

Memo

To: Commercial Law and Bankruptcy Section of the ISB
From: Sheila R. Schwager, Chair of the Bankruptcy Local Rules Committee
CC: LRC
Date: 2/2/2014
Re: Summary of Revisions to Local Bankruptcy Rules

Below is a summary of the revisions to the Local Bankruptcy Rules that were made in 2013. The Local Rules Committee (LRC) welcomes your feed back as the rules are utilized and welcomes your comments and suggestions as to any other rule changes or additions that the LRC should be considering in the future. Thank you for your time.

LBR 1001.2 Establishment of Business Hours

The business hours at the intake counter of the office of the clerk have been changed to 9:00 a.m. to 4:00 p.m. The clerk's office continues to be available for telephone assistance until 5:00 p.m., and to handle any emergency matters, as needed.

LBR 2002.2(c), (e) Notice and Hearing and Objections

If a hearing is set on a motion at least 28 days from the date the motion was filed, then the objection must be filed and served at least 14 days prior to the scheduled hearing date. Any reply to the objection must be filed 7 days prior to the scheduled hearing date. This rule is not applicable to negative noticing, nor is it applicable if there is another rule addressing objection deadlines, such as the rule regarding stay relief motions.

If an objection is not timely filed and served, the Court may consider the objection waived. Any objection filed must state with specificity the legal and/or factual basis for the objection.

There is a specified Notice provision that must be set forth in the notice of hearing, for all motions subject to this rule. The Notice provision is specified in subpart (e) of LBR 2002.2.

The Party setting the motion for hearing is responsible to ensure that the calendar clerk is contacted and the hearing is appropriately set.

At the time it becomes apparent that the hearing will be evidentiary in nature, it is the responsibility of the party setting the hearing to ensure the motion or objection, as applicable, is set on an evidentiary hearing calendar date.

LBR 4002.1 Property In Need of Attention or Protection and Turnover of Information and Property

Revisions were made to LBR 4002.1 to ensure that trustees are alerted to conditions that may require immediate attention. However, the rule is not intended to impose additional duties, or narrow any duties, required of debtors under the Bankruptcy Code.

In all Chapter 7 cases with primarily non-consumer debts, the debtor or debtor's attorney is to notify the trustee and arrange for immediate turnover of information or things needed to gain entry to real property (excluding the personal residence) in which the debtor has an interest, including but not limited to keys, key cards, passwords, security codes, and contact information for the managers, landlords, owners, or tenants of the property. Further the trustee is to receive information that will allow the trustee to contact any entity with which the debtor has accounts subject to the debtor's withdrawal or order.

2014 Local Rules Committee Members:

Sheila Schwager, David Newman, Fred Cooper, Janine Reynard, John Munding, Kathleen McCallister, Matt Christensen, Rob Maynes, Brent Wilson, Judge Myers, Judge Pappas, Gale Price, Libby Smith, Suzanne Hickok