

LOCAL RULE AND FORM AMENDMENTS EFFECTIVE OCTOBER 1, 2019

Amendments to the following 41 local rules and 1 local form are effective October 1, 2019 and, except where impractical, will govern in all bankruptcy cases and proceedings pending on the effective date, as well as those filed thereafter.

The rule amendments fall into four categories:

1. The amendments to Local Rules 1007-4, 1009-1, 1014-1, 2002-1, 2002-4, 2002-5, 2015-1, 2015.1-1, 2016-1, 2019-1, 2020-1, 3002-2, 3007-1, 3012-1, 3015-2, 3017-1, 3017.1-1, 3019-2, 3020-1, 4008-1, 5009-1, 5010-1, 5071-1, 5095-1, 6004-1, 6007-2, 7041-1, 7056-1, 9001-1, 9004-1, 9006-1, 9013-2, 9013-3, 9021-1 and Local Form 9001-1 reflect the Judges' three-year long review and revision of the rules to clarify when service, notice, transmittal or mailing of a document is required, in compliance with the Federal Rules of Civil Procedure and the Federal Rules of Bankruptcy Procedure.
2. The amendments to Local Rule 3015-1 clarify local practice on service of a chapter 13 plan not filed with the petition and schedules at the commencement of a chapter 13 case.
3. The amendments to Local Rules 5005-1, 9010-3, 9011-4 and 9022-1 conform the rules and local practice to the 12/1/18 changes to the Federal Rules of Bankruptcy Procedures governing electronic filing.
4. The amendments to Local Rule 7055-1 seek to conform the rule and local practice to Federal Rule of Civil Procedure 55, made applicable to bankruptcy proceedings by Federal Rule of Bankruptcy Procedure 7055. Under the local rule as amended, a request for default judgment is a two-step process:
 - a. The attorney seeking default must first file an ***Affidavit requesting clerk's entry of default***, using the CM/ECF event of the same name;
 - b. After the ***Clerk's entry of default*** appears on the docket, the attorney may file his or her Application or motion for default judgment.

Rule 1006-1. Filing Fees – Installment Payments

(a) PAYABLE UPON COMMENCEMENT OF A CASE. Fees payable upon the commencement of a case shall be paid with cash, a money order, a cashier's check, a credit card of a law firm or of an attorney representing a client other than him - or herself and admitted to practice in the United States District Court for the District of Minnesota or treated as if so admitted under Local Rule 9010-3(c), or funds drawn on the account of any such attorney.

(b) INSTALLMENT PAYMENTS. If an individual applies for permission to pay such fees in installments, the individual shall pay one half of the filing fees at the time of filing the petition. If the court grants the application, the balance shall be paid within 30 days thereafter. If one half of the filing fee is not paid at the time of filing the petition, it shall be paid within 7 days thereafter.

(c) DISMISSAL FOR FAILURE TO PAY. If the filing fee required by subsection (a) of this rule or any installment payment required by subsection (b) of this rule is not paid as directed, ~~initial one half of the filing fee is not paid within 7 days or the balance is not paid within 30 days,~~ or at such later times as the court may fix by order entered prior to the expiration of the original deadline, an order dismissing the case will be entered immediately, without hearing and without further notice.

Rule 1007-4. Failure to File Documents

(a) DISMISSAL. In a chapter 7 or 13 case, if any required exhibit, attachment, schedule, statement or list is not timely filed and no extension of time has been granted, the court may enter an order dismissing the case. In a chapter 11 or 12 case, if any required exhibit, attachment, schedule, statement or list is not timely filed, and no extension of time has been granted, the court will order a hearing to determine whether the case should be dismissed and sanctions imposed, and the clerk shall ~~provide~~give notice of the order to all known creditors and other parties in interest.

(b) EXTENSION OF TIME TO FILE DOCUMENTS. Notice of an application for an order to extend the time for filing such documents shall be ~~served on~~given to the trustee and the United States Trustee.

Rule 1009-1. Amendments to Voluntary Petitions, Lists, Schedules and Statements

(a) DEBTOR'S IDENTIFICATION. At any time before the notice of the meeting of creditors has been transmitted, the clerk may direct the debtor to file an amendment to the petition on a form prescribed by the clerk so as to correct any clerical mistakes in

the debtor's name, address, or identification number. If the debtor fails to comply, the clerk shall determine the title of the case. If such amendment to the petition is filed after the notice of the meeting of creditors has been transmitted, the clerk shall change the title of the case, including making any corrections to the debtor's name or social security number. If the debtor is represented by an attorney, the debtor shall provide a notice of corrected case title to all creditors; the clerk shall ~~provide such~~ give notice if the debtor is pro se.

b) FORM, FILING AND SERVICE NOTICE.

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Rule 1014-1. Transfer of Cases

When a case is transferred to this district, the case shall be filed with the appropriate clerk's office according to the current address or property location of the debtor or chapter of the case or as directed by the clerk. The clerk shall ~~transmit~~ give notice of the transfer to the debtor, all creditors and other parties in interest.

Rule 2002-1. Notice to Creditors & Other Interested Parties (~~Entities Served With Rule 2002 Notices~~)

(a) CHAPTER 7, 12 AND 13 CASES. Except as provided in Local Rules 2016-1 and 6004-1, all notices under Federal Rule of Bankruptcy Procedure 2002) in a chapter 7, 12 or 13 case shall be ~~transmitted~~ given to each entity listed in the matrix referred to in Local Rule 1007-2.

(b) CHAPTER 11 CASES.

(1) [ABROGATED]

(2) Limited and General Notice. Unless ordered otherwise, all notices under Federal Rule of Bankruptcy Procedure 2002(a)(2), (a)(3) and (a)(7), except a notice of a proposed sale of all or substantially all the debtor's assets, shall be ~~served~~ given as required by Local Rule 9013-3(a)(2). The United States Trustee or any other party in interest may request by application an order expanding such notice to include all creditors. All other notices to creditors under Federal Rule of Bankruptcy Procedure 2002 shall be ~~served on~~ given to each entity listed in the matrix referred to in Local Rule 1007-2 and ~~on~~ to each additional entity as required by Local Rule 9013-3(a)(2).

(3) Notice to Equity Security Holders. Unless ordered otherwise, all notices under Federal Rule of Bankruptcy Procedure 2002(d) shall be mailed to each equity security holder.

(c) ~~NO ADDRESS; UNDELIVERED NOTICES.~~ Neither the clerk, the debtor nor the moving party need provide notice to any entity listed with no address or "address unknown" in the matrix referred to in Local Rule 1007-2. ~~If a notice of the meeting of creditors is returned to the clerk as undelivered, the clerk shall notify the attorney for the debtor.~~

(d) OMITTED CREDITORS; CORRECTED ADDRESSES.

(i) After transmission by the clerk of the notice of the meeting of creditors, the debtor shall ~~serve~~ **transmit** a copy of the notice of the meeting of creditors ~~on~~ **to** any entity not listed at the time on the matrix referred to in Local Rule 1007-2, and shall add those creditors to the matrix.

(ii) The debtor or a creditor or its authorized agent may add the name and address of an omitted creditor, an authorized agent for a creditor, or a new or corrected name or address for any creditor to the matrix.

Rule 2002-4. ~~Preparation, Service and Form of Rule 2002 Notices~~

(a) NOTICES PREPARED BY MOVING PARTY. Except as provided otherwise in this rule, an entity moving for relief which requires notice under Federal Rule of Bankruptcy Procedure 2002 shall ~~serve~~ **give** the notice and file proof of such ~~service~~ **notice**.

(b) NOTICES PREPARED BY CLERK. Except as provided in paragraph (f) of this rule, the clerk shall ~~prepare and mail~~ **give** notices of: 1) the order for relief and the meeting of creditors; 2) a hearing on the approval of a disclosure statement; 3) a hearing on confirmation of a chapter 12 or 13 plan; 4) confirmation of a chapter 11 or 12 plan; 5) revocation of confirmation of a plan; 6) a hearing on a motion for hardship discharge in a chapter 12 or 13 case; 7) the debtor's discharge; 8) denial or revocation of the debtor's discharge; and 9) dismissal or conversion of a case.

(c) NOTICES PREPARED BY TRUSTEE.

(1) Disposition of Property. Except as provided in Local Rules 6004-1(b), 6007-1, and 9019-1, the trustee in a chapter 7 asset case shall ~~prepare and serve a~~ **give** notice of sale, abandonment or other disposition of property or compromise or settlement of a controversy, which shall conform substantially to Local Form 6004-1(a).

(2) Final Report and Account. The trustee in a chapter 7 case shall ~~prepare and serve the~~ **give** notice of the trustee's final report and account.

(d) NOTICES PREPARED BY DEBTOR IN POSSESSION. In a chapter 11 case, if the debtor in possession does not file a list of equity security holders, the debtor in possession shall ~~prepare and serve~~ **give** any notice required under Federal Rule of

Bankruptcy Procedure 2002(d) and file proof of such ~~service~~notice. The proof of ~~service~~notice shall not include a list of the equity security holders, but shall state the total number of such holders and identify the person who ~~made the mailing~~provided notice and the custodian of the records containing the names and addresses of such holders. The notice of the order for relief shall conform substantially to Local Form 2002-4(d).

(e) NOTICES PREPARED BY PARTY REQUESTING EXPANDED NOTICE. If the court in a chapter 11 case grants an application under Local Rule 2002-1(b)(2) for expanded notice, the applicant or the moving party shall ~~prepare and serve the~~give new notice.

(f) EXCEPTIONS. The clerk may instruct the debtor or the moving party to mail any notice.

Rule 2002-5. Request for Notice; Notice of Appearance

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(d) WITHDRAWAL. Any entity wishing to withdraw its request for notice or notice of appearance shall ~~file and serve a~~give notice of withdrawal that complies substantially with Local Form 2002-5. ~~Such notice of withdrawal shall be served on all entities listed in Local Rule 9013-3(a).~~

Rule 2014-1. Employment of Professional Persons

(a) APPLICATION FOR APPROVAL. Any entity seeking approval of employment of a professional person pursuant to § 327 or § 1103(a) of the Code and Federal Rule of Bankruptcy Procedure 2014 shall file an application, a supporting affidavit or verified statement of the professional person, and a proposed order and ~~serve~~transmit these ~~same on to~~ the United States Trustee, the trustee or examiner, all committees, and in a chapter 11, 12 or 13 case on the debtor's attorney.

(b) REPORT. Within seven days after receipt of the application, the United States Trustee shall file a report regarding the proposed employment. If the United States Trustee objects to the employment of the applicant, the United States Trustee shall notify the applicant and the applicant shall schedule a hearing on the application and ~~serve~~give notice of the hearing on the parties listed in subsection (a) of this rule. An order approving such employment is effective as of the date the application was filed.

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Rule 2015-1. Trustee's Report in Chapter 12 and 13 Cases

Upon being served with a copy of a motion to dismiss or convert a case, to remove a debtor as debtor in possession, or for relief from the automatic stay, the trustee in a chapter 12 or 13 case shall ~~serve on~~ **transmit to** all parties in interest and file a brief verified report containing information on the payments made by the debtor to the trustee and timeliness thereof, the payments made by the trustee to each secured creditor and to creditors in general, and the trustee's recommendations, if any, to the court.

Rule 2015.1-1. Patient Care Ombudsman's Report

In addition to the notice required under Federal Rule of Bankruptcy Procedure 2015.1(a), **a patient care ombudsman shall give** notice of the patient care ombudsman's report ~~shall be served onto~~ each entity that issues licenses to or regulates the debtor or the debtor's principal.

Rule 2016-1. Compensation of Professional Persons

(a) CHAPTER 7 CASES. A professional person seeking compensation in a chapter 7 case shall file an application complying with paragraph (c) of this rule and serve copies on the trustee and the United States Trustee. The application shall be reviewed as part of the trustee's interim or final report and account.

(b) CHAPTER 11, 12 AND 13 CASES. Except as provided in paragraph (d) of this rule, a request for an order allowing or authorizing payment of compensation of a professional person in a chapter 11, 12 or 13 case shall be made by motion, but no memorandum of facts and law is required. The application shall comply with paragraph (c) of this rule. ~~The moving documents shall be served not later than~~ **applicant shall give at least 21 days before notice of the hearing date on the application to the parties required by Federal Rule of Bankruptcy Procedure 2002(a)(6) and Local Rule 9013-3.**

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Rule 2019-1. ~~Service and Filing of Fed. R. Bankr. Pro. 2019 Statements~~

(a) IN CONNECTION WITH APPEARANCE. An entity required to file a verified or supplemental statement under Federal Rule of Bankruptcy Procedure 2019 and who intends to take a position before the court shall ~~serve and file~~ such verified or supplemental statement ~~in accordance with Local Rule 9013-3(a) for service of moving documents~~. If the entity required to file the verified or supplemental statement is moving the court for relief, such verified or supplemental statement shall be ~~served and filed~~ no later than the ~~service and filing~~ of such entity's moving documents in accordance with Local Rule 9006-1(b). If the entity is filing responsive documents or wishes to be heard at the hearing, if any, on moving documents, the entity shall file ~~and serve~~ the verified or

supplemental statement no later than the time for ~~service and~~ filing of responsive documents under Local Rule 9006-1(c), unless expedited relief is sought. In the case of expedited relief, the verified or supplemental statement shall be ~~served and~~ filed no later than the start of the hearing.

(b) IN CONNECTION WITH BALLOT SOLICITATION. An entity required to file a verified or supplemental statement under Federal Rule of Bankruptcy Procedure 2019 and who intends to solicit votes regarding confirmation of a plan shall file ~~and serve~~ the verified or supplemental statement no later than the date of the entry of the order approving the disclosure statement. Such verified or supplemental statement shall be ~~served and~~ filed in accordance with Local Rule 9013-3(a) ~~for service of moving documents.~~

Rule 2020-1. United States Trustee

(a) SERVICE. Proofs of claim, and pleadings filed in adversary proceedings arising under §523 of the Code , shall not be served on the United States Trustee. ~~The United States Trustee shall be served with a copy of every other order, complaint, application, motion, response, notice, objection, pleading or other paper required to be served under applicable bankruptcy and local rules.~~

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Rule 3002-2. Administrative Expense Claims

(a) CHAPTER 7 CASES. In a chapter 7 case, an entity, except a professional person governed by Local Rule 2016-1, requesting payment of an administrative expense shall file a request for payment asserting priority status and serve copies on the trustee and the United States Trustee. If the request is made under §§503(b)(4) or (b)(5) of the Code, the entity shall also file an application and ~~serve~~ **transmit it to** copies on the trustee and the United States Trustee.

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(c) CONVERSION TO CHAPTER 7. Holders of administrative expense claims incurred after the commencement of a case under Chapters 11, 12 and 13, but before conversion to a case under Chapter 7, shall, after conversion, file a request for payment and ~~serve~~ **transmit it the same upon to** the trustee within the time fixed by the court. The request for payment shall conform substantially to Local Form 3002-2(c).

Rule 3007-1. Claims - Objections

~~An entity objecting to a claim shall file and serve a motion on the claimant, the debtor,~~

~~the debtor's attorney, the trustee or examiner, the United States Trustee, and all committees not less than 30 days before the hearing.~~ Except as provided by Federal Rule of Bankruptcy Procedure 3007(b), an objection to a claim shall be made by motion. If the objector intends to assert a counterclaim against the claimant, the objector shall file and serve a complaint for such relief under Federal Rule of Bankruptcy Procedure 7001 and shall include the objection to the claim in the complaint.

Rule 3012-1. Valuation of Secured Claim on Principal Residence

(a) MOTION TO VALUE CLAIM

(3) Service.

(A) The motion ~~must~~shall be served in compliance with ~~Fed. R. Bankr. P.~~ Federal Rule of Bankruptcy Procedure 9014(b) on all parties identified in Local Rule 9013-3(a)(1) and all entities identified in paragraph (a)(1)(G) of this rule.

(B) The proof of service must indicate how the identity and address were determined for each recipient of service.

(C) Any amended motion ~~must~~shall be served on all parties served with the original motion and on any other entity that holds an interest in the property at the time the amended motion is filed.

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(b) MOTION FOR RELEASE OF LIEN ...

(4) Service. The motion ~~must~~shall be served in accordance with paragraph (a)(3) of this rule.

(5) Timing. The motion for release of lien ~~must~~shall be filed and served not later than 28 days before the hearing date. The court may schedule an evidentiary hearing.

Rule 3015-1. Chapters ~~12~~ and 13 - Plans

(a) A chapter 13 plan shall conform to Local Form 3015-1. The plan shall be dated and signed by the debtor in accordance with Local Rule 9011-4(d).

~~(b) The clerk shall transmit the plan in a chapter 12 or 13 case to the appropriate parties.~~ If the chapter 13 plan is filed after the notice of the meeting of creditors is entered on the docket, the court may direct the debtor to serve the plan and a notice of the hearing on confirmation on the trustee and all creditors within the time required by Federal Rule of Bankruptcy Procedure 2002(b) and to file proof of service with the court.

Rule 3015-2. Chapter 13 - Modification of Plans

(a) ~~MODIFICATION BEFORE CONFIRMATION.~~ The debtor in a chapter 13 case may file a modified plan anytime before confirmation. The plan shall conform to Local Form 3015-1 except that it shall be labeled "Modified Plan." The debtor shall ~~serve~~ give notice of the modification together with the modified plan on the trustee, the United States Trustee, and each creditor whose treatment is adversely changed by the modification and who has not accepted the change in writing. The notice shall be ~~delivered~~ given not later than seven days or mailed not later than ten days before the confirmation hearing. The notice shall indicate the date, time and place of the confirmation hearing ~~and the objection deadline.~~ Notwithstanding the provisions of Local Rule 3015-3, any objection to a modified plan filed preconfirmation shall be ~~delivered~~ filed and served not later than 24 hours prior to the time and date set for the confirmation hearing ~~or mailed not later than three days prior to the date set for the confirmation hearing.~~

(b) ~~POSTCONFIRMATION MODIFICATION.~~ A motion for postconfirmation modification shall be filed and served no later than twenty-eight days prior to the date of the scheduled hearing. Any response shall be filed and served no later than five days prior to the scheduled hearing. Any motion seeking a reduction of the debtor's chapter 13 plan payment shall include a verified statement of the debtor's current income and expenditures, using the format of Schedules I and J, and Schedule J-2, if applicable.

Rule 3017-1. Disclosure Statement - Approval

~~(a) SERVICE OF PROPOSED DISCLOSURE STATEMENTS AND PLANS.~~ Within seven days after a plan and proposed disclosure statement have been filed in a chapter 11 case, the proponent shall serve both documents on all entities specified in Local Rule 9013-3(a)(2) and file proof of such service. **ABROGATED.**

~~(b) SERVICE OF APPROVED DISCLOSURE STATEMENTS AND PLANS.~~ Unless ordered otherwise, in a chapter 11 case the proponent shall serve the following documents on all creditors, equity security holders and other parties in interest as provided in Local Rule 2002-1(b) and file proof of such service: 1) the order for a confirmation hearing; 2) the approved disclosure statement; 3) the plan; and 4) the approved official form ballot. **ABROGATED**

Rule 3017.1-1. Small Business Debtor Disclosure Statement-Conditional and Final Approval.

(a) FILING OF APPLICATION, PLAN AND PROPOSED DISCLOSURE STATEMENT. If the debtor has elected treatment as a small business, the **plan** proponent of the plan shall file a plan and proposed disclosure statement together with an application requesting conditional approval of the disclosure statement within the time period specified in §1121(e) of the Code. The **plan proponent shall transmit the** plan and proposed disclosure statement, together with the application, ~~shall be served on~~ **to** the debtor, the United States Trustee and, if one has been appointed, ~~on~~ **to** the committee of unsecured creditors.

(b) REVIEW AND COMMENT BY UNITED STATES TRUSTEE. The United States Trustee and any Committee shall ~~serve~~ **transmit** and file objections, if any, to the terms of the proposed disclosure statement within seven days of ~~service~~ **transmittal** of the proposed disclosure statement and plan ~~on~~ **to** the **debtor, the plan proponent, the** United States Trustee or Committee. If no timely objections are ~~served and~~ filed, then the court may enter an order conditionally approving the disclosure statement. If objections are timely filed, the court may schedule a hearing on the objections or may enter an order granting or denying conditional approval of the disclosure statement without a hearing.

(c) ~~SERVICE~~ **TRANSMITTAL** OF PLANS AND CONDITIONALLY APPROVED DISCLOSURE STATEMENTS. If the court conditionally approves the disclosure statement and unless the court orders otherwise, the proponent shall ~~serve~~ **transmit** the plan and conditionally approved disclosure statement, an approved ballot to accept or reject the plan, and the order conditionally approving the disclosure statement ~~on~~ **to** all creditors, equity security holders, and other parties in interest as provided in Local Rule 2002-1(b), and file proof of such ~~service~~ **transmittal** ~~with the clerk.~~

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Rule 3019-2. Chapter 11 - Postconfirmation Modification

A request to confirm a modified plan after confirmation shall be made by motion. The movant shall ~~serve~~ **give notice of the hearing on** the motion ~~on~~ **to** each entity listed in the matrix referred to in Local Rule 1007-2.

Rule 3020-1. Chapter 11 - Confirmation (Objections)

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~~b) SERVICE. Unless ordered otherwise, the objector shall serve the objection on 1) the attorney for the proponent; 2) the attorney for the debtor; 3) the trustee or examiner; 4) the attorneys for all committees; and 5) the United States Trustee.~~ **ABROGATED.**

(c) TIME FOR SERVICE AND FILING. The objection shall be ~~delivered~~ **filed and served** not later than seven days ~~or mailed not later than ten days~~ before the hearing date.

Rule 4008-1. Reaffirmation

(a) HEARING. If a reaffirmation agreement that was made after the filing of the petition but before entry of the discharge is filed with the clerk under §524(c)(3) of the Code, and if the debtor was not represented by an attorney during the course of negotiating such agreement or if the non-debtor party to the agreement is the debtor's attorney, the clerk shall schedule a discharge hearing under §524(d) of the Code and ~~mail a~~ give notice of ~~such~~the hearing to the debtor, the attorney for the debtor, the creditor, the trustee and the United States Trustee.

Rule 5005-1. Filing Documents - Requirements

(a) ELECTRONIC FILING BY FILING USERS. ~~Except as expressly provided and in exceptional circumstances preventing a Filing User from filing electronically, all documents required to be filed with the court in connection with any case or proceeding must be electronically filed.~~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.

(~~b~~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.

Rule 5009-1 Trustee requests that assets not be abandoned upon case closing

~~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 ~~unless otherwise ordered by the court.~~ **Notice of** the application shall be ~~mailed~~**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.

Rule 5010-1. Reopening Cases

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(c) APPLICATION. A request to reopen a case shall be made by application. The application shall be ~~served on~~**transmitted to** the debtor, **the debtor's attorney and** the United States Trustee ~~and the trustee that served in the case.~~ The court may rule on the application without a hearing.

Rule 5071-1. Scheduling; 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. 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 ~~notify~~**give notice to** each entity receiving notice of the hearing of such continuance and the date for the rescheduled hearing.

Rule 5095-1 Registry Fund Deposit of Funds; Withdrawal

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(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 ~~provide~~**give** notice to the transferee and to the original claimant.

Rule 6004-1. Sale of Estate Property

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(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 ~~serve~~**giving** notice of the proposed disposition only on 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) ~~Service of Notice. The Notice shall be served~~**given** not later than fourteen days before the date set for the proposed disposition. Along with the original notice, the trustee shall also ~~serve on~~**transmit to** the United States Trustee 1) a proposed certificate approving use of limited notice and the proposed disposition and 2) proof of ~~service~~**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 ~~service~~**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 ~~delivered~~**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 ~~preparation and service of the notice to creditors.~~

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Rule 6007-2. Abandonment - Hazardous Substances

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 ~~serve~~ give notice of the proposed abandonment on the Environmental Protection Agency and the Attorney General for the state where the property is located.

Rule 7041-1. Dismissal of Adversary Proceedings

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 ~~serve~~ give notice of the motion ~~onto~~ all creditors and other parties in interest. The plaintiff also shall ~~serve and file~~ 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.

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, after the clerk has entered the party's default**, serve on any party in default and file: 1) ~~an application~~ **a request** for 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 address and military or infancy or competence 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 order for judgment. If the summons and complaint were served by mail and then returned by the postal service, the party seeking judgment shall disclose that to the court by affidavit. If the ~~application~~ **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. The court may, in its discretion, hold a hearing before entry of default judgment.

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

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

(c) REPLY DOCUMENTS. A reply, if any, by the moving party or other interested persons to any responsive documents shall be filed and served ~~by delivery or mail~~ 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.

Rule 9001-1. Definitions

In addition to the definitions and rules of construction in §§ 101, 102 and 1101 of the Bankruptcy Code and Federal Rule of Bankruptcy Procedure 9001 and 9002, the following words used in these rules have the meanings indicated:

...

(4) "~~Deliver~~" means ~~physical delivery or actual receipt by either facsimile transmission mail (as that term is defined in Rule 9001 of the Federal Rules of Bankruptcy Procedure), or electronic mail within the time period specified for delivery.~~ **ABROGATED.**

...

(10) "Proof of service," "proof of notice," "proof of transmittal" or "proof of mailing," as applicable, means proof of actual receipt, or an affidavit establishing the service, notice, transmittal or mailing of service referred to in Fed. R. Civ. P. 4(l), or an unsworn certificate of service that conforms substantially to Local Form 9001-1.

(11) "Serve" means either to deliver as defined by Local Rule 9001-1(4) or to serve by mail. **ABROGATED.**

...

Rule 9004-1. Documents - Requirements of Form

(a) **SIZE.** All documents presented for filing, except trial exhibits, shall be formatted to print on standard letter-size paper (8-1/2" x 11").

(b) ~~PROOF OF SERVICE~~ **NON-FILING USERS.** Where service, notice, transmittal or mailing of a document on a non-Filing User is required, proof of service thereof shall be submitted with the document filed, or filed separately by the earlier of two days thereafter or the time of the hearing.

...

Rule 9006-1. Time Periods For Service and Filing

(a) ~~SERVICE THROUGH ELECTRONIC CASE FILING SYSTEM.~~ The "Notice of Electronic Filing" that is automatically generated by the court's Electronic Case Filing System constitutes service or notice of the filed document on Filing Users. Parties who are not Filing Users ~~must~~ shall be served with or given provided notice or service of any pleading or other document electronically filed in accordance with the Federal Rules of Bankruptcy Procedure and the local rules; ~~A certificate~~ proof of such service, notice, transmittal or mailing must be electronically filed, indicating how service was accomplished on any party or counsel who is not a Filing User.

(b) **MOVING DOCUMENTS.** Unless more time is required by a local rule or the Federal Rules of Bankruptcy Procedure requires longer notice, moving documents shall be filed and served or transmitted, as applicable, by delivery or by mail not later than fourteen 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.

(c) **RESPONSIVE DOCUMENTS.** Any responsive documents shall be filed and served or transmitted, as applicable, by delivery or by mail not later than five days before the hearing date.

(d) REPLY DOCUMENTS. ~~No~~Reply documents to the responsive documents need be served and filed **are not required**. Unless otherwise authorized by the court, any reply documents shall be filed not later than 48 hours before the scheduled time for hearing and shall be limited to new legal or factual matters raised by any responsive documents.

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Rule 9010-3. Attorneys

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~~(h) ELECTRONIC REGISTRATION, NAME CHANGES AND DEACTIVATION:~~

~~(1) Registration: Attorneys admitted to the bar of this court (including those admitted pro hac vice and attorneys authorized to represent the United States), United States trustees and their assistants, trustees, and others as the court deems appropriate, may register as Filing Users of the court's Electronic Case Filing System. Registration is in a form prescribed by the clerk and requires the Filing User's name, address, telephone number, bar identification number and primary e-mail address at which the Filing User wishes to receive CM/ECF notification. Once registration is completed, the Filing User will receive notification of the Filing User's user name and password. Filing Users agree to protect the security of their passwords and immediately notify the clerk if they learn that their password has been compromised:~~

~~—(2) Name Changes. A Filing User may change the name associated with the Filing User's user name and password only to reflect a legal name change. A Filing User may not change the name associated with the Filing User's user name and password to that of another person.~~

~~—(3) Deactivation. A Filing User may deactivate his or her user name and password at any time, upon written notice to the clerk.~~

Rule 9011-4. Signatures

(a) GENERALLY. All documents presented for filing shall be signed and include the name, address, **email address**, and telephone number of the signer or the signer's attorney.

(b) ELECTRONIC SIGNATURES - FILING USERS. ~~The user log-in and password required to submit documents to the Electronic Case Filing System serve as the Filing User's signature on all electronic documents filed with the court. They also serve as a signature for purposes of Fed.R.Bankr. P. 9011, the Federal Rules of Bankruptcy Procedure, the local rules of this court, and for any other purpose for which a signature~~

~~is required in connection with proceedings before the court. Electronically filed documents must include a signature block setting forth the name, address, email address, telephone number and attorney bar registration number, if applicable, of the Filing User. In addition, the name of the Filing User under whose login and password the document is submitted must be preceded by an "/e/" and typed in the space where the signature would otherwise appear. No Filing User or other person may knowingly permit or cause to permit a Filing User's password to be used by anyone other than an authorized agent of the Filing User.~~

(c) ELECTRONIC SIGNATURES - EMPLOYEES OF FILING USERS. A document filed in electronic format by a Filing User may contain the signature of a non-attorney employee of that Filing User, or of an agency or firm of which the Filing User is an employee, member or partner, represented by an "/e/" and the non-attorney employee's name typed in the space where a signature would otherwise appear. The electronic filing of a document with such a signature shall constitute a certification by the Filing User that the employee consented to the use and submission of the employee's signature in this form, and that the employee had attested under penalty of perjury to the truth of any facts so subscribed.

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Rule 9013-2. Motion Documents

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(b) RESPONSIVE DOCUMENTS. Any entity opposing a motion and wishing to be heard shall file and serve a response, which shall include a concise memorandum of facts and law and, if facts are at issue, an opposing affidavit, and a proposed order. A response may include a request for an order denying the motion or a request for an order imposing costs, fees and expenses, but shall not include a request for any other relief.

...

(h) WAIVER OF DISCHARGE. Motions seeking an order approving the waiver of discharge pursuant to Section 727(a)(10) shall comply only with paragraph (a) (1), (4), and (5) of Local Rule 9013-2. The motion shall be served upon 1) the debtor; 2) the attorney for the debtor; 3) the trustee; 4) the United States Trustee; and 5) each entity that has filed a request for notice or notice of appearance under Federal Rule of Bankruptcy Procedure 2002(i) or 9010(b).

Rule 9013-3. Entities Served in Bankruptcy Cases Motions: Service, Transmittal and Notice

(a) MOVING DOCUMENTS.

(1) Chapter 7, 12 and 13 Cases. Except as provided in Local Rules 2002-1, 3007-1, and 3019-2, moving documents in a chapter 7, 12 or 13 case shall be served on: 1) the debtor; 2) ~~the attorney for the debtor;~~ 3) the trustee; 3) each entity against whom relief is sought; 4) each entity claiming a lien or other interest in property if any property is involved; and 5) any other entity required to be served by the Federal Rules of Bankruptcy Procedure or the Local Rules. The moving documents shall be transmitted to: 1) the attorney for the debtor; 4)2) the United States Trustee; 5)3) each entity that has filed a request for notice or notice of appearance under Federal Rule of Bankruptcy Procedure 2002(i) or 9010(b); 6) ~~each entity claiming a lien or other interest in property if any property is involved;~~ 7) ~~each entity against whom relief is sought;~~ 8)4) in a chapter 7 case, each member of the committee of creditors, if any; and (9)5) in a chapter 12 case, the United States Attorney for the District of Minnesota. Notice of the motion shall be given to any other parties required to receive notice of the motion pursuant to the Federal Rules of Bankruptcy Procedure, including, but not limited to, Rule 2002.

(2) Chapter 11 Cases. Unless on application the court for cause orders either expanded or restricted service and except as provided in Local Rules 2002-1(b), 3007-1, and 3019-2, moving documents in a chapter 11 case shall be served on: 1) the debtor; 2) ~~the attorney for the debtor;~~ 3) the trustee or examiner; 3) each entity against whom relief is sought; 4) each entity claiming a lien or other interest in property if any property is involved; and 5) any other entity required to be served by the Federal Rules of Bankruptcy Procedure or the Local Rules. The moving documents shall be transmitted to: 1) the attorney for the debtor; 2)4) the United States Trustee; 5)3) all committees; 6)4) the twenty largest unsecured creditors if no committee of creditors holding unsecured claims has been appointed; 7)5) each major secured creditor; 8)6) the Internal Revenue Service; 9)7) the Collection Division of the Minnesota Department of Revenue; 10)8) the United States Attorney for the District of Minnesota; 11)9) each creditor that is a governmental unit; and 10)2) each entity that has filed a request for notice or notice of appearance under Federal Rule of Bankruptcy Procedure 2002(i) or 9010(b); 13) ~~each entity claiming a lien or other interest in property if any property is involved;~~ and 14) ~~each entity against whom relief is sought.~~ Notice of the motion shall be given to any other parties required to receive notice of the motion pursuant to the Federal Rules of Bankruptcy Procedure, including, but not limited to, Rule 2002

(3) Health Care Business. In addition to the entities required to be served under paragraphs (1) and (2) of this rule, moving documents seeking a determination that the appointment of a patient care ombudsman is not necessary for the protection of patients shall be served on each entity that issues licenses to or regulates the debtor or the debtor's principal.

(b) RESPONSIVE DOCUMENTS. Unless ordered otherwise, responsive documents shall be served on: ~~1) the moving party.;~~ Responsive documents shall be transmitted to: 1)2) the attorney for the debtor; 3)2) the trustee or examiner; 4)3) the attorneys for all committees; and 5)4) the United States Trustee.

Rule 9021-1. Judgments and Orders - Entry of

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(b) FILING AND ENTRY OF JUDGMENTS IN ADVERSARY PROCEEDINGS. Unless dismissed, every adversary proceeding shall be concluded by a separate judgment set forth and entered by the clerk. Immediately upon entry of a judgment to deny or revoke a discharge, to revoke the confirmation of a plan or to subordinate a claim, the clerk shall enter the judgment in the docket of the case; where appropriate, the clerk shall also prepare and transmit a separate notice pursuant to Local Rule 2002-4(b) **no earlier than** twenty-eight **nine** days after entry of the judgment, unless the court orders otherwise.

Rule 9022-1. Notice of Court Orders and Judgments

Immediately upon the entry of an order or judgment, the clerk ~~will~~**shall** transmit to Filing Users in the case, in electronic form, a Notice of Electronic Filing. Electronic transmission of the Notice of Electronic Filing constitutes the notice required by ~~Fed.R.Bankr.P.~~**Federal Rule of Bankruptcy Procedure** 9022. The clerk ~~must~~**shall** give notice to a person who has not consented to electronic service in paper form in accordance with the Federal Rules of Bankruptcy Procedure.

Local Form 9001-1 (Unsworn Certificate of Service) - ABROGATED