

9000 Series Local Rule Amendments, effective July 17, 2023 – FINAL VERSION

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.

9000 Series Local Rule Amendments, effective July 17, 2023 – FINAL VERSION

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 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.

9000 Series Local Rule Amendments, effective July 17, 2023 – FINAL VERSION

- (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.

9000 Series Local Rule Amendments, effective July 17, 2023 – FINAL VERSION

(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

9000 Series Local Rule Amendments, effective July 17, 2023 – FINAL VERSION

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. 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

9000 Series Local Rule Amendments, effective July 17, 2023 – FINAL VERSION

(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;

9000 Series Local Rule Amendments, effective July 17, 2023 – FINAL VERSION

- (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;

9000 Series Local Rule Amendments, effective July 17, 2023 – FINAL VERSION

- (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. 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;

9000 Series Local Rule Amendments, effective July 17, 2023 – FINAL VERSION

- (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

9000 Series Local Rule Amendments, effective July 17, 2023 – FINAL VERSION

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

9000 Series Local Rule Amendments, effective July 17, 2023 – FINAL VERSION

- (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

9000 Series Local Rule Amendments, effective July 17, 2023 – FINAL VERSION

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.

9000 Series Local Rule Amendments, effective July 17, 2023 – FINAL VERSION

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.]

9000 Series Local Rule Amendments, effective July 17, 2023 – FINAL VERSION

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 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.]

9000 Series Local Rule Amendments, effective July 17, 2023 – FINAL VERSION

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.