

Bankruptcy Bugle



JULY 2011

NEWSLETTER

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Administrative Order 2011-02 amended LR 9022 to clarify that by relying upon the clerk to give notice to all affected parties as specified by the local rule, the party obtaining relief need not send or transmit actual notice of the entry of any judgment to any party entitled to such notice. However, the party obligated to give notice assumes all risk for inadequate or improper service.

Lack of notice of the entry does not affect the time to appeal or relieve or authorize the court to relieve a party for failure to appeal within the time allowed, except as permitted under Fed. R. Bankr. 8002.

Administrative Order 2011-03 sets forth procedures for obtaining a discharge in individual chapter 11 cases. Similar to chapter 13 discharges the debtor must fill out a new local form, "Certificate of Compliance with Conditions Related to Entry of Chapter 11 Individual Discharge Together With Notice Thereon." This form is to be filed upon completion of all plan payments. Once filed, it will be noticed through the BNC, and parties have 21 days after service to object to the Certificate. If no objections are filed, the court may issue a discharge in the case. The debtor may also close the case before plan payments have been completed by filing a motion, however, in order to obtain a discharge, the case must be reopened and the reopening fee paid. For details, please review Administrative Order 2011-03.

To view all Administrative Orders visit our website:

<http://www.nvb.uscourts.gov/rules-forms/rules/administrative-orders/>

BANKRUPTCY COURT CONTACT NUMBERS

LAS VEGAS CLERK'S OFFICE: (702) 527-7000

RENO CLERK'S OFFICE: (775) 326-2100

CM/ECF HELP DESK: (866) 232-1266



Frequently called numbers and e-mail addresses are listed on the court's website under Court Information:

<http://www.nvb.uscourts.gov/about-the-court/contact-information/>

BANKRUPTCY BUGLE

SOUTHERN NEVADA ASSOCIATION OF BANKRUPTCY ATTORNEYS REAFFIRMATION AGREEMENTS ROUNDTABLE JULY 27, 2011

There will be a roundtable event on Reaffirmation Agreements. A panel of debtor and creditor attorneys as well as some local judges will participate in the discussion.

Date: Wednesday, July 27, 2011

Time: 11:30 AM (lunch); 12:00—1:00 PM (Discussion on Reaffirmation Agreements.)

Place: Foley Federal Building—2nd Floor (Signs will direct you to the room.)

Please e-mail snaba@fritzlawyers.com with your full name and name of additional attendees.

CLE: No CLE is available for this seminar.

Lunch: Bring your lunch.

Bankruptcy Attorneys: If you are not on the e-mail list for SNABA you may sign up at snaba@fritzlawyers.com you will be added to the list. It is FREE to join SNABA! Your participation is welcome at their luncheon meetings, roundtables and events.

E-ORDER UPLOAD

Please be sure when you upload an order for the Judge's signature that the case name and case number are correct. The Clerk's office is experiencing an increased volume of these types of errors. It is critical that you double-check the document you are submitting by opening the PDF during the upload procedure. Verifying the debtor information BEFORE the order is submitted will help ensure it is timely processed.

NOTICE OF REMOVAL

A Notice of Removal is treated as a NEW Adversary in CM/ECF, and must be opened as such. It is NOT to be docketed under "Notice" and enhanced to say "Removal".

To open a new Adversary, under Adversary > Open an Adversary Proceeding > select "n" from the complaint drop down box and continue opening the new Removal.

2004 EXAMINATIONS

All requests for orders under Fed. R. Bankr. P. 2004 must be made by motion and must be accompanied by a proposed order. The clerk may sign orders for examination if the date set for examination is more than fourteen (14) days from the date the motion is filed. If examination is requested on less than fourteen (14) days' notice, the motion must state whether the examination date has been agreed on, or if there is no agreement, why examination on less than fourteen (14) days' notice is requested. Production of documents may be obtained via subpoena as provided by Fed. R. Civ. P. 45(a)(1)(C), as adopted by Fed. R. Bankr. P. 9016. A list of documents must not be included in the order for examination pursuant to this rule. Securing the attendance of a witness or the production of documents must be done in accordance with LR 9016 and Fed. R. Bankr. P. 9016.

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COURTESY COPIES

Local Rule 9014(e)(2) requires paper courtesy copies on matters with a hearing date and time. Courtesy copies are required to be filed within 2 business days of the electronic filing. If you mail your courtesy copies to the Court, please address them to the Clerk of the Court (as courtesy copies), and not directly to the assigned Judge. The Clerk's office will distribute the courtesy copies to the appropriate parties.

SUBMITTING PROPOSED ORDERS

Proposed Orders should **NOT** be uploaded for the Judge's signature. Attach them as an *exhibit* to the motion. Upload an order **AFTER** the hearing for the Judge's signature.

PASSWORDS AND LOGINS

The login assigned by the court to an individual represents one way you sign your document. You have agreed to be responsible for anyone who uses that login. This also includes financial responsibility. That is why it is so important to change your passwords often! CM/ECF passwords should be changed on a regular basis and should always be changed when you have staff turnover.

To change your password, go to

**UTILITIES >YOUR ACCOUNT >
MAINTAIN YOUR ECF ACCOUNT >
MORE USER INFORMATION.**

Delete your old password and re-type your new password. Return to Account Screen, then click on "submit" to complete the process.

BUGLE MANIA!



Get your Bankruptcy Bugle **HOT-OFF-THE-PRESS!**

Be the first in town to **READ ALL ABOUT IT!**

If you want to be one of those "In-The-Know" Bugle Fans you can sign up to receive your Bugle via e-mail right from the Court! Just drop us a line at:

HelpDesk@nvb.uscourts.gov

Give us your current e-mail address and we'll do the rest!

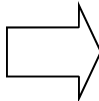
CALENDARING MOTIONS FOR RELIEF FROM STAY

When self-calendar a Motion for Relief from Stay be aware there are specific dates that are for Relief from Stays **ONLY**. The hearing dates on the Court's website are set up for specific types of motions. **Do NOT set a Motion for Relief from Stay on any other calendar date.** If a Relief from Stay is calendared incorrectly, Court Services will vacate the motion and the attorney will be responsible for filing an amended hearing and related documents to correct the error.

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STEPS TO MANUALLY OPEN A VOLUNTARY PETITION

(Note: Steps 2-6 should be done immediately after opening.)

- 1 Upload **VOLUNTARY PETITION**
- 2 Upload **MATRIX**
- 3 Docket **JUDGE/
TRUSTEE
ASSIGNMENT** 
- 4 Docket **STATEMENT OF
SOCIAL SECURITY**
- 5 Docket **DECLARATION OF
ELECTRONIC FILING**
- 6 Docket **MEANS TEST
(Individuals Only)**
- 7 Docket **CERTIFICATE OF
CREDIT COUNSELING
(Individuals Only)**
- 8 Docket **CHAPTER 13 Plan
(if Applicable)**

ALL Chapter 13 and 11 cases are opened as **ASSET** cases.

VOLUNTARY PETITION

Official Form B1, known as a "Voluntary Petition" must be filed by a debtor to begin a bankruptcy case.

JUDGE/TRUSTEE ASSIGNMENT

THIS IS A VERY IMPORTANT STEP in opening a new petition.

It is a crucial part of case opening, and will ensure that you receive your 341 notice immediately.

The file size limits of PDFs in ECF have increased from 3 MB to 4 MB.

Past issues of the **BANKRUPTCY BUGLE** make excellent reference materials for docketing tips and procedures. You may access past issues by clicking on the link below.

<http://www.nvb.uscourts.gov/electronic-case-filing/bugle-newsletter/>

