

**U.S. BANKRUPTCY COURT  
DISTRICT OF MINNESOTA**



**LOCAL RULES**

Effective July 17, 2023

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## **Part I. Commencement of Case: Proceedings Relating to Petition and Order for Relief**

### **Rule 1002-1. [ABROGATED]**

[Effective April 15, 1997. Amended effective January 1, 2002; January 9, 2006; February 22, 2012; May 1, 2019. Abrogated effective July 17, 2023.]

#### **2023 Advisory Committee Notes**

Local Rule 1002-1 was abrogated because it no longer reflects the way that cases are processed by the clerk's office; the rule number is reserved for possible future use. The clerk's office used to process cases by city (Minneapolis, St. Paul, Duluth, or Fergus Falls) and that is no longer the practice. Now, cases from any division may be processed in any clerk's office. In addition, the case assignment process has changed, with cases automatically assigned to a division when they are opened based on the county identified in the petition. Relevant portions of former Local Rule 1002-1 that addressed case assignment now appear in Local Rule 1073-1, Assignment of Cases.

### **Rule 1005-1. [ABROGATED]**

[Effective April 15, 1997. Amended effective December 1, 2015. Abrogated effective July 17, 2023.]

#### **2023 Advisory Committee Notes**

Local Rule 1005-1 was abrogated as duplicative of Fed. R. Bankr. P. 1005; the rule number is reserved for possible future use. The former rule also directed that the petition identify possible liability as a surety for another entity but the current Official Petition Forms (101 and 201) do not ask for that information.

### **Rule 1006-1. Filing Fee**

The required filing fee must be paid in the form of payment authorized by the clerk on the day the petition is filed, except as provided in Federal Rule of Bankruptcy Procedure 1006(b)–(c).

[Effective April 15, 1997. Amended effective January 1, 2002; January 9, 2006; February 1, 2011; December 1, 2017; October 1, 2019; July 17, 2023.]

#### **2023 Advisory Committee Notes**

Subsection (a) of former Local Rule 1006-1 was amended to clarify that any filing fee must be paid on the day the petition is filed, unless the debtor asks to pay the filing fee in installments or asks that the fee be waived under Fed. R. Bankr. P. 1006(b)–(c). The rule was also amended to remove the specific forms of payment that are accepted by the clerk. Please refer to the court's website at [www.mnb.uscourts.gov](http://www.mnb.uscourts.gov) for current instructions on acceptable forms of payment.

Subsection (b) was removed as duplicative of and to ensure consistency with Fed. R. Bankr. P. 1006(b)(1)–(2), which addresses how a debtor applies to pay the filing fee in installments and the court's action on the application.

Subsection (c) was removed to ensure consistency with Fed. R. Bankr. P. 1017(b), which provides that the court may dismiss a case for failure to pay any installment of the filing fee after a hearing on notice to the debtor and trustee.

### **Rule 1007-1. Lists, Schedules, and Statements**

(a) STATEMENT OF COMPENSATION. The statement of compensation that a debtor's attorney must file under 11 U.S.C. § 329(a) and Federal Rule of Bankruptcy Procedure 2016(b) must conform to Local Form 1007-1.

(b) SCHEDULE C: REAL PROPERTY. Any real property listed on Schedule C must include a legal description of the property.

[Effective April 15, 1997. Amended effective January 1, 2002; January 9, 2006; May 1, 2014; December 1, 2015; July 17, 2023.]

#### **2023 Advisory Committee Notes**

Local Rule 1007-1(a) was restyled to refer to 11 U.S.C. § 329(a) and Fed. R. Bankr. P. 2016(b) and eliminate language that was duplicative of Fed. R. Bankr. P. 2016(b). As amended, subsection (a) requires conformance with Local Form 1007-1 instead of substantial conformance. Subsection (b) was restyled and amended to better reflect the information that is requested on Official Form 106C. Subsection (c) was removed as duplicative of and to ensure consistency with Fed. R. Bankr. P. 1007(b)(7).

### **Rule 1007-2. Creditor Matrix and Supplemental Lists**

(a) CREDITOR MATRIX AND SUPPLEMENTAL LISTS. To comply with Federal Rule of Bankruptcy Procedure 1007(a)(1), the debtor must file with the petition a matrix containing the names and addresses of each creditor in accordance with the clerk's instructions posted on the court's website. Any supplemental list that is required under Federal Rule of Bankruptcy Procedure 1007(d)–(e) must be filed in accordance with the clerk's instructions posted on the court's website.

(b) SUPPLEMENTAL LIST FOR HEALTH CARE BUSINESSES. If a petition in a case under chapter 7, chapter 9, or chapter 11 states that the debtor is a health care business, the debtor must file, within 14 days of the filing of the petition, a supplemental list containing the names and addresses of all entities that issue licenses to or regulate the debtor or the debtor's principal in accordance with the clerk's instructions posted on the court's website.

[Effective April 15, 1997. Amended effective January 1, 2002; January 9, 2006; December 1, 2014; July 17, 2023.]

#### **2023 Advisory Committee Notes**

The title of Local Rule 1007-2 was amended to clarify that it concerns the creditor matrix and supplemental lists. Subsection (a) was amended to reference Fed. R. Bankr. P. 1007(a)(1) and to clarify that the matrix must contain the

name and address for each creditor. The clerk's office maintains instructions on the court's website at [www.mnb.uscourts.gov](http://www.mnb.uscourts.gov) for how to properly prepare and file a creditor matrix and any required supplemental lists.

Former subsection (b) was removed as duplicative of Fed. R. Bankr. P. 1007(a)(3). Former subsection (c) was renumbered to subsection (b). Former subsection (c)(2) was removed as duplicative of Fed. R. Bankr. P. 1021, which states that a case will proceed as a health care business case if the petition identifies the debtor is a health care business, unless the court orders otherwise. The clerk's office maintains instructions on the court's website for how to properly prepare and file the required supplemental list for health care businesses. For other health care business rules, see Local Rules 2015.1-1 and 9013-2(b)(3).

### **Rule 1007-3. Statement of Business Income in Chapter 13 Cases**

In any chapter 13 case in which the debtor derives gross income of more than \$1,000.00 per month either from self-employment or from a corporation as defined by 11 U.S.C. § 101(9) in which the debtor is sole owner, the debtor must file a statement of business income and expenses with Schedule I. The statement of business income and expenses must conform substantially to Local Form 1007-3.

[Effective January 1, 2002. Amended effective January 9, 2006; July 17, 2023.]

#### **2023 Advisory Committee Notes**

The title of Local Rule 1007-3 was amended to indicate that it applies only in chapter 13 cases. Local Rule 1007-3 was also amended to increase the amount of self-employment income from \$200.00 to \$1,000.00. This change will result in fewer debtors needing to file a statement of business income and expenses for very small amounts of income, including, for example, income received from various gig jobs, such as for driving or delivery services. The amendments also clarify that the statement of business income and expenses must be filed with Schedule I (Official Form 106I). Submitting a completed Local Form 1007-3 should meet the requirements to answer question 8a in Schedule I.

### **Rule 1007-3-1. Notice of Responsibilities of Chapter 7 and 13 Debtors and Their Attorneys**

In any chapter 7 or chapter 13 case in which the debtor is represented by an attorney, the attorney must file with the petition a Notice of Responsibilities. The Notice of Responsibilities must conform to Local Form 1007-3-1(7) in chapter 7 cases and Local Form 1007-3-1(13) in chapter 13 cases.

[Effective October 15, 2010. Amended effective July 17, 2023.]

#### **2023 Advisory Committee Notes**

Local Rule 1007-3-1 was amended to clarify that the attorney must file with the petition a Notice of Responsibilities. The former language that directed that the Notice of Responsibilities include a scanned image of the signature page has been deleted to conform to the 2023 amendments made to Local Rule 9011-1 concerning electronic signatures.

#### **Rule 1007-4. [ABROGATED]**

[Effective April 15, 1997. Amended effective January 9, 2006; October 1, 2019; June 1, 2021. Abrogated effective July 17, 2023.]

##### **2023 Advisory Committee Notes**

Local Rule 1007-4 was abrogated to ensure consistency with Fed. R. Bankr. P. 1017(c) and (f); the rule number is reserved for possible future use. Rule 1017(c) permits the court to dismiss chapter 7 and chapter 13 cases for failure to file required documents “after a hearing on notice served by the United States trustee on the debtor, the trustee, and any other entities the court directs.” Rule 1017(f) provides the procedures for dismissal, conversion, or suspension.

#### **Rule 1008-1. [ABROGATED]**

[Effective April 15, 1997. Amended effective January 1, 2002; January 9, 2006. Abrogated July 17, 2023.]

##### **2023 Advisory Committee Note**

Local Rule 1008-1 was abrogated; the rule number is reserved for possible future use. Local Rule 1008-1 had one remaining subsection concerning proof of authority to file a petition for all non-individual debtors. The Voluntary Petition for Non-Individuals Filing for Bankruptcy (Official Form 201) in part 17 addresses the declaration and signature of an authorized representative of the debtor, and specifically has the signatory declare under penalty of perjury that “I have been authorized to file this petition on behalf of the debtor.” Further, an individual who is authorized to act on behalf of a non-individual debtor must also file the Declaration Under Penalty of Perjury for Non-Individual Debtors (Official Form 202) when signing and submitting the schedules of assets and liabilities, any other document that requires a declaration that is not included in the document, and any amendments to those documents. Accordingly, it was no longer necessary to have a Local Form 1008-1 to serve as separate proof of authority to file a petition; both the rule and Local Form 1008-1 were abrogated.

#### **Rule 1009-1. Amendments of Voluntary Petitions, Lists, Schedules, and Statements**

- (a) AMENDMENTS TO DEBTOR'S IDENTIFICATION INFORMATION. At any time before the clerk sends the meeting of creditors notice, the clerk may direct the debtor to file an amendment to the petition on a form prescribed by the clerk to correct any clerical mistakes in the debtor's name, address, or employer identification number. If the debtor fails to comply, the clerk must determine the title of the case. If the debtor's identification information is corrected after the clerk sends the meeting of creditors notice, the debtor must comply with the notice requirements of Federal Rule of Bankruptcy Procedure 1009.
- (b) FORM, FILING, AND NOTICE OF AMENDMENTS. Except as provided in paragraph (a) of this rule, all amendments to petitions, lists, schedules, and statements must be made by filing a new petition, list, schedule, or statement that is identified as amended. If an amended form is submitted, the “amended filing” checkbox must be checked. The amended documents

must clearly identify all changes made by underlining all additions and lining out all deletions or by submitting Local Form 1009-1 with the amended documents. Notice of any amendments must be made in accordance with Federal Rule of Bankruptcy Procedure 1009(a).

[Effective April 15, 1997. Amended effective January 1, 2002; January 9, 2006; February 22, 2012; December 1, 2015; May 1, 2018; October 1, 2019; July 17, 2023.]

#### **2023 Advisory Committee Note**

Local Rule 1009-1 was restyled and amended to avoid unnecessary duplication with Fed. R. Bankr. P. 1009. In amended subsection (a), “employer” now modifies “identification number” to make clear that if an individual debtor’s social security number is incorrect, Fed. R. Bankr. P. 1009(c) applies, regardless of whether the correction is made before or after the clerk sends the meeting of creditors notice. Amended subsection (a) no longer distinguishes between debtors represented by an attorney and pro se debtors. Because Fed. R. Bankr. P. 1009(a) states that the “debtor shall give notice of the amendment to the trustee and to any entity affected thereby” it is no longer necessary to provide additional instructions for filing amended Schedules A/B, C, D, and E/F. Debtors, including pro se debtors, are responsible for adequately noticing any affected entity when amended petitions, lists, schedules, and statements are filed, and for filing any required proof of such notice. *See also* Local Rule 9036-1(a) (requiring proof of service or notice to a non-Filing User). Accordingly, former subsections (b)(2)–(4) have been removed.

Current subsection (b), which was former subsection (b)(1), was restyled to clarify that any form amendments must be identified as an amended filing by checking the amended filing checkbox.

#### **Rule 1010-1. Service in Involuntary Cases**

If the petitioners serve the summons and petition on the debtor by mail, and if the mailed copies of the summons and petition are returned by the post office, the petitioners must file an affidavit disclosing such information to the court.

[Effective April 15, 1997. Amended effective January 1, 2002; January 9, 2006; July 17, 2023.]

#### **2023 Advisory Committee Note**

Local Rule 1010-1 was restyled and renumbered to no longer refer to an abrogated subsection. The rule was renamed to better reflect that Local Rule 1010-1 adds a filing requirement for service in certain involuntary cases.

#### **Rule 1014-1. Transfer of Cases**

When a case is transferred to this district from another district, the clerk must give notice of the transfer, with the new case number and assignment of the new trustee, if applicable, to the debtor, the trustee, all creditors, and indenture trustees.

[Effective April 15, 1997. Amended effective January 9, 2006; October 1, 2019; July 17, 2023.]

#### **2023 Advisory Committee Note**

Local Rule 1014-1 was amended to remove language that no longer reflects the clerk's current practices. When a case is transferred to this district, the transfer is effectuated electronically between the two involved clerk's offices. A case transfer may be processed in any clerk's office within the District of Minnesota. A transferred case will be assigned in accordance with Local Rule 1073-1 and the prevailing Order for Assignment of Cases. The notice language was amended to incorporate communicating the new case number and assignment of the new trustee, if applicable, to the entities listed in Fed. R. Bankr. P. 2002(a).

### **Rule 1015-1. Joint Case of Debtor Spouses**

Unless a party in interest files a motion objecting to consolidation and the court orders otherwise, the estates of the debtor spouses in a joint case filed under 11 U.S.C. § 302 are consolidated for all purposes.

[Effective April 15, 1997. Amended effective July 17, 2023.]

#### **2023 Advisory Committee Note**

The title of Local Rule 1015-1 was amended to clarify that the rule applies only to debtor spouses. Local Rule 1015-1 was further amended to include a provision allowing a party in interest to object to automatic consolidation in light of 11 U.S.C. § 302(b).

### **Rule 1017-2. [ABROGATED]**

[Effective April 15, 1997. Amended effective January 9, 2006. Abrogated effective July 17, 2023.]

#### **2023 Advisory Committee Notes**

Local Rule 1017-1 was abrogated to ensure consistency with Fed. R. Bankr. P. 1017. Please refer to Fed. R. Bankr. P. 1017 for procedures that apply to dismissals and Fed. R. Bankr. P. 1017 and 1019 for procedures that apply to conversions.

### **Rule 1019-1. Filing Requirements for Conversions**

When converting a case to another chapter, the notice of conversion or motion to convert must:

- (a) Identify the chapter to which the party seeks to convert and the applicable statutory authority for the conversion;
- (b) Include any documents necessary to establish eligibility to proceed under the new chapter, including, if applicable, the statement of current monthly income and means test; and
- (c) Include amended Schedules I and J, for an individual debtor seeking to convert a case to chapter 7 or chapter 13.

[Effective April 15, 1997. Amended effective January 1, 2002; January 9, 2006; December 1, 2009; May 1, 2014; December 1, 2015; July 17, 2023.]

### **2023 Advisory Committee Notes**

Local Rule 1019-1 was amended to remove language that was duplicative of Fed. R. Bankr. P. 1017 and 1019 and to ensure consistency with the same. With these changes, Local Form 1019-1 was also abrogated. The procedure to convert a case to a different chapter—whether by a notice of conversion or a motion to convert—is specified in Fed. R. Bankr. P. 1017(f). Please also refer to Fed. R. Bankr. P. 1019 for the filing requirements to convert a chapter 11, 12, or 13 case to chapter 7. All references to needing a separate proof of authority to sign and file have been removed because the Declaration Under Penalty of Perjury for Non-Individual Debtors (Official Form 202) must be filed when an individual who is authorized to act on behalf of a non-individual debtor signs and submits: (a) the schedules of assets and liabilities; (b) any other document that requires a declaration that is not included in the document; and (c) any amendments to those documents.

Amended Local Rule 1019-1 only addresses what information should be filed with the notice of conversion or the motion to convert when converting a bankruptcy case to a different chapter. To establish eligibility to proceed under chapter 7, the debtor must file with the notice of conversion or motion to convert the statement of current monthly income and means test (Official Forms 122A-1/A-2). An individual debtor converting to a chapter 7 or 13 case must also file amended Schedules I and J (Official Forms 106I and 106J) to allow the trustees to assess income requirements. Please note that after a case is converted, the trustee may request that the debtor file other new schedules and statements.

### **Rule 1070-1. Reference**

All bankruptcy cases and proceedings, including any claim or cause of action that is removed under 28 U.S.C. §1452 or Federal Rule of Bankruptcy Procedure 9027, are referred to the bankruptcy judges and shall be assigned among them according to orders made by them. The bankruptcy judges are specially designated to conduct jury trials pursuant to 28 U.S.C. §157(e).

NOTE: This rule is promulgated by the district court.

[Effective April 15, 1997. Amended effective January 1, 2002; January 9, 2006.]

### **Rule 1073-1. Assignment of Cases**

Each case will be assigned to a particular division and a particular judge in accordance with the Order for Assignment of Cases. The clerk may permit or direct the filing of a petition in a particular division if the debtor has an interest in property in several counties or is an affiliate of a debtor in a pending case, or for other good cause.

[Effective April 15, 1997. Amended effective July 17, 2023.]

### **2023 Advisory Committee Notes**

Local Rule 1073-1 was amended to refer to the court's Order for Assignment of Cases, which is available on the court's website. All cases are assigned to a particular division and to a particular judge in accordance with that Order.



Language in the former rule that was duplicative of the Order for Assignment of Cases was removed. Language from former Local Rule 1002-1 that allows the clerk to permit the filing of a case in a particular division in certain circumstances was added.

## **Part II. Officers and Administration; Notices; Meetings; Examinations; Elections' Attorneys and Accountants**

### **Rule 2002-1. Notice to Creditors & Other Interested Parties**

- (a) CHAPTER 7, 12 AND 13 CASES. Except as provided in Local Rules 2016-1 and 6004-1, all notices under Federal Rule of Bankruptcy Procedure 2002 in a chapter 7, 12 or 13 case shall be given to each entity listed in the matrix referred to in Local Rule 1007-2. A party may request by motion that notice be limited as provided in Federal Rule of Bankruptcy Procedure 2002(h).
- (b) CHAPTER 11 CASES.
- (1) [ABROGATED]
- (2) Notice. All notices to creditors under Federal Rule of Bankruptcy Procedure 2002 shall be given to each entity listed in the matrix referred to in Local Rule 1007-2.
- (3) Notice to Equity Security Holders. Unless ordered otherwise, all notices under Federal Rule of Bankruptcy Procedure 2002(d) shall be mailed to each equity security holder.
- (c) NO ADDRESS. Neither the clerk, the debtor nor the moving party need provide notice to any entity listed with no address or "address unknown" in the matrix referred to in Local Rule 1007-2.
- (d) OMITTED CREDITORS; CORRECTED ADDRESSES.
- (i) After transmission by the clerk of the notice of the meeting of creditors, the debtor shall transmit a copy of the notice of the meeting of creditors to any entity not listed at the time on the matrix referred to in Local Rule 1007-2, and shall add those creditors to the matrix.
- (ii) The debtor or a creditor or its authorized agent may add the name and address of an omitted creditor, an authorized agent for a creditor, or a new or corrected name or address for any creditor to the matrix.

[Effective April 15, 1997. Amended effective January 1, 2002; January 9, 2006; May 1, 2014; May 1, 2019; October 1, 2019; June 1, 2021.]

#### **Rule 2002-4. Rule 2002 Notices**

- (a) NOTICES PREPARED BY MOVING PARTY. Except as provided otherwise in this rule, an entity moving for relief which requires notice under Federal Rule of Bankruptcy Procedure 2002 shall give the notice and file proof of such notice.
- (b) NOTICES PREPARED BY CLERK. Except as provided in paragraph (f) of this rule, the clerk shall give notice of: 1) the order for relief and the meeting of creditors; 2) a hearing on the approval of a disclosure statement; 3) a hearing on confirmation of a chapter 12 or 13 plan; 4) confirmation of a chapter 11 or 12 plan; 5) revocation of confirmation of a plan; 6) a hearing on a motion for hardship discharge in a chapter 12 or 13 case; 7) the debtor's discharge; 8) denial or revocation of the debtor's discharge; and 9) dismissal or conversion of a case.
- (c) NOTICES PREPARED BY TRUSTEE.
  - (1) Disposition of Property. Except as provided in Local Rules 6004-1(b), 6007-1, and 9019-1, the trustee in a chapter 7 asset case shall give notice of sale, abandonment or other disposition of property or compromise or settlement of a controversy, which shall conform substantially to Local Form 6004-1(a).
  - (2) Final Report and Account. The trustee in a chapter 7 case shall give notice of the trustee's final report and account.
- (d) NOTICES PREPARED BY DEBTOR IN POSSESSION. In a chapter 11 case, if the debtor in possession does not file a list of equity security holders, the debtor in possession shall give notice required under Federal Rule of Bankruptcy Procedure 2002(d) and file proof of such notice. The proof of notice shall not include a list of the equity security holders, but shall state the total number of such holders and identify the person who provided notice and the custodian of the records containing the names and addresses of such holders. The notice of the order for relief shall conform substantially to Local Form 2002-4(d).
- (e) NOTICES PREPARED BY PARTY REQUESTING EXPANDED NOTICE. If the court in a chapter 11 case grants an application under Local Rule 2002-1(b)(2) for expanded notice, the applicant or the moving party shall give new notice.
- (f) EXCEPTIONS. The clerk may instruct the debtor or the moving party to mail any notice.

[Effective April 15, 1997. Amended effective January 1, 2002; January 9, 2006; May 1, 2014; December 1, 2015; October 1, 2019.]

#### **Rule 2002-5. Request for Notice; Notice of Appearance**

- (a) ONE ATTORNEY PER NOTICE. A separate request for notice or notice of appearance must be filed for each attorney seeking electronic notice. A single request for notice or notice of

appearance that identifies multiple attorneys will result in only the attorney first identified receiving notice.

(b) OTHER ATTORNEYS.

(1) If an attorney who is not admitted to practice in the district court wishes to receive electronic notice, the attorney must register as a Filing User of the court's Electronic Case Filing System in accordance with Local Rule 5005-1(a).

(2) The filing of a request for notice or notice of appearance by an attorney who is not admitted to practice in the district court does not require the filing of a petition for admission pro hac vice. [Attorney admission is governed by Local Rule 9010-3(a) and (c).]

(c) ATTORNEYS AND ENTITIES THAT ARE NON-FILING USERS. A request for notice or notice of appearance that is filed by an attorney or entity who is a non-Filing User will result in notice by regular mail only.

(d) WITHDRAWAL. Any entity wishing to withdraw its request for notice or notice of appearance shall give notice of withdrawal that complies substantially with Local Form 2002-5.

Fed. R. Bankr. P. Reference 9010.

[Effective April 15, 1997. Amended effective January 1, 2002; January 9, 2006; February 22, 2012; May 1, 2014; October 1, 2019; June 1, 2021.]

**Rule 2003-1. Meeting of Creditors**

In a chapter 7, 12 or 13 case, for purposes of Federal Rule of Bankruptcy Procedure 4003(b), the meeting of creditors shall be deemed concluded on the first date set for such meeting, unless 1) the trustee files a statement specifying the date and time to which the meeting is adjourned or 2) if no meeting is convened within 28 days after the first date set for such meeting, the trustee files a notice of nonconcluded meeting of creditors and serves such notice on the debtor, the attorney for the debtor, the United States Trustee, each entity that appeared at the meeting of creditors, and each entity that has filed a request for notice or notice of appearance under Federal Rule of Bankruptcy Procedure 2002(i) or 9010(b). If a statement regarding adjournment or notice of nonconcluded meeting is filed, and unless ordered otherwise, the meeting shall not be deemed concluded until a report is filed by the trustee stating that the meeting has been concluded.

[Effective April 15, 1997. Amended effective January 1, 2002; January 9, 2006; December 1, 2009; December 2012.]

### **Rule 2014-1. Employment of Professional Persons**

- (a) APPLICATION FOR APPROVAL. Any entity seeking approval of employment of a professional person pursuant to § 327 or § 1103(a) of the Code and Federal Rule of Bankruptcy Procedure 2014 shall file an application, a supporting affidavit or verified statement of the professional person, and a proposed order and transmit these to the United States Trustee, the trustee or examiner, all committees, and in a chapter 11, 12 or 13 case on the debtor's attorney.
- (b) REPORT. Within seven days after receipt of the application, the United States Trustee shall file a report regarding the proposed employment. If an objection to the employment of the applicant is filed, the applicant shall schedule a hearing on the application and give notice of the hearing to the parties listed in subsection (a) of this rule. An order approving such employment is effective as of the date the application was filed.
- (c) SCOPE OF EMPLOYMENT. An entity seeking approval of employment of a professional person for a purpose other than carrying out the entity's duties under the Code shall make a separate application, specifying the professional's proposed duties.

[Effective April 15, 1997. Amended effective January 1, 2002; January 9, 2006; December 1, 2009; May 1, 2019; October 1, 2019; January 1, 2021.]

### **Rule 2015-1. Trustee's Report in Chapter 12 and 13 Cases**

Upon being served with a copy of a motion to dismiss or convert a case, to remove a debtor as debtor in possession, or for relief from the automatic stay, the trustee in a chapter 12 or 13 case shall transmit to all parties in interest and file a brief verified report containing information on the payments made by the debtor to the trustee and timeliness thereof, the payments made by the trustee to each secured creditor and to creditors in general, and the trustee's recommendations, if any, to the court.

[Effective April 15, 1997. Amended effective January 1, 2002; January 9, 2006; October 1, 2019.]

### **Rule 2015.1-1. Patient Care Ombudsman's Report**

In addition to the notice required under Federal Rule of Bankruptcy Procedure 2015.1(a), a patient care ombudsman shall give notice of the patient care ombudsman's report to each entity that issues licenses to or regulates the debtor or the debtor's principal.

[Effective December 1, 2014. Amended effective October 1, 2019.]

## **Rule 2016-1. Compensation of Professional Persons**

- (a) CHAPTER 7 CASES. A professional person seeking compensation in a chapter 7 case shall file an application complying with paragraph (c) of this rule and serve copies on the trustee and the United States Trustee. The application shall be reviewed as part of the trustee's interim or final report and account.
- (b) CHAPTER 11, 12 AND 13 CASES. Except as provided in paragraph (d) of this rule, a request for an order allowing or authorizing payment of compensation of a professional person in a chapter 11, 12 or 13 case shall be made by motion, but no memorandum of facts and law is required. The application shall comply with paragraph (c) of this rule. The applicant shall give at least 21 days notice of the hearing on the application to the parties required by Federal Rule of Bankruptcy Procedure 2002(a)(6) and Local Rule 9013-3.
- (c) CONTENTS OF APPLICATIONS. Except as provided in paragraph (d) of this rule, an application for compensation of a professional person shall
- (1) Include a copy of the order, if any, approving the applicant's employment or, if the applicant is a trustee or an examiner in a chapter 11 case, a copy of the applicant's appointment by the United States Trustee;
  - (2) State the date and amount of any retainer paid to the applicant and its source;
  - (3) State the dates and amounts of all previous applications and their dispositions, including amounts allowed and paid;
  - (4) State the date that a plan, if any, was confirmed;
  - (5) Itemize all unpaid administrative expenses known to the applicant or the applicant's client;
  - (6) State in narrative form the services performed, the amount of time involved, the results achieved and the amount requested for fees and reimbursement of expenses;
  - (7) Include an itemization of time separated by task or proceeding stating for each task or proceeding:
    - (i) A description of the task or proceeding;
    - (ii) A detailed list and description of each increment of time expended on the task or proceeding; and
    - (iii) The name and capacity of the person who expended the time;
  - (8) State the hourly rate being charged for each person whose time is included in the application; and

(9) Provide a detailed itemization of all expenses, including unit costs where applicable.

(d) DEBTORS' ATTORNEYS IN CHAPTER 13 CASES.

(1) Preconfirmation Services.

(i) A debtor's attorney in a chapter 13 case may request an order allowing or authorizing payment of compensation by simplified application, and the court may issue the requested order without a hearing, provided that the amount of compensation does not exceed \$3,000<sup>1</sup> for cases below the applicable median family income and \$3,500<sup>2</sup> for cases at or above the applicable median family income, as determined on Official Form 122C-1. The simplified application need not comply with Federal Rule of Bankruptcy Procedure 2016 or paragraph (c) of this rule and shall conform substantially to Local Form 2016-1.

(ii) A debtor's attorney in a chapter 13 case who represents the debtor in a motion to value claim brought pursuant to Local Rule 3012-1 may request an order allowing or authorizing payment of compensation by simplified application, and the court may issue the requested order without a hearing, provided that the amount of compensation does not exceed \$4,000 for that motion. The simplified application need not comply with F.R.Bankr. P. 2016 or paragraph (c) of this rule and shall conform substantially to Local Form 2016-1.

(2) Postconfirmation Services. In a chapter 13 case, an attorney who represents a debtor after confirmation of a plan in resolving motions for relief from stay and motions for dismissal, filing motions for sale of real estate and motions objecting to claims, preparing, assisting the debtor in preparing and submitting required disclosures under 11 U.S.C. § 521(f)(4), or assisting the debtor in responding to requests for information made in connection with an audit conducted pursuant to 28 U.S.C. § 586(f) may request an order awarding compensation and/or reimbursement of expenses by simplified application, and the court may issue the requested order without a hearing, if the amount of the requested compensation does not exceed \$500.<sup>3</sup> per application. An attorney who represents a debtor after confirmation of a plan in serving and filing a modified plan may likewise request an order awarding compensation and/or reimbursement of expenses by simplified application if the amount of the requested compensation does not exceed \$750.<sup>4</sup> per application. The simplified application need not comply with F.R.Bankr.P. 2016 or paragraph (c) of this rule and shall conform substantially to Local Form 2016-1. No more than five applications may be filed under this subdivision in a case, except that applications for services rendered pursuant to 11 U.S.C. § 521(f) will not be counted toward this limit. Any order made under this rule is subject to review at any time.

(3) Notwithstanding F.R.Bankr. P. 2002(a)(6), notice of applications filed in compliance with this subdivision (d) need not be given.

(e) COMPENSATION OF BANKRUPTCY PETITION PREPARERS.

- (1) A bankruptcy petition preparer must complete, sign and cause to be filed with the petition the bankruptcy petition preparer's notice, declaration, and signature (Official Form 119) and disclosure of compensation of bankruptcy petition preparer (Director's Form 2800).
- (2) A bankruptcy petition preparer's compensation in a Chapter 7 or Chapter 13 case is limited to \$90.00, unless additional compensation is authorized under paragraph (3) of this rule.
- (3) Any bankruptcy petition preparer paid more than \$90.00 in any individual case must file a motion for an order authorizing such fee. No memorandum of facts and law is required. The motion must comply with paragraph (c) of this rule and shall be filed not later than 21 days before the hearing date.
- (4) Any bankruptcy petition preparer paid more than \$90 without court approval, or who fails to comply with any requirements of the Bankruptcy Code or national or local rules, including but not limited to 11 U.S.C. § 110 and paragraph (c) of this rule, is subject to sanctions, including disgorgement of compensation, under 11 U.S.C. §110.
- (5) The Clerk must provide a copy of this paragraph (e) to each pro se debtor within ten days after the filing of such debtor's petition.

[Effective April 15, 1997. Amended effective January 1, 2002; January 9, 2006; April 3, 2007; February 22, 2008; December 1, 2009; May 1, 2015; December 1, 2015; June 1, 2016; March 1, 2017; October 1, 2019.]

<sup>1</sup> This amount applies only to cases filed on and after May 1, 2015. For cases filed before May 1, 2015, this amount is \$2,500.

<sup>2</sup> This amount applies only to cases filed on and after May 1, 2015. For cases filed before May 1, 2015, this amount is \$3,000.

<sup>3</sup> This amount applies only to cases filed on and after May 1, 2015. For cases filed before May 1, 2015, this amount is \$300.

<sup>4</sup> This amount applies only to cases filed on and after May 1, 2015. For cases filed before May 1, 2015, this amount is \$500.

#### **Rule 2016-2. Disclosure of Compensation in Adversary Proceeding**

Any attorney representing a debtor in connection with an adversary proceeding, regardless of whether the attorney applies for compensation, shall file a disclosure of compensation within 15 days after the attorney receives payment or enters into an agreement to represent the debtor in connection with the adversary proceeding unless such attorney has previously filed a disclosure of compensation that discloses such payment or agreement. The disclosure shall comply substantially with Local Form 2016-2.



[Effective June 1, 2021.]

**Rule 2019-1. Fed. R. Bankr. Pro. 2019 Statements**

- (a) IN CONNECTION WITH APPEARANCE. An entity required to file a verified or supplemental statement under Federal Rule of Bankruptcy Procedure 2019 and who intends to take a position before the court shall file such verified or supplemental statement. If the entity required to file the verified or supplemental statement is moving the court for relief, such verified or supplemental statement shall be filed no later than the filing of such entity's moving documents in accordance with Local Rule 9006-1(b). If the entity is filing responsive documents or wishes to be heard at the hearing, if any, on moving documents, the entity shall file the verified or supplemental statement no later than the time for filing of responsive documents under Local Rule 9006-1(c), unless expedited relief is sought. In the case of expedited relief, the verified or supplemental statement shall be filed no later than the start of the hearing.
- (b) IN CONNECTION WITH BALLOT SOLICITATION. An entity required to file a verified or supplemental statement under Federal Rule of Bankruptcy Procedure 2019 and who intends to solicit votes regarding confirmation of a plan shall file the verified or supplemental statement no later than the date of the entry of the order approving the disclosure statement. Such verified or supplemental statement shall be filed in accordance with Local Rule 9013-3(a).

[Effective December 1, 2011. Amended effective May 1, 2014; October 1, 2019.]

**Rule 2020-1. United States Trustee**

- (a) SERVICE. Proofs of claim, and pleadings filed in adversary proceedings arising under §523 of the Code, shall not be served on the United States Trustee.
- (b) REPORTS; INFORMATION. The trustee and the debtor shall comply with all reasonable requirements promulgated by the United States Trustee with respect to filing reports and furnishing information and the debtor shall cooperate with the trustee and the United States Trustee in furnishing information reasonably required for the proper administration of the estate. Such reports and information shall not be filed with the clerk.

[Effective April 15, 1997. Amended effective October 1, 2019.]

## **Part III. Claims and Distribution to Creditors and Equity Interest Holders; Plans**

### **Rule 3002-1. Filing Proofs of Claims**

(a) [ABROGATED]

(b) [ABROGATED]

(c) **TIMELINESS OF PROOFS OF CLAIMS.** In a Chapter 11 case, the last day to timely file a proof of claim is fixed at 90 days after the date first set for the meeting of creditors.

Fed. R. Bankr. P. Reference 3003.

[Effective April 15, 1997. Amended effective January 9, 2006.]

### **Rule 3002-2. Administrative Expense Claims**

(a) **CHAPTER 7 CASES.** In a chapter 7 case, an entity, except a professional person governed by Local Rule 2016-1, requesting payment of an administrative expense shall file a request for payment asserting priority status and serve copies on the trustee and the United States Trustee. If the request is made under §§503(b)(4) or (b)(5) of the Code, the entity shall also file an application and transmit it to the trustee and the United States Trustee.

(b) **CHAPTER 11, 12 AND 13 CASES.** In a chapter 11, 12 or 13 case, a request for payment of an administrative expense shall be made by motion.

(c) **CONVERSION TO CHAPTER 7.** Holders of administrative expense claims incurred after the commencement of a case under Chapters 11, 12 and 13, but before conversion to a case under Chapter 7, shall, after conversion, file a request for payment and transmit it to the trustee within the time fixed by the court. The request for payment shall conform substantially to Local Form 3002-2(c).

[Effective April 15, 1997. Amended effective January 1, 2002; October 1, 2019.]

### **Rule 3002-3. Proofs of Interest**

Unless ordered otherwise, if the debtor is a corporation or limited partnership, a proof of interest shall not be filed by a shareholder, limited partner or other equity security holder of the debtor.

Fed. R. Bankr. P. Reference 3003.

[Effective April 15, 1997.]

### **Rule 3007-1. Claims - Objections**

Except as provided by Federal Rule of Bankruptcy Procedure 3007(b), an objection to a claim shall be made by motion. If the objector intends to assert a counterclaim against the claimant, the objector shall file and serve a complaint for such relief under Federal Rule of Bankruptcy Procedure 7001 and shall include the objection to the claim in the complaint.

[Effective April 15, 1997. Amended effective January 1, 2002; January 9, 2006; December 1, 2009; May 1, 2015; October 1, 2019.]

### **Rule 3009-1. Dividends - Chapter 7 Cases**

(a) [ABROGATED]

(b) DISTRIBUTION PURSUANT TO FINAL REPORT AND ACCOUNT.

- (1) Generally. If there are no timely objections to the trustee's final report and account, the trustee shall make distributions in accordance with the report, except for compensation and reimbursement of expenses under §§ 503(b)(2), (b)(4) or (b)(5) which shall be made only to the extent allowed and awarded by the court.
- (2) Distributions in Minimal Asset Cases. If the net proceeds realized do not exceed \$1500 after payment of administrative expenses, the trustee shall make distribution for expenses and claims without notice, subject to the limitations in subparagraph (1) of this paragraph regarding payment of compensation and reimbursement of expenses.
- (3) Discovery of Additional Assets. If additional funds are realized for the estate after final distribution has been made, whether or not the case has been closed, the trustee shall file a trustee's supplemental final report and account, and make payment on unpaid expenses and claims without further notice.

[Effective April 15, 1997. Amended effective January 1, 2002; January 9, 2006.]

### **Rule 3010-1. Small Dividends - (Chapter 13 Cases)**

Pursuant to Federal Rule of Bankruptcy Procedure 3010(b), the trustee in a chapter 13 case may make payments of less than \$15.

[Effective April 15, 1997. Amended effective January 1, 2002; January 9, 2006.]

### **Rule 3011-1. Unclaimed Dividends**

(a) [ABROGATED]

(b) UNCLAIMED DIVIDENDS IN EXCESS OF \$500. A trustee shall not pay a dividend which exceeds \$500 into the court unless such payment is accompanied by a report from the trustee stating that the trustee has been unable to locate the creditor who filed the claim despite having made reasonable efforts to do so.

[Effective April 15, 1997. Amended effective January 1, 2002.]

### **Rule 3012-1. Valuation of Secured Claim on Principal Residence**

(a) MOTION TO VALUE CLAIM. A Chapter 13 debtor seeking to modify a claim that is secured only by a security interest in real property that is the debtor's principal residence must provide for that modification in the plan and must bring a motion to determine the value of the secured claim.

(1) Content of Motion. The motion must state, as of the commencement of the case, except as provided in subsections A and G:

(A) The name of the creditor holding the claim, determined no more than 30 days before the hearing originally scheduled on the motion, in the title of the motion;

(B) The motion is to determine the secured status of the creditor's claim for the purpose of confirmation of the debtor's plan;

(C) The appraised value of the property;

(D) The debtor's plan proposes to treat the creditor's claim as unsecured in its entirety;

(E) The address and legal description of the property;

(F) The balance of the debt owing to the creditor; and

(G) The name of each entity holding a lien against the property and any related lender and servicer, the amount of debt owing with respect to each lien, and the priority of each such lien. Such entities shall be determined no more than 30 days before the hearing originally scheduled on the motion.

(2) Attachments. In addition to the documents required by Local Rule 9013-2(a), the motion must include the following attachments:

(A) Copies of all recorded lien instruments, including all recorded assignments and amendments, evidencing the lien which is the subject of the motion;

- (B) An abstract or Owners and Encumbrance report, or any supplement, certified no more than 35 days before the hearing originally scheduled on the motion, to verify each entity holding a lien against the property;
- (C) A copy of the debtor's plan; and
- (D) An appraisal of the fair market value of the property as of the commencement of the Chapter 13 case.

(3) Service.

- (A) The motion shall be served in compliance with Federal Rule of Bankruptcy Procedure 9014(b) on all parties identified in Local Rule 9013-3(a)(1) and all entities identified in paragraph (a)(1)(G) of this rule.
- (B) The proof of service must indicate how the identity and address were determined for each recipient of service.
- (C) Any amended motion shall be served on all parties served with the original motion and on any other entity that holds an interest in the property at the time the amended motion is filed.

(4) Timing. The hearing on the motion to value claim must be scheduled to be held contemporaneously with the hearing on confirmation of the debtor's plan. The motion must be filed and served not later than 28 days before the hearing date. The court may schedule an evidentiary hearing.

(5) Order. The order will determine the secured status of the creditor's claim pursuant to 11 U.S.C. § 506.

(b) MOTION FOR RELEASE OF LIEN. If the court determines that the creditor's claim is unsecured in its entirety, the debtor may bring a motion for release of the lien after the debtor's completion of payments under the plan.

(1) Content of Motion. The motion must state:

- (A) The date of confirmation of the debtor's chapter 13 plan;
- (B) The legal description of the property;
- (C) The date of the order determining the claim was unsecured;
- (D) The date the debtor completed payments under the plan;

(2) Attachments. In addition to the documents required by Local Rule 9013-2(a), the motion must include the following attachments:

- (A) Copies of all recorded lien instruments, including all recorded assignments and amendments, evidencing the lien which is the subject of the motion;
  - (B) An abstract or Owners and Encumbrance report, or any supplement, certified no more than 35 days before the hearing originally scheduled on the motion, to verify each entity holding a lien against the property;
  - (C) A copy of the debtor's confirmed plan; and
  - (D) A copy of the order determining the claim was unsecured.
- (3) Proposed Order. The motion must include a proposed order substantially in the form of Local Form 3012-1(b).
- (4) Service. The motion shall be served in accordance with paragraph (a)(3) of this rule.
- (5) Timing. The motion for release of lien shall be filed and served not later than 28 days before the hearing date. The court may schedule an evidentiary hearing.

[Effective April 1, 2013. Amended effective December 1, 2017; May 1, 2019; October 1, 2019.]

**Rule 3015-1. Chapter 13 - Filing of Plans, Objections, and Confirmation Hearings.**

- (a) PLAN FORM. A chapter 13 plan shall conform to Local Form 3015-1. A chapter 13 plan shall be dated and signed by the debtor or other proponent of the plan in accordance with Local Rule 9011-4(d).
- (b) INITIAL PLAN. The clerk will transmit the initial plan in a chapter 13 case to the appropriate parties; except that, if the chapter 13 plan is filed after the notice of the meeting of creditors is entered on the docket, the court may direct the debtor to serve the plan and a notice of the confirmation hearing on the trustee, the United States Trustee, and all creditors within the time required by Federal Rule of Bankruptcy Procedure 2002(b) and to file proof of service with the court.
- (c) PRECONFIRMATION MODIFICATION. The debtor in a chapter 13 case may file a modified plan anytime before confirmation and shall label such plan as a "Modified Plan." The debtor shall file and serve the modified plan and a notice of the confirmation hearing, including the date, time and place of the hearing and the plan objection deadline, on the trustee, the United States Trustee, and all creditors not later than ten days before the date set for the confirmation hearing. Proof of service shall be filed with the court.
- (d) POSTCONFIRMATION MODIFICATION. A request to modify a plan under 11 U.S.C. § 1329 shall be made by motion. The moving party shall file and serve the modified plan and motion documents in compliance with Local Rules 9013-2 and 9013-3 not later than twenty-one days

before the deadline to file an objection to the motion. A motion seeking a reduction of the debtor's chapter 13 plan payment shall include a verified statement of the debtor's current income and expenditures, using the format of Schedules I and J, and Schedule J-2, if applicable.

(e) OBJECTIONS.

- (1) Local Rule 9013-2(b)-(e) applies to an objection to confirmation of a chapter 13 plan.
- (2) Initial Plan. An objection to the initial plan shall be filed and served not later than seven days before the date set for the confirmation hearing.
- (3) Pre-confirmation modification. An objection to a pre-confirmation modified plan shall be filed and served not later than 48 hours before the time and date set for the confirmation hearing.
- (4) Post-confirmation modification. An objection to a post-confirmation modified plan shall be filed and served not later than five days before the date set for the confirmation hearing.

(f) CONFIRMATION HEARINGS.

- (1) If an objection to confirmation is filed, the court may treat the confirmation hearing as either a preliminary or final hearing.
- (2) The court may confirm a properly noticed chapter 13 plan without a hearing if there are no timely-filed objections or if all objections are withdrawn.

[Effective April 15, 1997. Amended effective January 9, 2006; October 1, 2019; January 1, 2021.]

**Rule 3015-2. Chapter 12 - Filing of Plans, Objections, and Confirmation Hearings**

- (a) PLAN SIGNATURE. A chapter 12 plan shall be dated and signed by the debtor or other proponent of the plan, in accordance with Local Rule 9011-4(d).
- (b) INITIAL PLAN. The clerk will transmit the initial plan and initial notice of confirmation hearing in a chapter 12 case to the appropriate parties.
- (c) PRECONFIRMATION MODIFICATION. The debtor in a chapter 12 case may file a modified plan anytime before confirmation and shall label such plan as a "Modified Plan." The debtor shall file and serve the modified plan and a notice of the confirmation hearing, including the date, time and place of the hearing and the plan objection deadline, on the trustee, the United States Trustee, and all creditors not later than fourteen days before the date set for the confirmation hearing. Proof of service shall be filed with the court.

(d) POSTCONFIRMATION MODIFICATION. A request to modify a plan under 11 U.S.C. §1229 shall be made by motion. The moving party shall file and serve the modified plan and motion documents in compliance with Local Rules 9013-2 and 9013-3 not later than twenty-one days before the deadline to file an objection to the motion.

(e) OBJECTIONS.

(1) Local Rule 9013-2(b)-(e) applies to an objection to a chapter 12 plan.

(2) Pre-confirmation. An objection to the initial plan or a pre-confirmation modified plan shall be filed and served not later than seven days before the date set for the confirmation hearing.

(3) Post-confirmation. An objection to a post-confirmation modified plan shall be filed and served not later than five days before the date set for the confirmation hearing.

(f) CONFIRMATION HEARINGS.

(1) If an objection to a plan is filed, the court may treat the confirmation hearing as either a preliminary or final hearing.

(2) Unless otherwise authorized by the court pursuant to a request made more than 72 hours before the confirmation hearing, the proponent of a chapter 12 plan shall provide testimony at the confirmation hearing.

(3) The court may confirm a properly noticed chapter 12 plan without a hearing if there are no timely-filed objections or if all objections are withdrawn.

[Effective April 15, 1997. Amended effective January 9, 2006; April 17, 2009; December 1, 2009; December 1, 2014; October 1, 2019; March 1, 2020; January 1, 2021.]

#### **Rule 3016-1. Chapter 11 - Plan Signature**

Every proposed disclosure statement and plan shall be dated and signed by the proponent in accordance with Local Rule 9011-4(d).

[Effective April 15, 1997. Amended effective January 9, 2006; January 1, 2021.]

#### **Rule 3017-1. Chapter 11 Disclosure Statement - Objections**

Local Rule 9013-2(b)-(e) applies to objections to proposed disclosure statements.

[Effective April 15, 1997. Amended effective January 1, 2002; January 9, 2006; December 1, 2009; October 1, 2019; January 1, 2021.]



**Rule 3017.1-1. Chapter 11 Small Business Debtor Disclosure Statement - Conditional and Final Approval**

- (a) FILING OF APPLICATION, PLAN AND PROPOSED DISCLOSURE STATEMENT. If the debtor has elected treatment as a small business, the plan proponent shall file a plan and proposed disclosure statement together with an application requesting conditional approval of the disclosure statement within the time period specified in §1121(e) of the Code. The plan proponent shall transmit the plan and proposed disclosure statement, together with the application, to the debtor, the United States Trustee and, if one has been appointed, to the committee of unsecured creditors.
- (b) REVIEW AND COMMENT BY UNITED STATES TRUSTEE. The United States Trustee and any Committee shall transmit and file objections, if any, to the proposed disclosure statement in the form required by Local Rule 9013-2(b)-(e) within seven days of transmittal of the proposed disclosure statement and plan to the debtor, the plan proponent, the United States Trustee or Committee. If no timely objections are filed, the court may enter an order conditionally approving the disclosure statement. If objections are timely filed, the court may schedule a hearing on the objections or may enter an order granting or denying conditional approval of the disclosure statement without a hearing.
- (c) TRANSMITTAL OF PLANS AND CONDITIONALLY APPROVED DISCLOSURE STATEMENTS. If the court conditionally approves the disclosure statement and unless the court orders otherwise, the proponent shall transmit the plan and conditionally approved disclosure statement, an approved ballot to accept or reject the plan, and the order conditionally approving the disclosure statement to all creditors, equity security holders, and other parties in interest as provided in Local Rule 2002-1(b), and file proof of transmittal.
- (d) OBJECTIONS. Local Rule 9013-2(b)-(e) applies to objections to conditionally approved disclosure statements and objections to confirmation of the plan filed in a case where the debtor has elected treatment as a small business. Any such objections shall be filed and served not later than seven days before the confirmation hearing.

[Effective January 1, 2002. Amended effective January 9, 2006; October 1, 2019; January 1, 2021.]

**Rule 3019-1. Chapter 11 - Plan Modification**

- (a) PRECONFIRMATION MODIFICATION. The proponent of a plan in a chapter 11 case may file a modified plan anytime before confirmation.
- (b) POSTCONFIRMATION MODIFICATION. A request to confirm a modified plan after confirmation shall be made by motion. The movant shall give notice of the hearing on the motion to each entity listed in Local Rule 9013-3(a)(2).

[Effective April 15, 1997. Amended effective January 1, 2002; January 1, 2021.]

**Rule 3020-1. Chapter 11 - Confirmation**

(a) OBJECTIONS.

- (1) Form. Local Rule 9013-2(b)-(e) applies to objections to confirmation of chapter 11 plans.
- (2) Time for service and filing. Any objection shall be filed and served not later than seven days before the confirmation hearing.

(b) BALLOT REPORT. Attorneys for the plan proponent and the committee of unsecured creditors shall count the ballots and file a report of the tabulation not later than 24 hours before the confirmation hearing. The report shall conform substantially to Local Form 3020-2.

(c) CONFIRMATION HEARING.

- (1) Objections. If an objection to confirmation is filed, the court may treat the date set for hearing on confirmation as either a preliminary or final hearing.
- (2) Testimony. The proponent of a chapter 11 plan shall provide testimony at the confirmation hearing.

[Effective April 15, 1997. Amended effective January 1, 2002; January 9, 2006; December 1, 2009; October 1, 2019; January 1, 2021.]

**Rule 3021-1. Adequate Protection Payments in Chapter 13 Cases**

(a) PAYMENTS THROUGH THE TRUSTEE. In a chapter 13 case, adequate protection payments shall be paid through the trustee, unless the plan provides that such payments shall be paid by the debtor directly to the creditor.

(b) [ABROGATED]

[Effective January 9, 2006. Amended effective December 1, 2015.]

## Part IV. The Debtor: Duties and Benefits

### Rule 4001-1. Motions for Relief From Stay

- (a) GOVERNING RULES. Motions for relief from the automatic stay are governed by Local Rule 9013-1 and 9013 -2.
- (b) REQUIRED INFORMATION. In all motions under 11 U.S.C. § 362 (d)(1) or (d)(2) in any chapter 7, 11, 12 or 13 case, the moving party seeking relief from stay with respect to an individual debtor's principal residence shall include a separate verification by a person with personal knowledge of the facts, which shall provide the following information:
- (1) Evidence of standing. Evidence that the moving party has standing to bring the motion, including, at a minimum, a) a copy of the note , b) a copy of the mortgage; c) evidence of perfection of the mortgage; and d) if the movant is not the original mortgagee, evidence that the movant has authority to make the motion.
  - (2) Description of property. The legal description and any street address, including zip code, of the property.
  - (3) Value. The current tax-assessed value of the property and the movant's estimated current market value.
  - (4) Loan History. If the motion alleges a default in making payments to the movant, a complete loan history, indicating all advances made to or charges of any kind made against the debtor beginning on the date of the default applicable to this motion, up to the date the motion is verified. The loan history shall be provided on Local Form 4001-1.
  - (5) Equity. If the amount of equity is at issue, the name of all other lien holders, the amounts due, as scheduled or as provided in any proofs of claim, and their priority with respect to the movant.
  - (6) Payments to Chapter 13 Trustee. If the motion alleges a default in making plan payments to the chapter 13 trustee, the month, amount, and current status of such payments.
- (c) If the proposed order provides for relief as to collateral, it shall substantially conform to Local Form 4001-2(a) (pre-discharge) or Local Form 4001-2(b) (post-discharge).

[Amended effective May 1, 2014; December 1, 2014.]

### **Rule 4001-2. Cash Collateral**

- (a) STATEMENTS TO SUPPORT MOTION. The debtor shall attach separate verified statements regarding the following items to any motion for use of cash collateral: 1) the debtor's calculation of the amount of debt secured by the collateral; 2) the debtor's description of the collateral and estimate of the collateral's value on the date of the filing of the petition and at the beginning of the period of time for which the debtor currently seeks authorization to use cash collateral; 3) the debtor's description of the collateral and estimate of the collateral's value at the end of the period of time for which the debtor currently seeks authorization to use cash collateral; and 4) the debtor's cash flow projections.
- (b) PRELIMINARY HEARING. If the hearing on a motion for use of cash collateral is a preliminary hearing pursuant to Federal Rule of Bankruptcy Procedure 4001(b)(2), the debtor's separate verified statement shall contain an itemization of the proposed uses of cash collateral that are required to avoid immediate and irreparable harm to the estate pending a final hearing on the motion.

[Effective April 15, 1997. Amended effective January 1, 2002.]

### **Rule 4002-1. Debtor - Duties (Change of Address)**

The debtor shall immediately file a change of address whenever the debtor's mailing address is changed or needs correction. The mailing address of the debtor stated in a voluntary petition shall be the address for service by mail of any document upon the debtor unless the debtor files such change of address.

[Effective April 15, 1997. Amended effective January 9, 2006.]

### **Rule 4003-1. Exemptions**

- (a) OBJECTIONS. An objection to a claim of exemption shall be made by motion. If an amendment to a claim of exemption is filed after an objection has been filed, the objection shall be deemed an objection to the amended claim of exemption. If an objection was filed and not withdrawn and the court did not rule on the objection before the case was closed, the objection shall be deemed withdrawn.
- (b) CERTIFICATE.
- (1) Form; Issuance. Except as provided in subparagraph (2) of this paragraph, the clerk shall, upon request, issue a certificate regarding property claimed as exempt. The certificate shall conform substantially to Local Form 4003-1, and copies of schedule C and any amendments shall be attached.

(2) Time.

(aa) Chapter 7, 12 and 13 Cases. Unless the court orders otherwise, the clerk shall not issue a certificate less than 31 days after: 1) the first date set for the meeting of creditors or 2) the date on which the schedule C or any amendment thereto was filed, whichever is later. The clerk also shall not issue a certificate if: 1) the trustee in a chapter 7 case has timely filed a notice of nonconcluded meeting of creditors and the trustee has not filed a report indicating that the meeting has been concluded ; 2) any objection to a claim of exemption has been filed, whether or not an amended schedule C has been filed, unless the objection has been resolved, in which event the clerk shall note the results of such resolution on the certificate; or 3) the time for filing objections has been extended and the period has not expired.

(bb) Chapter 11 Cases. Unless ordered otherwise, the clerk shall not issue a certificate until after confirmation of a plan.

[Effective April 15, 1997. Amended effective January 9, 2006.]

**Rule 4004-1. Discharge Under Chapters 11, 12 and 13**

(a) DISCHARGE AFTER PLAN PAYMENTS COMPLETED. Upon completion of all applicable payments under the plan or modified plan in a chapter 12 or 13 case, the trustee shall file a final report and account. Upon the filing by the debtor of Local Form 4004-1, the court will forthwith enter an order discharging the debtor without further hearing, unless the debtor is ineligible for discharge. Upon completion of all applicable payments under the plan or modified plan in an individual chapter 11 case, the debtor shall file a motion for discharge.

(b) HARDSHIP DISCHARGE. If a debtor in a chapter 12 or 13 case files an application for discharge under §§1228(b) or 1328(b) of the Code, the court will enter an order setting the date for a hearing and fixing the time for filing a complaint to determine the dischargeability of a debt.

[Effective April 15, 1997. Amended effective January 1, 2002; January 9, 2006; October 1, 2009. Subdivision (a) amended September 23, 2010, effective as to all individual chapter 11 cases filed on or after October 17, 2005, and in which an order of discharge had not been entered as of October 1, 2010.]

**Rule 4004-3. Deferral of Entry of Discharge**

If the trustee in a chapter 7 case serves and files a notice of nonconcluded meeting of creditors under Local Rule 2003-1, the court may defer entry of discharge until the trustee files a report stating that the meeting has been concluded.

[Effective April 15, 1997. Amended effective January 9, 2006; May 1, 2014.]

**Rule 4008-1. Reaffirmation**

- (a) HEARING. If a reaffirmation agreement that was made after the filing of the petition but before entry of the discharge is filed with the clerk under §524(c)(3) of the Code, and if the debtor was not represented by an attorney during the course of negotiating such agreement or if the non-debtor party to the agreement is the debtor's attorney, the clerk shall schedule a discharge hearing under §524(d) of the Code and give notice of the hearing to the debtor, the attorney for the debtor, the creditor, the trustee and the United States Trustee.
- (b) FORM. An agreement to reaffirm a debt in whole or in part shall conform to Local Form 4008-1(a) and shall be accompanied by the cover sheet for reaffirmation agreement (Official Form 427).

[Effective April 15, 1997. Amended effective January 1, 2002; January 9, 2006; December 1, 2009; December 1, 2015; October 1, 2019.]

## Part V. Bankruptcy Courts and Clerks

### Rule 5005-1. Filing Documents - Requirements

- (a) ELECTRONIC FILING. Attorneys admitted to the bar of this court who wish to file documents with the court, attorneys representing the United States Trustee, and trustees must register as Filing Users. Once so registered, Filing Users shall electronically file all documents required to be filed with the court in connection with any case or proceeding, except in exceptional circumstances preventing electronic filing.
- (b) REGISTRATION AND RESPONSIBILITIES OF FILING USERS. Registration as a Filing User of the court's Electronic Case Filing System is in a form prescribed by the clerk and requires the Filing User's name, address, telephone number, bar identification number if applicable, and a primary e-mail address at which the Filing User wishes to receive CM/ECF notification.
- (c) PRO SE FILINGS. An unrepresented individual may file documents electronically only with the permission of the clerk of court.
- (d) FILING DEFINED. Electronic transmission of a document to the Electronic Case Filing System consistent with these rules, together with the transmission of a Notice of Electronic Filing from the court, constitutes filing of the document for all purposes of the Federal Rules of Bankruptcy Procedure and the local rules of this court, and constitutes entry of the document on the docket kept by the clerk under Fed.R.Bankr.P. 5003. A document submitted electronically is deemed filed at the date and time stated on the Notice of Electronic Filing from the court or, in the case of documents submitted to the "Inbox" filing option, at the date and time the submission is received by the court. Filing must be completed before midnight local time where the court is located in order to be considered timely filed that day.
- (e) RECEIPT OF DOCUMENTS NOT ELECTRONICALLY FILED. Documents properly submitted to the clerk other than through the Electronic Case Filing System are filed at the date and time received by the clerk.

[Effective April 15, 1997. Amended effective January 1, 2002; January 9, 2006; October 1, 2019.]

### Rule 5009-1. Trustee requests that assets not be abandoned upon case closing.

Unless otherwise ordered by the court, a request by a chapter 7 trustee for an order that an asset not be abandoned upon closing of the case shall be made by application. Notice of the application shall be given to the debtor on the date of filing. Any objection to the application must be filed within 21 days from the filing of the application and the objecting party shall schedule a hearing with notice to the trustee and the United States Trustee. If no objection is filed, the court may act on the application without a hearing.

[Effective May 1, 2014. Amended effective October 1, 2019.]

### **Rule 5010-1. Reopening Cases**

- (a) REOPENING UNNECESSARY. Reopening a case is not necessary where the debtor or a creditor proposes:
- (1) to request relief that could be granted on application if the case were reopened;
  - (2) to commence an adversary proceeding to determine the dischargeability of a debt under §523 of the Code or to enforce rights under §§524 or 525 of the Code; or
  - (3) to request that the clerk add the name and address of an omitted creditor to the matrix in a closed case, such addition having the effect of merely entitling the added creditor to receive notices if the case is reopened and notices issued but having no effect on the dischargeability of the debt.
- (b) REOPENING NECESSARY. An entity which proposes to request any relief except as provided in paragraph (a) of this rule or to file any document shall obtain an order reopening the case before requesting such relief or filing such document.
- (c) APPLICATION. A request to reopen a case shall be made by application. The application shall be transmitted to the debtor, the debtor's attorney and the United States Trustee. The court may rule on the application without a hearing.
- (d) FILING FEE.
- (1) Payment Required. Unless the fee may be waived or deferred, the applicant shall tender a filing fee to the clerk at the time the application to reopen is filed.
  - (2) Waiver. The filing fee may be waived where opening is requested in order to correct an administrative error by the court or the clerk.
  - (3) Deferral. If the applicant is the former trustee, the filing fee shall be deferred and shall be paid only from the estate and to the extent there is any value realized by the estate.

[Effective April 15, 1997. Amended effective January 1, 2002; January 9, 2006; October 1, 2019.]

### **Rule 5011-1. Withdrawal of Reference**

A request for withdrawal of reference shall be made by motion filed with the clerk of the bankruptcy court. The motion shall show that relief by way of abstention, remand or transfer was first sought and not obtained or could not be sought from the bankruptcy court. Any other party



in interest may serve and file a response within 14 days after service of the motion. The clerk shall transmit each document to the clerk of the district court who shall file and treat the documents as a civil action and deliver the documents to a district judge for disposition. A motion for a stay under Federal Rule of Bankruptcy Procedure 5011(c) shall first be made to the bankruptcy court. If such relief is later sought in the district court, the request shall be made by additional motion filed with the clerk of district court, which shall show that the relief requested was first sought and not obtained from the bankruptcy court. If withdrawal is ordered, the clerk shall transmit all documents in the relevant file and the docket to the clerk of district court who shall file and treat the documents as a civil action filed in the district court and assign the action to a district judge. These local rules shall continue to apply unless the district court orders otherwise.

NOTE: This rule is promulgated by the district court.

[Effective April 15, 1997. Amended effective January 1, 2002; January 9, 2006; December 1, 2009.]

### **Rule 5011-3. Transfer of Proceeding**

(a) TRANSFER. On the judge's own initiative or on motion of a party in interest, the bankruptcy judge shall transfer to the district court: 1) any proceeding in which the court has determined that there is a right to trial by jury of the issues for which a jury trial has been timely demanded, and the parties have not consented to the bankruptcy judge conducting the jury trial; 2) any personal injury tort or wrongful death claim; and 3) any proceeding in which the court has determined that resolution of the proceeding requires consideration both of title 11 and other laws of the United States regulating organizations and activities affecting interstate commerce, and may transfer any non-core proceeding in which a party has not consented to entry of final orders by the bankruptcy court.

(b) FILE. Upon entry of an order for transfer of a proceeding, the clerk shall transmit the docket and all documents in the relevant file to the clerk of the district court who shall file and treat such documents as a civil action filed in the district court and assign the action to a district judge.

NOTE: This rule is promulgated by the district court.

[Effective April 15, 1997. Amended effective January 9, 2006.]

### **Rule 5071-1. Scheduling; Continuance**

A calendar for all trials and hearings shall be maintained for and as determined by each judge. The party seeking a hearing shall arrange dates for all hearings with the calendar clerk for the judge assigned the case or proceeding, or as otherwise provided by the judge. Continuances may

be granted only by the court and ordinarily will not be granted prior to the hearing if all creditors have received notice of the hearing. If a continuance is granted before the hearing, the party requesting the continuance shall give notice to each entity receiving notice of the hearing of such continuance and the date for the rescheduled hearing.

[Effective April 15, 1997. Amended effective January 9, 2006; October 1, 2019.]

#### **Rule 5095-1. Registry Fund Deposit of Funds; Withdrawal**

- (a) DEPOSIT OF FUNDS. Unless ordered otherwise or governed by Local Rule 7067-1, all monies coming into the registry of the court shall be deposited under 28 U.S.C. §2041 with the Treasurer of the United States without interest subject to withdrawal by order of the court pursuant to 28 U.S.C. §2042. If the court orders otherwise, counsel shall prepare a proposed order designating the depository, identifying the tax identification number of the entity responsible for any interest earned, and specifying all applicable terms of the deposit, stating that the parties assume all risks if any of the deposit, and providing that the parties, and not the clerk, are responsible for interest rates or renewal dates and all subsequent orders which may be necessary or appropriate. A deposit fee shall be collected by the clerk pursuant to the Judicial Conference Schedule of Fees.
- (b) WITHDRAWAL OF UNCLAIMED DIVIDENDS. Withdrawal under 28 U.S.C. §2042 of funds deposited under §347 of the Code by any entity other than the original claimant or its successor is governed by Federal Rule of Bankruptcy Procedure 3001(e). For such purposes, the alleged transferee shall include the current name and address of the original claimant with the evidence of the transfer filed by the transferee. The clerk shall give notice to the transferee and to the original claimant.

[Effective April 15, 1997. Amended effective January 1, 2002; January 9, 2006; October 1, 2019.]

## Part VI. Collection and Liquidation of the Estate

### Rule 6004-1. Sale of Estate Property

- (a) CHAPTER 7 CASES - GENERAL NOTICE. Except as otherwise provided in this rule, in a chapter 7 asset case the trustee shall give not less than 21 days notice to all entities listed in the matrix referred to in Local Rule 1007-2 of any proposed sale or other disposition of estate property by the trustee under Federal Rule of Bankruptcy Procedure 2002(a)(2) or (3). The notice shall conform substantially to Local Form 6004-1(a).
- (b) CHAPTER 7 CASES - LIMITED NOTICE.
- (1) Generally; Form. If approved by the United States Trustee under subparagraph (3) of this paragraph, a trustee may sell property where the value to the estate is less than \$5000, after giving notice of the proposed disposition only to the United States Trustee, each entity that has filed a request for notice or notice of appearance under Federal Rule of Bankruptcy Procedure 2002(l) or 9010(b), and each member of any creditors' committee. The notice shall conform substantially to Local Form 6004-1(a).
- (2) Notice. Notice shall be given not later than fourteen days before the date set for the proposed disposition. Along with the original notice, the trustee shall also transmit to the United States Trustee 1) a proposed certificate approving use of limited notice and the proposed disposition and 2) proof of transmittal of the notice.
- (3) Approval. If the United States Trustee approves limited notice and the proposed disposition, the United States Trustee shall file the notice, the certificate and the proof of transmittal.
- (4) Disapproval. If the United States Trustee disapproves the limited notice or the proposed disposition, the trustee shall comply with paragraph (a) of this rule.
- (c) CHAPTER 7 CASES - OBJECTIONS TO DISPOSITION. An objection to a proposed disposition under this rule shall be transmitted to the trustee and the United States Trustee and filed not later than 12:00 o'clock noon the day before the date set for the proposed disposition. If the trustee receives an offer in writing to purchase property being sold at private sale before the time to file an objection to the sale has expired, the trustee shall file the offer and the offer shall be deemed an objection timely served and filed. If the trustee accepts the offer or another offer and the court approves the sale, the objection shall be deemed sustained.
- (d) CHAPTER 7 CASES - CERTIFICATE. Upon request of the trustee, the clerk shall issue a certificate conforming substantially to Local Form 6004-1(d) if no objection has been timely filed or all filed objections have been resolved. Copies of the notice and the certificate of approval if any shall be attached to the certificate. If the court has entered any order with

respect to the proposed disposition, the clerk shall issue the certificate with a copy of the order attached.

- (e) CASES UNDER CHAPTERS 11, 12 AND 13. In a chapter 11, 12, or 13 case, a request for approval of any proposed sale, or other disposition of property of the estate shall be made by motion. Local Rules 2002-1 and 2002-4(a) govern notice to creditors.
- (f) INSTRUMENTS TRANSFERRING REAL PROPERTY. An instrument of transfer of real property located in Minnesota by the trustee or debtor in possession shall conform substantially to Local Form 6004-1(f).

Fed. R. Bankr. P. Reference 6007, 9019.

[Effective April 15, 1997. Amended effective January 1, 2002; January 9, 2006; December 1, 2009; December 1, 2015; October 1, 2019.]

#### **Rule 6007-1. Abandonment**

Local Rule 6004-1 applies generally to abandonments, except that the trustee in a chapter 7 case may use the limited notice of Local Rule 6004-1(b)(1) regardless of the value of the asset abandoned.

[Effective April 15, 1997. Amended effective October 1, 2019.]

#### **Rule 6007-2. Abandonment - Hazardous Substances**

If the trustee or debtor in possession proposes to abandon commercial or industrial property, whether real or personal, which the trustee or debtor in possession believes may contain a hazardous substance as defined in Minn. Stat. §115B.02, subd. 8 or other applicable law, or on which the trustee or debtor in possession believes environmental contamination or a release or threatened release of a hazardous substance may exist, the trustee or debtor in possession shall give notice of the proposed abandonment to the Environmental Protection Agency and the Attorney General for the state where the property is located.

[Effective April 15, 1997.]

#### **Rule 6072-1. Turnover Proceedings - Motion**

If upon demand an entity has refused to deliver to the trustee tangible property of a kind specified in §542(a) of the Code, the value of the property is less than \$10,000 and the property is located within the District of Minnesota, the trustee may seek an order for turnover by way of

motion. At any time, on motion and for cause, the court may convert the proceeding to an adversary proceeding.

[Effective April 15, 1997.]

## **Part VII. Adversary Proceedings**

### **Rule 7004-2. Summons**

Upon the filing of a complaint commencing an adversary proceeding, the clerk shall issue the summons.

[Effective April 15, 1997.]

### **Rule 7005-2. Filing of Discovery Materials**

Unless ordered otherwise, no discovery documents shall be filed, except that limited excerpts may be attached as exhibits to motions and responses.

[Effective April 15, 1997. Amended effective January 9, 2006.]

### **Rule 7007-1. Motion Practice (in Adversary Proceedings)**

(a) Local Rules 9013-1, 9013-2, 9006-1, and 9017-1 govern motions and responses in adversary proceedings.

(b) A motion in an adversary proceeding may not include a request for relief which is properly made by motion in the bankruptcy case.

[Effective April 15, 1997.]

### **Rule 7018-1. Joinder of Claims/Remedies**

Except as provided in Local Rule 3007-1 a complaint shall not include a request for relief which is properly made by motion in a bankruptcy case, including a request for relief from the stay or for dismissal or conversion of a case.

[Effective April 15, 1997.]

### **Rule 7037-1. Discovery Motions**

No motion relating to contested discovery shall be heard unless it affirmatively appears that the parties have conferred and attempted to resolve their differences. The discovering party shall arrange such a conference which shall be held within seven days from the date of a written request for a discovery conference. Not later than 24 hours before the hearing on such motion,

the parties shall file a joint statement setting forth the matters upon which they have been unable to agree, together with memoranda in support of or in opposition to their respective contentions. Unless ordered otherwise, the hearing on the motion shall be deemed the hearing on award of expenses including attorney's fees under Federal Rule of Bankruptcy Procedure 7037.

[Effective April 15, 1997. Amended effective January 1, 2002; January 9, 2006; December 1, 2009.]

#### **Rule 7041-1. Dismissal of Adversary Proceedings**

A complaint objecting to discharge or seeking revocation of discharge, other than one brought by a trustee or the United States Trustee, shall not be dismissed at the plaintiff's instance except by order of the court after hearing on motion made in the adversary proceeding. The plaintiff shall give notice of the motion to all creditors and other parties in interest. The plaintiff also shall include with the motion an affidavit stating what, if anything, has been received by or promised to the plaintiff in consideration of the request for dismissal.

[Effective April 15, 1997. Amended effective January 9, 2006; March 1, 2017; October 1, 2019.]

#### **Rule 7054-1. Costs - Taxation/Payment**

Fifteen days after the prevailing party has served and filed a verified bill of costs under 28 U.S.C. §§1920 and 1924, the clerk shall tax costs under Federal Rule of Bankruptcy Procedure 7054(b), Federal Rule of Bankruptcy Procedure 8021, or Fed. R. App. P. 39 only if the court allows costs to the prevailing party. On motion of any party served and filed within seven days after the clerk enters judgment taxing costs, the action of the clerk may be reviewed by the court.

[Effective April 15, 1997. Amended effective January 1, 2002; December 1, 2009; April 1, 2013; December 1, 2017.]

#### **Rule 7055-1. Default; Default Judgment**

A party seeking default judgment shall:

- (a) First, file a request by affidavit or letter for the clerk to enter default against any party who has failed to plead or otherwise defend; and
- (b) Second, after the clerk has entered the party's default, serve on any party in default and file:
  - 1) a request for default judgment; 2) an affidavit of default stating that no defense or other response of any kind has been received or, if one has been received, detailing the defense or other response received; 3) an affidavit of identification of the defaulting party including

address and military or infancy or competence status; 4) an affidavit on the merits and the amount due including costs and disbursements by a person with personal knowledge; and 5) proposed findings of fact, conclusions of law and order for judgment. If the summons and complaint were served by mail and then returned by the postal service, the party seeking judgment shall disclose that to the court by affidavit. If the request for default judgment was served by mail and then returned by the postal service, the party seeking judgment shall disclose that to the court. The court may, in its discretion, hold a hearing before entry of default judgment.

[Effective April 15, 1997. Amended effective January 1, 2002; October 1, 2019.]

#### **Rule 7056-1. Time Periods for Service and Filing of Summary Judgment Motions**

- (a) MOVING DOCUMENTS. Notwithstanding Local Rule 9006-1, and unless otherwise provided in any applicable case management order or scheduling order, moving documents for summary judgment in an adversary proceeding or contested matter shall be filed and served not later than twenty-eight days before the hearing date. Moving documents shall be filed within five days after the date and time for a hearing was obtained from the judge's calendar clerk.
- (b) RESPONSIVE DOCUMENTS. Any responsive documents shall be filed and served not later than fourteen days before the hearing date.
- (c) REPLY DOCUMENTS. A reply, if any, by the moving party or other interested persons to any responsive documents shall be filed and served not later than seven days before the hearing date. Such reply shall be limited to new legal or factual matters raised by any responsive documents.

[Effective May 1, 2018. Amended effective October 1, 2019.]

#### **Rule 7067-1. Deposit of Funds in Controversy**

Parties contemplating deposit under Federal Rule of Bankruptcy Procedure 7067 are subject to Local Rule 5095-1(a) and shall to the extent practicable arrange instead for a banking or other depository to hold funds in escrow at interest upon appropriate terms and conditions but at their own risk.

[Effective April 15, 1997. Amended effective January 1, 2002.]



### **Rule 7069-1. Postjudgment; Execution**

- (a) **GENERALLY.** If the adversary proceeding has been statistically concluded or terminated, and unless ordered otherwise, further docket entries may be made and relief granted without reopening the proceeding. If a satisfaction of a money judgment is filed, the satisfaction shall be noted in the docket and interested parties may file a certified copy with the clerk of the district court. Minnesota statutes and civil rules apply to the assignment, expiration or enforcement of judgments and related matters to the extent applicable under Federal Rule of Bankruptcy Procedure 7069 incorporating Fed. R. Civil P. 69(a).
- (b) **EXECUTION.** A request for a writ of execution shall be made by application and shall identify the judgment, the amount due on the judgment, the title of the case or proceeding, the file number, and the reason for requesting the execution. Every writ of execution issued by the clerk shall be noted in the docket, delivered by the clerk to the United States Marshal and returned to the clerk within 30 days after the date issued. The attorney for the judgment creditor shall request particular action from the marshal by a separate writing to the marshal.
- (c) **ALTERNATIVE ENFORCEMENT.** Upon request, the clerk shall furnish a certified copy of a judgment to permit filing with the clerk of the district court under Federal Rule of Bankruptcy Procedure 5003(c) or a certification of judgment to permit registration of the judgment with the clerk of district court for another district under 28 U.S.C. §1963 or to enable the judgment creditor to obtain a judgment and enforce the judgment in the courts of Minnesota under the Uniform Enforcement Of Foreign Judgments Act (Minn. Stat. §§548.26-548.33).

Fed. R. Bankr. P. Reference 5003(c).

[Effective April 15, 1997. Amended effective January 1, 2002; January 9, 2006; December 2012.]

## **Part VIII. Appeals to District Court or Bankruptcy Appellate Panel**

### **Rule 8001-1. Governing Rules**

Appeals to the bankruptcy appellate panel are governed by the local rules of the Bankruptcy Appellate Panel for the Eighth Circuit. Appeals to the district court are governed by this Part of these rules.

[Effective January 1, 2002. Amended effective January 9, 2006.]

### **Rule 8009-1. Designation of Record on Appeal**

- (a) SEPARATE APPENDICES. Unless the district court orders otherwise, the parties shall serve and file with the clerk of the district court, in lieu of a designated record, their separate appendices along with their respective briefs. The parties also shall arrange for the clerk of the bankruptcy court to transmit transcripts or exhibits separately to the clerk of the district court.
- (b) TRANSCRIPTS. If the appellant or other party designates any transcript of proceedings or any part thereof, the party shall order a transcript and file with the clerk of the bankruptcy court a copy of the transcript order as required by Federal Rule of Bankruptcy Procedure 8009(b)(1)(A), and if no such transcript is to be ordered, file with the clerk of the bankruptcy court a certification to that effect.

NOTE: This rule is promulgated by the district court.

[Former Rule 8006-1(b) and (c) renumbered as Rule 8009-1 effective December 1, 2014. Amended effective June 1, 2016.]

### **Rule 8010-1. Transmission of Record - Appeal**

For purposes of Federal Rule of Bankruptcy Procedure 8010(b)(1), the record is considered complete when the parties' designations of record, statements of the issues, and any transcripts have been filed, or 45 days after the filing of the notice of appeal, whichever is earlier.

NOTE: This rule is promulgated by the district court.

[Former Rule 8007-2 amended and renumbered as Rule 8010-1 effective December 1, 2014.]

**Rule 8024-1. Entry of Judgment and Notice**

Subject to Federal Rule of Bankruptcy Procedure 8025(a), the clerk of bankruptcy court shall file and enter the judgment and any opinion on the docket of the case or proceeding and the bankruptcy court shall enter such further order or judgment as may be appropriate. If judgment of the district court is appealed to the court of appeals, upon receipt of a copy of the judgment and any opinion by the court of appeals from the clerk of the court of appeals under Fed. R. App. P. 36, but subject to Fed. R. App. P. 41, the clerk of bankruptcy court shall file and enter the judgment, mandate and any opinion on the docket of the case or proceeding, and the bankruptcy court shall enter such further order or judgment as may be appropriate.

NOTE: This rule is promulgated by the district court.

[Former Rule 8016-1(b) renumbered as Rule 8024-1 effective December 1, 2014.]

## Part IX. General Provisions

### Rule 9001-1. Definitions

In addition to the definitions and rules of construction in 11 U.S.C. §§ 101, 102, 902, 1101, and 1502 and Federal Rules of Bankruptcy Procedure 9001 and 9002, the following words and phrases used in these Local Rules have the meanings indicated:

- (a) “District court” means the United States District Court for the District of Minnesota, unless otherwise specified.
- (b) “Electronic Case Filing System” or “ECF” means the process made available by the court for electronic submission of documents.
- (c) “Filing User” means a registered user of the Electronic Case Filing System.
- (d) “Hour” includes every hour whether or not the clerk’s office is open.
- (e) “Proof of service,” “proof of notice,” or “proof of mailing,” as applicable, means proof of actual receipt or an affidavit establishing the service, notice, or mailing.
- (f) “Unsworn declaration” means an unsworn statement that substantially complies with 28 U.S.C. § 1746 and which is endorsed on a document.
- (g) “Verified” or “verification” means a signed affidavit or unsworn declaration, affixed to or endorsed on a document, which states in substance that the factual allegations made in the document are true and correct according to the best of the verifier’s knowledge, information, and belief. A verification must be made on personal knowledge, set forth only facts that would be admissible in evidence, and affirmatively show that the verifier is competent to testify as to the matters stated in the document.

[Effective April 15, 1997. Amended effective January 1, 2002; January 9, 2006; May 1, 2014; October 1, 2019; July 17, 2023.]

### 2023 Advisory Committee Notes

Local Rule 9001-1 was renumbered to be consistent with other local rules and to remove abrogated subsections. The rule was also restyled. The definition for “affidavit” in former subsection (1) was removed because this term is also addressed within the definition of “verified” or “verification” in now renumbered subsection (g). The definitions for “application” and “motion” in former subsections (2) and (9) were removed as unnecessary and duplicative of the information set forth in Fed. R. Bankr. P. 9013 and amended Local Rules 9013-1 through 9013-3. Similarly, the definitions for “court” and “judge” in former subsections (3) and (8) were removed as duplicative of Fed. R. Bankr. P. 9001(4) and 9002(4). The definition for “verified” or “verification” in now renumbered subsection (g) was amended to include additional information regarding affidavits and verifications that used to appear in former Local Rules 9004-1 and 9013-2.

### **Rule 9004-1. Required Form of Documents**

(a) **SIZE.** All documents presented for filing, except trial exhibits, must be formatted to print on standard letter-size paper (8-1/2" x 11").

(b) **SCANNING OF DOCUMENTS.**

(1) A document that is scanned must not be submitted for filing on the court's Electronic Case Filing System, except that the following types of documents may be scanned:

(A) The signature page of a document bearing a wet ink signature of a non-attorney; or

(B) An exhibit or attachment.

(2) All documents created on the attorney's computer or using petition preparer software should be printed directly to portable document format (PDF).

[Effective April 15, 1997. Amended effective January 9, 2006; February 22, 2012; April 1, 2013; October 1, 2019; July 17, 2023.]

#### **2023 Advisory Committee Notes**

Local Rule 9004-1 was restyled. Former subsection (b) regarding proof of service, notice, or transmittal was removed because this language now appears in Local Rule 9036-1 with modifications. Former subsection (c) regarding facsimile transmission was removed as unnecessary. Refer to the court's website at [www.mnb.uscourts.gov](http://www.mnb.uscourts.gov) for filing guidance. Former subsection (d) regarding verifications was removed because the definition for "verification" in Local Rule 9001-1(g) was updated to note that a verification must be signed.

Renumbered subsection (b) was amended to clarify that a document that bears a wet ink signature of a non-attorney, an exhibit, or an attachment may be scanned. The general rule is that any document that is produced by an attorney on a computer or with petition preparer software should be printed directly to PDF and not scanned. Documents that are being filed to support a request to the court but that were not produced by an attorney, such as exhibits or attachments to a motion or application, may be scanned. The court's website provides instructions for how to print documents to PDF.

### **Rule 9006-1. Time Periods**

(a) **MOVING DOCUMENTS.** Unless otherwise provided by the Federal Rules of Bankruptcy Procedure or these Local Rules, moving documents must be filed, served, and noticed, as applicable, not later than 14 days before the hearing date.

(b) **RESPONSIVE DOCUMENTS.** Any responsive documents must be filed, served, and noticed, as applicable, not later than seven days before the hearing date.

(c) **REPLY DOCUMENTS.** Reply documents are not required. Unless otherwise authorized by the court, any reply documents must be filed not later than 48 hours before the scheduled time

for hearing. A reply document must be limited to new legal or factual matters raised by any responsive documents.

- (d) **EXPEDITED RELIEF.** If expedited relief is necessary and authorized by Federal Rule of Bankruptcy Procedure 9006(c), the moving party must obtain a hearing date from the judge's courtroom deputy and the motion must include a request for an expedited hearing. Unless otherwise authorized by the court, moving documents seeking expedited relief must be filed not later than 48 hours before the scheduled time for hearing. The party seeking expedited relief must take all reasonable steps to provide all required parties with prompt service or notice and must file a certificate of service specifying the efforts made. Unless otherwise authorized by the court, any responses must be filed not later than two hours before the scheduled time for hearing. The court will rule on the request for an expedited hearing when the motion is heard.

[Effective April 15, 1997. Amended effective January 1, 2002; January 9, 2006; December 1, 2009; May 1, 2019; October 1, 2019; January 1, 2021; July 17, 2023.]

**2023 Advisory Committee Notes**

Local Rule 9006-1 was restyled. The language in former subsection (a) that addressed the Electronic Case Filing System was removed as duplicative of Fed. R. Bankr. P. 9036. The time to file responsive documents in amended subsection (b) was changed to reflect a seven-day increment.

**Rule 9010-1. Attorneys**

- (a) **ADMISSION.** The bar of this court consists of those attorneys admitted to practice before the district court who pay all admission fees that the district court prescribes. No person, unless duly admitted to practice before the district court, including a government attorney and an attorney admitted pro hac vice, is permitted to appear and participate in the trial of any action or the hearing of any motion in this court, except when appearing on that person's own behalf or as provided in subsection (b) of this rule.
- (b) **LAW STUDENTS.** A law student who represents a client in connection with a matter before this court and the law student's supervising attorney must comply with Local Rule 83.8 of the district court, except that any filing required by that rule must be made with this court's clerk.
- (c) **FORMER LAW CLERKS.** For a period of one year after termination from service as a law clerk, an attorney who has served as a law clerk to a judge must not appear before that judge or allow that attorney's name to appear on any pleading or memorandum filed in connection with any bankruptcy case or adversary proceeding assigned to that judge.
- (d) **FORMER JUDGES.** For a period of one year after termination from service as a judge, an attorney who has served as a judge of the court must not appear before the court or allow that attorney's name to appear on any pleading or memorandum.

(e) SUBSTITUTION; WITHDRAWAL.

- (1) Substitution in Adversary Proceeding or Chapter 7 or 13 Cases. If a party in an adversary proceeding or a debtor in a chapter 7 or 13 case seeks to substitute attorneys, the substituted attorney must file a substitution of attorney signed by the party or debtor and the substituted attorney. Notice of the substitution must be given to all parties to the adversary proceeding or the trustee in the bankruptcy case.
- (2) Substitution if Employment Subject to Court Approval. If a party or debtor seeks to substitute attorneys and the party's or debtor's employment of the original attorney was subject to court approval, the substituted attorney must file an application to substitute attorneys and comply with Local Rule 2014-1.
- (3) Withdrawal Only. If an attorney for a party in an adversary proceeding, an attorney for a debtor in a chapter 7 or 13 case, or an attorney in a bankruptcy case whose employment was subject to court approval seeks to withdraw without filing a substitution of attorney, that attorney must file a motion for leave to withdraw. However, if there is more than one attorney of record for the party or debtor, and at least one attorney will remain of record after the withdrawal, an attorney may withdraw by filing a notice of withdrawal and sending such notice to all parties to the adversary proceeding or the trustee in the bankruptcy case.
- (4) Effect of Failure to Comply. Until the substituted attorney files a substitution of attorney or the court enters an order allowing the original attorney to withdraw if withdrawal is not otherwise allowed, the original attorney is the party's or debtor's attorney of record and the original attorney must represent the party or debtor in bringing and defending all matters or proceedings in the bankruptcy case other than adversary proceedings in which the original attorney has not yet made an appearance. Failure to receive advance payment or guarantee of attorney's fees is not grounds for failure to comply with this local rule.

[Effective April 15, 1997. Amended effective January 9, 2006; October 15, 2010; April 1, 2013; May 1, 2014; October 1, 2019; amended and renumbered as 9010-1 on July 17, 2023.]

**2023 Advisory Committee Note**

Local Rule 9010-3 was renumbered to Local Rule 9010-1 and restyled. Subsection (a) was amended to be consistent with Local Rule 83.5 of the district court. Former subsection (b) was removed to require government attorneys to follow the same rules of admission that apply to government attorneys in district court. That change is now reflected in amended subsection (a). Former subsection (c) was removed as pro hac vice is now addressed in amended subsection (a). Former subsection (d) was renumbered to subsection (b).

Subsection (b) now refers to Local Rule 83.8 of the district court to remove language duplicative of that rule. A supervising attorney should use the bankruptcy court's Student Practice Certification Form and Notice of Appearance of Student Attorney to have a student attorney appear in a case under this rule. The form is available on the court's website at [www.mnb.uscourts.gov](http://www.mnb.uscourts.gov). Former subsections (e) and (f) were renumbered to subsections (c) and (d), respectively, and include minor, stylistic changes. Former subsection (g) was renumbered to subsection

(e) and restyled. Former subsection (g)(1) was divided into subsections (e)(1) and (e)(2) for readability. The last sentence in amended subsection (e)(3) was added to make clear that where a party or a debtor has multiple attorneys and only one or some of those attorneys seek to withdraw, a motion for leave to withdraw is not required, as the party or debtor will still have representation. Former subsection (g)(3) was removed because service requirements are addressed in other rules. Further, service is not always required. As in amended subsection (e)(1), there are instances where only notice is required. Former subsection (g)(4) was renumbered to (e)(4) and restyled.

## **Rule 9010-2. Appearances by Non-Individuals**

An entity which is not an individual may not appear in bankruptcy court unless represented by an attorney authorized to practice under Local Rule 9010-1.

[Effective April 15, 1997. Amended and renumbered as 9010-2 on July 17, 2023.]

### **2023 Advisory Committee Note**

Local Rule 9010-4 was renumbered to Local Rule 9010-2. The title was amended to better identify that the rule applies to appearances by non-individuals who are not permitted to appear pro se under this rule.

## **Rule 9011-1. Signatures**

- (a) SIGNATURE BLOCK REQUIREMENTS. For any document that requires a signature under Federal Rule of Bankruptcy Procedure 9011(a), the document must state the signer's name, address, email address, telephone number, and attorney bar registration number, if applicable.
- (b) SIGNATURE METHODS FOR ELECTRONIC DOCUMENTS. The following methods may be used to obtain a signature on a document that is filed electronically through ECF:
  - (1) A scanned image of the originally signed document containing a wet ink signature;
  - (2) An image with a digital signature from a software program that creates a secure electronic signature that uniquely identifies the signer and ensures both the authenticity of the signature and that the signed document has not been altered or repudiated; or
  - (3) A document with an "s/", followed by the printed name of the signer when:
    - (A) The Filing User obtained the signer's signature by an authorized signature method provided in subsections (b)(1)–(2) of this rule; or
    - (B) The Filing User obtained the signer's written permission to use the signer's electronic signature.
- (c) RETENTION REQUIREMENTS FOR ELECTRONIC SIGNATURES. A Filing User who files a document containing an electronic signature under subsection (b) of this rule certifies, under



penalty of perjury, that the Filing User has the original wet ink signature, digital signature, or written evidence of permission to use the signer's electronic signature. For purposes of this rule, written evidence of permission includes email correspondence. A Filing User must retain the signed document or evidence of permission to use the electronic signature for at least one year after the bankruptcy case is closed. On request, the Filing User must provide the court or other parties in the case a copy of the signed document or evidence of permission to use the electronic signature.

[Effective April 15, 1997. Amended effective January 9, 2006; February 1, 2011; February 22, 2012; October 1, 2019; January 1, 2021; amended and renumbered as 9011-1 on July 17, 2023.]

### **2023 Advisory Committee Notes**

Local Rule 9011-4 was renumbered to Local Rule 9011-1 and has been substantially amended to accommodate the use of electronic signatures. The amendments to subsection (a) incorporate the signature block requirements that were outlined in former subsections (a) and (b). Please note that for Filing Users, the act of signing a document and electronically filing the document constitutes that person's signature. *See* Fed. R. Bankr. P. 5005(a)(2)(C). The term "Filing User" is defined in Local Rule 9001-1 as a "registered user of the Electronic Case Filing System."

Subsection (b) provides the authorized methods to obtain a signature for documents that are filed electronically in ECF. Subsection (c) provides the retention period for a Filing User who files a document containing an electronic signature. These amendments place the responsibility with the Filing User—typically an attorney—to ensure compliance with the signature method requirements in Local Rule 9011-1(b) and the retention requirements in 9011-1(c). With these changes, it is no longer necessary for attorneys to submit a scanned image of the Form ERS 1 Signature Declaration page for debtors or a scanned image of the signature page by a non-Filing User. As such, the Signature Declaration form was abrogated. In addition, with these changes, it is no longer necessary to provide separate instructions for a Filing User's non-attorney employees. By filing a document in ECF using a signature method authorized in subsection (b), the attorney is certifying under subsection (c) that they have the original wet ink signature, digital signature, or evidence of permission to file the document with the signer's electronic signature. This same process applies whether the Filing User collects one or multiple signatures. Accordingly, former subsections (b)–(f) were removed as no longer necessary.

Subsections (b)–(c) only apply to documents that are filed by a Filing User on ECF. Claims that are submitted electronically through the court's Electronic Proof of Claim (ePOC) module are not subject to this rule.

### **Rule 9013-1. Motions – Form**

(a) MOTION REQUIREMENTS. Except as otherwise provided, a party making a motion must file and serve:

- (1) A notice of hearing and motion that substantially complies with Local Form 9013-1;
- (2) A concise memorandum of facts and law;
- (3) If facts are at issue, a verification of the motion or exhibits;

- (4) A proposed witness list with the name, address, and substance of the proposed testimony, if applicable;
  - (5) A proposed order; and
  - (6) If required, proof of service.
- (b) **RESPONSE REQUIREMENTS.** A party who wishes to respond to a motion must file and serve a response. A response may include a request for an order denying the motion or a request for an order imposing costs, fees, and expenses, but must not include a request for any other relief. The response must include:
- (1) A concise memorandum of facts and law;
  - (2) If facts are at issue, a verification of the response or exhibits;
  - (3) A proposed witness list with the name, address, and substance of the proposed testimony, if applicable;
  - (4) A proposed order; and
  - (5) If required, proof of service.
- (c) **EXHIBITS.** Filing Users must submit all exhibits or attachments in electronic form in accordance with the clerk's instructions on the court's website, unless ordered otherwise.
- (d) **RELIEF WITHOUT HEARING.** If no response opposing a motion is timely filed, the court may enter an order granting the motion without a hearing.
- (e) **SEALED DOCUMENTS.** A party seeking to file documents under seal must file a motion in accordance with this rule. The documents proposed to be filed under seal must be filed in accordance with the clerk's instructions on the court's website.
- (f) **CERTAIN MOTIONS BY TRUSTEE IN CHAPTER 7 OR 13 CASES.** Unless the court orders otherwise, the trustee in a chapter 7 or 13 case is not required to file a memorandum of facts and law for the following motions:
- (1) To dismiss a bankruptcy case under Federal Rule of Bankruptcy Procedure 1017;
  - (2) For examination of an entity under Federal Rule of Bankruptcy Procedure 2004;
  - (3) For turnover of property;
  - (4) Objecting to a claim of exemption under Federal Rule of Bankruptcy Procedure 4003; or
  - (5) Objecting to a proof of claim under Federal Rule of Bankruptcy Procedure 3007.

[Effective April 15, 1997. Amended effective January 9, 2006; April 1, 2013; May 1, 2015; December 1, 2017; May 1, 2019; October 1, 2019; amended and renumbered as 9013-1 on July 17, 2023.]

[Former Local Rule 9013-1 effective April 15, 1997. Amended effective January 1, 2002. Abrogated effective July 17, 2023.]

### **2023 Advisory Committee Notes**

The language in former Local Rule 9013-1 was removed as duplicative of Fed. R. Bankr. P. 9013. Local Rule 9013-2 was renumbered to Local Rule 9013-1. Local Form 9013-2 was renumbered to 9013-1 and restyled to make it consistent with certain rule changes. The language in former Local Rule 9013-2 was restyled and reorganized. As stated in the 2013 Advisory Committee Notes to Fed. R. Bankr. P. 9006, “Rule 9013 governs the form of motions and the parties who must be served. Rule 9014 prescribes the procedures applicable to contested matters, including the method of serving motions commencing contested matters and subsequent papers.”

Information concerning the presentation of evidence at hearings found in former Local Rule 9013-2(c)(2) was moved to Local Rule 9017-1. The information in former subsection (d) was moved to Local Rule 9001-1(g). Amended subsections (e) and (f) regarding exhibits and sealed documents now advise filers to file such documents in accordance with the clerk’s instructions, which are available on the court’s website at [www.mnb.uscourts.gov](http://www.mnb.uscourts.gov). Former subsection (h) was removed as unnecessary. A waiver of discharge under 11 U.S.C. §§ 727(a)(10), 1141(d)(4), 1228(a), or 1328(a) requires court approval and Fed. R. Bankr. P. 9013(a) states, “A request for an order, except when an application is authorized by these rules, shall be by written motion, unless made during a hearing.”

Subsection (f) was added to include the information that used to appear in now abrogated Local Rule 9013-5, except for references to a motion to approve compromise or settlement and a motion for sale of property. Reference to a motion to approve compromise or settlement was removed as it is now addressed in Local Rule 9019-1(a) for chapter 7 trustees. Reference to a motion for sale of property was removed as unnecessary. *See* Fed. R. Bankr. P. 6004(a). While a memorandum of facts and law is not required for the motions listed in subsection (f), the motion itself should provide the factual and legal basis for the relief sought.

### **Rule 9013-2. Motions – Service and Notice**

(a) SERVICE OF MOTIONS. Motions must be served on:

- (1) The debtor;
- (2) The attorney for the debtor;
- (3) The trustee or examiner;
- (4) Each entity against whom relief is sought;
- (5) Each entity claiming a lien or other interest in property if any property is involved;
- (6) Any committee elected under 11 U.S.C. § 705 or appointed under 11 U.S.C. § 1102, or its authorized agent; or, if the case is a chapter 9 or chapter 11 and no committee has been appointed under 11 U.S.C. § 1102, the twenty largest unsecured creditors; and

(7) Any other entity required to be served by the Federal Rules of Bankruptcy Procedure or these Local Rules.

(b) NOTICE OF MOTIONS.

(1) Generally. Notice of a motion and any related hearing must be given to any entity required to receive notice under the Federal Rules of Bankruptcy Procedure, including, but not limited to, Federal Rule of Bankruptcy Procedure 2002.

(2) Chapter 11 and 12 Cases. In a chapter 11 or 12 case, notice of a motion and any related hearing must be given to the Internal Revenue Service, the Collection Division of the Minnesota Department of Revenue, and the United States Attorney for the District of Minnesota.

(3) Health Care Business Case. Notice of a motion arising under Federal Rule of Bankruptcy Procedure 2007.2 and any related hearing must be given to each entity that issues licenses to or regulates the debtor or the debtor's principal.

(c) MOTIONS AND RESPONSES SENT TO UNITED STATES TRUSTEE. All motions and responses must be sent to the United States trustee.

(d) SERVICE OF RESPONSES. Responses must be served on:

(1) The moving party;

(2) The attorney for the debtor;

(3) The trustee or examiner; and

(4) The attorneys for any elected or appointed committee.

[Effective April 15, 1997. Amended effective January 1, 2002; January 9, 2006; December 1, 2014; December 1, 2017; October 1, 2019; June 1, 2021; amended and renumbered as 9013-2 on July 17, 2023.]

**2023 Advisory Committee Notes**

Former Local Rule 9013-3 was renumbered to Local Rule 9013-2. The language in former Local Rule 9013-3 was restyled and reorganized. As amended, Local Rule 9013-2 addresses service and notice requirements for all motions and responses filed under Fed. R. Bankr. P. 9013 and 9014 and Local Rule 9013-1. Note that service requirements in adversary proceedings are addressed in Fed. R. Bankr. P. 7005 and Fed. R. Civ. P. 5. Service and notice are separated into different subsections in an effort to emphasize the fact that they are distinct concepts.

Subsection(a) – Service

Compared to former Local Rule 9013-3, amended Local Rule 9013-2 requires service on fewer parties. The parties required to be served in the local rule are the parties generally required to be served under the Federal Rules of Bankruptcy Procedure. *See, e.g.*, Fed. R. Bankr. P. 1020(d), 1021(b), 2007.2(e), 4001, and 6004(g)(1). While there may be some duplication with the federal rules, this local rule remains in place, as amended, to fill in any gaps and

ensure the proper parties are served. For example, Fed. R. Bankr. P. 2004 does not specify any parties to serve. Rule 9013, and many other federal rules, give the court significant discretion in determining who needs to be served. Importantly, “service” may mean something different depending on the type of motion at issue. If the motion does not commence a contested matter under Fed. R. Bankr. P. 9014, “service” is more akin to mailing the motion to the address on the creditor matrix. *See* Fed. R. Bankr. P. 2002(g); *see also In re Simpson*, No. 21-11179-T7, 2022 WL 2181324, at \*2 (Bankr. D.N.M. June 16, 2022). Electronic service through the court’s Electronic Case Filing System is generally sufficient. *See* Fed. R. Bankr. P. 9036. Examples include motions under Fed. R. Bankr. P. 1007(a)(5), 1017(f)(2), 4001(d), and 4004(b).

In contrast, if the motion commences a contested matter under Fed. R. Bankr. P. 9014, “service” must be completed in accordance with Fed. R. Bankr. P. 7004. Notably, Fed. R. Bankr. P. 9036, which permits electronic service through the court’s Electronic Case Filing System, specifically states in subsection (e) that the rule “does not apply to any paper required to be served in accordance with Rule 7004.” Read together with Fed. R. Bankr. P. 9014(b) which allows “[a]ny paper served after the motion” to be served in accordance with Fed. R. Civ. P. 5(b), it appears the initial motion must be served by non-electronic means while any subsequent filings may be served electronically. *See* Fed. R. Civ. P. 5(b)(2)(E) (permitting service by “sending it to a registered user by filing it with the court’s electronic-filing system”). However, there may be exceptions for certain parties. For instance, Fed. R. Bankr. P. 7004(g) allows the debtor’s attorney to be served electronically in accordance with Fed. R. Civ. P. 5(b). Attorneys for other parties can expressly consent to electronic service of any paper required to be served in accordance with Fed. R. Bankr. P. 7004 through language in their notice of appearance. There is also an exception in Local Rule 9036-1(b) for trustees. Examples of contested matters include, but are not limited to, proceedings arising under Fed. R. Bankr. P. 1017(f)(1), 1020(c), 1021(b), 2005(a), 2007.1(a), 2007.2(e), 2015.1(b), 2017, 2020, 3007, 3012, 3015(f), 3015(h), 3019(b), 3019(c), 3020(b)(1), 4001(a)(1), 4001(b)(1), 4001(c)(1), 4003(b), 4003(d), 4004(d), 5009(d), 5011(b), 6002, 6004(b), 6004(c), 6004(d), 6004(g)(1), 6006(a), 6006(b), 6007, 6008, 9011(c)(1)(A), 9020, and 9027(d).

#### Subsection(b) – Notice

As compared to service, “notice” may entail a one-page notice of the motion and any related hearing with instructions on how to request a full copy of the motion. As to amended subsection (b)(3), for other health care business rules, *see* Local Rules 1007-2(b) and 2015.1-1.

#### Subsection(c) – United States Trustee

The 2023 Federal Rules of Bankruptcy Procedure generally use the word “transmit” in regard to the United States trustee. However, the proposed restyled Federal Rules of Bankruptcy Procedure simply use the word “send.” Thus, this subsection was updated to reflect the restyled rules. The United States trustee automatically receives filings in each case through the court’s Electronic Case Filing System. *See* Fed. R. Bankr. P. 5005(b)(1).

### **Rule 9013-3. Applications**

(a) APPLICATION REQUIREMENTS. Unless otherwise directed by these Local Rules, a party making an application must file and notice:

- (1) If facts are at issue, a verification of the application or exhibits; and
- (2) A proposed order.

(b) **RESPONSE REQUIREMENTS.** Unless otherwise directed by these Local Rules, a party who wishes to respond to an application must file and notice:

(1) A concise memorandum of facts and law;

(2) If facts are at issue, a verification of the response or exhibits; and

(3) A proposed order.

(c) **NOTICE OF APPLICATIONS AND RESPONSES.** Unless otherwise directed by the Federal Rules of Bankruptcy Procedure and these Local Rules, notice of an application and any response to the application must be given to the debtor, the attorney for the debtor, and the trustee or examiner. An application and any response must also be sent to the United States trustee.

(d) **COURT ACTION ON APPLICATION.** Before ruling on an application, the court may require that a motion be made, that a hearing be held, or that additional persons be served.

[Effective April 15, 1997. Amended and renumbered as 9013-3 on July 17, 2023.]

**2023 Advisory Committee Notes**

Former Local Rule 9013-4 was renumbered to Local Rule 9013-3. The language in former Local Rule 9013-4 was restyled and reorganized. Subsections (a) and (b) from former Local Rule 9013-4 were removed as duplicative of Fed. R. Bankr. P. 2014 and 2016 and Local Rules 2014-1 and 2016-1. Those rules provide specific instructions for filing applications for employment of professional persons and for compensation for services rendered and reimbursement of expenses.

**Rule 9013-4. Corporate Ownership Statements**

(a) **APPLICABILITY.** The requirements of Federal Rule of Bankruptcy Procedure 7007.1 apply to any request for relief made by a nongovernmental corporation as defined by 11 U.S.C. § 101(9).

(b) **TIMING.** The corporate ownership statement must be filed when the nongovernmental corporation files the request for relief.

[Effective July 17, 2023.]

**2023 Advisory Committee Notes**

Local Rule 9013-4 was implemented to impose a requirement for nongovernmental corporations to file a corporate ownership statement when filing a request for relief. A request for relief includes any motion, response to a motion, objection, or application that is filed in a bankruptcy case that is not an adversary proceeding. Rule 7007.1 imposes this requirement in adversary proceedings but there is currently no requirement in the Federal Rules of Bankruptcy Procedure to have nongovernmental corporations do the same in a bankruptcy case. Judges use the information provided in a corporate ownership statement to help them make properly informed disqualification decisions under the Code of Conduct for United States Judges.

### **Rule 9013-5. [ABROGATED]**

[Effective April 15, 1997. Amended effective January 1, 2021. Abrogated effective July 17, 2023.]

#### **2023 Advisory Committee Notes**

The language that appeared in former Local Rule 9013-5 has been moved to Local Rule 9013-1(f). With this change, Local Rule 9013-5 is abrogated; the rule number is reserved for possible future use.

### **Rule 9017-1. No Evidence at Initial Motion Hearing**

No evidence will be presented at an initial motion hearing. The court will determine at the initial motion hearing whether an evidentiary hearing is required.

[Effective April 15, 1997. Amended effective July 17, 2023.]

#### **2023 Advisory Committee Notes**

Local Rule 9017-1 was retitled and amended to include hearing-related information that used to appear in former Local Rule 9013-2(c)(2). The language previously contained in Local Rule 9017-1 was removed as unnecessary.

### **Rule 9019-1. Compromise or Settlement**

(a) MOTION BY TRUSTEE IN CHAPTER 7 CASES. In a chapter 7 case, a motion made by a trustee under this rule must briefly describe the compromise or settlement and state the date by which any responses are due. The filing requirements for motions under Local Rule 9013-1 do not apply. If no response to the motion is filed, the court may enter an order approving the compromise or settlement without a hearing. If a response to the motion is filed, the trustee must contact the judge's courtroom deputy for a hearing date and give notice of such hearing to the objecting party.

(b) NOTICE ONLY. For any motion under Federal Rule of Bankruptcy Procedure 9019(a), the service requirements under Local Rule 9013-2(a) do not apply.

[Effective April 15, 1997. Amended effective January 1, 2002; July 17, 2023.]

#### **2023 Advisory Committee Notes**

Local Rule 9019-1 was amended to remove any reference to Local Rule 6004-1, which governs the sale of estate property. Former subsections (a) and (b) were removed to ensure consistency with and as duplicative of Fed. R. Bankr. P. 2002(a)(3), which allows the court for cause shown to direct that notice not be sent. Amended subsection (a) still provides a more efficient method for chapter 7 trustees to notice settlements. The chapter 7 trustees are permitted to use negative notice procedures and do not have to comply with Local Rule 9013-1. Under Fed. R. Bankr. P. 2002(a)(3), a trustee can request that the court limit notice in any given case. Amended subsection (b) is meant to signify that a trustee only has to comply with the notice requirements found in Fed. R. Bankr. P. 9019(a) and Local Rule 9013-2(b), as opposed to the service requirements in Local Rule 9013-2(a). This is to ensure the local rule is not significantly more burdensome than the federal rule. Former subsection (c) was removed as it is more appropriately

addressed in Local Rule 7041-1. Subsection (d) was removed as unnecessary and to ensure consistency with Fed. R. Bankr. P. 9019.

### **Rule 9019-2. Mediation**

The court may refer any adversary proceeding or contested matter for mediation by a federal judge or a mediator agreed to by the parties.

[Effective May 1, 2015. Amended effective July 17, 2023.]

#### **2023 Advisory Committee Note**

Local Rule 9019-2 was restyled; no substantive changes were intended.

### **Rule 9021-1. Entry of Judgments in Adversary Proceedings**

Upon entry of a judgment in an adversary proceeding to deny or revoke a discharge, to revoke the confirmation of a plan, or to subordinate a claim, the clerk must also enter the judgment in the bankruptcy case and provide notice to the entities listed in Federal Rule of Bankruptcy Procedure 2002 in the manner specified in that rule.

[Effective April 15, 1997. Amended effective January 1, 2002; January 9, 2006; December 1, 2009; October 1, 2019; July 17, 2023.]

#### **2023 Advisory Committee Notes**

Local Rule 9021-1 was retitled, restyled, and amended to remove language that was duplicative of Fed. R. Bankr. P. 5003, 7054, and 9021. Former subsection (b), which now constitutes the substance of the rule, was also amended to clarify that certain judgments entered in adversary proceedings will also be entered in the bankruptcy case and the clerk will provide notice of such judgments to the entities listed in Fed. R. Bankr. P. 2002.

### **Rule 9022-1. [ABROGATED]**

[Effective January 9, 2006. Amended effective October 1, 2019. Abrogated effective July 17, 2023.]

#### **2023 Advisory Committee Notes**

Former Local Rule 9022-1 is abrogated as duplicative of Fed. R. Bankr. P. 9022; the rule number is reserved for possible future use.



### **Rule 9029-1. Rules – General**

- (a) SCOPE. These Local Rules constitute an order of the court and govern practice and procedure in bankruptcy cases and proceedings in the District of Minnesota. All previous local rules are superseded except to the extent that in the opinion of the court the application of one of these rules in a matter pending when these rules or amendments were promulgated would not be feasible or would work injustice.
- (b) SUSPENSION. In the interest of expediting a decision or for other good cause, the court may suspend the requirements or provisions of any local rule and may order proceedings in accordance with its direction.
- (c) LOCAL FORMS. The local forms prescribed by these Local Rules must be observed and used with only such alterations as may be appropriate unless a local rule requires exact conformity. The clerk, with approval of the judges, may issue additional forms for use under these rules.
- (d) CITATION. These rules or amendments may be cited as Local Rule \_\_\_\_ and these forms as Local Form \_\_\_\_.

[Effective April 15, 1997. Amended effective July 17, 2023.]

#### **2023 Advisory Committee Note**

Local Rule 9029-1 was restyled. The language regarding an order of the court was added to subsection (a) to make clear that when the Federal Rules of Bankruptcy Procedure allow the court to direct or order otherwise, these Local Rules constitute the court directing or ordering otherwise.

### **Rule 9029-4. Rules - Adoption and Amendment**

Pursuant to and subject to the provisions of Federal Rule of Bankruptcy Procedure 9029, the bankruptcy judges are authorized to adopt or amend any local rule, except they may not amend any local rule which relates to referral, Bankruptcy Court authority or appeals and they may not adopt or amend any local rule in a manner inconsistent with any local rule which relates to referral, Bankruptcy Court authority or appeals.

NOTE: This rule is promulgated by the district court.

[Effective April 15, 1997. Amended effective January 1, 2002; January 9, 2006.]

### **Rule 9033-1. Findings and Conclusions in Non-Core Proceedings**

If proposed findings of fact and conclusions of law are filed under Federal Rule of Bankruptcy Procedure 9033 and the time to file an objection has expired, the clerk shall transmit appropriate copies of all relevant documents, including briefs or memoranda if any, to the clerk of district

court, who shall file and treat the documents as a civil action and deliver the documents to a district judge for disposition.

NOTE: This rule is promulgated by the district court.

[Effective April 15, 1997. Amended effective January 1, 2002; January 9, 2006.]

### **Rule 9036-1. Notice and Service on Non-Filing Users and Trustees**

- (a) NON-FILING USERS. Parties who are non-Filing Users must be served with or given notice of any pleading or other electronically filed document in accordance with the Federal Rules of Bankruptcy Procedure and these Local Rules. Proof of such service or notice must be electronically filed.
- (b) TRUSTEES. When a document is required to be served in accordance with Federal Rule of Bankruptcy Procedure 7004, service on the trustee in a chapter 7, 12, 13, or subchapter V case is completed upon the filing of that document with the court's Electronic Case Filing System, unless the trustee requests to be served by non-electronic means.

[Effective July 17, 2023.]

#### **2023 Advisory Committee Note**

Local Rule 9036-1 was implemented to incorporate the language from former Local Rules 9004-1(b) and 9006-1(a) and to address electronic service on trustees. Subsection (a) contains the language from former Local Rules 9004-1(b) and 9006-1(a). Subsection (b) permits electronic services through ECF on the trustee assigned to the case. Rule 9036 excepts from electronic service any document required to be served in accordance with Fed. R. Bankr. P. 7004, which includes motions filed under Fed. R. Bankr. P. 9014, such as motions for relief from stay. Hence, when service is required on the trustee, the moving party would have to serve the initial motion on the trustee by mail. This would be burdensome on the trustees. While there are exceptions in the Federal Rules of Bankruptcy Procedure allowing other common parties to be served electronically and still be in compliance with Fed. R. Bankr. P. 7004, no such exception appears to exist for trustees. *See* Fed. R. Bankr. P. 7004(g) (allowing electronic service on the debtor's attorney). Local Rule 9036-1 creates such an exception for the trustee assigned to the case, unless the trustee requests service by non-electronic means.

### **Rule 9070-1. Exhibits**

Upon the closing of a bankruptcy case or adversary proceeding, the clerk may require the attorneys of record to remove any exhibits or other items that were not filed in ECF within 14 days after written notice. The clerk may destroy or otherwise dispose of such exhibits or other items not filed in ECF if they are not removed in the time specified. Attorneys of record who collect any exhibits or items not filed in ECF under this rule must retain such material until all applicable appeal periods for the bankruptcy case or adversary proceeding have expired.

[Effective April 15, 1997. Amended effective December 1, 2009; July 17, 2023.]

**2023 Advisory Committee Note**

Local Rule 9070-1 has been restyled. The rule was amended to also refer to other items that may have been left with the court as part of a bankruptcy case or adversary proceeding but were not filed in ECF. The rule was also amended to provide a retention period for any materials collected under this rule.