

## 5000 Series Proposed Amendments – REDLINE VERSION

### Rule 5005-1. ~~Filing Documents – Requirements~~ ABROGATED

~~(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. 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.

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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. ~~Trustee requests that assets not be abandoned upon case closing.~~ [ABROGATED]**

~~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. 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. ~~Reopening Cases~~ [ABROGATED]**

~~(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;~~  
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~~—(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.~~

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### ~~(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 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 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. ~~Scheduling; Request for a~~ 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. The court has the discretion to grant or deny a request for a continuance. 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 must give notice of such continuance and the date and time for the rescheduled hearing to each entity that received notice of the hearing of such continuance and the date for the rescheduled hearing.~~

## 5000 Series Proposed Amendments – REDLINE VERSION

[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. ~~Registry Fund Deposit of Funds; Withdrawal~~ [ABROGATED]**

~~(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 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.