

7000 Series Proposed Amendments – FINAL VERSION

Rule 7004-1. Issuance of Summons

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

[Effective April 15, 1997. Amended and renumbered as 7004-1 effective XX, 2024.]

2024 Advisory Committee Notes

Local Rule 7004-2 was renumbered to Local Rule 7004-1. The changes are stylistic only; no substantive changes were intended.

Rule 7005-2. [ABROGATED]

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

2024 Advisory Committee Notes

Local Rule 7005-2 was abrogated as duplicative of Fed. R. Bankr. P. 7005. Rule 7005 incorporates Fed. R. Civ. P. 5(d)(1)(A) which states, “[D]iscovery requests and responses must not be filed until they are used in the proceeding or the court orders filing: depositions, interrogatories, requests for documents or tangible things or to permit entry onto land, and requests for admission.”

Rule 7007-1. Motions and Responses

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

[Effective April 15, 1997. Amended effective XX, 2024.]

2024 Advisory Committee Notes

Local Rule 7007-1 was amended to remove unnecessary language about proper requests for relief. The other changes are stylistic only; no substantive changes were intended.

Rule 7018-1. [ABROGATED]

[Effective April 15, 1997. Abrogated effective XX, 2024.]

2024 Advisory Committee Notes

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Local Rule 7018-1 was abrogated as unnecessary. Parties are responsible for knowing whether a request for relief can be made by filing a motion in the bankruptcy case or by filing an adversary proceeding. *See, e.g.*, Fed. R. Bankr. P. 3007(b) (“A party in interest shall not include a demand for relief of a kind specified in Rule 7001 in an objection to the allowance of a claim, but may include the objection in an adversary proceeding.”); Fed. R. Bankr. P. 7001 (listing requests for relief that require filing an adversary proceeding).

Rule 7037-1. Discovery Motions

In addition to the certification under Federal Rule of Civil Procedure 37(a)(1) that must be filed with a discovery motion, the parties to the discovery motion must file a joint stipulation not later than 24 hours before the hearing on such motion setting forth the matters that remain unresolved.

[Effective April 15, 1997. Amended effective January 1, 2002; January 9, 2006; December 1, 2009; XX, 2024.]

2024 Advisory Committee Notes

Local Rule 7037-1 was amended to remove language that was duplicative of Fed. R. Civ. P. 37(a), as incorporated by Fed. R. Bankr. P. 7037. For example, Fed. R. Civ. P. 37(a)(1) requires a certification that “the movant has in good faith conferred or attempted to confer with the person or party failing to make disclosure or discovery in an effort to obtain it without court action.” The requirement that a discovery conference be held within seven days of a written request for such a conference was also removed. Parties should contact the courtroom deputy for the judge assigned to the adversary proceeding to schedule a discovery conference. The timing of the discovery conference is at the discretion of the judge. If a discovery motion is filed, it will be heard at the appropriate time. *See* Local Rule 7007-1. The requirement that the parties include memoranda in support of or in opposition to their respective contentions was also removed, as such memoranda should be included with the motion and any response thereto. Finally, the provision about attorney’s fees was removed as duplicative of Fed. R. Civ. P. 37(a)(5).

Rule 7041-1. [ABROGATED]

[Effective April 15, 1997. Amended effective January 9, 2006; March 1, 2017; October 1, 2019. Abrogated effective XX, 2024.]

2024 Advisory Committee Notes

Local Rule 7041-1 was abrogated to remove unnecessary language and to ensure consistency with Fed. R. Bankr. P. 7041. *See also* Fed. R. Civ. P. 41. The 2023 Advisory Committee Notes to Local Rule 9019-1 indicated that language from former Local Rule 9019-1(c) would be addressed in Local Rule 7041-1. That language is no longer necessary. Rule 9019(a) begins with, “On motion by the *trustee* and after notice and a hearing . . .” (emphasis added). *See also* Fed. R. Bankr. P. 9001(11) (“‘Trustee’ includes a debtor in possession in a chapter 11 case.”); Fed. R. Bankr. P. 9001(5) (defining “Debtor”). Thus, Fed. R. Bankr. P. 9019(a) applies to settlements by the “trustee.” Any such motion must be filed in the main bankruptcy case.

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Rule 7054-1. [ABROGATED]

[Effective April 15, 1997. Amended effective January 1, 2002; December 1, 2009; April 1, 2013; December 1, 2017. Abrogated effective XX, 2024.]

2024 Advisory Committee Notes

Local Rule 7054-1 was abrogated as duplicative of Fed. R. Bankr. P. 7054. Refer to Director’s Bankruptcy Form 2630 for a bill of costs.

Rule 7055-1. Default Judgment

(a) REQUIRED DOCUMENTS. After the clerk has entered a party’s default under Federal Rule of Civil Procedure 55(a), the party seeking a default judgment must file and serve the following documents on the defaulting party:

- (1) a request for a 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 the defaulting party’s address and military, infancy, or competency 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 an order for judgment.

(b) RETURNED MAIL. If either the summons and complaint or the request for default judgment were served by mail and returned by the post office, the party seeking a default judgment must disclose that to the court by filing an affidavit.

(c) HEARING. The court may, in its discretion, hold a hearing before entering a default judgment.

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

2024 Advisory Committee Notes

Local Rule 7055-1 was amended to remove language that was duplicative of Fed. R. Civ. P. 55(a), as incorporated by Fed. R. Bankr. P. 7055. The other amendments are stylistic only; no substantive changes were intended.

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Rule 7056-1. Summary Judgment Motions

- (a) MOVING DOCUMENTS. Notwithstanding Local Rule 9006-1(a), and unless the court orders otherwise, moving documents for summary judgment in an adversary proceeding or contested matter must be filed, served, and noticed, as applicable, not later than 28 days before the hearing date.
- (b) RESPONSIVE DOCUMENTS. Any responsive documents must be filed and served not later than 14 days before the hearing date.
- (c) REPLY DOCUMENTS. Any reply documents must be filed and served not later than seven days before the hearing date.

[Effective May 1, 2018. Amended effective October 1, 2019; XX, 2024.]

2024 Advisory Committee Notes

Local Rule 7056-1 was amended to incorporate some of the changes made to amended Local Rules 9006-1(a) and 9013-2 and to remove any language that was duplicative of those rules. Those rules apply to adversary proceedings through Local Rule 7007-1. The other amendments are stylistic only; no substantive changes were intended.

Rule 7067-1. Depositing in and Withdrawing Money from the Court Registry

- (a) DEPOSITS. To deposit money in the court registry, a party must file a motion to deposit funds in compliance with Local Rules 9013-1 and 9013-2. The moving party must also file concurrently with the motion a completed registry deposit form provided by the clerk. If the motion to deposit funds is granted, the clerk's office will provide instructions for depositing the funds.
- (b) WITHDRAWALS. To withdraw money from the court registry, a party must file a motion to withdraw funds in compliance with Local Rules 9013-1 and 9013-2. The moving party must also file concurrently with the motion to withdraw funds a completed registry withdrawal form provided by the clerk. If the motion to withdraw funds is granted, the clerk must not disburse money from the court registry until 14 days after the entry of the order, unless the court orders otherwise.
- (c) ADMINISTRATION OF REGISTRY MONEY. The clerk will administer money deposited in the court registry in accordance with 28 U.S.C. §§ 2041–2042 and 2045.
 - (1) The clerk will deposit all registry money in the Court Registry Investment System (CRIS) of the Administrative Office of the U.S. Courts. The clerk will deposit interpleader money in the CRIS Disputed Ownership Fund.

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- (2) The Director of the Office of the Administrative Office of the United States Courts is the custodian of CRIS funds and may assess fees based on the Bankruptcy Court Miscellaneous Fee Schedule; withhold and pay federal taxes on Disputed Ownership Funds; and distribute income from fund investments after assessing fees.
- (3) The clerk must assess and deduct all applicable registry fees from the interest income earned and credited to the money on deposit in the fund before any disbursement of funds.
- (d) UNCLAIMED FUNDS. Subsections (a)–(b) of this rule do not apply to the deposit and withdrawal of unclaimed funds paid into the court registry under 11 U.S.C. § 347(a). Trustees may deposit unclaimed funds in the court registry in accordance with the clerk’s instructions. Any party who seeks payment of unclaimed funds must file an application on the form provided by the clerk. A court order is required to approve any application for payment of unclaimed funds.

[Effective April 15, 1997. Amended effective January 1, 2002; XX, 2024.]

2024 Advisory Committee Notes

Local Rule 7067-1 was amended to provide a process for parties to deposit in and withdraw money from the court registry. Except for unclaimed funds, as described in amended subsection (d), a motion must be filed to request that money be deposited in or withdrawn from the court registry. To deposit money, a moving party must also concurrently file with a motion to deposit funds a completed registry deposit form. This form is maintained by the clerk on the court’s website at www.mnb.uscourts.gov. Please refer to the filing instructions on the court’s website for how to properly file the registry deposit form. The information collected on the form is provided to determine the appropriate tax liability for the deposited funds. Interpleader funds deposited under 28 U.S.C. § 1335 meet the IRS definition of a “disputed ownership fund,” a taxable entity that requires tax administration. *See also* 26 C.F.R. § 1.468B-9. Interpleader funds are deposited with the court by a non-owner, third-party for court determination of ownership.

To withdraw money from the court registry, a moving party must also concurrently file with a motion to withdraw money a completed registry withdrawal form. This form is maintained by the clerk on the court’s website at www.mnb.uscourts.gov. Please refer to the filing instructions on the court’s website for how to properly file the registry withdrawal form. To complete the registry withdrawal form, the filing party must submit a completed W-9 or AO213 (Vendor Information/TIN Certification) form. Because a completed registry withdrawal form must contain complete financial account information and other details, the form must be filed using the proper event so that the form is restricted from public access.

Funds on deposit with the court registry in the Court Registry Investment System (CRIS) are pooled with all funds on deposit with the Treasurer of the United States to purchase Government Account Series securities through the Bureau of Public Debt. An account is established in the CRIS Liquidity Fund titled in the name of the case giving rise to the deposit invested in the fund. Income generated from CRIS investments will be distributed to each case based on the ratio of each account’s principal and earnings to the aggregate principal and earnings in the fund after CRIS fees have been applied. The CRIS fees are set forth in the Bankruptcy Court Miscellaneous Fee Schedule, which may be found at the website of the United States Courts at www.uscourts.gov. For each interpleader case, an account will be established in the CRIS Disputed Ownership Fund (DOF), titled in the name of the case giving rise to the

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deposit invested with the fund. Income generated from fund investments will be distributed to each case after the DOF fee has been applied and taxes are deducted.

Parties may obtain reports showing the interest earned, principal amounts contributed, and fees applied for all registry funds on deposit with the court by contacting the clerk's office at 612-664-5200.

For unclaimed funds, the clerk's instructions and the appropriate form can be found on the court's website at www.mnb.uscourts.gov.

Rule 7069-1. [ABROGATED]

[Effective April 15, 1997. Amended effective January 1, 2002; January 9, 2006; December 2012. Abrogated effective XX, 2024.]

2024 Advisory Committee Notes

Local Rule 7069-1 was abrogated to ensure consistency with Fed. R. Civ. P. 69, as incorporated by Fed. R. Bankr. P. 7069. Refer to 28 U.S.C. § 1963 for information about enforcing judgments in other districts. Refer to Fed. R. Bankr. P. 5003(c) and the court's website at www.mnb.uscourts.gov for information about requesting a certified copy of a judgment.