

**Proposed Amendments to the Local Bankruptcy Rules
for the Southern District of New York**

**Rule 1007-2 DEBTOR’S AFFIDAVIT AND PROPOSED CASE CONFERENCE
ORDER TO BE FILED IN CHAPTER 11 CASES**

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(c) *When to File.* In a voluntary chapter 11 case, the affidavit shall accompany the petition. In an involuntary chapter 11 case, the affidavit shall be filed within ~~15~~14 days after the date on which (i) the order for relief is entered, or (ii) a consent to the petition is filed.

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Comment

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Subdivision (c) of this rule was amended in 2009 to change the time period from 15 to 14 days. The purpose of the amendment was to conform the time period in this rule to the 2009 time-related amendments to the Federal Rules of Bankruptcy Procedure. Throughout the Bankruptcy Rules, as well as the Local Bankruptcy Rules, most time periods that are shorter than 30 days were changed so that the number of days are in multiples of seven, thereby reducing the likelihood that time periods will end on a Saturday or Sunday.

**Rule 1007-3 ~~DEBTOR’S~~ CORPORATE OWNERSHIP STATEMENT TO BE
FILED BY DEBTOR THAT IS A PARTNERSHIP OR JOINT
VENTURE**

The Corporate Ownership Statement required to be filed by the debtor with the petition under Bankruptcy Rule 1007(a)(1) shall also be filed by any debtor that is a general or limited partnership or joint venture. In addition to the information required under Bankruptcy Rule 7007.1, the statement shall include the name and address of any corporation whose securities are publicly traded in which the debtor directly or indirectly owns 10% or more of any class of the corporation’s equity interests, and any general or limited partnership or joint venture in which the debtor owns an interest.

Comment

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The heading of this rule was amended in 2009 to more accurately reflect the substance of the rule.

Rule 1010-1 CORPORATE OWNERSHIP STATEMENT TO BE FILED IN AN INVOLUNTARY CASE BY EACH PETITIONER THAT IS A PARTNERSHIP OR JOINT VENTURE

The Corporate Ownership Statement required to be filed under Bankruptcy Rule 1010(b) by each petitioner that is a corporation shall also be filed by each petitioner that is a general or limited partnership or joint venture.

Comment

Bankruptcy Rule 1010(b), which became effective on December 1, 2008, requires a Corporate Ownership Statement containing the information described in Bankruptcy Rule 7007.1 to be filed by each petitioner that is a corporation. Bankruptcy Rule 1010(b), however, only refers to a petitioner that is a corporation. “Corporation” is broadly defined under § 101(9) of the Bankruptcy Code (and includes, among other entities, limited liability companies and other unincorporated companies or associations), but it does not cover general or limited partnerships. The reasons for which this rule was enacted – to give the Judges of this Court information by which they can determine whether or not they need to recuse themselves in a particular case – apply equally with respect to petitioners that are general and limited partnerships, and joint ventures. This local rule requires a similar disclosure with respect to business organizations of that character.

Rule 1011-1 CORPORATE OWNERSHIP STATEMENT TO BE FILED BY A PARTNERSHIP OR JOINT VENTURE THAT IS A RESPONDENT TO AN INVOLUNTARY PETITION OR PETITION FOR RECOGNITION

The Corporate Ownership Statement required to be filed under Bankruptcy Rule 1011(f) by a corporation responding to an involuntary petition or a petition for recognition of a foreign proceeding shall also be filed by any entity responding to an involuntary petition or a petition for recognition of a foreign proceeding that is a general or limited partnership or joint venture. If the responding entity is the debtor, in addition to

the information required under Bankruptcy Rule 7007.1, the statement shall include the information described in Bankruptcy Rule 1007-3.

Comment

Bankruptcy Rule 1011(f), which became effective on December 1, 2008, requires a Corporate Ownership Statement containing the information described in Bankruptcy Rule 7007.1 to be filed by any corporation responding to an involuntary petition or a petition for recognition of a foreign proceeding. “Corporation” is broadly defined under § 101(9) of the Bankruptcy Code (and includes, among other entities, limited liability companies and other unincorporated companies or associations), but it does not cover general or limited partnerships. The reasons for which this rule was enacted – to give the Judges of this Court information by which they can determine whether or not they need to recuse themselves in a particular case – apply equally with respect to responding entities that are general and limited partnerships, and joint ventures. This local rule requires a similar disclosure with respect to business organizations of that character. If the responding entity is the debtor, the additional information described in the second sentence of Local Bankruptcy Rule 1007-3 must be included.

Rule 2002-2 NOTICE OF PROPOSED ACTION OR ORDER WHEN NOT PROCEEDING BY MOTION

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(b) *Time for Notice.* Unless the Court orders otherwise, if notice is to be given to all creditors under subdivision (a) of this rule, the notice shall be given at least ~~20~~21 days prior to the date on which the proposed action is to be taken or the proposed order is to be presented. If the Court issues an order requiring that notice be given to fewer than all creditors, the notice shall be given at least seven days prior to such date.

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(d) *Objection.* Unless the Court orders otherwise, any objection to the proposed action or order shall be in writing, state with particularity the reasons for the objection, and be served on the party proposing the action or order so as to be received (i) at least ~~threes~~seven days prior to the date set for the hearing if at least ~~20~~21 days’ notice has been given and (ii) at least one day prior to the date set for the hearing if at least 7 (but less than ~~20~~21) days’ notice has been given. The objection, together with proof of service, shall be filed with the Clerk and a copy thereof shall be delivered to the Judge’s chambers prior to the date set for the hearing.

Comment

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Subdivisions (b) and (d) of this rule were amended in 2009 to change the time 20-day time periods to 21 days. The purpose of the amendment was to conform the time periods in this rule to the 2009 time-related amendments to the Federal Rules of Bankruptcy Procedure. Throughout the Bankruptcy Rules, as well as the Local Bankruptcy Rules, most time periods that are shorter than 30 days were changed so that the number of days are in multiples of seven, thereby reducing the likelihood that time periods will end on a Saturday or Sunday.

The three-day deadline in subdivision (d) of this rule was amended to seven days in 2009 to give parties more time to consider objections before the hearing.

Rule 2016-2 COMPENSATION OR REIMBURSEMENT OF EXPENSES IN CHAPTER 7 CASES

Unless the Court orders otherwise, a person seeking an award of compensation or reimbursement of expenses in a chapter 7 case shall file an application with the Clerk and serve a copy on the trustee and the United States Trustee not later than 2021 days prior to the date of the hearing on the trustee's final account. Failure to file and serve an application within the time prescribed by this rule may result in its disallowance. Unless the Court orders otherwise, the United States Trustee shall file any objection to such application at least two ~~business~~ days prior to the date of the hearing.

Comment

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This rule was amended in 2009 to change the relevant time period from 20 to 21 days. The purpose of the amendment was to conform the time period in this rule to the 2009 time-related amendments to the Federal Rules of Bankruptcy Procedure. Throughout the Bankruptcy Rules, as well as the Local Bankruptcy Rules, most time periods that are shorter than 30 days were changed so that the number of days are in multiples of seven, thereby reducing the likelihood that time periods will end on a Saturday or Sunday.

The two business day deadline in this rule was also amended in 2009 to delete the reference to "business" days so that

the time period will be computed by calendar days, consistent with the 2009 amendments to Bankruptcy Rule 9006(a).

Rule 3015-1 **CHAPTER 13 PLANS: ~~PAYMENTS EXCEEDING THREE YEARS~~ MODEL PLAN AND CONFIRMATION ORDER; TREATMENT OF DEBTOR'S ATTORNEY'S FEES AS ADMINISTRATIVE EXPENSES; SERVICE**

(a) ~~Repealed [October 17, 2005]~~ Model Plan and Confirmation Order. In a chapter 13 case, the plan shall conform to the model Chapter 13 Plan and the confirmation order shall conform to the model Confirmation Order as required by any applicable standing order issued by the Court.

(b) *Notice and Hearing for Attorney's Fees to be Treated as Administrative Expense.* If the compensation, or any portion thereof, of the attorney for a chapter 13 debtor is to be treated as an administrative expense under the plan, the attorney shall provide adequate notice of that fact to the trustee, the United States Trustee, and all creditors. The notice shall be deemed adequate if the plan, or a summary of the plan, is transmitted timely to all parties in interest and states with particularity the timing and amount of any payments to be made to the attorney.

(c) *Service of Plan.* If the notice of commencement of a chapter 13 case is served without a copy of the plan or a summary of the plan, the debtor shall serve the plan or a summary of the plan on the chapter 13 trustee and all creditors.

Comment

The adoption of a model Chapter 13 Plan and model Confirmation Order is governed by General Order M-362 and any amendments or supplemental standing orders of the Court. Copies of General Order M-362, as well as any amendments or subsequent standing orders on this subject, may be obtained from the Clerk and are available on the Court's website at www.nysb.uscourts.gov.

Rule 3018-1 **CERTIFICATION OF ACCEPTANCE OR REJECTION OF PLANS IN CHAPTER 9 AND CHAPTER 11 CASES**

(a) *Certification of Vote.* At least ~~five~~seven days prior to the hearing on confirmation of a chapter 9 or chapter 11 plan, the proponent of a plan or the party authorized to receive the acceptances and rejections of the plan shall certify to the Court in writing the amount and number of allowed claims or allowed interests of each class accepting or rejecting the plan. A copy of the certification shall be served upon the debtor, the trustee, each committee, and the United States Trustee. The Court may find that the plan has been accepted or rejected on the basis of the certification.

(b) *Notice of Ineffective Election.* If a plan in a chapter 9 or chapter 11 case permits the holder of a claim or interest to make an election with respect to the treatment of the claim or interest, and for any reason the holder's election is deemed ineffective or otherwise is not counted by the person authorized to tabulate ballots, that person shall give notice of that fact to the holder at least ~~five~~seven days prior to the hearing on confirmation.

Comment

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Subdivisions (a) and (b) of this rule were amended in 2009 to change the time periods from five to seven days. The purpose of the amendment was to conform the time periods in this rule to the 2009 time-related amendments to the Federal Rules of Bankruptcy Procedure. Throughout the Bankruptcy Rules, as well as the Local Bankruptcy Rules, most time periods that are shorter than 30 days were changed so that the number of days are in multiples of seven, thereby reducing the likelihood that time periods will end on a Saturday or Sunday.

**Rule 3020-1 TIME FOR OBJECTING TO CONFIRMATION IN CHAPTER 9
AND CHAPTER 11 CASES; WITHDRAWAL OF OBJECTIONS**

(a) *Objections to Confirmation.* Unless the Court orders otherwise, objections to confirmation of a plan shall be filed not later than ~~three~~seven days prior to the first date set for the hearing to consider confirmation of the plan.

Comment

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The three-day deadline in subdivision (a) of this rule was amended to seven days in 2009 to give the Court and the parties more time to consider objections before the confirmation hearing.

Rule 3021-1

**POSTCONFIRMATION REQUIREMENTS IN CHAPTER 11
CASES**

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(c) *Postconfirmation Order and Notice.* At the time a proposed confirmation order is submitted to the Court, the plan proponent shall submit to the Court a proposed order and notice substantially in the following form:

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

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[Caption of Case] Chapter 11 Case No. _____

POSTCONFIRMATION ORDER AND NOTICE

WHEREAS, a confirmation order has been issued on [insert date], and whereas it is the responsibility of [INSERT NAME OF DEBTOR] (the “Debtor”) to inform the Court of the progress made toward (i) consummation of the plan under 11 U.S.C. § 1101(2), (ii) entry of a final decree under Rule 3022 of the Federal Rules of Bankruptcy Procedure, and (iii) case closing under 11 U.S.C. § 350; it is therefore

ORDERED, that the Debtor or such other party as the Court may direct (the “Responsible Party”), shall comply with the following, except to the extent the Court orders otherwise:

- (1) Periodic Status Reports. Subject to the requirements set forth in paragraph 5 of this Order and 11 U.S.C. § 1106(a)(7), the Responsible Party shall file, within 45 days after the date of this Order, a status report detailing the actions taken by the Responsible Party and the progress made toward the consummation of the plan. Reports shall be filed thereafter every January 15th, April 15th, July 15th, and October 15th until a final decree has been entered.
- (2) Notices. The Responsible Party shall mail a copy of the confirmation order and this Order to the Debtor, the attorney for the Debtor, all committees, the attorney for each committee, and all parties who filed a notice of appearance.
- (3) Closing Report and Final Decree. Within ~~15~~14 days following the distribution of any deposit required by the plan or, if no deposit was required, upon the payment of the first distribution required by the plan, the Responsible Party shall file a closing report in accordance with Local Bankruptcy Rule 3022-1 and an application for a final decree.

(4) Case Closing. The Responsible Party shall submit the information described in paragraph 3 herein, including a final decree closing the case, within six calendar months from the date of the order confirming the plan. If the Responsible Party fails to comply with this Order, the Clerk shall so advise the Judge and an order to show cause may be issued.

Dated: _____, New York
_____, _____

UNITED STATES BANKRUPTCY JUDGE

Comment

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Paragraph (3) of the form Postconfirmation Order and Notice contained in subdivision (c) of this rule was amended in 2009 to change the time period from 15 to 14 days. The purpose of the amendment was to conform the time period in this rule to the 2009 time-related amendments to the Federal Rules of Bankruptcy Procedure. Throughout the Bankruptcy Rules, as well as the Local Bankruptcy Rules, most time periods that are shorter than 30 days were changed so that the number of days are in multiples of seven, thereby reducing the likelihood that time periods will end on a Saturday or Sunday.

Rule 3022-1 CLOSING REPORTS IN CHAPTER 11 CASES

Unless the Court orders otherwise, within ~~15~~**14** days following substantial consummation of a chapter 11 plan, the debtor or trustee shall file and serve upon the United States Trustee a closing report substantially in the following form:

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Comment

This rule was amended in 2009 to change the time period from 15 to 14 days. The purpose of the amendment was to conform the time period in this rule to the 2009 time-related amendments to the Federal Rules of Bankruptcy Procedure. Throughout the Bankruptcy Rules, as well as the Local Bankruptcy Rules, most time periods that are shorter than 30 days were changed so that the number of days are in multiples of

seven, thereby reducing the likelihood that time periods will end on a Saturday or Sunday.

Rule 4001-2 REQUESTS FOR USE OF CASH COLLATERAL OR TO OBTAIN CREDIT

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(c) *Inadequacy of Notice After Event of Default.*

(1) If the proposed order contains a provision that modifies or terminates the automatic stay or permits the lender to enforce remedies after an event of default, either the proposed order shall require at least ~~five-business~~seven days' notice to the trustee or debtor in possession, the United States Trustee and each committee appointed under § 1102 or § 1114 of the Bankruptcy Code (or the 20 largest creditors if no committee has been appointed under § 1102 of the Bankruptcy Code), before the modification or termination of the automatic stay or the enforcement of the lender's remedies, or the motion shall explain why such notice provision is not contained in the proposed order.

(2) If the proposed order contains a provision that terminates the use of cash collateral, either the proposed order shall require at least ~~three-business~~five days' notice before the use of cash collateral ceases (provided that the use of cash collateral conforms to any budget in effect) or the motion shall explain why such notice provision is not contained in the proposed order.

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Comment

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Subdivision (c)(1) of this rule was amended in 2009 to change the time period from five to seven days. The purpose of the amendment was to conform the time period in this rule to the 2009 time-related amendments to the Federal Rules of Bankruptcy Procedure. Throughout the Bankruptcy Rules, as well as the Local Bankruptcy Rules, most time periods that are shorter than 30 days were changed so that the number of days are in multiples of seven, thereby reducing the likelihood that time periods will end on a Saturday or Sunday.

The deadlines in subdivisions (c)(1) and (c)(2) of this rule were also amended in 2009 to delete the references to "business" days so that the time periods will be computed by calendar days, consistent with the 2009 amendments to Bankruptcy Rule

9006(a). The three day deadline in subdivision (c)(2) of this rule was amended in 2009 to change the time to five days to compensate for the change in the computation of time under the 2009 amendments to Bankruptcy Rule 9006(a).

Rule 4002-1

DUTIES OF DEBTORS – PROCEDURES RELATING TO THE IMPLEMENTATION OF BANKRUPTCY CODE § 521

The implementation of §521 of the Bankruptcy Code relating to the debtor’s duties shall be governed by procedures contained in any applicable standing order issued by the Court.

Comment

The procedures relating to the implementation of §521(a)(1)(B) of the Bankruptcy Code, which requires an individual debtor to provide payment advices or other evidence of payment received within 60 days before the filing of the petition, and of §521(i), which provides for dismissal of the case if certain information is not filed within 45 days after the commencement of the case, are governed by General Order M-315 and any amendments or supplemental standing orders of the Court. Copies of General Order M-315, as well as any amendments or subsequent standing orders on the subject of the debtor’s duties, may be obtained from the Clerk and are available on the Court’s website at www.nysb.uscourts.gov

Rule 5001-1

CLERK’S OFFICE: HOURS; AFTER HOURS FILING

The offices of the Clerk shall be open Monday through Friday, from 8:30 a.m. to 5:00 p.m., except on legal and Court holidays, and shall be closed on Saturdays and Sundays. When the Clerk’s office is closed, papers not filed electronically may be filed with the Court by depositing them in the night depository maintained by the District Clerk and are deemed filed as of the date and time stamped thereon. Any required fees for such filings shall be delivered to the Clerk’s office no later than noon on the next ~~business~~ day.

Comment

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The next business day deadline in this rule was amended in 2009 to delete the reference to “business” so that the time period will be consistent with the 2009 amendments to Bankruptcy Rule 9006(a).

Rule 5009-1 **FINAL REPORT AND ACCOUNT AND CLOSING REPORT IN A CHAPTER 7 CASE**

(a) Final Report and Account. Unless the Court orders otherwise, the notice given by the trustee of the filing of a final report and account in the form prescribed by the United States Trustee in a chapter 7 case shall have on its face in bold type the following language, or words of similar import:

A PERSON SEEKING AN AWARD OF COMPENSATION OR REIMBURSEMENT OF EXPENSES SHALL FILE AN APPLICATION WITH THE CLERK AND SERVE A COPY ON THE TRUSTEE AND THE UNITED STATES TRUSTEE NOT LATER THAN ~~20~~21 DAYS PRIOR TO THE DATE OF THE HEARING ON THE TRUSTEE'S FINAL ACCOUNT. FAILURE TO FILE AND SERVE SUCH AN APPLICATION WITHIN THAT TIME MAY RESULT IN THE DISALLOWANCE OF FEES AND EXPENSES.

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Comment

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Subdivision (a) of this rule was amended in 2009 to change the time period from 20 to 21 days. The purpose of the amendment was to conform the time period in this rule to the 2009 time-related amendments to the Federal Rules of Bankruptcy Procedure. Throughout the Bankruptcy Rules, as well as the Local Bankruptcy Rules, most time periods that are shorter than 30 days were changed so that the number of days are in multiples of seven, thereby reducing the likelihood that time periods will end on a Saturday or Sunday.

Rule 6004-1 **SALES OF PROPERTY, APPRAISALS, AND AUCTIONS**

(a) *Notice.* The trustee may sell property of the estate that the trustee reasonably believes has an aggregate gross value of no more than \$10,000 by public or private sale on ~~five~~seven days' written notice to any party with an interest in such property, the landlord of the premises on which the property is located, and such other parties as the Court may direct. The notice of any proposed sale of property of the estate having an aggregate gross value of at least \$2,500 shall include the time and place of the proposed sale, whether the sale will be public or private, and the terms and conditions of the proposed sale.

(b) *Appraisals.* Unless the Court orders otherwise, if an appraiser has been employed, the property to be appraised shall not be sold until after the appraisal has been filed.

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(2) *Filing and Access.* Unless the Court orders otherwise, any appraiser employed pursuant to § 327(a) of the Bankruptcy Code shall file with the Court and the United States Trustee each appraisal made of property of the estate not later than 12:00 noon on the ~~business~~ day prior to the scheduled sale of the property. Each appraisal shall be kept under seal upon filing and treated as confidential by the Court and the United States Trustee. Access to the appraisal may be had only by the Court, the United States Trustee, and such other parties as the Court may direct, and neither they nor the appraiser shall disclose any of the contents thereof until after the conclusion of the bidding at any sale of the appraised property, at which time the Court may order the appraisal to be unsealed. Unless the Court orders otherwise, the appraisal shall be unsealed six months from the date on which the appraisal is filed.

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(e) *Proceeds of Sale.* Upon receipt of the proceeds of sale, the auctioneer immediately shall deposit the proceeds in a separate account that the auctioneer maintains for each estate in accordance with the requirements of § 345(a) of the Bankruptcy Code. Unless the Court orders otherwise, payment of the gross proceeds of the sale, less the auctioneer's reimbursable expenses, shall be made promptly by the auctioneer to the trustee or debtor in possession, but in no event later than ~~10~~14 days after the date on which the proceeds are received with respect to each item or lot sold.

(f) *Report of Sale.* Unless the Court orders otherwise, (i) within ~~20~~21 days after the last date of the auction, the auctioneer shall file a report with the Court and transmit a copy of the report to the United States Trustee, and (ii) if all proceeds of the auction have not been received by such date, the auctioneer shall file a supplemental report within ~~10~~14 days after all proceeds have been received. The report shall set forth:

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(j) *Compliance with Guidelines of the Court and of the United States Trustee's Guidelines.* In addition to the foregoing requirements, parties conducting a sale of property of the estate, including trustees and auctioneers, shall comply with the requirements contained in any guidelines for the conduct of asset sales contained in any applicable standing order issued by the Court and with any guidelines promulgated by the United States Trustee.

Comment

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Subdivision (d) of this rule was amended in 2004 to provide for joint sales of property from more than one estate. Subdivision (e) makes clear that the proceeds of an auction shall be turned over within ~~10 days of their receipt~~ the time specified, even if the auction has not yet concluded. Unlike subdivision (e), which requires the turnover of proceeds with respect to each lot or item of property, subdivision (f) contemplates the filing of a report within ~~20 days~~ the time specified after the auction has been concluded and the supplementing of such report when the proceeds are received thereafter. Due to privacy concerns, subdivision (f) of this rule was amended in 2004 to delete the requirement that an auctioneer include in its report the social security numbers of people being paid labor charges.

The contents of a notice of a proposed sale are governed by Bankruptcy Rule 2002(c)(1).

In 2009, subdivision (a) of this rule was amended to change the time period from five to seven days; subdivision (e) of this rule was amended to change the time period from 10 to 14 days; subdivision (f)(i) of this rule was amended to change the time period from 20 to 21 days; and subdivision (f)(ii) of this rule was amended to change the time period from 10 to 14 days. The purpose of these amendments was to conform the time periods in this rule to the 2009 time-related amendments to the Federal Rules of Bankruptcy Procedure. Throughout the Bankruptcy Rules, as well as the Local Bankruptcy Rules, most time periods that are shorter than 30 days were changed so that the number of days are in multiples of seven, thereby reducing the likelihood that time periods will end on a Saturday or Sunday.

The business day deadline in subdivision (b)(2) of this rule was also amended in 2009 to delete the reference to “business” so that the time period will be consistent with the 2009 amendments to Bankruptcy Rule 9006(a).

Guidelines for the conduct of asset sales are governed by General Order M-331 and any amendments or supplemental standing orders of the Court. Copies of General Order M-331, as well as any amendments or subsequent standing orders on this subject, may be obtained from the Clerk and are available on the Court’s website at www.nysb.uscourts.gov.

Rule 6005-1 AUCTIONEERS

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(f) *Application for Commissions.* An auctioneer shall file an application with the Court for approval of commissions on not less than ~~five~~seven days' notice to the debtor, the trustee, the United States Trustee, and each committee. No application shall be granted unless the report of sale referred to in Local Bankruptcy Rule 6004-1(f) has been filed.

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Comment

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Subdivision (f) of this rule was amended in 2009 to change the time period from five to seven days. The purpose of the amendment was to conform the time period in this rule to the 2009 time-related amendments to the Federal Rules of Bankruptcy Procedure. Throughout the Bankruptcy Rules, as well as the Local Bankruptcy Rules, most time periods that are shorter than 30 days were changed so that the number of days are in multiples of seven, thereby reducing the likelihood that time periods will end on a Saturday or Sunday.

Rule 6006-1 EXECUTORY CONTRACTS AND UNEXPIRED LEASES

(a) *Motion to Assume, Reject, or Assign Executory Contract or Unexpired Lease.* A motion to assume, reject, or assign an executory contract or unexpired lease shall be served in accordance with the time limits set forth in Local Bankruptcy Rule 9006-1(b), which may be waived or modified upon the written consent of all parties entitled to notice of the motion. In the event that a nonconsensual order is sought on less than ~~10~~14 days' notice, Local Bankruptcy Rule 9077-1 shall govern and an actual hearing shall be held.

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Comment

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Subdivision (a) of this rule was amended in 2009 to change the time period from 10 to 14 days. The purpose of the amendment was to conform the time period in this rule to the

2009 time-related amendments to the Federal Rules of Bankruptcy Procedure. Throughout the Bankruptcy Rules, as well as the Local Bankruptcy Rules, most time periods that are shorter than 30 days were changed so that the number of days are in multiples of seven, thereby reducing the likelihood that time periods will end on a Saturday or Sunday.

Rule 7007.1-1 **CORPORATE OWNERSHIP STATEMENT TO BE FILED BY A PARTNERSHIP OR JOINT VENTURE THAT IS A PARTY TO AN ADVERSARY PROCEEDING**

The Corporate Ownership Statement required under Bankruptcy Rule 7007.1 shall also be filed by any party to an adversary proceeding, other than the debtor or a governmental entity, that is a general or limited partnership or joint venture.

Comment

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The heading of this rule was amended in 2009 to more accurately reflect the substance of the rule.

Rule 7033-1 **INTERROGATORIES**

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(f) *Reference to Records.* If a party answers an interrogatory by reference to records from which the answer may be derived or ascertained, as permitted by Bankruptcy Rule 7033:

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(4) unless the Court orders otherwise, the documents shall be made available for inspection and copying within ~~10~~**14** days after service of the answers to interrogatories or on a date agreed upon by the parties.

Comment

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Subdivision (f)(4) of this rule was amended in 2009 to change the time period from 10 to 14 days. The purpose of the amendment was to conform the time period in this rule to the

2009 time-related amendments to the Federal Rules of Bankruptcy Procedure. Throughout the Bankruptcy Rules, as well as the Local Bankruptcy Rules, most time periods that are shorter than 30 days were changed so that the number of days are in multiples of seven, thereby reducing the likelihood that time periods will end on a Saturday or Sunday.

Rule 9006-1 TIME FOR SERVICE AND FILING OF MOTIONS AND ANSWERING PAPERS

(a) *Discovery-Related Motions.* Unless the Court orders otherwise, all motion papers under Bankruptcy Rules 7026 through 7037 shall be served at least ~~five~~seven days before the return date. Where such service is made, any answering papers shall be served so as to ensure actual receipt not later than ~~the day preceding~~three days before the return date.

(b) *All Other Motions.* Unless the Court orders otherwise, all other motion papers shall be served at least ~~10~~14 days before the return date. Where such service is made, any answering papers shall be served so as to ensure actual receipt not later than ~~three~~seven days before the return date.

(c) *Time for Filing with Court.* Unless the Court orders otherwise, all motions and answering papers shall be filed with the Clerk not later than one ~~business~~ day following the date of service.

Comment

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In 2009, subdivision (a) of this rule was amended to change the time period from five to seven days, and subdivision (b) of this rule was amended to change the time period from 10 to 14 days. The purpose of these amendments was to conform the time periods in this rule to the 2009 time-related amendments to the Federal Rules of Bankruptcy Procedure. Throughout the Bankruptcy Rules, as well as the Local Bankruptcy Rules, most time periods that are shorter than 30 days were changed so that the number of days are in multiples of seven, thereby reducing the likelihood that time periods will end on a Saturday or Sunday.

The one-day deadline in subdivision (a) was changed to three days, and the three-day deadline in subdivision (b) was changed to seven days, to give the Court and the parties more time to consider the answering papers before the hearing.

The one business day deadline in subdivision (c) of this rule was also amended in 2009 to delete the reference to “business” so that the time period will be consistent with the 2009 amendments to Bankruptcy Rule 9006(a).

Rule 9015-1 JURY TRIALS

A statement of consent to have a jury trial conducted by a Bankruptcy Judge under 28 U.S.C. § 157(e) shall be filed not later than ~~10~~**14** days after the service of the last pleading directed to the issue for which the demand was made.

Comment

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This rule provides a ~~10~~**14** day period for filing the statement of consent, which runs from the service of the last pleading, as specified in Bankruptcy Rule 7007.

This rule was amended in 2009 to change the time period from 10 to 14 days. The purpose of the amendment was to conform the time period in this rule to the 2009 time-related amendments to the Federal Rules of Bankruptcy Procedure. Throughout the Bankruptcy Rules, as well as the Local Bankruptcy Rules, most time periods that are shorter than 30 days were changed so that the number of days are in multiples of seven, thereby reducing the likelihood that time periods will end on a Saturday or Sunday.

Rule 9021-1 ENTRY OF ORDERS, JUDGMENTS, AND DECREES

The Clerk shall enter all orders, decrees, and judgments of the Court in the electronic filing system, which shall constitute docketing of the order, decree, or judgment for all purposes. The Clerk’s notation on the appropriate docket of an order, judgment, or decree shall constitute the entry of the order, judgment, or decree.

Comment

This rule is derived from Former Local Bankruptcy Rule 19(a) and is an adaptation of Civil Rule 6.2 of the Local District Rules.

This rule supplements Bankruptcy Rule 9021, which ~~requires~~provides that a judgment ~~in an adversary proceeding or~~

~~contested matter be set forth on a separate document and entered on the docket~~ or order is effective when entered under Rule 5003.

Rule 9023-1 MOTIONS FOR REARGUMENT

(a) A motion for reargument of a court order determining a motion shall be served within ~~10~~14 days after the entry of the Court’s order determining the original motion, or in the case of a court order resulting in a judgment, within ~~10~~14 days after the entry of the judgment, and, unless the Court orders otherwise, shall be made returnable within the same amount of time as required for the original motion. The motion shall set forth concisely the matters or controlling decisions which counsel believes the Court has not considered. No oral argument shall be heard unless the Court grants the motion and specifically orders that the matter be reargued orally.

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Comment

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Subdivision (a) of this rule was amended in 2009 to change the time periods from 10 to 14 days. The purpose of the amendment was to conform the time periods in this rule to the 2009 time-related amendments to the Federal Rules of Bankruptcy Procedure. Throughout the Bankruptcy Rules, as well as the Local Bankruptcy Rules, most time periods that are shorter than 30 days were changed so that the number of days are in multiples of seven, thereby reducing the likelihood that time periods will end on a Saturday or Sunday.

Rule 9070-1 COPIES OF FILED PAPERS

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- ii. *Chambers Copy.* A copy of all papers filed with the Court, other than proofs of claim, shall be marked “Chambers Copy” and delivered in an unsealed envelope to the Clerk’s office located in the division in which the assigned Judge sits on the same day as the papers are filed with the Clerk or, if filed electronically, not later than the next ~~business~~ day.

Comment

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The next business day deadline in subdivision (ii) of this rule was amended in 2009 to delete the reference to “business” so that the time period will be consistent with the 2009 amendments to Bankruptcy Rule 9006(a).

Rule 9074-1 **SUBMISSION, SETTLEMENT OR PRESENTMENT OF ORDER, JUDGMENT, OR DECREE**

(a) Submission or Settlement of Order, Judgment, or Decree. Unless the Court orders otherwise, if, following a hearing or decision, the Court directs a party to submit or settle an order, judgment, or decree, the party, within ~~15~~**14** days of the issuance of the Court’s ruling, shall deliver the proposed order, judgment, or decree directly to the Judge’s chambers upon not less than two days’ notice to all parties to the adversary proceeding or contested matter, except that such notice period shall not apply if all parties to the adversary proceeding or contested matter have consented in writing to the proposed order, judgment, or decree. Failure to submit or settle an order, judgment, or decree within the ~~15~~**14** day period may result in the imposition of sanctions, including, without limitation, (i) dismissal for failure to prosecute or (ii) an award of attorney’s fees. One day’s notice is required of all counterproposals. Unless the Court orders otherwise, no proposed or counterproposed order, judgment, or decree submitted or settled pursuant to this rule shall form a part of the record of the case, adversary proceeding, or contested matter.

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Comment

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Subdivision (a) of this rule was amended in 2009 to change the time periods from 15 to 14 days. The purpose of the amendment was to conform the time periods in this rule to the 2009 time-related amendments to the Federal Rules of Bankruptcy Procedure. Throughout the Bankruptcy Rules, as well as the Local Bankruptcy Rules, most time periods that are shorter than 30 days were changed so that the number of days are in multiples of seven, thereby reducing the likelihood that time periods will end on a Saturday or Sunday.

Subdivision (a) and the heading of this rule were amended in 2009 so that the rule also will apply when the Court directs a party to submit an order, judgment, or decree.