CLEAN VERSION (MARCH 28, 2024)

Explanatory note to Rule 1000-1: Amendments to Rule 1000-1 are primarily stylistic. Substantive changes appear in subparts (12), (14), and (18). The second sentence in subpart (12) is deleted because the sentence does not belong in a definition. The definition of "motion" in subpart (14) is broadened to include an "objection" because certain objections (e.g., claim objections) are treated as motions. Subpart (14) excepts "emergency motion" from the definition because a separate rule addresses emergency motions. The last phrase in subpart (18) is deleted because it is unnecessary.

RULE 1000-1 DEFINITIONS

(1) "Administrative Procedures" means the Administrative Procedures for the Case Management/Electronic Case Filing System adopted by the court.

(2) "Bankruptcy Code" means Title 11 of the United States Code, as amended.

(3) "Bankruptcy court" means the bankruptcy judges of the United States Bankruptcy Court for the Northern District of Illinois.

(4) "Clerk" means the clerk of the court and any deputy clerk.

(5) "Clerk of the court" means the clerk of the court duly appointed by the bankruptcy court.

(6) "CM/ECF" means the Case Management/Electronic Case Filing System.

(7) "Courtroom deputy" means the deputy clerk assigned to perform courtroom duties for a particular judge.

(8) "Date of presentment" means the day on which the motion is to be presented in open court according to the notice required by Rule 9013-1.

(9) "District court" means the United States District Court for the Northern District of Illinois.

(10) "District Court Local Rules" means the local rules of the district court.

(11) "Executive Committee" means the executive committee of the district court.

(12) "Fillable Order" means an order created using the Fillable Order PDF template available on the court's website.

(13) "Judge" or "court" means the judge assigned to a case or an adversary proceeding or any other judge sitting in that judge's place.

(14) "Motion" means a request for relief by motion, objection (other than to a disclosure statement or plan), and application (other than to waive the filing

fee, pay the filing fee in installments, or set a hearing on an emergency motion under Rule 9013-2).

(15) "Registrants" means individuals with unrestricted passwords registered to file documents in CM/ECF.

(16) "Rules" means these Local Bankruptcy Rules.

(17) "Rule" means one of the Local Bankruptcy Rules.

(18) "Trustee" means the person appointed or elected to serve as trustee in a case under the Bankruptcy Code.

Explanatory note to Rule 1000-2: Amendments to Rule 1000-2 are primarily stylistic. Substantive changes are the deletion of subpart (D)(1)(b) and (D)(3). Subpart (D)(1)(b) is deleted because the Judicial Conference discourages the use of individual standing orders. Subpart (D)(3) has been deleted because it is unnecessary.

RULE 1000-2 SCOPE OF RULES

A. Scope of Rules

These Rules are promulgated by the district court and bankruptcy court under Rule 83 of the Federal Rules of Civil Procedure and Rule 9029 of the Federal Rules of Bankruptcy Procedure. They govern procedures in the district court and bankruptcy court in all bankruptcy cases and proceedings as defined in 28 U.S.C. § 157. The Rules must be construed to secure the just, speedy, and inexpensive determination of every bankruptcy case and proceeding.

B. Previous Bankruptcy Rules Rescinded

All Rules that the district court and bankruptcy court adopted before the effective date of these Rules are rescinded.

C. Application of District Court Local Rules

The District Court Local Rules apply in bankruptcy cases only as the District Court Local Rules or these Rules provide, or if a judge applies them in situations these Rules do not cover.

D. Procedural Orders

(1) The bankruptcy court may issue general orders governing procedures in bankruptcy cases and proceedings.

(2) The chief judge may issue on the bankruptcy court's behalf administrative orders governing matters such as hours of operation, court holidays, and case assignments.

Explanatory note to Rules 1006-1 through -4: Rule 1006-1 consolidates former Rules 1006-2 through -4 and makes stylistic changes. Subparts (A) and (B) reflect clerk's office policy.

RULE 1006-1 FILING FEE

A. Failure to Pay

The clerk must not accept a petition for filing unless the filing fee is paid or Rule 1006 of the Federal Rules of Bankruptcy Procedure is otherwise satisfied.

B. Payment with Electronic Filings

Except as Rule 1006 of the Federal Rules of Bankruptcy Procedure provides otherwise, the required fee must accompany any document filed electronically.

C. Payment by Debtors and Other Non-Registrants

Except as Rule 1006 of the Federal Rules of Bankruptcy Procedure provides otherwise, the required fee in the form of cash, cashier's check, certified check, or money order must accompany any document filed on paper. The clerk must not accept personal, non-certified checks or credit cards from pro se parties or other non-registrants.

D. Payment in Installments

If a debtor applies to pay the filing fee in installments under Rule 1006 of the Federal Rules of Bankruptcy Procedure, the clerk may enter the appropriate order on behalf of the judge to whom the case is assigned. The order must require the debtor to pay (a) fifty percent of the filing fee no later than 60 days after the petition date; (b) the entire fee in no more than four installments; and (c) the final installment no later than 120 days after the petition date.

Explanatory note to Rule 1007-1: Amendments to Rule 1007-1 are purely stylistic.

RULE 1007-1 COMPUTER READABLE LISTS OF CREDITORS

Unless the court orders otherwise, in all voluntary cases other than cases filed by pro se debtors, the debtor must file with the petition a list, in a computer-readable format, of the names and complete addresses, including zip codes, of:

- the debtor;
- the debtor's attorney;
- all secured and unsecured creditors; and

- all other parties in interest entitled to notice in the case.

Explanatory note to Former Rule 1007-2: Former Rule 1007-2 is now Rule 5003-1.

Explanatory note to Rule 1009-1: Amendments to Rule 1009-1 are primarily stylistic and organizational. The title of the rule is changed to refer to "service" rather than "notice." The word "statements" is added to conform to the national rule.

RULE 1009-1 SERVICE OF AMENDMENTS TO VOLUNTARY PETITIONS, LISTS, OR SCHEDULES; NOTICE TO CREDITORS

A. Chapter 7, 9, 12, and 13 Cases

In Chapter 7, 9, 12, and 13 cases, the debtor must serve amendments to voluntary petitions, lists, schedules, and statements on:

- all creditors; and
- the trustee.

B. Chapter 11 Cases

In Chapter 11 cases, the debtor must serve amendments to voluntary petitions, lists, schedules, and statements on

- all creditors;
- the United States Trustee;
- any official committee of unsecured creditors; and
- the trustee (if any).

C. Notice of the Creditors Meeting

If the debtor adds any creditors to the schedules or list of creditors after the clerk has served the notice of the meeting of creditors but before the meeting is held, the debtor must serve each added creditor by U.S. mail with a copy of the original notice of the meeting of creditors and must file a proof of service.

D. Proof of Service

If the debtor serves amendments to a voluntary petition, lists, or schedules, the debtor must file a proof of service.

Explanatory note to Rule 1014-1: Amendments to Rule 1014-1 are stylistic and organizational.

RULE 1014-1 TRANSFERS TO ANOTHER DISTRICT

A. Time of Transfer

When an order directs the clerk to transfer a case or proceeding to another district, the clerk must delay transfer for fourteen days after the date that the order is entered, unless the court orders otherwise. The clerk must transmit a certified copy of the docket, the transfer order, and all other filings in the case or proceeding, and must enter the date of transmittal on the docket.

B. Effect of Motion Under Rules 9023 or 9024

Unless the court orders otherwise, a motion filed under Rules 9023 or 9024 of the Federal Rules of Bankruptcy Procedure concerning a transfer order under (A) does not stay the transfer.

Explanatory note to Rule 1015-1: Amendments to Rule 1015-1 are primarily stylistic and organizational. Subpart (A)(2) now appears in Rule 1072-2(A)(2). Subpart (D) is deleted because Rule 1072-2 addresses reassignments.

RULE 1015-1 RELATED CASES

A. Relatedness Defined

Two or more cases are related if:

(1) the debtors are married; or

(2) the cases involve persons or entities that are affiliates under § 101(2) of the Bankruptcy Code.

B. Assignment of Related Cases Generally

Except as this Rule 1015-1 or Rule 1072-1 provides otherwise, all related cases must be assigned to the judge assigned the lowest-numbered case.

C. Certification of Relatedness

A Certification of Relatedness must be filed if two or more related cases are filed in this district or if a case to be filed is related to a pending case. If a Certification of Relatedness is filed, the clerk must assign the related cases to the same judge.

D. Transfer of Related Cases

A motion to transfer a case because it is related to another must be noticed for presentment to the judge assigned the higher-numbered case. If the cases are related, that judge must transfer the

case to the judge assigned the lower-numbered case. If the cases are related and no motion to transfer is filed, the judge assigned the higher-numbered related case must transfer the case to the chief judge to be transferred to the judge assigned the lower-numbered case.

Explanatory note to Former Rule 1017-1: Former Rule 1017-1 is deleted because it duplicates a national rule and so is unnecessary.

RULE 1017-1 [RESERVED]

RULE 1017-2 [RESERVED]

Explanatory note to Rule 1017-3: Amendments to Rule 1017-3 are primarily stylistic. The second sentence concerning remand is deleted because it is unnecessary.

RULE 1017-3 EFFECT OF DISMISSAL OF BANKRUPTCY CASE ON PENDING ADVERSARY PROCEEDINGS

When a bankruptcy case is dismissed, an adversary proceeding pending in the case will not be dismissed unless the court orders its dismissal.

Explanatory note to Rule 1019-1: Amendments to Rule 1019-1 are primarily stylistic. The penultimate sentence is deleted because Rule 1017 of the national rules addresses notice.

RULE 1019-1 CONVERSION BY ONE DEBTOR IN A JOINT CASE

If one of two debtors in a joint case files a notice of conversion or files a motion to convert that is granted, and if all required filing fees have been paid, the clerk must divide the case into two separate cases and assign a case number to the new case. Within 14 days after the case is divided, each debtor must file all necessary amendments to the schedules and statement of financial affairs.

Explanatory note to Rule 1072-1: This rule replaces Rule 1073-1 and incorporates the substance of Administrative Order No. 17-02 which will be vacated if the rule is approved. The rule revises and clarifies the scheme for assigning cases to take into account the distinction between the court's Western and Eastern Divisions and the assignment of cases from suburban counties in the Eastern Division. The rule is also revised to remove the implication that judges will hear cases in specific physical locations. That revision is necessary to make the rule consistent with amendments to the motion rules previously approved.

RULE 1072-1 ASSIGNMENT OF CHAPTER 7, 12, AND 13 CASES

A. Generally

(1) **Individual debtors.** An individual debtor's case must be assigned based on the county where the debtor's principal residence is located.

(2) **Non-individual debtors.** A non-individual debtor's case must be assigned based on the county where the debtor's principal place of business is located.

B. Eastern Division Cases from Cook County

Chapter 7, 12, and 13 cases from Cook County must be randomly assigned among the Eastern Division judges who hear those cases.

C. Eastern Division Cases from Counties other than Cook County

(1) **Assignment of Judges**

The chief judge must assign judges to hear cases from counties other than Cook County as follows:

(a) one judge to hear cases from Grundy, Kendall, LaSalle, and Will Counties;

(b) one judge to hear cases from Kane and DuPage Counties; and

(c) one judge to hear cases from Lake County.

(2) **Assignment of Cases**

(a) **Will County.** All Chapter 7, 12, and 13 cases from Grundy, Kendall, LaSalle, and Will Counties must be assigned to the judge hearing cases from those counties.

(b) **Kane County.** All Chapter 7, 12, and 13 cases from Kane and DuPage Counties must be assigned to the judge hearing cases from those counties.

(c) **Lake County**. All Chapter 7, 12, and 13 cases from Lake County must be assigned to the judge hearing cases from Lake County.

D. Western Division Cases

Chapter 7, 12, and 13 cases from counties in the Western Division must be assigned to the Western Division judge.

Explanatory note to Rule 1072-2: This rule goes with Rule 1072-1 and concerns chapter 11 and 15 cases. As Rule 1072-1 does, Rule 1072-2 incorporates the substance of Administrative Order No. 17-

02 which will be vacated if the rule is approved. The rule is also revised to remove the implication that judges will hear cases in specific physical locations. That revision is necessary to make the rule consistent with amendments to the motion rules previously approved.

RULE 1072-2 ASSIGNMENT OF CHAPTER 11 AND 15 CASES

A. Eastern Division Cases

(1) Except as section (2) provides otherwise, Chapter 11 and 15 cases from counties in the Eastern Division must be randomly assigned among the Eastern Division judges, regardless of the county where the debtor's residence or place of business is located.

(2) If a debtor in a Chapter 11 case was a debtor in a previous Chapter 11 case, the new case must be assigned to the judge assigned the previous case, unless that judge is no longer serving.

B. Western Division Cases

Chapter 11 and 15 cases from counties in the Western Division must be assigned to the Western Division judge.

Explanatory note to Rule 1072-3: Rule 1072-3 is former Rule 1073-4. Amendments 3 are largely stylistic. Substantive changes are designed to make the rule consistent with 11 U.S.C. § 921(b).

RULE 1072-3 ASSIGNMENT OF CHAPTER 9 CASES

When a Chapter 9 case is filed, the clerk must not assign the case but must immediately notify the chief judge of the filing. The chief judge must then ask the chief circuit judge to designate a bankruptcy judge to conduct the case.

Explanatory note to Rule 1072-4: Rule 1072-4 is former Rule 5070-1. Amendments are purely stylistic.

RULE 1072-4 CALENDARS

A. General

Bankruptcy cases, adversary proceedings, and other proceedings assigned to a judge constitute the judge's calendar.

B. Calendar of a Judge Who Dies, Resigns, or Retires

When a judge dies, resigns, or retires, the clerk must reassign the judge's calendar as soon as possible under the chief judge's direction. The reassignment must either be pro rata by lot among the

remaining judges or as necessary to promote efficient judicial administration.

C. Calendar of a Newly Appointed Judge

When a judge is first appointed, the clerk must create a calendar to which the clerk will transfer cases under the chief judge's direction, either by lot from the calendars of other judges or by transfer in whole or part of the calendar of a judge who has died, retired, or resigned. If transfer is by lot from the calendars of other sitting judges, a case or proceeding may not be transferred if the assigned judge certifies that reassignment would adversely affect the matter's efficient disposition.

Explanatory note to Rule 1072-5: This rule is new. It incorporates former Rule 5010-1 as well as Administrative Order 17-01, which will be vacated if the rule is approved.

RULE 1072-5 REOPENED CASES

A. Motions to Reopen.

(1) **Eastern Division Cases from Cook County.** A motion to reopen a case from Cook County must be noticed for presentment to the judge assigned to the case. If the assigned judge is no longer serving, the motion must be noticed for presentment to the chief judge.

(2) **Eastern Division Cases from Counties other than Cook County.** A motion to reopen a case from a county other than Cook County must be noticed for presentment to the judge currently assigned to hear cases from that county.

(3) **Western Division Cases.** A motion to reopen a case from the Western Division must be noticed for presentment to the Western Division judge.

B. Assignment of Reopened Cases.

Reopened cases must be assigned as follows:

(1) **Eastern Division Cases from Cook County.** A reopened Cook County case must be assigned to the judge previously assigned to the case. If the previously assigned judge is no longer serving, the case must be randomly assigned among the Eastern Division judges.

(2) **Eastern Division Cases from Counties other than Cook County.** A reopened case from a county other than Cook must be assigned to the judge hearing cases from that county.

(3) **Western Division Cases.** A reopened Western Division case must be assigned to the Western Division judge.

Explanatory note to Rule 1072-6: Rule 1072-6 is former Rule 1073-3 that concerned reassignment. The rule has been rewritten and reorganized, and its terminology has been changed. ("Reassignment" is now "transfer.") Subpart (C) of the rule is new and concerns transfer of a case or proceeding when the assigned judge is disqualified. Subpart (D) is also new and permits the assigned judge to refer to another judge for hearing, trial, or decision any matter in a case, any adversary proceeding, or any matter in an adversary proceeding. Subpart (E) is changed to make clear that the relevant date for determining the debtor's principal residence or principal place of business is the petition date.

RULE 1072-6 TRANSFER OF CASES AND ADVERSARY PROCEEDINGS

A. General Prohibition

No case or adversary proceeding may be transferred from the assigned judge to another judge except as these Rules provide.

B. Transfer by the Chief Judge

The chief judge may transfer a case or an adversary proceeding from the assigned judge to another judge, or may decline to do so, to adjust caseloads or to promote judicial efficiency or economy.

C. Disqualification

If a judge is disqualified from hearing an assigned case or adversary proceeding, the judge must by order transfer it to the chief judge for random reassignment. If a judge is disqualified from hearing a specific matter in an assigned case or in an adversary proceeding, the judge must by order either:

(1) refer the matter to another judge (with that judge's consent); or

(2) refer the matter to the chief judge for referral to another judge.

D. Referral to Another Judge

A judge assigned to a case may by order refer to another judge (with that judge's consent) for hearing, trial, or decision:

- a specific matter in the case;
- an adversary proceeding in the case; or
- a specific matter in an adversary proceeding.

E. Transfer of Certain Converted Eastern Division Cases

(1) **Cases Converted from Chapter 11 to Chapter 7.**

If a Chapter 11 case is converted to Chapter 7 and the debtor's principal residence or principal place of business on the petition date is not in Cook County, the case must be assigned to a trustee who administers cases in the county where the debtor's principal residence or principal place of business is located. The clerk must also transfer the case to the judge who hears cases from that county, unless the originally assigned judge orders otherwise.

(2) **Cases Converted from Chapter 11 to Chapter 13.**

If a Chapter 11 case is converted to Chapter 13 and the debtor's principal residence on the petition date is not in Cook County, the case must be assigned to the trustee who administers cases in the county where the debtor's principal residence is located. The clerk must also transfer the case to the judge who hears cases from that county.

Explanatory note to Rule 1072-7: Rule 1072-7 is drawn from former Rules 1073-2(B)(1)(c) and (B)(2). The phrase "charged with contempt of court" has been changed to "referred for prosecution," since the bankruptcy court doesn't charge people with crimes.

RULE 1072-7 SANCTIONS FOR INTERFERENCE WITH THE ASSIGNMENT SYSTEM

No person may directly or indirectly cause or attempt to cause cases to be assigned except under these Rules. A person who violates this Rule may be referred for prosecution.

Explanatory note to Rule 1073-3: Former Rule 1073-3 is now Rule 1072-6.

Explanatory note to Former Rule 1073-4: Former Rule 1073-4 is now Rule 1072-3.

Explanatory note to Rule 2002-1: Amendments to Rule 2002-1 are purely stylistic and organizational.

RULE 2002-1 LIMITED NOTICE IN CHAPTER 7 CASES

(1) In Chapter 7 cases, the clerk must serve the required notice of a trustee's motion to dismiss the case if the basis of the motion is either

(a) that the debtor failed to attend a meeting under § 341 of the Bankruptcy Code; or

(b) that the debtor failed to file a document required by § 521 of the Bankruptcy Code.

(2) The clerk must serve the motion to dismiss on the debtor but may serve only the notice of

the motion on all other parties in interest. The trustee need not serve the notice of motion or the motion.

Explanatory note to Rule 2002-2: Amendments to Rule 2002-2 are purely stylistic.

RULE 2002-2 NOTICE OF TRUSTEE'S FINAL REPORT IN CHAPTER 7 CASES

In Chapter 7 cases, if the estate assets available for distribution exceed $5,000, the trustee must serve the Notice of Trustee's Final Report and Applications for Compensation. Notices must be served on the debtor and on creditors who have filed claims.

Explanatory note to Rule 2004-1: Amendments to Rule 2004-1 are stylistic and organizational, except that the phrase "parties entitled to notice" is deleted. The revised rule requires service only on the person or entity to be examined.

RULE 2004-1 SERVICE OF MOTION FOR RULE 2004 EXAMINATIONS

A motion for an examination under Rule 2004 of the Federal Rules of Bankruptcy Procedure must be served on the person or entity to be examined.

Explanatory note to Rule 2015-1: Amendments to Rule 2015-1 are stylistic, except that the sentence that says the trustee will "enter the deferral of the fee on the docket" is deleted as unnecessary.

RULE 2015-1 DEFERRAL OF FILING FEES DUE FROM TRUSTEE

A trustee filing an adversary proceeding may defer paying the filing fee and file a notice of deferral of the fee if the trustee certifies that the estate lacks the funds necessary to pay it. If the estate later receives sufficient funds, the trustee must then pay the fee.

Explanatory note to Rule 2016-1: Amendments to Rule 2016-1 are purely stylistic.

RULE 2016-1 DISCLOSURE OF AGREEMENTS BETWEEN DEBTORS AND THEIR ATTORNEYS

Each agreement between a debtor and the debtor's attorney relating directly or indirectly to compensation paid or given, or to be paid or given, to or for the benefit of the attorney, must be in writing and must be signed by the debtor and the attorney. Agreements subject to this Rule include the Court-Approved Retention Agreement, other fee or expense agreements, wage assignments, and security agreements of all kinds. Each agreement must be attached to the attorney's disclosure statement under Rule 2016(b) of the Federal Rules of Bankruptcy Procedure. An agreement signed after the disclosure statement has been filed must be filed within 14 days as a supplement to the

disclosure statement.

Explanatory note to Rule 2030-1: Rule 2030-1 is former Rule 2070-1. Other than the renumbering, amendments are purely stylistic.

RULE 2030-1 SURETIES ON BONDS

A. Security for Bonds

Except as otherwise provided by law, every court-ordered bond or similar undertaking must be secured by:

(1) the deposit of cash or obligations of the United States in the amount of the bond;

(2) the undertaking or guaranty of a corporate surety holding a certificate of authority from the Secretary of the Treasury; or

(3) the undertaking or guaranty of two individual residents of this district.

B. Affidavit of Justification

A person acting as surety under section (A)(3) must file with the court an affidavit of justification. The affidavit must contain the person's full name, occupation, and home and business addresses. The affidavit must show that the person owns real or personal property in this district valued at no less than twice the amount of the bond, after excluding property exempt from execution and deducting the person's debts, liabilities, and other obligations (including those that may arise because of the person's suretyship on other bonds or undertakings).

C. Restriction on Sureties

No attorney or employee of the bankruptcy court may act as surety in any case or proceeding in this court.

Explanatory note to Rule 2030-2: Rule 2030-2 is former Rule 2070-2. Other than the renumbering and elimination of the antiquated term "supersedeas," the amendments are purely stylistic.

RULE 2030-2 APPEAL BONDS

A. Judgment for a Sum Certain

When a judgment is entered for money only, the bond under Rule 7062 of the Federal Rules of Bankruptcy Procedure must be in the judgment amount, plus one year's interest at the rate under 28 U.S.C. § 1961, and $500 to cover costs. A party may move for an order fixing the bond in a

different amount.

B. Condition of Bond; Satisfaction

The bond must be conditioned on satisfaction of the judgment, along with costs, interest, and damages for delay, if the appeal is dismissed or the judgment affirmed, as well as any costs, interest, or damages that the reviewing court awards.

Explanatory note to Rule 2040-1: Rule 2040-1 is former Rule 2090-1. Subpart (B)(1) is revised to require trial bar membership in contested matters as well as in adversary proceedings. Subpart (C) is revised to include the assistants of the named officers. Other amendments are purely stylistic.

RULE 2040-1 APPEARANCE OF ATTORNEYS

A. Admission to District Court Required

Except as Rules 2090-2 and 2090-3 provide otherwise, an attorney practicing in the bankruptcy court must be admitted to practice in the district court.

B. When Trial Bar Membership Required

(1) When a witness will testify in a proceeding or contested matter, an attorney acting as sole or lead counsel must be a member of the district court's trial bar.

(2) When this Rule requires trial bar membership, an attorney who is a member only of the district court's general bar may not participate without the supervision of a trial bar member.

(3) On the court's own motion or motion of a party in interest, the court may excuse the trial bar requirement in a specific proceeding or contested matter for cause shown.

C. Exemption for Certain Officers Appearing in Their Official Capacity

The following may appear in their official capacity in all matters before the bankruptcy court without admission to the trial bar: the Attorney General of the United States, the United States Attorney for this district, the attorney general or other highest legal officer of any state, the state's attorney of any Illinois county, and their assistants.

Explanatory note to Rule 2040-2: Rule 2040-2 is former Rule 2090-2. Other than the renumbering, amendments are purely stylistic.

RULE 2040-2 REPRESENTATION BY SUPERVISED SENIOR LAW STUDENTS

A law student eligible under Illinois Supreme Court Rule 711 to perform the services in Illinois Supreme Court Rule 711(c) may perform them in the bankruptcy court under a trial bar member's supervision. In addition to the agencies listed in Illinois Supreme Court Rule 711(b), the law student may render services with the United States Attorney for this district, the United States Trustee, or the legal staff of any United States government agency.

Explanatory note to Rule 2040-3: Rule 2040-3 is former Rule 2090-3. The amendments are purely stylistic, except that the sentence stating that the clerk "will enter the order on behalf of the assigned judge" is deleted because it does not reflect the current practice of the clerk's office.

RULE 2040-3 APPEARANCE BY ATTORNEYS NOT MEMBERS OF THE BAR OF THE DISTRICT COURT (Pro Hac Vice)

An attorney who is not a member of the bar of the district court but is a member in good standing of the bar of any state's highest court or any federal district court may appear in the bankruptcy court if the attorney:

(1) files with the district court a completed application for leave to appear pro hac vice; and

(2) pays the required fee to the clerk of the district court.

Explanatory note to Rule 2040-4: Rule 2040-4 is former Rule 2090-5. The amendments are purely stylistic except for the amendment to subpart (A)(3). The phrase "forms prescribed by the district court" is replaced with "the bankruptcy court's form" to reflect current practice.

RULE 2040-4 APPEARANCES

A. Individual Appearances; Appearances by Firms Prohibited

(1) Filing a document electronically for a party is an attorney's appearance for that party. No separate appearance form is required.

(2) Any other appearance must be filed using the bankruptcy court's form.

(3) Only individual attorneys may file appearances. Law firms may not appear.

(4) An attorney's appearance under this Rule does not effect the substitution or withdrawal of any other attorney. To substitute or withdraw, an attorney must comply with Rule 2091-1.

B. Appearance of Attorney for Debtor; Adversary Proceedings

An attorney who files a petition for a debtor is the debtor's attorney for all purposes in the bankruptcy case, including any contested matter and any audit, but not in any adversary proceeding against the debtor.

C. Appearance by United States Attorney or United States Trustee

The United States Attorney, the United States Trustee, and their assistants need not file an appearance when they appear in the performance of their duties.

D. Appearance of Attorney for Other Parties

Once an attorney has appeared, the attorney is attorney of record for the party represented for all purposes in the case or proceeding, unless the court orders otherwise.

Explanatory note to Rule 2040-5: Rule 2040-5 is former Rule 2091-1. The amendments are primarily stylistic. The first sentence of subpart (A) is modified to delete the portion allowing substitution of counsel without a motion. All substitutions will now require leave of court. The penultimate sentence of subpart (A) is deleted as unnecessary. The final sentence of subpart (A) addressing service is moved to a new subpart (C), and the phrase "parties of record" is changed to "parties in interest."

RULE 2040-5 WITHDRAWAL, ADDITION, AND SUBSTITUTION OF ATTORNEYS

A. General Rule

An attorney may not withdraw as attorney for a party, appear as an additional attorney, or substitute as attorney, without leave of court.

B. Failure to Pay

In a Chapter 7 case, when (1) the debtor's attorney has agreed to represent the debtor only if the debtor signs a post-petition agreement - to pay for post-petition services, and (2) the debtor refuses to sign the agreement, the attorney may seek leave of court to withdraw.

C. Service of Motion to Withdraw

A motion to withdraw must be served on

- the client; and
- all parties in interest.

Explanatory note to Rule 3007-1: Amendments to Rule 3007-1 are purely stylistic

RULE 3007-1 OBJECTIONS TO CLAIMS

An objection to a claim must identify the claimant and claim number, must attach a copy of the proof of claim, and must be noticed for presentment under Rule 9013-1.

Explanatory note to Rule 3011-1: Amendments to Rule 3011-1 are purely stylistic.

RULE 3011-1 MOTIONS FOR PAYMENT OF UNCLAIMED FUNDS

A motion for payment of unclaimed funds under 28 U.S.C. § 2042 must be noticed for presentment to the chief judge or another judge that the chief judge designates. The motion must comply with the requirements on the court's website.

RULE 3015-1 [RESERVED]

Explanatory note to Rule 3016-1: Amendments to Rule 3016-1 are primarily stylistic. Subparts (1) and (2) are amended to simplify the rule.

RULE 3016-1 DISCLOSURE STATEMENTS AND PLANS IN CHAPTER 11 CASES

These requirements apply to all disclosure statements, unless the court orders otherwise:

(1) Each disclosure statement must include:

(a) An introductory narrative summarizing the nature of the plan and describing the proposed treatment of each creditor class. The narrative must identify each class of creditors and the composition of the class (number and type of creditors), the total dollar amount of claims in each class, and the total dollar amount or percentage to be paid to each class under the plan.

(b) A liquidation analysis.

(2) Unless a liquidating plan is proposed, each disclosure statement must also include:

(a) a projected cash flow and budget showing all anticipated income and expenses, including plan payments, over the life of the plan or three fiscal years, whichever is shorter;

(b) a summary of the scheduled assets and liabilities as of the petition date, the debtor's financial history during the case, and the mechanics of disbursements under the plan, including the persons responsible for disbursements; and

(c) annual financial statements for at least one fiscal year pre-petition and each fiscal year post-petition.

(3) If a party files an amended disclosure statement or plan (or any related amended document), the party must attach a black-lined version showing all changes made to the preceding version.

Explanatory note to Rule 3018-1: Amendments to Rule 3018-1 are partly stylistic. Much of the rule is deleted because the bankruptcy court uses a local form ballot report. The form makes it unnecessary to describe in a rule what a ballot report must contain.

RULE 3018-1 BALLOTS AND BALLOT REPORTS IN CHAPTER 11 CASES

Unless the court orders otherwise,

(1) parties voting on confirmation of a Chapter 11 plan must file their ballots with the clerk; and

(2) at least three days before the confirmation hearing, the plan proponent must file a ballot report using the court's form.

Explanatory note to Rule 3022-1: Amendments to Rule 3022-1 are purely stylistic and organizational, except that the title of the rule has been corrected to say "Service" rather than "Notice."

RULE 3022-1 SERVICE OF MOTION FOR FINAL DECREE IN CHAPTER 11 CASES

Unless the court orders otherwise, debtors or other parties in interest moving in a Chapter 11 case for entry of a final decree must:

(1) state in the motion the status of payments due each class under the confirmed plan; and

(2) serve the motion on:

- the United States Trustee;
- any Chapter 11 trustee; and
- all creditors.

Explanatory note to Rule 4001-1: Amendments to Rule 4001-1 are purely stylistic, except that the statement in subpart (A) that the word "stricken" has been changed to "denied" to reflect current (and proper) practice.

RULE 4001-1 MOTIONS TO MODIFY STAY

A. Required Statement

A completed copy of the court's form entitled "Required Statement to Accompany All Motions for Relief From Stay" must be attached to each motion for relief from the automatic stay. If the form is not attached, the motion may be denied.

B. Date of Request

The date of the request for relief from the automatic stay is the date of the motion's presentment.

Explanatory note to Rule 4001-2: Amendments to Rule 4001-2 are purely stylistic and organizational. The existing rule is cumbersome and so is rewritten to make it clearer and easier to comply with.

RULE 4001-2 CASH COLLATERAL AND FINANCING MOTIONS AND ORDERS

A. Definition

In this Rule, a "financing motion" means a motion to use cash collateral or a motion to approve financing.

B. Contents of Motion

A financing motion must describe the principal terms of the proposed use of cash collateral or financing, including the maximum borrowing available on a final basis, the interim borrowing limit, borrowing conditions, interest rate, maturity, events of default, use of funds limitations, and protections under §§ 363 and 364 of the Bankruptcy Code.

C. Provisions to be Highlighted

(1) A financing motion, order, or stipulation must highlight:

(i) Provisions that secure pre-petition debt with post-petition assets in which the secured creditor would not otherwise have a security interest based on its pre-petition security agreement or applicable law.

(ii) Provisions that or findings of fact that bind the estate or parties in interest concerning the validity, perfection, or amount of the secured creditor's pre-petition lien or debt or the waiver of claims against the secured creditor, without first giving parties in interest at least 75 days from the entry of the order, or a creditors'

committee at least 60 days from the date of its formation, to investigate.

(iii) Provisions that waive any rights of the estate under § 506(c) of the Bankruptcy Code.

(iv) Provisions that immediately grant to the pre-petition secured creditor liens on the debtor's claims and causes of action under §§ 544, 545, 547, 548, and 549 of the Bankruptcy Code.

(v) Provisions that treat pre-petition secured debt as post-petition debt or use post-petition loans from a pre-petition secured creditor to pay part or all of the secured creditor's pre-petition debt, except as provided in § 552(b) of the Bankruptcy Code.

(vi) Provisions that treat a committee's professionals differently from the debtor's professionals with respect to a professional fee carve-out, and provisions that limit committee counsel's use of the carve-out.

(vii) Provisions that prime any secured lien without the consent of the lien holder.

(viii) Provisions declaring that the order does not impose lender liability on any creditor.

(ix) Provisions that grant the lender relief from the automatic stay in § 362 of the Bankruptcy Code without further order of court.

(x) In jointly administered cases, provisions for joint and several liability on loans.

(2) The motion must provide a summary of each highlighted provision, identify its location, and state the justification for including the provision.

(3) Any provision listed in section (1)(c)(i)-(x) not highlighted may be declared unenforceable.

D. Budget

A financing motion must provide a budget for the period when the order is in effect. The budget must state in reasonable detail the amount of projected receipts and disbursements during the period.

E. Interim Orders

No interim financing order that includes a provision listed in sections (C)(1)(c)(i)-(x) will be entered except in extraordinary circumstances.

F. Final Orders

No final financing order may be entered without notice and a hearing under Rule 4001 of the Federal Rules of Bankruptcy Procedure. If a creditors' committee will be formed, no final hearing under Rule 4001 may be held until at least 7 days after the committee's appointment under § 1102 of the Bankruptcy Code, unless the court orders otherwise.

G. Black-lined Version Required

A party who files an amended financing motion, interim financing order, or final financing order (or related amended document) must attach a black-lined version showing all changes to the preceding version.

Explanatory note to Former Rule 4003-1: Former Rule 4003-1 has been eliminated. "Objections" are now included in the definition of "motion" in Rule 1000-1(14), making a separate rule on objections to exemptions unnecessary.

Explanatory note to Rule 5003-1: Rule 5003-1 is former Rule 1007-2. Amendments are purely stylistic and organizational.

RULE 5003-1 CLAIMS AGENTS

On motion of the debtor or trustee, the court may authorize retention of a claims agent under 28 U.S.C. § 156(c) to prepare and maintain the claims register in a case. In a case with more than 500 creditors, the debtor must move to employ a claims agent that the clerk has approved. The claims register that a claims agent prepares and maintains is the court's official claims register. The clerk must supervise preparation and maintenance of the claims register in every case.

Explanatory note to Rule 5005-1: Amendments to Rule 5005-1 are purely stylistic.

RULE 5005-1 METHOD OF FILING

A. Administrative Procedures

The court may adopt Administrative Procedures to permit filing, signing, service, and verification of documents by electronic means.

B. Electronic Case Filing

All documents filed by an attorney must be filed electronically, unless the attorney has been

granted a waiver of this requirement under the Administrative Procedures.

C. Divisions of the District

The caption of each document must identify the division of the court to which the case is assigned.

D. Paper Documents

Individuals not represented by an attorney may file paper documents in Eastern Division cases at the office of the clerk in Chicago and in Western Division cases at the office of the clerk in Rockford.

E. Proof of Identity of Unrepresented Debtors

When a person not represented by an attorney files a petition, the person must furnish proof of identity as follows:

(1) A person filing a petition at the clerk's office must present acceptable photo identification under section (4).

(2) A person filing a petition on the debtor's behalf must present acceptable photo identification under section (4) for the person filing and for the debtor. When a joint petition is filed, acceptable photo identification under section (4) must be presented for each debtor.

(3) All identification presented must be photocopied and entered on the court's docket. The entry must be restricted from public view.

(4) Acceptable photo identification is a United States passport, a state driver's license, or an official identification card issued by the United States government or a state or territory of the United States.

(5) If acceptable photo identification under section (4) is not presented, the clerk must issue a notice of deficiency to the debtor. If the deficiency is not cured within 14 days, the clerk must move to dismiss the case. If the deficiency is not cured before the hearing, the court may dismiss the case.

Explanatory note to Rule 5005-2: Rule 5005-2 is former Rule 5005-3. Amendments are primarily stylistic and organizational, but there are some substantive changes. The first sentence of subpart (B) is new. Subpart (B) is amended to include applications and objections. Subparts (C)(1) and (6) except pro se filers from certain requirements. Subpart (E) of the former rule is deleted as unnecessary. Subpart (F) is deleted because new Rule 5005-3 addresses proofs of service.

A. Numbering Paragraphs in Pleadings

Allegations in a pleading (as defined in Rule 7(a) of the Federal Rules of Civil Procedure) must be made in sequentially numbered paragraphs, each of which must be limited, if practicable, to a single set of circumstances. An answer and a reply to an answer must be made in numbered paragraphs, first setting forth the complete paragraph to which the answer or reply is directed and then setting forth the answer or reply.

B. Motions, Applications, and Objections

Motions, applications, and objections need not have numbered paragraphs. A response to a motion, application, or objection must not be in the form of an answer to a complaint but must state in narrative form the reasons, legal or factual, why the motion, application, or objection should be denied or overruled, unless the court orders otherwise.

C. Requirements

Every pleading, motion, objection, application, brief, memorandum, response, or reply filed with the court must comply with these requirements:

(1) Unless the filer is pro se, the document must be typed.

(2) Typed documents must be double-spaced, and the font must be at least 12 points.

(3) Margins (top, bottom, right, and left) must be no less than one inch.

(4) Pages must be consecutively numbered.

(5) The first page must contain at the top the case caption with the number of the case or proceeding, the chapter of the bankruptcy case, the name of the assigned judge, and a descriptive title (*e.g.,* "Motion to Modify the Automatic Stay").

(6) The last page must contain the name, mailing address, email address, and telephone number of the attorney signing the document. If the filer is pro se, the last page of each document must contain the filer's mailing address, email address, and telephone number.

(7) Exhibits must be legible.

(8) A document filed electronically must be formatted as if the document had been filed on paper.

(9) Signatures on documents filed electronically must comply with the Administrative Procedures.

(10) The case caption of a document filed in a Will County, Kane County, or Lake County case must state the applicable county in parentheses immediately below the name of the assigned judge.

(11) A document filed on paper must be:

(a) on 81/2x11-inch white paper;

(b) flat and unfolded;

(c) legibly written or typed; and

(d) secured by a staple at the top left corner

D. Fifteen Page Limit

No motion, objection, application, brief, memorandum, response, or reply may exceed 15 pages without leave of court.

Explanatory note to Rule 5005-3: This rule is new and is meant to place proof of service requirements in a single location. The rule replaces former Rules 5005-2(F) and 7005-1, both of which are deleted, and Rule 9013-1(C)(3), which is rewritten and shortened.

RULE 5005-3 PROOF OF SERVICE

Except for a motion filed *ex parte* and a document served in an adversary proceeding by filing it with the court's CM/ECF system, every document filed with the court must be accompanied by a written proof of service stating that the document was served on parties in interest entitled to service. Unless these Rules or applicable law provide otherwise, an attorney may prove service by certificate, and a non-attorney must prove service either by affidavit or by a declaration under 28 U.S.C. § 1746. Every proof of service must state:

(1) for each recipient who is a registrant with the court's CM/ECF system, the date of the filing and the name of the recipient; and

(2) for each recipient who is not a registrant, the date, manner of service, and name and address of the recipient.

Explanatory note to Rule 5005-4: Rule 5005-4 is former Rule 5005-3A. Apart from the renumbering, the amendments are purely stylistic.

RULE 5005-4 FORMAT OF DOCUMENTS SERVED

A document served on another party must comply with Rule 5005-2, except that the served

copy may be doubled-sided and folded and must not contain more than two pages of text per side.

Explanatory note to Rule 5005-5: Rule 5005-5 is former Rule 5005-4. Apart from the renumbering, the amendments are purely stylistic.

RULE 5005-5 SEALED AND REDACTED DOCUMENTS

A. Sealed Documents

(1) To file an entire document under seal (e.g., an entire motion or an entire exhibit to a motion), a party must:

(a) move for permission;

(b) file the document provisionally under seal; and

(c) file with the motion a proposed order that contains a paragraph identifying the persons, if any, who may have access to the document without further order of court.

(2) A document filed provisionally under seal without a motion to file it under seal will be unsealed.

(3) On motion and for good cause shown, the court may order that the docket entry for a sealed document state only that the document was filed and not describe its nature. Otherwise, a sealed document must be docketed as any other document, except that the entry must reflect that access to the document is restricted.

B. Redacted Documents

(1) To file under seal an unredacted version of a redacted document (i.e., a document with portions blacked out), a party must:

(a) move for permission;

(b) file an unredacted version of the document provisionally under seal; and

(c) file with the motion a proposed order that contains a paragraph identifying who may have access to the unredacted version without further order of court.

(2) An unredacted version of a redacted document provisionally filed under seal without a motion to file it under seal will be unsealed.

(3) When a party files a redacted document but does not move to file an unredacted version under seal, the court may order the party to file an unredacted version under seal. The

order must specify who may have access to the sealed, unredacted version of the document.

C. Converting Paper Documents into Electronic Documents

The clerk must convert any sealed document filed in paper into an electronic document and destroy the paper document.

D. Documents Subject to Redaction under Rule 9037

This Rule does not apply to the redaction of documents under Rule 9037 of the Federal Rules of Bankruptcy Procedure.

Explanatory note to Former Rule 5010-1: This rule has been moved and incorporated into what is now Rule 1072-5.

Explanatory note to Rule 5011-1: Amendments to Rule 5011-1 are purely stylistic.

RULE 5011-1 MOTIONS TO WITHDRAW THE REFERENCE

A motion under Rule 5011(a) of the Federal Rules of Bankruptcy Procedure to withdraw the reference of a case or proceeding under 28 U.S.C. § 157(d) must be filed with the clerk and must be accompanied by the required filing fee. The clerk must promptly transmit the motion to the district court.

Explanatory note to Former Rule 5070-1: Former Rule 5070-1 is now Rule 1072-5. Amendments to the renumbered rule are purely stylistic.

Explanatory note to Former Rule 5070-2: Former Rule 5070-2 is eliminated as unnecessary. The court's web site now shows each motion call.

Explanatory note to Rule 5073-1: Amendments to Rule 5073-1 are stylistic, except the first sentence is changed also to permit "the court" to record judicial proceedings. The change is necessary to account for ECRO and Zoom recordings.

RULE 5073-1 RECORDING, PHOTOGRAPHING, AND BROADCASTING JUDICIAL PROCEEDINGS

Only the court and the official court reporter may record judicial proceedings. Recording, photography, or broadcasting by any other person is prohibited.

Explanatory note to Rule 5082-1: Amendments to Rule 5082-1 are primarily stylistic. Subpart (B)(1)(a) is amended and subpart (B)(1)(b) deleted to avoid references to an applicant's "principal activities," a concept that is unhelpful.

RULE 5082-1 APPLICATIONS FOR COMPENSATION AND REIMBURSEMENT FOR PROFESSIONAL SERVICES IN CASES UNDER CHAPTERS 7, 9, 11, AND 12.

A. Applications

An application for interim or final compensation and reimbursement of expenses incurred by a professional employed in a Chapter 7, 9, 11, or 12 case must contain a narrative summary and detailed statement of the services for which compensation is sought.

B. Narrative Summary

(1) The narrative summary must describe for the relevant period:

(a) the project categories in the case, with the total compensation sought in each category;

(b) each project category, including the specific tasks performed in that category;

(c) the total time spent on, and total compensation sought for, preparation of the application;

(d) for each person for whose work compensation is sought:

(i) the person's name and position;

(ii) the person's hourly rate;

(iii) the total hours the person worked in each project category; and

(iv) the total compensation sought for the person's work in each project category;

(e) the compensation previously sought and allowed; and

(f) the total expenses sought and a description of the expenses.

(2) The narrative summary must state whether the applicant wants the requested fees and expenses allowed or allowed and paid. If the fees and expenses will be allowed and paid, the narrative summary must identify the source of the proposed payment.

C. Detailed Statement of Services

An applicant's itemized time records must be organized by the project categories in the narrative summary under section (B). Each time entry must:

(1) state the date of the work;

(2) identify the person performing the work;

(3) state the person's hourly rate;

(4) describe with reasonable particularity the work performed;

(5) state the time spent on the work in tenths of an hour; and

(6) state the fees sought for the work.

D. Privileged Information and Work Product

If any portion of an application is redacted, the applicant must file an unredacted version of under Rule 5005-4(B).

E. Failure to Comply

If an applicant violates this Rule, the court may allow less than the fees and expenses requested. If an applicant files an amended application because the applicant violated this Rule, the court may reduce or deny the compensation sought for preparing the amended application. The court may excuse compliance with this Rule or modify its requirements.

Explanatory note to Rule 5082-2: Amendments to Rule 5082-2 are purely stylistic, except that references to local forms have been changed to give the correct form numbers.

RULE 5082-2 APPLICATIONS FOR COMPENSATION AND REIMBURSEMENT FOR PROFESSIONAL SERVICES IN CASES UNDER CHAPTER 13

A. Definitions

In this Rule:

(1) "Court-Approved Retention Agreement" means Local Bankruptcy Form 13-8.

(2) "Form Itemization" means Local Bankruptcy Forms 13-13 and 13-14.

(3) "Form Fee Application" means Local Bankruptcy Form 13-9 or 13-10.

(4) "Form Fee Order" means Local Bankruptcy Form 13-11 or 13-12.

(5) "Flat Fee" means the fee allowed in the amount in the court's General Order without an itemization of time and services.

(6) "Creditors Meeting Notice" means the Notice of Chapter 13 Bankruptcy Case (Official Form B 309I).

(7) "Original Confirmation Date" means the date of the confirmation hearing in the Creditors Meeting Notice.

B. Requirements

(1) A request for compensation must be using the applicable Form Fee Application. A completed Form Fee Order must accompany the Form Fee Application.

(2) An application for compensation must be noticed for presentment on the Original Confirmation Date at the time of the confirmation hearing.

C. Flat Fees

(1) If an attorney and debtor have entered into the Court-Approved Retention Agreement, the attorney may apply for the Flat Fee. If the Court-Approved Retention Agreement has been modified in any way, the Flat Fee will not be awarded, and all compensation may be denied.

(2) The Flat Fee will not be awarded, and all compensation may be denied, if the attorney and debtor have entered into any other agreement concerning representation of the debtor in preparation for, during, or involving a Chapter 13 case, and the agreement provides for the attorney to receive

(a) any compensation, reimbursement, or other payment; or

(b) any form of, or security for, compensation, reimbursement, or other payment that varies from the Court-Approved Retention Agreement.

D. Itemized Fees

If an attorney and debtor have not entered into the Court-Approved Retention Agreement, the Form Fee Application must be accompanied by a completed Form Itemization.

E. Notice

(1) The completed Form Fee Application must be filed with the court, served on the debtor, the trustee, and all creditors, and noticed for presentment as a motion, except that the Form Fee Application need not be served on all creditors if:

(a) the Creditors Meeting Notice is attached to the Form Fee Application and discloses the compensation sought; and

(b) the Form Fee Application is noticed for presentment on the Original Confirmation Date.

(2) Rule 9013-1(E)(2) does not apply to an application for compensation under this Rule.

Explanatory note to Rule 7003-1: Amendments to Rule 7003-1 are purely stylistic.

RULE 7003-1 ADVERSARY PROCEEDING COVER SHEET

A plaintiff in an adversary proceeding must file an Adversary Proceeding Cover Sheet, Official Form B 1040, with the adversary complaint.

Explanatory note to Former Rule 7005-1: Former Rule 7005-1 has been incorporated into new Rule 5005-3.

Explanatory note to Former Rule 7016-1: Former Rule 7016-1 has been renumbered 9080-1 because it concerns chapter 11 cases, not adversary proceedings.

RULE 7020-1 [RESERVED]

Explanatory note to Rule 7026-1: Amendments to Rule 7026-1 are partly stylistic. In addition to the stylistic changes, subpart (A) is amended to include subpoenas. The final sentence of subpart (B)(1) and all of subpart (B)(2) are deleted as unnecessary.

RULE 7026-1 DISCOVERY MATERIALS

A. Definition

In this Rule, "discovery materials" means requests and responses under Rules 26 through 36 of the Federal Rules of Civil Procedure (made applicable by Rules 7026-36 and 9014 of the Federal Rules of Bankruptcy Procedure), requests and responses under Rule 2004 of the Federal Rules of Bankruptcy Procedure, and subpoenas under Rule 9016 of the Federal Rules of Bankruptcy Procedure and responses and objections to subpoenas.

B. Discovery Materials Not to Be Filed Except By Order

Except as this Rule or Rule 7037-1 provides, discovery materials must not be filed with

the clerk, unless the court orders otherwise. The party serving discovery materials must retain the originals. An original deposition transcript must be retained by the party who ordered it.

Explanatory note to Rule 7033-1: Amendments to Rule 7033-1 are purely stylistic.

RULE 7033-1 INTERROGATORIES - FORMAT OF ANSWERS

A party responding to interrogatories must set forth a full statement of the interrogatory before each answer or objection.

Explanatory note to Rule 7037-1: Amendments to Rule 7037-1 are purely stylistic.

RULE 7037-1 DISCOVERY MOTIONS

A. Required Statement

A motion under Rules 26 through 37 of the Federal Rules of Civil Procedure (made applicable by Rules 7026 through 7037 of the Federal Rules of Bankruptcy Procedure) concerning a discovery dispute, including a motion under Rule 37(a) to compel discovery, must include a statement that:

(1) after consultation in person or by telephone, and after good faith attempts to resolve differences, the parties are unable to reach an accord; or

(2) counsel's attempts to engage in such a consultation were unsuccessful due to no fault of counsel.

If a consultation has occurred, the motion must state the consultation's date, time, and place as well as the names of the participants. If counsel attempted unsuccessfully to have a consultation, the motion must describe in detail counsel's efforts to have one.

B. Attachments to Motion

A motion to compel discovery responses must attach a copy of the discovery request and any response. If the motion fails to attach the request and response, the court may deny the motion.

Explanatory note to Rule 7041-1: Amendments to Rule 7041-1 are purely stylistic and organizational.

RULE 7041-1 REQUIREMENTS FOR DISMISSAL OF ADVERSARY PROCEEDING TO DENY OR REVOKE DISCHARGE

A. Notice Period and Service

No adversary proceeding objecting to or seeking to revoke a debtor's discharge under sections 727, 1141, 1228, or 1328 of the Bankruptcy Code may be dismissed except on motion with 21 days' notice to

- the debtor;
- the United States Trustee
- the trustee (if any);
- all creditors; and
- all other parties in interest.

B. Additional Notice Requirement

The notice of motion must state prominently that any party in interest who wants to adopt and prosecute the adversary proceeding must seek leave to do so when the motion is presented.

C. Content of the Motion

The motion must either (1) state that no entity has promised, given, or received, directly or indirectly, any consideration to obtain the dismissal, or (2) specifically describe the consideration promised, given, or received.

D. Court's Discretion to Limit Notice

Nothing in this Rule restricts the court's discretion to:

(1) limit notice to the debtor, the United States Trustee, the trustee (if any), or specific creditors and other parties; and

(2) shorten the notice period in section (A) of this Rule for cause.

Explanatory note to Rule 7054-1: Amendments to Rule 7054-1 are purely stylistic.

RULE 7054-1 TAXATION OF COSTS

A. Time for Filing Bill of Costs

Within thirty days of the entry of a judgment allowing costs, the prevailing party may file a bill of costs and serve a copy on each adverse party. If the bill is not filed in that time, costs under 28 U.S.C. § 1920, other than those of the clerk, are waived. On motion filed before the time has expired, the court may extend the time for filing the bill.

B. Transcript Costs

Subject to Rule 7054 of the Federal Rules of Bankruptcy Procedure, the necessary expenses that a prevailing party incurs to obtain all or part of a transcript or deposition for use in a case, for a new trial, for amended findings, or for appeal are taxable as costs against the adverse party. The costs are limited to the regular copy rate established by the Judicial Conference of the United States in effect when the transcript or deposition is filed, unless the court previously ordered otherwise. Only the cost of the original and one copy of the transcript or deposition, and for depositions the cost of the copy provided to the court, will be allowed, unless the court orders otherwise.

Explanatory note to Former Rule 7054-2: Former Rule 7054-2 is deleted as unnecessary.

Explanatory note to Rule 7055-2: Rule 7055-2 is amended to make it consistent with Rule 55 of the Federal Rules of Civil Procedure. The rule is also amended to clarify that a default judgment in an adversary proceeding to declare a debt nondischargeable or deny the debtor's discharge is neither a judgment for a sum certain nor one that can be made certain by computation, and therefore the judgment does not qualify under Rule 55(b)(1) as one the clerk (rather than the court under Rule 55(b)(2)) can enter.

RULE 7055-2 CLERK NOT TO ENTER CERTAIN DEFAULT JUDGMENTS

A default judgment under Rule 7055 of the Federal Rules of Bankruptcy Procedure may be entered only on motion noticed for presentment to the court, unless the default judgment is solely for a sum certain or a sum that can be made certain by computation. A default judgment declaring a debt nondischargeable or denying a debtor's discharge is not a judgment for a sum certain or a sum than can be made certain by computation.

Explanatory note to Rule 7056-1: Rule 7056-1 is restyled and restructured to make it simpler and more understandable. The basic summary judgment procedure under the previous version is unchanged.

RULE 7056-1 MOTIONS FOR SUMMARY JUDGMENT -- MOVANT

A. Supporting Documents Required

With each motion for summary judgment under Rule 7056 of the Federal Rules of Bankruptcy Procedure, the movant must file and serve:

(1) a memorandum of law that complies with section (B) of this Rule; and

(2) a statement of material facts that complies with section (C) of this Rule.

B. Memorandum of Law

The memorandum of law must contain a legal argument with citations to relevant legal

authorities. References to facts must cite the specific paragraphs where the facts appear in the statement of material facts under section (C) of this Rule.

C. Statement of Material Facts

(1) **Content**

The statement of material facts must contain the facts as to which the movant contends there is no genuine issue and that entitle the movant to judgment as a matter of law. The statement of material facts must not contain legal argument and must:

(a) include a description of the parties;

(b) include facts supporting venue and jurisdiction; and

(c) attach the affidavits and other evidentiary material listed in Rule 56(c)(1)(A) of the Federal Rules of Civil Procedure.

(2) **Form**

The statement of material facts must consist of short numbered paragraphs. Each paragraph must cite the affidavits or other evidentiary material listed in Rule 56(c)(1)(A) of the Federal Rules of Civil Procedure that support the facts asserted. The court may disregard any paragraph that has no citation or any asserted fact that the affidavits or other evidentiary material do not support.

D. Reply to Opposing Party's Statement of Additional Facts

If the party opposing the motion files a statement of additional material facts under Rule 7056-2(E), the movant may file a reply to the statement. Sections (C) and (D) of Rule 7056-2 apply to the reply. A reply must assert no new facts except facts directly responsive to the fact the movant has asserted.

E. Failure to Comply

Failure to comply with sections (A), (B), or (C) of this Rule may be grounds for denial of the motion.

Explanatory note to Rule 7056-2: Rule 7056-2 is restyled and restructured to make it clearer. The new version also explains what a party's memorandum of law must contain, what a response to the movant's statement of facts must contain, how objections to admissibility of cited evidence must be made, and when a fact in the movant's statement will be deemed admitted.

RULE 7056-2 MOTIONS FOR SUMMARY JUDGMENT -- OPPOSING PARTY

A. Supporting Documents Required

Each party opposing a motion for summary judgment under Rule 7056 of the Federal Rules of Bankruptcy Procedure must file and serve:

(1) a memorandum of law that complies with section (B) of this Rule; and

(2) a response to the movant's statement of material facts that complies with section (C) of this Rule.

B. Memorandum of Law

The memorandum of law must contain a legal argument with citations to relevant legal authorities. References to facts must cite the specific paragraphs where the facts appear in the movant's statement of material facts under Rule 7056-1(C) or the opposing party's statement of additional facts under section (E) of this Rule.

C. Response to Movant's Statement of Facts

(1) **Content**

The response to the movant's statement of facts must consist of numbered paragraphs corresponding to the numbered paragraphs in the movant's statement. Each paragraph of the response must set forth the text of the paragraph from the movant's statement (including its citations to supporting affidavits or other evidentiary material) and then set forth a concise response.

(2) **Responses to Specific Facts**

(a) The opposing party must respond to each asserted fact by:

(i) admitting the fact;

(ii) denying the fact;

(iii) denying that the cited evidence supports the fact asserted; or

(iv) objecting to the admissibility of the cited evidence under section (C)(5) of this Rule.

(b) A response must assert no new facts except facts directly responsive to the fact the movant has asserted. New facts should appear in a statement of additional material facts under section (E) of this Rule.

(c) A response must not contain legal argument except objections to admissibility under sections (C)(a)(iv) and (5) of this Rule.

(3) **Evidence Supporting Denials**

If the opposing party responds to an asserted fact by denying it, the opposing party must cite to affidavits or other evidentiary material listed in Rule 56(c)(1)(A) of the Federal Rules of Civil Procedure supporting the denial and must attach the affidavits or other evidentiary material cited.

(4) **Combination Responses**

If the opposing party responds to a paragraph in the movant's statement of material facts with a combination of responses under section (C)(2) of this Rule (e.g., admitting in part and denying in part), the opposing party must specify the facts to which each response applies (e.g., which fact is admitted and which is denied).

(5) **Objections to Admissibility**

Objections to the admissibility of cited evidence must be made in the opposing party's response to the statement of facts and must include a developed legal argument with citations to relevant legal authorities.

D. Deemed Admissions

A fact in the movant's statement is admitted if:

(1) the opposing party fails to deny the fact;

(2) the opposing party denies the fact but fails to cite or furnish affidavits or other evidentiary material supporting the denial;

(3) the opposing party denies the fact but cites and furnishes affidavits or other evidentiary material that do not support the denial; or

(4) the opposing party objects to the admissibility of cited evidence but fails to include a developed legal argument with citations to relevant legal authorities.

E. Statement of Additional Material Facts

The opposing party may submit a statement of additional material facts that require the denial of summary judgment. The statement of additional material facts must comply with Rule 7056-1(C)(2).

Explanatory note to Rule 7056-3: Amendments to Rule 7056-3 itself are purely stylistic. The notice to pro se litigants is rewritten to make it simpler and clearer and so more easily understood.

RULE 7056-3 – NOTICE TO PRO SE LITIGANTS OPPOSING SUMMARY JUDGMENT

A party moving for summary judgment under Rule 7056 of the Federal Rules of Bankruptcy Procedure against a party not represented by an attorney must file and serve a separate "Notice to Pro Se Litigant Opposing Motion for Summary Judgment" in the form below. If the unrepresented party is the plaintiff, the movant must modify the form accordingly.

NOTICE TO PRO SE LITIGANT OPPOSING MOTION FOR SUMMARY JUDGMENT

Your opponent has asked the court to issue a "summary judgment" against you. That means your opponent (called "the movant") believes a trial is unnecessary because there is no disagreement about the important facts of the case, and under the law the movant should win.

To defeat the motion, you must do one of two things: either (1) you must show there is a real dispute about one or more important facts, so that a trial is necessary to decide the actual facts, or (2) you must explain why the movant is wrong about the law.

For the motion to be denied, you must file a written response. Your written response must comply with Rule 56(e) of the Federal Rules of Civil Procedure and Local Rule 7056-2 of this court. These rules are available on the internet and at any law library.

The movant has filed a statement of the facts that the movant believes are both important and undisputed. You must respond to the statement in writing. Your response must have numbered paragraphs that answer the matching paragraphs in the movant's statement.

You can answer each of the movant's facts by admitting or denying it. If you deny one of the movant's facts, you must list after the denial the document, affidavit, parts of the record, or other evidence that shows the fact is untrue, and you must attach to your response the document, affidavit, parts of the record, or other evidence you've listed. You can also say that one or more of the movant's facts is unimportant or irrelevant and shouldn't be considered. If you do that, you must explain why the fact shouldn't be considered.

You can rely on your own affidavit or an affidavit from someone else. An affidavit is a signed and dated statement. The affidavit must end with this phrase: "I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct."

If you are the defendant, you can also file your own statement of additional facts that you believe create a dispute and require a trial. Each fact in your statement of additional facts must be supported by documents, affidavits, parts of the record, or other evidence. After each fact, you must list the document, affidavit, or part of the record that shows the fact is true, and the supporting documents, affidavits, parts of the record, or other evidence listed must be attached to the statement.

Finally, if you believe the movant is wrong about the law, you must explain why and must cite the judicial decisions, statutes, or other legal authorities that support your explanation.

You must follow the rules carefully, responding to each of the movant's facts and describing and attaching the materials that show any facts you've denied are untrue. If you don't

respond, or don't respond correctly, the judge will assume the movant's facts are true. If the movant's facts are true and the movant is right about the law, the movant will win. Judgment will be entered for the movant and against you.

Explanatory note to Rule 9013-1: Amendments to Rule 9013-1 are stylistic and clarifying, except that the reference to Rule 5005-3 in section (B) is changed to Rule 5005-2, and section (C)(3) is replaced with a reference to new Rule 5005-3 governing proofs of service.

RULE 9013-1 MOTIONS

A. General Requirements

Except as these Rules provide or the court orders otherwise:

(1) Every motion must comply with section (B) of this Rule.

(2) Every motion must comply with section (C) of this Rule and must be filed no later than the date when the motion is served. The date and time that a motion is filed electronically are those shown on the CM/ECF Notice of Electronic Filing. The date that a motion is filed is the date when the clerk receives the motion.

(3) Every motion must be served on parties under section (D) of this Rule.

(4) Every motion must be presented by the movant under section (E) of this Rule.

B. Title and Format of Motions

Every motion must be titled as one of the events in the court's CM/ECF system, unless no event accurately describes the motion's subject. Every motion must comply with Rule 5005-3.

C. Items Required to be Filed with Motions

Every motion must be filed with the court and must include:

(1) Notice of Motion

A notice of motion, signed by the moving party or counsel for the moving party, using Local Form G-3 (Notice of Motion).

(2) Exhibits

If a motion refers to exhibits, legible copies of the exhibits must be attached to the motion, unless the court orders otherwise.

(3) Proof of Service

Except for motions filed ex parte, a proof of service that complies with Rule 5005-3.

(4) Ex parte affidavit

If a motion is filed ex parte, an affidavit showing cause for the ex parte filing.

(5) Proposed Order

A proposed order that:

(a) is a Fillable Order;

(b) grants the relief requested in the motion; and

(c) bears a title granting the relief requested in the motion (e.g., "Order Granting Motion to Modify Stay" or "Order Grating Motion to Extend Time to Object to Discharge").

D. Service of Motions

The notice of motion required under section (C)(1) of this Rule must be served at least 7 days before the date of presentment.

E. Presentment of Motions

Except for emergency motions under Rule 9013-2, and unless the court orders otherwise, every motion not granted in advance without a hearing because no notice of objection has been filed under section (F) of this Rule must be presented on a date and at a time when the judge assigned to the case regularly hears motions.

A motion must be presented no more than 30 days after it is filed, unless applicable law requires a longer notice period. If a longer notice period is required, the date of presentment must be no later than 7 days after the notice period expires.

F. Notice of Objection

(1) A party who objects to a motion and wants it called must file a notice of objection no later than 2 business days before the date of presentment. The notice of objection need only say that the party objects to the motion. No reason for the objection need be given.

(2) If a notice of objection is timely filed, the motion will be called on the date of presentment. If no notice of objection is timely filed, the court may grant the motion without a hearing before the date of presentment.

G. Oral Argument

Oral argument on motions may be allowed in the court's discretion.

H. Failure to Comply

If a motion violates this Rule in any respect, the court may deny the motion.

I. Failure to Prosecute

If a movant fails to present a motion at the time set for presentment, the court may deny the motion.

J. Request for Ruling

If a matter is fully briefed and ready for decision, a party may move to call the matter to the court's attention and request a status hearing.

K. Service of Modified Orders on Pro Se Parties and Proof of Service

If the court enters an order that changes the proposed order submitted with a motion under (C)(5) above and the change affects any pro se party, the movant must serve on the pro se party a copy of the order within three days of its entry. The movant must file a proof of service stating the date, manner of service, and name and address of the recipient.

Explanatory note to Rule 9013-2: Amendments to Rule 9013-2 are primarily stylistic. Section (B) is changed to make the terminology consistent with current practice. Section (D) is changed to delete references to telephoning chambers. Because the assigned judge, the emergency judge, and chambers stuff are notified through the CM/ECF system when an application is filed, telephoning chambers is unnecessary. Section (E) is changed to specify that notice must be by phone or personal service.

RULE 9013-2 EMERGENCY MOTIONS

A. Emergency Motion Defined

A motion may be heard on an emergency basis only if it:

(1) arises from an occurrence that could not reasonably have been foreseen; and

(2) requires immediate action to avoid serious and irreparable harm.

B. Application to Set Hearing

To present an emergency motion, a party:

(1) must file an application to set hearing on emergency motion stating

(a) the reasons why the motion should be heard on an emergency basis; and

(b) the proposed date and time for the motion's presentment;

(2) must attach the proposed emergency motion to the application;

(3) must not notice the application for presentment; and

(4) need not serve the application or submit a proposed order.

C. Response to Application Prohibited

No response to the application may be filed.

D. Procedure After Application Filed

(1) If the assigned judge is available to rule on the application, the judge must promptly rule on it.

(2) If the assigned judge is unavailable, the assigned judge's staff must notify the emergency judge. The emergency judge must then rule on the application.

E. Procedure if Application Granted

If the application is granted, the movant must:

(1) immediately notify by phone or personal service all parties entitled to notice, including the U.S. Trustee, trustee, and all parties potentially affected by the motion, of the date, time, and place of the hearing on the emergency motion; and

(2) file the emergency motion along with:

(a) a notice of motion that

(i) states the date, time, and place of the emergency hearing; and

(ii) states that the motion may be opposed on the ground that it should not be heard on an emergency basis; and

(b) a certificate of service listing the parties served and for each party the date, time, and method of service.

F. Procedure if Application Denied

If the application is denied, the movant may notice the motion for presentment under Rule

9013-1.

RULE 9013-3 through 8 [RESERVED]

Explanatory note to Rule 9014-1: This rule is new. Section (A) allows the court to set a briefing schedule and is consistent with current practice. Section (B) makes explicit the consequences of a party's failure to file a brief when due.

RULE 9014-1 Briefing

A. Briefing Schedule

The court may set a briefing schedule on any motion.

B. Failure to File Memorandum, Response, or Reply

Failure to file when due a memorandum in support of or a response in opposition to a motion waives the right to file the memorandum. Failure to file when due a reply in support of a motion waives the right to file the reply. The court need not consider a memorandum in support, response in opposition, or reply filed after the due date.

Explanatory note to Former Rule 9015-1: Former Rule 9015-1 is deleted because the rule is unnecessary. Its contents appear in 28 U.S.C. § 157.

Explanatory note to Former Rule 9016-1: Former Rule 9016-1 is deleted because it is unnecessary.

Explanatory note to Rule 9016-1: This rule is new. Section (A) addresses motions to compel compliance with subpoenas and applies the "meet and confer" requirements in Rule 7037-1 for standard discovery matters. Section (B) describes what must be attached to the motions.

RULE 9016-1 MOTIONS TO COMPEL COMPLIANCE WITH SUBPOENA

A. Required Statement

A motion under Rule 45(d)(2)(B)(i) of the Federal Rules of Civil Procedure (made applicable by Rule 9016 of the Federal Rules of Bankruptcy Procedure) to compel compliance with a subpoena to produce designated materials or permit inspection must include a statement that:

(1) after consultation in person or by telephone, and after good faith attempts to resolve differences, the parties are unable to reach an accord; or

(2) counsel's attempts to engage in such a consultation were unsuccessful due to no fault of counsel.

If a consultation has occurred, the motion must state the consultation's date, time, and place as well as the names of the participants. If counsel attempted unsuccessfully to have a consultation, the motion must describe in detail counsel's efforts to have one.

B. Attachments to Motion

A motion to compel compliance with a subpoena to produce designated materials or permit inspection must attach a copy of the subpoena and any objection. If the motion fails to attach the subpoena and objection, the court may deny the motion.

Explanatory note to Rule 9019-1: Amendments to Rule 9019-1 are purely stylistic.

RULE 9019-1 MOTIONS TO APPROVE SETTLEMENT OF ADVERSARY PROCEEDINGS

A motion under Rule 9019 of the Federal Rules of Bankruptcy Procedure to approve a compromise or settlement of an adversary proceeding must be filed in the bankruptcy case, not in the adversary proceeding.

Explanatory note to Rule 9020-1: Amendments to Rule 9019-1 are primarily stylistic. Changes to section (B) reflect current practice. Section (C) is deleted because it is unnecessary.

RULE 9020-1 CIVIL CONTEMPT OF COURT

A. Commencing Proceedings

(1) A civil contempt proceeding for conduct outside the court's presence court may be commenced on the court's own motion or the motion of a party in interest.

(2) A party in interest's motion under section (A)(1) of this Rule must attach an affidavit describing the conduct on which it is based and stating any damages sought.

B. Order Finding Contempt

(1) An order finding a person in contempt must:

(a) state the facts supporting the finding;

(b) give the contemnor a chance to purge the contempt; and

(c) describe how the contempt can be purged.

(2) If the contempt is not purged, the court may order the United States Marshal to arrest and incarcerate the contemnor until the contempt is purged.

(3) A civil contempt order awarding damages may be enforced as if it were a final judgment in a civil action.

Explanatory note to Former Rule 9021-1: Former Rule 9021-1 is deleted because it is unnecessary and because it is inconsistent with actual practice.

Explanatory note to Rule 9027-1: Rule 9027-1 is a revision of former Rule 9027-2. (The order of the rules is reversed, so that former Rule 9027-1 is now Rule 9027-2.) Former sections (A) and (B) are collapsed into a single paragraph. The phrase "claim or cause of action in a civil action" is added because it appears in 28 U.S.C. § 1452. The reference to Fed. R. Bankr. P. 9027 is deleted because the national rule does not actually authorize removal. Authorization appears in section 1452.

RULE 9027-1 FILING STATE COURT RECORD AFTER REMOVAL

A party removing a claim or cause of action in a civil action from a state court to the district court under 28 U.S.C. § 1452(a) must file with the clerk a complete copy of the state court record no later than 21 days after the notice of removal is filed under Rule 9027(a) of the Federal Rules of Bankruptcy Procedure.

Explanatory note to Rule 9027-2: Rule 9027-2 is a revision of former Rule 9027-1. (The order of the rules is reversed, so that former Rule 9027-2 is now Rule 9027-1.) Amendments are purely stylistic. Former sections (A) and (B) are collapsed into a single paragraph.

RULE 9027-2 REMAND TO STATE COURT

When the court remands a matter to a state court, the clerk must delay mailing the certified copy of the remand order for fourteen days after the order is entered, unless the court orders otherwise. The filing of a motion under Rule 9023 or 9024 of the Federal Rules of Bankruptcy Procedure concerning a remand order does not stop the remand, unless the court orders otherwise.

Explanatory note to Rule 9029-2: Amendments to Rule 9029-2 are purely stylistic.

RULE 9029-2 PROCEDURE FOR PROPOSING AMENDMENTS TO RULES

Amendments to these Rules may be proposed to the district court by majority vote of the bankruptcy court.

Explanatory note to Rule 9029-4A: Amendments to Rule 9029-4A are stylistic, except that the reference to Rule 2090 is corrected to Rule 2040-4(B).

RULE 9029-4A RULES OF PROFESSIONAL CONDUCT

Except as provided in Rule 2040-4(B), the rules of professional conduct that apply in cases before the district court under District Court Local Rule 83.50 apply in cases and proceedings before this court.

Explanatory note to Rule 9029-4B: Amendments to Rule 9029-4B are stylistic, except that (i) section (A)(2) is deleted as unnecessary, (ii) section (b)(7) now requires an answer to a statement of charges to take the form of an answer to a complaint, (iii) section (B)(11) now permits the charged attorney to take discovery and permits all parties to use standard discovery methods, and (iv) section (B)(14) is expanded to permit the appeal of any order under section (B)(13), not just an order imposing discipline.

RULE 9029-4B ATTORNEY DISCIPLINARY PROCEEDINGS

A. Disciplinary Proceedings Generally

(1) Definitions

In this Rule, these definitions apply:

(a) "Misconduct" means any act or omission by an attorney who violates the district court's rules of professional conduct. The act or omission constitutes misconduct regardless of whether:

1. the attorney committed the act or omission individually or in concert with any other person; or

2. the act or omission occurred during an attorney-client relationship.

(b) "Discipline" includes temporary or permanent suspension from practice before the bankruptcy court, reprimand, censure, or any other disciplinary action that the circumstances warrant, such as restitution of funds, satisfactory completion of educational programs, compliance with treatment programs, and community service.

(2) Attorneys Subject to Discipline

By appearing in the bankruptcy court, an attorney, whether or not a member of the bar of the district court, submits to the disciplinary authority of the bankruptcy court.

(3) Confidentiality

(a) Before a disciplinary proceeding is assigned to a judge under section (B)(10) of this Rule, the proceeding is confidential, except that the bankruptcy court may, on terms it finds appropriate, authorize the clerk to disclose information about the proceeding.

(b) After a disciplinary proceeding is assigned to a judge under section (B)(10) of this Rule, the record and hearings in the proceeding are public, and all materials submitted to the chief judge before the disciplinary proceeding was assigned must be filed with the clerk of the court, unless for good cause the judge to whom the disciplinary proceeding is assigned orders otherwise.

(c) A final order in a disciplinary proceeding is a public record.

B. Discipline of Attorneys for Misconduct

(1) Complaint of Misconduct

A disciplinary proceeding is commenced by submitting a complaint of misconduct to the chief judge of the bankruptcy court. The complaint may be in the form of a letter. The complaint must state in detail the nature of the alleged misconduct and must identify the rule of professional conduct violated. The chief judge must refer the complaint of misconduct to the bankruptcy court for consideration and appropriate action.

(2) Request for a Response to a Complaint of Misconduct

On receiving a complaint of misconduct, the bankruptcy court may forward a copy to the attorney and ask for a response within a set time. Any response must be submitted to the chief judge.

(3) Action by the Bankruptcy Court on a Complaint of Misconduct

On the basis of the complaint of misconduct and any response, the bankruptcy court may, by a majority vote:

(a) determine that the complaint merits no further action and give notice of the determination to the complainant and the attorney;

(b) direct the commencement of formal disciplinary proceedings; or

(c) take other appropriate action.

(4) Statement of Charges

If the bankruptcy court determines, based on the complaint and any response, that formal disciplinary proceedings should be commenced, the bankruptcy court must issue a statement of

charges against the attorney. The statement of charges must describe the alleged misconduct, state the proposed discipline, and require the attorney to show cause, within 28 days after service, why the attorney should not be disciplined.

(5) Method of Service

The clerk must mail two copies of the statement of charges to the attorney's last known address. One copy must be sent by certified mail restricted to addressee only, return receipt requested. The other copy must be mailed by first class mail. If the statement of charges is returned as undeliverable, the clerk must notify the chief judge. The bankruptcy court may direct further attempts at service.

(6) Date of Service

In this Rule, the date of service is:

(a) the date of mailing, if service is by mail; or

(b) the date of delivery, if service is personal.

(7) Answer to Statement of Charges

Within 28 days after service, the charged attorney must submit to the chief judge an answer to the statement of charges showing cause why the attorney should not be disciplined. The answer must take the form of an answer to a complaint in an adversary proceeding and must comply with Rules 7008 and 7010 of the Federal Rules of Bankruptcy Procedure and Rule 5005-3(A) of these rules.

(8) Failure to Answer

If the charged attorney fails to answer the statement of charges, the allegations will be treated as admitted. The chief judge will then enter an order imposing either the discipline proposed in the statement or lesser discipline, as the chief judge determines.

(9) Appointment of the United States Trustee

The bankruptcy court may appoint the United States Trustee for this region to investigate a complaint of misconduct and prosecute a statement of charges. The United States Trustee may decline the appointment and must notify the chief judge of that decision within 30 days. The bankruptcy court may then elect either to dismiss the proceeding or ask a member of the bar to investigate the complaint of misconduct and prosecute the statement of charges.

(10) Assignment to Judge for Hearing

If, after the charged attorney has answered the statement of charges, the bankruptcy court determines by a majority vote that an evidentiary hearing is warranted, the chief judge must assign the disciplinary proceeding to a judge for hearing.

(11) Discovery

The United States Trustee or any other investigating or prosecuting attorney and the charged attorney may take discovery under Rules 7030 through 7037 and 9016 of the Federal Rules of Bankruptcy Procedure.

(12) Hearing

The Federal Rules of Evidence apply in a hearing on a statement of charges. The party prosecuting the complaint has the burden of proving by a preponderance of the evidence that the attorney charged has committed misconduct.

(13) Decision

On completing the hearing, the assigned judge must issue a written decision making findings of fact and conclusions of law, determining whether the attorney charged has committed misconduct, and if so, imposing appropriate discipline. A separate order imposing discipline must be entered consistent with the decision.

(14) Appeal

An order under section (B)(13) of this Rule is a final order, appealable as of right to the Executive Committee of the district court. Part VIII of the Federal Rules of Bankruptcy Procedure governs all appeals from disciplinary orders of the bankruptcy court, except that Rule 8006 does not apply.

C. Emergency Interim Suspension

If the chief judge determines that the misconduct charged poses a genuine risk of serious harm, the chief judge may, after notice to the attorney and an opportunity for a hearing, enter an order immediately suspending the attorney from practice before the bankruptcy court until the charges are resolved. An interim order suspending an attorney is appealable under (B)(14).

D. Suspension on Consent

(1) Stipulation of Facts and Declaration

Whether or not a complaint of misconduct has been submitted or a statement of charges issued, an attorney may consent to suspension from practice before the bankruptcy court by delivering to the chief judge a signed stipulation. The stipulation must

(a) state the facts warranting the attorney's suspension;

(b) declare that the attorney consents to suspension;

(c) declare that the attorney's consent is knowing and voluntary; and

(d) propose a period of suspension.

The period of suspension may be indefinite or a defined time.

(2) Order

(a) On receiving the stipulation, the chief judge must enter an order suspending the attorney for the proposed period, unless the chief judge decides the order is unreasonable.

(b) If the chief judge decides that the order is unreasonable, the matter must be referred to the bankruptcy court for decision by majority vote. The bankruptcy court must then decide whether suspension is warranted, and if so, whether the proposed period of suspension is reasonable.

(i) If the bankruptcy court decides that suspension is unwarranted, no order suspending the attorney will be entered.

(ii) If the bankruptcy court decides that suspension is warranted but the proposed period of suspension is unreasonable, the bankruptcy court must determine a reasonable period. The chief judge must enter an order consistent with the court's decision.

(c) An order suspending an attorney on consent is a matter of public record.

E. Reinstatement

(1) Reinstatement when Suspension is 90 Days or Fewer

An attorney suspended for 90 days or fewer is automatically reinstated at the end of the period of suspension.

(2) Reinstatement when Suspension is More than 90 Days

An attorney suspended for more than 90 days may not practice in the bankruptcy court until reinstated by order of the bankruptcy court in response to a petition for reinstatement. The attorney may petition for reinstatement any time after the period of suspension.

(3) Reinstatement when Suspension is for an Indefinite Period

An attorney who is suspended indefinitely may not practice in the bankruptcy court until the bankruptcy court by order reinstates the attorney in response to a petition for reinstatement. The attorney may petition for reinstatement after five years from the effective date of the suspension.

(4) Presentation of Petition

A petition for reinstatement must be filed with the clerk. The clerk must present the petition to the bankruptcy court which, by a majority vote, must either

(a) grant or deny the petition without an evidentiary hearing; or

(b) decide that the matter requires an evidentiary hearing before a judge assigned by the chief judge.

(5) Appointment of the United States Trustee

The bankruptcy court may appoint the United States Trustee for this region to investigate a petition for reinstatement and support or oppose reinstatement. The United States Trustee may decline the appointment and must notify the chief judge of that decision within 30 days. The bankruptcy court may then ask a member of the bar to investigate the petition and oppose or support reinstatement.

(6) Hearing

The Federal Rules of Evidence apply in a hearing on a petition for reinstatement. The petitioning attorney has the burden of proving by clear and convincing evidence that

(a) the attorney has the character and fitness necessary to practice in the bankruptcy court; and

(b) the attorney's practicing in the bankruptcy court will not be detrimental to the administration of justice.

(7) Decision by Assigned Judge

On completing the hearing, the assigned judge must issue a written decision making findings of fact and conclusions of law and deciding whether the petitioner should be reinstated. A separate order consistent with the decision must be entered.

(8) Grant or Denial of Petition

If the petitioning attorney fails to prove fitness to practice in the bankruptcy court, the petition for reinstatement must be denied. If the petitioner is found fit to practice, the petition must be granted and the petitioning attorney reinstated, but reinstatement may be subject to conditions, including partial or complete restitution to parties harmed by the conduct that led to the suspension.

(9) Appeal

An order granting or denying a petition for reinstatement is a final order, appealable as of right to the Executive Committee of the district court. Part VIII of the Federal Rules of Bankruptcy

Procedure governs all appeals from disciplinary orders of the bankruptcy court, except that Rule 8006 does not apply.

(10) Successive Petitions for Reinstatement

If a suspended attorney's petition for reinstatement is denied, the attorney may not file another petition for reinstatement for one year from the date of the order denying the petition.

F. Notice to Executive Committee and ARDC

After an order has been entered under section (B)(13) of this Rule imposing discipline, section (D)(2) of this Rule suspending an attorney on consent, or section (E)(7) of this Rule granting or denying a petition for reinstatement, and after all appellate rights have been exhausted, the clerk must transmit a copy of the order to the Executive Committee of the district court and to the Illinois Attorney Registration and Disciplinary Commission.

Explanatory note to Rule 9029-4C: Amendments to Rule 9029-4C are purely stylistic.

RULE 9029-4C RESTRICTED FILERS

A. Restricted Filers

A party who has abused the processes of the bankruptcy court may be prohibited, after notice and an opportunity to be heard, from filing any documents with the clerk, including petitions, claims, and adversary complaints, unless permission is granted under (F).

B. Procedure

(1) Request for Restriction

Any judge of the bankruptcy court, any judge of the district court, or the United States Trustee for this region may submit to the chief judge of the bankruptcy court a written request asking the bankruptcy court to declare a party a restricted filer and prohibit that party from filing documents.

(2) Initial Decision

On receiving a request under (1), the chief judge must submit the request to the bankruptcy court for consideration. After considering the request, the bankruptcy court must decide by majority vote either

(a) that the request merits no action; or

(b) that the request may merit action, and a response is warranted.

(3) Request for Response

If the bankruptcy court decides that a response is warranted, the chief judge must notify the party in writing. The notice must:

(a) state that the bankruptcy court has been requested to restrict the party's right to file documents;

(b) give the reasons why the restriction has been requested; and

(c) state that the party has the right to respond to the request in writing within 30 days.

(4) Final Decision

After receiving the response, or after the time to respond has expired, the chief judge must submit the request and any response to the bankruptcy court. After considering the request and any response, the bankruptcy court must decide by majority vote either

(a) that the request merits no action; or

(b) that the party should be declared a restricted filer.

If the bankruptcy court determines that the party should be declared a restricted filer, the bankruptcy court must also determine the terms of the restriction.

C. Terms of Restriction

The terms of the restriction must

(a) include the length of the restriction, which may not be more than 10 years;

(b) allow the restricted filer to request that the restriction be lifted; and

(c) explain how a request to have the restriction lifted should be made, when a request can first be made, and how frequently such requests may be made.

D. Order

(1) The decision to declare a party a restricted filer must be set forth in an order signed by the chief judge. The order must contain the terms of the restriction under (C) and describe how the restricted filer can request permission under (F) to file a document.

(2) The clerk must docket the order in a separate miscellaneous proceeding under the restricted filer's name and must send a copy to the restricted filer by regular mail.

E. Restricted Filers List

The clerk must maintain a current list of parties declared restricted filers under this Rule.

F. Documents Filed by Restricted Filers

(1) Refusal of Documents Unless Accompanied by Motion.

(a) A document that a restricted filer submits for filing must be returned unfiled unless accompanied by a written motion requesting permission to file the document.

(b) If a restricted filer submits a document for filing along with a written motion requesting permission to file the document, the clerk must not file the document or the motion but must stamp them "received" and deliver them to the chief judge, or some other judge that the restricting order designates, for decision.

(2) Decision on Motion

(a) If the motion is granted, the judge must sign an order granting it. The clerk must docket the order in the miscellaneous proceeding, file the documents submitted in the bankruptcy case or adversary proceeding, as applicable, and mail to the restricted filer a copy of the order and a stamped copy of the documents.

(b) If the motion is denied, the judge must sign an order denying it. The clerk must docket the order in the miscellaneous proceeding and must mail the order to the restricted filer along with the documents submitted for filing.

G. Appeal

Orders under (D) declaring parties restricted filers and under (F)(2) denying motions of restricted filers permission to file documents are final orders, appealable as of right to the Executive Committee of the district court. Part VIII of the Federal Rules of Bankruptcy Procedure governs all appeals from orders under this Rule, except that Rule 8006 does not apply.

Explanatory note to Rule 9029-5: Amendments to Rule 9029-5 are stylistic, except that the reference to Internal Operating Procedures is changed to Administrative Procedures, and last sentence is modernized to require standing orders to be posted on a judge's web page.

RULE 9029-5 STANDING ORDERS

Nothing in these Rules limits a judge's authority to issue, without the bankruptcy court or district court's approval, standing orders that apply generally to the administration or adjudication of cases and proceedings assigned to that judge, as long as the standing orders do not conflict with these Rules, the Administrative Procedures, the District Court Local Rules, the Federal Rules of Civil

Procedure, the Federal Rules of Bankruptcy Procedure, or other applicable law. All standing orders must be posted on the judge's page on the court's website.

Explanatory note to Rule 9029-6: Amendments to Rule 9029-6 are stylistic, except that the reference to the chief judge's "absen[ce] from the District is changed to the chief judge being "unavailable," and the final sentence is deleted because it is unnecessary.

RULE 9029-6 ACTING CHIEF JUDGE

If the chief judge is unavailable or unable to perform his or her duties, those duties must be performed by the judge in active service, in the Eastern Division of the district and able and qualified to act, who is next in seniority based on the date of first appointment.

Explanatory note to Rule 9033-1: Section (B) of Rule 9033-1 is deleted because it is unnecessary. Amendments to the rest of the rule are purely stylistic.

RULE 9033-1 TRANSMITTAL TO THE DISTRICT COURT OF PROPOSED FINDINGS OF FACT AND CONCLUSIONS OF LAW

When the court files proposed findings of fact and conclusions of law, the clerk must transmit them to the district court when the time has expired for filing objections and any responses under Rule 9033(b) of the Federal Rules of Bankruptcy Procedure.

Explanatory note to Rule 9070-1: Amendments to section (A) of Rule 9070-1 are stylistic. Section (B) is deleted because it is unnecessary. Section (C) is now section (B), and amendments to it are stylistic. Section (D) is deleted because it is unnecessary.

RULE 9037-1 MOTION TO REDACT PERSONAL INFORMATION

A motion under Rule 9037(h) of the Federal Rules of Bankruptcy Procedure to redact personal information must be filed without a notice of motion and without serving other parties. The motion must be accompanied by a redacted version of the filed document and a proposed order requiring the clerk to substitute the redacted document for the unredacted document. The judge must rule on the motion as soon as possible without holding a hearing unless there appears to be a reason to deny the motion, in which case the judge should set the matter for hearing as soon as possible.

RULE 9038 RULES EMERGENCY [Reserved]

RULE 9060-1 MEDIATION AND ARBITRATION

A. Generally

Except to the extent required by the Bankruptcy Code or Federal Rules of Bankruptcy Procedure, parties to an adversary proceeding or contested matter need not request court approval before pursuing mediation or arbitration. Parties must promptly file a motion with the court requesting any scheduling changes that the proposed mediation or arbitration may necessitate.

B. Assignment of Matters to Mediation

On the motion of any party in interest, the court may order the mediation of any dispute, whether it arises in an adversary proceeding, contested matter, or otherwise.

C. Mediation Order

The order for mediation must address these subjects:

- the identity of the mediator
- the subject of the mediation
- the time and place of the mediation
- who may attend the mediation and who must attend
- the costs of the mediation and who will bear them
- the confidentiality and admissibility of statements made during or in connection with the mediation

Explanatory note to Rule 9070-1: Amendments to section (A) of Rule 9070-1 are stylistic. Section (B) is deleted because it is unnecessary. Section (C) is now section (B), and amendments to it are stylistic. Section (D) is deleted because it is unnecessary.

RULE 9070-1 CUSTODY OF EXHIBITS IN EVIDENTIARY HEARINGS

A. Retention of Exhibits

Original exhibits in evidentiary hearings must be retained by the attorney or pro se party producing them, unless the court orders them deposited with the clerk.

B. Removal of Exhibits

Exhibits deposited with the clerk must be removed by the party responsible for them within ninety days after all appeals have been completed. If a party fails to do so, the clerk must notify the party to remove the exhibits. If the exhibits have still not been removed thirty days after the notice, the exhibits may be sold by the United States Marshal or the clerk at a public or private sale or disposed of as the court orders. The net proceeds of any sale must be paid to the Treasurer of the United States.

Explanatory note to Rule 9080-1: Rule 9080-1 is former Rule 7016-1. The rule is relocated

because it concerns chapter 11 cases, not adversary proceedings. Amendments to the rule are stylistic.

RULE 9080-1 CASE MANAGEMENT AND SCHEDULING CONFERENCES IN CHAPTER 11 CASES

On its own motion or the motion of a party in interest, the court may conduct case management and scheduling conferences in a chapter 11 case. After each conference, the court may enter a case management or scheduling order establishing notice requirements, dates on which motions and proceedings will be heard (omnibus hearing dates), establish procedures for allowance and payment interim compensation of professionals, dates for filing of a disclosure statement and plan, and address any other procedures.

RULE 9090-1 DESIGNATION AS COMPLEX CHAPTER 11 CASE

A. Definition

A "Complex Chapter 11 Case" means a case under Chapter 11 of the Bankruptcy Code, other than a single asset real estate case as defined in 11 U.S.C. § 101(51B), that meets one of the following conditions:

(1) The petition lists $50 million or more in assets and $50 million or more in liabilities, aggregated in cases that are related under Rule 1015-1;

(2) The debtor has filed a Notice of Designation as a Complex Case under section (B) of this rule; or

(3) The court has ordered the case designated a Complex Chapter 11 Case under section (D) of this rule.

B. Notice of Designation

(1) If a case is a Complex Chapter 11 Case under section (A)(1) of this rule, the debtor must file with the petition a Notice of Designation as a Complex Case.

(2) If a case is not a Complex Chapter 11 Case under section (A)(1) of this rule, the debtor may file a Notice of Designation as a Complex Chapter 11 Case within 30 days of the petition date. The Notice must explain why the designation is warranted. Designation as a Complex Chapter 11 Case may be warranted for any reason, including:

(a) The debtor has a large amount of assets, liabilities, or both;

(b) The case has a large number of parties in interest;

(c) The case will likely involve a large amount of litigation; and

(d) Claims against the debtor or equity interests in the debtor are publicly traded.

C. Objection to Notice of Designation

No later than 14 days after a Notice of Designation as a Complex Chapter 11 Case is filed, a party in interest may file an objection to the Notice. The objection must explain why the designation is not warranted and must be noticed for presentment as a motion.

D. Motion to Designate Case

A Chapter 11 case may be designated a Complex Chapter 11 Case at any time on motion of a party in interest or on the court's own motion.

E. Revocation of Designation

The designation of a case as a Complex Chapter 11 Case may be revoked at any time on motion of a party in interest or on the court's own motion.

Explanatory note to Rule 9090-2: Section (B)(4) is amended to add the phrase "unless the court orders otherwise." That proviso will allow the court address any privacy concerns. Section (B)(6) is amended to remove the requirement to provide amounts owed during the prior fiscal year. Section (C) is amended to require telephonic notice only to the extent possible. Section (C)(3) is amended to remove requirements to provide information (such as names of employees) insufficiently useful to the court and parties in interest creditors given the difficulty a large debtor would have in providing it. Section (C)(5) is deleted in its entirety because as a practical matter motions to pay affiliate officer salaries are not filed.

RULE 9090-2 FIRST DAY MOTIONS AND PROCEDURES

A. Applicability

This Rule applies in a case designated as a Complex Chapter 11 Case under Rule 9090-1.

B. Case Management Summary

No later than three business days after the petition date, the debtor-in-possession must file a Chapter 11 Case Management Summary providing the following information:

(1) A description of the debtor's business;

(2) The locations of the debtor's operations and whether leased or owned;

(3) The debtor's reasons for filing bankruptcy;

(4) Unless the court orders otherwise, the names and titles of the debtor's officers, directors, and insiders, if applicable, and their salaries and benefits at the time of filing and during the one year prior to filing;

(5) The debtor's annual gross revenues for the last five calendar years;

(6) The aggregate amounts owed as of the petition date to the following categories of creditors:

(a) priority creditors such as governmental creditors for taxes,

(b) secured creditors and their respective collateral, and

(c) unsecured creditors;

(7) A general description and the approximate value of the debtor's current and fixed assets;

(8) The number of the debtor's employees and the gross wages owed to employees on the petition date;

(9) The status of the debtor's payroll and sales tax obligations, if applicable; and

(10) The debtor's strategic objectives, e.g., refinancing, cram down, or the surrender or sale of assets or business.

C. First Day Motions

Motions under this rule are not subject to Local Rule 9013-2 and may be noticed for presentment, subject to the court's availability, within two business days of the petition date. As soon as possible after the hearing is scheduled, the debtor must serve each such motion by email or hand delivery on all parties entitled to notice, including the Office of the United States Trustee and on all parties who may be affected by the motion. At the time of service, and to the extent possible, the debtor must also provide telephonic notice of the hearing date and time to all parties served with a first day motion. First day motions include:

(1) **Motion to Use Cash Collateral.** In addition to the requirements of 11 U.S.C. § 363 and Rules 4001(b) or (d) of the Federal Rules of Bankruptcy Procedure, a motion to use cash collateral must comply with Local Bankruptcy Rule 4001-2.

(2) **Motion to Approve Post-petition Financing.** In addition to the requirements of 11 U.S.C. § 364 and Rules 4001(c) or (d) of the Federal Rules of Bankruptcy Procedure, a motion to approve post-petition financing must comply with Local Bankruptcy Rule 4001-2.

(3) **Motion to Pay Prepetition Wages.** A motion to pay employees of the debtor prepetition wages outstanding as of the petition date must state:

(a) the total number of employees to whom wages are sought to be paid;

(b) the total amount due to all such employees as of the petition date;

(c) the total amounts to be withheld from such wages, including the total amounts of all payroll taxes and related benefits;

(d) the period for which prepetition wages are due;

(e) the irreparable harm that will result if the relief is not granted;

(f) whether any employees to be paid are insiders under 11 U.S.C. § 101(31);

(g) whether the debtor is subject to collective bargaining agreements with any unions, and if so, the union names; and

(h) whether any employees will receive more than the priority claim amount under 11 U.S.C. § 507(a)(4).

The motion must also include the debtor's representation that all applicable payroll taxes and related benefits due to the debtor's employees will be paid concurrently with payment of wages.

(4) **Motion to Maintain Prepetition Bank Accounts.** A motion to maintain prepetition bank accounts must include:

(a) a schedule listing each prepetition bank account that the debtor seeks to maintain post-petition;

(b) the reason for seeking such authority;

(c) the amount on deposit in each account as of the petition date;

(d) whether the depository is an authorized depository under 11 U.S.C § 345(b); and

(e) a representation that the debtor has consulted with the Office of the United States Trustee about the continued maintenance of prepetition bank accounts and a representation about whether the United States Trustee has consented to the proposed maintenance of use of the accounts.

If the debtor is unable to provide the information in sections (a)-(e), the motion must explain why it is unavailable and must estimate when the debtor will supplement its motion with the information.

Explanatory note to Rule 9090-3: The reference in section (A) to Rule 7016-1 is changed to Rule 9080-1.

RULE 9090-3 OMNIBUS HEARINGS, MOTIONS, AND BRIEFS

A. Applicability

This Rule applies in a case designated as a Complex Chapter 11 Case under Rule 9090-1. Rules 9080-1 and 9013-1(D), (E) and (F) do not apply in a Complex Chapter 11 Case.

B. Omnibus Hearings

Regular monthly omnibus hearings must be scheduled at which the court will hear motions and other matters. Unless the court orders otherwise, motions and other matters will be heard only at scheduled omnibus hearings.

C. Agendas

Before each omnibus hearing at which more than one matter will be heard, the debtor must file a hearing agenda. The agenda must group the matters the debtor expects to be heard depending on whether they are contested or uncontested. For each matter listed, the agenda must give the title and docket number. The agenda must be filed with the court at least two business days before the omnibus hearing.

D. Motions

(1) Presentment of Motions

Unless the court orders otherwise or the motion is an emergency motion under Rule 9013-2, every motion must be noticed for presentment at an omnibus hearing. The notice of motion must be filed and served at least 14 days before the date of presentment, unless the movant asks in the motion to have the notice shortened for cause.

(2) Improper Notice

Unless the court orders otherwise or the movant has asked for shortened notice, a motion that is either (a) noticed for presentment on a date when no omnibus hearing is scheduled or (b) filed and served less than 14 days before the omnibus hearing will be continued to the next scheduled omnibus hearing.

(3) No Cause to Shorten Notice

If the movant has asked for shortened notice and the court finds no cause to shorten the notice, the motion will be continued to the next scheduled omnibus hearing date.

E. Briefing and Certifications of No Objection

(1) Briefing

(a) If a motion is noticed for presentment 21 days or more before the omnibus hearing where the motion will be presented, an opposing party may file a response no later than 7 days before the omnibus hearing.

(b) If a motion is noticed for presentment fewer than 21 days before the omnibus hearing where the motion will be presented, an opposing party may file a response no later than 3 days before the omnibus hearing.

(2) Certification of No Objection

If no response to a motion is filed under sections (D)(1)(a) or (b) of this Rule, the movant may file a certification of no objection. If a certification of no objection is filed, the court may grant the motion without a hearing.

F. Fifteen-Page Limit

No motion, response to a motion, brief, or memorandum in excess of fifteen pages may be filed without court approval. A request to file a motion or a supporting brief or memorandum in excess of fifteen pages may be made in the motion itself.