LOCAL BANKRUPTCY RULES

United States Bankruptcy Court

District of Nevada

REDLINE VERSION

December 2012

United States Bankruptcy Court
The Foley Federal Building
and U.S. Courthouse
300 Las Vegas Blvd. South
Las Vegas, Nevada 89101-5811

United States Bankruptcy Court
The C. Clifton Young Federal Building
and U.S. Courthouse
300 Booth Street
Reno, Nevada 89509 -1317

(Incorporates Administrative Orders 2012-01 to 2012-05, with strike-outs and italics.)
New and modified content

U.S. Bankruptcy Court
District of Nevada

PART III – LOCAL RULES OF BANKRUPTCY PRACTICE

LR 1001. TITLE AND SCOPE OF RULES.

(a) Title. These are the Local Rules of Bankruptcy Practice of the United States District Court for the District of Nevada. This part governs cases and proceedings before the United States Bankruptcy Court of this District. These Rules may be cited as LR __.

(b) Applicability of local bankruptcy and district court rules.

~~(1) All cases and proceedings within the bankruptcy jurisdiction of the courts are~~ ~~(2)~~(1) ~~referred to the bankruptcy judges~~ All cases under title 11 and all proceedings arising under, arising in or related to a case under title 11 are referred to the bankruptcy courts for this district. If a bankruptcy judge or district judge determines that entry of a final order or judgment by a bankruptcy judge would not be consistent with Article III of the United States Constitution in a particular proceeding referred under these rules, the bankruptcy judge shall, unless otherwise ordered by the district court or consistent with LR 5011, hear the proceeding and submit proposed findings of fact and conclusions of law to the district court. The district court may treat any order of the bankruptcy court as proposed findings of fact and conclusions of law in the event that the district court concludes that the bankruptcy judge could not have entered a final order or judgment consistent with Article III of the United States Constitution.

~~(3)~~(2) The Federal Rules of Bankruptcy Procedure and these Local Rules govern procedure in all bankruptcy cases and proceedings in the District of Nevada. Except for those matters contained in Part IA of the Local Rules of Practice for the United States District Court for the District of Nevada, no other local rules apply unless they are specifically adopted by reference in these bankruptcy local rules.

~~(4)~~(3) Except as provided in LR 8001, et seq., these rules do not apply to bankruptcy proceedings in the district court.

~~(5)~~(4) These rules supplement or, as permitted, modify the Federal Rules of Bankruptcy Procedure and are to be construed to be consistent with the Federal Rules of Bankruptcy Procedure and to promote the just, efficient and economic determination of every action and proceeding.

~~(6)~~(5) These rules are effective starting January 1, 2013 and govern all actions and proceedings pending or begun on or after that date.

(c) General and administrative orders, guidelines, and policy statements.

(1) These rules may be amended by general order of the district court or by administrative order of the bankruptcy court. There may be matters relating to internal bankruptcy court administration that, in the discretion of the bankruptcy court en banc, may be accomplished by administrative orders.

(2) The clerk will maintain copies of orders, guidelines, and policy statements that relate to practice before this court and will make copies available:

(A) On request and the payment of a nominal charge; and,

(B) On the court's website, www.nvb.uscourts.gov.

(3) Once adopted, these rules supersede all existing administrative orders. All future administrative orders will be designated consecutively according to the year of their adoption, e.g., 2009-1, 2009-2, 2009-3, etc.

(d) Procedures outside the rules. These rules are not intended to limit the discretion of the court. The court may, on a showing of good cause, waive any of these rules, or make additional orders as it may deem appropriate and in the interests of justice.

(e) Sanctions for noncompliance with rules. Failure of counsel or of a party to comply with these rules, with the Federal Rules of Civil Procedure, the Federal Rules of Bankruptcy Procedure, or any court order may be grounds for imposing sanctions, including, without limitation, monetary sanctions.

(f) United States trustee guidelines. The United States trustee may, from time to time, issue guidelines regarding all matters in or relating to cases under Title 11 of the United States Code. The guidelines reflect the position of the United States trustee on the matters they address as well as actions that the United States trustee may take in accordance with those positions. Copies of the guidelines will be available from the United States trustee upon request or through the court's website.

(g) Links to other websites. Bankruptcy trustees and governmental entities, appointees, or agents, including but not limited to the United States Attorney, the United States trustee, ~~and~~ the Internal Revenue Service and organizations which assist low income individuals may submit proposed links for inclusion on the court's website to the clerk.

(h) Meaning of terms. Unless otherwise specifically stated, throughout these rules, the word "debtor" means the debtor, the debtor's attorney, or anyone else who speaks for or represents the debtor. Similarly, the word "trustee" means the trustee, the trustee's attorney, or anyone else who speaks for or represents the trustee. The same understanding applies to all other parties.

LR 1002. PETITION - GENERAL.

(a) Number of copies.

(1) For documents that are not electronically filed by parties under the provisions of LR 5005, the clerk will maintain a list of requirements that specify the minimum number of copies that must be submitted. The clerk may from time to time revise the list of copy requirements. When the requirements are revised, the clerk will reissue them with a notation of the effective date of the revision. The clerk will make copies of the list available upon request, and will post them on the court's website.

(2) Notwithstanding this rule, if the clerk asks a filer for a copy of a document or for additional copies, the filer must comply.

(b) Additional documents. When a voluntary petition is filed by a corporation, there must be attached to it a true copy of the resolution of the corporation's board of directors authorizing the filing.

(c) Duty to notice other courts of the filing of bankruptcy petition. Within fourteen (14) days after filing a bankruptcy petition, the debtor must file a notice of the bankruptcy case in any proceeding where any claim or cause of action is pending against, or on behalf of, the debtor. The debtor must file

evidence of service of the notice with the bankruptcy court within seven (7) days after service is completed.

LR 1002.1. PETITION - PARTNERSHIP.

When a partnership files a voluntary petition, evidence of the unanimous consent of all general partners must be attached to the petition unless a written partnership agreement permits other than unanimous consent. If that is the case, a declaration to that effect must be attached to the petition.

LR 1003. JOINDER OF PETITIONERS IN INVOLUNTARY CASE.

If a debtor files an answer averring the existence of twelve (12) or more creditors, the creditor(s) filing the involuntary petition must serve a copy of the petition, the answer, and a notice to all creditors. The notice must state that the creditor may join in the petition before the hearing date.

LR 1005. PETITION - CAPTION.

The first and/or second page(s) of every petition presented for filing must include the following: (1) the name of all attorneys appearing for the petitioner, their Nevada or other state bar number, address, telephone number, fax number, and email address; or, for a party appearing pro se, the party's name, address, and telephone number; and (2) in all cases, the chapter of the Bankruptcy Code under which the case is filed.

LR 1006. PAYMENT OF FILING FEE IN INSTALLMENTS; DENIAL OF PETITIONS UNDER 28 U.S.C. § 1930(f).

(a) Applications for permission to pay filing fees in installments by individuals must provide that an initial payment will be made within thirty (30) days after filing the petition, and the balance of the filing fee will be paid in accordance with the order approving payment of filing fee in installments. The bankruptcy fee schedule is posted on the court's website, and it will have a breakdown of the authorized installment payment amounts. If a request is made to make payments differently, it must be supported by an affidavit describing special circumstances.

(b) If a petition under 28 U.S.C. § 1930(f) is denied, the debtor will be deemed to have applied for installment payments under section (a) above as of the date of denial.

LR 1007. LISTS, SCHEDULES, AND STATEMENTS; MAILING LIST.

(a) Number of copies. See LR 1002(a).

(b) Master mailing list.

(1) The debtor must prepare and file a master mailing list in a format approved by the clerk.

(2) The master mailing list must include the following information:

(A) The names and addresses of creditors, either alphabetically or alphabetically by category, including those parties to pending lawsuits indicated on the debtor's statement of financial affairs, and those additional parties and governmental entities specified in LR 2002;

(B) Zip codes for all postal addresses; and,

(C) The names and addresses of all general partners or corporate officers for any debtor that is a partnership or corporation, and any managers of any limited liability company.

(3) The clerk will maintain requirements for a master mailing list that specify the format of a list to be submitted for filing. This may include the requirement that the list be submitted electronically. The clerk may from time to time revise the requirements. When revised, the clerk will reissue the requirements with a notation of the effective date of the revision. Copies of the requirements for the format of a master mailing list will be available from the clerk and will be posted on the court's website.

(4) If the debtor fails to timely prepare and file a master mailing list in a format that conforms to the clerk's requirements for a master mailing list, the attorney for the debtor or the debtor in proper person will be required to mail the Notice of Chapter __Bankruptcy Case, Meeting of Creditors, & Deadlines and the Discharge of Debtor to all creditors and parties in interest pursuant to LR 2002(a).

(5) Amendment.

(A) If any amended schedule of creditors is filed, a supplement to the master list must be submitted. The supplement must not repeat those creditors on the prior master list, and must list only the following information:

(i) The complete names and addresses of additional creditors and corrections to the master list, together with the bankruptcy case number;

(ii) The complete name and address of any party requesting special notice together with the bankruptcy case number; and,

(iii) The complete name and address of the most recent addition of any creditor that is either scheduled or has filed a proof of claim.

(B) Besides the notice of the amendment required by Fed. R. Bankr. P. 1009(a), upon filing an amendment, the debtor must send a copy of the Notice of Chapter__Bankruptcy Case, Meeting of Creditors, & Deadlines issued in the bankruptcy case to the added creditors, and must file evidence of sending the notice.

~~(7)~~(6) The debtor is responsible for the accuracy and completeness of the master list and any supplement. The clerk will not compare the names and addresses of the creditors listed in the schedules with the names and addresses shown on the master list or supplement.

~~(8)~~(7) A party serving notice is responsible for determining the appropriate address pursuant to, among other rules, Fed. R. Bankr. P. 2002(g).

(c) Special notice list. The debtor may prepare and file a special notice list including the

names and addresses of those entities listed in LR 2002(b), all secured creditors or their counsel, the twenty (20) largest unsecured creditors or their counsel, all professionals employed in the case, and any entities who have filed a request for notice.

(d) Extension of time. Any motion to extend the time to file lists, schedules, and statements must be filed within the time period provided by Fed. R. Bankr. P. 1007. The motion will be set on a hearing date of not less than fourteen (14) days' notice.

(e) Pay stubs. As authorized by 11 U.S.C. § 521(a)(1)(B), the court hereby exempts any debtor who is an individual from the filing requirements of 11 U.S.C. § 521(a)(1)(B)(iv). However, information and documents may still be required by the trustee, or requested by any creditor.

LR 1009. AMENDMENT OF PETITION.

The clerk may direct the debtor to file an amendment to the petition on a form prescribed by the clerk so as to correct any clerical mistakes in the debtor's name, address or identification number. If the debtor fails to comply, the clerk shall determine the title of the case. The debtor must send notice of the amendment to the United States trustee, trustee and all creditors.

LR 1013. HEARING AND DISPOSITION OF PETITION IN INVOLUNTARY CASES.

(a) Setting trial of involuntary cases. Unless the clerk sets a status hearing when an involuntary petition is filed, the petitioning creditor must obtain a hearing date from the clerk for the trial of a contested petition and must immediately notify the debtor of the hearing date along with any creditors identified in the debtor's answer.

(b) Effect of default. If an answer or responsive pleading is not filed as required by Fed. R. Bankr. P. 1011, the petitioning creditor must within seven (7) days after the default, submit an order for relief to the court or a notice of voluntary dismissal. If the petitioning creditor fails to file an order or notice, the court may dismiss the case without prejudice.

LR 1015. RELATED CASES; CONSOLIDATION OR JOINT ADMINISTRATION.

(a) Notice of related cases. Counsel or a debtor who is aware that a case on file, or about to be filed, is related to another case that is pending or that was pending within the preceding two (2) years, must file a notice of related cases, setting forth the title, number and filing date of each related case, together with a brief statement of the relationship.

(b) Cases deemed related. Cases deemed to be related within the meaning of this rule include the following:

(1) The debtors are the same entity;

(2) The debtors are husband and wife;

(3) The debtors are partners;

(4) The debtor in one (1) case is a general partner or majority shareholder of the debtor in the other case;

(5) The debtors have the same partners or substantially the same shareholders; or,

(6) The debtors are affiliated as that term is defined under 11 U.S.C. §101(2).

(c) Reservation of judicial discretion to deem case as related. Without limiting the foregoing, the court may deem the case to be so related that it should be treated as related.

(d) Assignment to judges. Unless the court directs otherwise, related cases filed at the same time will be assigned to the same judge. Whenever the clerk is apprised of related cases, after consulting with the assigned judge and the proposed judge, the clerk will reassign the second case to the judge to whom the first case was assigned, unless the court orders otherwise.

(e) Nonlimitation of applicability. A judge may assign any case or adversary proceeding to another judge.

(f) Trustee assignment. If a debtor files a chapter 7 or 13 bankruptcy case within one (1) year of a prior dismissed chapter 7 or 13 case, the U.S. Trustee's Office will request that the new case be assigned to the trustee that administered the prior case, with the exception of a change in venue.

(g) Joint administration. A motion seeking to jointly administer two (2) or more cases will, if granted, result in the joint administration of such cases unless otherwise ordered by the court.

(1) A motion to jointly administer two (2) or more cases must be filed in all cases listed in the motion, and the hearing on the joint administration will be held by the judge in the first assigned case.

(2) The party which obtained the order for joint administration must, within fourteen (14) days of the entry of the order, file with the court a combined matrix constituting a total mailing list of all interested parties in all the jointly administered cases without duplication.

(h) Assignment of jointly administered or consolidated cases. Unless otherwise ordered, jointly administered cases will be assigned to the lowest number of the cases. Subsequent filings of papers must be filed only in the lead case.

(i) Caption of jointly administered or consolidated cases. The caption of jointly administered or consolidated cases must include the name of each debtor entity, a list of each case number and a note specifying "Jointly Administered" [or Consolidated] under Case No. BK-X-XX-XXXX."

LR 1015.1. ASSIGNMENT OF CHAPTER 11 CASES.

(a) District-Wide Assignment of Chapter 11 Cases. Except as provided in subsections (b) or (c), the clerk shall assign cases filed under chapter 11 to a bankruptcy judge in this district without regard to the address or location stated on the debtor's petition. This rule shall take precedence over anything to the contrary in Local Rule 1071.

(b) Exceptions. The following cases are exceptions to subsection (a), and the clerk shall follow LR 1071 in assigning bankruptcy judges in this district to the following types of chapter 11 cases:

(1) Cases in which the debtor is an individual;

(2) Cases in which the petition indicates that the debtor is:

(i) a small business debtor (as defined in the 11 U.S.C. § 101(51D)); or

(ii) Single asset real estate (as defined in 11 U.S.C. § 101(51B)); or

(iii) Health care business (as defined in 11 U.S.C. § 101(27A)).

(c) Reassignment. Within five days of the filing of its petition, the debtor may request a transfer of the debtor's case to another division of the court for cause shown and as the interests of justice may require. The judge initially assigned to the case shall make the determination of cause and the interests of justice. The debtor may make a request under this subsection on an ex parte basis. Nothing in this section shall affect the right of any other party in interest to request a change of venue to another division.

LR 1016. NOTIFICATION OF DEATH OR INCOMPETENCY.

If a debtor dies or is deemed incompetent, the debtor's executor, administrator, counsel or guardian must file a statement of that fact and, if applicable, a Certificate of Death with the court and must immediately serve the statement and Certificate of Death on the trustee if there is one, or on the United States Trustee if no trustee has been appointed. The statement of that fact and a Certificate of Death filed and served shall comply with LR 9037.

LR 1070. JURISDICTION.

(a) Any case, contested matter, or adversary proceeding that is referred either automatically or otherwise to a particular bankruptcy judge may be heard by any other bankruptcy judge or by a bankruptcy judge designated and assigned temporarily to this district.

(b) Judges assigned to either unofficial division of this court may hear cases in any official duty station in the district.

LR 1071. UNOFFICIAL DIVISIONS - BANKRUPTCY COURT.

(a) The State of Nevada is one (1) judicial district and is divided into two (2) unofficial divisions as follows:

(1) Southern Division: Clark, Esmeralda, Lincoln, and Nye Counties.

(2) Northern Division: Carson City, Churchill, Douglas, Elko, Eureka, Humboldt, Lander, Lyon, Mineral, Pershing, Storey, Washoe, and White Pine Counties.

(b) Petitions must be filed in the division in which venue is based. If a petition is filed in the

wrong division, the court may, on its own, transfer it to the appropriate division or retain the case.

LR 2002. NOTICES TO CREDITORS AND OTHER INTERESTED PARTIES.

(a) Notices to parties in interest; proof of service.

(1) Any person who files a pleading, written motion or other document that requires notice to another party is responsible for serving all parties who must be served. Unless the court directs otherwise, the clerk will not serve those notices.

(2) Unless otherwise ordered or provided by applicable rule or statute, service, other than by electronic means, must be completed within two (2) business days after the filing of any paper.

(3) Proof of service made in accordance with LR 2002(a)(1) must be filed within seven (7) days after the filing of the papers and pleadings required or permitted to be served. The proof must show the date of service, the name of the person served, and the manner of service. A certificate of service must be included with all documents filed electronically, indicating that service was accomplished through the notice of electronic filing for parties and counsel who are filing users and indicating how service was accomplished on any party or counsel who is not a filing user. A "filing user" is one who has completed a registration form to file papers in the electronic filing system. Proof of service is deemed sufficient if it complies with the court's certificate of service form, which is available on the court's website. Failure to file the proof of service required by this rule does not affect the validity of service. Unless material prejudice would result, the court may at any time allow the proof of service to be amended or supplied.

(4) Notice to added creditors. If an amendment is filed adding creditors in accordance with Fed. R. Bankr. P. 1009(a), the debtor must send each added creditor a copy of the Notice of Chapter __Bankruptcy Case, Meeting of Creditors, & Deadlines and must file a Certificate of Service in accordance with LR 2002(a)(3) and update the master mailing list pursuant to LR 1007(b).

(b) Notices to governmental units and certain taxing authorities. Any document that is required to be served or noticed on all parties must also be served or noticed on the federal and state governmental units listed in the Register of Mailing Addresses of Federal and State Governmental Units kept by the Clerk in accordance with Fed. R. Bankr. P. 5003(e) and LR 5003(c). Additional service requirements may be found in Fed. R. Bankr. P. 2002(j).

(c) Notice of First Meeting of Creditors in certain cases involving over 200 creditors. For c~~C~~hapter 9, 11, and 12 cases with more than 200 creditors and parties in interest listed, the debtor is directed to give the trustee, if any, all creditors, and other parties in interest at least twenty-one (21) days' notice by mail of the Notice of Chapter__ Bankruptcy Case, Meeting of Creditors, & Deadlines entered by the court in each bankruptcy case.

(d) Creditor's designation of preferred address. If a creditor has designated a person or organizational subdivision in accordance with 11 U.S.C. § 342(f), the court's CM/ECF system will ordinarily replace any nonconforming address for that creditor on the mailing matrix, with the designated address noted with the symbol "(p)" next to the address. However, it is the duty of the creditor to review the matrix and, if its designated address does not appear, to file a request for notice in the particular case.

(e) Amended or incomplete filings. If an amendment is filed adding creditors or creditor addresses, the debtor must comply with LR 1007(b)(5).

(f) Extension of time to serve notice. If the court issues an order granting an extension of time to serve the notice required by LR 2002(c), the original creditors' meeting must be continued and a new date for the meeting must be set. Any motion or request to extend the time to serve the notice will be deemed to waive the deadlines that run from the first date for the meeting of creditors and to stipulate that the deadlines run from the renoticed meeting date.

(g) Notice to creditors whose claims have been filed. After a claims bar date expires in a chapter 7 case, all notices required by Fed. R. Bankr. P. 2002(a) may be served only on the debtor, the trustee, all indenture trustees, creditors that hold claims for which proofs of claim have been filed with the clerk and to creditors, if any, that are permitted to file claims by reason of an extension granted under Fed. R. Bankr. P. 3002(c).

(h) Clerk's notice to United States Trustee and trustees. The clerk may serve the United States trustee and all trustees by transmitting a copy of any document electronically using the court's electronic case filing system. Service must be made in accordance with the electronic filing procedures described in LR 5005.

(i) Clerk's notice to attorneys.

(1) The clerk may serve any attorney or any party represented by an attorney who is not a regular filer in the court's electronic case filing system, as that term is defined by LR 5005(a), by transmitting a copy of any document electronically in accordance with the procedures described in LR 5005.

(2) The clerk may serve any attorney or any party represented by an attorney who is not a regular filer in the electronic case filing system by placing a copy of document in a designated location in the clerk's office. The clerk will prescribe the conditions for pickup, which may be changed from time to time at the clerk's discretion. The clerk's deposit of a document in the designated location is deemed to be receipt of it and will be made only to the submitting attorney shown in the caption of the document. In accordance with LR 9022, the attorney must serve all other parties.

(j) Certain notices in chapter 15 cases. In a chapter 15 case, the notice requirements under Fed. R. Bankr. P. 2002(q)(1) and (2) are delegated to the foreign representative.

(k) Chapter 7 Notice of Summary of Final Report and Account of Trustee Over $1500. In a chapter 7 asset case, the notice requirement under Fed. R. Bankr. P. 2002(f)(8) is delegated to the case trustee.

LR 2003. MEETINGS OF CREDITORS AND EQUITY SECURITY HOLDERS.

A motion to waive the appearance of the debtor must state that the United States trustee and the trustee in a chapter 7, 12 or 13 case have been contacted, and whether there is an objection to the waiver.

LR 2004. EXAMINATIONS.

(a) Request for examination. All requests for orders under Fed. R. Bankr. P. 2004 must be made by motion and must be accompanied by a proposed order.

(b) Order for examination. The clerk may sign orders for examination if the date set for examination is more 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.

(c) Production of documents. Production of documents may not be obtained via an order under Fed. R. Bankr. P. 2004. Production of documents may, however, 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.~~

(d) Securing attendance of witness. 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.

LR 2010. TRUSTEES' BONDS.

(a) Blanket bond coverage. Trustees covered by the blanket bond applicable to the United States Trustee Region 17 and the District of Nevada must pro rate the cost of the annual bond premium for those asset estates held by the trustee at the time the bond premium is due and must pay the pro rata share from each estate.

(b) Increase in bond premium. If the amount of the bond required in an individual case results in an increase in the bond premium for that case, the trustee must pay the increased premium from the assets of that case.

(c) Payment of bond premiums. The trustee must pay all bond premiums on or before the due date.

(d) Maintenance of original bonds. An original bond must be filed with the court and a duplicate original bond must be submitted to the United States trustee.

(e) Bank fees and technology fees. Trustees administering cases may incur and pay on an ongoing basis any bank service fee, technology fee and any other fee associated with bank accounts as contemplated by 11 U.S.C. § 330(a)(1)(B). The court shall retain authority to review and approve such expenses in the context of the trustee's request to approve their Final Report and/or by further motion by a trustee or other interested party.

LR 2014. ATTORNEYS OF RECORD.

(a) Appearances. An attorney who appears in a case on behalf of a party is the attorney of record for the party for any and all purposes except adversary proceedings until an order is entered permitting the withdrawal of the attorney or the case is closed or dismissed.

(1) An attorney approved as special counsel for the bankruptcy estate and/or the debtor under 11 U.S.C. § 327(e) (or any other applicable code section) is attorney of record for that special purpose only. The attorney is attorney of record for the special purpose until an order is entered permitting the withdrawal of the attorney or the case is closed or dismissed.

(2) Unless the court orders otherwise or further appearance is made in an

adversary proceeding, an attorney who has appeared for a party only in the main bankruptcy case is not automatically the attorney of record for the party in the adversary proceeding.

(b) Substitution of Counsel. A stipulation and order permitting substitution of counsel may be submitted ex parte if (i) the substitution is signed by the client, the withdrawing counsel and the substitution counsel; and (ii) the substituting counsel acknowledges responsibility for all pending dates and deadlines. Notwithstanding this provision, the court may require that requests for substitution of counsel be set on noticed hearing.

(c) Withdrawals. See LR IA 10-6 of the Local Rules of Practice for the United States District Court for the District of Nevada.

LR 2015. REQUIRED PAYMENTS TO GOVERNMENT ENTITIES.

Without altering the priorities established under 11 U.S.C. § 507, or creating a superpriority, a trustee or debtor who operates a business must pay all post-petition taxes, fees, charges, or other required payments to governmental entities on a timely basis, except where otherwise ordered.

LR 2015.3. REPORTS OF FINANCIAL INFORMATION ON ENTITIES IN WHICH A CHAPTER 11 ESTATE HOLDS A CONTROLLING OR SUBSTANTIAL INTEREST; USE OF OFFICIAL FORM REQUIRED; EFFECT OF FAILURE TO TIMELY FILE.

(a) Periodical financial reports. Unless the court has entered an order pursuant to Fed. R. Bankr. P. 2015.3(d) or (e), the trustee or debtor in possession in every chapter 11 case filed on or after December 1, 2008, is to file all periodic financial reports identified in Fed. R. Bankr. P. 2015.3(a) within the time for filing established by Fed. R. Bankr. P. 2015.3(b).

(b) Official Form 26. In order to comply with the periodic financial reporting requirements identified in Fed. R. Bankr. P. 2015.3(a) and this local rule, the trustee or debtor in possession is to complete Official Form 26, and timely file it with the court. Use of Official Form 26 is mandatory.

(c) Failure to file report. Unless the court has entered an order pursuant to Fed. R. Bankr. P. 2015.3(d) or (e), failure to file one or more of the periodic financial reports identified in Fed. R. Bankr. P. 2015.3(a) within fourteen (14) days after the due date for filing under Fed. R. Bankr. P. 2015.3(b) may constitute cause for dismissal or conversion pursuant to 11 U.S.C. § 1112(b)(4)(F).

LR 2016. COMPENSATION OF PROFESSIONALS.

Local guidelines relating to applications for compensation and reimbursement of expenses may be published from time to time and will be posted on the court's website. The guidelines should be read in conjunction with applicable statutes, rules, and the United States Trustee's Guidelines for Reviewing Applications for Compensation and Reimbursement of Expenses filed under 11 U.S.C. § 330.

LR 3001. CLAIMS AND EQUITY SECURITY INTERESTS - GENERAL.

(a) Form and content. Each proof of claim must state the chapter of the Bankruptcy Code

under which the case is pending at the time the claim is filed.

(b) Transferred claims.

(1) Each proof of claim for a transferred claim must state on the face of the claim form, immediately adjacent to the bankruptcy case number, that the claim has been "transferred other than for security" or that the claim has been "transferred for security," whichever applies.

(2) Each claimant who files a proof of claim for a transferred claim must prepare and provide to the clerk, together with the proof of claim, the notice that is required to be sent by Fed. R. Bankr. P. 3001(e)(2), 3001(e)(3), or 3001(e)(4).

(c) Jointly administered cases. In cases which are jointly administered, but not substantively consolidated, claims must be filed only in the case to which claim relates, and such filing does not constitute the filing of a claim in any other jointly administered case.

(d) Substantively consolidated cases. In cases which have been substantively consolidated, all claims must be filed only in the lead case, and the claims register will be maintained in the lead case.

LR 3002. FILING A PROOF OF CLAIM.

(a) Copies and Service. If a creditor has not filed its proof of claim electronically and wishes to receive a file-stamped copy of it, the creditor must submit an additional copy to be returned. A request for return by mail must include a self-addressed, stamped envelope. If the debtor is not represented by an attorney, the creditor must serve a copy of the proof of claim on the debtor.

(b) Claim arising from rejection of executory contract or unexpired lease. A proof of claim arising from the rejection of an executory contract or unexpired lease of the debtor under 11 U.S.C. § 365(d) must be filed not later than ninety (90) days after the first date set for the meeting of creditors held under 11 U.S.C. § 341(a), unless the court orders otherwise.

(c) Proof of claim form. A proof of claim ~~should~~ shall be filed with the court using the most current Official Form B10, as prescribed by the Judicial Conference of the United States.

(d) Change of address for a creditor who has filed a proof of claim. A creditor who has filed a proof of claim shall file an amended proof of claim using the most current Official Form B10 to effectuate a change of address to which distribution of payments are made from a chapter 11 plan, chapter 13 plan or a chapter 7 estate.

LR 3003. FILING PROOF OF CLAIM OR EQUITY INTEREST IN CHAPTER 11 REORGANIZATION CASE.

Unless the court orders otherwise, a proof of claim in a chapter 11 case must be filed within ninety (90) days after the date first set for the meeting of creditors under 11 U.S.C. § 341(a). The notice setting the date for the first meeting of creditors must also provide a bar date for filing claims.

LR 3007. CLAIMS - OBJECTIONS.

(a) Form of objection. In an objection to claim, the following procedures apply:

(1) The objection must identify the holder of the claim, the amount of the claim, the date the claim was filed, and the number assigned to the claim on the claims docket;

(2) The objection must contain a statement of the grounds for the objection;

(3) Unless grounds are stated for objecting to the entire claim, the objection must state the amount of the claim that is not in dispute; and,

(4) A copy of the first page of the proof of claim must be attached to the objection.

(b) Responses to objection to claims. The time for filing a response to an objection to a claim and of the filing of any reply to such a response, is governed by the time limits set out in LR 9014(d)(1) and (2). A response to an objection is sufficient if it states that written documentation in support of the proof of claim has already been provided to the objecting party and that the documentation will be provided at any evidentiary hearing or trial on the matter.

(c) Hearing on objections. If a written response is not timely filed and served, the court may grant the objection without calling the matter and without receiving arguments or evidence. If a response is timely filed and served, the court may treat the initial hearing as a status and scheduling hearing if the court determines that further evidence must be taken to resolve a material factual dispute. Unless the court orders otherwise or for good cause, live testimony will not be presented at the first date set for hearing. The judge may order a further hearing at which oral evidence and exhibits will be received, or may, as appropriate, order that all evidence be presented by affidavit or declaration.

(d) Bar date for filing objections to claims in chapter 11 cases. Unless otherwise extended by court order, all objections to claims in a chapter 11 case must be filed within sixty (60) days after entry of an order confirming the chapter 11 plan.

(e) Service. In addition to any other service required, the objection must be served on the creditor at the address shown in the proof of claim as the notice address.

LR 3011. UNCLAIMED FUNDS.

(a) Procedure for requesting payment.

(1) Any entity seeking payment of unclaimed funds must file with the clerk a written application on forms prescribed by the clerk and available from the court's website. ~~and pay the prescribed fee.~~ The applicant must disclose the following:

(A) The service(s) rendered by any asset recovery firm or fund locator;

(B) Any agreement of commission, fees, compensation or reimbursement of expenses; and,

(C) The amount(s) requested.

(2) In no event may any commission, fee, compensation or reimbursement of expenses exceed fifty percent (50%) of the claim.

(b) Order. The clerk will not process a payment from the unclaimed funds' account without receiving a written court order ~~and the prescribed fee~~.

LR 3012. VALUATION OF SECURITY.

If a plan proposes to pay a secured creditor in accordance with 11 U.S.C. § 1325(a)(5)(B), the debtor must file a motion to value the collateral under Fed. R. Bankr. P. 3012 to be heard on or before the hearing on confirmation of the chapter 13 plan. The motion must be served in accordance with the provisions of Fed. R. Bankr. P. 7004 and LR 7004.

LR 3015. CHAPTER 13 PLAN AND CONFIRMATION.

(a) Standard form of chapter 13 plans and orders confirming chapter 13 plans. Each chapter 13 standing trustee may issue a form chapter 13 plan, a form chapter 13 plan summary and a form order for confirming a chapter 13 plan. Unless the court orders otherwise, the format prescribed by the trustee must be observed. The standing trustees may, from time to time, revise the form plans, form plan summaries and orders. The trustees will reissue any revised form plans and orders with a notation of the effective date of the revision.

(b) Chapter 13 plan guidelines. Each chapter 13 standing trustee may issue guidelines for the administration of chapter 13 plans. The guidelines will set forth positions that the trustee will generally follow in administering plans. The guidelines may also set procedures for scheduling confirmation hearings, filing objections to confirmation, and submitting orders confirming chapter 13 plans. The standing trustees may, from time to time revise the guidelines. The trustees will reissue any revised guidelines with a notation of the effective date of the revision.

(c) Copies of forms and guidelines. Copies of the form chapter 13 plan, a chapter 13 plan summary and the form order confirming a chapter 13 plan, and guidelines will be available from each trustee. If there are revisions to the form chapter 13 plan or form chapter 13 plan summary, the standing trustee will post the revisions on the respective trustee's website and advise the clerk of the bankruptcy court of any changes.

(d) Extension of time. A motion to extend the time to file a plan must be filed within the fourteen (14) day time period provided by Fed. R. Bankr. P. 3015(b), and will be set on a hearing date of not less than fourteen (14) days' notice.

(e) Service of plan. Upon the filing of a plan or an amended plan, the debtor shall serve a copy of the plan, or a summary thereof, on the chapter 13 trustee, all creditors, and other parties in interest who do not receive copies by electronic filing; however, if an amended plan was served upon any party in interest, but the amended plan: (i) does not change or amend that party's treatment under the plan; and (ii) such party in interest did not file an objection to the amended plan or a notice of appearance in the case, such party in interest need not receive notice of any subsequent plans at the time of confirmation, provided the court approves the amended plan and the prior notice. The debtor shall file with the plan or amended plan a certificate of service certifying that a copy of the plan or summary of the plan has been served upon the trustee, all creditors and parties in interest, in accordance with Fed. R. Bankr. P. 2002(b).

~~(e)~~(f) Service of Modification of a Chapter 13 Plan. A request by the debtor to modify a Chapter 13 Plan pursuant to 11 U.S.C. §1329 shall be filed on the form chapter 13 plan and shall be set for hearing on the court's calendar on a date and time designated for chapter 13 plan confirmation matters pursuant to LR 9014(b)(1). Upon the filing of the modification of the chapter 13 plan, the debtor shall serve a copy of the modified plan, or a chapter 13 plan summary, on the chapter 13 trustee, all creditors, and other parties in interest who do not receive copies by electronic filing. The debtor shall file with the modified plan a Certificate of Service certifying that a copy of the chapter 13 plan or chapter 13 plan summary and the time fixed for filing objections pursuant to Fed. R. Bankr. P. 3015(g) has been served upon the trustee, all creditors and parties in interest, in accordance with Fed. R. Bankr. P. 2002(b) and LR 9014 (b)(1)and (2).

~~(f)~~(g) Direct payments to lessors and creditors. As authorized by 11 U.S.C. § 1326(a)(1), all payments that the debtor is obligated to make under Section 1326(a)(1)(B) or 1326(a)(1)(C) must be made to the lessor or creditor only if the debtor's plan so provides. In all other cases, the payments must be made to the chapter 13 trustee together with all payments made to the trustee under Section 1326(a)(1)(A). chapter 13 trustees must separately account to each lessor or creditor for all payments received either (i) in the same way that they account for all other payments received under Section 1326(a); or (ii) as the court approves in accordance with separate agreements with each lessor or creditor.

(1) Payments tendered to the trustee that are intended as lease or adequate protection payments pursuant to the express terms of the debtor's proposed chapter 13 plan or that are deemed to be lease or adequate protection payments pursuant to 11 U.S.C. 1326(a)(1)(B) and (C) may be disbursed to the applicable lessor or secured creditor by the trustee prior to confirmation of the debtor's chapter 13 plan along with the trustee's regular monthly disbursements and the trustee may retain his or her applicable percentage fee on these preconfirmation disbursements in the same manner as if the disbursements were made after plan confirmation.

(2) Payments tendered to the trustee that are intended as lease or adequate protection payments pursuant to the express terms of the debtor's proposed chapter 13 plan or that are deemed to be lease or adequate protection payments must be impressed with a lien in favor of the secured creditor, and must be distributed to the secured creditor pursuant to this subsection ~~(e)(1)~~ . Such payments received by the trustee will not be refunded to the debtor upon conversion or dismissal of the chapter 13 case. The filing of an amended chapter 13 plan may not recharacterize any lease or adequate protection payment received by the trustee prior to the date the amended plan was filed.

LR 3015.1. DESTRUCTION OF ORDERS CONFIRMING, AMENDING, MODIFYING CHAPTER 13 PLANS.

Notwithstanding LR 9004(c)(1)(D), LR 5005(a)(3) and the court's electronic filing procedures, any original order confirming a chapter 13 plan, amended plan, modified plan, or trustees' modified plan may be appropriately destroyed by shredding twenty-eight (28) weeks after the entry of the order unless there is an appeal of such order. In the event the order becomes subject matter of a dispute for any reason after its destruction, the electronic image on file with the clerk is the equivalent of the original.

LR 3016. FILING OF CHAPTER 11 PLANS; HEARINGS.

In a chapter 11 case, an original plan must be submitted along with copies as required by LR 1002(a) and LR 9004(d). If a chapter 11 plan has not been filed or approved within six (6) months after

commencement of the case, the debtor in possession must file a report with the court explaining why a plan has not been filed or approved and setting forth a schedule for filing and hearing the disclosure statement and plan confirmation. Thereafter, the report must be updated quarterly.

LR 3017. EXPEDITED CONFIRMATION PROCEDURES; CONDITIONAL APPROVAL OF DISCLOSURE STATEMENTS.

(a) Expedited chapter 11 plan confirmation procedures. A motion filed pursuant to this rule may request entry of an order implementing expedited confirmation procedures, including but not limited to:

(1) Early deadlines for submitted plans and disclosure statements;

(2) Conditional approval of disclosure statements without hearing;

(3) Scheduling a combined hearing on the conditionally approved disclosure statement and confirmation of plan; and,

(4) Submission of a combined plan and disclosure statement.

(b) Application to all chapter 11 cases. In any chapter 11 case, including small business chapter 11 cases, the court may, on application of the plan proponent or on its own initiative, conditionally approve a disclosure statement.

(c) Procedure for conditional approval. The plan proponent may file an ex parte motion for conditional approval of the disclosure statement seeking a combined hearing on the conditionally approved disclosure statement and confirmation of the plan. The application must be accompanied by the proposed disclosure statement and by a certificate of counsel stating: (i) the circumstances that favor the preliminary approval of the disclosure statement; (ii) the total number of creditors, value of assets, and amount of claims as reflected in the debtor's schedules; and (iii) that the proposed disclosure statement contains the information required by Official Form 25B. The notice of the combined hearing on the conditionally approved disclosure statement and confirmation of the plan must clearly provide that creditors and parties in interest may object to the conditionally approved disclosure statement as permitted by Fed. R. Bankr. P. 3017.1, at the combined hearing.

(d) Non-small business cases. Except as otherwise provided herein, Fed. R. Bankr. P. 3017.1 shall apply to all non-small business cases.

LR 3018. BALLOTS - VOTING ON CHAPTER 11 PLANS.

(a) Filing of ballot summary. The proponent of a chapter 11 plan must:

(1) File a Certification of Acceptance and Rejection of Chapter 11 Plan (ballot summary) no later than one (1) business day before the hearing on plan confirmation. The ballot summary must be signed by the plan proponent and must certify to the court the amount and number of allowed claims of each class accepting or rejecting the plan and the amount of allowed interests of each class accepting or rejecting the plan; and,

(2) Have all of the original ballots available at the hearing for inspection and review by the court and any interested party.

(b) Amended ballot summary. In addition to the above requirements, the court may order an amended ballot summary to be filed, with the original ballots attached.

(c) Duty of plan proponent. The plan proponent must:

(1) Tabulate the ballots of those accepting and rejecting the plan; and,

(2) If the original ballots are not filed with the court by the voting claimant(s), to maintain those original ballots for a period of not less than the time required for the retention of originally signed documents in the electronic filing procedures described in LR 5005 .

LR 3019. MODIFICATIONS TO CHAPTER 11 PLANS.

At the hearing on confirmation of a chapter 11 plan, the court may consider modifications to the plan, which may be incorporated in the order confirming the plan. Any notice of a confirmation hearing under Fed. R. Bankr. P. 2002(b) must include notice that modifications may be considered at the hearing.

LR 3019.1. MODIFICATIONS OF ACCEPTED PLAN AFTER CONFIRMATION IN A CHAPTER 11 CASE INVOLVING AN INDIVIDUAL DEBTOR.

(a) Required Information. A proponent requesting the post-confirmation modification of a chapter 11 plan involving an individual debtor must file the modified plan, together with a motion seeking confirmation of the modified plan which specifies the changes sought by the modification including, but not limited to, the following:

(1) The purpose of, or the necessity for, the modification together with sufficient information regarding such circumstances that would enable a hypothetical investor to make an informed judgment regarding the modification;

(2) The proposed changes to the plan payments, the term of the plan, the proposed distribution to any class, or any other substantive provision; and,

(3) A comparison of the modified plan language to the original plan language.

(b) Procedure. Plan modifications must be made by motion filed pursuant to LR 9014.

LR 3020. CHAPTER 11-CONFIRMATION.

Declarations in Support of Confirmation. Any party may file declarations in support of or opposition to confirmation of a chapter 11 plan, and all declarations shall be filed 7 days or more prior to the confirmation hearing, with any subsequent opposition to any declaration to be filed 48 hours prior to the scheduled hearing, unless otherwise approved by the court.

LR 3021. CHAPTER 13 TRUSTEE'S NOTICE OF PROPOSED DISTRIBUTION.

After the claims bar dates have passed and all claims have been reviewed by the chapter 13 standing trustee, the trustee may file and serve a notice of chapter 13 trustee's proposed distribution. The notice will list all claims as reflected on the court's claims docket and describe how each claim will be treated. The notice will be served on the debtor(s) and all creditors listed in the case, whether or not the creditor has filed a claim. Creditors will be advised to review the notice to ensure that the proposed distribution is accurate and that ~~their~~ claims ~~is~~ are properly listed. Should a claim be missing or inaccurate, the creditor will be required to file a written objection to the proposed distribution with the court within twenty-one (21) days of the date of the notice and serve it on the chapter 13 standing trustee. If the creditor fails to timely file an objection, the creditor will be deemed to have accepted the trustee's proposed treatment of the claim. If a timely objection is filed, the trustee will take no further action until the objection is resolved by the court after hearing. Within twenty-one (21)days of the filing of the objection, t~~T~~he creditor must schedule a hearing on the objection, and provide a minimum of twenty-one (21) days' notice of the hearing. If a hearing on the objection is not timely noticed, the objection, unless otherwise ordered by the court, will be deemed withdrawn and the chapter 13 trustee shall proceed to administer the confirmed plan or modified plan and filed claims as set forth in the notice of proposed distribution.

LR 3022. CHAPTER 11 FINAL DECREE.

Unless otherwise provided in the plan or by court order, or unless there are pending contested matters or adversary proceedings, a case is deemed fully administered one hundred eighty (180) days after plan confirmation, and the clerk may then enter a final decree without further notice.

LR 3022.1 CHAPTER 11 INDIVIDUAL DISCHARGES.

(a) Upon completion of all plan payments required of an individual debtor under a confirmed chapter 11 plan, the individual debtor(s) shall file the local form "Certificate of Compliance with Conditions Related to Entry of Chapter 11 Individual Discharge Together With Notice Thereon."

(b) The attorney for the debtor (or clerk, if the debtor is pro se) must serve a copy of the certificate of compliance form on all creditors.

(c) If no objections are filed within 21 days after service of the "Certificate of Compliance with Conditions Related to Entry of Chapter 11 Individual Discharge Together With Notice Thereon" and if the debtor is otherwise eligible to receive a discharge, the court may issue a discharge in the case.

(d) Upon entry of a discharge order on behalf of an individual debtor, and in the absence of any unresolved administrative issue, a final decree closing the case shall be entered by the clerk.

(e) If the debtor proposes to close the case before plan payments have been completed, and intends to reopen the case after plan completion to obtain a discharge, the debtor shall file a motion to close the case and include in that motion the debtor's intent to reopen. Upon the filing of a motion to reopen, the debtor shall be required to pay any fees due for reopening the case. The debtor shall also file the "Certificate of Compliance with Conditions Related to Entry of Chapter 11 Individual Discharge Together With Notice Thereon."

LR 4001. MOTIONS FOR RELIEF FROM THE AUTOMATIC STAY; USE OF CASH COLLATERAL OR OTHER RELIEF; EMERGENCY ORDERS.

(a) Motions for relief from automatic stay.

(1) Section 362 information sheet.

(A) A form of § 362 cover sheet is available from the clerk's office or on the court's website.

(B) All motions for relief from the automatic stay and any oppositions to it must have attached as a cover sheet a properly filled out § 362 information sheet, which must be signed by counsel and/or the moving or opposing party.

(C) Unless the court orders otherwise, a properly completed § 362 information sheet will satisfy the requirements for a statement of facts and legal memorandum in cases under chapters 7 and 13.

(2) Parties are directed to communicate in good faith regarding resolution of the motion before filing a motion for relief from stay including, as appropriate, communication with any trustee appointed in the case. Such attempts to resolve the dispute must be made in a reasonable time frame prior to, but in any case no less than 72 hours (if debtor is represented by counsel) or 5 days (if debtor(s) are representing themselves), before the motion is filed. Movant must provide evidence of their attempt to resolve the matter with more than conclusory declarations, which shall be filed with the motion. ~~and t~~The court may refuse to entertain a motion or opposition if the parties do not comply with this rule. The court may award, deny, or adjust fees of counsel for noncompliance. Compliance with this subsection is not required for motions for relief from stay relating to property identified by the debtor as being surrendered in the schedules, statements, or the proposed plan of reorganization.

(3) When, in accordance with a prior court order, an ex parte order is submitted regarding relief from stay, the order must be accompanied by evidence (which may be in the form of a declaration or affidavit) establishing each of the following:

(A) The identification of the prior order of the court authorizing the ex parte relief;

(B) The facts and circumstances of default under the prior order;

(C) The method of service of notice of default;

(D) The time period for cure; and,

(E) The failure to cure within that time.

(b) Applications for use of cash collateral or postpetition financing.

(1) The court and its individual judges may provide guidelines for applications seeking to approve the use of cash collateral and/or postpetition financing. The guidelines will be posted on the court's website.

(2) Motions for using cash collateral or obtaining credit to be heard on less than twenty-one (21) days' notice must be accompanied by separately filed affidavits or declarations setting forth the nature and extent of the immediate and irreparable harm that will result if the request is not granted, and must conform with the requirements to obtain an order shortening time under LR 9006.

(c) Agreements.

(1) In chapter 7 and chapter 13 cases, the court may approve an agreement or stipulation under Fed. R. Bankr. P. 4001(d) without a hearing if it is signed by the debtor, the creditor, and the trustee. The signature of the trustee is not required in the case of exempt property.

(2) As to all other agreements or stipulations under Fed. R. Bankr. P. 4001(d), upon the filing of a declaration attesting that no objections have been timely filed within fourteen (14) days of the filing and service of the agreement or stipulation and notice thereof, the court may enter an order approving the agreement or stipulation. Nothing contained herein precludes the court from sua sponte setting a hearing with regard to such an agreement or stipulation.

(3) Every agreement or stipulation must begin with the concise statement as described in Fed. R. Bankr. P. 4001(d)(1)(B) and include each provision of the type listed in Fed. R. Bankr. P. 4001(c)(1)(B).

(d) ~~Procedures for receiving rent deposits. Upon filing the petition, if a debtor claims an exception to the limitation of the automatic stay under 11 U.S.C. § 362(1), the debtor must submit to the clerk of court a certified check or money order payable to the lessor of any rent that would become due during the thirty (30) day period after the filing of the petition.~~

(d) Procedures for receiving rent deposits. If a debtor claims an exception to the limitation of the automatic stay under 11 U.S.C. § 362(1), the debtor must (i) submit a certified check or money order payable to the lessor and a certificate of intent to cure default to the clerk of court; and (ii) file a copy of the judgment entitling the creditor to possession of the leased premises with the petition. Upon receipt of the certified check or money order, the certificate of intent to cure default, and a copy of the judgment, the clerk shall transmit the certified check or money order to the lessor by certified mail to the address listed in the petition.

~~(e) Emergency administrative orders.~~

~~(1) This subsection applies to applications for emergency administrative orders, which are generally requested by a motion filed on an expedited basis after the commencement of a case.~~

~~(2) The court may issue guidelines for emergency administrative orders, which will be available from the clerk's office or the court's website.~~

~~(3) Notice must be served in a way designed to provide the maximum notice reasonably possible, and except in exigent circumstances, in no case less than two (2) hours before the hearing. Service may be by personal delivery, email, facsimile, or any other method reasonably calculated to give actual notice. Notice must, at a minimum, be served on the parties required to be served under LR 4001, as well as on the Office of the United States Trustee. All moving papers must be served as soon as possible on any party requesting a copy, in addition to service as required by Fed. R. Bankr. P. 2002 and 4001.~~

~~(4)~~(2) ~~Each motion must be filed, and courtesy copies must be provided to chambers, at least two (2) hours before the hearing, except in exigent circumstances.~~

~~(5)~~(3) ~~One or more affidavits or declarations must be filed that provide an evidentiary basis for the relief requested and that explain why emergency or expedited relief is needed. One omnibus affidavit or declaration may be used.~~

(e) Except as otherwise set forth above, LR 9014 applies to motions contemplated by this subsection.

LR 4002. DUTIES OF CHAPTER 13 DEBTORS BEFORE COMPLETING THEIR PLAN.

(a) Transfers of property and new debt. Debtors are prohibited from transferring, selling, or otherwise disposing of any nonexempt personal property with a value of $1,000 or more or nonexempt real property with a value of $5,000 or more other than in the regular course of their financial or business affairs without court approval. Except as provided in 11 U.S.C. § 364 and § 1304, debtors may not incur aggregate new debt exceeding $1,000 without court approval.

(b) Insurance. Debtors must maintain insurance as required by any law, contract, or security agreement.

(c) Support payments. Debtors must maintain direct ongoing child or spousal support payments.

(d) Compliance with applicable nonbankruptcy law. While operating under chapter 13, debtors must conduct their financial and business affairs in accordance with applicable nonbankruptcy law. This duty includes, but is not limited to, filing tax returns and paying taxes.

(e) Wage orders. If during the life of the plan a debtor becomes delinquent on making plan payments, then, on the request of the trustee, the debtor must provide a wage order directing his or her employer to make the payments to the chapter 13 trustee. If the debtor fails to voluntarily give the trustee a wage order within thirty (30) days of the request, the trustee may in his or her discretion, lodge with the court on an ex parte basis a proposed wage order along with a declaration regarding the debtor's default and the trustee's unsuccessful attempt to obtain a voluntary wage order from the debtor.

LR 4002.1. FRAUDULENT STATEMENTS.

In any case in which the court finds that there may be materially fraudulent statements in any schedule filed under 11 U.S.C. § 521, the court will promptly refer the matter for further action to the individual designated for the District of Nevada under 18 U.S.C. § 158(a).

LR 4003. EXEMPTIONS.

(a) Amendments to Claim of Exemptions. An amendment to a claim of exemptions under Fed. R. Bankr. P. 1009 and 4003 must be filed and served by the debtor on the trustee, the United States Trustee, and all creditors listed.

(b) Objections to Claim of Exemptions. Objections to exemptions must specifically state the grounds for the objection.

(c) Hearing. The objecting party must set a hearing on not less than thirty (30) days' notice to the debtor, the debtor's attorney, and the trustee or the local Office of the United States Trustee in a chapter 11 case.

(d) Procedure. LR 9014 applies to objections to exemptions.

LR 4009. CREDITOR'S DESIGNATION FOR RECEIVING NOTICE.

(a) If a creditor has designated a person or organizational subdivision in accordance with 11 U.S.C. § 342(g), the creditor must file with the court a document that (i) identifies the person or subdivision so designated, and (ii) describes the procedures it is using to ensure that the designated person or subdivision receives all properly addressed notices.

(b) If a creditor is not an individual and does not file a document substantially complying with subsection (a) above, or does not maintain any formal procedures for receiving notices, then notice to the creditor will be deemed effective if it would satisfy the provisions of Nev. Rev. Stat. § 104.1202.

LR 5001. CLERK'S OFFICE LOCATION AND HOURS.

Clerk's office. The clerk maintains offices in Las Vegas for the unofficial Southern Division and in Reno for the unofficial Northern Division of the court. The offices are open for business from 9 a.m. to 4 p.m., Monday through Friday, except legal holidays. The clerk may institute administrative procedures for filing pleadings and papers. If necessary, the clerk may, on request, transact business at other times. The current mailing addresses and locations of the office of the clerk are posted on the court's website. On the effective date of these rules, the mailing addresses and locations are:

(a) Unofficial Southern Division:

Clerk, U.S. Bankruptcy Court
The Foley Federal Building and U.S. Courthouse
300 Las Vegas Blvd. South, Suite 4-242
Las Vegas, Nevada 89101

(b) Unofficial Northern Division:

Clerk, U.S. Bankruptcy Court
The C. Clifton Young Federal Building and U.S. Courthouse
300 Booth Street, Room 1109
Reno, Nevada 89509

~~(b) After-hours filing drop box. If a filer who is not required to file electronically by LR 5005 uses any after-hours filing drop box provided by the clerk and wants the filed document to be docketed as of the date it was put in the box, the filer must place the drop box file stamp on the original document before putting it in the box. The drop box is available during the building's business hours. Only original documents bearing the drop box file stamp that the clerk picks up from the box on the same date or the next business date will be docketed as of the date they were deposited~~.

LR 5003. COURT RECORDS.

(a) Files and records.

(1) All files and records of the court will remain in the clerk's custody and will not be taken from the clerk's custody without the court's written permission and only after the person obtaining the file or record signs a receipt for it.

(2) In cases filed on or after January 2, 2002, electronic files consisting of the images of documents filed in cases and proceedings and documents filed electronically are designated as and constitute the official record of the court, together with the other records kept by the court. Documents filed electronically have the same status for all purposes as documents filed on paper. Filing a document electronically constitutes entry of that document on the docket kept by the clerk. The clerk is not required to establish or maintain paper files for cases or proceedings filed on or after January 2, 2002.

(b) Exhibits.

(1) The clerk will have custody of all exhibits marked for identification or admitted into evidence during any proceeding.

(2) The court may order original exhibits returned to the party who offered them if the originals are replaced with true copies.

(3) Unless the court orders otherwise, the clerk will retain custody of the exhibits until the judgment has become final and the time for filing a notice of appeal or motion for a new trial has passed, or until appeal proceedings have ended, whichever is greater.

(4) After the time to take an appeal from any appealable order or judgment has expired, any party may, upon twenty-one (21) days' written notice to all parties, withdraw any exhibit originally produced by it unless another party or person files notice with the clerk of a claim to the exhibit. If a notice of claim is filed, the clerk will not deliver the exhibit except with the written consent of the party who produced it and the claimant, or until the court has determined who is entitled to it.

(5) After the time to appeal any appealable order or judgment has expired, any party may, upon twenty-one (21) days' written notice to all parties, destroy any exhibit not claimed by the parties. When the case is closed, if no timely request is made for returning the exhibits, the clerk may destroy or make other disposition of them.

(c) Register of mailing addresses of federal and state governmental units and certain taxing authorities. Copies of the register of mailing addresses of federal and state government units and certain taxing authorities required to be kept under Fed. R. Bankr. P. 5003(e) are available from the clerk and are posted on the court's website.

(d) Notice of address under 11 U.S.C. § 342(f). A creditor's notice of preferred address to be used in all cases under chapters 7 and 13 pursuant to 11 U.S.C. § 342(f) should be submitted directly to the National Creditor Registration Service ("NCRS"). A request for notice under 11 U.S.C. § 342(f) must be made using the NCRS form, available from the National Creditor Registration Service's website. Registration of a preferred address with NCRS will constitute the filing of a notice under 11 U.S.C. § 342(f) with the court.

LR 5004. DISQUALIFICATION: DISCLOSURE OF INTERESTED PARTIES OR AFFILIATES.

(a) Unless otherwise ordered, when counsel for a nongovernmental party enters an adversary proceeding, the counsel must file a certificate listing all persons, associations of persons, firms, partnerships, or corporations known to have an interest in the outcome of the case including the names of any parent, subsidiary, affiliate or insider of the named nonindividual parties, as follows:

"Number and Caption of Case "
"Number and Caption of Adversary Proceeding "
"Certificate Required by LR 5004"

"The undersigned, counsel of record for _____, certifies that the following have an interest in the outcome of this adversary proceeding:

(List the names of all such parties including the names of all parent, subsidiary, affiliate, and/or insider of the named nonindividual parties, and identify their interests.)

"These representations are made to enable judges of the court to evaluate possible recusal.

"Attorney of Record for _____."

(b) If there are no known interested parties other than those participating in the adversary proceeding, a statement to that effect will satisfy this rule.

(c) There is a continuing obligation to update this information in accordance with this rule.

LR 5005. ELECTRONIC FILING, SERVICE, AND TRANSMITTAL OF PAPERS.

(a) Electronic filing is mandatory.

(1) Except as provided below, all filings made by regular filers must be made electronically. "Regular filers" means any entity, including any attorney (without regard to whether he or she is admitted generally to practice before the court) who:

(A) Made more than two (2) filings with the clerk in any calendar year after 2002; or,

(B) Is employed by a law firm, or has an interest as a partner, shareholder, or member of a law firm, that made more than two (2) filings with the clerk in any calendar year after 2002; or,

(C) Is employed by a governmental unit (as that term is defined in 11 U.S.C. § 101) that made more than two (2) filings with the clerk in any calendar year after 2002.

(2) All regular filers must complete a CM/ECF registration form, complete training, and obtain a password in order to file electronically. Information concerning these requirements can be found on the court's website.

(3) Filing documents submitted, signed, and verified by electronic means is authorized subject to administrative orders and procedures as issued by the court. Documents to be filed electronically must be filed in compliance with the electronic filing procedures, except where otherwise stated in these rules, and which are available on the court's website and may be revised from time to time.

(4) The following classes of filings are exempt from the electronic filing requirement:

(A) A proof of claim filed by a creditor not represented by an attorney in the case in which the proof of claim is filed, if that creditor has filed no more than ten (10) proofs of claim with the clerk during the current calendar year;

(B) A proof of interest filed by any equity security holder not represented by an attorney in the case in which the proof of interest is filed, if that equity security holder has filed no more than ten (10) proofs of interest with the clerk during the current calendar year;

(C) A request to be admitted to the bar of this court for purposes of practicing in a particular case filed under LR IA 10-2 of the Local Rules of Practice for the United States District Court for the District of Nevada;

(D) Any filing made by an attorney in the course of representing an individual without charge as part of a recognized pro bono or other public interest program designed to assist unrepresented individuals, so long as that attorney, but for similar filings, would not be a regular filer; and,

(E) Any filing made by an individual who is not otherwise registered in the CM/ECF system who appears without counsel (also known as a pro se litigant).

(5) If exceptional or emergency circumstances prevent a person from filing electronically, the person may ask the clerk to accept the filing under the Exceptional Circumstances Rule as set forth below.

(A) If an attorney or individual asks the clerk to accept a filing on paper because of exceptional or emergency circumstances, the clerk will accept the filing, digitize and index it, and transmit a copy of the filing to the appropriate bankruptcy judge.

(B) Unless the court directs otherwise, a person filing on paper under exceptional or emergency circumstances must, either concurrently with the filing or within two (2) business days after making it, submit an exceptional circumstances motion. If the motion is not made within the time limit, the clerk will strike the paper filing from the docket. The exceptional circumstances motion must be accompanied by:

(i) A declaration or affidavit detailing the exceptional or emergency circumstances that precluded an electronic filing. The declaration must include the number of previous exceptional circumstances motions made by the office or firm that employs the person making the affidavit or declaration; and,

(ii) A proposed order that the court may use in granting the exceptional circumstances motion.

(C) Exceptional circumstances include the unpreventable unavailability of Internet services available to the person presenting the filing. Filings that assert this ground of exceptional circumstances must detail the extent and nature of the unavailability and what steps (if any) will be taken to ensure that the unavailability will not recur. Exceptional circumstances do not include an inability to file because of a failure to receive the training necessary to access the court's electronic filing system. In deciding whether to grant the exceptional circumstances motion and allow a paper filing, the court may consider the number and extent of prior motions made by the moving party for exceptions to the electronic filing requirement.

(6) If the court finds that there are exceptional or emergency circumstances that warrant an exception to the electronic filing requirement, it will grant the motion. In addition, if the court has not affirmatively denied the motion within three (3) business days after the clerk receives it, the clerk will consider the motion granted and will not strike the filing. But if the court denies the motion, the clerk must strike the filing from the court's records, and the filing will be treated as if it had not occurred.

(b) Signature. The user log-in and password that are required to submit documents to the electronic filing system serve as the filing user's (as that term is defined in LR 2002(a)(3)) signature on all electronic documents filed with the court. The user log-in and password may not be used as an accommodation for any other party. They also serve as a signature for purposes of Fed. R. Bankr. P. 9011, the other Federal Rules of Bankruptcy Procedure, the local rules of this court, and any other purpose for which a signature is required in connection with proceedings before the court.

(c) Electronic service.

(1) Parties are authorized to serve documents under Fed. R. Civ. P. 5(b)(2)(E) through the court's transmission facilities, subject to the electronic filing procedures, which may be revised from time to time.

(2) Electronic transmission of the notice of electronic filing constitutes service or notice of the filed document on any person who is a registered participant in the electronic filing system, except for service under Fed. R. Bankr. P. 7004, and for other exceptions in accordance with the Federal Rules of Bankruptcy Procedure and the Local Rules.

(3) Generally, only attorneys and trustees are registered participants in the electronic filing system. The notice of electronic filing is sent electronically to:

(A) All registered participants in the system who have entered an appearance in the particular case or proceeding by filing a document or requesting notice in the case;

(B) The case trustee in cases (but not in adversary proceedings); and,

(C) The United States Trustee in cases (but not in adversary proceedings).

(4) Service or notice on an attorney does not constitute service on a client of that attorney or an entity unless the attorney is authorized to accept service by the client, by law, or by court order.

(d) Change of attorney mailing address or email address.

(1) If attorneys change their mailing address or email address, a notice of change of address of attorney must be filed for every case and adversary proceeding for which the attorney is the attorney of record in order to maintain a current mailing matrix. The form is available on the court's website. As a separate requirement, the attorney must also update the CM/ECF System. Substitutions of counsel must be obtained for all cases and proceedings for which the attorney will not remain the counsel of record. Attorneys must notify the court's ECF Department in writing of the change of address, and of any orders of substitution, by sending a letter to:

United States Bankruptcy Court
The Foley Federal Building and U.S. Courthouse
300 Las Vegas Blvd. South, Suite 4-242
Las Vegas, Nevada 89101
Attn: CM/ECF Department

or,

United States Bankruptcy Court
The C. Clifton Young Federal Building and U.S. Courthouse
300 Booth Street, Suite 1109
Reno, Nevada 89509
Attn: CM/ECF Department

(2) If attorneys fail to update their mailing address or email address as required by this rule, service made to their address of record will be deemed good service, unless the court orders otherwise.

(e) Waiver. By executing a written waiver when they register for the electronic filing system, participants consent to service by electronic transmission as provided below.

(1) The signed waiver constitutes waiver of the following:

(A) The right to receive notice by first class mail;

(B) The right to receive service by personal service or first class mail; and,

(C) The right to receive service and notice by first class mail of the notice of entry of an order and judgment under Fed R. Bankr. P. 9022.

(2) The signed waiver is also consent to receive notice electronically for all matters for which the attorney is entitled to notice, and consent to receive electronic service for all matters for which the attorney is entitled to service except with regard to those matters listed in LR 7004.

(3) The signed waiver constitutes a written request for notice by electronic transmission under Fed. R. Bankr. P. 9036.

(4) Waiver does not constitute an agreement by an attorney to accept service or notice on behalf of a client.

(f) Paper copies. Parties are entitled to receive a paper copy of any electronically filed document from the filer in circumstances where conventional service is required or where parties are not registered in the electronic filing system.

(g) Filing papers. Cases must be filed with the clerk of the United States Bankruptcy Court for the District of Nevada at Las Vegas or Reno in accordance with LR 1071. Once filed, cases will be administered, papers and pleadings will be docketed, and open files will be retained in the place where the case was filed, unless the court orders otherwise.

(h) No effect on deadlines. Nothing in this rule will affect the rules regarding the timing or timeliness of any filing under the local rules or under the Federal Rules of Bankruptcy Procedure.

LR 5007. RECORD OF PROCEEDINGS AND TRANSCRIPTS.

Ordering daily transcripts. Any party ordering transcripts of proceedings must notify the clerk of the need for daily transcripts at least seven (7) days prior to the hearing.

LR 5009. CHAPTER 13 DISCHARGE AND CLOSING CASE.

(a) For cases filed on or before October 16, 2005.

(1) ~~In a completed case, within fourteen (14) days after the final distribution to the creditors, the trustee must file with the court the Chapter 13 Final Account and Report which must provide at least thirty-five (35) days' notice to all creditors and set a date to object to the report~~ *In a completed case, within fourteen (14) days after the final distribution to the creditors, the trustee must file with the court the Chapter 13 Final Account and Report. The trustee must provide at least thirty-five (35) days' notice to all creditors and the Report must set a date for objections.*

(A) If no objection is timely filed to the ~~report~~ Chapter 13 Final Account and Report, a discharge may be issued if the debtor is otherwise eligible to receive a discharge.

(B) If an objection to the Chapter 13 Final Account and Report is timely filed, the ~~trustee~~ objecting party shall ~~will~~ schedule a hearing and provide at least twenty-one (21) days' notice to the ~~objecting creditor.~~ trustee, debtor(s), and attorney for debtor(s). The discharge of the debtor may be withheld until the court resolves the matter.

(2) A hardship discharge is requested through a motion for hardship discharge filed by the debtor under 11 U.S.C. Section 1328(b). Upon the filing of the motion, the clerk will enter an order under Fed. R. Bankr. P. 4007(d) fixing the time to file a complaint to determine the dischargeability of any debt under Section 523(c) and give no less than thirty (30) days' notice to all creditors of the time fixed to file an objection in the manner provided in Fed. R. Bankr. P. 2002. If no objection is filed to the motion for hardship discharge, the court may enter a hardship discharge. If an objection to the motion for hardship discharge is filed, the objection must be resolved before the granting of a hardship discharge.

(b) For cases filed on or after October 17, 2005.

(1) In a completed case~~,~~ in which the chapter 13 trustee is required to file a Notice

Of Final Cure Payment pursuant to Fed. R. Bankr. P. 3002.1, within fourteen (14) days after the ~~final disbursement to the creditors,~~ expiration of all time periods set forth in Fed. R. Bankr. P. 3002.1, the trustee must file with the court the ~~Trustee's Final Account and Report which must be ntoticed to all creditors.~~ Chapter 13 Final Account and Report. ~~The Final Account and Report~~ The trustee must provide at least thirty-five (35) days' notice to ~~object to the report~~ all creditors and the Final Account and Report must set a date for objections.

(A) If no objection is timely filed to the Chapter 13 Final Account and Report, a discharge may be issued if the debtor is otherwise eligible to receive a discharge.

(B) If an objection to the Chapter 13 Final Account and Report is timely filed, ~~the trustee will schedule a hearing and provide at least~~ within twenty-one (21) days ~~notice to the objecting creditor~~ of the filing of the objection to the Chapter 13 Final Account and Report, the objecting party shall schedule a hearing and provide at least twenty-one (21) days' notice to the trustee, debtor(s), and attorney for debtor(s). ~~The discharge may be withheld until the court resolves the matter.~~

(C) ~~Any debtor seeking entry of a discharge under 11 U.S.C. §1328, in a case filed on or after October 17, 2005, must complete and fie the local Certificate of Compliance form within thirty (30) days after receiving the court's notice of the requirement to file the Certificate of Compliance. This notice will be sent to the debtor after the objection period to the Trustee's Final Account & Report has passed. The Cerftificate of Compliance form is available on the court's website. In a joint case, both debtors must complete this form.~~ If a hearing on the objection to the Chapter 13 Final Account and Report is not timely noticed, the objection, unless otherwise ordered by the court, will be deemed withdrawn and the chapter 13 trustee shall proceed to close the case.

(2) *Except as set forth in (b)(1) above, in a completed case, within fourteen (14) days after the final distribution to the creditors, the trustee must file with the court the Chapter 13 Final Account and Report. The trustee must provide at least thirty-five (35) days' notice to all creditors and the Final Account and Report must set a date for objections.*

(A) If ~~an~~ no objection ~~to the motion for hardship discharge~~ is timely filed ~~, the objection must be resolved before the granting of a hardship~~ to the Chapter 13 Final Account and Report, a discharge may be issued if the debtor is otherwise eligible to receive a discharge.

(B) ~~When the motion for a hardship discharge is filed under 11 U.S.C. § 1328(b), the debtor must complete and file the local Certificate of Compliance form. This form is available on the court's website. In a joint case, both debtors must complete this form.~~ *If an objection to the Chapter 13 Final Account and Report is timely filed, the objecting party shall schedule a hearing and provide at least twenty-one (21) days' notice to the trustee, debtor(s) and attorney for debtor(s). The discharge may be withheld until the court resolves the matter.*

(C) *Any debtor seeking entry of a discharge under 11 U.S.C. § 1328, in a case filed on or after October 17, 2005, must complete and file the local certificate of compliance form within thirty (30) days after receiving the court's notice of the requirement to file the certificate of compliance. This notice will be sent to the debtor and the debtor's attorney of record after the objection period to the trustee's Final Account and Report has passed. The certificate of compliance form is available on the court's website. In a joint case, both debtors must complete this form.*

(i) ~~Upon the filing of the Certificate of Compliance with~~

~~the court, it will be noticed through the Bankruptcy Noticing Center (BNC) to all creditors.~~ *The attorney for the debtor (or clerk, if the debtor is pro se) must serve a copy of the certificate of compliance form on all creditors.*

(ii) If no objection is filed within ~~fourteen (14)~~ twenty-one (21) days after the service of the certificate of compliance, a discharge may be issued if the debtor is otherwise eligible to receive a discharge.

(iii) If an objection is timely filed to the ~~C~~certificate of ~~C~~compliance, ~~it may be considered at the hearing on the debtor's motion for hardship discharge~~ the discharge may be withheld until the objection is resolved by the court.

(iv) If the debtor fails to timely file certificate of compliance, the case may be closed without entry of a discharge.

(3) A hardship discharge is requested through a motion for hardship discharge filed by the debtor under 11 U.S.C. Section 1328(b). Upon the filing of the motion, the clerk will enter an order under Fed. R. Bankr. P. 4007(d) fixing the time to file a complaint to determine the dischargeability of any debt under Section 523(a)(6) and give no less than thirty (30) days' notice to all creditors of the time fixed to file an objection in the manner provided in Fed. R. Bankr. P.2002. If no objection is filed to the motion for hardship discharge, the debtor is eligible for hardship discharge subject to the conditions set forth in subsection (B) below.

(A) If an objection to the motion for hardship discharge is filed, the objection must be resolved before the granting of a hardship discharge.

(B) When the motion for a hardship discharge is filed under 11 U.S.C. § 1328(b), the debtor must complete and file the local certificate of compliance form. This form is available on the court's website. In a joint case, both debtors must complete this form.

(i) The attorney for the debtor (or clerk, if the debtor is pro se) must serve a copy of the certificate of compliance form on all creditors.

(ii) If no objection is filed within fourteen (14) days after the service of the certificate of compliance, a discharge may be issued if the debtor is otherwise eligible to receive a discharge.

(iii) If an objection is timely filed to the certificate of compliance, it may be considered at the hearing on the debtor's motion for hardship discharge.

LR 5010. REOPENING CASES.

(a) Disclosure of payment or nonpayment of fees. Anyone filing a motion to reopen a bankruptcy case must disclose the payment or nonpayment of any fee owed in the original case, including any filing fee or administrative fee prescribed by 28 U.S.C. § 1930(a) and by the Judicial Conference of the United States.

(b) Payment of fees. Unless the court orders otherwise, anyone filing a motion to reopen a bankruptcy case must pay any filing or administrative fees due to the clerk and any other fees remaining unpaid in the original case as required by 28 U.S.C. § 1930(a) and by the Judicial Conference of the

United States. Payment of the fees is due immediately on filing the motion. The bankruptcy fee schedule is posted on the court's website.

(c) Closing of reopened case. Unless the court orders otherwise, if no motion or adversary proceeding is pending 60 days after the case is reopened and if no trustee has been ordered appointed, the case may be closed without further notice.

LR 5011. WITHDRAWAL OF THE REFERENCE.

(a) Form of request and place for filing. A request for withdrawal of the reference in whole or in part of a matter referred to the bankruptcy judge, other than a request by the bankruptcy court on its own or the automatic withdrawal as provided in a jury case by LR 9015(e) must be by motion filed timely with the clerk of the bankruptcy court. All such motions must conspicuously state that "RELIEF IS SOUGHT FROM A UNITED STATES DISTRICT JUDGE."

(b) Time for filing. A motion to withdraw the reference of a bankruptcy case in whole or in part must be served and filed at or before the time first scheduled for the meeting of creditors held under 11 U.S.C. § 341(a). A motion to withdraw the reference of an adversary proceeding, in whole or in part, must be served and filed on or before the date on which an answer, reply, or motion under Fed. R. Bankr. P. 7012 or 7015 is first due. A motion to withdraw the reference of a contested matter must be served and filed not later than fourteen (14) days after the motion, application or objection is served initiating the contested matter. However, a motion to withdraw the reference may be served and filed no later than fourteen (14) days after service of any pleading containing the basis for the motion to withdraw the reference. A stipulation to extend the time to answer or otherwise respond to the complaint or other pleading does not extend the time for filing the motion for withdrawal.

(c) Responses to motion to withdraw the reference; reply. Opposing parties must file with the clerk of the bankruptcy court, and serve on all parties to the withdrawal of the reference matter, their written opposition to the motion to withdraw the reference within fourteen (14) days after the motion is served. ~~If the moving party consents to the motion being heard by the bankruptcy court, the opposition must state whether consent is given to the motion being heard by the bankruptcy court.~~ The moving party may serve and file a reply within fourteen (14) days after a response is served.

(d) Designation of the record.

(1) When the moving party files and serves the motion to withdraw the reference, it must designate the portions of the record of the bankruptcy court proceedings that it believes will reasonably be pertinent to the district court's consideration of the motion. Within fourteen (14) days after service of the designation of record, any other party may serve and file a designation of additional portions of the record.

(2) If the record designated by any party includes a transcript or part of a transcript of any proceeding, that party must, immediately after filing the designation, order the transcript and arrange to pay for it, and file a copy of the transcript order with the district court.

(3) Unless otherwise ordered, it is each parties' responsibility to file or append relevant portions of the designated record (including transcripts) of the bankruptcy court in connection with its filings.

(4) If the issues involve only questions of law, the parties may submit an agreed statement of facts of the parts of the record that are relevant to the questions of law, unless the district judge considering the motion directs otherwise.

(e) Transmittal to and proceedings in United States District Court. When the record is complete except for transcripts, the bankruptcy court clerk will promptly send to the district court clerk the motion and any related pleadings filed prior to the opening of a docket with the district court. After a docket is opened in district court, documents pertaining to the matter under review must be filed with the district court clerk, but all documents relating to other matters in the bankruptcy case, adversary proceeding, or contested matter must continue to be filed with the clerk of the bankruptcy court. Any motion and any request by the bankruptcy court on its own to withdraw the reference must be referred to the chief district judge or the chief district judge's designee for decision in the district court. But if the matter is withdrawn it must be assigned to a district judge in accordance with the court's usual system for assigning civil cases, unless the chief district judge determines that exceptional circumstances warrant special assignment to a district judge. If the district court requests, the bankruptcy judge will determine, in accordance with 28 U.S.C. § 157(b)(3), whether any proceeding in which withdrawal of the reference is sought, in whole or in part, is a core proceeding, and the bankruptcy judge may make findings and recommendations. The district court may, in its discretion, grant or deny the motion to withdraw the reference, in whole or in part. If the reference is withdrawn, the district court may retain the entire matter or may refer part or all of it back to the bankruptcy judge with or without instructions for further proceedings.

LR 5075. CLERK - DELEGATED FUNCTIONS.

(a) United States Bankruptcy Court Clerk.

(1) The clerk of the bankruptcy court has the same rights and powers, may perform the same functions and duties, and is subject to the same provisions of 28 U.S.C. § 751 as a clerk of the district court. Under 28 U.S.C. § 956, the judges of this court further assign the following powers and duties to the clerk of the bankruptcy court:

(A) Assignment of cases and proceedings commenced under Title 11, United States Code, in accordance with the provisions of 28 U.S.C. § 157, including the reassignment of a case to another bankruptcy judge of the district, on the oral or written directive of the judge assigned to the case; and,

(B) Signing and entering all orders and process specifically allowed to be signed by the clerk under Title 28, United States Code, and the Federal Rules of Civil Procedure as modified by the Federal Rules of Bankruptcy Procedure. If the Federal Rules of Civil Procedure delegate a duty of the court to the clerk, a bankruptcy court clerk may perform the same type of duty specified in the Federal Rules of Bankruptcy Procedure.

(2) Specific duties assigned to the clerk. Unless the court orders otherwise, the clerk is authorized to sign and enter the following orders, which are deemed to be ministerial:

(D) Orders specifically appointing persons to serve process in accordance with Fed. R. Civ. P. 4;

(E) Orders on stipulation:

(i) Noting satisfaction of a judgment;

(ii) Approving and annulling bonds filed or to be released by court order and exonerating sureties; and,

(iii) Setting aside a default;

(F) Orders and notices that establish meeting and hearing dates required or requested by a party in interest under Title 11, United States Code, including orders that fix the last dates for filing objections to discharge and confirmations of plans, complaints to determine the discharge-ability of debts and proofs of claim;

(G) Orders and notices regarding duties of debtors and debtors in possession;

(H) Orders discharging a debtor in a chapter 7 case if there is no pending motion to dismiss under 11 U.S.C. § 707(b), and if there has not been a timely filed objection to discharge of the debtor or a waiver by the debtor of the debtor's discharge;

(I) Orders discharging a debtor in a chapter 13 case as provided in 11 U.S.C. § 1328 if an objection to discharge of the debtor has not been filed or a waiver by the debtor of its discharge;

(J) Orders closing cases and discharging the trustee in all cases in which the trustee has filed a final account and certified that the case has been fully administered under Fed. R. Bankr. P. 5009, and orders entering final decrees in chapter 11 cases under Fed. R. Bankr. P. 3022;

(K) Orders under LR IA 10-2 of the Local Rules of Practice for the United States District Court for the District of Nevada, granting permission to an attorney to practice in a particular case, and orders under LR IA 10-4, when ordered by the court in the particular case or in all cases assigned to a particular judge;

(L) Orders on all motions and applications of the type specified in Fed. R. Civ. P. 77(c), except as provided for by LR 7055;

(M) Orders permitting installment payment of filing fees and fixing the number, amount, and date of payment of each installment filed under LR 1006. A request for an extension beyond one hundred twenty (120) days, or a request that is received after entry of the first order entered by the clerk must be in writing and will be considered only by a judge;

(N) Orders reopening bankruptcy cases for administrative purposes;

(O) Orders authorizing examinations to be taken under Fed. R. Bankr. P. 2004 if the date set for examinations is set on not less than fourteen (14) days' notice and the request for

examination does not include a request for production of documents. Orders that do not meet these requirements and orders under Fed. R. Bankr. P. 2004(d), must be signed by a judge;

(P) Reaffirmation orders under 11 U.S.C. § 524(c), if:

(i) The debtor is represented by an attorney; or

(ii) The court has approved the reaffirmation agreement after notice and hearing. If the debtor is not represented by an attorney, the clerk will forward the order to a judge for determination and entry;

(N) Orders withdrawing exhibits under LR 5003;

(O) Judgments on verdicts or decisions of the court in circumstances authorized in Fed. R. Civ. P. 58 as incorporated by Fed. R. Bankr. P. 9021;

(P) Orders to assess, deduct and withdraw a fee from the court's registry account under 28 U.S.C. §§ 2041 and 2042 and LR 7067(f);

(Q) Orders to remove a name from the email service list;

(R) Orders under Fed. R. Bankr. P. 4007(d);

(S) Orders to refund fees for filing a duplicate document or opening a duplicate case in error, if the filer has filed a motion requesting a refund of fees within two (2) business days of the filing. A motion requesting a refund of fees that is filed beyond two (2) business days will be considered only by a judge;

(T) Orders to redact information specified in Fed. R. Bankr. P. 9037(a). Orders to redact information outside the scope of Fed. R. Bankr. P. 9037(a) must be signed by a judge; and,

(U) Any other orders that under applicable rule or statute do not require special direction by the court.

(3) A judge may for good cause suspend or rescind any action taken by the clerk in connection with the powers and duties described in this Rule.

(b) Authorization to issue notices or orders to show cause. The clerk and deputy clerks of the court are authorized to issue notices or orders to show cause for failure of a party to comply with the Bankruptcy Code, Federal Rules of Bankruptcy Procedure, these local rules, or any order of this court.

LR 6004. SALE ~~AND SALE PROCEDURE~~ MOTIONS IN CHAPTER 11 CASES.

(a) Applicability of Rule. Except as otherwise provided in these local rules, this rule applies to motions filed in chapter 11 cases to sell property of the estate under 11 U.S.C. § 363(b)("sale motions") and motions seeking approval of sale, bid or auction procedures in anticipation of or in conjunction with a sale motion.

(b) Sale Motions. Except as otherwise provided in these local rules, the Bankruptcy Code, the Federal Rules of Bankruptcy Procedure, or an order of the court, all sale motions must include the following information, or include a declaration of counsel stating why such information has not been provided:

(1) A copy of the proposed purchase agreement, or a form of such agreement substantially similar to the one the debtor reasonably believes it will execute in connection with the proposed sale;

(2) A list of all lien holders with an interest in the property to be sold under the sale motion;

(3) A copy of a proposed form of sale order;

(4) A request, if necessary, for the appointment of a consumer privacy ombudsman under 11 U.S.C. § 332.

(5) The sale motion must highlight material terms, and shall indicate the location of any such provision in the proposed form of order or purchase agreement.

(6) In any non-individual chapter 11 case, subsections (A) through (O) are presumptively material.

(A) If the proposed sale is to an insider, as defined in 11 U.S.C. § 101, the sale motion must:

(i) Identify the insider; and,

(ii) Describe the insider's relationship to the debtor.

(B) If a proposed buyer has discussed or entered into any agreements with management or key employees regarding compensation or future employment, the sale motion must disclose the material terms of any such agreements.

(C) The sale motion must highlight any provisions pursuant to which an entity is being released or claims against any entity are being waived or otherwise satisfied.

(D) The sale motion must disclose whether an auction is contemplated, and highlight any provision in which the debtor has agreed not to solicit competing offers for the property subject to the sale motion or to otherwise limit the marketing of the property.

(E) The sale motion must highlight any deadlines for the closing of the proposed sale or deadlines that are conditions to closing the proposed transaction.

(F) The sale motion must highlight whether the proposed purchaser has submitted or will be required to submit a good faith deposit and, if so, the conditions under which the deposit may be forfeited.

(G) The sale motion must highlight any provision pursuant to which a debtor is entering into any interim agreements or arrangements with the proposed purchaser, such as interim management arrangements (which, if out of the ordinary course, also must be subject to notice and a hearing under 11 U.S.C. § 363(b)), and the terms of the agreements.

(H) The sale motion must highlight any provision pursuant to which a debtor proposes to release sale proceeds on or after the closing without further court order, or to provide for a definitive allocation of sale proceeds.

(I) The sale motion must highlight any provision seeking to have the sale declared exempt from taxes under 11 U.S.C. § 1146(a), and the type of tax (e.g., recording tax, stamp tax, use tax, or capital gains tax) for which the exemption is sought. It is not sufficient to refer simply to "transfer" taxes and the state or states in which the affected property is located.

(J) If the debtor proposes to sell substantially all of its assets, the sale motion must highlight whether the debtor will retain, or have reasonable access to, its books and records to enable it to administer its bankruptcy case.

(K) The sale motion must highlight any provision pursuant to which the debtor seeks to sell or otherwise limit any rights to pursue avoidance claims under Chapter 5 of Title 11 of the United States Code.

(L) The sale motion must highlight any provision limiting the proposed purchaser's successor liability.

(M) The sale motion must highlight any provision by which the debtor seeks to sell property free and clear of a possessory leasehold interest, license or other right.

(N) The sale motion must highlight any terms with respect to credit bidding pursuant to 11 U.S.C. § 363(k).

(O) The sale motion must highlight any provision whereby the debtor seeks relief from the fourteen (14) day stay imposed by Fed. R. Bankr. P. 6004(h).

LR 6006. DEBTOR'S ABILITY TO ASSUME A CONTRACT AFTER ESTATE REJECTS.

Notwithstanding the requirements of LR 2002, if an individual debtor elects to assume a contract under 11 U.S.C. § 365(p)(2), the only notice that he or she must give under either Section 365(p)(2)(A) or 365(p)(2)(B) is notice to the nondebtor party or parties to the contract being assumed, and to the trustee, or if there is no trustee, to the Office of the United States Trustee. No additional notice is required. The court may enter an order on a stipulation signed by all these parties without holding a hearing.

LR 7003. COVER SHEET FOR ADVERSARY PROCEEDINGS.

All adversary proceedings in bankruptcy court filed on paper must be accompanied by a properly completed bankruptcy adversary proceeding cover sheet, Form B104. Adversary proceedings filed electronically do not require a cover sheet.

LR 7004. LIMITS OF ELECTRONIC SERVICE.

Electronic transmission of the notice of electronic filing does not constitute service or notice of the following documents, which must be served on paper:

(a) Service of a summons and complaint under Fed. R. Bankr. P. 7004;

(b) Service of a subpoena under Fed. R. Bankr. P. 9016; except as provided in LR 9016 when service is made on counsel;

(c) Service of a petition under Fed. R. Bankr. P. 1010; and

(d) Where conventional service is otherwise required under the Federal Rules of Bankruptcy Procedure, the Local Rules, or by court order.

LR 7005. CERTIFICATE OF SERVICE (ADVERSARY PROCEEDINGS).

(a) Certificate of service. A proof of service, ~~preferably~~ using the court's certificate of service form, must be filed within seven (7) days for all papers and pleadings required or permitted to be served. The proof must show the date of service, the name of the person served, and the manner of service (e.g., electronically or by mail). Proof of service is deemed sufficient if it substantially complies with the court's certificate of service form, which is available on the court's website.

(b) Failure to file a proof of service. The court may refuse to take action on any papers or pleadings until a proof of service is filed. If an affidavit or certificate of service is attached to the original pleading, it must be attached so that the character of the pleading is easily discernible. Failure to file the proof of service does not affect the validity of the service, and the court may at any time allow the proof of service to be amended or supplied unless it clearly appears that doing so would result in material prejudice to the substantial rights of any party.

LR 7007.1. CORPORATE OWNERSHIP STATEMENT.

The Corporate Ownership Statement required under Fed. R. Bankr. P. 7007.1 must also be filed by any party to an adversary proceeding, other than a debtor or a governmental entity, that is a non-individual entity including a general or limited partnership, joint venture, LLC, or LLP.

LR 7008.1 PLEADING CONSENT TO ENTRY OF FINAL ORDER OR JUDGMENT

(a) Pleading requirements. In an adversary proceeding, in addition to the statements required by Fed R. Bankr. P.7008(a), if the pleading contains a statement that the proceeding or any part of it is core, it shall contain a statement that the pleader does or does not consent to the entry of final orders or judgment by the bankruptcy judge if it is determined that the bankruptcy judge, absent consent of the parties, cannot enter final orders or judgment consistent with Article III of the United States Constitution.

(b) Failure to comply. If a party fails to provide the consent statement required in subsection (a) of this rule, that party is deemed to have objected to the entry of a final order or judgment by the bankruptcy court in the proceeding, and the bankruptcy court will enter an order that either:

(1) Provides that the bankruptcy court will hear the proceeding and submit its proposed findings of fact and conclusions of law to the district court; or

(2) Certifies the proceeding to the district court for its adjudication of the proceeding. Unless the assigned district judge orders otherwise, all other proceedings will continue in the bankruptcy court until the certified proceeding is ready to be heard in the district court; or

(3) Certifies this is a matter that the bankruptcy court believes it may enter a final order.

LR 7010. GENERAL REQUIREMENTS OF FORM.

(a) Form of papers. After notice and hearing, any paper or pleading filed that does not conform to an applicable provision of these Rules or any Federal Rule of Bankruptcy Procedure may be stricken by the court on its own motion. Whenever there are more than five (5) plaintiffs or defendants in the caption of a complaint or third party complaint, the filing party must at the same time file an alphabetical list of the parties.

(b) Caption, title of court and name of case. In addition to the requirements of LR 9004, the caption must include the caption of the adversary proceeding as well as the caption of the case, including the adversary proceeding number. If a scheduling conference has been set, the complaint and answer must indicate that date in the space for hearing date and time, like this:

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA

IN RE:	)	BK-S-95-00123-MKN
	)	CHAPTER 7
JOHN DOE,	)	
	)	ADVERSARY NO: BK-S-95-2001-MKN
	)	
Debtor.	)	
	)	
JOHN DOE,	)	DEFENDANT'S ANSWER TO
	)	COMPLAINT TO DETERMINE
Plaintiff,	)	DISCHARGEABILITY OF DEBT
	)	
v.	)	Hearing Date (Scheduling conf.):
	)	Hearing Time:
RICHARD ROE,	)	Estimated Time:
	)	
Defendant.	)	

(c) Copies. The clerk maintains a list of copy requirements that specifies the number of copies to be submitted. The copy requirements may be revised from time to time, and when they are

revised, the list of copy requirements will be reissued in full with a notation of the effective date of the revision. The list of copy requirements is available from the clerk and is posted on the court's website.

(1) Unless otherwise required, counsel or persons appearing pro se must submit the original pleadings, summons, orders, or other papers and the required number of copies.

(2) If anyone filing a document wishes to receive a file-stamped copy of it, the filer must submit one (1) additional copy. Filers who wish to have the file-stamped copy returned by mail must include a self-addressed stamped envelope.

LR 7012.1 RESPONSIVE PLEADING CONSENT TO ENTRY OF FINAL ORDER OR JUDGMENT

(a) Responsive pleading requirements. In addition to statements required by Fed. R. Bankr. P. 7012(b), if a responsive pleading states that the proceeding or any part of it is core, it shall also contain a statement that the pleader does or does not consent to the entry of final orders or judgment by the bankruptcy judge if it is determined that the bankruptcy judge, absent consent of the parties, cannot enter final orders or judgment consistent with Article III of the United States Constitution.

(b) Failure to comply. If a party fails to provide the consent statement required in subsection (a) of this rule, that party is deemed to have objected to the entry of a final order or judgment by the bankruptcy court in the proceeding, and the bankruptcy court will enter an order that either:

(1) Provides that the bankruptcy court will hear the proceeding and submit its proposed findings of fact and conclusions of law to the district court; or

(2) Certifies the proceeding to the district court for its adjudication of the proceeding. Unless the assigned district court orders otherwise, all other proceedings will continue in the bankruptcy court until the certified proceeding is ready to be heard in the district court.

LR 7015. AMENDED AND SUPPLEMENTAL PLEADINGS.

(a) Any motion to amend the pleadings must have a copy of the proposed amended pleading included as an exhibit. Unless the court permits otherwise, every amended pleading must be reprinted and filed so that it will be complete in itself, including exhibits, without reference to the superseded pleading.

(b) If the motion is granted, the moving party has fourteen (14) days from the entry of the order approving the motion to file and serve an original amended pleading.

LR 7016. PRETRIAL PROCEDURES.

(a) Actions exempt from scheduling order. Except as the court orders, the following categories of cases are exempt from the requirements of Fed. R. Civ. P. 16(b) as adopted by Fed. R. Bankr. P. 7016:

(1) Contested matters under Fed. R. Bankr. P. 9014; and

(2) Other actions or categories of actions as the court orders.

(b) Time and issuance for scheduling order.

(1) The plaintiff must serve the standard discovery plan form, which may be obtained from the clerk, at the time a summons is issued. The parties must use the standard form.

(2) Within thirty (30) days after the first defendant has answered or otherwise appeared, the parties must meet as required by Fed. R. Bankr. P. 7026 and LR 7026. No later than fourteen (14) days after the meeting, the parties must complete and submit the information required by the discovery plan or request for waiver, and, if required by a judge, a form order.

(3) If the parties agree to the standard deadlines or fail to submit the discovery plan, the standard deadlines will govern.

(4) If the parties have agreed to different deadlines, cannot agree on deadlines, or wish to seek a waiver of the requirement for a discovery plan, they must say so on the front page of the discovery plan.

(5) Unless they are excused, the parties must appear at any scheduling conference.

(6) After the first scheduling conference, the court will approve, disapprove, or modify the discovery plan, enter other orders as appropriate, and issue an order regarding pretrial and trial. The court may order a status hearing or a conference of all the parties at any time.

(c) Time limits for filing certain motions. Unless the court orders otherwise, the following time periods govern filing certain motions:

(1) All motions to amend the pleadings under Fed. R. Bankr. P. 7015(a) or for the joinder of parties must be filed in time to be heard no later than the close of discovery. If the amendment or joinder is allowed, unless the court orders otherwise, discovery will be extended for forty-five (45) days for the limited purposes of conducting discovery on the amendments or joinders;

(2) Unless otherwise ordered, all potentially dispositive motions on any issues are normally heard no later than the pretrial conference, or no later than seven (7) days before the start of trial; and, ~~Unless otherwise ordered, all potentially dispositive motions on any issues must be filed by the close of discovery; and,~~

(3) Motions *in limine* must be heard no later than the pretrial conference or seven (7) days before the start of trial, unless the Court orders otherwise. ~~filed at the time of the pretrial conference, and any responses must be filed no less than seven (7) days before the start of trial.~~ No reply will be permitted unless the court requests one.

(d) Pretrial order and trial setting.

(1) The Order Regarding Pretrial and Trial may set the date for filing a joint or separate trial statement(s). The court may, however, order a joint pretrial order at any time. Unless otherwise ordered, the parties must use the prescribed pretrial order and standard trial statement, both of which may be obtained from the clerk or the court's website.

(2) The court may set a trial date in the order regarding pretrial and trial or by separate written or oral order. Continuances are disfavored.

(e) Settlement conference and alternative methods of dispute resolution. The court may set any adversary proceeding for settlement conference, summary jury trial, or other alternative method of dispute resolution.

LR 7016.1 PRETRIAL PROCEDURES, CONSENT TO ENTRY OF FINAL ORDER OR JUDGMENT

(a) At the first scheduling conference for adversary proceedings or the first status conference for contested matters, the court will inquire whether the respective parties do or do not consent to the entry of final orders or judgment by the bankruptcy judge if it is determined that the bankruptcy judge, absent consent of the parties, cannot enter final orders or judgment consistent with Article III of the United States Constitution.

(b) Should any party fail to consent to the entry of final orders or judgment by the bankruptcy judge if it is determined that the bankruptcy judge, absent consent of the parties, cannot enter final orders or judgment consistent with Article III of the United States Constitution, then the bankruptcy court will, on motion of one of the parties or on the court's own motion, determine and enter an order on whether the proceeding is a core proceeding not subject to entry of final orders or judgment by the bankruptcy court, unless the district court withdraws the reference first.

LR 7026. DISCOVERY - GENERAL.

(a) Disclosures. Unless the court orders otherwise, the disclosures required by Fed. R. Civ. P. 26(a)(2), as adopted by Fed. R. Bankr. P. 7026, must be made no later than thirty (30) days before the close of discovery by the party bearing the burden of proof on the issue in question and no later than fourteen (14) days before the close of discovery by the opposing party. Written reports by experts, unless otherwise stipulated by the parties or ordered by the court, are due no later than the time the identity of experts is to be disclosed.

(b) Exemptions from the provisions of Fed. R. Civ. P. 26(f).

(1) Exemption of an action from Fed. R. Civ. P. 26(f), not otherwise exempted by Fed. R. Civ. P. 26(a)(1)(B), may be obtained by court order after a motion noticed to all parties to the action or by stipulation of all parties before the date any meeting under this rule is to be held. The parties obtaining an exemption under this subsection do not have to file a discovery plan.

(2) LR 7016 and 7026(c) govern the requirements for discovery plans. The parties to an action not exempted by Fed. R. Civ. P. 26(a)(1)(B) or by order obtained under subsection (b)(l) of this rule may seek a limited exemption from Fed. R. Civ. P. 26(f) insofar as the rule requires filing a discovery plan. In cases in which the parties certify that no formal discovery is required, they may request a waiver of the requirement for a discovery plan. Trial may proceed one hundred twenty (120) days from the date a discovery plan would have been due. The parties may request the waiver by so indicating on the standard discovery plan/scheduling form and by completing all information requested on that form.

(c) Discovery conference and plan.

(1) Unless exempted, the parties must meet and confer no later than thirty (30) days after the first defendant has answered or otherwise appeared.

(2) No later than fourteen (14) days after the meeting, the parties must submit the discovery plan or request for waiver and order. If the parties fail to submit a discovery plan, they may be subject to sanctions. In addition, if they have not requested and been granted a waiver from the requirement to file a discovery plan, the deadlines set forth in the standard form will apply, even if the parties have not submitted a plan.

(3) The court may conduct a scheduling conference to consider the submitted discovery plan and to issue an order regarding pretrial and trial.

(4) The court may alter the standard form, including the deadlines it contains. Counsel must use the format then in use, and the deadlines set forth in the standard form will apply unless the court orders different deadlines.

(5) If the parties agree to different deadlines, or cannot agree on deadlines, they must so indicate on the face of the standard discovery plan, and they must attach their proposed plan using Form 35 of the Federal Rules of Civil Procedure or other form as the court may direct.

(d) Discovery limitations.

(1) Unless the court orders otherwise, in cases in which a discovery plan is required, all discovery must begin in time to be completed by one hundred twenty (120) days after the answer or first appearance by the first defendant.

(2) Unless the court orders otherwise, the parties to an action exempted by Fed. R. Civ. P. 26(a)(1)(B) or by order obtained under subsection (b)(l) of this rule may begin discovery on the commencement of the action.

(3) The court will approve, disapprove, or modify the discovery plan and enter other orders as appropriate after the first scheduling conference. At any time, on request of a party or on its own, the court may order a conference of all the parties to discuss the provisions of the discovery plan or scheduling order.

(e) Extension of discovery time.

(1) Unless the court orders otherwise, an extension of the discovery deadline will not be allowed without a showing of good cause as to why all discovery was not completed within the time allotted. The court must receive all motions or stipulations to extend discovery at least twenty-one (21) days before the date fixed for completion of discovery, or at least twenty-one (21) days before the expiration of any extension that the court may have approved. The motion or stipulation to extend time or to reopen discovery must include:

(A) A statement of the discovery that the parties have completed as of the date of the motion or stipulation;

(B) A specific description of the discovery remaining to be completed;

(C) The reasons why the remaining discovery was not completed within the time limit of the existing discovery plan; and,

(D) A proposed schedule for completing all remaining discovery.

(2) Counsel must ensure that all discovery is initiated so it can be completed by the end of the period set out in the discovery plan. No additional discovery will be permitted after that, except as provided above.

(f) Demand for prior discovery. Whenever a party makes a written demand for discovery that took place before that person or entity became a party to the action, each party who has previously responded to a request for admission or production or answered interrogatories must furnish to the demanding party: (1) the documents containing the discovery responses in question for inspecting and copying; (2) a list identifying each document by title; or (3) on further demand, at the expense of the demanding party, a copy of any listed discovery response specified in the demand. If there are requests for production, a party must make available for inspection by the demanding party all documents and things previously produced. Further, each party who has taken a deposition must make a copy of the transcript available to the demanding party for copying at the demanding party's expense.

(g) Filing discovery papers. Notices of deposition, depositions, interrogatories, requests for production or inspection, requests for documents, requests for admissions, answers and responses, and proof of service should not be filed with the court unless the court orders filing on its own motion or on motion of a party. Originals of responses to requests for admissions or production and answers to interrogatories must be served on the party who made the request or propounded the interrogatories, and that party must make the originals available at the time of any pretrial hearing or at trial for use by any party. Likewise, the deposing party must make the original transcript of a deposition available at the time of any pretrial hearing or at trial for use by any party or filing with the court if so ordered.

(h) Contested matters under Fed. R. Bankr. P. 9014. Unless the court orders otherwise, Fed. R. Bankr. P. 7026 and LR 7026 do not apply to contested matters filed under Fed. R. Bankr. P. 9014.

LR 7030. DEPOSITIONS UPON ORAL EXAMINATION.

(a) Commencement of discovery. Unless the court orders otherwise, the parties to an action exempted by Fed. R. Civ. P. 26(a)(1)(B) or by order obtained under LR 7026(b)(l) may begin discovery on commencement of the action.

(b) Commencement of discovery by deposition.

(1) Normally, depositions may be taken without leave of court in an action exempted by Fed. R. Civ. P. 26(a)(1)(B) or by order obtained under LR 7026(b)(1). But if the plaintiff seeks to take the deposition within thirty (30) days after service of the summons and complaint, court approval is required. However, if a defendant in the adversary proceeding has served a notice of taking deposition or otherwise sought discovery, leave of court is not required.

(2) Depositions may be taken without leave of court unless the party in an adversary proceeding seeks to take a deposition before the parties confer in accordance with Fed. R. Civ. P. 26(f).

(c) Requirements for transcripts. Unless the parties stipulate or the court orders otherwise, depositions must be recorded by stenographic means.

LR 7031. DEPOSITIONS UPON WRITTEN QUESTIONS.

(a) Commencement of discovery. Unless the court orders otherwise, the parties to an action exempted by Fed. R. Civ. P. 26(a)(1)(B) or by order obtained under LR 7026(b)(1) may begin discovery on the commencement of the action.

(b) Commencement of discovery by deposition upon written questions. Except as provided in Fed. R. Civ. P. 31(a)(2)(A)(ii):

(1) After commencement of an action exempted by Fed. R. Civ. P. 26(a)(1)(B) or by order obtained under LR 7026(b)(1), any party may take the testimony of any person, including a party, by deposition upon written questions.

(2) Depositions may be taken upon written questions without leave of court unless the party in an adversary proceeding seeks to take a deposition before the parties confer in accordance with Fed. R. Civ. P. 26(f).

(c) Requirements for transcripts. Unless the parties stipulate or the court orders otherwise, depositions must be recorded by stenographic means.

LR 7032. USE OF DEPOSITIONS IN ADVERSARY PROCEEDINGS.

(a) Applicability. This rule does not apply in matters that are tried by a jury. In a jury trial, a party may ask to read into the record a deposition or other transcribed statement taken under oath.

(b) Designation. Any party intending to offer deposition testimony or other transcribed statements made under oath (such as at a 341 meeting of creditors or at a 2004 examination) must prepare a statement clearly identifying the name of the deponent or person otherwise examined, the date of the deposition or other type of examination taken under oath, and the specific portions of the deposition or transcribed statement, by page and line numbers, that will be offered as evidence. The party must also include as an exhibit a copy of the entire transcribed record.

(c) Exchange of statements and objections. Unless the court orders otherwise, copies of all statements and objections must be furnished to opposing counsel and lodged with the court. Cross reference is made to the procedural rules for filing oppositions, replies and other responses, and to LR 9017.

(1) The plaintiff or movant must submit all statements to opposing counsel at least fourteen (14) days before the trial or the hearing on the contested matter, with the opposition to the contested matter.

(2) The defendant or respondent must submit all statements or objections to opposing counsel with a reply served in accordance with LR 9014.

(3) Two (2) business days before trial or the hearing on a contested matter each party must lodge with the courtroom deputy clerk or the judge to whom the matter is assigned one (1) copy of

all statements intended to be offered as evidence by that party, and an original and one (1) copy of that party's written objections to the admission of any deposition testimony or transcribed statement taken under oath of an opposing party.

LR 7033. INTERROGATORIES TO PARTIES.

(a) Commencement of discovery. Unless the court orders otherwise, the parties to an action exempted by Fed. R. Civ. P. 26(a)(l)(E) or by order obtained under LR 7026(b)(l) may begin discovery on the commencement of the action.

(b) Number of interrogatories permitted; commencement of discovery by interrogatories.

(1) Unless the court orders otherwise or it is stipulated by the parties to an action exempted by Fed. R. Civ. P. 26(a)(1)(B) or by order obtained under LR 7026(b)(1), after commencement of the action, any party may serve on any other party not more than twenty-five (25) interrogatories, including all discrete subparts. A defendant in an adversary proceeding is not required to serve answers or objections to interrogatories within forty-five (45) days after service of the summons and complaint.

(2) Interrogatories may be served under Fed. R. Civ. P. 33 without leave of court unless the party in an adversary proceeding seeks to serve interrogatories before the parties confer in accordance with Fed. R. Civ. P. 26(f).

LR 7034. PRODUCTION OR INSPECTION OF DOCUMENTS AND THINGS.

(a) Commencement of discovery. Unless the court orders otherwise, the parties to an action exempted by Fed. R. Civ. P. 26(a)(1)(B) or by order obtained pursuant to LR 7026(b)(1) may begin discovery on the commencement of the action.

(b) Requests for production or inspection.

(1) Unless the court orders otherwise or it is stipulated by the parties to an action exempted by Fed. R. Civ. P. 26(a)(1)(B) or by order obtained under LR 7026(b)(1), any party may serve on any other party a request for production or inspection after commencement of the action. A defendant in an adversary proceeding is not required to respond within forty-five (45) days after service of the summons and complaint.

(2) Requests for production or inspection may be served under Fed. R. Civ. P. 34 without leave of court unless a party in an adversary proceeding requests production or inspection before the parties confer in accordance with Fed. R. Civ. P. 26(f).

(c) Responses to discovery sought. All responses to discovery sought must, immediately preceding the response, identify the number or other designation and set forth in full the text of the discovery sought.

LR 7035. PHYSICAL AND MENTAL EXAMINATIONS OF PERSONS.

Whenever a party in the pleadings filed with the court places any party's present, past or future physical or mental condition in issue, that party may not prevent discovery of information concerning such physical

or mental condition or prior history related thereto by asserting any physician-patient privilege provided by state law against discovery or information concerning such physical or mental condition or prior history directly related thereto.

LR 7036. REQUESTS FOR ADMISSION.

(a) Commencement of discovery. Unless the court orders otherwise, after the commencement of an action, the parties to an action exempted by Fed. R. Civ. P. 26(a)(1)(B) or by order obtained under LR 7026(b)(1) may begin discovery.

(b) Requests for admissions.

(1) Unless the court orders otherwise or it is stipulated by the parties to an action exempted by Fed. R. Civ. P. 26(a)(1)(B) or by order obtained under LR 7026(b)(1), after commencement of the action, any party may serve a request for admission on any other party. A defendant in an adversary proceeding is not required to serve answers or objections to requests for admissions within forty-five (45) days after service of the summons and complaint.

(2) Requests for admission may be served under Fed. R. Civ. P. 36 without leave of court unless a party in an adversary proceeding seeks to request admission before the parties confer in accordance with Fed. R. Civ. P. 26(f).

LR 7037. DISCOVERY MOTIONS.

(a) All motions to compel discovery or for protective orders must, in addition to the discovery being sought or enjoined in the motion, set forth in full the text of the discovery originally sought or enjoined and the response made to it, if any, and comply with Fed. R. Civ. P. 26(c), as adopted by Fed. R. Bankr. P. 7026.

(b) Discovery motions will not be considered unless a statement of moving counsel is attached certifying that, after consultation or effort to do so, the parties have been unable to resolve the matter without court action.

(c) Any attorney or party appearing pro se may make written application to, or, where time does not permit, may telephone the court, to request judicial assistance in resolving an emergency discovery dispute. The attorney or party seeking emergency relief must endorse on the face of any written application the words, “Request for Emergency Relief.”

LR 7041. DISMISSAL FOR LACK OF PROSECUTION.

Any proceeding that has been pending in this court for more than one (1) year without any activity of record may, after notice, be dismissed for want of prosecution on motion of counsel, any party, or by the court. In addition, in appropriate circumstances, the court may issue an order to show cause why a proceeding should not be dismissed regardless of how long it has been pending.

LR 7054. COSTS –TAXATION/PAYMENT.

The requirements of LR 54-1 through LR 54-14 of Part II of the Local Rules of Civil Procedure for the United States District Court for the District of Nevada are adopted in full.

LR 7055. DEFAULTS AND DEFAULT JUDGMENTS

Defaults and default judgments are governed by Fed. R. Bankr. P. 7055. A properly requested default may be entered by the clerk. A default judgment may only be entered by the court. Any procedures for obtaining a default judgment are available on the court's website.

LR 7056. SUMMARY JUDGMENT.

(a) Motions. Each motion for summary judgment must be accompanied by a separately filed "Statement of Undisputed Facts" which must specify each of the material facts relied upon in support of the motion, and which cites to the particular portions of any pleading, affidavit, deposition, interrogatory answer, admission or other document relied upon to establish that fact. The moving party must file as an exhibit to the statement all of the evidentiary documents that are cited in the moving papers.

(b) Stipulated Facts. All parties in interest may jointly file a stipulation setting forth a statement of stipulated facts to which all parties in interest agree. As to any stipulated facts, the parties so stipulating may state that their stipulations are entered into only for the purposes of the motion for summary judgment and are not intended to be otherwise binding.

(c) Opposition. Any party opposing a motion for summary judgment must reproduce the itemized facts in the statement of undisputed facts and admit those facts which are undisputed and deny those which are disputed, including with each denial a citation to the particular portions of any pleading, affidavit, deposition, interrogatory answer, admission or other document relied upon in support of that denial. The opposing party may also file a separate concise statement of disputed facts, and the source thereof in the record, of all additional material facts as to which there is a genuine issue precluding summary judgment. The opposing party must file as an exhibit to its statement all evidentiary documents that are cited in the opposing papers. If a need for discovery is asserted as a basis for denial of the motion, the party opposing the motion must provide a description of the particular facts on which discovery is to be had or the issues on which discovery is necessary.

Unless the court orders otherwise, an opposing party has twenty-one (21) days after service of the moving party's points and authorities to file and serve a memorandum of points and authorities in opposition to the motion.

(d) Reply memorandum. Unless the court orders otherwise, the moving party has fourteen (14) days after service of the opposition to file and serve a reply memorandum of points and authorities. Unless otherwise ordered, there is no reply to a countermotion under subsection (e)(1).

(e) Countermotion.

(1) A countermotion for summary judgment that relates to the same claim or partial claim may be filed against the movant(s) within the time allowed for the opposition to the motion for summary judgment.

(2) Any party seeking summary judgment on a different claim or part of a claim, or

against a non-movant, must notice the motion in accordance with subsection (f)(1) and may not, without the consent of the moving party, the party against who judgment is sought, and the court, set it on the date set in the first motion for summary judgment. If the movant does not consent, the counter movant may seek an order shortening time in accordance with LR 9006.

(f) Hearings on motions for summary judgment.

(1) The party moving for summary judgment must obtain a hearing date from the clerk for hearing the motion. Unless the court shortens the time for hearing, the date will not be less than forty-two (42) days from the date the motion was filed.

(2) Unless the court orders otherwise, the countermotion filed under subsection (e)(1) will be heard at the same time as the original motion.

LR 7062. SUPERSEDEAS BONDS ON STAY OF PROCEEDINGS TO ENFORCE A JUDGMENT.

Unless the court orders otherwise, a supersedeas bond must conform to the provisions of LR 7065.

LR 7064. SERVICE OF PROCESS.

(a) Service by the United States Marshal. The United States Marshal is authorized to serve civil process on behalf of the United States government without a court order.

(b) Service of process under state procedure.

(1) In cases or proceedings where the Federal Rules of Civil Procedure or the Federal Rules of Bankruptcy Procedure authorize the service of process to be made in accordance with Nevada state practice; counsel for the party seeking the service must comply with the requirements of state practice, together with specific instructions for administering service.

(2) Pursuant to Nev. Rev. Stat.§ 31.270(1), service of writs of garnishment may be made via any method of service authorized for service of summons pursuant to Fed. R. Bankr. P. 7004 and LR 7004.

LR 7065. INJUNCTIONS.

(a) Qualification of surety. Except for bonds secured by cash, negotiable bonds, or notes of the United States as provided for in LR 7065(b), every bond must have as surety:

(1) A corporation authorized by the Secretary of the Treasury of the United States to act as surety on official bonds under 31 U.S.C. §§ 9304 through 9306;

(2) A corporation authorized to act as surety under the laws of the State of Nevada, which must have on file with the clerk a certified copy of its certificate of authority to do business in Nevada, together with a certified copy of the power of attorney appointing the agent authorized to execute the bond;

(3) One (1) or more individuals each of whom owns real or personal property sufficient to justify the full amount of the suretyship; or,

(4) Any other security that the court may order.

(b) Deposit of money or United States obligation in lieu of surety. With court approval, there may be deposited with the clerk in lieu of surety:

(1) Lawful money accompanied by an affidavit that identifies its legal owner; or

(2) Negotiable bonds or notes of the United States accompanied by an executed agreement as required by 31 U.S.C. § 9303(a)(3) authorizing the clerk to collect or sell the bonds or notes in the event of default.

(c) Approval. Unless approval of the bond or the individual sureties is endorsed by the opposing counsel or a party appearing in pro se, the party offering the bond must apply to the court for approval. The clerk may approve bonds unless court approval is expressly required by law.

(d) Persons not to act as sureties. No officer of this court, or any member of the Bar of this court, or any nonresident attorney specially admitted to practice before this court, or their office associates or employees may act as surety in this court.

(e) Judgment against sureties. Every surety who provides a bond or other undertaking with the court submits to the jurisdiction of the court regardless of what may otherwise be provided in any security instrument. The surety who provides the bond or other undertaking irrevocably appoints the clerk as agent upon whom any paper affecting liability on the bond may be served. Liability will be joint and several and may be enforced summarily without independent action. Service may be made on the clerk, who will serve a copy as soon as possible to the surety at the last known address.

(f) Further security or justification of personal sureties. At any time, on reasonable notice to all other parties, any party for whose benefit a bond is presented or posted may apply to the court for further or different security or for an order requiring personal sureties to justify.

LR 7067. REGISTRY FUNDS.

(a) Deposit of registry funds.

(1) No money will be sent to the court or the clerk for deposit into the court's registry without a court order.

(2) The order must be prepared by the party seeking the order of deposit. The order must state the exact amount to be deposited, that the funds are to be deposited into an interest-bearing account, and that the funds will remain on deposit until further order of the court. Additionally, the order must contain the following provision:

"IT IS ORDERED that the clerk is directed to deduct from the income earned on the investment a fee, not exceeding that authorized by the Judicial Conference of the United States and set by the Director of the Administrative Office,

whenever such income becomes available for deduction in the investment so held and without further order of the court."

(3) The funds must be submitted to the clerk by check or money order made payable to "U. S. Bankruptcy Court" in the exact amount specified in the court order.

(b) Notice to clerk. Whenever the court orders that money deposited into court must be deposited by the clerk in an interest-bearing account, the party seeking the order must, within fourteen (14) days, personally serve a copy of the order upon the clerk. Failure of the party seeking an order of deposit to an interest-bearing account to serve the clerk or chief deputy with a copy of the order will release the clerk from liability for loss of interest upon the money subject to the order of deposit.

(c) Authorized depositories. Unless otherwise ordered by the court, the clerk must deposit money pursuant to an order of deposit in any institution authorized by the court. The clerk may also invest such money in United States Treasury bills.

(d) Timing of deposit. The clerk must deposit the money pursuant to an order of deposit within fourteen (14) days following service of a copy of the order by the party seeking the order.

(e) Fees charged on registry funds. All funds deposited on or after December 1, 1990, and invested as registry funds will be assessed pursuant to the guidelines established by the Judicial Conference. Fees may be deducted periodically without further order and will be subject to any subsequent exceptions or adjustments by the directive of the Administrative Office of the United States Courts.

(f) Disbursements of registry funds.

(1) The clerk will disburse funds on deposit in the registry of the court only pursuant to court order.

(2) The disbursement order must contain a provision relieving the clerk from liability for loss of interest, if any, for early withdrawal of the funds. The order must state the name and taxpayer identification number for each party who is to receive funds, the mailing address of each party, and the amount ~~of percentage of the principal each is to receive. The order must also state the percentage of the interest~~ each party is to receive. Funds will be disbursed only after the time for appeal of the related judgment or order has expired, or upon approval by the court of a written stipulation signed by all parties. Due to privacy protection of court filings under Fed. R. Bankr. P. 9037 and the court's privacy policy, a party's social security number may be sent to the court's finance department instead of being included in the disbursement order. The finance department's contact information will be available on the contact information page on the court's website.

(g) Non-cash collateral. Pursuant to a court order, bonds or other types of non-cash collateral can be accepted by the clerk. These instruments can be released with a court order.

LR 8001. NOTICE OF APPEAL; ELECTION TO HAVE APPEAL HEARD BY DISTRICT COURT INSTEAD OF BANKRUPTCY APPELLATE PANEL.

(a) ~~Order being appealed. The appellant must attach to the notice of appeal filed in bankruptcy court and a copy of the entered judgment, order or decree from which the appeal is taken~~.

~~(b)~~ Bankruptcy appellate panel. In accordance with 28 U.S.C. § 158(b)(6), a bankruptcy appellate panel is authorized to hear and determine appeals from judgments, orders and decrees entered by bankruptcy judges from this District., ~~subject to the limitations set forth in subsections (b) and (c) of this Rule.~~

~~(c)~~

~~(1) The bankruptcy appellate panel may hear and determine only those appeals in which there has not been timely filed a "statement of election to have appeal heard by district court instead of bankruptcy appellate panel" in accordance with 28 U.S.C. § 158(c)(1) and Fed. R. Bankr. P. 8001(e).~~

~~(2) With leave of the bankruptcy appellate panel, the panel will hear appeals from interlocutory orders and decrees entered by bankruptcy judges.~~

~~(3) The bankruptcy appellate panel may hear and determine appeals from judgments, orders and decrees entered by bankruptcy judges after July 10, 1984, and appeals transferred to the district court from the previous Ninth Circuit bankruptcy appellate panel by Section 115(b) of the Bankruptcy Amendments and Federal Judgeship Act of 1984, Pub. L. No. 98-353. The bankruptcy appellate panel may not hear or determine appeals from judgments, orders and decrees entered by bankruptcy judges between December 25, 1982, and July 10, 1984, under the Emergency Bankruptcy Rule of this District.~~

~~(4)~~

~~(5) Time for election.~~

~~(6)~~

~~(7) When a notice of appeal is filed with the clerk of the bankruptcy court, the appeal will be referred to the bankruptcy appellate panel, unless the appellant files at the time of filing the appeal a statement of election under 28 U.S.C. §158(c)(1) in a separate writing under Fed. R. Bankr. P. 8001 (e) that the appeal be heard by the district court. All parties to the appeal must be notified of the filing and reference within the time and in the manner provided for in LR 8004.~~

~~(8)~~

~~(9) The appellee party has thirty (30) days after service of the notice of appeal to file with the clerk of the bankruptcy appellate panel a written statement of election in accordance with 28 U.S.C. § 158(c)(1) and Fed. R. Bankr. P. 8001(e) that the appeal be heard by the district court. If the statement of election is not timely filed, the bankruptcy appellate panel will hear the appeal.~~

.

~~LR 8004. SERVICE OF NOTICE OF APPEAL.~~

~~(a) Service. Not later than three (3) business days after filing a notice of appeal, the clerk of the bankruptcy court will serve a copy of the notice of appeal on all parties to the appeal. A copy of the notice of appeal will also be sent to the clerk of the bankruptcy appellate panel, unless the appellant has filed a "statement of election to have the appeal heard by the district court instead of the bankruptcy appellate panel" under 28 U.S.C. § 158(c)(1) and Fed. R. Bankr. P. 8001(e).~~

~~(b) Notification of bankruptcy appellate panel procedures. When the clerk of the bankruptcy appellate panel receives the notice of appeal, the clerk will notify the parties of the procedures and requirements relating to practice before the bankruptcy appellate panel.~~

LR 8006. DESIGNATION OF RECORD - APPEAL.

(a) Reproduction of record on appeal.

~~(1) In cases filed before January 1, 2002, which are on paper, if there is an appeal to the district court or other appellate court, the original pleadings will remain in the custody of the bankruptcy court, unless a bankruptcy judge has issued an order allowing the original case file to be forwarded to the district court. Pleadings in cases filed on or after January 1, 2002, are in electronic format, and electronic copies can be made and forwarded as necessary.~~

In addition to the excerpts of the record required by LR 8009, the district court ~~or other appellate court~~ may require that a copy of pleadings from the bankruptcy court's official case/adversary file, as designated, be transmitted to the district court. ~~orother appellate court.~~ The clerk of the bankruptcy court will request copies from the party or parties designating the record on appeal. The copies must be tendered to the clerk in chronological order in conformity with LR 9004(c) within thirty (30) days of the clerk's request or within a shorter time if ordered by the district court~~. or other appellate court~~. When the clerk receives the copies, the clerk will tender a receipt for all items designated. If any party fails to give the clerk copies of designated items before the deadline, the clerk may make copies at the designating party's expense.

~~(b) Designation and preparation of reporter's and recorder's transcripts.~~

~~(1) When designating transcripts on appeal, the party filing the notice of appeal, or other moving party, must specify the date(s), time(s), and type of hearing(s) and identify by name the court reporter or recorder.~~

~~(2) The party filing the notice of transcript must include in the notice:~~

~~(A) All transcripts listed in the designation of record, if any;~~

~~(B) Notation of the date of filing, if any; and,~~

~~(C) The estimated time of filing, whether expedited or in the ordinary course of transcription.~~

(b) Procedure for requesting preparation of transcript. A transcript order form ~~(A0 435~~) must be submitted to the clerk and must specify which portions of the designated transcript a particular court reporter or recorder will transcribe. If a court reporter was present, the clerk may arrange for the transcription of the record at the requesting party's expense.

LR 8007. TRANSMISSION OF RECORD ON APPEAL.

When the record, including any transcript, is complete for purposes of appeal, the bankruptcy clerk will transmit a certificate of record to the clerk of the district court or other appellate court and will notify the parties of the date that the certificate of record was filed. The bankruptcy court clerk will retain the record until the district court or other appellate court requests it.

LR 8009. BRIEFS AND APPENDIX.

(a) Excepts of record. ~~The parties must file excerpts of record to the district court in the same manner as required by Fed. R. Bankr. P. 8009(b) for appeals to the bankruptcy appellate panel~~. A party filing excerpts of record with the district court must file two (2) copies to be bound separately from the briefs. ~~A party filing excerpts of record with the bankruptcy appellate panel must file the number of copies required by the Ninth Circuit Bankruptcy Appellate Panel.~~

(b) Transcripts. The excerpts of record must include the transcripts necessary for adequate review in light of the standard of review to be applied to the issues before the district court or other appellate court.

LR 8016. DUTIES OF CLERK OF DISTRICT COURT AND BANKRUPTCY APPELLATE PANEL-MANDATE.

(a) Issue Date. This court's mandate will issue seven days after the time to file a motion for rehearing expires, unless the mandate is stayed under subdivision (b) of this rule or the court shortens or enlarges the time, either on its own motion or on the motion of a party in interest. In cases of dismissal under Local Rule 8070 for failure to prosecute the appeal, the mandate will issue concurrently with the entry of the order on the docket of the district court.

(b) Stay of Mandate. Unless this court orders otherwise, the mandate is stayed until the court resolves the following:

(1) a timely-filed motion for rehearing;

(2) a motion for stay of judgment under Fed. R. Bankr. P. 8017(b) that is filed before the mandate is issued; or

(3) a motion to stay the mandate that is filed before the mandate is issued.

(c) Issue After Stay. If this court stays its mandate pending appeal, the mandate must issue immediately after this court files the mandate from the appellate court.

(d) Mandate. The mandate consists of a certified copy of this court's order or judgment and a copy of any opinion or memorandum of decision. In his or her discretion, the clerk may serve such certified copy by the court's Electronic Case Filing System.

LR 8018. LOCAL RULES OF CIRCUIT, JUDICIAL COUNCIL, OR DISTRICT COURT.

Practice in bankruptcy appeals that may come before the district court will be governed by Part VIII of the Federal Rules of Bankruptcy Procedure, except as provided in LR 8070 or in Rules that the district court adopts.

LR 8070. DISMISSAL OF APPEAL FOR NONPROSECUTION.

The court may dismiss the appeal, impose sanctions, or both under circumstances indicated below. This rule may be invoked on motion of a party or by the court on its own motion after notice to the parties:

(a) When an appellant fails to timely file a designation of the reporter's transcript, designation of record, statement of issues and/or brief; file the excerpts of record; or otherwise comply with Rules and orders governing the processing of bankruptcy appeals; or,

(b) When an appellee fails to timely file a designation of reporter's transcript, designation of record or brief; or otherwise comply with Rules and orders governing the processing of the bankruptcy appeals.

LR 9004. ~~REQUIRED FORM OF FILED PAPERS,~~ FORM AND RETENTION REQUIREMENTS (New title)

(a) Form of papers.

(1) The papers filed with the bankruptcy court must be legibly printed on eight-and-one-half by eleven inch (8½ " x 11 ") paper, with copies reproduced by any method resulting in clear copy. Unless the court orders otherwise, all printing and handwriting must be double-spaced and each printed line consecutively numbered in the left margin on each page.

(2) The format described above does not apply to:

(A) Exhibits, footnotes and quotations, the identification of counsel, caption, title of the court and the name of the case; and,

(B) The title page, which must begin at least one-and-one-half inches (1½") from the top of the page.

(b) Print requirements. Printing that uses proportional fonts or equivalent (such as most computer fonts) must be at least twelve (12) points. Monospaced fonts (such as on a typewriter) may not have more than ten (10) characters per linear inch. All quotations longer than fifty (50) words must be indented. All pages of each pleading or other papers filed with the court (except exhibits) must be numbered consecutively. All pages of each pleading or other papers filed with the court (including exhibits) must be printed only on one (1) side of the paper.

(c) Signatures generally. All pleadings and non-evidentiary documents must be signed by the individual attorney for the party presenting them, or by the party involved if that party is appearing pro se. Affidavits and certifications must be signed by the affiant or declarant. The name of the person signing the document must be typed underneath the signature.

(1) Signatures on documents submitted electronically.

(A) The user log-in and password required to access the electronic filing system must serve as the filing user's signature on all electronic documents filed with the court. They serve as a signature for purposes of Fed. R. Bankr. P. 9011, the other Federal Rules of Bankruptcy Procedure, the Local Rules of this court, and any other purpose for which a signature is required in connection with proceedings before this court. Unless the electronically filed document has been scanned and shows the filing user's original signature or bears a software-generated electronic signature thereof, an "/s/" and the filing user's name must be typed in the space where the signature would otherwise appear.

(B) Signatures of persons other than the registered user may be indicated by either:

(i) Submitting a scanned copy of the originally signed document, or;

(ii) Attaching a scanned copy of the signature page(s) to the electronic document.

(C) The use of "/s/Name" or a software generated electronic signature on documents constitutes the filing user's representation that an originally signed copy of the document exists or that the electronic signature has been authorized, and is in the filing user's possession at the time of filing.

(D) Original signed documents must be maintained in paper form by the filing user for the later of five (5) years or the maximum allowable time necessary to complete the appellate process, and upon request, the original document must be provided to other parties or to the court for review. The failure to do so may result in the imposition of sanctions on the court's own motion, or upon motion of the case trustee, the United States trustee, the United States Attorney, or other party.

(2) Documents directly faxed to the clerk or to chambers of the court will not be filed, lodged, received, returned, or acknowledged unless previously authorized by the court.

(d) Number of copies. See LR 1002(a).

(e) Exhibits.

(1) All courtesy copies of exhibits attached to papers must have indexing tabs at the bottom to show the exhibit number or letter. If exhibits are electronically filed, they must be separated by pages inserted and labeled with the exhibit numbers for movants and exhibit letters for respondents. Filers must reduce oversize exhibits by xerographic or other similar means to eight-and-one-half by eleven inches (8½" x 11") unless the reduction would destroy legibility or authenticity. An oversize exhibit that cannot be reduced must be filed separately with a captioned cover sheet identifying the exhibit(s) and the document(s) to which it refers. Electronically filed exhibits must be docketed by designating the exhibit numbers or letters by a single exhibit or group of exhibits.

(2) If affidavits or declarations are used, they must be filed at the same time as the paper they refer to, but as separately captioned documents.

(f) Caption, title of court, name and number of case, description, and date and time of hearing.

(1) The top left corner of the first page of every paper presented for filing must show the name, Nevada or other state bar number, address, telephone number, fax number, and email address of the attorney and any associated attorney(s) appearing for the party filing the petition, or the name, address, and telephone number of a party appearing pro se.

(2) Below the identifying information described above, the remainder of the caption on the first page must look like this:

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA

IN RE:	)	BK-S-00123-MKN [applicable case number]
	)	CHAPTER 7 [applicable bankruptcy title]
	)	
Debtors,	)	
	)	Adversary Proceeding: BK-S-05-2345-MKN
_____	)	[if applicable]
	)	
Plaintiff(s)	)	MOTION TO DISMISS
	)	[description]
	)	
Vs	)	
	)	Hearing Date:
	)	Hearing Time:
Defendant(s).	)	Estimated Time for hearing:
_____	)	

(g) 11 U.S.C. § 362 pleadings/cover sheet. A properly completed § 362 information cover sheet, on colored paper (unless electronically filed), must be attached as Exhibit A to a motion for relief from the automatic stay under 11 U.S.C. § 362 or opposition to such a motion. Failure to comply with any of these provisions may result in sanctions, denial of the motion, or other adverse ruling.

LR 9006. ORDERS SHORTENING TIME.

(a) Affidavit in support of motion for order shortening time. Unless the court permits otherwise, every motion for an order shortening time must be accompanied by an affidavit explaining why an expedited hearing is required along with a copy of the motion for which an expedited hearing is sought and an "Attorney Information Sheet For Proposed Order Shortening Time," or similar statement indicating the following:

(1) Whether opposing counsel and other interested parties and persons were consulted regarding the proposed order shortening time;

(2) Whether opposing counsel or other persons consent to a hearing on shortened time;

(3) The date counsel or other persons were consulted;

(4) How the consultation was accomplished or, if counsel or other persons were not consulted, how the moving party attempted to consult with that person or persons; ~~and,~~

(5) The estimated time for the hearing; and

(6) The date beyond which relief would no longer be necessary.

(b) Format of proposed order shortening time. Parties must include language in the proposed order shortening time so that the following can be easily inserted by the judge:

(1) The date and time for the hearing on the motion;

(2) The date for filing any objections to the motion;

(3) The date for filing any response to any objection; and,

(4) The date by which service of the order shortening time will be completed.

(c) Deadlines where dates not specified. Where an order shortening time does not otherwise specify, any opposition must be filed no later than two (2) business days before the hearing, and any reply must be filed no later than one (1) business day before the hearing. Unless it otherwise provides, where an order shortening time is entered on less than three (3) business days' notice, a written opposition is not required.

(d) Submission of proposed order shortening time. A proposed order shortening time must be electronically submitted to the court's electronic order program in a format prescribed by the court that will allow the electronic entry of dates for hearing and deadlines and the signing of the order by the judge.

(e) Service of order shortening time. If the motion is granted, the notice of the entry of the order shortening time together with a copy of the motion must be served in the most expeditious manner possible (e.g., email, facsimile, or hand delivery) within one (1) business day after the order is entered, unless the court orders otherwise.

LR 9009. LOCAL FORMS.

In addition to the official forms prescribed by the Judicial Conference of the United States, the court may provide additional forms, copies of which are available from the clerk and on the court's website, the use of which may be designated by these rules or the court as either permissive or mandatory.

LR 9010. REPRESENTATION AND APPEARANCES.

Any corporation, partnership, or other business entity, except when acting as a bankruptcy trustee for a corporation or partnership, must be represented by an attorney.

LR 9014. MOTION PRACTICE AND CONTESTED MATTERS - BRIEFS AND MEMORANDA OF LAW.

(a) Hearings and Court calendars.

(1) All motions which are required to be set for hearing, whether by statute, rule, or court order, shall be set so that at least ~~no earlier than~~ twenty-eight (28) days' notice of the hearing of the motion is given.~~after the motion was filed~~.

(2) A party may request a hearing on less than twenty-eight (28) days' notice in accordance with LR 9006.

(3) A party who is entitled to have a hearing held within a time frame specified by statute or rule, and sets that hearing after the period has expired or fails to seek an order shortening time is deemed to have waived the benefits of the statute which require the hearing to be held within that period.

(4) Unless the court directs otherwise, all hearings (including motions in adversary proceedings, objections and other matters for which a hearing is necessary) must be set by counsel or persons acting pro se on the calendar of the judge to whom the case is assigned. The court may set any matter for hearing whether or not a hearing is required by statute or rule.

(5) Each judge will maintain a motion calendar and may adopt specific court procedures which will be posted on the court's website. The times and dates of each judge's calendar and respective procedures may be obtained from the clerk or from the website.

(6) The judge may deem the first date set for the hearing to be a status and scheduling hearing if the judge determines that further evidence must be taken to resolve a material factual dispute. Unless the court orders otherwise or for good cause, live testimony will not be presented at the first date set for hearing. The judge may order a further hearing at which oral evidence and exhibits will be received, or may, as appropriate, order that all evidence be presented by affidavit or declaration.

(b) Notice of hearing and service of motion and notice.

(1) The movant must obtain a hearing date, and the notice of hearing must be filed concurrently with the motion and must, in addition to the requirements of Fed. R. Bankr. P. 2002(c), include the following:

(A) The date, time, and place of the hearing;

(B) A brief description of the relief sought;

(C) A statement of the time for filing and serving objections or oppositions in accordance with LR 9014(d); and,

(D) This statement:

> "If you object to the relief requested, you *must* file a **WRITTEN** response to this pleading with the court. You *must* also serve your written response on the person who sent you this notice.
>
> If you do not file a written response with the court, or if you do not serve your written response on the person who sent you this notice,
> then:
>
> - The court may *refuse to allow you to speak* at the scheduled hearing; and,
> - The court may *rule against you* without formally calling the matter at the hearing. "

(i) Individuals representing themselves are not exempt from this rule.

(ii) To ensure compliance with this rule, the court may deny any motion or request for an order that does not contain the above notice.

(E) If a hearing has been set by an order shortening time, service of the motion and the order shortening time will constitute notice of the hearing.

(F) The notice of hearing must be filed as a separate document from the associated motion or application.

(2) Service of the motion and notice of it must be made in accordance with these Rules and the Federal Rules of Bankruptcy Procedure.

(A) The proof of service must show the date and manner of service and the name of the person served. Proof of service may be by written acknowledgment of service or certificate of the person who made service. The court may decline to take action on any papers until proper proof of service is filed. An acknowledgment or certificate of service, if any, must be attached at the end of the paper presented for filing. The notice and accompanying proof of service must be filed not more than seven (7) days after the motion is filed.

(B) Failure to make the proof of service required by this rule does not affect the validity of the service. Unless material prejudice would result, the court may at any time allow the proof of service to be amended or supplied.

(c) Contents of motion; affidavits and declarations. See LR 7032 and LR 9017.

(1) The motion must state the facts on which it is based and must contain a legal memorandum. If factual issues are contested, the court will not grant the contested relief unless admissible evidence is offered in support of the relief requested.

(2) If affidavits or declarations are submitted, they must be filed separately, and they must reference the underlying motion or paper. Affidavits and declarations failing to comply substantially with all of the requirements of subsection (c) of this rule may be stricken in whole or in part on the request of an opposing party or on the court's initiative. Affidavits and declarations must be made under penalty of perjury and must:

(A) Identify the affiant, the party on whose behalf the affidavit is submitted, and the motion to which is pertains;

(B) Contain only nonhearsay factual evidentiary matter or expert opinion, conform as far as possible to the requirements of Fed. R. Civ. P. 56(e), and avoid mere general conclusions or arguments;

(C) Identify and authenticate documents and exhibits offered in support of the motion or opposition, unless the documents are already authenticated in the record or have been previously admitted into evidence by the court and are specifically referred to and identified in the motion or opposition; and,

(D) If an appraisal, include a statement of the qualifications of the appraiser, and either be made under penalty of perjury or be included by reference into an affidavit or declaration of the appraiser.

(c) Opposition, response, and reply.

(1) Except as set out in subsection (3) below, any opposition to a motion must be filed, and service of the opposition must be completed on the movant, no later than fourteen (14) days preceding the hearing date for the motion. The opposition must set forth all relevant facts and any relevant legal authority. An opposition must be supported by affidavits or declarations that conform to the provisions of subsection (c) of this rule.

(2) Except as set out in subsection (3) below, any reply memorandum must be filed and served no later than seven (7) days preceding the hearing date.

(3) Subsections (d)(1) and (2) do not apply to:

(A) Motions for summary judgment brought in any adversary proceeding;

(B) Motions for which an order shortening the time for the hearing date has been obtained; and,

(C) Motions or contested matters for which the court has set a separate briefing schedule either in open court or by separate order.

(4) For motions sought to be heard on shortened time, including when such motions are brought in an adversary proceeding, responses and replies will be due as set forth in the order granting the request that the motion be heard on shortened time or as provided in LR 9006.

(e) Limitation on length of briefs and points and authorities; requirement for ~~index and~~ table of authorities; courtesy copies.

(1) Unless the court orders otherwise, prehearing and posthearing briefs and points and authorities in support of, or in response to, motions are limited to twenty (20) pages including the motion but excluding exhibits. Reply briefs and points and authorities are limited to fifteen (15) pages, excluding exhibits. Where the court enters an order permitting a longer brief or points and authorities, the papers must include ~~an index,~~ a table of contents and table of authorities.

(2) Unless the court orders otherwise, courtesy copies of all papers filed with the court for matters set for hearing must be delivered to the clerk's office no later than two (2) business days after filing; except for matters set on shortened time, which must be delivered to the court at least one (1) business day after filing.

(f) Stipulations.

(1) Stipulations of counsel relating to proceedings before the court must be in writing, signed by the parties to the stipulation, and served on all other parties who have appeared.

(2) Stipulations between the parties relating to proceedings before the court, except stipulations pursuant to Fed. R. Bankr. P. 7029, are not effective until approved by the court and entered on the court's docket. The party submitting the stipulation must submit a separate order approving the

stipulation for consideration by the court, except that a proposed stipulation and order to substitute counsel under LR 2014(b) may be presented in one document.

(3) A dispositive stipulation will be treated as a motion unless the stipulation is approved in writing by all counsel who have appeared for the parties and any party appearing pro se.

(4) Whenever any written stipulation contains a provision for continuing a hearing or a provision for vacating a pending hearing, a separate notice of continuance of hearing or notice vacating hearing must be clearly set forth in the caption. Any notice of continuance of hearing must contain the previous hearing date and time and the new date and time. Any notice vacating hearing must contain the vacated date and time.

(g) Compliance with LR 9021. In chapter 7 and 13 cases, LR 9021(b)(1) is waived if a proposed order is served with the motion and the motion is granted. The proposed order must be attached as an exhibit and may not be separately filed or submitted for the judge's signature prior to the hearing. If the proposed order is not served the motion, or if the order has been modified by the court or otherwise, then LR 9021(b)(1) is applicable.

LR 9014.1. NEGATIVE NOTICE PROCEDURE ~~FOR CHAPTER 7 OR 13 CASES.~~

(a) In chapter 7 or 13 cases, the following motions, objections, and other matters may be considered by the Court without an actual hearing under the negative notice procedure described in this rule, if no party in interest requests a hearing:

(1) Motions to approve agreements relating to relief from the automatic stay, ~~including approval of stipulations for relief from the automatic stay where the property at issue is of minor value to the estate and the meeting of creditors was concluded,~~ motions prohibiting or conditioning the use, sale, or lease of property, motions providing adequate protection, and motions for the use of cash collateral pursuant to Fed. R. Bankr. P. 4001(d);

(2) Motions to sell personal property, except for sales of all or substantially all of the debtor's assets, under 11 U.S.C. § 363. A copy of the proposed order must be sent along with the negative notice;

(3) Motions to avoid liens on exempt property pursuant to 11 U.S.C. § 522(f);

(4) Notices of abandonment pursuant to Fed. R. Bankr. P. 6007(a);

~~(5) Motions for an order determining "final cure" under Bankruptcy Rule 3002.1(h) where the creditor has not otherwise responded to or disputed the Chapter 13 Trustee's notice pursuant to Bankruptcy Rule 3002.1(g);~~

(5) Motions to pay auctioneers' commissions and fees; ~~and~~

(6) The chapter 7 trustee's applications for court approval of the "Final Account and Report," if the United States trustee approves the application; and

(7) Other motions, objections, and matters if permitted in advance by the court.

(b) In chapter 11 or 13 cases, motions to value collateral under 11 U.S.C. § 506(a) may be

considered by the court without an actual hearing under the negative notice procedure described in this rule, if no party in interest requests a hearing.

(c) Motions, objections, and other matters filed pursuant to this negative notice procedure must:

(1) Be served in the manner and on the parties as required by these rules and the Federal Rules of Bankruptcy Procedure or any order of the court. A proof of service must be filed in accordance with LR 2002.

(2) To the extent permitted under the Federal Rules of Bankruptcy Procedure, these rules, or any other order of the court, a filing user may use these negative notice procedures by serving motions, objections, and other papers by electronic means to any other filing user or party who consents to receive service by electronic means.

(3) A negative notice legend must be prominently displayed on the face of the first page of the paper. The negative notice legend must be in a form substantially as follows:

"NOTICE OF OPPORTUNITY TO OBJECT AND FOR HEARING"

"Pursuant to LR 9014.1, the court will consider this motion, objection, or other matter without further notice of hearing unless a party in interest files an objection within twenty-one (21) days from the date of service of this paper. If you object to the relief requested in this paper, you may file your objection at the bankruptcy clerk's office located in Las Vegas at the United States Bankruptcy Court, 300 Las Vegas Blvd. South, Las Vegas, Nevada 89101, or in Reno at the United States Bankruptcy Court, 300 Booth Street, Reno, NV 89509, and serve a copy on the movant's attorney and any other appropriate persons.

It is the duty of the objecting party to timely set the objection for a hearing and properly notice all parties in interest. If you do not file an objection within the time permitted, an order granting the requested relief may be entered by the court without further notice or hearing."

(d) In the event a party in interest files an objection within the time permitted in the negative notice legend, the objecting party must schedule a hearing on the motion, objection, or other matter upon notice to the movant's attorney, the objecting party or parties, and others as may be appropriate. The objecting party must not give less than fourteen (14) days' notice of the hearing. Unless the court orders otherwise, the creditor must schedule and notice a hearing on the objection. If a hearing on the objection is not timely set and noticed, the objection, unless otherwise ordered by the court, will be deemed withdrawn.

(e) The movant must submit the proposed order not later than fourteen (14) days after the expiration of the objection period. In the event the movant fails to submit a proposed form of order within this time, the court may enter an order denying the matter without prejudice for lack of prosecution. In addition to any other requirements, the movant must recite in a separate affidavit that:

(1) The motion, objection, or other matter was served upon all interested parties with the negative notice legend informing the parties of their opportunity to object within the appropriate number of days of the date of service; and,

(2) No party filed an objection within the time permitted.

(f) In the event no party in interest files a timely objection, the court may consider the matter without further notice or hearing upon the submission by the movant of a proposed form of order granting the relief.

(g) Nothing in this Rule is intended to preclude the court from conducting a hearing on the motion, objection, or other matter even if no objection is filed within the time permitted in the negative notice legend.

LR 9014.2. CONTESTED MATTERS, CONSENT TO ENTRY OF FINAL ORDER OR JUDGMENT

(a) In addition to the requirements of LR 9014, LR 9014.1, and Fed. R. Bankr. P. 9014(a), the moving party in a contested matter shall include a statement that the pleader does or does not consent to the entry of final orders or judgment by the bankruptcy judge if it is determined that the bankruptcy judge, absent consent of the parties, cannot enter final orders or judgment consistent with Article III of the United States Constitution.

(b) The non-moving party shall submit a response within fourteen days of service of the motion and include a statement that the responding party does or does not consent to the entry of final orders or judgment by the bankruptcy judge if it determined that the bankruptcy judge, absent consent of the parties, cannot enter final orders or judgment consistent with Article III of the United States Constitution.

(c) Should any party fail to consent to the entry of final orders or judgment by the bankruptcy judge if it is determined that the bankruptcy judge, absent consent of the parties, cannot enter final orders or judgment consistent with Article III of the United States Constitution, then the bankruptcy court may either:

(1) Require the parties to submit pleadings in support of or in opposition to the entry of final orders or judgment by the bankruptcy judge if it is determined that the bankruptcy judge, absent consent of the parties, cannot enter final orders or judgment consistent with Article III of the United States Constitution; or

(2) The bankruptcy court may sua sponte determine and enter an order on whether the proceeding is a core proceeding not subject to entry of final orders or judgment by the bankruptcy court, unless the district court withdraws the reference first. Unless otherwise provided, Fed. R. Bankr. P. 9014 and LR 9014 shall govern this motion.

LR 9015. JURY TRIALS.

(a) Designation to conduct jury trials. The bankruptcy judges of this district are designated to exercise all jurisdiction in civil jury cases under 28 U.S.C. § 157(e). Consent of the parties may be made in writing or orally on the record and, unless the court orders otherwise, must be given at least thirty (30) days before the date first set for trial.

(b) Demand for jury trial. Fed. R. Civ. P. 38 applies in adversary proceedings where there is a right to trial by jury.

(c) Form of demand. A demand for a jury trial must appear immediately following the title of the complaint or answer containing the demand, or in another document as may be permitted by Fed. R. Civ. P. 38(b). Any notation on an adversary proceeding cover sheet filed under LR 7003 concerning whether a jury trial is, or is not, demanded does not constitute a demand for a jury trial under these Local Rules.

(d) Procedure. In any proceeding in which a demand for jury trial is made, the court will, on a motion of one (1) of the parties or on the court's own motion, determine whether the demand was timely made and whether the demanding party has a right to a jury trial. Even if all the parties have consented to a jury trial, the court may, on its own motion, determine that there is no right to a jury trial in a proceeding.

(e) Consent and withdrawal. Upon the court's determination that the demand was timely made and the party has a right to a jury trial, and if all parties have not filed a written consent to a jury trial in the bankruptcy court, the bankruptcy court will certify the matter to the district court. Upon certification, the district court shall open a new civil matter, and shall assign a date for trial. Unless the assigned judge orders otherwise, all proceedings will continue in the bankruptcy court until the matter is ready for trial.

(f) Nonjury determination. If the court determines that a jury demand was not timely made, or the demanding party is not entitled to a jury trial, the proceeding will be heard as a nonjury proceeding before the court.

(g) Certification to United States District Court. If, on timely motion of a party or on the court's own motion, the court determines that a claim is a personal injury tort or wrongful death claim requiring trial by a district court judge, the proceeding will be certified to the district court based on that fact in accordance with 28 U.S.C. § 157(b)(5).

LR 9016. SERVICE OF SUBPOENA.

When attendance at an examination in accordance with Fed. R. Bankr. P. 2004, or when the production of documents is required in connection with such an examination, the subpoena may be served on a party who has appeared in the bankruptcy case through any method of service appropriate for service of a summons under Fed. R. Bankr. P. 7004 and LR 7004. When the party has appeared through counsel, service on counsel will constitute service on the party.

LR 9017. USE OF ALTERNATE DIRECT TESTIMONY AND EXHIBITS AT TRIALS.

(a) Purpose. The purpose of this procedure is to facilitate pretrial preparation and to streamline the introduction of direct testimony at trials of adversary proceedings and hearings on contested matters. This procedure is known as the "alternate direct testimony procedure." Counsel is encouraged to use the alternate direct testimony procedure whenever possible.

(b) Stipulation for use. If all parties stipulate and the court approves, or if the court

orders it, the alternate direct testimony procedure may be used in all trials of adversary proceedings or contested matters. The stipulation must be filed with the court no later than the time of the pretrial conference required by LR 7016 and 7026.

(c) Preparation of direct testimony and exhibits. Unless the court orders otherwise, each attorney must prepare a written declaration or affidavit of the direct testimony of each witness to be called, except hostile or adverse witnesses. The declaration or affidavit must be executed by the witness under penalty of perjury. Each statement of fact or opinion must be set forth in separate sequentially numbered paragraphs and must contain only matters that are admissible under the Federal Rules of Evidence. Declarations and affidavits must conform to the provisions of LR 9014(c).

(d) Submission of declarations, exhibits, and objections. Unless the court orders otherwise, copies of all declarations of witnesses and exhibits that are intended to be presented at trial or at the hearing on a contested matter must be furnished to opposing counsel and lodged with the court as follows:

(1) The plaintiff or movant must submit to opposing counsel all declarations and exhibits in its case in chief not less than fourteen (14) business days before the trial or the hearing on the contested matter;

(2) The defendant or respondent must submit all declarations and exhibits in its case seven (7) business days before the trial or the hearing on the contested matter;

(3) Two (2) business days before trial or the hearing on a contested matter each party must lodge with the courtroom deputy clerk of the judge to whom the matter is assigned, one (1) copy of all declarations and exhibits that the party intends to present at trial, and an original and one (1) copy of that party's written objections to the admission of any of the declarations or exhibits of an opposing party. Copies of exhibits lodged with the clerk must be premarked by counsel, and must be accompanied by a cover sheet index containing a brief description of each exhibit; and,

(4) Unless otherwise stipulated by the parties with approval of the court, the declarants must be made available for cross-examination at the trial.

(e) Use of live testimony. All cross-examination, rebuttal, and surrebuttal must be by live testimony unless stipulated by the parties and approved by the court. Notwithstanding the provisions of this Rule, the Court, in its discretion, may allow the live direct examination of any witness.

LR 9018. SECRET, CONFIDENTIAL, SCANDALOUS, OR DEFAMATORY MATTER.

(a) Motion to file under seal. No paper will be filed under seal without first obtaining approval of the court. If a filing under seal is requested, a motion (but not the documents themselves) must be filed electronically, unless prohibited by law or unless the filing is exempt or excepted from the requirement of electronic filing. If the motion itself contains confidential information, the movant must serve and file a redacted version clearly marked as such, and submit an unredacted version *in camera.* The movant must deliver paper copies of the documents proposed to be filed under seal to the presiding judge, and designate it as such, for *in camera* review.

(b) Order. The court will review the *in camera* submission and enter an appropriate order directing that all or part of it be filed under seal, be made part of the official public file, or be permitted to be withdrawn. If the court orders the document sealed, the moving party must submit an order in

compliance to LR 9021, which will be docketed by the clerk. The court order authorizing filing documents under seal will be filed electronically, unless prohibited by law.

(c) Form. If the court grants the motion, in whole or in part, the movant must deliver to the clerk of the court a paper copy of the documents to be filed under seal. Papers submitted for the court's *in camera* inspection must be accompanied by a captioned cover sheet complying with LR 9004, indicating that they are being submitted *in camera*. Counsel must provide to the court an envelope large enough for the *in camera* papers to be sealed without being folded. A copy of the sealing order on paper must be attached to the sealed documents.

(d) Filing sealed documents. Unless the court orders otherwise, the clerk will file any documents ordered to be filed under seal on paper and not electronically.

(e) Retention of sealed documents. The clerk shall destroy the sealed documents upon closing of the case, unless the party that filed the document(s) obtains a court order for its return or obtains a court order that the court retain the sealed documents after the case is closed.

LR 9019. SETTLEMENTS AND AGREED ORDERS; ALTERNATIVE DISPUTE RESOLUTION.

(a) Settlement conferences or other alternative dispute resolution.

(1) On its own initiative or at the request of any party in interest, the court may at any time order that a contested matter or adversary proceeding be set for settlement conference or other alternative method of dispute resolution.

(2) The court may, by separate order stay the contested matter or adversary proceeding in whole or in part for a specified time or until further order of the court to facilitate the settlement process. If a settlement conference is held, there is no stay or postponement of any calendared matter without prior order of the court.

(b) Notice to court of outcome of settlement conference or other alternative dispute resolution. At the conclusion of any settlement conference or other alternative dispute resolution, ~~T~~the plaintiff or moving party must promptly advise the court in writing when any adversary proceeding or contested matter is settled or when the parties have failed to reach a settlement.

(c) Notice of compromise. Unless the court orders otherwise, when any party gives notice of a motion for the approval of a compromise, that party must either include in the notice a summary of the essential terms of the compromise or serve a copy of the compromise with the notice.

LR 9021. ENTRY OF JUDGMENTS AND ORDERS.

(a) Preparation of entry of orders and judgments.

(1) Unless otherwise ordered, the attorney for the prevailing party must prepare all proposed findings of fact, conclusions of law, judgments, and orders (collectively, for purposes of this Rule, "Orders"), formatted in accordance with the court's electronic filing procedures described in LR 5005.

(2) All proposed Orders must accurately reflect the court's ruling.

(3) Unless otherwise ordered, any proposed Order must be submitted to the court promptly after the conclusion of the hearing, but in no event later than twenty-eight (28) days after the hearing is concluded.

(4) Unless otherwise ordered, if no proposed Order is submitted within twenty-eight (28) days after the date upon which the matter was heard, any party in interest may submit a proposed Order in a manner that complies with this rule.

(5) Unless otherwise ordered, if no Order is submitted within thirty-five (35) days of a hearing, the motion or other matter will be deemed withdrawn, without prejudice, subject to a motion under Fed. R. Bankr. P. 9024.

(6) If an Order is submitted after thirty-five (35) days and the court signs said Order, that shall be conclusive proof that the court has otherwise ordered within the meaning of subsection (a)(5).

(b) Transmission; approval and disapproval; objections.

(1) Counsel preparing documents listed in subsection (a) above must transmit them by hand delivery, facsimile, email, overnight delivery, or United States Mail to all counsel or unrepresented parties who appeared at the hearing or filed and served objections., ~~and to any trustee appointed in the case~~.

(2) Unless the court orders otherwise, parties will have three (3) business days from receiving proposed orders to communicate their approval or disapproval to the transmitting counsel.

(A) If disapproved, the disapproving party will have five (5) business days from receiving the document to serve and file with the court a detailed statement of objections and an alternate proposal for the document.

(B) Any response to the objection must be filed within five (5) business days after the objection is lodged.

(3) Approval indicates only that the document accurately reflects the ruling of the court and does not constitute agreement with the ruling or waiver of any rights of appeal.

(c) Certification language.

(1) Documents listed in subsection (a) above must be submitted to the court with the following certification from the submitting counsel:

In accordance with LR 9021, counsel submitting this document certifies as follows (check one):

___ The court has waived the requirement set forth in LR 9021(b)(1).

___ No party appeared at the hearing or filed an objection to the motion.

___ I have delivered a copy of this proposed order to all counsel who appeared at the hearing, and each has approved or disapproved the order, or failed to respond, as indicated below [list each party and whether the party has approved, disapproved, or failed to respond to the document]:

___ I certify that this is a case under chapter 7 or 13, that I have served a copy of this order with the motion pursuant to LR 9014(g), and that no party has objected to the form or content of the order.

(2) No language other than "approved" or "disapproved" may appear above opposing counsel's signature; and,

(3) Unless the court orders otherwise, "opposing counsel" means any attorney who appeared at the hearing regarding the matter that is the subject of the order or who filed objections.

(4) Variation from the certification language indicated in paragraph (c)(1) may be cause for returning the draft order unsigned by the court.

(d) Orders on applications or motions for which no hearing is held and no objections are received. If a party requests an order on an application or motion, but did not schedule a hearing on the motion or application, relying instead on the absence of any objection to the requested relief, the party must also submit, with the proposed order, a declaration or affidavit containing the following:

(1) A summary of why a hearing is not necessary in the matter;

(2) A statement of how and when notice of the application or motion was served, and a list of those entities served; and,

(3) A statement that the declarant or affiant has not received relief and knows of no objections to the relief requested as of the time the proposed order was submitted.

LR 9022. NOTICE OF JUDGMENT OR ORDER.

~~(a) Notice by the clerk. Immediately after the entry of a judgment or order, the clerk will:~~

~~(1) Transmit a Notice of Electronic Filing to registered e-filers. Electronic transmission of the Notice of Electronic Filing constitutes the notice required by Fed. R. Bankr. P. 9022;~~

~~(2) Give notice on paper to a person who is exempt or excepted from electronic filing in accordance with the Federal Rules of Bankruptcy Procedure.~~

~~(b) Reliance on ECF. The party obtaining relief need not send or transmit actual notice of the entry of any judgment to any party entitled to such notice. Instead, by doing nothing, the party shall be deemed to elect to rely upon the clerk give notice to all affected parties as specified in this Local Rule 9022. In so electing, however, the party obligated to give such notice assumes all risk that the clerk will not properly send or transmit notice to all parties entitled to such notice, or that any notice sent or transmitted may be inadequate in any way.~~

(a) Notice by the clerk. Immediately upon the entry of a judgment or order, the clerk shall serve notice of the entry of the judgment or order on local counsel for the movant, via electronic means, as consented to by the movant. Registered CM/ECF users are deemed to have consented to service of the notice of the entry of orders or judgments via electronic means. If the counsel for the movant is not a registered CM/ECF user, the clerk shall serve a copy of the judgment or order on local counsel for the movant in accordance with the Federal Rules of Bankruptcy Procedure. Counsel for the movant shall serve a copy of the judgment or order on all parties that contested the relief requested in the order and on any other parties as the court may direct, and file a certificate of service in accordance with the local rules.

(b) Pro se movants and sua sponte orders. For any pro se movant or sua sponte order, the clerk's office shall serve a copy of the judgment or order on all parties affected in accordance with the Federal Rules of Bankruptcy Procedure.

(c) Service of copy of order. The clerk is responsible only for giving notice that the judgment or order has been entered on the court's docket. 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. P. 8002.

LR 9027.1 REMOVAL, STATEMENT REGARDING CONSENT TO ENTRY OF ORDERS OR JUDGMENT

(a) If, pursuant to Fed. R. Bankr. P. 9027(a), a notice of removal states that upon removal of the claim or cause of action the proceeding or any part of it is core, the notice shall also state whether the party removing the proceeding does or does not consent to the entry of final orders or judgment by the bankruptcy judge if it is determined that the bankruptcy judge, absent consent of the parties, cannot enter final orders or judgment consistent with Article III of the United States Constitution.

(b) If a statement filed pursuant toFed. R. Bankr. P. 9027(e)(3) by a party who filed a pleading in connection with a removed claim or cause of action, other than the party filing the notice of removal, states that the proceeding or any party of it is core, the party shall also state that the party does or does not consent to the entry of final orders or judgment by the bankruptcy judge if it is determined that the bankruptcy judge, absent consent of the parties, cannot enter final orders or judgment consistent with Article III of the United States Constitution.

LR 9033.1 REVIEW OF PROPOSED FINDINGS OF FACT AND CONCLUSIONS OF LAW.

(a) If a bankruptcy judge determines that a proceeding is a core proceeding not subject to entry of final orders or judgment by the bankruptcy court, and the bankruptcy court hears the proceeding, Fed. R. Bankr. P. 9033 shall apply as if the proceeding is a non-core proceeding.

(b) If a bankruptcy court enters a final order or judgment in a proceeding not subject to entry of final orders or judgment by the bankruptcy court, such order or judgment may be treated as proposed findings of fact and conclusions of law submitted by the bankruptcy court to the district court. In that event Fed. R. Bankr. P. 9033 shall apply as if the proceeding is a non-core proceeding, except that the district court shall set a time for filing objections to such findings and conclusions.

LR 9037. PRIVACY- REDACTIONS.

(a) Procedure to redact protected private information from transcripts. To promote electronic access to transcripts while also protecting personal privacy, the court has adopted procedures regarding the electronic availability of transcripts in accordance with the Judicial Conference's privacy policy and with Fed. R. Bankr. P. 9037. These procedures are available on the court's website.

(b) Procedure to redact protected private information from documents other than transcripts. If a document other than a transcript is filed that discloses protected private information, a party seeking to redact that information from the publicly accessed electronic docket may file an ex parte motion to redact. When the order is submitted, a redacted copy of the document must be attached to the order. If the case is closed, a motion to reopen must be filed and the appropriate reopening filing fee must be paid before the motion to redact may be granted.