~~(g) — Standing Chapter 13 Trustees' Authority to be Reimbursed for Noticing Costs. Administrative Order 7 applies.~~ **h) Preferred Address under 11 U.S.C. § 342.**

→ (1) An entity and a notice provider may agree that when the notice provider is directed by the court to give a notice to that entity, the notice provider shall give the notice to the entity in the manner agreed to and at the address or addresses the entity supplies to the notice provider. That address is conclusively presumed to be a proper address for the notice. The notice provider's failure to use the supplied address does not invalidate any notice that is otherwise effective under applicable law. The filing of a notice of preferred address pursuant to 11 U.S.C. §342(f) by a creditor directly with the agency or agencies that provide noticing services for the Bankruptcy Court will constitute the filing of such a notice with the court. Registration with the National Creditor Registration Service must be accomplished through the agency that provides noticing services for the Bankruptcy Court. Forms and registration information is available at www.ncrsuscourts.com.

→ (2) A local form for use by creditors in filing a notice of preferred address under 11 U.S.C. §342(e) is available on the court's website at www.wawb.uscourts.gov. The form must be filed electronically using the proper electronic filing event for section 342(e) notices, or delivered in paper form to the clerk and served on the debtor.

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→ **RULE 2003-1. MEETING OF CREDITORS & EQUITY SECURITY HOLDERS** [\[Cases](#)
→ [filed on or after October 17, 2005\]](#)

→ **Repealed.**

~~**RULE 2003-1. MEETING OF CREDITORS & EQUITY SECURITY HOLDERS**~~

~~(a) **Financial Information.** The debtor shall have available for reference at the section 341 meeting of creditors the financial statements and tax returns of the debtor for the two years preceding the filing of the bankruptcy petition.~~

~~(b) **Dismissal for Failure to Attend Section 341 Meeting of Creditors.** Local Bankruptcy Rule 1017-2(a) applies.~~

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→ **RULE 2015-2. DEBTOR-IN-POSSESSION DUTIES** [All Cases]

(a) Chapter 11 Monthly Financial Reports. A chapter 11 debtor in possession or trustee shall file with the court and serve on the United States trustee and each member of any committees elected or appointed-

→ pursuant to the Bankruptcy Code and to their authorized agents, a monthly financial report.
→ Each report shall be due by the fifteenth day of the subsequent month and, except as otherwise ordered by the court, shall include the following:

→ (1) balance sheet;

→ (2) ~~-~~ income statement;

→ (3) statement of cash receipts and disbursements;

→ (4) ~~-~~ statement of accrued receivables. The statement shall disclose amounts considered to be uncollectible;

→ (5) statement of post-petition accrued payables, including professional fees. The statement shall list the name of each creditor and the amounts owing and remaining unpaid for over ~~thirty~~30 days;

→ (6) tax disclosure statement. The statement shall list post-petition taxes due or tax deposits required, the name of the taxing agency, the amount due, the date due, and an explanation for any failure to make such payments or deposits;

→
→ (7) compensation statement. The statement shall disclose the amount of compensation paid to all insiders, as defined in 11 U.S.C. § 101(31).

→ **(b) Chapter 11 Tax Returns.** ~~‡~~Within 7 calendar days after the filing of the petition, the debtor in possession or chapter 11 trustee shall file, and serve on the United States trustee, a copy of the debtor's most recent federal income tax return ~~within thirty days after entry of the order for relief,~~ and shall file and serve on the United States trustee its federal income tax returns for each subsequent year that a return becomes due during the pendency of the case, whenever such returns are submitted to the Internal Revenue Service.

→
(c) Chapter 11 Post-Confirmation Reports. If an application for a final decree has not been filed within three months after confirmation of a chapter 11 plan, then a chapter 11 plan proponent shall file and mail to the United States trustee a post-confirmation report within three months after entry of the order confirming the plan of reorganization, and every three months thereafter until a final decree has been entered. The post-confirmation report shall disclose progress of the plan toward consummation and shall include the following:

→ (1) ~~-~~ a summary, by class, of amounts distributed or property transferred to each recipient under the plan, and an explanation of the failure to make any distributions or transfers of property under the plan;

→ (2) ~~-~~ debtor's projections as to its continuing ability to comply with the terms of the plan;

→
→ (3) ~~-~~ a report of any pending or anticipated litigation, including the nature of each matter, the parties involved, and an estimated date when the matter will be resolved;

→ (4) a description of any other factors that may materially affect the debtor's ability to consummate the plan;

→ (5) an estimated date when an application for final decree will be filed with the court.

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→ **RULE 2015-3. TRUSTEES - REPORTS AND DISPOSITION OF RECORDS** [All
→ Cases]

→ ~~Local Bankruptcy Rule 2015-2 applies to chapter 11 trustees~~ Repealed.

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→ **RULE 2015-5. TRUSTEES - CHAPTER 13**

~~(a) Standing Chapter 13 Trustees' Obligation to Give Certain Notices. Local Bankruptcy Rule 2002-1(a)(1) applies.~~

→ ~~(b) Standing Chapter 13 Trustees' Authority to be Reimbursed for Noticing Costs. Local Bankruptcy Rule 2002-1(g) applies. [\[All Cases\]](#)~~

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→ ~~**Repealed.**~~

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→ **RULE 2016-1. COMPENSATION OF PROFESSIONALS** [Cases filed on or after
→ October 17, 2005]¹

(a) General. Unless otherwise ordered by the court, all applications for compensation for services and for reimbursement of necessary expenses incurred in providing those services shall be served on the debtor and shall include 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 an 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;
- (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 counsel for a trustee or debtor in possession, the application shall include a list of names and functions of all other professionals whose employment has been authorized in the case.

(c) Requests for Interim Compensation. In any case in which interim compensation is sought, the application shall include the following additional information:

¹ The existing rule is found in LBR 2016-1, General Order No. 1 (dated February 28, 2000), and General Order No. 03-01 (dated June 4, 2003).

(1) the financial condition of the estate with respect to payment of post-petition expenses, significant impediments to plan confirmation, and general prospects for reorganization;

(2) a projection of the applicant's future expenses and fees and the anticipated source of their payment;

(3) the status of the case, and the progress of the case toward closing or proposal of a plan of reorganization. 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.

(d) Applications of \$15,000 or More. In applications for compensation involving \$15,000 or more in the aggregate, the narrative summary required by subsection (a)(5) shall be divided into general categories according to the nature of the tasks performed, with the total hours, fees, and expenses broken down for each category, including but not limited to general administration, objections to claims, plan confirmation, and major adversary proceedings.

- **(e) Original Attorney Fees/Chapter 13 Cases.** Attorneys representing debtors in Chapter 13 cases may be entitled to receive a fee of up to \$1,800 without having first submitted a written application for fees. The fee shall be compensation for all services rendered the debtor through entry of the Order Confirming Plan and shall include without limitation the following: the filing of a Chapter 13 Plan in the form required by Local ~~Rules W.D. Wash.~~ Bankr. Bankruptcy Rule 3015-1; filing with the Chapter 13 Trustee the Chapter 13 Information Sheet together with ~~copies of the debtor's two most recent paystubs and/or other income verification as required by Local Rules W.D. Wash. 3015-1(f);~~ the documents required by Rule 1007, Interim Fed.R. Bank.P.; appearing at the Section 341 Meetings of Creditors; responding to objections to confirmation and motions for relief from stay which are resolvable without argument before the ~~C~~oourt; 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 ~~the~~an order ~~C~~onfirming ~~Case~~the plan; adding creditors to the schedules and Plan; negotiations with the Department of Licensing; and review of the ~~Motion and Order Allowing~~ Trustee's statement of filed claims.
- _____ Original attorney fees in excess of \$1,800 may be requested at any time before the confirmation order is entered by motion, provided the fee request is accompanied by an itemized breakdown of time and is submitted in the form and manner required by Local ~~Rules W.D. Wash. Bankr. 2016-1~~Bankruptcy Rule 2016-1(f).-

(f) Chapter 13 Fee Applications. In chapter 13 cases, all applications for compensation for services and for reimbursement of necessary expenses in excess of \$500 shall be served on the debtor, the chapter 13 trustee, the United States trustee, all creditors holding allowed claims and all parties requesting notice pursuant to Rule 2002, Fed.R.Bankr.P., and shall include the following:

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

(2) a narrative summary of the services provided;

(3) an itemized time record of services for which an 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;

(4) an explanation of the effect the additional compensation will have on the plan and plan disbursements to creditors;

(5) an itemized time record for all services provided since the date the case was originally filed.

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→ **(g) Ex Parte Fee Applications in Chapter 13 Cases.** In Chapter 13 cases, applications for compensation and reimbursement of expenses for \$500 or less shall be served on the Chapter 13 Trustee, the debtor, ~~the United States Trustee~~ and all parties requesting notice pursuant to Rule 2002, Fed.R.Bankr.P. In addition to including the information set forth in paragraph (f) above, such application shall include all services rendered and expenses incurred up to a specified date not more than fifteen (15) days before the date of the applications, and in the case of post-confirmation applications, shall include a certification that no pre-confirmation services are included in the application and that the fee set forth in paragraph (e) above has been earned. The application shall be served at least twenty (20) days before an ex parte order approving the sum requested is submitted through the Chapter 13 Trustee.

→ Only one ex parte application may be made per case for services rendered post-confirmation.

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RULE 3001-1. CLAIMS AND EQUITY SECURITY INTERESTS - GENERAL
[Cases filed on or after October 17, 2005]

→ ~~_____ (a) Chapter 11 C~~Except in small business cases - General. P 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 upon application for conditional approval of the disclosure statement. 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.

~~_____ (b) Chapter 11 Cases - Small Business.~~ In the event of an election under Local Bankruptcy Rule 1020-1(a), the plan proponent shall apply for said order upon application for conditional approval of the disclosure statement.

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→ **RULE 3007-1. CLAIMS - OBJECTIONS** [Cases filed on or after October 17, 2005]

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

(b) Chapter 13 Cases.

→ (i) *Objections.* Objections to claims in chapter 13 cases shallmust be filed and served no later than ~~ninety (90)~~270 days ~~after the date the order allowing claims is entered;~~ unless otherwise ordered by the court upon a showing of good causefrom the petition date, unless good cause is shown.

→ (ii) *Late-Filed Claims.* In chapter 13 cases, except as provided in 11 U.S.C. § 502(b)(9), proofs of claim filed after the claims bar date shallwill be deemed disallowed, without need for formal objection or a hearing, if the chapter 13 trustee sends a notice to the late filing creditor substantially in the form of Local Bankruptcy Form 3. Failure to file a motion to allow the late filed claim within ~~twenty (20)~~ days of being served with said notice shallwill be deemed an admission that the subject claim is disallowed.

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→ **RULE 3015-1. CHAPTER 13 PLAN & INFORMATION SHEET**

→ ~~(a) Chapter 13 Plan. All [All Cases]~~

→ ~~**See General Order BAPCPA-3 approving the following amendments:**~~

→ ~~**(a) Chapter 13 Plan.** Chapter 13 Plan. All chapter 13 plans (original and amended), filed in cases commencing on or after October 17, 2005 shall conform to Local Bankruptcy Form ~~13-1 (Form)~~ 13 -3. Any plan or amended plan filed in a chapter 13 case commenced before October 17, 2005 shall conform to Local Bankruptcy Form 13-1. All appropriate blanks on the ~~F~~ form shall be completed, including any additional provisions which shall be set forth in paragraph 10 of the plan. Debtors shall provide the last four digits of their social security numbers where indicated and, if the plan provides for or affects traffic or criminal fines, forfeitures, or sanctions, their dates of birth. ~~Debtors and their attorneys (if represented by counsel) shall sign and date where indicated.~~~~

→ ~~**(b) Other Plan Provisions.** Any additional provisions included in paragraph 10 of the plan, which modify any of the provisions contained in paragraphs 1 through 910, shall begin by specifically referencing the paragraph(s) modified, such as: ~~"Paragraph~~ "Paragraph 5 is modified as ~~follows...." follows...~~~~

→ ~~**(c) Notice of the Plan and Possible Administrative Claim.** The chapter 13 trustee shall mail a copy of the plan, if timely filed (see Rule 3015(b), Fed.R.Bankr.P.), with the~~

→ ~~(1) Upon filing of a petition and a master mailing list as required by Local Bankruptcy Rule 1007-2, the clerk of court shall mail notice of the section 341 meeting of creditors. ~~if not timely filed, the trustee shall mail the notice of the section 341 meeting of creditors, but~~~~

→ ~~(2) If the plan is filed at the same time as the petition, the clerk of court shall also mail a copy of the plan to all creditors.~~

→ ~~(3) If the plan is filed after the petition, the debtor shall be required to mail copies of the plan to ~~the chapter 13 trustee and~~ all creditors not less than fourteen calendar days prior to the originally scheduled meeting of creditors. ~~Nothing in this subsection excuses compliance with Rule 3015(b), Fed.R.Bankr.P.~~~~

~~(1) If the plan is timely filed in Seattle but exceeds four separate, one-sided pages or two duplexed pages, the chapter 13 trustee shall be allowed an administrative claim of fifty cents (\$.50) per each additional page multiplied by the number of section 341 notices mailed out by the trustee. This administrative claim shall be collected from the first available funds after the filing fee has been paid.~~

~~(2) If the plan is timely filed in Tacoma but exceeds two separate, one-sided pages, the chapter 13 trustee shall be allowed an administrative claim of fifty cents (\$.50) per each additional page multiplied by the number of section 341 notices mailed out by the trustee. This administrative claim shall be collected from the first available funds after the filing fee has been paid.~~

~~(d) Repealed. Local Bankruptcy Rule 2002-1(a)(1)(E) is repealed.~~

→ ~~(c) Fed.R. Bankr.P.~~

→ ~~**(d) Objections to Confirmation.** Objections to confirmation must be filed and served on the debtor's counsel (or the debtor if unrepresented), chapter 13 trustee, United States trustee, and any other entity designated by the court, not less than ~~four court~~ seven (7) calendar~~

days prior to the originally scheduled confirmation hearing date, ~~or on the court day preceding the day so computed in the event it falls on a Saturday, Sunday or legal holiday.~~ If not so filed, and served, the objection may be continued for hearing to the next available chapter 13 motion calendar. In the event the objection to confirmation is going to be argued, the party making the

- objection shall confirm the hearing by noon two no later than noon three (3) court days prior to the hearing (e.g., by noon on the Friday preceding a Wednesday hearing). A reply to the
- objection may be filed by the plan proponent no later than three (3) court days prior to the hearing.-

- (fe) **Chapter 13 Information Sheet.** Debtor shall, ~~not later than~~ at the date ~~time~~ the
- plan petition is due (see Rule 3015(b), Fed.R.Bankr.P); filed submit to the trustee a complete Chapter 13 Information Sheet (Local Bankruptcy Form 13-2) ~~together with copies of the two most recent pay statements and/or other verification of income.~~

- ~~_____ (g) _____~~ Child 13-2,
- amended).

- (f) **Domestic Support Obligations.** The chapter 13 trustee shall commence
- payment on filed claims for current ~~child~~ domestic support obligations as soon as unencumbered funds become available, unless otherwise directed by the terms of the proposed plan. ~~Payment~~
- of current child

- (g) **Discharge - ALL DEBTORS.** In all cases filed on or after October 17, 2005,
- upon completion of all plan payments, debtors must file certifications stating either that (i) they
- are not liable for any domestic support obligation; or (ii) all domestic support obligations
- pursuant to this subsection shall be deferred until the chapter 13 trustee has received full
- payment of any 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 claim allowed pursuant to subsection (c) herein.

- order, or by statute, have been paid. Failure to file the certification will result in the case being
- closed without a discharge.

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→ **RULE 3015-2. CHAPTER 13 - AMENDMENTS TO PLANS** Cases filed on or
→ after October 17, 2005]

→ ~~Administrative Order 5 applies~~ Repealed.

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→ **RULE 3017-1. DISCLOSURE STATEMENT - APPROVAL** [Cases filed on or
→ after October 17, 2005]

→ **(a) Objection to Disclosure Statement.** Unless otherwise ordered by the court, any party wishing to object to a disclosure statement in a chapter 11 case shall file and serve an objection to disclosure statement not later than five7 calendar days before the hearing on the disclosure statement. The objection shall identify those portions of the disclosure statement which the objecting party asserts are incomplete, misleading or erroneous, and the basis for such assertions.

→ **(b) Conference of Attorneys.** Not later than four5 calendar 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, the United States trustee, and the judge's chambers at least two3 calendar 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 two3 calendar 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 3017-2Rule 3017.1-1 applies.

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→ **RULE ~~3017-2~~3017.1-1. DISCLOSURE STATEMENT - SMALL BUSINESS**
→ **CASES [Cases filed on or after October 17, 2005]**

→ In ~~the event of an election under Local Bankruptcy Rule 1020-1~~ 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, ~~applicability and deadline for the~~
conference of attorneys under Local Bankruptcy Rule 3017-1(b) above, 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).

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→ ~~_____~~ ~~**RULE 3017-2 DISCLOSURE STATEMENT - SMALL BUSINESS CASES**~~
→ ~~_____~~ [Cases filed on or after October 17, 2005]

→ ~~_____~~ **Repealed.**

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→ **RULE 3020-1. CHAPTER 11 - CONFIRMATION** [All Cases]

→ **(a) Preconfirmation Report.** The plan proponent shall, not less than ~~three~~3
→ calendar days prior to the confirmation hearing, file a memorandum containing the proponent's
response to any objections, and a statement as to how each requirement of 11 U.S.C. § 1129 is
satisfied. The memorandum shall be served on the debtor, the United States trustee, 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
→ preconfirmation report shall likewise be filed and served not less than ~~three~~3 calendar 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 ~~five~~7 calendar days before the hearing
on confirmation of the plan.

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→ **RULE 4001-1. AUTOMATIC STAY—RELIEF FROM**

→ ~~(a) Motion Practice.~~ [Cases filed on or after October 17, 2005]

→ **(a) Comfort Orders.** Any party seeking an order confirming the automatic termination of the stay pursuant to any applicable provision of the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005 must file a motion pursuant to Local Bankruptcy Rule 9013-1 applies Rule 9013-1.

→ **(b) ~~Motion Documents Under~~ Rent Deposits Under Section 362(l).** Any deposit of rent made by or on behalf of a debtor 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 upon filing of the petition and certification made under Section 362(l)(1). The debtor must at the same time file a copy of the judgment of possession or eviction and proof of service of the certification under Section 362(l)(1) upon the lessor. Upon receipt of the cashier's check or money order, the clerk will promptly transmit the check/money order to the lessor by certified mail/return receipt requested, at the address of the lessor as stated in the certification filed by the debtor under Section 362(l)(1), unless the clerk is instructed in writing by the debtor or landlord to use a different address.

→ **(c) Motion For Relief From Stay.** Motions for relief from stay shall ~~must be filed~~ pursuant to Local Bankruptcy Rule 9013-1 and must contain a statement of the factual basis for relief and the status of any pending foreclosure. Where equity in real property is an issue, the motion and notice of motion shall contain a legal description and a common address.

→ **(cd) Notice of Motion.** The moving party shall schedule the matter for hearing not less than ~~twenty-two~~ 24 nor more than ~~thirty~~ 30 days after the date such motion is filed. If the moving party schedules a hearing for or agrees to continue a hearing to a date more than ~~thirty~~ 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). In addition to those parties listed in Rule 4001, Fed.R.Bankr.P., notice shall be given to the debtor, attorney for the debtor, trustee, the United States trustee, and to any persons requesting special notice under Rule 2002(i), Fed.R.Bankr.P. 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 codebtor, if any.

→ **(de) 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 submitted, unless the court deems it necessary to set an evidentiary hearing. 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.

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→ **RULE 4001-2. CASH COLLATERAL** [All Cases]

(a) **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 ~~at 3600 Seafirst Fifth Avenue, 800 Fifth Avenue~~ 700 Stewart Street, Room 5220, Seattle, Washington 981041, and the Attorney General for the State of Washington, Bankruptcy and Collections Unit at 900 Fourth Avenue, Suite 2000, Seattle, Washington 98164. This rule does not supersede other applicable notice and service requirements.

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

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

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→ **4002-1. DUTIES OF DEBTOR [Cases filed on or after October 17, 2005]**

→ **(a) Payment Advices/Pay Stubs.** Unless otherwise ordered, the debtor shall not file with the court the payment advices and other evidence of payment required by 11 U.S.C. § 521(a)(1)(B)(iv), but shall instead deliver those documents to the trustee within the time required by Rule 1007(c), Interim Fed.R.Bank.P., and in the manner described in subsection (c) below. The debtor shall also provide a copy of those documents to any party in interest who requests in writing a copy.

→ **(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 "Director's Interim Guidance Regarding Tax Information Under 11 U.S.C. § 521" established pursuant to Rule 4002(b)(5), Interim Fed.R.Bank.P., 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.

→ **(c) Delivery of Documents to Trustee.**

→ **(1) Timing of Production and Declaration.** All documents required to be provided to the trustee by the debtor pursuant to 11 U.S.C. § 521(e)(2)(A)(i) and Interim Fed.R.Bankr.P. 4002(b)(2) and (3) shall be submitted at least 7 calendar days prior to the date first set for the section 341 meeting of creditors. 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.** Except as provided in subsection (3) and unless otherwise instructed by the trustee, the declaration and documents shall be transmitted to the trustee as a PDF attachment to an email directed to the trustee at the email address referenced in the docket. 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 by (i) *pro se* debtors, (ii) attorneys not required to file pleadings by ECF, and (iii) where production of the documents electronically would be unduly burdensome.

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→ **4008-1. REAFFIRMATION** [Cases filed on or after October 17, 2005]

→ **(a) Time of Filing.** All reaffirmation agreements must be filed with the court prior to discharge of the debtor.

→ **(b) Court Approval Not Required.** A reaffirmation agreement that does not require court approval must be filed together with Procedural Form 240 (Reaffirmation Agreement).

→ **(c) Court Approval Required.** If court approval of a reaffirmation agreements submitted for court approval by a debtor not represented by counsel shall be accompanied by a summary, signed by the debtor(s) and creditor's representative, containing the following:

→ (1) **agreement is required, the reaffirmation agreement must be filed together with**

→ (i) **Procedural Forms 240 (Reaffirmation Agreement), 240M (Motion for Approval of Reaffirmation Agreement), and 240O (Order Approving Reaffirmation Agreement)(available on the court's website);**

→ (ii) **a copy of the underlying credit agreement and the changes, if any, made in connection with the reaffirmation;**

→ (iii) **a statement as to the date, nature and amount of any alleged default, and how it is to be treated under the reaffirmation agreement;**

→ (iv) **a statement showing the** creditor's name and address, and the name, address **if different,**

and telephone number of the creditor's representative (typed or printed);

→ (2) **total principal balance;**

→ (3) **balance being reaffirmed;**

→ (4) **original and new interest rates (APR);**

→ (5) **monthly payment amount and payment due date;**

→ (6) **number of payments necessary to amortize the balance;**

→ (7) **total amount to be paid (including interest);**

→ (8) **whether debt is secured or unsecured;**

→ (9) **if the debt is unsecured, a statement of any**

→ **consideration given in exchange for the debtor's agreement to reaffirm the debt, including the settlement of any, and that person's certification that the procedural forms filed in support of the reaffirmation do not vary in any material respect from the Procedural Forms described in subsection (i) above;**

→ (v) **copies of the security agreement and evidence of perfection if a security interest is claimed, or a statement setting forth why perfection is not required; and**

→ (vi) **if the reaffirmation is of a purportedly nondischargeable debt, the creditor's sworn declarations or affidavits establishing a prima facie case for nondischargeability claim;**

→ (10) **description of each item of collateral;**

→ (11) **estimated market value of each item of collateral;**

→ (12) **amount collected since the filing of the bankruptcy;**

→ (13) **dates and nature of any defaults alleged by the creditor;**

→ (14) **whether the debtor still owns or has possession of the collateral;**

~~_____ (15) debtor's current monthly net income;~~
~~_____ (16) debtor's current monthly expenses, including any payment due under the agreement.~~

~~(b) **Documentation.** Copies of any agreements incorporated by reference shall be attached to the reaffirmation agreement, together with documentation of any security interest and the perfection of such security interest (if any).~~

→ and the amount of the debt.
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→ **RULE 5003-1. CLERK - GENERAL/AUTHORITY** [Cases filed on or after
→ October 17, 2005]

(a) Delegation of Ministerial Orders. The clerk and such deputies as the clerk 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 Rule 77, Fed.R.Civ.P., except that the clerk is not authorized to grant orders or judgments for default;
- (2) orders permitting the payment of filing fees in installments and fixing the number, amount, and dates of payment;
- ~~(3)~~ (3) orders granting an initial 30-day extension of the time to file a certificate that the debtor has received a briefing from an approved credit counseling agency, as provided in 11 U.S.C. § 109(h)(3);
- _____ ~~(4)~~ orders discharging a trustee and closing a case after such case has been fully administered;
- ~~(4)~~ (5) orders reopening cases that have been closed due to administrative error; and
- ~~(5)~~ (6) orders authorizing the trustee to pay expenses of administration of \$500.00 or less in chapter 7 cases-
- ; and
- _____ (7) orders requiring debtors to file amended schedules in a converted case.

→ **(b) Administrative Regulations.** The clerk 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 deems appropriate.

→ **(c) Custody and Disposition of Exhibits and Depositions.** CR 79(g), Local Rules W.D. Wash., ~~shall~~ control the custody of exhibits and depositions.

(d) Deposit of Funds in the Registry of the Bankruptcy Court.

- (1) *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. The application and a proposed order shall be delivered to the financial deputy clerk, who will review the proposed order for compliance with this rule prior to submitting the proposed order to the court.
- (2) *Proposed Orders Directing Deposit of Funds by Clerk.* A proposed order directing the clerk to deposit funds in ~~an interest-bearing account or instrument shall~~ to the registry of the court must include the following:

(A) the amount to be deposited;

(B) ~~the name of the depository approved by the Treasurer of the United States;~~

_____ (C) a designation of the type of account or instrument in which the
→ funds are to be deposited; a direction to the clerk to deposit registry funds of \$25,000 or more in
→ accordance with 31 C.F.R. Part 202;

→ _____
→ (C) a direction to the clerk to deposit funds of less than \$25,000 into a
→ non-interest bearing account with the U.S. Treasury; and

(D) language directing the clerk to deduct from the income earned on the deposit a fee as prescribed by the Judicial Conference of the United States, without further order of the court.

→ ~~RULE 5005-1. FILING PAPERS - REQUIREMENTS~~
→ **RULE 5005-1 ELECTRONIC CASE FILING [All Cases]**

→ Unless otherwise ordered by the court, electronic filing is required in all cases consistent
→ with technical standards, if any, that the Judicial Conference of the United States establishes.
→ The clerk may accept documents for filing, establish electronic service requirements, issue
→ notices, serve orders and otherwise specify practices and procedures in electronic case
→ management consistent with the Administrative Procedures for Filing, Signing and Verifying
→ Pleadings and Papers by Electronic Means approved by the court through general orders.

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→ **RULE 5005-2. CONVENTIONAL FILING [All Cases]**

(a) Return Copies of Documents Filed. A person seeking the return by mail of a copy of any document filed shall submit an additional copy of the document requested, together with a self-addressed, stamped envelope.

(b) Facsimile Filing. CR 10(d), Local Rules W.D. Wash., applies to all cases and adversary proceedings.

~~**RULE 5005-2. FILING PAPERS - NUMBERS OF COPIES**~~

~~**(a) Petitions, Schedules, Statements, and Lists.** Local Bankruptcy Rules 1007-1(a) and 1009-1(b) apply.~~

~~**(b) Motions.** Local Bankruptcy Rule 9013-1(d)(4) applies.~~

→ -

→ **(c) Filing papers - Pages exceeding 50 in Number.** Documents or pleadings
→ which are conventionally filed and which exceed 50 pages, including exhibits, must be
→ electronically imaged (i.e., "scanned") using the Portable Document Format (PDF) and filed on
→ a 3.5 inch disk or CD-Rom disk.

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→ **RULE 5080-1 FEES - GENERAL** [Cases filed on or after October 17, 2005]

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Repealed.

~~**RULE 5080-1. FEES - GENERAL**~~

~~A discharge shall not be granted to any debtor otherwise entitled to a discharge pursuant to Rule 4004(c), Fed.R.Bankr.P., unless the filing fee has been paid in full.~~

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→ **RULE 9013-1. MOTION PRACTICE** [All Cases]

(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 Rule 7001, Fed.R.Bankr.P. 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.

(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, except as permitted in Local Bankruptcy Rule 1073-1.

(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 the court and on the court's website, and shall be published in such publications and at such intervals as the clerk deems appropriate.

(3) *Special Settings.* A party desiring an evidentiary hearing with live testimony shall obtain a special setting from the judge's secretary or scheduling clerk.

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

(5) *Confirmation of Hearings.* In the event a motion is to be argued, counsel shall notify the chambers of the judge before whom the motion will be heard by noon two3 court days prior to the hearing. Failure to confirm a hearing may result in the motion being stricken, unless an agreed order is to be entered and the court is so advised by the time for confirmation, or a default order has been signed pursuant to subsection (f)(2) of this rule.

(6) *Settlement.* Parties shall notify the court as soon as practicable if a matter has been settled or motion withdrawn prior to hearing. This provision does not excuse compliance with Rules 2002(a)(3) or 7041, Fed.R.Bankr.P.

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(c) Notice of Motion.

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

(2) *To Whom Given.* The types of notices specified in Rule 2002(a), Fed.R.Bankr.P., must be given to the debtor, the debtor's attorney, the trustee, the United States trustee, all creditors, all indenture trustees, and any persons requesting special notice under Rule 2002(i), Fed.R.Bankr.P. As to notices not specified in Rule 2002(a), Fed.R.Bankr.P., 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 Rules 4001-1, 4001-2, 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. The notice may be combined with the motion, provided that (A) the caption so indicates, (B) the notice is the first part of the text of the pleading, and (C) the parts are separately headed. ==

The notice shall clearly state (A) the date, time and place of hearing, (B) the nature of relief requested and the grounds therefor, unless the notice and motion are combined, (C) that any party opposing the motion must file and serve a written response by the response date, which shall be set out, and (D) 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.

(d) Motions - Requirements.

(1) *Form of Motions.*

→ (A) Required Pleadings. The moving party shall state 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, and Time of Hearing. 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 all papers filed in connection with and in response to the motion.

(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 twenty-four pages, and opening and responsive memoranda for all other motions shall not exceed

→ twelve pages. A reply brief shall not exceed one-half the permitted length of the opening brief without prior approval of the court.

→ (D) Proposed Orders. A copy of a proposed order, including 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 contain at least one line of text on the same page as the date and signature lines and shall indicate the date and time the matter was heard or scheduled to be heard. Original orders should not be submitted in advance of the hearing nor filed electronically as received unsigned orders, except as permitted in Local Bankruptcy Rule 9013-1(f)(2).

(2) *Filing and Service - Time.*

(A) In adversary proceedings and contested matters, the motion, all supporting memoranda and other documentation shall be filed and served with the motion upon all parties in interest.

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

→ (C) Objections to claims shall be filed and served at least thirty30 calendar days preceding the date fixed for hearing, exclusive of the time required for mailing pursuant to Rule 9006(f), Fed.R.Bankr.P. Objections to claims shall also comply with Local Bankruptcy Rule 3007-1.

→ (D) Motions for summary judgment, relief from stay, and lien avoidance shall be filed and served at least twenty-two24 calendar days preceding the date fixed for hearing, exclusive of the time required for mailing service pursuant to Rule 9006(f), Fed.R.Bankr.P. Motions for Relief From Stay shall also comply with Local Bankruptcy Rule 4001-1.

(E) 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 Rules 4001(b) and 4001(c), Fed.R.Bankr.P.

(F) All other motions and/or notice thereof shall be filed and
→ served upon the appropriate parties at least ~~fifteen~~21 calendar 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.* Orders to shorten time shall be the exceptions to the rule, and will be granted only upon a showing of exigent or exceptional circumstances. An order shortening time may be granted *ex parte* at the court's discretion. The applicant's attorney shall certify in writing the efforts, if any, that have been made to give notice and the reasons that further notice should not be required.

→ An order shortening time shall be served immediately, along with the underlying motion papers, on all parties entitled to notice of the underlying motion.

(4) *Copies to be Served on Chambers.* ~~Four~~Copies of the original motion, responsive, and reply ~~documents~~, including affidavits or certificates of service, whether said originals are filed conventionally or by electronic means, do not need to be provided to the chambers of the judge before whom the motion will be heard or delivered to the clerk's office unless the papers, together with supporting documents, in total exceed 25 pages in length, or as otherwise ordered by the court. In the event said papers and supporting documents exceed 25 pages in total length, the original must bear proof that two copies have been timely served on the chambers of the judge before whom the motion will be heard, or delivered to the appropriate box in the office of the clerk. Copies shall be clearly identified with the word "COPY" appearing conspicuously on the first page. ~~Failure to provide such copies may result in the papers not being considered.~~

(5) *Response Required.* Each party opposing a motion shall file and serve responsive papers not later than ~~the response date, which shall not be later than four~~7 calendar days prior to the hearing, or the court day preceding the day so computed in the event that it falls on a Saturday, Sunday, or legal holiday. ~~If the notice given exceeds that required by subparagraph (2) of this rule, the moving party may designate an earlier response date, not more than thirty days prior to the hearing date, so long as the time for the filing of responses is not impaired. However, response deadlines must allow for proper notice requirements.~~

(6) *Reply Permitted.* Not later than ~~two~~3 court days preceding the date set for hearing, or on the court day preceding the day so computed in the event that it falls on a Saturday, Sunday, or legal holiday, the moving party may file and serve papers in strict reply to any response. 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.

(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. If no opposition to a motion has been timely filed and served, and provided the period allowed for responses after service of the notice equals or exceeds the minimum notice period required by statute or rule, 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 *ex parte* presentation of a proposed order, accompanied by proof of service and a declaration or statement in the proposed order that no objections were timely received. The proposed order shall contain the date and time for which the hearing was scheduled.

(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 Rule 9014, Fed.R.Bankr.P., 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.* A proposed *ex parte* order shall contain the words "ex parte" in its title. A party desiring a conformed copy of the order shall provide to the court an extra copy of the proposed order and a pre-addressed, stamped envelope.

(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.** CR 7(~~ch~~), Local Rules W.D. Wash. shall govern motions for reconsideration—~~S. except that~~ such motions shall be filed and served within ~~ten~~10 ~~calendar~~ days after entry of ~~a~~the judgment or order, and shall ~~not be noted for hearing~~ unless oral argument is requested by the court.

~~(i) Orders.~~

~~(1) Form. A proposed order or judgment, including one requested ex parte or by stipulation, must be submitted on a document separate from its attendant motion or stipulation. Orders and judgments shall contain at least one line of text on the same page as the date and signature lines. Orders and judgments shall indicate the date and time the matter was heard or scheduled to be heard.~~

→ ~~(2) Presentation. The opposing party shall not respond to a motion for reconsideration unless requested to do so by the court.~~

→ **(i) Presentation of Orders.** A party presenting a proposed order at a time subsequent to hearing on a motion shall serve copies of the proposed order on parties that were present at the hearing and, unless agreement is reached as to the form of the order, shall give at least ~~five~~7 ~~calendar~~ days' notice of the time, date and place of presentation of the proposed order.