

Local Rules Promulgated by the District Court and the 8000 Series Proposed Amendments

- Local Rules 1070-1, 5011-1, 5011-3, 8001-1, 8009-1, 8010-1, 8024-1, 9029-2, and 9033-1
– Redline Version
- Local Rules 1070-1, 5011-1, 5011-3, 8001-1, 8009-1, 8010-1, 8024-1, 9029-2, and 9033-1
– Final Version

**LOCAL RULES 1070-1, 5011-1, 5011-3, 8001-1, 8009-1, 8010-1, 8024-1, 9029-4, AND 9033-1 –
REDLINE VERSION**

Rule 1070-1. Reference

All bankruptcy cases and proceedings, including any claim or cause of action that is removed under 28 U.S.C. § 1452 or Federal Rule of Bankruptcy Procedure 9027, are referred to the bankruptcy judges and ~~shall~~ will be assigned among them according to orders made by them. The bankruptcy judges are specially designated to conduct jury trials ~~pursuant to~~ under 28 U.S.C. § 157(e).

~~NOTE: This rule is promulgated by the district court.~~

[Effective April 15, 1997. Amended effective January 1, 2002; January 9, 2006; XX, 2025.]

2025 Advisory Committee Notes

The amendments to Local Rule 1070-1 are stylistic only; no substantive changes were intended. Please see the 2025 Advisory Committee Notes to Local Rule 9029-2 regarding the former reference to the rule being promulgated by the district court.

Rule 5011-1. Withdrawal of Reference

(a) GENERALLY. A ~~request~~ motion for withdrawal of reference under 28 U.S.C. § 157(d) and Federal Rule of Bankruptcy Procedure 5011(a) ~~shall~~ must be ~~made by motion~~ filed with the clerk of the bankruptcy court. ~~The motion shall show that relief by way of abstention, remand or transfer was first sought and not obtained or could not be sought from the bankruptcy court.~~ Any other party in interest may serve and file a response within 14 days after service of the motion. The clerk of the bankruptcy court will ~~shall~~ transmit the motion and any response ~~each document~~ to the clerk of the district court ~~who shall file and treat the documents as a civil action and deliver the documents to a district judge for disposition. A motion for a stay under Federal Rule of Bankruptcy Procedure 5011(c) shall first be made to the bankruptcy court. If such relief is later sought in the district court, the request shall be made by additional motion filed with the clerk of district court, which shall show that the relief requested was first sought and not obtained from the bankruptcy court. If the district court orders a withdrawal of the reference is ordered,~~ the clerk of the bankruptcy court shall will transmit all relevant documents ~~in the relevant file and the docket~~ to the clerk of the district court ~~who shall file and treat the documents as a civil action filed in the district court and assign the action to a district judge. These local rules shall continue to apply unless the district court orders otherwise.~~

~~(a)~~ (b) JURY TRIAL. Where the right to a jury trial has been asserted, and the proceeding is not yet trial ready, any motion for withdrawal of reference under subsection (a) of this rule must also state specific grounds for why the reference should be withdrawn before the proceeding is trial ready.

**LOCAL RULES 1070-1, 5011-1, 5011-3, 8001-1, 8009-1, 8010-1, 8024-1, 9029-4, AND 9033-1 –
REDLINE VERSION**

~~NOTE: This rule is promulgated by the district court.~~

[Effective April 15, 1997. Amended effective January 1, 2002; January 9, 2006; October 1, 2019;
[XX, 2025.](#)]

[2025 Advisory Committee Notes](#)

[Local Rule 5011-1 was amended to add subsections. New subsection \(a\) addresses withdrawal of reference generally. Citations to 28 U.S.C. § 157\(d\) and Fed. R. Bankr. P. 5011\(a\) were added. The provision regarding abstention, remand, and transfer was removed to ensure consistency with 28 U.S.C. § 157\(d\). Abstention is addressed in 28 U.S.C. § 1334\(c\). The provision about first filing a motion for stay with the bankruptcy court was removed as duplicative of Fed. R. Bankr. P. 5011\(c\), which states that a motion filed under Fed. R. Bankr. P. 5011\(a\) or \(b\) “does not stay proceedings in a case or affect its administration. But a bankruptcy judge may, on proper terms and conditions, stay a proceeding until the motion is decided.” The remaining changes are stylistic or were made to add clarity, such as whether it is the bankruptcy court clerk or the district court clerk who will transmit certain documents.](#)

[Subsection \(b\) was added to address situations where the right to a jury trial has been asserted, but where the proceeding is not yet trial ready. It requires the moving party to assert the specific grounds for withdrawing the reference before the proceeding is trial ready. See, e.g., *Kelley v. JPMorgan Chase & Co.*, 464 B.R. 854, 864–67 \(D. Minn. 2011\) \(explaining how the motion for withdrawal of reference was premature\).](#)

[Please see the 2025 Advisory Committee Notes to Local Rule 9029-2 regarding the former reference to the rule being promulgated by the district court.](#)

Rule 5011-3. ~~Transfer of Proceeding~~[\[ABROGATED\]](#)

~~(a) TRANSFER. On the judge's own initiative or on motion of a party in interest, the bankruptcy judge shall transfer to the district court: 1) any proceeding in which the court has determined that there is a right to trial by jury of the issues for which a jury trial has been timely demanded, and the parties have not consented to the bankruptcy judge conducting the jury trial; 2) any personal injury tort or wrongful death claim; and 3) any proceeding in which the court has determined that resolution of the proceeding requires consideration both of title 11 and other laws of the United States regulating organizations and activities affecting interstate commerce, and may transfer any non-core proceeding in which a party has not consented to entry of final orders by the bankruptcy court.~~

~~(b) FILE. Upon entry of an order for transfer of a proceeding, the clerk shall transmit the docket and all documents in the relevant file to the clerk of the district court who shall file and treat such documents as a civil action filed in the district court and assign the action to a district judge.~~

~~NOTE: This rule is promulgated by the district court.~~

[Effective April 15, 1997. Amended effective January 1, 2002; January 9, 2006; December 1, 2009.
[Abrogated effective XX, 2025.](#)]

**LOCAL RULES 1070-1, 5011-1, 5011-3, 8001-1, 8009-1, 8010-1, 8024-1, 9029-4, AND 9033-1 –
REDLINE VERSION**

2025 Advisory Committee Notes

Local Rule 5011-3 was abrogated to ensure consistency with 28 U.S.C. § 157(b)(5), (c)(1), and (d). If there is a right to a jury trial and the parties have not consented to the bankruptcy judge conducting the jury trial under Fed. R. Bankr. P. 9015(b), a party can request a withdrawal of the reference under 28 U.S.C. § 157(d), Fed. R. Bankr. P. 5011(a), and Local Rule 5011-1. Likewise, if the case involves a personal injury tort or wrongful death claim, a party can seek an order from the district court under 28 U.S.C. § 157(b)(5) and (d), Fed. R. Bankr. P. 5011(a), and Local Rule 5011-1 withdrawing the reference for trial. See also 28 U.S.C. § 1411 (discussing title 11 and jury trials generally). If a case involves title 11 and other laws affecting interstate commerce, a party can seek a mandatory withdrawal of the reference under 28 U.S.C. § 157(d), Fed. R. Bankr. P. 5011(a), and Local Rule 5011-1. Finally, the procedure for a bankruptcy judge hearing a non-core proceeding in which a party has not consented to entry of final orders by the bankruptcy court is generally governed by 28 U.S.C. § 157(c)(1), Fed. R. Bankr. P. 9033, and Local Rule 9033-1. The bankruptcy judge is required to issue proposed findings of fact and conclusions of law and the parties can assert objections to such findings and conclusions. Please see the 2025 Advisory Committee Notes to Local Rule 9029-2 regarding the former reference to the rule being promulgated by the district court.

Rule 8001-1. ~~Governing Rules~~ [ABROGATED]

~~Appeals to the bankruptcy appellate panel are governed by the local rules of the Bankruptcy Appellate Panel for the Eighth Circuit. Appeals to the district court are governed by this Part of these rules.~~

[Effective January 1, 2002. Amended effective January 9, 2006. Abrogated effective XX, 2025.]

2025 Advisory Committee Notes

Local Rule 8001-1 was abrogated as no longer necessary. See Fed. R. Bankr. P. 8001(a) (“These Part VIII rules govern the procedure in a United States district court and in a bankruptcy appellate panel on appeal from a bankruptcy court’s judgment, order, or decree.”). Please refer to L.R. BAP 8th Cir. 8005A(b) to determine the applicable rules for filing an appeal to the Bankruptcy Appellate Panel for the Eight Circuit.

Rule 8009-1. ~~Designation of Record on Appeal~~ [ABROGATED]

~~(a) SEPARATE APPENDICES. Unless the district court orders otherwise, the parties shall serve and file with the clerk of the district court, in lieu of a designated record, their separate appendices along with their respective briefs. The parties also shall arrange for the clerk of the bankruptcy court to transmit transcripts or exhibits separately to the clerk of the district court.~~

~~(b) TRANSCRIPTS. If the appellant or other party designates any transcript of proceedings or any part thereof, the party shall order a transcript and file with the clerk of the bankruptcy court a copy of the transcript order as required by Federal Rule of Bankruptcy Procedure 8009(b)(1)(A), and if no such transcript is to be ordered, file with the clerk of the bankruptcy court a certification to that effect.~~

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REDLINE VERSION**

~~NOTE: This rule is promulgated by the district court.~~

[Former Rule 8006-1(b) and (c) renumbered as Rule 8009-1 effective December 1, 2014. Amended effective June 1, 2016. [Abrogated effective XX, 2025.](#)]

2025 Advisory Committee Notes

[Local Rule 8009-1 was abrogated to ensure consistency with Fed. R. Bankr. P. 8009. Specifically, subsection \(a\) was abrogated to ensure consistency with Fed. R. of Bankr. P. 8009\(a\), which requires that the appellant designate the record on appeal. Further several provisions in Fed. R. Bankr. P. 8009 already contemplate the clerk of the bankruptcy court transmitting the record on appeal. See, e.g., Fed. R. Bankr. P. 8009\(a\)\(5\), \(c\), \(d\), \(f\), and \(g\); see also Fed. R. Bankr. P. 8010\(b\)\(1\) \(“\[T\]he bankruptcy clerk must send to the clerk of the court where the appeal is pending either the record or a notice that it is available electronically.”\). As to transcripts, subsection \(b\) was abrogated as duplicative of Fed. R. Bankr. P. 8009\(b\). Please see the 2025 Advisory Committee Notes to Local Rule 9029-2 regarding the former reference to the rule being promulgated by the district court.](#)

Rule 8010-1. ~~Transmission of Record—Appeal~~[\[ABROGATED\]](#)

~~For purposes of Federal Rule of Bankruptcy Procedure 8010(b)(1), the record is considered complete when the parties’ designations of record, statements of the issues, and any transcripts have been filed, or 45 days after the filing of the notice of appeal, whichever is earlier.~~

~~NOTE: This rule is promulgated by the district court.~~

[Former Rule 8007-2 amended and renumbered as Rule 8010-1 effective December 1, 2014. [Abrogated effective XX, 2025.](#)]

2025 Advisory Committee Notes

[Local Rule 8010-1 was abrogated as unnecessary. It may take longer than 45 days after the filing of the notice of appeal for transcripts to be filed, especially in larger, more complex proceedings. Once the parties agree the record is complete for purposes of Fed. R. Bankr. P. 8010\(b\)\(1\), the parties can contact the judge’s courtroom deputy to initiate transmission of the record on appeal. Please see the 2025 Advisory Committee Notes to Local Rule 9029-2 regarding the former reference to the rule being promulgated by the district court.](#)

Rule 8024-1. ~~Entry of Judgment and Notice~~[\[ABROGATED\]](#)

~~Subject to Federal Rule of Bankruptcy Procedure 8025(a), the clerk of bankruptcy court shall file and enter the judgment and any opinion on the docket of the case or proceeding and the bankruptcy court shall enter such further order or judgment as may be appropriate. If judgment of the district court is appealed to the court of appeals, upon receipt of a copy of the judgment~~

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~~and any opinion by the court of appeals from the clerk of the court of appeals under Fed. R. App. P. 36, but subject to Fed. R. App. P. 41, the clerk of bankruptcy court shall file and enter the judgment, mandate and any opinion on the docket of the case or proceeding, and the bankruptcy court shall enter such further order or judgment as may be appropriate.~~

~~NOTE: This rule is promulgated by the district court.~~

[Former Rule 8016-1(b) renumbered as Rule 8024-1 effective December 1, 2014. [Abrogated effective XX, 2025.](#)]

[2025 Advisory Committee Notes](#)

[Local Rule 8024-1 was abrogated as unnecessary. When notice of a judgment is transmitted to the clerk of the bankruptcy court under Fed. R. Bankr. P. 8024, the clerk docket any such judgment. The bankruptcy court will enter such further orders or judgment as appropriate. Please see the 2025 Advisory Committee Notes to Local Rule 9029-2 regarding the former reference to the rule being promulgated by the district court.](#)

Rule 9029-~~2~~4. Rules ~~–~~ Adoption and Amendment

~~Pursuant to and subject to the provisions of Federal Rule of Bankruptcy Procedure 9029, the~~ bankruptcy judges are authorized to [make and amend rules of practice and procedure in accordance with Federal Rule of Bankruptcy Procedure 9029\(a\).](#)~~adopt or amend any local rule, except they may not amend any local rule which relates to referral, Bankruptcy Court authority or appeals and they may not adopt or amend any local rule in a manner inconsistent with any local rule which relates to referral, Bankruptcy Court authority or appeals.~~

~~NOTE: This rule is promulgated by the district court.~~

[Effective April 15, 1997. Amended effective January 1, 2002; January 9, 2006; [amended and renumbered as 9029-2 on XX, 2025.](#)]

[2025 Advisory Committee Notes](#)

[Local Rule 9029-4 was renumbered to Local Rule 9029-2 and amended to allow the bankruptcy judges to amend any local rule, including local rules that relate to the reference, bankruptcy court authority, or appeals. This change was made with the approval and understanding of the district court. Accordingly, references indicating certain Local Rules were promulgated by the district court have been removed.](#)

Rule 9033-1. Findings and Conclusions in Non-Core Proceedings

If proposed findings of fact and conclusions of law are filed under Federal Rule of Bankruptcy Procedure 9033 and the time to file ~~an~~ [objection](#)s has expired, the clerk [of the bankruptcy court](#)

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will~~shall~~ transmit ~~appropriate~~ copies of all relevant documents, ~~including briefs or memoranda if any,~~ to the clerk of district court, ~~who shall file and treat the documents as a civil action and deliver the documents to a district judge for disposition.~~

~~NOTE: This rule is promulgated by the district court.~~

[Effective April 15, 1997. Amended effective January 1, 2002; January 9, 2006; [XX, 2025.](#)]

2025 Advisory Committee Notes

The amendments to Local Rule 9033-1 are stylistic only; no substantive changes were intended. Please see the 2025 Advisory Committee Notes to Local Rule 9029-2 regarding the former reference to the rule being promulgated by the district court.

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FINAL VERSION**

Rule 1070-1. Reference

All bankruptcy cases and proceedings, including any claim or cause of action that is removed under 28 U.S.C. § 1452 or Federal Rule of Bankruptcy Procedure 9027, are referred to the bankruptcy judges and will be assigned among them according to orders made by them. The bankruptcy judges are specially designated to conduct jury trials under 28 U.S.C. § 157(e).

[Effective April 15, 1997. Amended effective January 1, 2002; January 9, 2006; XX, 2025.]

2025 Advisory Committee Notes

The amendments to Local Rule 1070-1 are stylistic only; no substantive changes were intended. Please see the 2025 Advisory Committee Notes to Local Rule 9029-2 regarding the former reference to the rule being promulgated by the district court.

Rule 5011-1. Withdrawal of Reference

- (a) **GENERALLY.** A motion for withdrawal of reference under 28 U.S.C. § 157(d) and Federal Rule of Bankruptcy Procedure 5011(a) must be filed with the clerk of the bankruptcy court. Any other party in interest may serve and file a response within 14 days after service of the motion. The clerk of the bankruptcy court will transmit the motion and any response to the clerk of the district court. If the district court orders a withdrawal of the reference, the clerk of the bankruptcy court will transmit all relevant documents to the clerk of the district court.
- (b) **JURY TRIAL.** Where the right to a jury trial has been asserted, and the proceeding is not yet trial ready, any motion for withdrawal of reference under subsection (a) of this rule must also state specific grounds for why the reference should be withdrawn before the proceeding is trial ready.

[Effective April 15, 1997. Amended effective January 1, 2002; January 9, 2006; October 1, 2019; XX, 2025.]

2025 Advisory Committee Notes

Local Rule 5011-1 was amended to add subsections. New subsection (a) addresses withdrawal of reference generally. Citations to 28 U.S.C. § 157(d) and Fed. R. Bankr. P. 5011(a) were added. The provision regarding abstention, remand, and transfer was removed to ensure consistency with 28 U.S.C. § 157(d). Abstention is addressed in 28 U.S.C. § 1334(c). The provision about first filing a motion for stay with the bankruptcy court was removed as duplicative of Fed. R. Bankr. P. 5011(c), which states that a motion filed under Fed. R. Bankr. P. 5011(a) or (b) “does not stay proceedings in a case or affect its administration. But a bankruptcy judge may, on proper terms and conditions, stay a proceeding until the motion is decided.” The remaining changes are stylistic or were made to add clarity, such as whether it is the bankruptcy court clerk or the district court clerk who will transmit certain documents.

Subsection (b) was added to address situations where the right to a jury trial has been asserted, but where the proceeding is not yet trial ready. It requires the moving party to assert the specific grounds for withdrawing the

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reference before the proceeding is trial ready. *See, e.g., Kelley v. JPMorgan Chase & Co.*, 464 B.R. 854, 864–67 (D. Minn. 2011) (explaining how the motion for withdrawal of reference was premature).

Please see the 2025 Advisory Committee Notes to Local Rule 9029-2 regarding the former reference to the rule being promulgated by the district court.

Rule 5011-3. [ABROGATED]

[Effective April 15, 1997. Amended effective January 1, 2002; January 9, 2006; December 1, 2009. Abrogated effective XX, 2025.]

2025 Advisory Committee Notes

Local Rule 5011-3 was abrogated to ensure consistency with 28 U.S.C. § 157(b)(5), (c)(1), and (d). If there is a right to a jury trial and the parties have not consented to the bankruptcy judge conducting the jury trial under Fed. R. Bankr. P. 9015(b), a party can request a withdrawal of the reference under 28 U.S.C. § 157(d), Fed. R. Bankr. P. 5011(a), and Local Rule 5011-1. Likewise, if the case involves a personal injury tort or wrongful death claim, a party can seek an order from the district court under 28 U.S.C. § 157(b)(5) and (d), Fed. R. Bankr. P. 5011(a), and Local Rule 5011-1 withdrawing the reference for trial. *See also* 28 U.S.C. § 1411 (discussing title 11 and jury trials generally). If a case involves title 11 and other laws affecting interstate commerce, a party can seek a mandatory withdrawal of the reference under 28 U.S.C. § 157(d), Fed. R. Bankr. P. 5011(a), and Local Rule 5011-1. Finally, the procedure for a bankruptcy judge hearing a non-core proceeding in which a party has not consented to entry of final orders by the bankruptcy court is generally governed by 28 U.S.C. § 157(c)(1), Fed. R. Bankr. P. 9033, and Local Rule 9033-1. The bankruptcy judge is required to issue proposed findings of fact and conclusions of law and the parties can assert objections to such findings and conclusions. Please see the 2025 Advisory Committee Notes to Local Rule 9029-2 regarding the former reference to the rule being promulgated by the district court.

Rule 8001-1. [ABROGATED]

[Effective January 1, 2002. Amended effective January 9, 2006. Abrogated effective XX, 2025.]

2025 Advisory Committee Notes

Local Rule 8001-1 was abrogated as no longer necessary. *See* Fed. R. Bankr. P. 8001(a) (“These Part VIII rules govern the procedure in a United States district court and in a bankruptcy appellate panel on appeal from a bankruptcy court’s judgment, order, or decree.”). Please refer to L.R. BAP 8th Cir. 8005A(b) to determine the applicable rules for filing an appeal to the Bankruptcy Appellate Panel for the Eight Circuit.

Rule 8009-1. [ABROGATED]

[Former Rule 8006-1(b) and (c) renumbered as Rule 8009-1 effective December 1, 2014. Amended effective June 1, 2016. Abrogated effective XX, 2025.]

LOCAL RULES 1070-1, 5011-1, 5011-3, 8001-1, 8009-1, 8010-1, 8024-1, 9029-4, AND 9033-1 – FINAL VERSION

2025 Advisory Committee Notes

Local Rule 8009-1 was abrogated to ensure consistency with Fed. R. Bankr. P. 8009. Specifically, subsection (a) was abrogated to ensure consistency with Fed. R. of Bankr. P. 8009(a), which requires that the appellant designate the record on appeal. Further several provisions in Fed. R. Bankr. P. 8009 already contemplate the clerk of the bankruptcy court transmitting the record on appeal. *See, e.g.*, Fed. R. Bankr. P. 8009(a)(5), (c), (d), (f), and (g); *see also* Fed. R. Bankr. P. 8010(b)(1) (“[T]he bankruptcy clerk must send to the clerk of the court where the appeal is pending either the record or a notice that it is available electronically.”). As to transcripts, subsection (b) was abrogated as duplicative of Fed. R. Bankr. P. 8009(b). Please see the 2025 Advisory Committee Notes to Local Rule 9029-2 regarding the former reference to the rule being promulgated by the district court.

Rule 8010-1. [ABROGATED]

[Former Rule 8007-2 amended and renumbered as Rule 8010-1 effective December 1, 2014. Abrogated effective XX, 2025.]

2025 Advisory Committee Notes

Local Rule 8010-1 was abrogated as unnecessary. It may take longer than 45 days after the filing of the notice of appeal for transcripts to be filed, especially in larger, more complex proceedings. Once the parties agree the record is complete for purposes of Fed. R. Bankr. P. 8010(b)(1), the parties can contact the judge’s courtroom deputy to initiate transmission of the record on appeal. Please see the 2025 Advisory Committee Notes to Local Rule 9029-2 regarding the former reference to the rule being promulgated by the district court.

Rule 8024-1. [ABROGATED]

[Former Rule 8016-1(b) renumbered as Rule 8024-1 effective December 1, 2014. Abrogated effective XX, 2025.]

2025 Advisory Committee Notes

Local Rule 8024-1 was abrogated as unnecessary. When notice of a judgment is transmitted to the clerk of the bankruptcy court under Fed. R. Bankr. P. 8024, the clerk docket any such judgment. The bankruptcy court will enter such further orders or judgment as appropriate. Please see the 2025 Advisory Committee Notes to Local Rule 9029-2 regarding the former reference to the rule being promulgated by the district court.

Rule 9029-2. Rules – Adoption and Amendment

The bankruptcy judges are authorized to make and amend rules of practice and procedure in accordance with Federal Rule of Bankruptcy Procedure 9029(a).

**LOCAL RULES 1070-1, 5011-1, 5011-3, 8001-1, 8009-1, 8010-1, 8024-1, 9029-4, AND 9033-1 –
FINAL VERSION**

[Effective April 15, 1997. Amended effective January 1, 2002; January 9, 2006; amended and renumbered as 9029-2 on XX, 2025.]

2025 Advisory Committee Notes

Local Rule 9029-4 was renumbered to Local Rule 9029-2 and amended to allow the bankruptcy judges to amend any local rule, including local rules that relate to the reference, bankruptcy court authority, or appeals. This change was made with the approval and understanding of the district court. Accordingly, references indicating certain Local Rules were promulgated by the district court have been removed.

Rule 9033-1. Findings and Conclusions in Non-Core Proceedings

If proposed findings of fact and conclusions of law are filed under Federal Rule of Bankruptcy Procedure 9033 and the time to file objections has expired, the clerk of the bankruptcy court will transmit copies of all relevant documents to the clerk of district court.

[Effective April 15, 1997. Amended effective January 1, 2002; January 9, 2006; XX, 2025.]

2025 Advisory Committee Notes

The amendments to Local Rule 9033-1 are stylistic only; no substantive changes were intended. Please see the 2025 Advisory Committee Notes to Local Rule 9029-2 regarding the former reference to the rule being promulgated by the district court.