

**UNITED STATES BANKRUPTCY COURT
FOR THE
WESTERN DISTRICT OF MICHIGAN**



**FINAL REDLINE VERSION OF
LOCAL BANKRUPTCY RULES**

AUGUST 1, 2012

LOCAL BANKRUPTCY RULES

UNITED STATES BANKRUPTCY COURT FOR THE WESTERN DISTRICT OF MICHIGAN ~~BANKRUPTCY COURT~~

EFFECTIVE: **AUGUST 1, 2012**

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LBR 1001
Scope, Citation, and Definitions

(a) **Scope** – These Local Bankruptcy Rules are promulgated pursuant to Fed. R. Bankr. P. 9029 to supplement the Federal Rules of Bankruptcy Procedure.

(b) ~~**Citation - Short Title**~~– These **Local Bankruptcy** Rules shall be known as the “~~Local Bankruptcy Rules~~” and may be cited **by number using the format** as “LBR [#].”

(c) **Definitions** – The following words as used in these Local Bankruptcy Rules shall have the meanings indicated below:

(1) “Clerk” means the Clerk of the United States Bankruptcy Court for the Western District of Michigan or a designated Deputy Clerk.

(2) “CM/ECF” means the Case Management/Electronic Case Filing System.

(3) “Court” ~~includes~~ **means** the **United States Bankruptcy Court for the Western District of Michigan and includes any** judicial officer before whom a case or proceeding is pending.

(4) “Code” means the United States Bankruptcy Code, Title 11 of the United States Code.

(5) **“Domestic Support Obligation” has the same meaning as prescribed in the Code.**

~~(5)~~ (6) “ECF Filer” means a person registered to file a **document** ~~paper~~ using the CM/ECF.

~~(6)~~ “~~ECF Guidelines~~” ~~mean the Court’s Administrative Procedures for the Electronic Filing, Signing, Verification and Service of Documents, as may be amended from time to time.~~

(7) “Over the counter” **or “conventional” means**, with respect to the filing of any ~~paper~~ document with the Court **means** the delivery of **that document** ~~a paper~~ to the ~~Clerk~~ **Court** ~~for filing by hand, U.S. Mail, courier, or comparable means, and not by any method other than~~ electronic transmission using ~~the~~ CM/ECF.

(8) “Paper” or “Papers” as applied to cases and proceedings assigned to CM/ECF includes documents in electronic format presented for filing unless the context clearly indicates otherwise.

(9) “Paper Filer” means a person authorized to file a **document** ~~paper~~ “over the counter” without using CM/ECF.

(10) “Payment Advices” has the same meaning as prescribed in the Code.

~~(10)~~ (11) “Practice in the Court” means, in connection with ~~an action~~ a case or proceeding pending in this Court, (A) to appear in, commence, conduct, prosecute, or defend a matter in that case ~~the action~~ or proceeding; (B) to appear in open court; (C) to sign a document ~~paper~~; (D) to participate in a pretrial conference; (E) to represent a client at a deposition; (F) to counsel a client in the action or proceeding for compensation; or (G) to otherwise practice in this Court or before an officer of this Court.

~~(11)~~ (12) “Scanned Image” includes any electronically-generated graphic depiction of any original or duplicate document ~~or other paper~~ stored in electronic format and compatible with CM/ECF, unless the context requires otherwise.

(d) **Application of Local Bankruptcy Rules** - These ~~Local Bankruptcy Rules~~ shall apply to all cases and proceedings except to the extent that ~~these Local Bankruptcy Rules may be~~ they are inconsistent with the Code, the Federal Rules of Bankruptcy Procedure, or any rule promulgated by the Judicial Conference of the United States.

(e) **Use of Forms** – Whenever the use of an Official Form is required under these ~~Local Bankruptcy Rules~~, Fed. R. Bankr. P. 9009 applies ~~shall apply~~. Whenever the use of a Local Form is required under these Rules, LBR 9029(d) applies.

LBR 1002

Disclosure of Non-Filing Spouse and **Contributions to Household Expenses** ~~Domestic Support Obligations~~

~~(a)~~ In Schedule I, a ~~non-individual~~ married debtor shall state ~~must disclose~~ the full legal name, ~~and address, and income~~ of a ~~ny~~ nonfiling spouse ~~unless the spouses are separated and the information is not available.~~ ~~or state that the debtor has no spouse.~~ An individual debtor is not required to disclose a nonspouse cohabitant’s income on Schedule I, but must include the nonspouse cohabitant’s contributions to household expenses as income to the debtor.

~~(b)~~ If the debtor is obligated to pay a Domestic Support Obligation, the debtor must, in writing, provide to the case trustee 7 days before the first date set for the first meeting of creditors the following:

~~(1)~~ the name, address, and telephone number of the Domestic Support Obligation recipient;

~~(2)~~ the name, address, and telephone number of any Friend of the Court, or similar out-of-state agency, involved in the Domestic Support Obligation matter; and

~~(3)~~ the case or account number used by the Friend of the Court, or similar out-of-state agency, to identify the Domestic Support Obligation.

LBR 1004
Partnership Petition

~~(a)~~ When a voluntary petition is filed by a partnership, evidence of the consent of all general partners shall **must** be attached to the petition. ~~(b)~~ If **a written partnership agreement permits** less than unanimous consent for the filing of a voluntary bankruptcy petition, **is permitted in writing by the partnership agreement**, a declaration to that effect shall **must** be attached to the petition.

LBR 1006
Filing Fee

~~(a) **Payment of Filing Fees in Installments**~~— The Clerk may approve an application by an individual to pay **the** filing fee in installments.

~~(b) **Unpaid Prior Filing Fees**~~— If a debtor has an unpaid filing fee from a prior bankruptcy case, the filing fee in the current case shall be fully paid within 7 business days of the filing, notwithstanding the filing of any application to pay filing fee in installments. made by the debtor. If the filing fee in the current case is not fully paid within 7 business days, the Court may dismiss the case without further hearing.

LBR 1007-1
Pro Se Filers or Paper Filers

(a) **No Copies Required** – When filing an original document or amendment, a Paper Filer is not required to provide the Clerk with extra copies unless a time-stamped copy is desired. The filer shall only present copies to the Clerk when filing the original of any document or amendment as provided in subparagraph (b).

(b) **Time-Stamped Copies** - The Clerk will time stamp any copy provided by a Paper Filer and, if the document is filed by mail, return the copy by mail as long as a self-addressed envelope with sufficient postage has also been provided.

~~The Clerk shall provide a time stamp on any petition for relief, schedule, statement of financial affairs, list, pleading, and any amendment thereto filed on paper only if the Filer provides:~~

- ~~(1) a copy of the **document** paper to be time stamped; and~~
- ~~(2) a self-addressed, legal-sized envelope, bearing adequate postage.~~

LBR 1007-2
Additional Required Documents

(a) **Corporate Resolution** – When filing a bankruptcy petition, a corporate debtor ~~shall~~ **must** file a copy of the corporate resolution ~~that~~ **which** authorizes such filing.

(b) **Schedule C in a Joint Case**. Each individual in a joint case must file a separate Schedule C.

~~(b)~~ (c) **Mailing Matrix** -

(1) **Paper Filers** - A debtor who is a Paper Filer ~~shall~~ **must** file a mailing matrix with the petition a mailing matrix which must adhere to **that conforms with** the matrix guidelines published by the Clerk. (Instructions for the preparation of matrices are appended to these ~~Local Bankruptcy~~ Rules as Exhibit 1.)

(2) **ECF Filers** – The ECF Filers ~~shall~~ **must** upload a mailing matrix in accordance with established procedures for submission into CM/ECF.

~~(e)~~(3) **Verification of Creditor Matrix** - The debtor ~~shall~~ **must** file with the ~~petition~~ a Verification of **Creditor** Matrix along with a copy of the matrix. (A Verification of **Creditor** Matrix form is appended to these ~~Local Bankruptcy~~ Rules as Exhibit 2.)

(d) **Asset Protection Report** –

(1) **With Original Petition** - A Chapter 7 debtor ~~shall~~ **must** file an asset protection report with the **original** petition.

(2) **On Conversion** - Any debtor who ~~moves this Court to~~ converts a case from Chapter 11, 12, or 13 to Chapter 7 ~~shall~~ **must** file an asset protection report with the motion to convert. ~~(3)~~ If the conversion is involuntary, the debtor ~~shall~~ **must** file the asset protection report within ~~5~~ **7** days ~~of the~~ **after** the entry of the order for conversion.

~~(4)~~ (3) **Failure to Comply** - Failure to comply with the terms of this ~~Local Bankruptcy~~ Rule may result in the dismissal of the case or other appropriate relief as determined by the Court.

~~(5)~~ (4) **Form** - Copies of the approved Asset Protection Report form may be obtained from the Clerk or via the Court's website at www.miwb.uscourts.gov. (A copy of the Asset Protection Report form is also appended to these ~~Local Bankruptcy~~ Rules as Exhibit 3.)

(e) *Notice of Alternatives* –

(1) **Form** - In accordance with 11 U.S.C. § 342(b), the Notice of Alternatives ~~shall be made~~ is available **under the “Official Forms” link** ~~by the Clerk~~ on the Court’s website at www.miwb.uscourts.gov. The Notice of Alternatives ~~shall indicate~~ each chapter of Title 11 under which an individual may proceed. ~~(A copy of the Notice of Alternatives is appended to these Local Bankruptcy Rules as Exhibit 4.)~~

(2) **Mandatory Filing; Exceptions** - Every petition filed by an individual ~~or individuals~~ **debtor shall must** be accompanied by a Notice of Alternatives signed by the debtor. ~~(s), acknowledging that each has read and understands the notice.~~ **However, no Notice of Alternatives is required if:**

(A) ~~Exceptions to this requirement are:~~ ~~(i) cases in which~~ the debtor’s attorney has completed Exhibit B on the Voluntary Petition (Official Form 1); or

~~(ii) (B) cases in which~~ the schedules are filed contemporaneously with the petition and the schedules clearly show that the debts are not primarily consumer debts.

(f) **Documentation Required by Trustees** - In every individual chapter 7 and 13 case, the debtor must submit the following documents to the trustee at least 7 days before the date first set for the meeting of creditors. The trustee may adjourn the meeting of creditors or file a motion to dismiss if the documents are not provided by the required deadline.

(1) Copies of all payment advices or other evidence of payment received by the debtor from any employer within 60 days of the date of filing. This documentation must be provided to the trustee instead of being filed with the Court as prescribed by 11 U.S.C. § 521(a)(1)(B)(iv);

(2) Copies of the federal and state income-tax returns, together with all W-2s, for the most recent tax year ending immediately before the commencement of the case, or a debtor’s certification explaining why those tax returns are not available. This documentation must be provided to the trustee instead of being filed with the Court as prescribed by 11 U.S.C. § 521(e)(2);

(3) For each financial account held by the debtor, copies of account statements or transaction histories that reflect the account’s activity for the 90 days immediately preceding the commencement of the case;

(4) Copies of all certificates of title issued with respect to personal property owned by the debtor as of the commencement of the case;

(5) Copies of all recorded deeds and mortgages (if any) and the current year's SEV for all real property in which the debtor holds an interest as of the commencement of the case;

(6) The declarations pages of all insurance policies that provide coverage for any real or personal property owned by the debtor as of the commencement of the case;

(7) An account statement showing the current value of all IRAs, 401(k)s, pensions, or similar retirement or investment accounts held by the debtor as of the commencement of the case;

(8) If the debtor has been divorced within the last 10 years, a complete copy of the judgment of divorce and all related agreements; and

(9) If the debtor is required to pay a Domestic Support Obligation, written documentation showing:

(A) the name, address, and telephone number of the Domestic Support Obligation recipient; and

(B) the name, address, and telephone number of any Friend of the Court or similar out-of-state agency; and the case or account number used by the agency in the Domestic Support Obligation matter.

The foregoing list is not exclusive and the trustee may require the debtor to provide additional documentation. Similarly, a debtor's compliance with this Rule does not excuse the debtor from his or her obligation to continue cooperating with the trustee as required by 11 U.S.C. § 521(a)(3).

~~(f)~~ (g) ***Creditor Request for Debtor Payment Advices*** –

(1) ***Timely Request*** – In addition to the requirements of (f)(1) above, the debtor must submit payment advices directly to any creditor who timely requests a copy. A creditor makes a timely request for payment advices if the request is filed with the Court and served on the debtor and any attorney for the debtor by U.S. mail or CM/ECF no later than 14 days before the date first set for the meeting of creditors.

~~Unless otherwise ordered by the Court, and pursuant to 11 U.S.C. § 521(a)(1)(B)(iv), copies of all payment advices or other evidence of payment received by the debtor from any employer within 60 days of the date of filing of the petition shall not be filed with the Court, but shall be provided:~~

~~(A) to the case trustee no later than 7 days before the first date set for the first meeting of creditors; and~~

~~(B) to any creditor who timely requests copies directly from the debtor and debtor's counsel.~~

~~(2) A creditor makes a timely request prior to the first meeting of creditors for payment advices if the request:~~

(2) **Form of Request** - A creditor's request for payment advices must be made (A) is made in a separate **document** paper filed with the Court and served on the debtor and any attorney for the debtor by U.S. Mail no later than 10 days before the first date set for the first meeting of creditors; (B) is captioned "Request for Debtor's Pay Advices" or a substantially similar designation and (e) contains: **must contain:**

(i) (A) the name; address; and telephone number, facsimile number, or email address of the requesting creditor; and

(ii) (B) the name; address; and telephone number, **facsimile number, or email address** of any attorney representing the creditor.

(3) **Compliance with Creditor's Request** - Transmitting payment advices to the designated facsimile number or email address contained in the request or mailing **payment advices** via U.S. Mail to the mailing address of the creditor or its attorney constitutes compliance by the debtor with the creditor's request. **The debtor must contemporaneously file with the Court a proof of service indicating that the required payment advices were provided.** The debtor shall ~~redact private information from the information provided in accordance with the guidance of the Administrative Office of the United States Courts, including the first 6 digits of any social security numbers, names of minor children, dates of birth, and full account numbers.~~

~~(g)~~ (h) **Creditor's Request for Debtor's Pre-Petition Tax Information** –

(1) **Timely Request** - In addition to the requirements of (f)(2) above, the debtor must submit pre-petition tax information directly to any creditor who timely requests a copy pursuant to 11 U.S.C. § 521(e)(2). A creditor makes a timely request for pre-petition tax information if the request is filed with the Court and served on the debtor and any attorney for the debtor by U.S. mail or CM/ECF no later than 14 days before the date first set for the meeting of creditors.

Unless otherwise ordered by the Court, and pursuant to 11 U.S.C. § 521(e)(2), ~~copies of the debtor's tax returns or transcripts shall not be filed with the Court, but shall be provided:~~

(A) to the case trustee no later than 7 days before the first date set for the first meeting of creditors; and

(B) to any creditor who timely requests such tax information directly pursuant to this Local Bankruptcy Rule.

(2) A creditor makes a timely request for tax information if the request:

(2) **Form of Request** – A creditor's request for tax information must be made (A) is made in a separate **document** paper filed with the Court and served on the debtor and any attorney for the debtor by U.S. Mail no later than 15 days before the first date set for

~~the first meeting of creditors; (B) is captioned “Request for Debtor’s Tax Return Information” or a substantially similar designation and (C) contains:~~ **must contain:**

~~(i) (A) the name; address; and telephone number, facsimile number, and or email address of the~~ **requesting creditor making the request; and**

~~(ii) (B) the name; address; and telephone number, facsimile number, or facsimile number and email address of any attorney representing the creditor.~~

(3) ***Compliance with Creditor’s Request*** - Transmitting tax information to the designated facsimile number or email address contained in the request or mailing **tax information** via U.S. Mail to the mailing address of the creditor or its attorney constitutes compliance ~~by the debtor~~ with the creditor’s request. **The debtor must also contemporaneously file with the Court a proof of service indicating that the required tax returns or transcripts were provided.** ~~The debtor shall redact private information from the information provided in accordance with guidance of the Administrative Office of the United States Courts, including the first 5 digits of any social security numbers, names of minor children, dates of birth and full account numbers.~~

~~(h) (i) Debtor’s Post-Petition Tax Information –~~

(1) Information Required – Pursuant to ~~11 U.S.C. § 521(f) and upon~~ **On the timely written request of the United States Trustee trustee or a party in interest pursuant to 11 U.S.C. §521(f), the debtor must furnish the following post-petition tax transcripts or returns information at the same time it is filed with the taxing authority: shall be furnished every year a bankruptcy case remains open pursuant to 11 U.S.C. § 521(f). Said request shall (1) be made by motion;**

~~(A) captioned “Motion for Order Requiring Debtor to File Tax Return Information with the Court” or a substantially similar caption; and~~

~~(B) contain:~~

~~(i) a citation of the applicable code section;~~

~~(ii) the name, address and telephone number of the creditor filing the motion and of any attorney representing the creditor; and~~

~~(i) a prayer for relief.~~

(A) tax transcripts or returns filed for each post-petition year the bankruptcy case remains open;

(B) tax transcripts or returns for any year ending within the 3-year period before the commencement of the case that are filed post-petition while the bankruptcy case remains open; and

(C) a copy of any amended tax transcript or return filed while the bankruptcy case remains open.

(2) **Form of Request** – If the United States Trustee or a party in interest desires to receive a copy of the debtor’s post-petition tax information, it must file a “Motion for Order Requiring Debtor to Provide Tax Return Information” or a motion with a substantially similar designation. The motion must contain (A) a citation to the applicable Code section; (B) the name; address; and telephone number, facsimile number, or email address of the party filing the motion and of any attorney representing that party; and (C) a request for relief.

~~(2)~~ (3) **Court Order Requiring Production** – ~~Upon~~ **On** receipt of a the motion requesting the debtor’s post-petition tax information, the Court may (A) set the matter for hearing with notice to the moving party, any attorney for the moving party, **the debtor,** and any attorney for the debtor; or (B) issue an appropriate order **without a hearing.** ~~(i)~~ If the Court ~~orders~~ **enters an order requiring** the debtor to produce ~~copies of tax returns or transcripts pursuant to 11 U.S.C. § 521(f),~~ **post-petition tax information,** the debtor **must** ~~shall~~ ~~(I)~~ furnish the tax information ~~in accordance with~~ **according to** the terms **and** ~~or~~ procedures specified **in the order.** ~~by the Court. or by the Clerk;~~ and ~~(II)~~ **redact any private information that is protected by the privacy policies promulgated by the Director of the Administrative Office of the United States Courts (such as any social security numbers, names of minor children, and account numbers).** **The debtor must also contemporaneously file with the Court a proof of service indicating that the required tax returns or transcripts were provided.**

~~(i) Proofs of Service~~—Debtor shall contemporaneously file with the Court a proof of service which indicates that the required payment advices and tax returns or transcripts were provided. If the debtor fails to timely file the required proof of service and the United States Trustee files a motion to dismiss the debtor’s case on that basis, no sooner than the 46th day after the petition was filed the Court shall automatically dismiss the case effective on the 46th day pursuant to 11 U.S.C. § 521(i). Nothing in this Local Bankruptcy Rule precludes the Court from dismissing a case earlier than the 46th day after the filing of the petition after notice and hearing.

~~(j) Certification of Attorney Attendance at Bankruptcy Educational Seminars~~—Attorneys requesting fees pursuant to LBR 2016(a)(4)(F) shall file with the Clerk a current certificate in the form appended hereto as Exhibit 5. The Clerk shall retain these certificates for judicial review.

~~(j)~~ ~~(k)~~ **Further Discovery** – Nothing in this Local Bankruptcy Rule precludes **the** discovery **of other information or documents** allowed pursuant to the Code or the Federal Rules of Bankruptcy Procedure.

LBR 1008

Verification of Electronically Filed Petitions, Lists, Schedules, Statements, and Amendments, and on Other Documents Signed Under Oath; Retention of Originally Signed Documents; and Admissibility of Scanned Best Evidence of Original Documents Papers

(a) **Approved Methods for Signing Documents** - A signature on an affidavit, stipulation, or other document paper, including one those signed under penalty of perjury or verifying a bankruptcy petition, list, schedule, statement, plan, or and any amendment thereto, shall be is indicated by:

(1) filing a scanned image of the originally signed document paper;

(2) filing a scanned image of the signature page of the electronic document; or

(3) affixing “/s/ NAME” to the document paper where the handwritten signature or mark would otherwise appear.

(b) **Retention of Signed Documents** - If a document is filed with an electronic signature indicated by “/s/”, the ECF Filer shall must retain the original signed document or the written authorization for the electronic signature for a minimum of 5 years from the date of filing. papers as prescribed in the ECF Guidelines unless the scanned image which is filed with the Court clearly shows the handwritten signature or mark of the person who signed the paper.

(c) **Admissibility of Scanned Documents** - Unless the Court orders otherwise, for purposes of Fed. R. Evid. 1004, any scanned document image that is filed with the Court may be admitted as evidence of the contents of the document scanned as long as the requirements of Fed. R. Evid. 1004 have been met. and that clearly shows the handwritten signature or mark of the person who signed the paper shall be considered the “best evidence” of the signed paper and signature.

LBR 1009

Amendments to Petitions, Lists, and Schedules, and Statements

(a) **General Procedure** – When filing an amendment to the petition or a list, schedule, or any statement, the debtor must file the entire amended document and highlight the amendment in some fashion. Unless otherwise ordered by the Court, the debtor shall must sign any every amended petition, schedule, list, statement of financial affairs, statement of income and expenses, mailing matrix or summary of assets and liabilities. document. However, the debtor may attach a single signed verification (1) if several documents are contemporaneously amended. the debtor may attach to the amended papers a single signed verification relating to all of the amended papers as required by Fed. R. Bankr. P. 1008.

(b) **Adding Creditors** – If the amendment adds adding a creditor or creditors, each new creditor’s name and address must be uploaded into CM/ECF. A supplemental mailing matrix

~~reflecting only those additional creditors shall be filed with the amendment, and uploaded into the Court's Electronic Case Filing System.~~ **The debtor must also promptly serve each newly added creditor with a copy of the Notice of Commencement of Case, Notice of Meeting of Creditors, and Fixing of Deadlines.**

~~(b)~~ **(c) *Service of Amendments*** - The debtor shall **must** serve the amendment ~~upon~~ **on** the trustee and all other entities adversely affected by the amendment, and shall **must** promptly file a proof of service **showing compliance with Fed. R. Bankr. P. 1009**. ~~If the amendment adds a creditor or creditors, the debtor shall also promptly serve upon those creditors, a copy of the Notice of Commencement of Case, Notice of Meeting of Creditors and Fixing of Deadlines, and file a proof of service.~~

~~(c) A party filing an amendment to any petition for relief, schedule, statement of financial affairs, list, or other paper shall file a proof of service showing compliance with Fed. R. Bankr. P. 1009.~~

LBR 1014 Determination of Place of Holding Court

(a) *Clerk to Determine Location for Hearings* – Unless otherwise ordered by the Court, the Clerk shall ~~will~~ **set the location for** ~~schedule~~ all hearings, trials, and other matters ~~in~~ designated locations ~~determined by~~ **based on** the county of residence or principal place of business listed on the debtor's petition.

(1) For the following counties, the designated location for holding court is Grand Rapids:

Barry	Ionia	Kent	Mecosta	Montcalm
Muskegon	Newaygo	Oceana	Ottawa	

(2) For the following counties, the designated location for holding court is Kalamazoo:

Allegan	Berrien	Branch	St. Joseph	Van Buren
Hillsdale	Cass	Calhoun	Kalamazoo	

(3) For the following counties, the designated location for holding court is Lansing:

Clinton	Eaton	Ingham
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(4) For the following counties, the designated location for holding court is Traverse City:

Antrim	Benzie	Charlevoix	Emmet	Lake
Kalkaska	Leelanau	Grand Traverse	Manistee	Mason
Missaukee	Osceola	Wexford		

(5) For the following counties, the designated location for holding court is Marquette:

All of the counties in the Upper Peninsula of Michigan.

(b) ***Motion to Change of Location for Hearings*** – The Court may change the location for holding hearings in a bankruptcy case or adversary proceeding if the change is in the interests of justice or convenient to the parties. A The debtor, any creditor, or any other party in interest may request a change in the location for holding hearings seek a transfer of the designated location for holding court in any bankruptcy case or adversary proceeding which may be warranted in the interests of justice or the convenience of the parties by filing a motion with notice which shall be noticed to all interested parties pursuant to LBR 9013.

(c) ***Exception in Pro Bono Cases*** – Notwithstanding subparagraph (b) of this Local Bankruptcy Rule, an attorney who is affiliated with a pro bono program and who has agreed as part of the program to represent an indigent client before this Court without charge to the client may file submit a motion and ex parte order transferring the case to the location for holding court which is located nearest the principal office of the that attorney. In ruling on the motion, the Court may consider the indigent party's ability to retain representation if the transfer request is denied.

(1) The Court may then issue an order transferring the location for holding court without prior hearing.

(2) **The Clerk will serve the order** All such orders shall be noticed by the Clerk on to all interested parties in interest, together with a notice of the action and an opportunity to object. (3) If an objection is filed, the a hearing shall will be scheduled at the designated location where the case would normally be assigned absent a request for redesignation.

(4) ~~The standard for transfer of location shall be what is in the interest of justice or convenience of all parties, including the ability of the indigent party to retain representation if such transfer is denied.~~

LBR 2002
Noticing

~~(a) *General Rule*—Except as noted in subparagraphs (b) and (c) below, all papers shall be served by the parties who prepared them, or if prepared by the Court, they will be served by the party for whom they are prepared.~~

~~(b) *Exceptions*—~~

~~(1) The Clerk shall serve:~~

(a) ***General Rule*** - The Clerk shall **will** serve:

~~(A) (1) §341 meeting notices in Chapter 7, 9, 11 and 13 cases;~~

~~(i) Chapter 12 trustees shall serve §341 meeting notices for those cases to which they are assigned, unless they elect in writing to allow the Clerk to serve the notices;~~

(2) notices of the provisions under 11 U.S.C. § 522(q)(1) in individual Chapter 7, 11, 12, and 13 cases;

(3) notices to file Official Form 23 in individual Chapter 7, 11, and 13 cases;

~~(B) (4) notices of possible dividends and discharges;~~

~~(C) (5) notices or orders which that are required to be served on all creditors by the United States Trustee, including notices of final accounting and orders of distribution; and~~

~~(D) (6) notices of sale sent to the Buyers' List maintained by the Clerk; and~~

(7) notices, orders, or other documents when:

(A) the hearing is expedited and the judicial officer determines that the Clerk is able to serve the parties quicker than the otherwise designated party; or

(B) the party having the burden of service is indigent.

~~(c) *Emergencies or Indigence*—A Judge, the Clerk or designated representative may permit any notice, order or other document to be served by the Clerk when:~~

~~(1) the hearing or order is on an expedited basis and the Clerk can serve the parties more quickly than the otherwise designated party; or~~

~~(2) the party having the burden of service is indigent and has no funds to serve the required document.~~

~~(d) (b) **Chapter 12 Notices Noticing Fees** – The Chapter 12 trustee s are authorized to charge against Chapter 12 estates a fee per notice in an amount determined by general order of the Court, as an administrative expense. must serve the §341 meeting notice unless the trustee requests in writing that the Clerk serve the notice. In that case, the Clerk will serve the notice. The Chapter 12 trustee may charge as an administrative expense of the Chapter 12 estate a per notice fee in an amount determined by general order of the Court. The monies so collected The notice fee shall is not be calculated as part to be included in the calculation of the combined percentage fee which is permitted by 11 U.S.C. §330. as limited by the United States Trustee.~~

~~(c) **Other Documents** – Unless the Court orders otherwise, any other document must be served by the party who prepared it or, if prepared by the Court, by the party for whom the document was prepared.~~

LBR 2004 Examination of a Party in Interest

~~(a) **Prerequisite to Filing Application** - Any entity who is seeking to examine a party in interest pursuant to Fed. R. Bankr. P. 2004 shall must first contact the party's attorney (or the party directly if not represented by counsel) for the purpose of arranging to arrange a mutually convenient date, time, and place before filing an application pursuant to that rule. If an agreement is reached, the application must include the agreed-upon date, time, and place of the examination. (b) The application shall affirmatively state that the proposed date, time, and place for examination have been agreed upon by all concerned.~~

~~(e) (b) **Filing of Application Without Agreement** – If, after making all reasonable efforts, the applicant is unable to set a mutually acceptable date, time, and place for the examination, the application must include a specific description of the efforts made and confirm these matters with the party's attorney after making all reasonable efforts, an application for examination may be filed, indicating specifically the efforts that were made as well as the proposed date, time, and place for of the examination.~~

LBR 2007 Appointment of Patient Care Ombudsman in a Health Care Business Case

~~If the debtor in a case under Chapter 7, 9, or 11 is a health care business, the debtor must, at the same time as the petition, file a separate motion to determine whether appointment of a patient care ombudsman is necessary pursuant to 11 U.S.C. § 333(a).~~

LBR 2014
Appointment of Professional Persons

(a) **Scope** - This ~~Local Bankruptcy Rule shall governs~~ all applications for employment of professional persons ~~made in connection with a case, pursuant to 11 U.S.C. §§ 327, 1103, and 1114.~~

(b) **Application and Order of Employment** - A committee in a chapter 11 case, a standing trustee, an appointed trustee, or a debtor-in-possession may file an application for employment of professionals pursuant to Fed. R. Bankr. P. 2014. The application and proposed order must be filed with the Clerk and served electronically on the United States Trustee. A hearing will not be held on the application unless a timely objection is received from the United States Trustee or the Court indicates otherwise.

(1) **Objection Filed** - The United States Trustee may file an objection to the application within 28 days from the date of entry of the application. The objection must be served on the applicant and any party in interest. If a hearing is scheduled, the Clerk will serve notice of the hearing on the United States Trustee, the applicant, and any other person the Court may direct.

(2) **No Objection Filed** – If no objection or request for hearing is filed within 28 days after entry of the application, the applicant may file a certification stating that no timely response or request for hearing has been filed. No such certification is required if the United States Trustee has previously filed a Statement of No Objection and served the Statement of No Objection on the applicant.

(c) **Emergency Approval of Applications Pursuant to Fed. R. Bankr. P. 2014** - If the applicant requires emergency approval of the application for employment, ~~it shall immediately deliver the application and proposed order to the United States Trustee. If the United States Trustee has no objection to the application, it~~ the United States Trustee may certify on the applicant's proposed order that it has no objection to the application. ~~Unless otherwise ordered by the Court, the applicant may then file the application and the proposed order shall be approved by the Court. The Court may immediately enter the certified order unless the Court requires further notice or a hearing.~~

LBR 2016-1
**Disclosure of Compensation Paid or Promised to Attorney
or Bankruptcy Petition Preparer**

Within 14 days after the order for relief, every debtor's attorney or bankruptcy petition preparer must file a statement disclosing any fee paid or agreed to be paid during the 12 months preceding the filing, the source of any such fee paid or promised, and a description of the services included or excluded from that fee. If the debtor is represented by an attorney, the statement must also disclose the nature of any fee-sharing agreement. In Chapter 7 cases only, the statement must be filed as a separate docket entry from the petition and schedules. In all

cases, a supplemental statement must be filed within 14 days of any payment or agreement not previously disclosed.

LBR 2016-2
Fee Applications Filed Pursuant to Federal Rules of Bankruptcy Procedure
Fed. R. Bankr. P. 2016

(a) *Scope* – ~~Except as noted in subparagraphs (b) and (c), the provisions of This Local Bankruptcy Rule shall governs~~ all applications for compensation or reimbursement filed pursuant to Fed. R. Bankr. P. 2016.

(b) *Fee Applications for \$1,000 or Less* –

(1) ***By Stipulation*** – The Court may approve an application for compensation or reimbursement of \$1,000 or less without notice and opportunity to object if a stipulation that complies with this subsection is filed with the Clerk. The stipulation must be accompanied by the application, supporting documents, and proposed order. It must also clearly state that no signatory to the agreement intends to pursue an objection. The stipulation must be signed by the applicant and the following parties:

(A) the trustee and United States Trustee in a Chapter 7 case;

(B) the debtor-in-possession; trustee, if any; United States Trustee; and counsel for the committees of record in a Chapter 11 case; and

(C) the debtor and the trustee in a Chapter 12 or 13 case.

Regardless of the amount requested, this procedure may not be used by a debtor’s attorney to apply for fees beyond the “no look” fee in a Chapter 13 case.

(2) ***By Motion*** - An entity applying for compensation or reimbursement of \$1,000 or less may proceed by motion with notice and opportunity to object as set forth in LBR 9013(c), except that the movant must use the Notice to Creditors and Other Parties in Interest form appended as Exhibit 4 to these Rules. The notice, motion, supporting documents, and proposed order must be filed with the Clerk and served on all parties who would otherwise be required to sign a stipulation.

(c) ***Fee Applications for More than \$1,000*** - An entity applying for compensation or reimbursement in excess of \$1,000 must proceed by motion with notice and opportunity to object as set forth in LBR 9013(c), except that the movant must use the Notice to Creditors and Other Parties in Interest form appended as Exhibit 4 to these Rules. The notice, motion, supporting documents, and proposed order must be served on all interested parties, including the United States Trustee, the trustee, creditors, equity security holders’ committees, and their attorneys.

(d) ***Exception for Final Fees in a Chapter 7 Case*** - No Notice to Creditors or proposed order for payment of fees and expenses shall be filed or served **is required** with the **an** application for fees and expenses if the fees and expenses are **already** included by a trustee as part of the **in** the trustee's final report and account to creditors in a Chapter 7 ~~asset~~ case.

(e) ***Special Rules for Filing of Fee Applications in Cases Pursuant to Chapter 12 and 13 Cases*** –

(1) ***Fee Applications by Professionals*** –

(A) ***Initial Fee Application*** - No less than 21 days after the filing of a Chapter 12 or 13 petition, a professional person entitled to compensation must file a copy of the executed fee agreement with the Clerk and serve the trustee as agent for the United States Trustee. The fee agreement must plainly indicate the basis for calculating the fee and the services included in the fee. The agreement must also specifically describe all matters that may require additional compensation and the method by which this additional compensation will be computed. No Chapter 12 or 13 plan containing a provision for payment of professional fees will be confirmed unless all relevant fee agreements have been timely filed. Any objection to the fee agreement will be heard at the confirmation hearing or at such other time as the Court may set.

(B) ***Applications for Additional Fees*** – An application for additional fees may be filed by motion with notice and opportunity to object pursuant to LBR 9013(c). If the confirmed plan does not provide for the payment of additional fees and approval of the fees would negatively impact the distribution to unsecured creditors, then the motion must be accompanied by a plan amendment explaining how the additional fees will (i) be paid through the plan; (ii) affect the distribution to creditors; (iii) affect the duration of the plan; and (iv) otherwise adversely affect the parties in interest. The fee application and plan amendment must be served on all interested parties.

(2) ***Attorney Fees in Chapter 13 Cases*** –

(A) ***“No Look” Attorney Fee*** – In a chapter 13 case, the Court may approve compensation of a debtor's attorney up to the “no look” fee without requiring the attorney to file a formal fee application or an itemized statement of services rendered. As a condition to receiving the “no look” fee, the attorney must provide the chapter 13 trustee with a copy of the fee agreement. The fee agreement must be executed by both the debtor and the debtor's attorney and must state the agreed-on fee for pre-confirmation services.

The current “no look” fee is designated by this Court's Memorandum, Regarding Allowance of Compensation and Reimbursement of Expenses for Court-Appointed Professionals, as amended from time to time. (A copy of the most recent Memorandum is appended to these Rules as Exhibit 5.) An attorney

requesting the higher “no look” fees pursuant to item 16 of the Court’s Memorandum must first file a certificate in the form appended to these Rules as Exhibit 6. The Clerk will retain these certificates for judicial review.

(B) *Fee Applications Beyond the “No Look” Fee* – The Court will not approve additional fees beyond the “no look” fee unless the attorney files a formal fee application and submits an itemized statement or other documentation which comports with the method for computing additional compensation as set forth in the attorney’s fee agreement. The itemized statement must document all services provided from the beginning of the case, including services that were covered by the “no look” fee. Any application for fees beyond the “no look” fee must comply with the requirements of subpart (e)(1)(B) of this Rule, and may not be requested by stipulation.

LBR 2030
Interim Expenses To Preserve the Estate

(a) *Administrative Expenses under \$1,000* – In a Chapter 7 case, the trustee may pay the following § 503(b) administrative expenses without prior notice and a hearing if the expenses are incurred in the ordinary course of the estate’s administration and the aggregate amount of all such expenses does not exceed \$1,000:

- (1) Expenses related to changing locks on premises included in the estate;
- (2) Storage (or rent) expenses for estate property;
- (3) Expenses associated with winterizing estate property;
- (4) Insurance for estate property;
- (5) Advertising proposed sales of estate property;
- (6) Moving expenses related to transportation of estate property;
- (7) Expenses related to determining the existence or perfection of liens (but excluding the compensation of any professional person conducting the investigation);
- (8) Bank fees for obtaining copies of bank documents;
- (9) Transcript or court-reporter fees; and
- (10) Taxes incurred by the estate.

Any time after an expense has been allowed pursuant to this subparagraph, a creditor or other party in interest may request a hearing to reconsider the allowance of the expense.

(b) **Administrative Expenses over \$1,000** - The trustee must file a motion with notice and opportunity to object pursuant to LBR 9013(c) before paying any administrative expense that exceeds the \$1,000 aggregate amount. The notice must be served pursuant to Fed. R. Bankr. P. 2002(a).

(c) **Notice Required Before Expenditures Made** –

(1) **Notice to Creditors Directly Affected** – Except as provided in subparagraph (a), the trustee must give advance notice of a proposed expenditure to any creditor directly affected by the expenditure.

(2) **Notice to Others** - Any creditor or the United States Trustee may demand advance notice of expenditures in any case. If a demand is made, the trustee must give notice of the expenditure as far in advance as is reasonably practicable. If in the trustee's judgment funds must be expended on an emergency basis to avoid damage to the estate's property, notice must be given to the requesting party promptly after payment.

(d) **Objection Filed** – If the United States Trustee or a party in interest objects to any expenditure, written notice of the objection must be filed with the Court and served on the trustee and all interested parties. If an objection is filed before the expense is paid, the trustee may not pay the expense without obtaining a court order.

(e) **Expenses Not Covered by This Rule** – This Rule does not authorize payment of wages or professional compensation or authorize the payment of estate funds to the trustee or anyone employed by the bankruptcy estate.

LBR 3002
Chapter 12 and 13 Claims

~~(a)~~ To file a Chapter 12 or 13 claim, a signed claim form ~~that~~ ~~which~~ includes all necessary attachments in support of the claim as required by Fed. R. Bankr. P. 3001(c) and (d) must be filed with the Clerk. ~~(b)~~ Claims are deemed filed on the date and time received by the Clerk unless the Court orders otherwise.

LBR 3013
Classification of Claims and Interests in Chapter 11 Plan

If a Chapter 11 plan classifies secured claims, ~~and/or~~ priority unsecured claims, or equity interests, it ~~shall~~ **must** identify by name **each entity** ~~the person or entities~~ holding a claims or interests ~~in that within each class and the amount of that each claim or equity interest within each class.~~

LBR 3015
Chapter 12 and 13 Plans

(a) *Service of §341 Meeting Notices and Plans* – Except as otherwise provided in this subsection, the Clerk will serve the A §341 meeting notice and a copy of the debtor’s plan or plan summary ~~shall be served upon~~ on all creditors and parties in interest listed on the mailing matrix ~~by the trustee, or the Clerk.~~ If the debtor fails to file a mailing matrix with the petition or if the debtor adds creditors to the mailing matrix after the case is filed, then the debtor must serve the § 341 meeting notice and a copy of the debtor’s plan or plan summary on all creditors and other parties in interest or on the newly added creditors, as the case may be. The debtor must also file a proof of service with the Court. ~~The debtor shall serve the debtor’s plan upon all creditors and other parties in interest and file a proof of service if:~~

~~(1) the debtor failed to file a mailing matrix with the petition;~~

~~(2) the debtor failed to file a plan with the petition, and the trustee or Clerk has previously noticed the case to creditors; or~~

~~(3) subsequent to the date of filing, the debtor added parties to the mailing matrix; the debtor shall serve the § 341 meeting notice upon those interested parties.~~

(b) *Dismissal When Debtor Fails to File Schedules, Statements, or a Plan* – ~~Unless a case has been converted to Chapter 13 from another chapter of the Bankruptcy Code, when~~ If a debtor files a Chapter 13 petition but does not also file the schedules and statements as required by Fed. R. Bankr. P. 1007(b) or a plan as required by Fed. R. Bankr. P. 3015(b), the Court ~~shall~~ may send the debtor and debtor’s attorney a notice stating that the case may be dismissed without further hearing unless:

(1) the debtor files the required documents within 14 ~~15~~ days of the filing of the petition; ~~or~~

(2) the debtor ~~moves~~ brings a proper motion for an extension of time to file the required documents within 14 ~~15~~ days of filing the petition; ~~or~~

(3) the case has been converted to Chapter 13 from another chapter of the Code.

(c) *Payroll Orders in Chapter 13 Cases* - A payroll order ~~shall~~ must be entered in every Chapter 13 case unless it would be impractical or the debtor files a motion showing good cause why a payroll order should not be entered. (The Payroll Order form is appended to these Rules as Exhibit 7.)

~~(1) impracticable;~~

~~(2) the debtor does not derive any income from wages; or~~

~~(3) the debtor, for good cause, files a motion to reconsider the entry of a payroll order and the Court determines sufficient cause is present.~~

~~(d) *Plan Language* – The debtor shall include the following language in the plan:~~

~~“The debtor will submit all disposable income directly to the control and supervision of the trustee. If the debtor becomes 30 days delinquent in making payments under the plan, the trustee may submit a payroll order to the Clerk with an appropriate affidavit (copied to the debtor and debtor’s counsel) and the Court may enter the payroll order without further hearing. The debtor will notify the trustee immediately of any changes of employment until the plan is completed.”~~

(d) *Model Chapter 13 Plan* –

(1) *Mandatory Use* – The Court will maintain on its website a Chapter 13 plan adopted by the Chapter 13 trustees that will serve as a model for drafting Chapter 13 plans in this district. Absent exceptional circumstances, a Chapter 13 debtor must use the model plan but may make modifications to the plan to meet his or her particular needs. If a modification is made, the modification must be conspicuously described in Section IV.P. of the model plan unless the modification has otherwise been excepted from disclosure by the Chapter 13 trustee assigned to the case. (The Model Chapter 13 Plan as of the effective date of these Rules is appended to these Rules as Exhibit 8.)

(2) *Future Amendments* – The Chapter 13 trustees will regularly consult with attorneys who represent debtors and creditors in Chapter 13 cases in this district to discuss any needed changes to the model plan. Unless otherwise ordered by the Court, amendments may not be made more than once a year, with the Chapter 13 trustees submitting proposed amendments, if any, to the Court for final approval in August of each year.

(e) *Objections to Confirmation* – A creditor who objects to confirmation of the debtor’s plan as last amended must file a written objection with the Court at least 7 days before confirmation of that plan is heard.

(f) *Pre-Confirmation Amendments to Plans* – ~~The debtor shall file~~ All pre-confirmation amendments to a plan must be numbered chronologically in chronological order of filing, and entitled with the prefix “First Pre-Confirmation Plan Amendment . . . , Second Pre-Confirmation Plan Amendment . . .”, etc. The amendment must (1) include only the provisions that differ from the original plan, and (2) explain how each new or amended provision changes the plan. The debtor ~~shall~~ must serve the amendment, together with a notice of the hearing date for confirmation, ~~upon~~ on the trustee and any creditors or parties in interest who may be adversely affected; ~~The debtor and~~ must ~~shall~~ file a proof of service with the Clerk. ~~The debtor~~ may not file a plan amendment that adversely affects the rights of non-objecting creditors less than 21 days before the plan is finally confirmed.

~~(f)~~ (g) **Post-Confirmation Modifications or Amendments to Plans Filed by Debtor** – All modifications or amendments to a confirmed plan shall ~~must~~ be ~~noticed~~ filed by the debtor on a “notice and opportunity” basis pursuant to LBR 9013(c). ~~Post-confirmation amendments to a plan must be numbered chronologically and entitled “First Post-Confirmation Plan Amendment . . . , Second Post-Confirmation Plan Amendment . . . , etc. The amendment must (1) include only the provisions that differ from the plan as confirmed, and (2) explain how each new or amended provision changes the plan. The debtor shall~~ ~~must~~ serve the trustee and any creditors or parties in interest who may be adversely affected by the ~~modification or amendment with a copy of the modification or amendment and the notice and opportunity.~~ ~~LBR 9013(c) notice; and Proofs of service shall be filed~~ ~~must file a proof of service~~ with the Clerk.

~~(g)~~ (h) **Emergency Refunds to Debtors** – As long as the confirmed plan so provides, the Chapter 13 trustee may refund estate monies to the debtor, including income-tax refunds, without amending the plan or otherwise securing a court order. The Chapter 13 trustee may also refund estate monies to the debtor on an emergency basis, even if the confirmed plan does not so allow and without prior court order, if the debtor stipulates in writing to repay the refund to the estate before completion of the plan. ~~In the sole discretion of the Chapter 13 trustee, upon the showing of proper cause, and without Court authority, Chapter 13 monies may be refunded to debtors. All such refunds shall be repaid to the Chapter 13 estate before completion of the plan.~~

LBR 3016
Pre-Confirmation Lease and Adequate Protection
Payments Pursuant to 11 U.S.C. §1326(a)(1)

(a) **Plan Requirements** – ~~In Chapter 13 cases filed on or after October 17, 2005, Unless otherwise ordered by the Court orders otherwise,~~ when a debtor files a Chapter 13 plan providing that a lease or adequate protection payment be paid by the trustee to a creditor listed in the plan, ~~(a) the plan must: shall:~~

(1) list the ~~creditor~~ name, address, account number, and payment amount for each lessor or secured creditor receiving a payment;

~~(2) provide that only that portion of the obligation which becomes due after the order for relief is paid through the trustee to a creditor with an allowed claim secured by personal property.~~

(2) provide that the trustee may not disburse any adequate protection payments to a secured creditor until a proof of claim is filed; and

(3) provide that the trustee may only pay that portion of an allowed, secured claim that comes due after the order for relief.

(b) **Trustee’s Duties** - As long as the information required by subparagraph (a) has been provided, the trustee may begin making lease or adequate protection payments within 28 days

after a proof of claim is properly filed, subject to the availability of funds and the trustee's monthly disbursement cycle. However, the trustee will make no lease or adequate protection payments until administrative expenses have been paid. The trustee will reduce the principal amount of any lessor's or secured creditor's claim by the amount of the lease or adequate protection payments remitted. If a secured creditor files a pre-confirmation motion for relief from the automatic stay, the trustee will suspend lease or adequate protection payments until a final decision on the motion has been made. If the motion is denied, the trustee will resume making lease and adequate protection payments, including the suspended payments, unless the Court orders otherwise.

(c) *Trustee's Fee* - The trustee may charge such percentage fee as may periodically be fixed by the Attorney General pursuant to 28 U.S.C. §586(e) and may collect such fee at the time of distribution to the creditor.

(d) *Dismissal or Conversion to Another Chapter* - If a Chapter 13 case is dismissed or converted to another chapter before confirmation of the plan, the trustee will make pre-confirmation lease and adequate protection payments that are owed through the date of dismissal or conversion to the extent that funds are available for that purpose and the requirements of subparagraph (a) have been met.

LBR 3018 Ballots

Unless the Court orders otherwise, all original ballots accepting or rejecting a Chapter 11 plan shall must be filed with the Clerk. The Clerk will scan paper ballots into CM/ECF and may draft and file an electronic vote-tally report. The Clerk's vote-tally report is for informational purposes only and does not constitute the Court's findings of fact or conclusions of law regarding confirmation of that plan.

LBR 3022 Final Decree and Closing

~~(b) Upon~~ **On** entry of the final decree and **after** ~~when~~ all contested matters and adversary proceedings are completed, the Clerk ~~shall~~ **will** close the case. ~~(a)~~ Unless the Court orders otherwise, a Chapter 11 debtor ~~shall~~ **must** file an application for entry of a final decree upon substantial consummation of the plan.

LBR 4001-1 ~~Procedure for~~ Motions for Relief from the Automatic Stay

(a) *Scope and Purpose of this Rule* – This Rule governs all motions made pursuant to Fed. R. Bankr. P. 4001(a) for relief from the automatic stay **as** provided for in 11 U.S.C. § 362(a).

(b) ***Use of “Notice and Opportunity” Procedures.*** A creditor may request relief from the automatic stay by filing a motion with notice and opportunity to object pursuant to LBR 9013(c). However, nothing in this subparagraph prohibits a party from seeking relief from stay using other motion procedures permitted by LBR 9013. A secured party seeking relief from the automatic stay by motion with notice and opportunity to object must attach to its motion documentary proof that any lien it asserts has been perfected in accordance with applicable law.

(1) ***Combined with Motion for Abandonment*** - Notwithstanding LBR 9013(e), a creditor may combine a motion for abandonment of estate property with the motion for relief from the automatic stay as long as the words “abandon” or “abandonment” clearly appear in the title of the document. Notwithstanding the filing of a combined motion, the creditor still has the burden of proof under 11 U.S.C. § 554 to show that the proposed abandoned property is of inconsequential value to the estate. The combined motion must be served on the entire matrix, and combining the two motions does not waive either of the filing fees associated with the respective motions.

(2) ***Response Filed*** - If a response is filed by a party, only the final hearing will be scheduled under LBR 9013(c)(3). The response must set forth with specificity the party’s good-faith reasons for objecting to the motion and for believing that relief from the stay will be denied if a hearing is held. Notwithstanding the filing of a response, the Court may enter an order lifting the stay without conducting a final hearing if the response does not establish a good-faith basis for objecting to the motion.

(c) ***Use of Contested Motion Procedures*** - If a movant does not proceed under subparagraph (b) or if the Court determines that a relief from stay motion should proceed by preliminary and final hearing, the Clerk will schedule the preliminary hearing on the motion within 30 days from the filing of the motion and a final hearing within an additional 30 days. Should such scheduling exceed the time limits established by the Code, the Federal Rules of Bankruptcy Procedure, or these Rules, the Clerk will make such alternative arrangements as are required to comply with the time limitations of 11 U.S.C. §362(e). The Clerk will transmit a copy of the notice of hearing to the movant, who must serve the notice and motion in compliance with Fed. R. Bankr. P. 4001. The movant must file a proof of service of the notice and motion before any relief may be granted on the motion.

(1) ***Preliminary Hearing*** - At the preliminary hearing, the Court will determine: (A) whether material, disputed issues of fact exist, and (B) whether there is a reasonable likelihood that the party opposing the relief will prevail. These issues will be decided solely on the arguments of counsel and will be limited to no more than one hour unless the Court, on its own or on prior request of counsel, permits otherwise. The parties may further request that a preliminary hearing be treated as a final hearing. If the Court finds the existence of material, disputed facts and a likelihood that the party opposing relief will prevail, the hearing may be adjourned to a final hearing. At the conclusion of the preliminary hearing, the Court may decide questions of law, may define factual or legal issues to be decided at the final hearing, and may issue an appropriate scheduling order. If the preliminary hearing is adjourned to a final hearing, the stay will remain in effect

until the Court orders otherwise. The Court may also grant adequate protection to the movant in the interim.

(2) **Final Hearing** – The Court may hear testimony at the final hearing or schedule a different time and date for testimony.

(d) **Settlements** - Nothing in this Rule shall prohibit the parties from filing concluding a stipulated settlement of the motion in accordance with LBR 7090 or 4001-3.

~~(e) **Extension of Stay**— Unless otherwise ordered by the Court, the procedures described in subparagraph (b) above may be utilized by parties in interest who request an extension of the stay and who are governed by 11 U.S.C. §362(e)(3)(B), provided that the motion to extend the stay is filed within 5 days of the filing of the petition.~~

LBR 4001-2 Motions for Use of Cash Collateral or to Obtain Credit

(a) **Adequate Protection and Valuation of Secured Interests** - A motion for use of cash collateral under § 363(c) of the Code or a motion to obtain credit under § 364(c) or (d) of the Code shall **must** explicitly state the adequate protection offered the creditor and aver the moving party's position as to the value of each of the secured interests to be protected. Appraisals and projections, to the extent pertinent and available, shall **must** be summarized in the motion.

(b) **Expedited Motion** - If a debtor files a motion for entry of an order approving an agreement to use cash collateral or to obtain credit on an expedited basis, the Court may enter the order without a hearing if:

(1) the order is approved by:

(A) all creditors who have an interest in the cash collateral to be used,

(B) any entity extending the requested credit,

(C) the chairperson or attorney for each official committee (if any), and

(D) the United States Trustee;

(2) the order provides for the debtor to use cash collateral or to obtain credit in a maximum specified dollar amount necessary to avoid immediate and irreparable harm only until the earlier of:

(A) a final hearing, or

(B) the **date the** order becomes a final order;

(3) the order provides for a final hearing, ~~the date and time for which shall~~ **to** be scheduled by the Court when the order is entered;

(4) the order provides that the debtor ~~shall~~ **will** serve a copy of the motion with its attachments and the order ~~upon~~ **on** all parties who are required to be served under Fed. R. Bankr. P. 4001(d);

(5) the order provides that:

(A) objections to the order shall be filed within ~~14~~ **15** days from the service of the order, except that an unsecured creditors' committee may file an objection within ~~14~~ **15** days of its formation;

(B) ~~upon~~ **on** the filing of an objection, a final hearing ~~shall~~ **will** be held; and

(C) if no objections are timely filed, an order may become final; and

(6) the motion is accompanied by an affidavit or a declaration of the debtor, or a principal of the debtor, stating the facts ~~upon~~ **on** which the debtor relies in seeking the entry of the order on an expedited basis and the amount of money needed to avoid immediate and irreparable harm.

(c) ***Enlargement or Reduction of Time for Objecting; Hearing*** - On timely motion, the Court may enlarge or reduce the time within which an objection ~~shall~~ **must** be filed. ~~In its discretion;~~ The Court may schedule a hearing on the debtor's motion at any time with such notice as it deems appropriate.

LBR 4001-3

Service of a Motions Pursuant to Fed. R. Bankr. P. 4001(d) for Approval of Agreed Relief

(a) ***Pleadings Agreements Subject to this Rule*** – ~~A motion for approval of an agreement~~ **A party may use the notice and opportunity procedure of LBR 9013(c) to request Court approval of an agreement to:** (1) ~~to~~ provide adequate protection; (2) ~~for the modification or termination of~~ **modify or terminate** the stay ~~provided for in~~ **under** § 362 of the Code; (3) ~~for the use of cash collateral; or~~ (4) ~~for approval of an agreement between the debtor and an entity that has a lien or interest in property of the estate pursuant to which the entity consents to the creation of~~ **create** a lien senior or equal to an entity's lien or interest in ~~such~~ **of the estate**. **Any motion under this subsection must**, ~~shall~~ be accompanied by a copy of the agreement.

(b) ~~A proof of service must be filed with the Clerk along with the motion in order to commence the objection period.~~

~~(c) The notice shall indicate that objections must be filed and served within 15 days of the mailing of the notice, unless the Court orders otherwise.~~

~~(d)~~ **(b) Service of Motion** – Service of the motion and agreement shall be made by the moving party upon **The moving party must serve the notice, motion, agreement, and proposed order on** the following parties:

(1) **In a Chapter 7 Case** – Service shall be made upon the following: ~~(A) the parties to the agreement, (B) the Chapter 7 trustee, (C) any entity which~~ **that** claims an interest in the subject property.

(2) **In a Chapter 11 Case** – Service shall be made according to Fed. R. Bankr. P. 4001(d)(1). **the parties to the agreement; any creditors’ or equity security holders’ committee appointed under § 1102 of the Code and its authorized agent, or if no creditors’ committee has been appointed, on the 20 largest creditors holding unsecured claims; the United States Trustee; and any other entity the Court directs.**

(3) **In a Chapter 12 Case** – Service shall be made upon the following: ~~(A) the parties to the agreement, (B) the Chapter 12 trustee, (C) the United States Trustee, the secured creditors listed on Schedule D; and (D) any entity which~~ **that** claims an interest in the subject property.

(4) **In a Chapter 13 Case** – Service shall be made upon the following: ~~(A) the parties to the agreement, (B) the Chapter 13 trustee, (C) the United States Trustee, the secured creditors listed on Schedule D; and (D) any entity that~~ claims an interest in the subject property.

LBR 4001-4 Rent Deposits

(a) **Debtor’s Duties** - The debtor shall be deemed to have complied **A debtor complies** with 11 U.S.C. §362(l)(1) by:

(1) making the required certification ~~by completing the 3 check boxes,~~ and disclosing the lessor’s name and address where indicated in the voluntary petition under the section entitled “Statement by a Debtor who Resides as a Tenant of Residential Property”;

(2) serving a copy of the petition ~~upon~~ **on** the lessor; and

(3) delivering to the Clerk, together with the petition (or within 1 ~~business~~ day of electronically filing the petition):

(A) cash, a money order, or a cashier's or certified check made payable to the lessor in the amount of any rent that would be come due during the 30-day period after the filing of the petition; and

(B) a copy of the pre-petition judgment of possession.

(b) **Forwarding of Rent Deposits** - No sooner than ~~10~~ 14 days and no later than 30 days after the debtor deposits the rent as provided in subparagraph ~~(1)~~ (a)(3), the Clerk ~~shall~~ will mail the deposited amount ~~check or money order~~ to the lessor at the address specified in the petition or such other address as the lessor directs in writing. If the debtor tendered cash to the Clerk, the Clerk ~~shall~~ will deposit the cash into the Court's account and issue a check to the lessor in the amount ~~of the cash~~ tendered by the debtor.

(c) **Clerk's Notice to Lessor** - The Clerk ~~shall~~ will send a notice of the filing to the lessor (the "Clerk's Notice to Lessor") advising the lessor that the lessor may file an objection stating with particularity how the debtor has failed to comply with the requirements of 11 U.S.C. § 362(l) and this ~~Local Bankruptcy~~ Rule if the debtor:

(1) complies with subparagraph (a); and

(2) within 30 days after filing the petition:

(A) ~~filed with the Court the~~ files a further certification contemplated in 11 U.S.C. §362(l)(2); **that, under applicable nonbankruptcy law, the debtor has cured the entire monetary default giving rise to the judgment of possession;**

(B) ~~served~~ serves the certification ~~upon~~ on the lessor; and

(C) ~~filed~~ files a proof of service.

(d) **Opportunity to Object** - Within ~~10~~ 14 days after the ~~date of~~ service of the Clerk's Notice to Lessor, the lessor may file an objection ~~under 11 U.S.C. §362(l)(3)(A)~~ to the debtor's **certifications**, stating with particularity how the debtor has failed to comply with the requirements of 11 U.S.C. §362(l) and this ~~Local Bankruptcy~~ Rule. If the lessor fails to timely file an objection, the automatic stay ~~shall~~ remains in effect notwithstanding 11 U.S.C. §362(b)(22), the lessor ~~shall be~~ is deemed to have consented to receiving the check, and the Clerk ~~shall~~ will forthwith mail the check to the lessor at the address set forth in the debtor's certification.

(e) **Timely Objection Filed** - If the lessor files a timely objection and serves such objection ~~upon~~ on the trustee, the United States Trustee, and the debtor (and debtor's counsel, if applicable), the Court ~~shall~~ will schedule a hearing to take place within ~~10~~ 14 days of the ~~filing and~~ service of the objection.

LBR 4001-5
Motions to Extend Stay

Unless the Court orders otherwise, the debtor or a party in interest may request a § 362(c)(3) extension of the automatic stay by filing a motion with notice and opportunity to object pursuant to LBR 9013. However, any such motion must be filed within 7 days of the filing of the petition.

LBR 4004-1
Delayed Discharge

(a) ***Request for Delay of Discharge*** - A debtor may request that the Court defer ~~entry of an order~~ granting a discharge for 30 days after entry of the order approving the request or until a date certain. ~~by filing a~~ **The request must be made by** written motion using the official ~~local~~ Court form. (A copy of the Debtor's Motion to Defer Entry of Discharge is appended ~~hereto~~ **to these Rules** as Exhibit 8 9.)

(b) ***Clerk's Authority to Grant or Deny*** - The Clerk may grant or deny the motion on behalf of the Court by endorsing the motion where indicated on the ~~local court~~ form and serving a copy ~~upon~~ **on the** appropriate parties.

(c) ***Objections to Delay of Discharge*** - Any party in interest objecting to the Clerk's action **in subparagraph (b)** may move for judicial review within ~~20~~ **21** days after entry of the Clerk's order on the docket.

LBR 4004-2
Certification Regarding Domestic Support Obligations

In every Chapter 13 case, the debtor must file a written certification that the debtor is current on any domestic support obligation that came due after the case was filed and on any prepetition domestic support obligation to the extent provided for by the plan. (A copy of the Debtor's Certification Regarding Domestic Support Obligations is appended to these Rules as Exhibit 10.) This certification is a prerequisite to receiving a discharge in the Chapter 13 case.

LBR 5001
Place of Filing

(a) ***Parties Required to File Electronically (ECF Filers)*** – All attorneys who practice in this Court are required to be registered users of CM/ECF. Subject to the provisions of Fed. R. Bankr. P. 5001, 5005, and the ECF Guidelines, all ~~documents papers shall~~ **must** be filed electronically using CM/ECF at <http://ecf.miwb.uscourts.gov>.

(b) **Parties Not Required to File Electronically (Paper Filers)** – Those parties not required to file documents electronically pursuant to LBR 5005-1 may file **documents** papers at the following locations in the Western District of Michigan:

(1) **Western District of Michigan – Lower Peninsula** – The petition and any subsequent **documents** for papers to be filed relating to a bankruptcy case with venue in a county ies located in the Lower Peninsula shall **must** be filed with the Clerk of the Bankruptcy Court, One Division Avenue North, Grand Rapids, Michigan 49503.

(2) **Western District of Michigan – Upper Peninsula** – The petition and any subsequent **documents** for papers to be filed relating to a bankruptcy case with venue in a county ies located in the Upper Peninsula shall **must** be filed with the Clerk of the Bankruptcy Court, U.S. Post Office, 202 West Washington Street, Marquette, Michigan 49855 (Postal Address: P.O. Box 909, Marquette, Michigan 49855-0909).

LBR 5003
Clerk – General Authority

(a) **Clerk’s Authority to Sign Orders and Notices** - The Clerk is authorized to sign and enter the following orders and notices without further direction by the Court:

(1) orders allowing installment payments of filing fees;

(2) interim disbursement orders—provided that such orders are previously approved by the United States Trustee and are for a sum of \$1,000 or less;

(3) (2) notice and orders of abandonment;

(4) (3) orders to employer to pay trustee **Chapter 13 payroll orders**;

(5) (4) orders reducing, ~~claims when requested by a creditor to reduce, disallow or withdraw that creditor’s claim,~~ **disallowing, withdrawing, or transferring claims when requested by the claimant;** and orders transferring claims;

(6) (5) writs of garnishment, executions, and orders to pay;

(7) orders striking pleadings, motions, or other documents intended for filing which are defective because they fail to meet requirements imposed by the Code, the Federal Rules of Bankruptcy Procedure, or these Local Bankruptcy Rules;

(8) (6) orders dismissing bankruptcy proceedings and adversary complaints due to CM/ECF error;

(9) (7) orders granting motions to delay entry of discharge;

~~(10)~~ (8) orders which address instances where **permitting** pleadings or other documents to be ~~are~~ filed conventionally (i.e., on paper); and

~~(11)~~ (9) orders **correcting** for correction of administrative errors (e.g. **erroneously closed cases and mistakenly entered discharges**). ~~including but not limited to reopening of incorrectly closed cases and setting aside incorrectly entered discharges.~~

(b) **Clerk's Actions Reviewable** – An order signed and entered by the Clerk ~~The actions of the Clerk under this Local Bankruptcy Rule may be reviewed, suspended, altered, or rescinded by the Court if requested by a party affected by that order. upon motion for good cause.~~

(c) **Clerk's Authority to Redact** – The Clerk's authority under this Rule includes the authority to redact filings that disclose personal identifiers in violation of Fed. R. Bankr. P. 9037(a). However, nothing in this Rule imposes a duty on the Clerk to make the redaction. If the Clerk does redact a document, the redacted document will replace the original that appears for public viewing in CM/ECF.

~~(e)~~ (d) **Assignment of New Cases** - The Clerk ~~shall~~ **will** assign new cases to a judge consistent with a formula approved by the sitting judges of the Court. ~~(1) In those instances when If a debtor (or joint debtors) has filed a prior bankruptcy case which has been that was assigned to a particular judge and the debtor (or joint debtor) subsequently files another bankruptcy case, the Clerk shall will immediately reassign the subsequent case to the bankruptcy judge who was assigned to preside over the prior bankruptcy case, except:~~

~~(A)~~ (1) ~~in an instance~~ when the prior judge was assigned to a particular location for holding court but is no longer responsible for that location; or

~~(B)~~ (2) when the current judge who is handling a subsequently filed case advises the Clerk that the current judge desires to continue to preside over the subsequent case.

LBR 5005-1 Filing of Documents Papers

(a) **Filing by Electronic Transmission** – Unless otherwise provided in **subparagraph (b)** this Local Bankruptcy Rule or by **Court** order, ~~of the Court,~~ all **documents** ~~papers~~ filed in all cases and proceedings ~~shall~~ **must** be filed electronically according to the ECF **Administrative Procedures Guidelines**. Other **documents** ~~papers~~ filed over the counter (via paper) may be rejected by the Court pursuant to ~~guidelines referenced in~~ LBR 5005-2 and ECF **Administrative Procedures Guidelines** available ~~via~~ **on** the Court's website at www.miwb.uscourts.gov.

(b) **Filing Over the Counter**- The following **persons** ~~entities~~ are excused from filing by electronic transmission and may file **documents** ~~papers~~ over the counter:

~~(A)~~ (1) ~~debtors and parties~~ **individuals** who are not represented by counsel;

~~(B)~~ (2) Filers experiencing internet failure **provided the documents are accompanied by** ~~provided they submit~~ a “Motion for Leave to File Over the Counter”;

~~(C)~~ (3) Filers relying on Section III of the ECF **Administrative Procedures; Guidelines;** and

~~(D)~~ (4) Filers of **documents** ~~papers~~ accompanied by a “Motion for Leave to File Over the Counter” **that includes a clear statement** ~~clearly stating~~ why electronic filing is not feasible.

~~(b)~~ (c) **Facsimile Filing – Except for the bankruptcy petition,** Any party may, upon a showing of good cause, and with prior judicial approval, ~~file any document paper may be filed by facsimile with prior Court approval.~~ **other than a bankruptcy petition, by facsimile.**

LBR 5005-2 Defective Pleadings and Papers

(a) **Time Stamp on Filed Documents** - The Clerk ~~shall~~ **will** time stamp every **document** ~~paper~~ presented for filing over the counter as soon as practicable.

(b) **Rejection for Nonpayment of Fee or Case Closed** - The Clerk ~~shall~~ **may** reject, without filing, **a document** ~~papers~~:

(1) not accompanied by the fee required to be paid at the time of filing pursuant to 28 U.S.C. § 1930. ~~For purposes of this subparagraph, A fee is will not~~ **paid** ~~be considered tendered for payment unless~~ **made** ~~it is~~ in cash, **by** a ~~properly executed~~ certified check or money order, **with** an attorney’s credit or debit card or, at the **Clerk’s** discretion ~~of the Clerk,~~ **with** a check drawn on an attorney’s account; ~~or~~

(2) ~~that which is~~ **are** intended to be filed in a case that ~~either~~ does not exist in this Court or **which** has been closed, unless the **document** ~~paper~~ is a reaffirmation agreement, ~~a document or pleading relates ing~~ to post-judgment remedies or a motion to reopen a closed case. ~~or is ancillary thereto.~~

~~(c)~~ The Clerk may reject, without filing, pleadings or papers which are not verified by original signature as required by Fed. R. Bankr. P. 1008 and LBR 1008.

~~(d)~~ (c) **Clerk’s Authority to Strike Defective Documents; Notice** - The Clerk may strike after filing any **document** ~~pleading or paper~~ which **that** is **not signed or verified as required by Fed. R. Bankr. P. 9011.** ~~defective in any of the following respects:~~

~~(1)~~ They are not signed or verified as required by Fed. R. Bankr. P. 9011;

~~(2)~~ They fail to conform to an official or local form and are required to do so, or they omit material information;

~~(3) They are filed in a format that does not adhere to the requirements of the noticing center under contract with the Administrative Office of this Court; or~~

~~(4) They substantially and materially vary from the requirements of the Code, the Federal Rules of Bankruptcy Procedure, the official and local bankruptcy forms, or these Local Bankruptcy Rules.~~

The Clerk ~~shall~~ **will** send notice that a **the document** ~~paper~~ has been stricken to the filing party as soon as practicable. A stricken **document** ~~pleading or paper~~ that is amended to correct the defect and filed within ~~14~~ **15** days ~~shall be~~ **is** considered filed as of the date the **document** ~~pleading or paper~~ was originally filed with the Court.

~~(e)~~ **(d) Request for Judicial Review of Clerk's Action** - Any entity affected by a ~~the~~ notice of rejection or an order **to strike** ~~striking~~ a **document** ~~paper~~ may file a motion for judicial review of such action within ~~14~~ **15** days of the date of service of the notice of ~~the~~ rejection or order **to strike** ~~striking~~. If the Court determines that the action of the Clerk was improper, the Court may order that the **document** ~~paper~~ be deemed properly filed and determine the effective time and date of filing. ~~(1)~~ The moving party ~~shall~~ **(A) must** serve the motion for judicial review on all affected parties **and** ~~(B)~~ file a proof of service.

~~(f)~~ **(e) Notice to Correct Defective Filing** - If the Clerk determines that a **document** ~~paper~~ is defective but does not warrant rejection or striking, the Clerk may issue and serve a notice of defective filing **that** ~~which~~ advises the **Filer** of the corrective action needed to be taken ~~by the filer or already taken by the Clerk.~~

~~(g)~~ **(f) Failure to Correct Defective Filing** - If any **document** ~~papers~~ are not filed on the same day as the petition to commence a bankruptcy proceeding as required by Fed. R. Bankr. P. ~~1007~~ **LBR 1007** ~~to be filed with the petition is not filed at that time,~~ the Clerk ~~shall~~ **will** notify the filing attorney (or debtor if pro se) of the deficiency. If the **deficiency is** ~~deficient papers are~~ not filed within ~~15~~ **days** ~~corrected within 14 days~~ of service of ~~such the~~ notice, the case may be dismissed by the Court without further hearing.

LBR 5005-3

Service of Documents ~~Papers~~ **On the United States Trustee**

(a) **Mandatory Service** - In addition to the requirements of the Federal Rules of Bankruptcy Procedure, copies of the following **documents** ~~papers~~ **shall** **must** be transmitted electronically by CM/ECF to the United States Trustee contemporaneously with their filing with the Clerk:

(1) all **documents** ~~papers~~ (including **notice of** appeals) filed in a Chapter 7 or 11 case;

(2) a ~~ny~~ **notice of** appeal filed in an adversary proceeding related to a Chapter 7 or 11 case;

(3) any complaint ~~seeking~~ to except a debt from discharge pursuant to 11 U.S.C. § 523 or **to deny or revoke** ~~revoking or objecting to~~ a discharge pursuant to 11 U.S.C. § 727; **and**

(4) ~~any~~ **all** settlement papers filed in ~~connection with~~ an adversary proceeding or a contested matter in a case under Chapter 7 or ~~Chapter~~ 11.

(b) ***Service of Additional Documents*** - ~~This Local Bankruptcy Rule does not limit the discretion of the Court to require, nor of the United States Trustee to request, the service of additional papers under the Federal Rules of Bankruptcy Procedure.~~ **The United States Trustee may also file a motion requesting service of additional documents in a particular case.**

LBR 5005-4

Electronic Service of ~~Documents~~ ~~Papers Upon~~ **On Parties**

(a) ***Electronic Service*** – When service of a **document** ~~paper~~ is required by the Federal Rules of Bankruptcy Procedure, ~~the Local Bankruptcy~~ **these Rules**, or the Court, service may be ~~accomplished~~ **made** through CM/ECF. **No proof of service is required if all parties entitled to notice are Electronic Filers. When a proof of service is nonetheless required, the proof of service must identify the parties served by CM/ECF.**

(b) ***Service Completed*** – **If the intended recipient is an ECF Filer, service is deemed complete when the Notice of Electronic Filing is transmitted to the Filer.** ~~paper is electronically filed with the Clerk through CM/ECF., provided the intended recipient is an ECF Filer.~~

(c) ***Proof of Service*** – When **a** proof of service is required ~~to be filed~~ by the Federal Rules of Bankruptcy Procedure, ~~these Local Bankruptcy Rules, or Court order,~~ **it shall the proof of service must** indicate the method of service (U.S. Mail, private courier, facsimile, electronically, etc.).

~~(1) If the paper is served through CM/ECF under subparagraph (a) of this Local Bankruptcy Rule, the proof of service must either:~~

~~(A) specifically state the words “served via CM/ECF”; or~~

~~(B) include a copy of the notice of electronic filing indicating the parties electronically served.~~

LBR 5011
Withdrawal of Reference

(a) **Form of Request; Place for Filing** – A request for withdrawal ~~, in whole or in part,~~ of the reference **of all or part** of a case or proceeding referred to the Bankruptcy Court ~~, other than a sua sponte request by a bankruptcy judge,~~ shall **must be made** by **filing a motion** filed with the Clerk. ~~of the Bankruptcy Court.~~ The motion must clearly and conspicuously state that “RELIEF IS SOUGHT FROM A UNITED STATES DISTRICT JUDGE.”

(b) **Time for Filing** - ~~Except as provided below as to adversary proceedings and contested matters,~~ **A motion to withdraw the reference of a whole the entire** bankruptcy case shall **must be served and filed by** at or before the time first scheduled **set** for the meeting of creditors. held pursuant to 11 U.S.C. §341(a). ~~Except as provided below as to contested matters,~~ **A motion to withdraw the reference of a whole adversary proceeding or any part all or part** of an adversary proceeding shall **must be served and filed by** on or before the date on which **an the** answer, reply, or motion under ~~Bankruptcy Rule~~ **Fed. R. Bankr. P.** 7012 or 7015 is first due. A motion to withdraw the reference of a contested matter within a case shall **must be served and filed** not later than **14 15** days after service of the motion, application, or objection ~~which that~~ initiates the contested matter. Notwithstanding the foregoing, a motion to withdraw the reference may **still be served and filed within not later than 14 15** days **of the filing of any** after service of any timely-filed pleading or paper **that for the first time raises the reason for seeking the withdrawal.** ~~in which the basis for the motion first arises.~~

(c) **Stay Proceedings Unaffected** - The filing of a motion to withdraw the reference does not stay proceedings in the Bankruptcy Court. The procedures relating to stay ~~shall be those~~ **are** set forth in Fed. R. Bankr. P. 5011.

(d) **Designation of Record** - The moving party shall **must serve on all interested parties** and file with the Clerk of the Bankruptcy Court **and serve on interested parties**, ~~together with the motion to withdraw the reference,~~ a designation of those portions of the record of the case or proceeding in the Bankruptcy Court that the moving party believes will reasonably be necessary or pertinent to the United States District Court’s consideration of the motion. Within ~~10~~ **14** days after service of such designation of record, any other party may serve and file a designation of additional portions of the record. If the record designated by any party includes a transcript of any hearing or trial, ~~or part thereof,~~ that party shall, **must,** immediately after filing the designation, deliver to the Bankruptcy Court’s electronic court recorder operator or contract court reporter a written request for the transcript and make satisfactory arrangements for payment of its cost. ~~All~~ **The parties shall must take all steps any action** necessary to enable the Clerk of the Bankruptcy Court to assemble and transmit the record.

(e) **Response Filed to Motions to Withdraw the Reference; Reply** – **If a party opposes the requested withdrawal, it must file and serve its objection within 14 days of service of the motion to withdraw the reference.** ~~Opposing parties must file with the Clerk of the Bankruptcy Court, and serve on all parties to the matter for which withdrawal of the reference has been requested, their written response to the motion to withdraw the reference within 10 days after being served~~

with a copy of the motion. The moving party may ~~then file and~~ serve and file a reply within ~~10~~ **14** days after service of a ~~response~~ **the objection**.

(f) ***Transmittal to and Proceedings in the United States District Court*** – When the record is complete for purposes of transmittal, ~~except for transcripts, but without awaiting the filing of any transcripts,~~ the Clerk of the Bankruptcy Court shall ~~will~~ promptly transmit to the Clerk of the United States District Court the motion and the ~~designated~~ **designated** portions of the record. ~~designated. After the opening of a docket in the United States District Court, documents pertaining to the matter under review by the United States District Court shall be filed with the Clerk of the United States District Court, but all documents relating to other matters in the bankruptcy case or adversary proceeding or contested matter shall continue to be filed with the Clerk of the Bankruptcy Court.~~

LBR 5090 Courthouse Conduct

(a) ***Solicitation*** – Solicitation of business relating to bonds or to employment as counsel is prohibited in the courthouse.

(b) ***Loitering*** – Loitering in or about the rooms or corridors of the courthouse is prohibited.

(c) ***Disruptive Behavior*** – Any behavior ~~group or individual,~~ **that** which impedes or disrupts the orderly conduct of the **Court's** business ~~of the Court~~ is prohibited.

(d) ***Signs*** – Card, signs, placards, or banners shall ~~may~~ not be brought into any of the courtrooms ~~or hallways leading to courtrooms,~~ or on any floor ~~where in which~~ **a** courtroom ~~s~~ **is** are located.

(e) ***Enforcement*** – The United States Marshal, deputy marshals, **court security officers,** and the authorized employees of the courthouse shall ~~may~~ enforce this ~~Local Bankruptcy Rule~~ by ejecting violators from the courthouse or by ~~having~~ **causing** them to appear before one of the judges of this Court. ~~for a hearing and for imposition of such punishment as the Court may deem proper.~~

LBR 5091 Cell Phones, Photography, and Recording

(a) ***Prohibited Uses*** - Use of cell phones ~~inside any the~~ courtroom is prohibited. ~~unless the Court so allows.~~ (b) Cell phones with cameras, and all types of **Video** equipment ~~inside any courtroom is~~ are prohibited unless the Court specifically ~~orders otherwise.~~ **allows.** (c) The taking of photographs in any courtroom or its environs in connection with a ~~ny~~ judicial proceeding; ~~or~~ the broadcast of **a** judicial proceeding ~~s~~ by radio, television, or other means; ~~and~~ **or** the audio **or** video recording of **a** judicial proceeding ~~s~~ are **all strictly** prohibited.

(b) Exceptions - ~~except that~~ The judicial officer in whose courtroom the proceeding s occurs may authorize the use of **appropriate devices** ~~electronic or photographic means for the to~~ preserve ~~ation or present ation~~ of evidence and to ~~the broadcasting, televising, recording, or memorialize~~ ~~photographing of investitive, investiture,~~ ceremonial, or naturalization proceedings.

(c) Adoption of Supreme Court Rules - Rules or regulations ~~which may be promulgated~~ by the ~~United States~~ U.S. Supreme Court ~~relating pertaining~~ to ~~photographing, y or recording, or broadcasting judicial proceedings are also in the courtroom shall be adopted by this Court and shall be deemed incorporated by reference~~ into this Rule.

LBR 6004 Use, Sale, or Lease of Property

(a) Descriptions of Real Property – ~~A motion, s, complaint, s, and or proposed order s filed in proceedings relating to~~ **regarding** the use, sale, or lease of real property or ~~to liens upon on~~ such property ~~shall contain~~ **must include:**

- (1) ~~both full and the~~ complete legal description s in recordable form; and
- (2) **the common** street address. ~~es.~~

(b) Report of Sale –

(1) **Sale by a Chapter 7 Trustee** - The trustee ~~shall~~ **must** file a report regarding the sale of all real or personal property, **whether** tangible or intangible, and ~~shall~~ serve a copy of the report on the debtor and the United States Trustee. The report ~~shall~~ **must** include:

- (A) an itemized statement of the property sold;
- (B) **a** list of bidders;
- (C) the name of each purchaser;
- (D) the price received for each item or lot, or for the property as a whole if sold in bulk;
- (E) the date, time, and place of **each** sale;
- (F) a calculation of compensation allowable under the order of appointment of any professional retained to effectuate ~~the~~ **each** sale; ~~of the assets;~~
- (G) copies of the sale advertisement; and

(H) a summary listing of all sale expenses including ~~but not limited to~~ advertising expenses, sign expenses, labor, ~~per-item mailing expenses,~~ and postage, **and other mailing** expenses.

(2) *Sale by a Chapter 13 Debtor* – A Chapter 13 debtor ~~who that~~ sells real or personal property, **whether** tangible or intangible, ~~shall~~ **must** provide a copy of the closing statement ~~for of~~ the sale to the Chapter 13 trustee within 14 days **after close.** ~~of the sale closing.~~

LBR 6005 Auctioneers

(a) ***Bond Required*** – An auctioneer employed pursuant to 11 U.S.C. § 327 **must be bonded unless the Court specifically orders otherwise.** ~~The Court shall condition approval of any application to employ an auctioneer pursuant to 11 U.S.C. § 327 upon proof to the Court of a blanket bond held by the auctioneer in the amount of at least \$100,000.~~ (b) The Court may increase, decrease, or waive the bond at its discretion. (c) The bond shall **must** be drawn in favor of the United States and **cover** ~~conditioned upon~~ the faithful performance of the auctioneer's duties to the estate. **Unless otherwise directed by the Court, the bond must be in the amount of at least \$100,000.**

~~(d)~~ (b) ***Proceedings on Auctioneer's Bond*** - A proceeding on the auctioneer's bond may be brought in the name of the United States by any party in interest ~~injured by any breach of condition.~~ **claiming injury because of the auctioneer's actions.**

LBR 6007 Abandonments Initiated by Trustee

(a) ***Notice of Abandonment*** – A **trustee's** notice of abandonment pursuant to Fed. R. Bankr. P. 6007(a) ~~approved by the trustee~~ shall **must** substantially conform to the form appended to these ~~Local Bankruptcy~~ Rules as Exhibit **11 12.**

(b) ***Service of Notice of Abandonment*** – ~~When~~ **If** a Chapter 7 trustee **intends to** abandon **s estate** property, pursuant to Fed. R. Bankr. P. 6007(a), service of the notice shall **must** be made by the filing party as follows:

(1) cases in which a report of no distribution has been filed: ~~upon~~ **on** the debtor; debtor's attorney, if any; the United States Trustee; and those parties who have filed a specific request pursuant to subparagraph (c);

(2) cases in which a report of no distribution has not been filed: ~~upon~~ **on** the debtor; debtor's attorney, if any; the United States Trustee; and all creditors.

(c) *Language of Notice* – The Clerk ~~shall~~ **will** insert the following provision in the § 341 meeting notice (Official Forms 9A and 9B):

Abandonments – Trustees may abandon property in no asset estates without notice to creditors or other interested parties. Anyone wishing to receive notice of such abandonment ~~shall~~ **must** file a request with the Court.

LBR 7008
Consent to Final Judgment or Order in Core Proceedings

In any adversary proceeding before the Court, the complaint, counterclaim, cross-claim, or third-party complaint must contain a statement that the proceeding is core or noncore and, without regard to whether the proceeding is alleged to be core or non-core, that the pleader does or does not consent to entry of a final order or judgment by the Court.

LBR 7026
Applicability of ~~Federal Rule of Civil Procedure~~
Fed. R. Civ. P. 26 to Contested Matters

Unless the Court orders otherwise, Fed. R. Civ. P. 26(a)(1), (d), and (f) ~~, applicable through Fed. R. Bankr. P. 9014,~~ ~~shall~~ **do** not apply to contested matters.

LBR 7090
Settlement of Adversary Proceedings

Counsel ~~shall~~ **must** notify the Court immediately upon ~~the~~ **reaching** a settlement of an adversary proceeding. If, by the date set for trial, the attorneys have not submitted an order disposing of the proceeding, then counsel may be required to appear and state the settlement on the record. In any event, unless otherwise ordered by the Court, counsel ~~shall~~ **must** submit the appropriate order within ~~40~~ **14** days **after notifying the Court of a settlement**. The failure to submit an appropriate order within ~~40~~ **14** days or as otherwise ordered may be cause for dismissal.

LBR 8001
Appeals From the Bankruptcy Court

All appeals from the Bankruptcy Court will be heard and determined by the Bankruptcy Appellate Panel of the Sixth Circuit Court of Appeals unless a party to the appeal files a timely election to “opt out” and have the appeal heard by the United States District Court for the Western District of Michigan. Any such election must be made in accordance with the applicable procedural rules of the Bankruptcy Appellate Panel.

LBR 8006-1
Designation of Record and Issues on Appeal

(a) ***Specific Designation Required*** - ~~When the appellant and appellee file a~~ **The designation of record and issues on appeal required by** Fed. R. Bankr. P. 8006 ~~designation of items to be included in the record on appeal and statement of issues to be presented, each designation of the record and statement of issues shall~~ **must** expressly identify **the specific issues on appeal and each** the specific items, and designate by case docket entry, those items to be included in the record, **including the item's entry number if docketed by the Court.** ~~on appeal and specific issues to be presented.~~ (b) ~~General~~ ~~each~~ ~~all~~ designations for items to be included in the record on appeal, such as "all bankruptcy files" **or** "the entire case and/or proceeding record" are not acceptable and ~~shall~~ **will** result in the record on appeal being considered incomplete. Only that part of the record necessary for the appeal should be designated. Non-specific statements of the issues on appeal are also not acceptable.

(b) ***Exhibits and Undocketed Items*** - Any party who wishes to designate for the record on appeal a trial exhibit or item not appearing in the docket record ~~shall~~ **must** provide to the Clerk and all parties to the appeal a copy of the exhibit or item.

(c) ***Failure to Comply*** - Failure of any party to comply with the foregoing may be grounds for the ~~ultimate~~ dismissal of the appeal ~~and/~~ or cross appeal by the reviewing court.

LBR 9004
General Requirements of Form

(a) ***Current Bankruptcy Chapter*** - ~~On~~ **All documents** ~~papers~~ filed with the Clerk after the **commencement of the case must include** petition, the debtor's current bankruptcy chapter shall be included in the caption **immediately** ~~directly~~ below the base case number.

(b) ***Designation of Character of Document Paper*** - ~~On~~ **All documents** ~~papers~~ filed with the Clerk after the **commencement of the case must include** petition, a specific description of the nature of the **document** ~~paper~~ shall be included in the caption. **The description must be centered and placed** in the center of the page after the designation required by subparagraph (c) of this Rule and immediately before the body of the **document.** ~~paper.~~ The description shall **should** be as specific as possible and shall **must** include the number of the **document** ~~paper~~ (i.e., first, second, third), if applicable, and the name of the moving party.

(c) ***Dates of Filing, Conversion, and Dismissal*** - Every motion, pleading, or other request for relief shall **must** state the date of filing of the debtor's petition as well as the dates of any subsequent conversion, dismissal, or reinstatement of the case. In complaints or amended complaints governed by Part VII of the Federal Rules of Bankruptcy Procedure, this statement shall **must** be made immediately after the jurisdictional paragraph required by Fed. R. Bankr. P. 7008(a). In an application or motion governed by Fed. R. Bankr. P. 9014, ~~which pertains to contested matters,~~ this statement shall **must** be made in the first paragraph.

(d) **Attorney Information** – Every pleading, motion, or other request for relief filed with the Clerk and signed by an attorney shall **must** state the attorney’s telephone number, office address, **email address**, and state bar identification number directly below the attorney’s signature or in some other prominent place.

(e) **Orders** – ~~A proposed order shall state the name, address, and telephone number of the person who prepared the order.~~ Each order shall **must include** have a brief, specific description of the ~~nature of the order~~, and shall include the number of the order, if applicable, and the name of the moving party.

(f) **Proper Format** ~~Forms of Papers~~ – **Except for exhibits, official forms, and preprinted forms generated by bankruptcy software packages, all documents** ~~papers~~ filed with the Clerk ; ~~other than exhibits, official forms, and preprinted forms generated by bankruptcy software packages,~~ shall **must** be double-spaced and typewritten in at least 12-point type.

LBR 9006 Computing Time

When computing time as prescribed in these Rules, in the Federal Rules of Bankruptcy Procedure, or in orders, weekends and holidays are included. However, if the last day ends on a Saturday, Sunday or holiday, the period runs to the end of the next business day.

LBR 9010-1 Admission, Discipline, Suspension, and Disbarment

(a) **Admission, Suspension, and Disbarment** – Except as provided in subparagraph (b) and § 304(g) of Pub. L. 103-394, Oct. 22, 1994, 108 Stat. 4106 (providing special rules for child-support creditors and their representatives), W.D. Mich. L. Civ. R. 83.1 governs the admission, suspension, discipline, and disbarment of an attorney or law student who seeks to practice in the Court or who is practicing in the Court. ~~as the case may be.~~ An attorney or law student who is admitted to practice in the United States District Court for the Western District of Michigan is admitted to practice in **this** the Court. If a ~~person files a written~~ complaint **filed** with the United States District Court for the Western District of Michigan as contemplated in W.D. Mich. L. Civ. R. 83.1(k)(ii) (Initiation of Proceedings) ~~, and if the~~ **includes** allegations ~~in the complaint are~~ related to proceedings before **this** the Court, a copy of the complaint shall **must also** be ~~contemporaneously~~ filed with the Clerk.

(b) **Discipline Other Than Suspension or Disbarment** – **Except for suspension or disbarment, a bankruptcy judge may impose discipline** ~~, except suspend or disbar~~ an attorney who (1) engages in conduct violating the **Michigan** Rules of Professional Conduct, (2) ~~who~~ willfully violates these Rules, the Federal Rules of Bankruptcy Procedure, or **a Court order**, ~~of the Court~~; or (3) engages in other conduct unbecoming of a member of the bar of the Court. Prior to imposing ~~it~~ of discipline, **the Court will notify the attorney that discipline may be imposed and give** the attorney ~~shall be afforded~~ an opportunity to **respond in writing** ~~show good~~

~~cause, within such time as the Court shall prescribe, why the discipline should not be imposed. Upon~~ **If requested, the Court may also schedule a hearing.** ~~the attorney's response to show cause, and after hearing if requested and allowed by the bankruptcy judge, or upon expiration of the time prescribed for a response if no response is made, the Court shall enter an appropriate order.~~

LBR 9010-2 Representation and Appearances

(a) **Representation of Individuals** – Only individuals may represent themselves in all matters ~~or~~ and proceedings before this Court. ~~only individuals may appear and represent themselves. All other entities shall be represented by an attorney except as provided by statute or applicable rule to the contrary.~~

(b) **Representation of Entities** – An entity other than an individual may act on its own behalf for purposes of filing a proof of claim, participating in a § 341 meeting, or filing a reaffirmation agreement. ~~a creditor may be represented by or appear through an attorney, or may act on its own behalf.~~ **For all other purposes, an entity must be represented by an attorney unless a statute or applicable rule provides otherwise.**

LBR 9010-3 Pro Hac Vice Admission

~~The following procedures apply to the admission of attorneys *pro hac vice* in the Bankruptcy Court for the Western District of Michigan:~~

~~(1)~~ (a) **Attorneys Who May Not Apply for Pro Hac Vice Admission** - All Attorneys licensed to practice law in the State of Michigan ~~or licensed to practice in another state who maintain a regular office within the State of Michigan~~ must apply for admission to practice before the United States District Court for the Western District of Michigan and may *not* apply for *pro hac vice* admission. **Instead, they must apply for admission to practice before the United States District Court for the Western District of Michigan.** ~~(2) All attorneys licensed to practice in a state other than Michigan and who maintain a regular office within the State of Michigan must apply for admission to practice before the United States District Court for the Western District of Michigan and may *not* apply for *pro hac vice* admission.~~

~~(3)~~ (b) **Attorneys Who May Apply for Pro Hac Vice Admission** - Licensed attorneys not subject to subparagraph (a) s(1) and (2) above may apply for *pro hac vice* admission **to appear in a specific case and all contested matters and adversary proceedings arising in that case. The application must be made by motion and must:** ~~based upon the following conditions:~~

~~(A) An attorney may move for permission to appear and be heard in one specific base case, and the contested matters and/or adversary proceedings arising therein;~~

~~(B)~~ (1) ~~The motion shall~~ State the attorney's full name, business address, telephone number, email address, professional number if applicable, and the state in which the attorney is licensed to practice law;

~~(C)~~ (2) ~~The motion shall~~ Identify the other federal (bankruptcy, district, ~~and/or~~ or circuit) courts in which the attorney is licensed to practice law; and

~~(D)~~ (3) ~~The motion shall~~ Verify that the attorney ~~shall be~~ **is** bound by all rules, practices, and ethics that are applicable to ~~all other~~ attorneys admitted to practice before the United States District Court for the Western District of Michigan.

The movant need not be sponsored by a member of the bar.

~~(4)~~ (c) **Pro Hac Vice Admission Fee** – Admission *pro hac vice* requires payment of a fee to the Clerk of ~~Upon entry of an order by the Bankruptcy Court~~ **within 14 days of entry of the order** granting admission. ~~the motion to appear *pro hac vice*, the attorney admitted shall pay a *pro hac vice* admission fee in the amount of \$35.~~ The fee, **which is set by the Court, must be by check or money order** shall be made payable to the United States District Court for the Western District of Michigan, **and must include the designation “Pro hac vice admission,” the name of the case, and the case number.** ~~and tendered to the Clerk of United States Bankruptcy Court for the Western District of Michigan within 10 after entry of the order.~~ The Clerk of the United States Bankruptcy Court for the Western District of Michigan shall **will then** promptly forward the admission fee to the Clerk of the United States District Court **for deposit in its account.** ~~for the Western District of Michigan. “Pro hac vice admission fee” shall be noted on the check or money order, with the name of the case and the case number.~~

~~(5)~~ (d) **Failure to Pay Fee** - Failure to pay the *pro hac vice* admission fee ~~shall in compliance with subparagraph (c) will immediately revoke, without notice, the attorney's privilege to appear *pro hac vice* notwithstanding the previously entered order.~~ **result in the revocation of the admission order, and further result in the attorney being denied the privilege to appear and be heard in connection with the base case and all contested matters and/or adversary proceedings arising therein.**

LBR 9011

Signatures on Electronically Filed **Documents, Papers, Declarations** Re: Electronic Filing, and **Statements of Social Security Number(s)**

(a) **Facsimile Signatures** - A signature transmitted by facsimile ~~shall be~~ **is** deemed to be an original signature for purposes of Fed. R. Bankr. P. 9011.

(b) **Mandatory Electronic Filing** – **ECF Filers must file through CM/ECF all petitions, lists, schedules, and statements, amendments thereto, pleadings, affidavits, and other documents papers which must contain** original signatures or **which requiring** verification under Fed. R. Bankr. P. 1008 or an unsworn declaration as provided in 28 U.S.C. § 1746. ~~shall be filed electronically by ECF Filers.~~

(1) *Electronic Filing as Signature* - ~~(e)~~ Electronic filing of a petition, pleading, motion, proof of claim, or other ~~document paper~~ by an ECF Filer ~~shall~~ constitutes the signature of that individual for all purposes, including those under Fed. R. Bankr. P. 9011 and 28 U.S.C. § 1746, and ~~shall have~~ **has** the same ~~force and~~ effect as if the individual had affixed that individual's signature on a paper copy of the document being filed.

(2) *Declaration Re: Electronic Filing* - ~~(d)~~ When the petition is filed **through CM/ECF, electronically,** the **Filer attorney for the debtor(s) shall must also** file a **separate Declaration Re: Electronic Filing with the Court pursuant to the ECF Administrative Procedures. Guidelines.** (A copy of the Declaration Re: Electronic Filing is appended ~~hereto~~ **to these Rules** as Exhibit ~~10~~ **12.**) **The Clerk will make a text entry in the electronic docket to reflect that the declaration has been filed. However, the declaration itself will not be available for public viewing.**

~~(e)~~**(c) *Statement of Social Security Number(s)*** - If the debtor has not filed a Declaration Re: Electronic Filing containing the debtor's social security number, then the debtor **must conventionally file** a completed Official Form B21 (Statement of Social-Security Number(s)) ~~shall be submitted to the Court~~ containing the full 9-digit social security number and original signature of each debtor. If the debtor does not have a social security number, the debtor ~~shall~~ **must file submit** Official Form B21 stating that the debtor does not have a social security number. Failure to submit this form within ~~14~~ **15** days from the date of the Notice to File Statement of Social Security Number(s) ~~shall~~ **will** result in dismissal of the ~~case proceeding~~ without further hearing.

~~(f)~~ The ECF Filer ~~shall retain original signed papers as prescribed in the ECF Guidelines unless the scanned image which is filed with the Court clearly shows the handwritten signature or mark of the person who signed the paper.~~

~~(g)~~ **(d) *Acceptable Methods for Signing Documents*** - A signature on a ~~document paper~~ filed with the Court ~~shall~~ **may** be indicated by:

- (1) filing a scanned image of the originally signed ~~document paper~~;
- (2) filing a scanned image of the signature page of the electronic document; or
- (3) affixing "/s/ NAME" to the ~~document paper~~ where the handwritten signature or mark would otherwise appear.

(e) *Retention of Signed Documents* - If a document is filed with an electronic signature indicated by "/s/" or "/s/ NAME", the ECF Filer must retain the original signed document or the written authorization for the electronic signature for a minimum of 5 years from the date of filing.

~~(h)~~ **(f) *Filing of Documents with Multiple Signatures*** - ~~In the case of~~ **If** a stipulation or other ~~document paper~~ to be filed electronically includes the ~~signatures of~~ **signed by** two or more persons, ~~the ECF Filer must:~~

(1) ~~the ECF Filer shall initially~~ confirm that the content of the **document** ~~paper~~ is acceptable to all persons required to sign and ~~shall~~ **must** obtain the actual signature ~~(s)~~ of all ~~parties~~ signing **parties**; and

~~(2) the ECF Filer shall then file the paper electronically, indicating the signatures in accordance with subparagraph (f) above; and~~

~~(2) (3) the ECF Filer shall retain the original in accordance with subparagraph (f) (e) above.~~

LBR 9013 Motion Practice

(a) *Applicability Scope* – This ~~Local Bankruptcy Rule~~ applies to relief requested pursuant to Fed. R. Bankr. P. 9013 and 9014 regardless of ~~the style or title of such~~ **how the request is made**.

(b) *Ex Parte Relief* – If the requested **ex parte** relief may be granted without a hearing and without prior notice, ~~to interested parties~~, the movant ~~shall~~ **may** file the motion and proposed order with a request that the order be signed.

(c) *Notice with Opportunity to Object* - A party seeking relief ~~without an actual hearing with notice and an opportunity to object~~ **shall must** follow the procedures set forth ~~herein in this subsection~~ unless the Code, the Federal Rules of Bankruptcy Procedure, or these ~~Local Bankruptcy Rules~~ provide otherwise, or the Court otherwise directs.

(1) *Documents Filed with Motion* - The following documents ~~shall~~ **must** be filed with the **any** motion ~~pursuant to this~~ **under** subparagraph (c):

(A) A notice to the debtor and all other parties upon whom service is required ~~by the Code, the Federal Rules of Bankruptcy Procedure, or these Local Bankruptcy Rules, or as otherwise directed by the Court, stating that states~~ that the party being served with the motion has **14 15** days (~~20 21~~ days for matters set forth in **under** Fed. R. Bankr. P. 2002(a) **and 2016**; and 30 days for objections to claims) from the date of service to file and serve a response ~~which may include or a request for a hearing or both~~. In either event, the response ~~shall must include the specific set forth with specificity the grounds for objection and/or the reasons for objecting or for requesting~~ a hearing ~~is being requested~~;

(B) A copy of the proposed order ~~proposed by the moving party~~; and

(C) ~~A~~ **Unless otherwise excepted by these Rules**, a proof of service indicating the parties served ~~with the documents required herein~~, and the date and manner of service.

(2) **No Response Filed** - The Court may grant relief without a hearing if no timely response and/or or request for hearing is filed. and if the Court has not otherwise directed that a hearing be held. The movant shall may file with the Court no earlier than 20 21 days from the date of service of the notice (25 28 days for matters set forth in under Fed. R. Bankr. P. 2002(a) and 2016, and 35 days for objections to claims) a certificate certification stating that no timely response or request for hearing has been filed. On receipt of the certification, the Court may sign the proposed order, require the moving party to prepare a new proposed order, draft and enter its own order, or schedule a hearing.

(3) **Response Filed** - If a timely response or request for hearing is filed or if the Court has directed that a hearing be held, the Clerk shall will schedule a hearing on the motion and prepare a notice of hearing for the movant to serve and send the notice to the moving party for service on all required parties.

(4) **When “Notice and Opportunity” Procedures May Not be Used** – Except as provided in subparagraph (d), the procedures set forth herein in this Rule shall may not be used for plan-confirmation hearings, disclosure statement-approval hearings, dismissal and/or or conversion hearings, and or hardship-discharge hearings.

(d) *Authorization for Chapter 13 Trustees to Use “Notice and Opportunity” Basis for Dismissal Motions to Dismiss by Chapter 13 Trustee* - A Chapter 13 trustee’s dismissal motion to dismiss the case must shall state with particularity the grounds for dismissal therefor including (e.g., a debtor’s failure to make timely payments). The motion may be served pursuant to subparagraph (c). or other cause), and may be noticed by the Chapter 13 trustee’s office to the debtor and debtor’s attorney on a “notice and opportunity” basis. (1) *Bar Date for Response to Motion to Dismiss*– Any response or request for hearing responsive pleading filed by the debtor or debtor’s attorney to the trustee’s motion to dismiss filed under subparagraph (d) above must be filed with the Court and served upon on the Chapter 13 trustee within 30 days of when the date on which the trustee served the motion to dismiss. (2) *Particularity Requirement for Response to Motion to Dismiss*– The response filed by the debtor or debtor’s attorney must state with particularity the good faith reasons why the motion to dismiss should not be granted for opposing the motion and for believing that dismissal will not occur if a hearing is held.

(3) (1) **Remedy if Proper Response is Not Filed** - If the debtor or debtor’s attorney does not file a proper response or request for hearing as set forth in subparagraph (d)(1) above within 30 days of the date the trustee served a the motion to dismiss, the trustee may , at any time after the expiration of that 30-day period, file with the Court a certificate certification stating that no timely response or request for hearing has been filed together with a proposed order to dismiss. The Court may then dismiss the case without further hearing. will enter the dismissal order provided it is in a form acceptable to the Court. Upon entry of the order, any hearing previously scheduled on the trustee’s motion to dismiss will be cancelled.

(4) (2) **Hearing Date if a Timely Response is Filed** - If a debtor or debtor’s attorney files a timely response or request for hearing, to the trustee’s motion to dismiss,

the Court ~~shall~~ **will either hear the motion as already noticed or schedule** ~~hold~~ a hearing. ~~at the date and time originally noticed to the debtor and debtor's attorney.~~

(e) *Procedure for Contested Motions* - For all motions not filed pursuant to subparagraph (c), the Clerk will schedule the matter for hearing. Absent good cause, a party filing a brief or response to a motion must file and serve its brief or response at least 7 days before the scheduled hearing.

(f) ~~(g)~~ *Combined Motions Prohibited* - **Except as otherwise provided in these Rules,** every request for an order from the Court ~~shall~~ **must** be filed in a separate motion. **However,** ~~except for~~ requests for alternative relief ~~which~~ may be contained in one motion.

(g) ~~(i)~~ *Request for Emergency Hearing* - ~~(2)~~ An “emergency” is a matter ~~which~~ **that** requires a hearing in less than ~~5-business~~ **7** days, and ~~which~~ **that** involves an injury which outweighs procedural concerns. ~~(1)~~ If a motion requires an emergency hearing, a separate motion for **the** emergency hearing ~~shall~~ **must** be filed. ~~(3)~~ **A** ~~The~~ motion for emergency hearing must contain the following:

(1) ~~(A)~~ sufficient ~~factual~~ information for the Court to ~~find just cause to~~ schedule an emergency hearing **(e.g., why relief is needed immediately and why affected parties will not be prejudiced if a hearing is held with only limited notice);**

(2) ~~(B)~~ a certificate of service; ~~reflecting service by ECF, email, facsimile, overnight delivery, or first class mail;~~ **and**

(3) ~~(C)~~ a proposed order scheduling the hearing, ~~containing~~ **with** blank spaces for the date, time, and location of the hearing **and for the manner and deadline for giving notice of the hearing.**

The moving party must telephone the presiding Judge’s chambers to promptly advise the Court staff that a request for an emergency hearing has been filed. Nothing in this Rule precludes the Court from utilizing different procedures for scheduling emergency hearings.

(h) ~~(j)~~ *Request for Expedited Hearing* - If a motion requires a hearing on shortened notice but **is not an emergency,** ~~does not require an emergency hearing,~~ a motion to shorten notice ~~and/or~~ **or** to schedule an expedited hearing must be filed in accordance with Fed. R. Bankr. P. 9006(c). The request for expedited hearing ~~shall~~ **must** be accompanied by a proposed order.

LBR 9013-1
Allowance of Compensation and Reimbursement
of Expenses For Professionals

(a) ***Court Approval Required*** - Professional persons employed by the bankruptcy estate or a committee must be approved by the Court pursuant to 11 U.S.C. §§ 327, 332, 333, and 1103; and Fed. R. Bankr. P. 2016.

(b) ***Fees Requested by Application; Burden of Proof*** – A professional must file an application for fees and expenses under LBR 2016-2 before receiving any payment from the estate or applying any retainer that is property of the estate. The applicant has the burden of proof.

(c) ***Contents of Application*** –

(1) ***General Requirements*** – Every fee application must state the case filing date, the current chapter, and all dates of conversion. The application must also state the amount of any retainer paid, the date of each previous application, the amount of compensation and expenses previously requested, the date of each approval, and the total amount received to date.

The Court will not allow compensation for services that do not benefit the estate (e.g., fees for reading another’s work product simply as a matter of interest, for services that mainly benefit the debtor or the debtor’s principals, or for general research of law well known to practitioners in the area of law involved). The Court will determine whether tasks have been performed within a reasonable number of hours and whether the requested hourly rate is reasonable based on the customary rate charged by experienced practitioners. The reasonableness of the work done and the fee charged may depend on the results attained. An attorney may be required to estimate the probability of success, the amount to be realized, and the overall benefit to creditors with respect to each prospective matter or proceeding.

(2) ***Itemization of Services Performed*** - An application for compensation must identify each activity by date and the professional who performed the work. It must also include a description of the work performed, its purpose, and the time expended.

(A) ***Detail Required*** – Except as protected by the attorney-client privilege: (i) time entries for telephone calls must list the person with whom the applicant spoke and give a brief description of the conversation; (ii) time entries for correspondence must state the addressee and give a brief explanation of the contents; (iii) time entries involving documents must specify the specific document; and (iv) time entries for legal research must describe the matter for which the research was conducted and the research conducted. If abbreviations are used in the application or if computer sheets are added to supplement the application, the application must also include an appendix that explains the abbreviations or any code keys.

(B) ***Time Increments; No Rounding or “Lumping” Allowed*** - Each type of service must be listed with a corresponding specific time allotted. The time listed must represent the actual time expended to perform the activity and should be stated in tenths (.10) of an hour. “Rounding up” of time is not permitted. Applicants may not circumvent minimum time requirements or any detail requirement by “lumping” or “bunching” more than one activity into a single entry.

(C) ***Multiple Professionals*** - The application must indicate the total hours charged and give a summary of the hours and hourly rate charged by each professional. If more than one professional has charged time for an activity such as intra-office conferences or joint court appearances, the applicant must explain the need for each professional’s participation in the activity.

(D) ***Reasonableness of Rates Charged*** - Rates must be commensurate with the level of skill required for a particular task. Professional fees may not be charged for non-professional services such as copying or delivering documents, preparing or filing proofs of service, or for trustee duties generally performed without the assistance of an attorney or other professional. When paralegals are utilized to perform legal services for an estate, they may be compensated as paraprofessionals rather than treated as an overhead expense.

(E) ***Reimbursement for Application Fees*** – Fees for reasonable time spent by an attorney in preparing and reviewing an application for compensation may also be included.

(3) ***Itemization of Expenses*** - An application for reimbursement of expenses must include a description of each expense and its purpose together with the date it was paid. Requests for mileage must include the date, destination, miles, per-mile rate, and the reason for the trip. In allowing expenses, the Court will consider economy (e.g., coach airfare, moderately priced accommodations, commercial duplication of large copy orders) and necessity (e.g., unnecessary use of overnight mail).

(d) ***Deferral of Fees*** – On the motion of a party in interest, the Court may order that the payment of all or a portion of an allowed interim fee be withheld for a specified period of time. The Court may do so with or without a hearing. However, if the order is without a hearing, the applicant may move to have the order modified or rescinded.

(e) ***Fees in Chapter 13 Cases*** - For compensation in Chapter 13 cases, ~~filed pursuant to Chapter 13~~, see LBR 2016(a)(4)(F) 2016-2(e)(1).

LBR 9015

Jury Trials

(a) ***Applicability of Certain Federal Rules of Civil Procedure*** – Fed. R. Civ. P. 38, 39, and 47-51 and ~~Fed. R. Civ. P. 81(e)~~ insofar as it applies to jury trials, apply in this Court’s cases, and proceedings; except that a demand made under Fed. R. Civ. P. 38(b) shall **must** be filed in accordance with Fed. R. Bankr. P. 5005. **Fed. R. Civ. P. 81(c) also applies to jury trials before this Court.**

(b) ***Consent*** – If the right to a jury trial applies and a timely demand has been filed under Fed. R. Civ. P. 38(b), ~~in accordance with W.D. Mich. L. Civ. R. 83.2(e) specially designating that all bankruptcy judges of this district may conduct jury trials as designated therein,~~ the parties may consent to have a trial by jury conducted by a bankruptcy judge under 28 U.S.C. 157(e) by jointly or separately filing a statement of consent no later than the date set for the filing of a Joint Final Pretrial Order.

LBR 9016

Use of Courtroom Electronic Equipment

Any person who intends to use electronic equipment in the courtroom during a hearing or trial must become familiar with the Court’s systems prior to the scheduled court appearance. If needed, the person may contact the Automation Department of the Clerk’s office and request an appropriate time for training. Anyone who fails to comply with this Rule may be subject to sanctions, including paying the cost to repair any Court system damaged by the person’s use.

LBR 9016-1

Alternative Dispute Resolution

(a) ***ADR Favored*** – The Court favors the use of alternative dispute resolution (ADR) methods in bankruptcy cases and contested matters whenever ADR might help to reach an early resolution of the case. In adversary proceedings, a discussion regarding the potential use of ADR is required as part of the conference held pursuant to Fed. R. Bankr. P. 7026(f).

(b) ***Methods Available*** – Appropriate ADR methods include Voluntary Facilitative Mediation and the other methods specifically set forth in the Local Civil Rules for the United States District Court for the Western District of Michigan. (See W.D. Mich. L. Civ. R. 16.3 – 16.8 on the district court’s website at <http://www.miwd.uscourts.gov>.) If parties elect to use Voluntary Facilitative Mediation or any of the other ADR methods listed on the district court’s website, the parties must follow the local civil rules applicable to the selected method. Other ADR methods may also be agreed on by the parties.

(c) ***Confidentiality*** – ADR proceedings are considered “compromise negotiations” as that term is used in Fed. R. Evid. 408. All oral or written statements made at any stage of the ADR

process are confidential and may only be used as permitted under Fed. R. Evid. 408 or as otherwise agreed in advance by the parties.

(d) ***Trial Deadlines and Procedures Unaffected*** – The use of ADR does not affect the normal progression of a case toward trial. Parties who elect ADR may continue to file motions and engage in discovery. Any case referred to ADR remains subject to management by the Court, and the parties must comply with all deadlines or other obligations imposed by the Court unless the Court orders otherwise.

(e) ***Payment of Fees and Costs*** – Parties electing to use ADR are solely responsible for the fees and costs associated with the selected ADR method. Fees and costs will be shared equally unless otherwise agreed by the parties. If a party is delinquent in paying the fees and costs associated with ADR, the neutral may seek a Court order directing payment. The Court may also require the fees and costs to be paid in advance.

(f) ***Pro Bono Service*** – If a party cannot afford the fees or costs associated with ADR, the Court may request that the neutral waive or reduce the fee for the indigent party. All other parties are expected to pay their fees and costs.

LBR 9017

Teleconferencing and Videoconferencing

~~(a)~~ The Court ~~in its discretion~~ may permit a ~~ny~~ party or witness to appear at any proceeding before the Court by teleconference or video conference. ~~(b)~~ Unless the Court orders otherwise, application ~~therefor~~ **to appear by telephone or video conference** may be made informally and without a written request ~~if provided~~ **if** timely notice is given to the other parties. ~~(c)~~ The Court may grant such a request without a written order.

LBR 9021

Entry of Orders and Judgments

~~(a)~~ Unless otherwise directed by the Court, orders and judgments ~~shall~~ **must** be prepared in writing by the prevailing party. ~~(b)~~ The prevailing party ~~shall~~ **must** serve **a copy** of **the** order ~~and~~ **or** judgment on **the** required parties promptly after entry by the Court. ~~and shall file a proof of service with the Clerk attesting to such service.~~

LBR 9029

General Provisions

(a) ***Prior Rules Superseded*** – These ~~Local Bankruptcy~~ Rules provide standardized procedures for the convenience of the bench and bar. They supersede all previous Local Rules and **Court** Administrative Orders, except **for Court** Administrative Order No. ~~2005-4~~ **2010-3** **and any other Court Administrative Order that does not conflict with these Rules.**

(b) **Administrative Orders** – ~~If Should~~ any matter of practice or procedure requires the attention of the Court prior to **further** amendment of these ~~Local Bankruptcy~~ Rules, the Court may enter an administrative order **to serve as an interim rule**. ~~which will have the same force and effect as the Local Bankruptcy Rules.~~ The Clerk ~~shall~~ **will** maintain a file of such administrative orders entered by the Court, and ~~shall date and~~ **that** numbers **each administrative order as it is entered**. ~~them chronologically.~~ Administrative orders ~~shall be~~ **are available** posted for public inspection in the office of the Clerk and on the Court's ~~Internet~~ website at www.miwb.uscourts.gov.

(c) **Technical Corrections** – Technical corrections to these ~~Local Bankruptcy~~ Rules may be made by the Court at any time. Notice of such **corrections** ~~shall~~ **will** be provided on the Court's ~~Internet~~ website at www.miwb.uscourts.gov and posted in the Clerk's office.

(d) **Use of Local Forms** – The documents attached as exhibits to these Rules are for reference purposes only. Only the official documents posted under the “Local Forms” link on the Court's website may be used.

~~(d)~~ (e) **Suspension or Modification** – Any judge of this Court may suspend or modify a ~~requirement or provision of any of these Local Bankruptcy Rules~~ in a particular case, adversary proceeding, or contested matter on the Court's own **initiative** ~~motion~~ or on motion of a party.

LBR 9037-1 Redacting Personal Identifiers

(a) **Redaction Requirement** - Unless the Court orders otherwise, a filer must redact “personal identifiers” from any document filed with the Court or submitted to the trustee pursuant to LBR 1007-2(f). “Personal identifiers” means Social Security numbers, taxpayer-identification numbers, dates of birth, names of minor children, and financial account numbers. A filing is properly redacted if it includes only:

- (1) the last four digits of the Social Security number or the taxpayer-identification number;
- (2) the year of the individual's birth;
- (3) the minor's initials; and
- (4) the last four digits of the financial-account number.

For cause shown, the Court may require the redaction of additional information or limit a nonparty's electronic access to a document filed with the Court.

(b) ***Trustee's Authority to Redact*** – The trustee in an individual chapter 7, 11, or 13 case has the authority to redact any document that is inadvertently submitted with personal identifiers. However, nothing in this Rule imposes a duty on the trustee to make the redaction.

LBR 9037-2

Use of Electronic Transcripts

(a) ***Access to Electronic Transcripts*** – The Court may direct that a transcript of all or part of a digitally recorded proceeding be made available through CM/ECF. All ECF Filers who attended the proceeding will be notified once an electronic transcript is available.

(1) ***Limited Access*** – No electronic transcript will be available for viewing or downloading for the first 90 days after the transcript is filed with the Court unless the transcript is purchased from the court reporter or transcriber by an attorney of record, in which case the transcript will be available for remote electronic viewing and use by that attorney. Otherwise, an electronic transcript will only be available during the first 90 days for viewing from a public terminal at the Clerk's office.

(2) ***Unrestricted Access*** – The original electronic transcript (or a redacted transcript, if applicable) will be available for unrestricted viewing and printing – either remotely or from the Clerk's public terminal – beginning on the 91st day after the transcript is filed with the Court. PACER charges apply for all remote viewing regardless of whether the viewer purchased access to the transcript, and charges are not limited to 30 pages.

(b) ***Redaction of Electronic Transcripts*** -

(1) ***Redacting Personal Identifiers*** – The responsibility for redacting personal identifiers rests solely with the parties and their counsel. Any person who wishes to redact personal identifiers from an electronic transcript must file a "Notice of Intent to Request Redaction" with the Clerk and serve a copy on the transcriber within 7 days after the transcript is filed. The requesting party must then submit a Request for Redaction within 21 days of the transcript's filing that lists (A) the personal identifiers to be redacted, and (B) where those personal identifiers appear in the transcript by page and line.

(2) ***Redacting Information Other than Personal Identifiers*** – If a person wishes to redact information other than personal identifiers from an electronic transcript, the person must file a motion for a protective order pursuant to Fed. R. Bankr. P. 9037(d). The electronic transcript will not be available for unrestricted viewing, downloading, or printing until the Court rules on the motion for the protective order.

LBR 9037-3
Docketed Audio Files

The Court may direct that all or part of a digitally recorded proceeding be posted as an audio file on the CM/ECF docket. No transcript of an audio file may be included in a document that is filed with the Court unless the transcript has been prepared by an authorized court reporter.

LBR 9037-4
Filing Documents Under Seal

(a) ***Court Order Required*** - Before filing any document under seal, a party must file a written motion consistent with 11 U.S.C. § 107 explaining why the relief is necessary. The explanation must be as comprehensive as possible without disclosing the substance of the information to be filed under seal. If the motion is granted, the movant must conventionally file the document in a sealed envelope with a copy of the order attached to the envelope. A sealed document may be filed unredacted. The Clerk will maintain the document under seal until further Court order.

(b) ***Request for In Camera Review*** – In a motion requesting permission to file a document under seal, the moving party may include a request that the Court review the document *in camera* before deciding the motion. Any such request must include an explanation as to how an *in camera* review will assist the Court in deciding whether the document should be filed under seal. If the Court grants a request for *in camera* review, the Court will establish procedures to ensure the confidentiality of the document and the fairness of the process.

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