

**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 September 4, 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. To use the “Inbox,” a party must obtain permission from the judge's courtroom deputy. The provision regarding

## 5000 Series Amendments, effective September 4, 2024 – REDLINE VERSION

[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. ~~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.~~

[\[Effective May 1, 2014. Amended effective October 1, 2019. Abrogated effective September 4, 2024.\]](#)

#### **[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;~~
- ~~—~~
- ~~—(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. Abrogated effective September 4, 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 ~~ing~~ notice of the hearing and file proof of such notice ~~of such continuance and the date for the rescheduled hearing.~~

[Effective April 15, 1997. Amended effective January 9, 2006; October 1, 2019; September 4, 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. The remaining changes are stylistic only; no substantive changes were intended. The procedure for giving notice of a continuance remains the same.

#### **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 1, 2002; January 9, 2006; October 1, 2019. Abrogated effective September 4, 2024.]

#### 2024 Advisory Committee Notes

## 5000 Series Amendments, effective September 4, 2024 – REDLINE VERSION

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.

**Rule 6004-1. ~~Sale of Estate Property~~ [ABROGATED]**

~~(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. Abrogated effective September 4, 2024.]

#### 2024 Advisory Committee Notes

Local Rule 6004-1 was abrogated, along with Local Forms 6004-1(a), 6004-1(d), and 6004-1(f). Subsections (a) and (c) were removed to ensure consistency with 11 U.S.C. § 363(b)(1) and Fed. R. Bankr. P. 2002(a)(2) and (c)(1) and 6004(a), (b), (d), and (e). Section 363(b)(1) generally allows the trustee, after notice and a hearing, to use, sell, or lease property of the estate outside the ordinary course of business. See 11 U.S.C. § 102(1)(A) (defining “after notice and a hearing”). Rule 6004(a), (b), (d), and (e) describe the procedures for doing so. For example, Fed. R. Bankr. P. 6004(a) requires that notice of a proposed use, sale, or lease of property, other than cash collateral, outside the ordinary course of business be given under Fed. R. Bankr. P. 2002(a)(2), which requires 21-days’ notice of such use, sale, or lease to all creditors. Rule 2002(c)(1) governs the content of the notice. Rule 6004(b) requires any objection to “be filed and served not less than seven days before the date set for the proposed action or within the time fixed by the court.” The objection is governed by Fed. R. Bankr. P. 9014. Under Fed. R. Bankr. P. 6004(d), if the nonexempt property of the estate has an aggregate gross value less than \$2,500.00, the trustee can give a general notice of intent to sell such property other than in the ordinary course of business. Any objection to such sale must be filed and served within 14 days of the mailing of the notice. Again, the objection is governed by Fed. R. Bankr. P. 9014. Notably, Fed. R. Bankr. P. 9014(a) states “relief shall be requested by motion.”

Subsection (b) was removed to ensure consistency with Fed. R. Bankr. P. 2002(a)(2). Rule 2002(a)(2) allows the court, not the United States trustee, to shorten the time for giving notice of a proposed use, sale, or lease or direct that notice not be sent. See also Fed. R. Bankr. P. 2002(h) and (i) (other notice limiting provisions).

Subsection (d) was removed as unnecessary, and with that, Local Form 6004-1(d) was abrogated. If the trustee seeks proof of authority to sell property, the trustee may file a motion and seek an order from the court.

Subsection (e) was removed for many of the same reasons as subsections (a) and (c) described above. Section 363(b)(1) and Fed. R. Bankr. P. 6004(a), (b), (d), and (e) do not require that the trustee’s proposed use, sale, or lease of property of the estate outside the ordinary course of business be approved by the court. If a trustee in a chapter 7 case needs a court order, the trustee should include a request for an order in the notice and attach a proposed order to the same.

Subsection (f) was removed as unnecessary, and with that, Local Form 6004-1(f) was abrogated. There is no need for a standard conveyance form. The language of each conveyance may differ depending on the circumstances.

**Rule 6007-1. ~~Abandonment~~ Abandoning or Disposing of Property Upon Chapter 7 Case Closing**

~~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.~~ In a chapter 7 case, a request by the trustee under 11 U.S.C. § 554(c) for an order that an asset is not abandoned to the debtor upon case closing must be made by motion. The motion must briefly describe the asset and state that any responses are due within 21 days of the filing of the motion. 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 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 responding party.

[Effective April 15, 1997. Amended effective October 1, 2019; September 4, 2024.]

**2024 Advisory Committee Notes**

Local Rule 6007-1 was amended to remove any reference to former Local Rule 6004-1. Refer to Fed. R. Bankr. P. 6007(a) for procedures for giving notice of a proposed abandonment. Local Rule 6007-1 was further amended to add language from former Local Rule 5009-1. Though 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 6007-2. ~~Abandonment~~ Abandoning or Disposing of Property Containing – Hazardous Substances**

Notice of a proposed abandonment or disposition of property which may contain a hazardous substance must be given to the Environmental Protection Agency, any applicable state or federal regulatory agency, and the state Attorney General where the property is located. ~~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. Amended effective September 4, 2024.]

**2024 Advisory Committee Notes**

Local Rule 6007-2 was amended and restyled to remove the “commercial or industrial” description of the property. Property that is not commercial or industrial can still contain hazardous substances. The rule was further amended to remove the reference to Minn. Stat. § 115B.02, subd. 8 or other applicable law. A hazardous substance does not necessarily have to meet a legal definition for notice to be required. Finally, the rule now has an additional requirement that any applicable state or federal regulatory agency be noticed. This is to account for situations where the Environmental Protection Agency is not the only governing agency. See, e.g., *In re Paoletta*, 79 B.R. 607 (Bankr. E.D. Pa. 1987) (Party opposing abandonment of property can show that abandonment is not appropriate because it

[would contravene state statute or regulation that is reasonably designed to protect public health or safety from identified hazards.\).](#)

**Rule 6072-1. ~~Turnover Proceedings—Motion~~[\[ABROGATED\]](#)**

~~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.~~

[\[Effective April 15, 1997. Abrogated effective September 4, 2024.\]](#)

**[2024 Advisory Committee Notes](#)**

[Local Rule 6072-1 was abrogated to ensure consistency with 11 U.S.C. § 542 and Fed. R. Bankr. P. 7001\(1\). Rule 7001\(1\) generally requires an adversary proceeding for recovery of money or property. A motion is only permitted in a proceeding to compel the debtor to deliver property to the trustee or if records are at issue under 11 U.S.C. § 542\(e\).](#)

**Rule 7004-~~12~~. Issuance of Summons**

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

[Effective April 15, 1997. Amended and renumbered as 7004-1 effective September 4, 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. ~~Filing of Discovery Materials~~[ABROGATED]**

~~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. Abrogated effective September 4, 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 Practice and Responses ~~(in Adversary Proceedings)~~**

~~(a)~~ Local Rules 9006-1, 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. Amended effective September 4, 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. ~~Joinder of Claims/Remedies~~[ABROGATED]**

~~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. Abrogated effective September 4, 2024.]

**2024 Advisory Committee Notes**

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**

~~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. 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 -n~~Not later than 24 hours before the hearing on such motion,~~the parties shall file a joint statement,~~setting forth the matters that remain unresolved 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; September 4, 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. ~~Dismissal of Adversary Proceedings~~[\[ABROGATED\]](#)**

~~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.~~

[\[Effective April 15, 1997. Amended effective January 9, 2006; March 1, 2017; October 1, 2019. Abrogated effective September 4, 2024.\]](#)

**[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.](#)

**Rule 7054-1. ~~Costs—Taxation/Payment~~[\[ABROGATED\]](#)**

~~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.~~

[\[Effective April 15, 1997. Amended effective January 1, 2002; December 1, 2009; April 1, 2013; December 1, 2017. Abrogated effective September 4, 2024.\]](#)

**[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;~~ 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,~~ (a) REQUIRED DOCUMENTS. After the clerk has entered ~~the 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:~~serve on any party in default and file:~~

- ~~(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, ~~or~~ or ~~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 ~~then~~ returned by the postal service office, the party seeking a default judgment ~~shall~~ must disclose that to the court by filing an 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.~~

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

[Effective April 15, 1997. Amended effective January 1, 2002; October 1, 2019; September 4, 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.

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

(a) MOVING DOCUMENTS. ~~Notwithstanding Local Rule 9006-1(a), and unless the court orders otherwise provided in any applicable case management order or scheduling order,~~ moving documents for summary judgment in an adversary proceeding or contested matter ~~must~~ shall be filed, ~~and~~ and served, and noticed, as applicable, not later than ~~twenty-eight~~ 28 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~~ must be filed and served not later than ~~fourteen~~ 14 days before the hearing date.

(c) REPLY DOCUMENTS. ~~Any reply, if any, by the moving party or other interested persons to any responsive documents shall~~ must 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; September 4, 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 ~~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.~~

(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.
- (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; September 4, 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](http://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](http://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](http://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 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 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](http://www.mnb.uscourts.gov).

**Rule 7069-1. ~~Postjudgment; Execution~~[ABROGATED]**

~~(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. Reference 5003(c).~~

[Effective April 15, 1997. Amended effective January 1, 2002; January 9, 2006; December 2012. Abrogated effective September 4, 2024.]

2024 Advisory Committee Notes

## 7000 Series Amendments, effective September 4, 2024 – REDLINE VERSION

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](http://www.mnb.uscourts.gov) for information about requesting a certified copy of a judgment.