

UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF MICHIGAN

In re:

Case No. \_\_\_\_\_-jtg

Chapter 13

Hon. John T. Gregg

Debtor(s).  
\_\_\_\_\_/

**ORDER GRANTING MOTION TO ESTABLISH CERTAIN  
NOTICE PROCEDURES AND FOR RELATED RELIEF**

On \_\_\_\_\_, the above-captioned debtor(s) (the “Debtor”) filed an *ex parte* motion for the entry of an order establishing certain notice procedures and for related relief (the “Motion”). In the Motion, the Debtor requests that the court adopt procedures in order to reduce expenses to the estate and its creditors while preserving resources of the Debtor, the chapter 13 trustee (the “Trustee”), and other parties in interest.

Upon review of the Motion, the court shall establish the procedures set forth herein (the “Procedures”) pursuant to 11 U.S.C. §§ 102(1), 105(a) and 342, Fed. R. Bankr. P. 1001, 2002(h), 2002(m), 9007, 9029 and 9036, and LBR 2002, 3015, 9013-1 and 9029(f).

IT IS HEREBY ORDERED THAT:

1. The Motion is granted.
2. Except as otherwise subsequently ordered by the court and subject to the limitations set forth herein, the Procedures shall govern all aspects of this chapter 13 case (other than adversary proceedings) beginning twenty-one (21) days after the date this Order is served and ending on the earlier of (i) the date that an order is entered dismissing this case, (ii) the date that an order is entered converting this chapter 13 case to a case under another chapter of the Bankruptcy Code, and (iii) the date a discharge order is entered.
3. The Procedures supplement the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”) and the Local Bankruptcy Rules of this court (the “LBR”). To the extent the Procedures conflict with the LBR or Paragraph IV.F of the Model Plan required to be used under the LBR, the Procedures shall govern.
4. Pursuant to LBR 5005-1(a) and subject to the exceptions set forth in LBR 5005-1(c)-(d) or a separate order of this court, any notices, requests for relief, and other documents (collectively, the “Court Filings”) shall be filed electronically by registered users of the case

management/electronic filing system (“ECF”).<sup>1</sup> All Court Filings in this case may be served on a registered ECF filer electronically in accordance with LBR 5005-4(a).

5. Subject to Paragraph 6 of this Order, a party in interest who is not a registered ECF filer and who has not affirmatively requested notice (the “Requesting Party”) by filing a request in the form attached hereto<sup>2</sup> (the “Notice Request”) is not required to be provided with notice of, or served with, the following Court Filings in this case:

- (a) preconfirmation plan amendments/modifications;
- (b) post-confirmation plan amendments/modifications;
- (c) motions to incur debt;
- (d) motions to enter into a loan modification;
- (e) motions to sell, use, or lease property of the Debtor or property of the Debtor’s estate outside the ordinary course of business or otherwise dispose of the same;
- (f) requests for compensation; and
- (g) motions to compromise or settle.

6. Notwithstanding anything to the contrary herein, the Procedures shall not apply to (i) any Court Filing that seeks relief affecting a party’s particularized interest, including an *in rem* interest, which shall continue to be served on that party in accordance with Fed. R. Bankr. P. 9014(b) (incorporating Fed. R. Bankr. P. 7004); (ii) the requirements for notice, service, and/or transmittal to the United States Trustee and the United States as required by the Bankruptcy Code, the Bankruptcy Rules and the LBR; and (iii) notices provided pursuant to the following authority, all of which shall continue to be addressed as required by Fed. R. Bankr. P. 2002(g):

- (a) 11 U.S.C. § 342(f)(1) (notice provided by an entity to be used in cases in which such entity is a creditor);
- (b) Bankruptcy Rule 2002(a)(1) (meeting of creditors pursuant to 11 U.S.C. § 341) and LBR 3015(a) (initial chapter 13 plan);

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<sup>1</sup> Information regarding the ECF system, including how to obtain a login and password, can be found at <https://www.miwb.uscourts.gov/become-registered-e-filer>.

<sup>2</sup> A form Notice Request is also available under the tab entitled “Chapter 13 Notice” on the court’s website at <https://www.miwb.uscourts.gov/content/judge-john-t-gregg>. Any Notice Request shall expressly state whether the requesting party consents to be served via email. A Requesting Party shall be responsible for maintaining accurate notice information by immediately filing and serving an amended Notice Request. A Notice Request filed by an attorney who is a non-registered ECF filer shall constitute a notice of appearance so long as the requisite information under Bankruptcy Rule 9010(b) is provided.

- (c) Bankruptcy Rule 2002(a)(7) (deadline to file proofs of claim);
- (d) Bankruptcy Rule 2002(a)(9) (time fixed for filing objections to confirmation of chapter 13 plan);
- (e) Bankruptcy Rule 2002(b) (time fixed for hearing to consider confirmation of chapter 13 plan);
- (f) Bankruptcy Rule 2002(f) (all notices required to be given by the Clerk or some other person as the court may direct);
- (g) Bankruptcy Rule 2002(o) (notice of order for relief); and
- (h) Any notices of hearing or orders of this court pursuant to LBR 2002(b).

7. Upon the filing and service of any Notice Request, the Clerk shall update the creditor matrix and all subsequent Court Filings (other than those subject to Paragraph 6 of this Order) shall be served on the Requesting Party via electronic mail to the email address identified in the Notice Request and/or via courier (*e.g.*, first class U.S. mail, overnight courier, hand delivery) to the address set forth in the Notice Request.

8. Consistent with LBR 5005-4(c), a certificate of service for any Court Filing shall be filed with the court. If a Requesting Party is served with a Court Filing solely via email, the certificate of service shall expressly state that the Requesting Party affirmatively requested service to that email address and not to any other address in a Notice Request.

9. Absent an objection to these Procedures filed on the docket and served on counsel for the Debtor and counsel for the Trustee within fourteen (14) days from the date of its service, this Order shall become a final order as to those parties in interest properly served with this Order. In the event an objection to the Procedures is timely filed, the court shall schedule a hearing pursuant to separate notice.

10. The Procedures shall not apply to parties in interest who are not first provided with fourteen (14) days from the date of proper service of this Order to file an objection to the Procedures.<sup>3</sup>

IT IS FURTHER ORDERED THAT the \_\_\_\_\_ shall serve a copy of this Order pursuant to Fed. R. Bankr. P. 9022 and LBR 5005-4 on the creditor matrix maintained in this case as of the date hereof.

[END OF ORDER]

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<sup>3</sup> The Debtor shall be responsible for serving any parties in interest subsequently added to the matrix or otherwise not previously served with a copy of this Order.

UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF MICHIGAN

In re:

Case No. \_\_\_\_\_-jtg

Chapter 13

Hon. John T. Gregg

Debtor(s).  
\_\_\_\_\_ /

**NOTICE REQUEST OF \_\_\_\_\_**

Pursuant to the Order Granting Motion to Establish Certain Notice Procedures (the "Order") previously entered by the court, \_\_\_\_\_ (the "Requesting Party") hereby requests that it/he/she receive all Court Filings (as defined in the Order) to which it/he/she would otherwise be entitled in the above-captioned case and expressly consents to service (check one or both) via:

electronic mail at the following address:

\_\_\_\_\_  
@

courier at the following address:

Name of Requesting Party:

Attn:

Street Address:

City:

State:

Zip:

Telephone:

The Requesting Party acknowledges that this Notice Request shall not be deemed effective until the date it is filed on the docket and served on counsel for the debtor and counsel for the chapter 13 trustee in the above captioned case, both of whom are registered ECF filers. The Requesting Party further acknowledges that it/he/she is responsible for maintaining accurate notice information by immediately filing and serving an amended Notice Request as required under the Order.

The individual submitting this Notice Request represents and warrants that (i) neither the individual nor counsel for the Requesting Party is a registered ECF filer with the United States Bankruptcy Court for

the Western District of Michigan, and (ii) the individual has the authority to submit this Notice Request on behalf of the Requesting Party.

Dated: \_\_\_\_\_, 20\_\_

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_