

## 5000 Series Proposed Amendments – FINAL VERSION

### Rule 5005-1. [ABROGATED]

[Effective April 15, 1997. Amended effective January 1, 2002; January 9, 2006; October 1, 2019. Abrogated effective XX, 2024.]

#### 2024 Advisory Committee Notes

Local Rule 5005-1 was abrogated as follows. Subsection (a) was removed as duplicative of Fed. R. Bankr. P. 5005(a)(2)(A) which generally requires an entity represented by an attorney to file electronically. For instructions on how to file electronically, including how to register as a Filing User, refer to the court's website at [www.mnb.uscourts.gov](http://www.mnb.uscourts.gov). See also Local Rule 9001-1(c) (defining "Filing User"). Subsection (b) was removed as unnecessary. Again, the clerk maintains instructions on the court's website for how to register as a Filing User. Subsection (c) was removed as duplicative of Fed. R. Bankr. P. 5005(a)(2)(B) which generally prohibits an individual not represented by an attorney from filing electronically. Subsection (d) was removed as unnecessary. ECF is now the accepted and required method for filing documents in accordance with the rules. See also Fed. R. Bankr. P. 5005(a)(2)(D) ("A paper filed electronically is a written paper for purposes of these rules, the Federal Rules of Civil Procedure made applicable by these rules, and § 107 of the Code."). Use of the "Inbox" is generally not permitted anymore. The provision regarding filing before midnight was removed as duplicative of Fed. R. Bankr. P. 9006(a)(4)(A). Lastly, subsection (e) was removed because there is necessary processing time between the clerk's office receiving a document (by mail or in person) and filing a document.

### Rule 5009-1. [ABROGATED]

[Effective May 1, 2014. Amended effective October 1, 2019. Abrogated effective XX, 2024.]

#### 2024 Advisory Committee Notes

Local Rule 5009-1 was abrogated as the language of the rule now appears in amended Local Rule 6007-1. Instead of an application, a motion is required. See generally Fed. R. Bankr. P. 9013 (requiring that a request for an order be made by motion).

### Rule 5010-1. [ABROGATED]

[Effective May 1, 2014. Amended effective October 1, 2019. Abrogated effective XX, 2024.]

#### 2024 Advisory Committee Notes

Local Rule 5010-1 was abrogated to ensure consistency with 11 U.S.C. § 350(b) and Fed. R. Bankr. P. 5010. Subsections (a) and (b) were removed as 11 U.S.C. § 350(b) states the grounds for reopening a case, including to administer assets, to accord to relief to the debtor, or for other good cause. See also *In re Johnson*, 500 B.R. 594, 597 (Bankr. D. Minn. 2013) ("A motion to reopen a bankruptcy case should be granted only where there is a compelling reason."). The 1983 Advisory Committee Notes to Fed. R. Bankr. P. 5010 further state, "Although a case has been closed the court may sometimes act without reopening the case. Under Rule 9024, clerical errors in judgments, orders, or other parts of the record or errors therein caused by oversight or omission may be corrected. A judgment determined to be non-dischargeable pursuant to Rule 4007 may be enforced after a case is closed by a writ of execution obtained pursuant to Rule 7069." Subsection (c) was removed as Fed. R. Bankr. P. 5010 states "[a] case

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may be reopened on motion of the debtor or other party in interest . . .” Finally, subsection (d) was removed as the Bankruptcy Court Miscellaneous Fee Schedule, available on [www.uscourts.gov](http://www.uscourts.gov), lists several instances where the reopening fee must not be charged, such as: (1) to permit a party to file a complaint to obtain a determination under Fed. R. Bankr. P. 4007(b); (2) when a debtor alleges a violation of the terms of the discharge under 11 U.S.C. § 524; or (3) to redact a record already filed in the case under Fed. R. Bankr. P. 9037. The Bankruptcy Court Miscellaneous Fee Schedule further notes, “The court may waive this fee under appropriate circumstances or may defer payment of the fee from trustees pending discovery of additional assets. If payment is deferred, the fee should be waived if no additional assets are discovered.” Waiver is governed by 28 U.S.C. § 1930(f).

### **Rule 5071-1. Request for a Continuance**

The court has the discretion to grant or deny a request for a continuance. If a continuance is granted, the party requesting the continuance must give notice of such continuance and the date and time for the rescheduled hearing to each entity that received notice of the hearing.

[Effective April 15, 1997. Amended effective January 9, 2006; XX, 2024.]

#### **2024 Advisory Committee Notes**

Local Rule 5071-1 was amended to remove unnecessary language regarding maintaining a calendar for hearings and arranging dates for hearings. Information regarding calendars and hearings is generally available on the court’s website at [www.mnb.uscourts.gov](http://www.mnb.uscourts.gov). Each judge may have specific instructions. To request a continuance, the moving party may generally contact the courtroom deputy for the judge to whom the case has been assigned. However, if there is an objection, the objecting party must generally consent to the request. If the moving party and the objecting party do not agree, a more formal request for a continuance may be required. Please consult the judge’s preferences on the court’s website at [www.mnb.uscourts.gov](http://www.mnb.uscourts.gov) for further instructions on requesting a continuance.

### **Rule 5095-1. [ABROGATED]**

[Effective April 15, 1997. Amended effective January 9, 2006; October 1, 2019. Abrogated effective XX, 2024.]

#### **2024 Advisory Committee Notes**

Local Rule 5095-1 was abrogated as the deposit and withdrawal of money with the court registry is governed by amended Local Rule 7067-1 and Fed. R. Bankr. P. 7067. *See also* Fed. R. Civ. P. 67. Subsection (d) of amended Local Rule 7067-1 specifically addresses unclaimed funds. Detailed instructions regarding a request for unclaimed funds, including by successor claimants, can be found on the court’s website at [www.mnb.uscourts.gov](http://www.mnb.uscourts.gov). Refer to amended Local Rule 7067-1 for more information.