## UNITED STATES BANKRUPTCY COURT DISTRICT OF NEVADA

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In re: AMENDMENT OF INTERIM BANKRUPTCY RULE 1007-I	) ) ) )	GENERAL ORDER NO. 2009-04
	) )	

Whereas the Judicial Conference of the United States has approved an amendment to Rule 1007 of the Federal Rules of Bankruptcy Procedure; and

Whereas the Supreme Court of the United States has adopted the amendment proposed by the Judicial Conference and transmitted the same to Congress pursuant to the Rules Enabling Act; and

Whereas, absent further action by Congress, the amendment to Rule 1007 of the Federal Rules of Bankruptcy Procedure will become effective December 1, 2009; and

Whereas the Court, by General Order No. 2008-05, adopted Interim Bankruptcy Rule 1007-I for use in all cases filed under Chapter 7 of Title 11 of the United States Code commenced during the three-year period beginning December 19, 2008; and

Whereas the Court has determined that the amendments to the Interim Bankruptcy Rule 1007-I, as attached hereto, are necessary to conform to the changes to Rule 1007 of the Federal Rules of Bankruptcy Procedure.

IT IS ORDERED that General Order No. 2008-05 is hereby superseded.

IT IS FURTHER ORDERED that Interim Bankruptcy Rule 1007-I (Lists, Schedules,

Statements, and Other Documents; Time Limits, Expiration of Temporary Means Testing Exclusion), attached hereto and incorporated by this reference, is hereby adopted for use in all cases filed under Chapter 7 of Title 11 of the United States Code commenced during the three-year period beginning December 19, 2008.

DATED: November 23, 2009.

FOR THE DISTRICT COURT:

Honorable Roger L. Hunt

Chief Judge of the District Court

for the District of Nevada

FOR THE BANKRUPTCY COURT:

Honorable Mike K. Nakagawa

Chief Judge of the Bankruptcy Court

for the District of Nevada

Interim Rule 1007-I. Lists, Schedules, Statements, and Other Documents; Time Limits; Expiration of Temporary Means Testing Exclusion<sup>1</sup>

1	* * * *
2	(b) SCHEDULES, STATEMENTS, AND OTHER
3	DOCUMENTS REQUIRED.
4	* * * *
5	(4) Unless either: (A) § 707(b)(2)(D)(i) applies, or
6	(B) § 707(b)(2)(D)(ii) applies and the exclusion from means testing
7	granted therein extends beyond the period specified by Rule 1017(e),
8	an individual debtor in a chapter 7 case shall file a statement of
9	current monthly income prepared as prescribed by the appropriate
10	Official Form, and, if the current monthly income exceeds the median
1 1	family income for the applicable state and household size, the
12	information, including calculations, required by § 707(b), prepared
13	as prescribed by the appropriate Official Form.
14	* * * *
15	(c) TIME LIMITS. In a voluntary case, the schedules,
16	statements, and other documents required by subdivision (b)(1), (4),
17	(5), and (6) shall be filed with the petition or within 15 14 days
1 🞗	thereafter, except as otherwise provided in subdivisions (d) (e) (f)

<sup>&</sup>lt;sup>1)</sup> New material is underlined; matter to be omitted is lined through.

(h), and (n) of this rule. In an involuntary case, the list in subdivision (a)(2), and the schedules, statements, and other documents required by subdivision (b)(1) shall be filed by the debtor within  $\frac{15}{14}$  days of the entry of the order for relief. In a voluntary case, the documents required by paragraphs (A), (C), and (D) of subdivision (b)(3) shall be filed with the petition. Unless the court orders otherwise, a debtor who has filed a statement under subdivision (b)(3)(B), shall file the documents required by subdivision (b)(3)(A) within 15 14 days of the order for relief. In a chapter 7 case, the debtor shall file the statement required by subdivision (b)(7) within 45 days after the first date set for the meeting of creditors under § 341 of the Code, and in a chapter 11 or 13 case no later than the date when the last payment was made by the debtor as required by the plan or the filing of a motion for a discharge under § 1141(d)(5)(B) or § 1328(b) of the Code. The court may, at any time and in its discretion, enlarge the time to file the statement required by subdivision (b)(7). The debtor shall file the statement required by subdivision (b)(8) no earlier than the date of the last payment made under the plan or the date of the filing of a motion for a discharge under §§ 1141(d)(5)(B), 1228(b), or 1328(b) of the Code. Lists, schedules, statements, and other documents filed prior to the conversion of a case to another chapter shall be deemed filed in the converted case unless the court directs otherwise. Except

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as provided in § 1116(3), any extension of time to file schedules, statements, and other documents required under this rule may be granted only on motion for cause shown and on notice to the United States trustee, any committee elected under § 705 or appointed under § 1102 of the Code, trustee, examiner, or other party as the court may direct. Notice of an extension shall be given to the United States trustee and to any committee, trustee, or other party as the court may direct.

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(n) TIME LIMITS FOR, AND NOTICE TO, DEBTORS TEMPORARILY EXCLUDED FROM MEANS TESTING.

- (1) An individual debtor who is temporarily excluded from means testing pursuant to § 707(b)(2)(D)(ii) of the Code shall file any statement and calculations required by subdivision (b)(4) no later than 14 days after the expiration of the temporary exclusion if the expiration occurs within the time specified by Rule 1017(e) for filing a motion pursuant to § 707(b)(2).
- (2) If the temporary exclusion from means testing under § 707(b)(2)(D)(ii) terminates due to the circumstances specified in subdivision (n)(1), and if the debtor has not previously filed a statement and calculations required by subdivision (b)(4), the clerk shall promptly notify the debtor that the required statement and

- calculations must be filed within the time specified in subdivision
- 64 (n)(1).