

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

In re:

AMENDMENTS TO
LOCAL RULES AND FORMS

ORDER PROMULGATING
AMENDMENT TO LOCAL RULES

MISC. 20 - 401

At Minneapolis, Minnesota, this 15th day of December, 2020.

Pursuant to 28 U.S.C. § 2071, Rule 83 of the Federal Rules of Civil Procedure, Rule 9029 of the Federal Rules of Bankruptcy Procedure and Local Rule of Bankruptcy Procedure 9029-4,

IT IS ORDERED:

1. The following amendments to the Local Rules are adopted:

Rule 2014-1. Employment of Professional Persons

...

(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~~ **If an objection to the employment of the applicant is filed**, the applicant shall schedule a hearing on the application and give notice of the hearing to the parties listed in subsection (a) of this rule. An order approving such employment is effective as of the date the application was filed.

...

Rule 3015-1. Chapter 13 Plans- Filing of Plans, Objections, and Confirmation Hearings

~~(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) 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.~~

(a) **PLAN FORM.** A chapter 13 plan shall conform to Local Form 3015-1. A chapter 13 plan shall be dated and signed by the debtor or other proponent of the plan in accordance with Local Rule 9011-4(d).

(b) **INITIAL PLAN.** The clerk will transmit the initial plan in a chapter 13 case to the appropriate parties; except that, 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 confirmation hearing on the trustee, the United States 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.

(c) **PRECONFIRMATION MODIFICATION.** The debtor in a chapter 13 case may file a modified plan anytime before confirmation and shall label such plan as a "Modified Plan." The debtor shall file and serve the modified plan and a notice of the confirmation hearing, including the date, time and place of the hearing and the plan objection deadline, on the trustee, the United States Trustee, and all creditors not later than ten days before the date set for the confirmation hearing. Proof of service shall be filed with the court.

(d) **POSTCONFIRMATION MODIFICATION.** A request to modify a plan under 11 U.S.C. §1329 shall be made by motion. The moving party shall file and serve the modified plan and motion documents in compliance with Local Rules 9013-2 and 9013-3 not later than twenty-one days before the deadline to file an objection to the motion. A motion seeking a reduction of a 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.

(e) **OBJECTIONS.**

- (1) Local Rule 9013-2(b)-(e) applies to an objection to confirmation of a chapter 13 plan.
- (2) **Initial Plan.** An objection to the initial plan shall be filed and served not later than seven days before the date set for the confirmation hearing.
- (3) **Pre-confirmation modification.** An objection to a pre-confirmation modified plan shall be filed and served not later than 48 hours before the time and date set for the confirmation hearing.
- (4) **Post-confirmation modification.** An objection to a post-confirmation modified plan shall be filed and served not later than five days before the date set for the confirmation hearing.

(f) CONFIRMATION HEARINGS.

- (1) If an objection to confirmation is filed, the court may treat the confirmation hearing as either a preliminary or final hearing.
- (2) The court may confirm a properly noticed chapter 13 plan without a hearing if there are no timely-filed objections or if all objections are withdrawn.

Rule 3015-2. Chapter 13 -- Modification of Plans 12 - Filing of Plans, Objections, and Confirmation Hearings

~~(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 give notice of the modification together with the modified plan to 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 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 filed and served not later than 24 hours prior to the time and 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. Fed. R. Bankr. P. Reference 3019.~~

(a) PLAN SIGNATURE. A chapter 12 plan shall be dated and signed by the debtor or other proponent of the plan, in accordance with Local Rule 9011-4(d).

(b) INITIAL PLAN. The clerk will transmit the initial plan and initial notice of confirmation hearing in a chapter 12 case to the appropriate parties.

(c) PRECONFIRMATION MODIFICATION. The debtor in a chapter 12 case may file a modified plan anytime before confirmation and shall label such plan as a "Modified Plan." The debtor shall file and serve the modified plan and a notice of the confirmation hearing, including the date, time and place of the hearing and the plan objection deadline, on the trustee, the United States Trustee, and all creditors not later than fourteen days before the date set for the confirmation hearing. Proof of service shall be filed with the court.

(d) **POSTCONFIRMATION MODIFICATION.** A request to modify a plan under 11 U.S.C. §1229 shall be made by motion. The moving party shall file and serve the modified plan and motion documents in compliance with Local Rules 9013-2 and 9013-3 not later than twenty-one days before the deadline to file an objection to the motion.

(e) **OBJECTIONS.**

- (1) Local Rule 9013-2(b)-(e) applies to an objection to a chapter 12 plan.
- (2) **Pre-confirmation.** An objection to the initial plan or a pre-confirmation modified plan shall be filed and served not later than seven days before the date set for the confirmation hearing.
- (3) **Post-confirmation.** An objection to a post-confirmation modified plan shall be filed and served not later than five days before the date set for the confirmation hearing.

(f) **CONFIRMATION HEARINGS.**

- (1) If an objection to a plan is filed, the court may treat the confirmation hearing as either a preliminary or final hearing.
- (2) Unless otherwise authorized by the court pursuant to a request made more than 72 hours before the confirmation hearing, the proponent of a chapter 12 plan shall provide testimony at the confirmation hearing.
- (3) The court may confirm a properly noticed chapter 12 plan without a hearing if there are no timely-filed objections or if all objections are withdrawn.

Rule 3015-3. Chapters 12 and 13 - Confirmation

~~(a) **OBJECTIONS.** Local Rules 3020-1 and 3020-3 apply to objections to confirmation of a Chapter 12 or 13 plan.~~

~~(b) **TESTIMONY.** Unless otherwise authorized by the court pursuant to a request made more than 72 hours before the confirmation hearing, the proponent of a Chapter 12 plan shall provide testimony at the confirmation hearing.~~

Rule 3016-1. Chapter 11 - Plan (Signature).

Every proposed disclosure statement, ~~approved disclosure statement,~~ and plan shall be dated and signed by the proponent in accordance with Local Rule 9011-4(d).

Rule 3017-1. Chapter 11 Disclosure Statement - Approval **Objections**

~~(a) **ABROGATED.**~~

~~(b) ABROGATED.~~

~~(c) OBJECTIONS TO DISCLOSURE STATEMENTS. Local Rule 3020-1 (a)~~ **Local Rule 9013-2(b)-(e)** applies to objections to proposed disclosure statements.

Rule 3017.1-1. Chapter 11 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 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, to the debtor, the United States Trustee and, if one has been appointed, to the committee of unsecured creditors.

(b) REVIEW AND COMMENT BY UNITED STATES TRUSTEE. The United States Trustee and any Committee shall transmit and file objections, if any, to the proposed disclosure statement **in the form required by Local Rule 9013-2(b)-(e)** within seven days of transmittal of the proposed disclosure statement and plan to the debtor, the plan proponent, the United States Trustee or Committee. If no timely objections are 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) 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 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 to all creditors, equity security holders, and other parties in interest as provided in Local Rule 2002-1(b), and file proof of transmittal.

~~(d) OBJECTIONS TO DISCLOSURE STATEMENTS. Local Rule 3020-1~~ **Local Rule 9013-2(b)-(e)** applies to objections to conditionally approved disclosure statements and objections to confirmation of the plan filed in a case where the debtor has elected treatment as a small business. **Any such objections shall be filed and served not later than seven days before the confirmation hearing.**

Rule 3019-1. Chapters 11 and 12 – Preconfirmation Plan Modification

(a) **PRECONFIRMATION MODIFICATION.** The proponent of a plan in a chapter 11 or 12 case may file a modified plan anytime before confirmation. ~~Federal Rule of Bankruptcy Procedure 3019 governs acceptances of modified plans.~~

Rule 3019-2. Chapter 11 – Postconfirmation Modification

(b) **POSTCONFIRMATION MODIFICATION.** A request to confirm a modified plan after confirmation shall be made by motion. The movant shall give notice of the hearing on the motion to each entity listed in the matrix referred to in ~~Local Rule 1007-2~~**9013-3(a)(2).**

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

(a) **OBJECTIONS.**

(1) **FORM.** Local Rule 9013-2(b)-(e) applies to objections to confirmation of chapter 11 plans.

(b) **ABROGATED.**

(c2) **TIME FOR SERVICE AND FILING.** ~~The~~**Any** objection shall be filed and served not later than seven days before the **confirmation** hearing ~~date.~~

Rule 3020-2. Chapter 11 – Confirmation (Reports on Balloting)

(b) **BALLOT REPORT.** ~~In a chapter 11 case, the~~ Attorneys for the **plan** proponent and the committee of unsecured creditors shall count the ballots and file a report of the tabulation not later than 24 hours before the confirmation hearing. The report shall conform substantially to Local Form 3020-2.

Rule 3020-3. Chapter 11 – Confirmation (Hearings)

(a) **CONFIRMATION HEARING.**

(1) **OBJECTIONS.** If an objection to confirmation is filed, the court may treat the date set for hearing on confirmation as either a preliminary or final hearing.

(b2) **TESTIMONY.** The proponent of a Chapter 11 plan shall provide testimony at the confirmation hearing.

Rule 9011-4. Signatures

...

(d) ELECTRONIC SIGNATURES - DEBTORS. When an original signature of a debtor, authorized individual or joint debtor is required on the (1) petition, schedules and statements; (2) amendment to petition, schedules and statements; (3) chapter 11, 12 or 13 plan; or ~~(4) modified chapter 13 plan~~, the Filing User shall submit either a scanned image of the Form ERS 1 Signature Declaration signed by the debtor(s) or the electronic document with a scanned image of the signature page signed by the debtor(s). The scanning of documents is governed by Local Rule 9004-1(e).

Rule 9013-5. Trustees' Motions and Objections

Except where a serious contest is anticipated, the trustee in a chapter 7 or 13 case need not file a separate memorandum for a motion to dismiss, **a motion for 2004 examination**, for turnover or sale of property, or for approval of a compromise or settlement, or in connection with an objection to a claim of exemption or a proof of claim.

2. The local rule amendments adopted by this order are effective January 1, 2021 and will govern in all bankruptcy cases commenced on or after the January 1, 2021 effective date.

BY THE COURT:

/e/ Michael E. Ridgway
MICHAEL E. RIDGWAY
Chief United States Bankruptcy Judge

/e/ Kathleen H. Sanberg
KATHLEEN HVASS SANBERG
United States Bankruptcy Judge

/e/ Katherine A. Constantine
KATHERINE A. CONSTANTINE
United States Bankruptcy Judge

/e/ William J. Fisher
WILLIAM J. FISHER
United States Bankruptcy Judge

/e/ Robert J. Kressel
ROBERT J. KRESSEL
United States Bankruptcy Judge