



# The Frequent Filer

Electronic Filing Newsletter  
For the U.S. Bankruptcy Court  
Northern District of Iowa

November 12, 2010

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## Holiday Edition



**T**hanksgiving is just around the corner, and this edition of The Frequent Filer is a cornucopia of information! This time around, we are highlighting some changes to the Court's CM/ECF system and electronic filing procedures that will take effect December 1<sup>st</sup>, 2010. These modifications are being implemented in response to the newest round of Amendments to the Federal Rules of Bankruptcy Procedure. We'll explain a number of the amendments and detail the Court's response to each (Please note: the changes highlighted below are not a *comprehensive* list of the Rule Amendments, rather it is a listing of those requiring immediate Clerk's Office response).

So, grab a slice of pumpkin pie, settle in to a comfortable chair, and take a read through The Filer so that you're ready to hit the ground running on December 1<sup>st</sup>. Good luck, and as always, be careful out there!



## Rule Amendments Effective December 1, 2010

### Bankruptcy Rule 1007

**What's Changing?** Shortens the time for a debtor to file a list of creditors after the entry of an order for relief in an involuntary case from 15 days to 7.

**How is the Court Responding?** We've created a new event that will be docketed by court staff, Notice to File Matrix, List of Creditors, Schedules and Statements. This event will set a deadline in CM/ECF, giving the debtor 7 days to file their list of creditors. As with all events in CM/ECF, you will receive email notification of the Notice, and can always monitor the deadline through the Query menu.

**What Else is Changing with Rule 1007?** For individuals in a Chapter 7 case, the deadline to file a Statement of Completion of Financial Management Course has been extended from 45 to 60 days.

**How is the Court Responding?** Form B23 (Debtor's Certification of Completion of Instructional Course Concerning Financial

Management) has been modified to reflect that the filing deadline has changed from 45 to 60 days after the first date set for the Meeting of Creditors.

The Clerk's Office will continue to provide the "reminder" Notice of Requirement to File a Statement of Completion of Course in Personal Financial Management on the 46<sup>th</sup> day after the date first set for the Meeting of Creditors.

A Standing Order incorporating the new time calculations captured in this amendment will be posted to the Court's website by December 1, 2010.

### Bankruptcy Rule 1019

**What's Changing?** New subdivision (2)(B) provides that a new time period to object to a claim of exemption arises when a case converts to Chapter 7 upon certain conditions. The new time period does NOT arise if the conversion occurs more than one year after the first order confirming a plan, or if the case was previously pending under a Chapter 7 and the objection period expired in the original Chapter 7 case. If a converted case DOES qualify for a new time period, the new deadline will be 30 days from the conclusion of the meeting of creditors.

**How is the Court Responding?** The form notice for setting a 341 meeting in a converted Chapter 7 case will include the appropriate language setting out the new time period for objecting to exemptions, if a new objection time period is applicable.



### Bankruptcy Rule 4001

**What's Changing?** Rule 4001 has been amended to bring the entire rule in line with the "Days are Days" amendments of last year (if you need to refresher on those changes, [click here](#)).

**How is the Court Responding?** The deadlines associated with agreed responses to Motions for Relief From Stay, Prohibiting or Conditioning the Use, Sale or Lease of Property, Use of Cash Collateral and Obtaining Credit have been amended to be **14** days from the date of notice. CM/ECF will be updated to correctly reflect this 14 day deadline.

### Bankruptcy Rule 4004

**What's Changing?** Rule 4004 has 3 significant amendments:

- Includes a new deadline for filing of motions (rather than complaints) under Rule 7001(b) Objection to Debtor's Discharge
- Directs the Court to not grant a discharge if a motion of complaint objecting to discharge has been filed, unless the objection has been decided in the Debtor's favor, and
- Directs the Court, in Chapter 11 and Chapter 13 cases, to withhold the entry of discharge if the debtor has not filed a Statement of Completion of Course Concerning Personal Financial Management.

### How is the Court Responding?

- The deadline for filing a motion/complaint objecting to or challenging a Debtor's discharge in **Chapter 11 individual cases** will now be included in the Order Approving Disclosure Statement. As a service to our filing community, the Court will now prepare this form and will then forward to plan proponent's attorney for service on all appropriate parties.
- The 341 Meeting Notice will now display language referring to "Deadline to Object to Debtor's Discharge or Challenge Dischargeability of Certain Debts."
- A new docket event has been created: **Motion Objecting to Discharge**. This event should be used **ONLY** if you are filing an objection to discharge pursuant to 727(a)(8) or (9) or 1328(f).

### Bankruptcy Rule 5009

**What's Changing?** New subdivision (b) requires the Clerk to provide notice to individual debtors in Chapter 7 and Chapter 13 cases that their cases may be closed if they fail to file a Statement of Completion of Financial Management Course. New subdivision (c) requires a foreign representative in a Chapter 15 case to file and give notice of the filing of a final report.

**How is the Court Responding?** With respect to new subdivision (b), the Court is responding as follows:

Our current Chapter 7 procedures will not change. The Court currently issues a Notice of

Requirement to File a Statement of Completion of Course in Personal Financial Management in cases where Form 23 and/or the Certificate of Financial Management Course has not been received as of 45 days after the date first set for the meeting of creditors, and this practice will continue.

We're implementing a new procedure for Chapter 13 cases: A Notice of Requirement to File a Statement of Completion of course in Personal Financial Management will now be sent after 45 days if Form 23 and/or the Certificate of Completion are not filed. **Please note:** financial management documents should be filed no later than the date of the last payment made by the debtor as required by the plan).

With respect to new subdivision (c), the Court is responding by creating a new docket event called **Chapter 15 Final Report by Foreign Representative**. This event can be found by clicking Bankruptcy from the blue menu bar, then selecting the Other category. Docketing this event will set a 30 day objection deadline. If no objections are filed, the Clerk's Office will then close the case as fully administered.

### Bankruptcy Rule 5012

**What's Changing?** A new rule establishes procedures in Chapter 15 cases for obtaining approval of an agreement regarding communication and coordination of proceedings with cases involving the debtor pending in other countries.

**How is the Court Responding?** We are no longer accepting Chapter 15 cases (only kidding!).

We have developed a new docket event, **Motion for Approval of Agreement Re: Coordination of Proceedings (Ch. 15 Only)**. This event is found by clicking Bankruptcy from CM/ECF's blue menu bar, then selecting the Motions/Applications/Objections to Exemptions category. Docketing this event will set a 30 day deadline for notice to all parties. If no objections are filed at the time of deadline expiration, the Court will enter an Order re: Motion for Approval of Agreement.

### Bankruptcy Rule 7001

**What's Changing?** Objections to Discharge under §727(a)(8), (a)(9) and §1328(f) are to be commenced by motion rather than complaint, corresponding to the amendment to Rule 4004.

**How is the Court Responding?** We have created a new docket event: **Motion Objecting to Discharge** (Click Bankruptcy from CM/ECF's blue menu bar, then choose the Motions/Applications/Objections to Exemptions category). As a reminder, this event should be used ONLY if you are filing an objection to discharge pursuant to 727(a)(8) or (9) or 1328(f).

Should you have any questions or concerns about these Rule Amendments, please do not hesitate to contact the Clerk's Office in Cedar Rapids at 319-286-2200 or Sioux City at 712-233-3939.

### Holiday Schedule Reminder

The Bankruptcy Court for the Northern District of Iowa will be closed for business on Thursday, November 25, 2010 in observance of Thanksgiving. Pursuant to the Northern District of Iowa's District Court Public Administrative Order No. 10-AO-03-P, entered August 20, 2010, the Bankruptcy Court will also be closed for business on Friday, November 26, 2010.

The Court's CM/ECF system will be available for electronic filing and research on these dates, but there will be no Help Desk personnel available to provide telephonic support for the system. Papers filed electronically on November 25th and 26th will receive final processing by the Clerk's Office on Monday, November 29, 2010.

