

**UNITED STATES BANKRUPTCY COURT**  
**NORTHERN DISTRICT OF IOWA**



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Local Rules of Bankruptcy Practice and Procedure  
*(As revised, effective December 1, 2022)*

Adopted by Honorable Thad J. Collins, Chief Judge

*These rules are adopted pursuant to Rule 9029 of the Federal Rules of Bankruptcy Procedure to govern the local practice and procedures before the United States Bankruptcy Court for the Northern District of Iowa. These rules may be amended or supplemented by additional orders as the Court deems necessary.*

## Table of Contents

PART 1. COMMENCEMENT OF CASE; PROCEEDINGS RELATING TO PETITION AND ORDER FOR RELIEF .....	3
<b>Rule 1002-1</b> <b>Petition - General</b> .....	3
<b>Rule 1006-1</b> <b>Payment of Filing Fee in Installments or Waiver of Filing Fee</b> .....	4
<b>Rule 1007-1</b> <b>Lists, Schedules, and Statements</b> .....	5
<b>Rule 1007-2</b> <b>Mailing – List or Matrix</b> .....	6
<b>Rule 1017-1</b> <b>Conversion – Request for/Notice of</b> .....	6
<b>Rule 1017-2</b> <b>Dismissal – Request for/Notice of</b> .....	7
<b>Rule 1072-1</b> <b>Places of Holding Court</b> .....	8
<b>Rule 1073-1</b> <b>Assignment of Cases</b> .....	8
<b>Rule 1074-1</b> <b>Corporations - Petition</b> .....	9
<b>Rule 1075-1</b> <b>Disclosure of Corporation Ownership</b> .....	9
PART 2. OFFICERS AND ADMINISTRATION; NOTICES; MEETINGS; EXAMINATIONS; ELECTIONS; ATTORNEYS AND ACCOUNTANTS .....	10
<b>Rule 2002-1</b> <b>Notice to Creditors and Other Interested Parties</b> .....	10
<b>Rule 2002-2</b> <b>Notice to United States or Federal Agency</b> .....	11
<b>Rule 2004-1</b> <b>Examinations</b> .....	12
<b>Rule 2014-1</b> <b>Employment of Professionals by Chapter 7 Trustees</b> .....	13
<b>Rule 2016-1</b> <b>Compensation of Professionals</b> .....	13
<b>Rule 2090-1</b> <b>Attorneys – Admission to Practice</b> .....	14
<b>Rule 2091-1</b> <b>Attorneys - Withdrawals</b> .....	18
PART 3. CLAIMS AND DISTRIBUTION TO CREDITORS AND EQUITY INTEREST HOLDERS; PLANS .....	18
<b>Rule 3007-1</b> <b>Chapter 7 Claim – Objections</b> .....	18
<b>Rule 3011-1</b> <b>Deposit and Distribution of Unclaimed Funds</b> .....	18
<b>Rule 3012-1</b> <b>Valuation of Collateral</b> .....	20
<b>Rule 3015-1</b> <b>Chapter 12 and 13 - Confirmation</b> .....	21
<b>Rule 3015-2</b> <b>Chapter 12 and 13 – Amendments (Modifications) to Plans</b> .....	22
<b>Rule 3017-1</b> <b>Disclosure Statement - Approval</b> .....	22

<b>Rule 3018-1</b>	<b>Ballots – Voting on Plans .....</b>	<b>23</b>
<b>Rule 3020-1</b>	<b>Chapter 11 - Confirmation .....</b>	<b>23</b>
<b>Rule 3070-2</b>	<b>Chapter 12 – Deposit for Court Costs.....</b>	<b>24</b>
<b>PART 4. THE DEBTOR: DUTIES AND BENEFITS .....</b>		<b>24</b>
<b>Rule 4001-1</b>	<b>Automatic Stay – Relief from .....</b>	<b>24</b>
<b>Rule 4002-1</b>	<b>Debtor - Duties .....</b>	<b>27</b>
<b>Rule 4002-2</b>	<b>Change of Address and Telephone Number of Pro Se Debtor .....</b>	<b>27</b>
<b>Rule 4003-1</b>	<b>Exemptions .....</b>	<b>27</b>
<b>Rule 4003-2</b>	<b>Lien Avoidance.....</b>	<b>28</b>
<b>Rule 4004-2</b>	<b>Objections to Discharge .....</b>	<b>29</b>
<b>Rule 4004-3</b>	<b>Chapter 12 and 13 Debtor’s Certified Motion for Discharge.....</b>	<b>29</b>
<b>Rule 4008-1</b>	<b>Reaffirmation Agreement .....</b>	<b>29</b>
<b>PART 5. COURTS AND CLERKS.....</b>		<b>30</b>
<b>Rule 5001-1</b>	<b>Court Administration .....</b>	<b>30</b>
<b>Rule 5001-2</b>	<b>Clerk – Office Locations .....</b>	<b>30</b>
<b>Rule 5005-1</b>	<b>Filing Papers - Requirements .....</b>	<b>30</b>
<b>Rule 5005-2</b>	<b>Filing Papers – Number of Copies .....</b>	<b>31</b>
<b>Rule 5005-4</b>	<b>Electronic Filing.....</b>	<b>31</b>
<b>Rule 5007-1</b>	<b>Transcripts .....</b>	<b>32</b>
<b>Rule 5071-1</b>	<b>Continuance.....</b>	<b>35</b>
<b>Rule 5072-1</b>	<b>Courtroom Decorum .....</b>	<b>36</b>
<b>Rule 5073-1</b>	<b>Photography, Recording Devices, and Broadcasting .....</b>	<b>36</b>
<b>Rule 5075-1</b>	<b>Clerk – Delegated Functions of .....</b>	<b>37</b>
<b>PART 6. COLLECTION AND LIQUIDATION OF THE ESTATE.....</b>		<b>37</b>
<b>Rule 6004-1</b>	<b>Sale, Abandonment, or Other Disposition of Estate Property .....</b>	<b>37</b>
<b>PART 7. ADVERSARY PROCEEDINGS .....</b>		<b>39</b>
<b>Rule 7001-1</b>	<b>Adversary Proceedings - General.....</b>	<b>39</b>
<b>Rule 7003-1</b>	<b>Adversary Proceeding Cover Sheet .....</b>	<b>40</b>
<b>Rule 7005-2</b>	<b>Filing of Discovery Materials.....</b>	<b>40</b>
<b>Rule 7026-1</b>	<b>Discovery - General .....</b>	<b>40</b>
<b>Rule 7033-1</b>	<b>Discovery - Interrogatories .....</b>	<b>40</b>
<b>Rule 7036-1</b>	<b>Discovery – Requests for Admission .....</b>	<b>40</b>

<b>Rule 7037-1</b>	<b>Discovery - Disputes .....</b>	<b>40</b>
<b>Rule 7054-1</b>	<b>Costs – Taxation/Payment .....</b>	<b>41</b>
<b>Rule 7055-1</b>	<b>Default – Involuntary Dismissal of Settled Cases .....</b>	<b>41</b>
<b>Rule 7056-1</b>	<b>Summary Judgment .....</b>	<b>41</b>
<b>PART 8. APPEALS .....</b>		<b>41</b>
<b>Rule 8006-1</b>	<b>Designation of Record - Appeal.....</b>	<b>41</b>
<b>Rule 8007-3</b>	<b>Docketing Appeal.....</b>	<b>41</b>
<b>PART 9. GENERAL PROVISIONS .....</b>		<b>42</b>
<b>Rule 9001-1</b>	<b>Definitions.....</b>	<b>42</b>
<b>Rule 9004-1</b>	<b>General Requirement of Form .....</b>	<b>42</b>
<b>Rule 9006-1</b>	<b>Time Periods – Reduction or Enlargement.....</b>	<b>42</b>
<b>Rule 9010-1</b>	<b>Representations and Appearances – Attorneys and Pro Se Parties.....</b>	<b>42</b>
<b>Rule 9013-3</b>	<b>Certificate of Service - Motions .....</b>	<b>43</b>
<b>Rule 9014-1</b>	<b>Contested Matters.....</b>	<b>43</b>
<b>Rule 9027-1</b>	<b>Removal/Remand.....</b>	<b>44</b>
<b>Rule 9029-1</b>	<b>Local Rules - General .....</b>	<b>44</b>
<b>Rule 9036-1</b>	<b>Notice by Electronic Transmission.....</b>	<b>44</b>
<b>Rule 9037-1</b>	<b>Privacy Protection for Filings Made with the Court.....</b>	<b>45</b>
<b>Rule 9070-1</b>	<b>Exhibits .....</b>	<b>45</b>
<b>Rule 9072-1</b>	<b>Orders - Proposed.....</b>	<b>46</b>
<b>Rule 9073-2</b>	<b>Hearings - Expedited .....</b>	<b>47</b>
<b>Rule 9074-1</b>	<b>Telephone Conferences .....</b>	<b>47</b>

## **PART 1. COMMENCEMENT OF CASE; PROCEEDINGS RELATING TO PETITION AND ORDER FOR RELIEF**

### **Rule 1002-1 Petition - General**

- (a) A petition commencing a case under the United States Bankruptcy Code (“Code”) may be filed electronically from a remote location, or conventionally (in paper) at the Clerk’s main office in Cedar Rapids or at the divisional office in Sioux City.
- (b) The debtor must sign the petition even if the debtor is represented by an attorney.
- (c) For corporate petition requirements see Local Rule 1074-1.

**Rule 1006-1 Payment of Filing Fee in Installments or Waiver of Filing Fee**

(a) Payment of Filing Fees in Installments

- (1) On application by an individual debtor, the Clerk may sign an order permitting the debtor to pay the filing fee in installments if the application provides for:
  - (A) installments of nearly equal amounts;
  - (B) payment of the initial installment with the filing of the petition or within 31 days thereafter;
  - (C) subsequent installments at no more than 31-day intervals after the initial installment until the fee is fully paid; and
  - (D) a declaration that debtor will pay the full filing fee before they make any more payments or transfer any more property to an attorney or any other person for services in connection with the case.
- (2) An application to permit installment payments of the filing fee which does not conform to Local Rule 1006-1 (a) or Federal Rule of Bankruptcy Procedure 1006(b) shall be presented to the Court for consideration.
- (3) The Court may deny wholly or in part the initial application or extend the time for payment of any installment.

(b) Waiver of Filing Fee in Chapter 7 Cases

If an Application to have the Chapter 7 Filing Fees Waived (Official Form 103B) is granted, unless otherwise stated, the order granting the application will waive all filing fees in the case. The order granting the fee waiver application may be vacated if developments in the case demonstrate the waiver of fees was unwarranted. If an application is denied, the debtor will be ordered to pay the filing fee in installments pursuant to a payment scheduled set out in the Court’s order. If the debtor is not eligible to pay fees in installments, the debtor will be ordered to pay the full filing fee within 7

days of the order denying the fee waiver application. Failure to timely pay the filing fee will result in the case being dismissed without further notice or hearing.

## **Rule 1007-1 Lists, Schedules, and Statements**

### **(a) Returned File-Stamped Copy**

If a paper-filer requests the return of a file-stamped copy of a document, the paper-filer must include the additional copy together with a self-addressed, stamped envelope for the return of the copy with the filing.

### **(b) Schedules of Creditors**

In each schedule of creditors, the creditors' names shall be listed, with the complete post office address of each creditor, including post office box or street address, city or town, state, and ZIP Code. If the individual verifying the schedule knows that the claim has been assigned or that the claim has been referred to an attorney or other agent for collection, that fact shall be stated immediately following the name of the original creditor, and the complete names and addresses of both the original creditor and the assignee or agent shall be set forth, but without duplicating the dollar amount of the debt.

### **(c) Real Estate Descriptions**

All real estate included in a debtor's schedules or statements should be listed by legal description as to each parcel, together with the street address, or some other commonly used description of the location of the property. In Schedule A/B, each parcel of real estate shall be separately numbered, e.g. "Parcel 1," "Parcel 2."

### **(d) Extensions of Time**

A motion seeking an extension of time in which to file schedules, statements, or lists will be considered by the Court ex parte. The motion must be served on the United States Trustee. The Court will not grant an extension beyond the first date set for the meeting of creditors.

### **(e) Summary of Schedules**

All petitions filed with schedules, all subsequently filed original schedules, and all amended schedules filed, regardless of chapter, shall include the Summary of Your Assets and Liabilities and Certain Statistical Information (Official Form 106Sum or 206Sum).

### **(g) Failure to Provide Federal Income Tax Return**

- (1) Individual debtors who are unable to fulfill their obligations under 11 U.S.C. § 521(e)(2)(A)(i) shall file with the Court, not later than 7 days prior to the first date set for the meeting of creditors, a Motion for Exception from Dismissal. This motion shall include a detailed explanation why the debtor(s) are unable to provide the requisite federal tax returns to the trustee as required under the Bankruptcy Code.
- (2) A Motion to Dismiss pursuant to § 521(e)(2)(A)(i) filed by the case trustee not earlier than 6 days prior to the first date set for the meeting of creditors, shall be granted by Order of this Court, without further notice and hearing, if the debtor(s) fail to take such action as identified in Local Rule 1007-1 (g)(1). Trustees filing a Motion to Dismiss pursuant to § 521(e)(2)(A)(i) shall provide notice of said motion to the debtor and the United States Trustee.
- (3) Cases in which the trustee files a Motion to Dismiss pursuant to § 521(e)(2)(A)(i) and in which a Motion for Exception from Dismissal has been timely filed by the debtor pursuant to this rule shall be set for telephonic hearing.
- (4) Cases in which a creditor files a Motion to Dismiss pursuant to § 521(e)(2)(A)(ii) shall be set for telephonic hearing.

#### **Rule 1007-2 Mailing – List or Matrix**

- (a) The debtor must file with the petition a mailing matrix of creditors. The matrix should not contain the name and address of the debtor or the debtor's attorney. The matrix must alphabetically list the names and complete addresses of the following: debtor's creditors; scheduled creditor assignees, agents, or attorneys; and equity security holders. The format of the matrix must conform to requirements established by the Clerk. A sample format of the matrix and instructions on formatting a matrix are available on the Court's website.
- (b) A matrix filed in a case under chapter 7, 9, 11, 12, or 13 shall include the Office of the United States Trustee. An entity filing a matrix in a case under chapter 11 shall also include the Internal Revenue Service and the United States Attorney.
- (c) For the names and addresses of governmental units for use in the matrix, the Clerk maintains a "Register of Governmental Agencies and Certain Taxing Authorities Mailing Address." It is available on the Court's website. *See* Local Rule 2002-2.

#### **Rule 1017-1 Conversion – Request for/Notice of**

- (a) Conversion by Debtor -- Chapter 12 or 13 to Chapter 7

A Notice of Conversion filed by the debtor under 11 U.S.C. §§ 1208 (a) or 1307(a) must be served by debtor on the United States Trustee and the standing trustee.

(b) Conversion by Debtor -- Chapter 7 to Chapter 11, 12, or 13

(1) Case not previously converted

If the case has not previously been converted, the debtor's motion to convert a chapter 7 to chapter 11, 12, or 13 will be considered by the Court ex parte. Debtor must serve the Motion to Convert on the United States Trustee and the trustee.

(2) Case previously converted

If the case has previously been converted, the debtor's motion to convert a chapter 7 case to chapter 11, 12, or 13 must be served by debtor with notice in accordance with Local Rule 1017-1(d).

(c) Conversion by Debtor -- Chapter 11 to Chapter 7

A debtor's motion to convert a chapter 11 to chapter 7 under 11 U.S.C § 1112(a) will be considered by the Court ex parte. Debtor must serve the Motion to Convert on the United States Trustee.

(d) Other Motions to Convert

Notice of all other motions to convert must be served with the motion by movant pursuant to Federal Rule of Bankruptcy Procedure 2002(a)(4). The notice must provide a bar date for objections that is at least 21 days from the date of service of the notice and motion. The movant shall provide in the notice that a hearing will be set if any objections are timely filed or if the Court so directs, or the movant may obtain a hearing date from the Courtroom Deputy and include the hearing date in the notice of the motion. If notice of a hearing date is given, and no objections to the motion are filed, the hearing may be canceled only with leave of the Court.

**Rule 1017-2 Dismissal – Request for/Notice of**

(a) Debtor's Motion to Dismiss Chapter 12 or 13 Case

If debtor's chapter 12 or chapter 13 case has not previously been converted under 11 U.S.C. §§ 706 or 1112, the debtor's Motion to Dismiss will be considered by the Court ex parte. Debtor must serve the motion on the United States Trustee and the standing trustee.

(b) Other Motions to Dismiss



Notice of all other motions to dismiss must be served by movant with a copy of the motion pursuant to Federal Rule of Bankruptcy Procedure 2002(a)(4). The notice must provide a bar date for objections that is at least 21 days from the date of service of the notice and motion. The movant may provide in the notice that a hearing will be set if any objections are timely filed or if the Court so directs, or the movant may obtain a hearing date from the Courtroom Deputy and include the hearing date in the notice of the motion. If notice of a hearing date is given, and no objections to the motion are filed, the hearing may be canceled only with leave of the Court.

### **Rule 1072-1 Places of Holding Court**

Subject to the direction of the Judicial Conference of the United States, the Judicial Council of the Eighth Circuit, or further order of this Court, the places of holding court in this district are Cedar Rapids, Dubuque, Fort Dodge, Mason City, Sioux City, and Waterloo.

### **Rule 1073-1 Assignment of Cases**

- (a) Unless otherwise provided by court order, bankruptcy cases will be assigned to one of the places of holding court according to the county of the debtor's residence or principal place of business as shown on debtor's petition. If debtor has no residence or principal place of business within the district, then the case will be assigned to the county of location of the principal assets of a business debtor as shown in debtor's petition. If a debtor files a petition in this district but has no residence, principal place of business, or location of principal assets in this district, and if selection of another place of holding court is not supported on the face of the petition or by separate affidavit, then the case will be assigned according to the county in this district which is closest to the debtor's residence or principal place of business or location of principal assets as shown in the petition.
- (b) Cases shall be assigned by the Clerk to the following places of holding court:

Division	Counties
Cedar Rapids	Benton, Cedar, Delaware, Iowa, Jones, Linn, Tama
Dubuque	Allamakee, Clayton, Dubuque, Jackson
Fort Dodge	Calhoun, Carroll, Emmet, Hamilton, Humboldt, Kossuth, Palo Alto, Pocahontas, Webster, Wright
Mason City	Cerro Gordo, Floyd, Franklin, Hancock, Hardin, Mitchell, Winnebago, Worth
Sioux City	Buena Vista, Cherokee, Clay, Crawford, Dickinson, Ida, Lyon, Monona, O'Brien, Osceola, Plymouth, Sac, Sioux, Woodbury

Waterloo	Black Hawk, Bremer, Buchanan, Butler, Chickasaw, Fayette, Grundy, Howard, Winneshiek
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(c) Motion to Change Assignment

- (1) If a petitioner desires to have the case assigned to a different division than provided under Local Rule 1073-1 the request must be made by motion filed at the time of the filing of the petition. The motion must state the location of the usual assignment according to Local Rule 1073-1, the requested place of assignment, and the reason for the requested change. The motion will be considered and determined without hearing.
- (2) If a party desires a change in the hearing location of any proceeding, the party must make the request by motion served upon all parties to the proceeding.
- (3) The Court may schedule a trial or hearing at any location within the district in the interest of justice.

**Rule 1074-1 Corporations - Petition**

A certified copy of the corporate resolution authorizing the filing of a corporation's petition must be attached to the original petition.

**Rule 1075-1 Disclosure of Corporation Ownership**

- (a) Except for those documents or pleadings identified in Paragraph (b) of this rule, the disclosure statement requirements provided in Federal Rule of Civil Procedure 7.1 shall apply to each document that marks the initial appearance of a non-governmental corporation in a bankruptcy case or adversary proceeding.
- (b) Non-governmental corporations shall not be required to file a disclosure statement when filing Proofs of Claims or Reaffirmation Agreements in a voluntary or involuntary bankruptcy case.
- (c) Parties shall file ONE copy of the required disclosure statement as opposed to the two required by Federal Rule of Civil Procedure 7.1.
- (d) The Clerk shall issue a deficiency notice for each petition and initial document filed by a non-governmental corporation in a bankruptcy case or adversary proceeding that is not accompanied by the required disclosure statement, allowing 14 days for cure of the deficiency.

- (e) Failure to file the required disclosure statement within the time provided in the deficiency notice may result in either an order striking the document from the record or dismissal of the case or proceeding.

## **PART 2. OFFICERS AND ADMINISTRATION; NOTICES; MEETINGS; EXAMINATIONS; ELECTIONS; ATTORNEYS AND ACCOUNTANTS**

### **Rule 2002-1 Notice to Creditors and Other Interested Parties**

- (a) In cases under chapter 12 or 13, the meeting of creditors under 11 U.S.C. § 341 may be set on 14 days' notice. [*Standing Order 13-02 is still in effect and allows for chapter 7 cases filed in the Cedar Rapids division to also have the meeting of creditors under 11 U.S.C. § 341 to be set on 14 days' notice.*]
- (b) Request for Notices
  - (1) A creditor, equity security holder, or other entity may file a document entitled "Request for Notices." A Request for Notices must be served on the following parties, and a proof of service must be filed with the Clerk:
    - (A) the United States Trustee;
    - (B) any case or standing trustee;
    - (C) any committee elected or appointed in the case or the committee's attorney if one has been employed; and
    - (D) the debtor's attorney, or debtor if debtor is pro se.
  - (2) The Clerk shall not add an entity to the list of entities requesting notices unless the entity has complied with the service and proof of service requirements.
  - (3) A creditor who files and serves a Request for Notices shall thereafter be entitled to all limited notices which may be served in the case. Such notices are in addition to those notices for which the Federal Rules of Bankruptcy Procedure require service on all creditors and in addition to those notices which must be served on the creditor as a party against whom relief is sought.
  - (4) Any entity who is not a creditor, a debtor, or an indenture trustee, and who files and serves a Request for Notices shall thereafter be entitled to all notices for

which the Federal Rules of Bankruptcy Procedure require service on all creditors and to all limited notices which may be served in the case.

- (5) For purposes of this Rule, the term “limited notices” means any notices which the Federal Rules of Bankruptcy Procedure require to be served pursuant to Court direction by the following or similar language: “such other entity as may be designated by the Court,” “on notice as the Court may direct,” to “any entity as the Court may direct,” to “other party as the Court may direct,” to “entities designated by the Court,” to “other entities as directed by the Court,” to “other parties in interest as the Court directs,” or to “other parties in interest as the Court may designate.”

“Limited notices” also means any notices which pursuant to the Federal Rules of Bankruptcy Procedure are required to be served on all creditors but for which the Court enters an order directing service on fewer than all creditors.

- (6) An entity entitled to limited notices shall be entitled to such notice regardless of whether the Court directs notice to that entity unless the Court specifically directs otherwise.
- (7) An entity who by court order under the Federal Rules of Bankruptcy Procedure or these Local Rules is required to serve a notice shall be responsible for serving the notice in accordance with this Rule.
- (8) A list of entities that file Requests for Notices in a case is available via CM/ECF.
- (9) Filing a Request for Notices does not effectuate a change in the address of a creditor, equity security holder or indenture trustee as it was originally shown in the creditor list or schedules and as shown in the mailing matrix. The service address of a scheduled or listed creditor, equity security holder or indenture trustee is changed only pursuant to Federal Rule of Bankruptcy Procedure 2002(g).

#### **Rule 2002-2 Notice to United States or Federal Agency**

- (a) The Clerk shall cooperate with the United States Attorney for the Northern District of Iowa in compiling a list of agencies, departments, administrations, and services of the United States which are commonly scheduled as creditors in bankruptcies filed in this district. The Clerk shall keep a permanent record of the list’s addresses and their effective dates. The current list is available on the Court’s website.
- (b) The list will be used by the debtor to provide the addresses of the United States as creditor in the debtor’s schedules, statements, lists and the matrix filed in the case.

Service on the United States using an address from the then-current list creates a presumption of proper service on the governmental unit for notices served pursuant to Federal Rule of Bankruptcy Procedure 2002, Local Rule 2002-1 and for notices served by Court direction. The presumption does not apply to notices required to be given to the United States as a party against whom relief is sought in any contested matter or adversary proceeding.

- (c) In addition to the specific agencies, departments, administrations and services of the United States, the matrix of creditors shall also include the current address of the United States Attorney for the Northern District of Iowa, whose address shall be available on the Court's website. A matrix listing for the United States Attorney must include a designation of each scheduled agency, department, administration or service using its initials, e.g. "United States Attorney (FSA)."
- (d) A debtor is not excused from scheduling and listing a United States governmental unit merely because the debtor's creditor is not included in the Clerk's list.

#### **Rule 2004-1 Examinations**

- (a) Parties Must Confer

Prior to filing a motion for an examination under Federal Rule of Bankruptcy Procedure 2004, the party seeking the examination must contact the attorney for the entity to be examined (or the entity directly if the entity is not represented by an attorney) to attempt to reach agreement that the examination may be taken and to agree as to the date, time, and place of the examination and any documents to be produced.

- (b) Consent Motions

A motion for an examination under Federal Rule of Bankruptcy Procedure 2004 which certifies that the parties have agreed to the specific arrangements described in the motion will be granted by the Court without further notice or hearing. The motion must be accompanied by a proposed order which contains the date, time, and place of the examination and which describes any documents to be produced.

- (c) Contested Motions

- (1) If the parties are unable to agree to the taking of a proposed Rule 2004 examination, the motion seeking the examination must state the need for the examination and the nature of the dispute over its taking. The motion must show the proposed time, date, and place of the examination and any documents to be produced. The motion must also state what efforts were made to reach agreement as to the taking of the examination. The motion must be accompanied by a proposed order granting the motion. The proposed order must specify the name

of the person to be examined; the time, date, and place of the examination; and any documents to be produced.

- (2) Movant must serve a copy of the motion and the proposed order upon opposing counsel or upon the entity to be examined if the entity is not represented by counsel. The party opposing the examination shall have 14 days from the date of service to file an objection to the motion. The objection must state the grounds for opposition. The Court will determine whether to set the motion for hearing or rule on the motion without hearing. Any request for expedited consideration of the motion shall comply with Local Rule 9073-2.

#### **Rule 2014-1 Employment of Professionals by Chapter 7 Trustees**

(a) Appraisers, Auctioneers, and Agents

A chapter 7 trustee's application to hire an appraiser, auctioneer, or agent must first be submitted to the United States Trustee for review and recommendation and must be served upon the debtor and debtor's attorney. If the agreed compensation is less than \$1,000, or not more than 10% of the sales price for a sales agent, or not more than the generally applicable rates for collection of commercial accounts receivable, and the United States Trustee agrees with such employment on such terms, such employment and terms shall be deemed approved upon such application with the United States Trustee's agreement attached to the application being filed with the Clerk. If the agreed compensation exceeds such amounts or if the United States Trustee does not agree with such employment, the United States Trustee shall file the application with the report and recommendation to the Court for disposition.

(b) Attorneys and Accountants

An application by a chapter 7 trustee for an order approving the employment of an attorney or an accountant shall first be submitted to the United States Trustee for review and recommendation and served upon the debtor and debtor's attorney. The application submitted to the United States Trustee must be accompanied by a written statement setting forth the facts that in the trustee's view justify the retention of an attorney or accountant and the terms and conditions of employment. The United States Trustee shall then file the trustee's application with a report and recommendation on such employment, but without any detailed disclosure of the facts for justification.

#### **Rule 2016-1 Compensation of Professionals**

(a) Chapter 7 Trustee Fees and Expenses

(1) Chapter 7 Trustee Fees

Unless the Court orders otherwise either before or after the filing of the trustee's final report, a chapter 7 trustee is excused from the fee itemization requirements of Federal Rule of Bankruptcy Procedure 2016(a) if the request for compensation is \$2,500 or less.

(2) Chapter 7 Trustee Reimbursed Expenses

Unless the Court orders otherwise either before or after the filing of the trustee's final report, a chapter 7 trustee is excused from the expense itemization requirements of Federal Rule of Bankruptcy Procedure 2016(a) if the request for reimbursement is \$500 or less. However, the trustee must verify in the expense reimbursement request that the non-itemized expenses were actual and necessary expenses in the trustee's service to the estate and that the request does not include overhead expenses.

(b) Attorney for Debtor - Chapter 13

The Court has issued a Standing Order re: Chapter 13 Attorney Fee Requests. The attorney for debtor in a chapter 13 case is excused from the application requirements of Federal Rule of Bankruptcy Procedure 2016(a) and the notice requirement of Federal Rule of Bankruptcy Procedure 2002(a)(6) if the request for compensation is less than the base amount established by the Court at the time of confirmation of the plan. The base amount figure is listed in the Standing Order and applies to all attorney compensation through the first confirmation of a plan (See Standard Allowable Amount in Chapter 13 Attorney Fee Request Standing Order). The base amount is updated annually by standing order and published on the Court's website. The standing trustee shall ascertain from the attorney's fee disclosure statement whether the attorney's application for fees is less than the base amount, and if so, the agreed compensation shall be awarded in the proposed order of confirmation. Any additional request for fees for work done after confirmation requires a fee application under Federal Rule of Bankruptcy Procedure 2016(a) or a "Certification of A La Carte Fees" as stated in Chapter 13 Attorney Fee Request Standing Order.

(c) Bankruptcy Petition Preparers

A "Disclosure of Compensation of Bankruptcy Petition Preparer" (Director's Form 2800) shall be submitted in every case prepared by petition preparers.

**Rule 2090-1 Attorneys – Admission to Practice**

(a) Roll of Attorneys

The bar of the Bankruptcy Court for the Northern District of Iowa shall consist of those attorneys who are admitted to practice and who remain in good standing before the United States District Court for either the Northern or Southern District of Iowa.

(b) Appearances

(1) Who May Appear Generally

Except when a pro hac vice appearance is permitted by the Court or when a Department of Justice attorney appears for the United States, only a member of the bar of the Bankruptcy Court for the Northern District of Iowa may appear as an attorney in the Bankruptcy Court for the Northern District of Iowa.

(2) Form of Appearance

An attorney making an appearance shall, either by filing an appearance or by signature on the petition or complaint, cause the Clerk's record to reflect clearly the office address, direct telephone number of attorney or legal assistant, e-mail address, and identification number of the attorney and the name of the party for whom appearance is made.

(3) Pro Hac Vice Admission

An attorney who is not a member of the bar of the Bankruptcy Court for the Northern District of Iowa may be permitted to appear and participate in a pending case and/or proceeding by application. The application shall provide:

- (A) the attorney's office address, e-mail address, telephone number, and attorney identification number;
- (B) the courts to which the applicant has been admitted to practice and the dates of admission;
- (C) that the applicant is in good standing and eligible to practice in said courts; the application shall be accompanied by a letter or certification from the attorney's bar association confirming the attorney's present good standing within the association. If not filed with the application, the letter or certificate shall be filed within 21 days of the filing of the application;
- (D) whether the applicant is currently suspended or disbarred in any court;
- (E) if the applicant has concurrently or within the year preceding the current application made any pro hac vice application to this Court, the title and number of each action wherein such application was made, the date of the application, and whether the application was granted, and



- (F) acknowledgment that if the pro hac vice application is granted, the attorney is subject to the jurisdiction of the Court with respect to the attorney's conduct to the same extent as a member of this Court's bar is subject to the Iowa Rules of Professional Conduct.

(4) Associate Counsel Requirement for Attorneys Appearing Pro Hac Vice

Any attorney who is admitted pro hac vice must have associate counsel who is an active member in good standing of the bar of the Bankruptcy Court for the Northern District of Iowa. The appearance, office address, e-mail address, and telephone number of associate counsel shall be entered. All notices and pleadings shall also be served upon associate counsel in accordance with the Federal Rules of Bankruptcy Procedure and these Local Rules. The attendance of associate counsel at any hearing or trial is required. The associate counsel requirement does not apply to parties who are appearing pro se or to attorneys of governmental units.

- (5) An attorney granted Pro Hac Vice admission within a case may appear in any adversary proceeding in the case without further application.

(c) Change of Address or Telephone Number

Attorneys, whether a member of this bankruptcy bar or admitted to appear pro hac vice in any pending case or proceeding, must keep their mailing address, e-mail address, telephone numbers, and other information current in the Judiciary's PACER system (<https://pacer.uscourts.gov>) by using the "Manage My Account" feature in the system and selecting the appropriate option within the "Maintenance" tab. Failure of an attorney to so maintain the attorney's account may lead to loss of login privileges without notice.

(d) Standards of Professional Responsibility and Conduct

The rules of professional responsibility and conduct adopted by this Court are the Iowa Rules of Professional Conduct adopted by the Supreme Court of Iowa as amended from time to time, except as may otherwise be provided by this Court or the District Court. The Court adopts as recommended guidelines for professional conduct the Standards for Professional Conduct approved by the Iowa State Bar Association.

(1) Disbarment or Suspension by Another Court

Any attorney that has been admitted to practice in the United States District Court for the Northern or Southern Districts of Iowa that becomes disbarred or suspended from practicing law by any court will automatically be disbarred or suspended in this Court for the same length of time as the attorney's disbarment or suspension in the original court. Any such attorney should, immediately upon

disbarment or suspension, notify the Clerk of the disbarment or suspension in writing. Failure to do so will subject the attorney to further sanctions by this Court.

(2) Request for Reinstatement

Any attorney disbarred or suspended from practicing in this Court pursuant to Paragraph (1) of this Rule may file a motion with the Court requesting that the Court reinstate the attorney before the expiration of the disbarment or suspension in the original court. The Clerk will then open a miscellaneous proceeding assigned to the Chief Judge of this Court. The Court will set a hearing at which the attorney will be required to show cause as to why the attorney should not continue to be disbarred or suspended in this Court.

(3) Non-exclusivity

Nothing in this Rule precludes the Court from initiating its own attorney disciplinary proceeding regardless of whether an attorney has been disciplined by another court.

(e) Law Student Practice

A law student enrolled in a reputable law school fully approved by the American Bar Association may appear as counsel before the Court under the following conditions.

(1) Certification

The dean of the law school must certify to this Court that the student has completed at least the equivalent of three (3) semesters of the work required by the school to qualify for the J.D.

(2) Supervision

The student's appearance must be under the direct supervision of an attorney admitted to practice before this Court who is personally present and has appeared of record in the case.

(3) Compensation

The student may not receive compensation for a court appearance; however, this prohibition shall not prevent a student from receiving general compensation from an employer-attorney or from a school administered fund. Nothing in this rule shall prevent the Court from awarding reasonable attorney fees under an appropriate statute for time expended by a student as long as the student does not receive any of the fee.

### **Rule 2091-1 Attorneys - Withdrawals**

An attorney who has appeared on record in a case or proceeding may withdraw only with leave of the Court and for good cause. The attorney's motion to withdraw must be served on the client, the United States Trustee, the case or standing trustee, if any, any party who has filed a Request for Notices, and opposing counsel in any pending contested matter or adversary proceeding in which movant has appeared.

## **PART 3. CLAIMS AND DISTRIBUTION TO CREDITORS AND EQUITY INTEREST HOLDERS; PLANS**

### **Rule 3007-1 Chapter 7 Claim – Objections**

- (a) A party objecting to the allowance of a claim must serve claimant with a copy of the objection and a notice stating that the claimant must file and serve a response to the objection within 30 days of service of the objection, or the objection may be sustained without further notice or hearing. The objector must serve a copy of the objection and notice on an attorney who has appeared in the case on behalf of the claimant and upon the debtor and any trustee appointed in the case. A trustee may object to claims as part of the trustee's final report.
- (b) If a response to the objection is filed and served, the Clerk shall set a telephonic preliminary hearing on the objection. If debtor or any trustee wants to participate in the preliminary hearing, they must notify the party ordered to place the telephone call. If the objection cannot be resolved at the preliminary hearing, the Court will schedule a final hearing.

### **Rule 3011-1 Deposit and Distribution of Unclaimed Funds**

- (a) Deposit by Chapter 7 Trustee

If there are no timely objections to the trustee's final report and account, the trustee shall make distribution in accordance with the report upon Order of the Court. If the net proceeds realized do not exceed \$1500 after payment of administrative expenses, the trustee shall make distribution for expenses and claims without notice.

- (b) Deposit by Chapter 11 Subchapter V, 12, or 13 Trustee

If any funds remain unclaimed after the final distribution of funds is made in a Chapter 11 Subchapter V, 12, or 13 case as required by 11 U.S.C. § 347(a), the trustee shall file a Motion to Pay Into the Court Registry any remaining funds. Upon entry of a final order granting such motion, the trustee shall pay the remaining funds into the Court Registry

and shall provide the Court's finance officer a list of the last known names and address of the unpaid claimants and the amounts they are entitled to receive, as required by the Federal Rule of Bankruptcy Procedure 3011.

(c) Disposition of Unclaimed Funds Under a Chapter 11 Liquidating Plan

(1) Notice, Deposit of Funds, and Final Account –

The disbursing agent, the debtor-in-possession, or the Plan Administrator under a Chapter 11 plan that provides for the complete liquidation of the property of the debtor shall, when making final distribution under the plan:

- (A) Notify such entity, if any, that purchased all of the debtor's assets under the chapter 11 plan of its potential right to the unclaimed funds, to the extent the disbursing agent, the debtor-in-possession or the trustee can identify such entity.
- (B) Unless the plan provides otherwise, pay over to the Court Registry any funds left unclaimed 120 calendar days after the final distribution is made under the plan, accompanied by a Motion to Pay Into the Court Registry.
- (C) File a final account under 11 U.S.C. § 1106(a)(7), prior to the expiration of time provided in 11 U.S.C. § 1143, and all other reports (if any) required by these Local Rules.

- (2) Provisions for Unclaimed Funds - A chapter 11 liquidating plan may provide that any unclaimed funds may be redistributed to other creditors or administrative claimants or donated to a not-for-profit, non-religious organization identified in the plan or disclosure statement accompanying the plan.

(d) Disposition of Un-distributable Funds Under a Chapter 11 Liquidating Plan

- (1) Un-distributable funds are any funds other than unclaimed funds, including, but not limited to, funds that cannot be disbursed because

- (A) a creditor has affirmatively rejected a distribution,
- (B) the administrative costs of distribution effectively interfere with distribution, or
- (C) all creditors, including administrative claimants, have been paid in full and there is no one that has a right to the funds.

- (2) Provisions for Un-distributable Funds - A chapter 11 liquidating plan may provide that any un-distributable funds, if applicable or practicable, may be

redistributed to other creditors or administrative claimants or donated to a not-for-profit, non-religious organization identified in the plan or disclosure statement accompanying the plan.

- (3) Procedure for Disposition of Un-distributable Funds - If a chapter 11 liquidating plan does not provide for the disposition of un-distributable funds then, if there are any such funds at the time of final distribution under the plan, the disbursing agent, the debtor-in-possession, or the Plan Administrator shall file a motion proposing disposition of such funds, which may include the dispositions described in subsection (c)(2) of this rule. Such motion shall be served on all creditors or parties in interest, or on such creditors and parties in interest as the Court shall direct, with notice and opportunity for hearing.

(e) Payment of Unclaimed Funds

A claimant shall submit to the Clerk an Application for Payment of Unclaimed Funds and a proposed order, sworn or attested under penalty of perjury. An individual claimant shall provide to the Clerk a copy of a government issued photo identification, such as a driver's license, state issued ID or passport. A corporation whose name has changed or that has been assigned rights to the funds shall provide appropriate documentation, satisfactory to the Court, to demonstrate the claimant's entitlement to the funds. Fund locator services or other agents shall provide a copy of their power of attorney authorizing them to make the claim for the claimant. The Application and other required documents shall be served on the United States Attorney. Detailed procedures for payment of unclaimed funds are available from the Other Services link on the Court's website.

**Rule 3012-1 Valuation of Collateral**

The following procedures shall be applicable to valuation hearings held pursuant to 11 U.S.C. § 506 and Federal Rule of Bankruptcy Procedure 3012, and as otherwise provided by these rules.

- (a) Any party to a valuation dispute who intends to offer into evidence an expert's appraisal of property must mark the original appraisal as an exhibit in accordance with the requirements of Local Rule 9070-1.
- (b) Also, the offeror must mark as a separate exhibit, or include as part of the appraisal, an affidavit of the appraiser which sets forth the appraiser's qualifications.
- (c) A party intending to offer an appraisal into evidence must serve a copy of the appraisal exhibit and appraisal affidavit on other parties to the valuation dispute at least 14 days prior to the valuation hearing. At the same time, the party shall submit an unfiled paper and electronic copy to the Court, marked "Judge's Copy".

- (d) Unless an opposing party files and serves a written objection to the exhibit at least 7 days prior to the hearing, the appraisal exhibit will be admitted into evidence without the need of additional evidence to support the admission.
- (e) Except in unusual circumstances, or unless the offeror otherwise requests, the appraisal and affidavit will constitute the appraiser's direct testimony on the issue of value. Nonetheless, the offeror must have the appraiser present at the hearing for purposes of cross-examination.
- (f) The Court may, on objection by the opposing party, deny admission of an appraisal exhibit which was not served in compliance with this rule, unless good cause is shown for the failure to comply.

#### **Rule 3015-1 Chapter 12 and 13 - Confirmation**

- (a) Debtor, debtor's attorney, the standing trustee, and any party filing an objection to confirmation must attend the final confirmation hearing. Failure to appear may result in the denial of confirmation or the overruling of the objection.
- (b) If there are no objections to confirmation and the standing trustee recommends confirmation, the first hearing set for consideration of debtor's plan will be a final hearing. The debtor may offer evidence in support of confirmation by affidavit. However, the debtor must be available at the hearing to testify.
- (c) If a confirmation hearing on debtor's first proposed chapter 13 plan is scheduled for the same day as the meeting of creditors under 11 U.S.C. § 341, then an entity having standing to object to the plan may file an objection at any time prior to the confirmation hearing or may raise the entity's objection orally at the confirmation hearing. If an oral objection is made, the objector must file the same objection in writing within 7 days after the initial confirmation hearing. Oral objections to the initial plan which are not confirmed by a written filing are, as to the initial plan, deemed waived.
- (d) If there are objections to confirmation, the initial hearing will be a preliminary hearing, at which time the parties shall be prepared to discuss confirmation issues, including valuation of property or secured claims, settlement, discovery, other matters appropriate to the circumstances of the case, and the selection of a final hearing date. At the preliminary hearing, it shall not be necessary for the parties to provide for the attendance of witnesses.
- (e) Valuation issues may be tried on an expedited schedule prior to the final hearing on confirmation or any deadline to amend the proposed plan.
- (f) Debtor shall be responsible for serving a copy of the plan and the notice required by Federal Rule of Bankruptcy Procedure 2002(a). The debtor shall obtain scheduling information from the Courtroom Deputy. Unless the debtor requests and obtains an order

reducing time, the bar date for objections and the hearing date shall be determined in accordance with Federal Rules of Bankruptcy Procedure 2002(a) and 9006(f).

- (g) A debtor who, prior to confirmation, files a modification to a chapter 12 or 13 plan shall be responsible for serving the modified plan and the notice required by Federal Rule of Bankruptcy Procedure 2002(a). The debtor shall obtain the scheduling information from the Courtroom Deputy. Unless the debtor requests and obtains an order reducing time, the debtor shall determine the bar date for objections and the hearing date in accordance with the requirements of Federal Rules of Bankruptcy Procedure 2002(a) and 9006(f). The debtor shall also be responsible for serving any notice that may be required pursuant to Federal Rules of Bankruptcy Procedure 2002(a).
- (h) The party requesting modification of a confirmed chapter 12 and 13 plan shall be responsible for serving the motion to modify, the proposed modification and the notice required by Federal Rules of Bankruptcy Procedure 3015(g).

#### **Rule 3015-2 Chapter 12 and 13 – Amendments (Modifications) to Plans**

Modified plans shall be designated sequentially in the docket text as follows: “First Modified Plan,” “Second Modified Plan,” and so forth as may be appropriate.

#### **Rule 3017-1 Disclosure Statement - Approval**

- (a) Service of Proposed Disclosure Statement

The proponent of a plan must serve the plan, the proposed disclosure statement and the notice thereof as required in Federal Rules of Bankruptcy Procedure 3017(a) and 2002(b). The proponent must serve the proposed disclosure statement and plan on those entities identified in Federal Rule of Bankruptcy Procedure 3017(a) and on any entity filing a Request for Notices pursuant to Local Rule 2002-1(b). The notice shall provide that any creditor or party-in-interest may obtain a copy of the proposed plan and proposed disclosure statement without charge from the attorney for the proponent by contacting the attorney by U.S. first-class mail, fax transmission, telephone, or electronic mail. The notice shall provide the office address, telephone numbers, and business e-mail address necessary to contact the attorney to obtain the documents. The notice shall further provide that any objections to the adequacy of the disclosure statement must be filed with the Court and served upon the proponent’s attorney, the debtor’s attorney if the debtor is not the proponent, and the United States Trustee, and the notice shall provide the addresses for such service. The proponent shall contact the Courtroom Deputy to obtain a time, date, and place of hearing on the proposed disclosure statement. The proponent is responsible for preparing a notice of the disclosure statement hearing which substantially conforms to the applicable official bankruptcy form (Official Form 312). The notice shall provide a bar date for filing objections to the proposed disclosure statement which is at least 28 days after the date of service of the notice. The hearing on approval of the disclosure statement may take place no earlier than 14 days after the bar

date for objections. Any reduction of such periods must be requested of the Court by written motion.

(b) Service of Documents after Approval of Disclosure Statement

Upon approval of the disclosure statement, the plan proponent must comply with the service requirements of Federal Rule of Bankruptcy Procedure 3017(d). The documents required to be served by Federal Rule of Bankruptcy Procedure 3017(d) must also be served by proponent on entities who have filed Requests for Notices under Local Rule 2002-1(b).

**Rule 3018-1 Ballots – Voting on Plans**

- (a) The notice of the time within which to file acceptances or rejections must state that ballots are to be returned to the attorney for the proponent. The notice and each ballot must clearly and conspicuously show the name and the address of the attorney or firm to whom the ballots must be returned.
- (b) The proponent of the plan or its attorney must file with the Clerk a verified report on the results of timely balloting. The report must be filed at least 7 days before the date set for the hearing on confirmation of the plan. If the Court has permitted the hearing to be held on an expedited basis, i.e. the hearing has been scheduled less than 7 days after the deadline for the return of ballots, then the proponent must file the report on the first day after the deadline for the return of ballots.
- (c) All ballots received, whether timely or untimely, must be bound together as an exhibit for the confirmation hearing. However, debtor is not required to serve copies of the exhibit under Local Rule 9070-1(d).
- (d) A request to count an untimely ballot must be made by written motion filed at or before the hearing on confirmation.

**Rule 3020-1 Chapter 11 - Confirmation**

- (a) If there are no objections to the proposed plan, or any objections can be satisfied through negotiation and modification of the plan, and the plan can be confirmed under 11 U.S.C. § 1129(a), the plan proponent shall have at the confirmation hearing any necessary plan amendments, an affidavit signed by the proponent showing compliance with § 1129(a) and a proposed order of confirmation with a copy of the proposed plan and any amendments attached. The proposed order must substantially conform to the applicable bankruptcy form (Director's Form 3150) and must have attached to it a copy of the plan and all amendments thereto.
- (b) If there are objections to confirmation, the initial hearing will be preliminary. The parties shall be prepared to discuss confirmation issues, including valuation of property or secured claims, settlement, discovery, other matters appropriate to the circumstances of



the case, and the selection of a final hearing date. It shall not be necessary for the parties to provide for the attendance of witnesses.

#### **Rule 3070-2 Chapter 12 – Deposit for Court Costs**

- (a) A debtor filing a chapter 12 petition or debtors filing a joint petition under chapter 12 must, within 14 days of filing, pay the standing trustee \$500 as a deposit for court costs. Failure to pay the deposit may be grounds for dismissal of the case.
- (b) In the event the case is dismissed or converted, the deposit may be used to pay court costs and actual expenses incurred by the standing trustee as allowed by the Court.
- (c) After debtor's completion of a confirmed plan and entry of a discharge order, the deposit, less any monies paid by the standing trustee to the Clerk for unpaid court costs, will be returned to the debtor.
- (d) If the case is converted or dismissed, the trustee must file a proposed distribution of the deposit showing the amount to be paid to the Clerk for unpaid court costs, the amount to be paid to the standing trustee for actual and necessary expenses, and the proposed distribution of any remaining balance. The standing trustee must serve notice of the proposed distribution to the debtor, debtor's attorney and the United States Trustee. Objections to the proposed distribution may be filed within 21 days of the service by the standing trustee.

### **PART 4. THE DEBTOR: DUTIES AND BENEFITS**

#### **Rule 4001-1 Automatic Stay – Relief from**

- (a) Consent Orders

An order stipulating to relief from the automatic stay may be entered without hearing under the circumstances set out in this subsection. A motion seeking relief from the automatic stay must have been filed. The motion or order must show the assent of the affected parties. The Clerk shall waive the filing fee for the motion if assent is shown at the time of the filing of the motion. In a case under chapter 7, 12, or 13, the proposed order must show the assent of the debtor or the debtor's attorney and the trustee.

In a case under chapter 11, the proposed order must show the assent of the debtor or debtor's attorney, the attorney of any official creditors' committee, or if none, the chairperson(s) of the committee(s), and the United States Trustee. If no committee has been appointed, movant may not obtain relief under this subsection.

Such order must be limited to granting relief from the automatic stay. It shall not recognize for any purpose other than relief from the stay the validity of any lien, title to any property or the validity or amount of any indebtedness. Nor shall the proposed order waive or otherwise compromise any claims of the estate against the movant.

(b) Contents of a Motion for Relief Without Consent

- (1) The motion must contain a short plain statement of the alleged facts that are grounds for relief; a mere statement of the statutory grounds for relief is insufficient.
- (2) If cause other than lack of adequate protection is alleged, the motion must explain the cause.
- (3) If lack of equity in property is an issue, the motion must state the movant's estimation of value and a brief statement as to the basis for the estimate. The estimation may not state only that it is made "on information and belief."
- (4) If the motion seeks relief from the stay to foreclose a security agreement or mortgage affecting property of the estate, copies of the following must be attached to the motion:
  - (A) all notes or other obligations secured by the property; and
  - (B) all security documents involved, including evidence of perfection.

If security documents are particularly voluminous, they should be broken into separate documents to comply with CM/ECF filing specifications.

- (5) The motion must include a notice that any party opposing the motion must timely file and serve an answer at least 7 days prior to the date set for the preliminary hearing on the motion.

(c) Answer Required for Resisted Motions

At the preliminary hearing, the Court may refuse to hear an objection to a motion for relief or it may grant the motion by default unless an answer or other objection has been filed and served on the movant at least 7 days before the date set for the preliminary hearing. An answer contesting the requested relief must contain the following:

- (1) If valuation of property is at issue, the answer must state the respondent's estimate of value and give a brief statement as to the basis for the estimate. Local Rule 3012-1 regarding valuation hearings shall be applicable to the valuation dispute at any final in-court hearing on the motion for relief. The estimation of value may not state only that it is made "on information and belief."

- (2) If the respondent intends to dispute the existence, validity, execution, effect or any other aspect of the notes or security documents, those objections must be stated with particularity.
- (3) If the respondent proposes to offer adequate protection, it must state with particularity the adequate protection it offers to provide. If periodic payments are proposed, the specific amounts and intervals must be stated or respondent must set forth a formula which permits ready calculation of the amounts of the payments. If substitute liens are proposed, respondent must describe the proposed collateral and its estimated value. Respondent must disclose any existing liens on substitute collateral and the value of the liens.

(d) Section 362(e) Time Requirements

For purposes of the time requirements set forth in 11 U.S.C. § 362(e), the request for relief shall be considered made on the filing date of the motion or on the date on which required service was made or on the date the motion's filing fee was paid, whichever is later. If in the motion for relief, the movant requests any additional relief other than a request for adequate protection or prohibition of the use of collateral, the movant will be deemed to have waived the time requirements of 11 U.S.C. § 362(e).

(e) Relief from Stay by Default

A default order granting the motion for relief from stay for failure to file a timely answer will not be granted prior to the time and date set for the preliminary hearing. However, if a party against whom relief is sought has not filed an answer by the time of the preliminary hearing, the preliminary hearing will not go forward and, if the preliminary hearing was set as a telephone hearing, it will not be necessary for movant's attorney to contact the opposing attorney or any unrepresented party.

(f) Procedure for Contested Motions

(1) Telephonic Hearing

If any entity has filed an answer or objection to the motion, the preliminary hearing may be scheduled as a telephonic hearing. The attorney for the movant shall be responsible for arranging the telephonic conference. The movant shall include in the conference call any entity that has served an answer, objection, request to be heard, or other response to the motion, whether the response is timely or untimely, so long as the response has been received by movant's attorney at any time, by any method of delivery, prior to the time and date of the preliminary hearing. Movant's attorney need not include in the conference call any entity filing a response indicating consent to the relief and a desire not to be included in the conference.

(2) Preliminary Hearing

At the preliminary hearing, the following matters will be considered:

- (A) the issues in dispute and whether there is a reasonable likelihood that the entity opposing relief will prevail at a final hearing;
- (B) if the value of collateral is in dispute, the method to be used to value the collateral;
- (C) the time necessary for the final hearing;
- (D) the setting of the final hearing;
- (E) waiver of the timing requirements of 11 U.S.C. § 362(e); and
- (F) such other matters as may be appropriate.

**Rule 4002-1 Debtor - Duties**

Delinquent Tax Returns -- Chapters 11, 12, and 13

If, on the petition date, a debtor in chapter 11, 12, or 13 has failed to file timely a tax return which was due pre-petition, debtor must file any such delinquent returns within 30 days of the petition date, unless an extension of time for filing has been granted by the Court after notice and hearing. Failure to file timely a delinquent tax return under this rule may be grounds for denial of confirmation and for dismissal of the case. In addition, Debtors are encouraged to forward a copy of their FILED delinquent federal tax returns to the United States Attorney.

**Rule 4002-2 Change of Address and Telephone Number of Pro Se Debtor**

A pro se debtor must file a statement of any change in the debtor's mailing address, e-mail address, or telephone number. The debtor must serve a copy of the statement on the United States Trustee and the trustee.

**Rule 4003-1 Exemptions**

- (a) An objection to exemption must state the grounds for objection. An entity filing an objection to a claim of exemption must serve a copy of the objection together with a notice of the debtor's right to file a resistance to the objection upon the debtor, debtor's attorney, the trustee (if the trustee is not the objector), and the United States Trustee, and shall promptly thereafter file a proof of service. The notice must advise the debtor that he or she will have 21 days in which to file a resistance with the Clerk and to make required service of the resistance. The notice must also advise that if a timely resistance

is not filed, an order will enter sustaining the objection to the claim of exemption. Any resistance must state the basis of the resistance.

- (b) If the debtor or defendant has not filed a timely resistance to the objection, the objector shall submit a proposed order to the Clerk's office sustaining the objection. A submission of such order shall constitute a certification by the objector or its attorney that the objector has not been served with a timely filed resistance and that it is now appropriate for the Court to enter an order sustaining the objection.
- (c) Upon timely motion, the trustee or a creditor may obtain an extension of up to 30 days of the time for objecting to a debtor's claim of exemption. A motion for further extension must state the grounds therefore and may be granted only during the period of the initial extension and only after notice and hearing.

#### **Rule 4003-2 Lien Avoidance**

- (a) A lien avoidance motion filed pursuant to 11 U.S.C. § 522(f) must contain:
  - (1) the factual basis for the motion. If the lien sought to be avoided is a judicial lien, the motion must describe the judicial proceeding in which the lien arose.
  - (2) a complete description of the property which is subject to the motion. If the property is real property, the motion must contain the property's legal description.
- (b) Movant must serve a copy of the motion together with a notice of the right to object to the motion upon all affected creditors, the trustee and the United States Trustee, and shall promptly file a proof of service. The notice must advise the parties against whom relief is sought that they have 21 days (35 days if the lienholder is the United States or an officer or agency thereof) in which to file an objection to the lien avoidance motion with the Clerk and to serve a copy upon the movant. The notice also shall advise the affected party that if a timely objection is not filed, an order may enter granting the relief requested. Service upon a creditor must include both the creditor and the creditor's attorney, if an appearance or pleading has been filed in the case by the attorney for the creditor.
- (c) If no creditor has filed a timely objection, movant's attorney shall submit a proposed order granting the motion to avoid lien. The submission of such an order shall constitute a certification by movant's attorney that the movant's attorney has not been served with timely filed objections and it is now appropriate for the Court to enter an order granting the motion to avoid lien. The proposed order must describe the property which is the subject of the order and if the property is real property, the proposed order must contain its legal description. If the lien to be avoided is a judicial lien, the proposed order must describe the judicial action in which the lien arose.

- (d) A debtor moving to avoid a judicial lien against his or her homestead may join with the motion an alternative request for a determination that the creditor's lien has not attached to the homestead.

#### **Rule 4004-2 Objections to Discharge**

- (a) Motions to Dismiss

A motion by plaintiff to dismiss an adversary proceeding objecting to the debtor's discharge must be accompanied by an affidavit signed by either the movant or movant's attorney which sets forth all details of any settlement agreement as well as the consideration, if any, to be given in connection with the proposed dismissal of the complaint.

- (b) Service of Motion to Dismiss

The motion and affidavit must be filed with the Clerk, but the movant need not serve the motion until directed by the Court.

#### **Rule 4004-3 Chapter 12 and 13 Debtor's Certified Motion for Discharge**

- (a) Any Debtor seeking entry of a discharge under 11 U.S.C. §§ 1228(a) and 1328(a) shall file the local form "Debtor's Certified Motion for Discharge and Notice of Deadline to Object" upon completion of all payments under the plan.
- (b) Any Joint Debtor seeking entry of a discharge under 11 U.S.C. §§ 1228(a) and 1328(a) shall file their own "Debtor's Certified Motion for Discharge and Notice of Deadline to Object".
- (c) Procedures for filing, noticing and objecting to a "Debtor's Certified Motion for Discharge and Notice of Deadline to Object" shall comport with the Chapter 12 and 13 Administrative Procedures found on the Court's website.

#### **Rule 4008-1 Reaffirmation Agreement**

- (a) All reaffirmation agreements shall utilize the Director's Form 2400A, Reaffirmation Documents, or Form 2400A/B ALT, Reaffirmation Agreement, and Official Form 427, Reaffirmation Agreement Cover Sheet.
- (b) Reaffirmation agreements containing the following deficiencies shall be deemed incomplete and a hearing notice shall issue, outlining the deficiencies and setting the matter for hearing:
  - (1) Improper Form or Format (Use of a form/format other than Director's Form 2400A or 2400A/B ALT);

- (2) Lack of requisite signatures on form;
  - (3) Existence of presumption of undue hardship (applies to all reaffirmation agreements except for those filed by credit unions or reaffirmation agreements involving real property); or
  - (4) Incomplete Attorney Declaration.
- (c) The Clerk shall issue a notice canceling a hearing set pursuant to paragraphs (b)(1), (b)(2) and (b)(3) of this rule, only upon the curing of deficiencies to this Court's satisfaction 14 days prior to the hearing.

## **PART 5. COURTS AND CLERKS**

### **Rule 5001-1 Court Administration**

- (a) Complaints concerning the conduct of a judicial officer or of the inability by reason of any mental or physical disability of such an officer to perform the duties of his or her office shall be governed by the Judicial Conduct and Disability Act of 1980, 28 U.S.C. §§ 351-364, and the Judicial Council of the Eighth Circuit Rules of Governing Complaints of Judicial Misconduct and Disability.
- (b) The United States Marshal or a court security officer for this district shall attend sessions of court upon request of the judge or Clerk. Any person having a concern regarding the security measures necessary for a proceeding should contact the Clerk, or in an emergency, the judge or the United States Marshal's office.

### **Rule 5001-2 Clerk – Office Locations**

The main office of the Clerk shall be in Cedar Rapids. The Clerk shall maintain a divisional office in Sioux City.

### **Rule 5005-1 Filing Papers - Requirements**

- (a) Location of Files

Unless otherwise ordered by the court, files for all cases and related proceedings within the district shall be maintained by the Clerk in CM/ECF and shall be available for viewing through PACER and at either of the Clerk's offices.

- (b) Place of Filing

Pro Se parties may file conventionally (in paper) at either of the Clerk's offices or by mail. Represented parties are required to file electronically in the CM/ECF system.

## **Rule 5005-2 Filing Papers – Number of Copies**

An entity filing a paper with the Clerk need provide only the original for filing. If the entity filing a paper wants one or more file-stamped copies, the filing shall include the additional copies together with a self- addressed, stamped envelope for the Clerk's use in returning the copies.

## **Rule 5005-4 Electronic Filing**

### **(a) Electronic Filing**

- (1) Except as otherwise provided in these rules, or when exceptional circumstances prevent an entity from filing electronically, all papers required to be filed with the court shall be filed electronically.
- (2) For each paper submitted for filing via conventional means that is required to be filed electronically pursuant to the Court's Administrative Procedures for Filing, Signing, Verifying, and Maintaining Pleadings and Other Papers in the Electronic Case Filing (ECF) System, an Order to Show Cause shall be entered, setting the matter for hearing at least 21 days after service of said Order. At this hearing, the attorney filer will be required to show cause as to why sanctions in the amount of \$25.00 for each paper submitted to the Clerk for filing via conventional means should not be imposed. The Clerk shall issue a notice canceling said hearing, only upon the filing of a Consent to Order Imposing Sanctions, accepting the sanctions as defined, signed by the filing attorney within 14 days of the date of the original Order to Show Cause.
- (3) The filing of a petition, pleading, motion or other paper in the Court's electronic filing system must comport with the requirements and procedures established through the Court's Administrative Procedures for Filing, Signing, Verifying, and Maintaining Pleadings and Other Papers in the Electronic Case Filing (ECF) System.
- (4) A petition, pleading, motion, or other paper filed electronically by an attorney who is a registered participant in the Electronic Case Filing System shall be the equivalent of a filed paper containing the written signature of that attorney under Federal Rule of Bankruptcy Procedure 9011.
- (5) The electronic filing of a pleading or other paper in accordance with the Procedures shall constitute entry of that pleading or other paper on the docket kept by the Clerk under Federal Rule of Bankruptcy Procedure 5003.



- (6) The Clerk shall enter all orders, decrees, judgments, and proceedings of the court in accordance with the Procedures, and such entry shall be an entry on the docket under Federal Rules of Bankruptcy Procedure 5003 and 9021.
- (7) Notice of Electronic Filing
  - (A) Whenever a pleading or other paper is filed electronically, at the time of its docketing, the Electronic Case Filing System will automatically generate a Notice of Electronic Filing and serve it on all registered participants entitled to service of the notice.
  - (B) The filing party shall, under applicable rules, serve the pleading or other paper upon all entities entitled to service who are not registered participants in the Electronic Case Filing System.
  - (C) If the entity entitled to service is a registered participant in the Electronic Case Filing System, service of the Notice of Electronic Filing shall be the equivalent of service of the pleading or other paper by first-class mail, postage prepaid.
- (b) Passwords
  - (1) Participation in the Electronic Case Filing System by registering with PACER and requesting permission to file shall constitute a request for service and notice electronically pursuant to Federal Rule of Bankruptcy Procedure. 9036. Participants in the Electronic Case Filing System agree to receive notice and service by electronic means.
  - (2) An attorney shall not permit his or her password to be used by anyone other than an authorized employee of his or her law firm.
  - (3) No one shall intentionally use or cause another person to use the password of a registered attorney unless such person is an authorized employee of the law firm.

#### **Rule 5007-1 Transcripts**

- (a) Transcripts of court proceedings may only be electronically filed by a transcriber who has been certified by either the American Association of Electronic Reporters and Transcribers (AAERT) or the National Court Reporters Association (NCRA) or has received provisional approval from the Administrative Office of the United States Courts.
- (b) For a period of 90 days from the filing of the transcript, electronic access via PACER will not be permitted except as provided under Paragraph (c) below. However, the transcript will be available for viewing at the office of the Clerk, free of charge, at any

public terminal located in either of the Clerk's offices, but it will not be available for copying during this period.

- (c) During this 90-day restriction period, a copy of the transcript may be obtained from the transcriber. An attorney or party in the case who purchases the transcript from the transcriber will also be given remote electronic access to the transcript through the Court's CM/ECF system via PACER, for purposes of creating hyperlinks to the transcript in court filings and for other purposes. PACER fees apply at all times when accessing transcripts remotely and the 30-page cap does not apply to viewing or printing a transcript via PACER.
- (d) Members of the public, including the news media, who purchase a transcript, shall not be granted remote electronic access to a transcript during the 90-day restriction period.
- (e) Upon the filing of a transcript, the Clerk shall generate and serve a "Notice of Filing of Transcript and of Deadlines Related to Restriction and Redaction." Parties shall have 7 days from the date of filing of the transcript to file a "Notice of Intent to Request Redaction of Transcript."
- (f) Parties who timely file the "Notice of Intent to Request Redaction of Transcript", shall, within 21 days of the filing of the transcript, unless otherwise ordered by the Court, prepare and submit to the transcriber a "Statement of Personal Data Identifier Redaction Request" ("Statement"). This "Statement" shall indicate, by page and line number, the location of the personal data identifiers for which redaction is being requested. For purposes of this procedure, personal data identifiers are defined as:
  - (1) individual social security numbers,
  - (2) individual taxpayer identification numbers,
  - (3) financial account numbers,
  - (4) names of minor children, and
  - (5) dates of birth.

Upon submission of the "Statement" to the transcriber, parties requesting the redaction shall also docket the text-only event into the Court's CM/ECF system "Statement of Redaction Submitted," which will appear as a public document on the docket.

- (g) Parties seeking to redact information beyond those elements specified in Paragraphs (f)(1-5) of this Rule shall file the appropriate motion. If the motion is granted, the Clerk shall serve a copy of the motion and order granting said motion upon the transcriber.

- (h) Redaction responsibilities are solely the responsibility of the attorneys and pro se parties who attended the hearing. Each party is responsible for reviewing and indicating redactions in the testimony of the witnesses that were called by that party and for that party's own statements.
- (i) If a "Notice of Intent to Request Redaction of Transcript" has been filed and subsequently a "Statement" is submitted to the transcriber within the 21-day deadline set forth in Paragraph (f) of this Rule, the transcriber shall partially redact the personal data identifiers identified in the "Statement" as follows:
  - (1) for Social Security numbers and taxpayer-identification numbers, use only the last four digits;
  - (2) for financial account numbers, use only the last four digits;
  - (3) for names of minor children, use only their initials; and
  - (4) for dates of birth, use only the year.

The transcriber shall then file, within 31 days from the filing of the transcript, a redacted transcript with an amended certification indicating that the transcript was amended by the redaction of certain personal identifiers at the request of the parties. Parties who have previously ordered the unredacted transcript shall be given remote access to the redacted transcript.

- (j) After the 90-day restriction period has expired, the filed transcript (or if a redacted transcript was filed the redacted transcript) will be available for inspection and copying at the Clerk's office and for downloading from the Court's CM/ECF system via PACER. Copy fees and PACER access fees apply. However, a transcript will not be electronically available until the Court has ruled on intervening motions for extension of time or for protective orders related to the transcript.
- (k) If a redacted transcript has been filed in accordance with the provisions of this rule, ONLY the redacted version will be available via remote electronic access, or for inspection at the Clerk's office. The unredacted version will NOT be available.
- (l) The policy set forth in this rule:
  - (1) Does not affect the obligation of the Clerk to make the official transcript available for copying by the public without further compensation to the transcriber 90 days after the transcript is filed pursuant to Judicial Conference policy.
  - (2) Is not intended to create a private right of action.

- (3) Is intended to apply the Judicial Conference policy on privacy and public access to electronic case files to transcripts that are electronically available to the public. It is not intended to change any rules or policies with respect to sealing or redaction of court records for any other purpose.
- (4) Does not prevent the production of a transcript on an expedited basis for a party, or any other person or entity, that may order such a transcript, subject to whatever court rules or orders are currently imposed to protect sealed materials. Any non-party that orders a transcript on an expedited basis should be alerted to the Judicial Conference policy on privacy and public access to electronic case files by the entity providing the transcript to the party.

#### **Rule 5071-1 Continuance**

- (a) A continuance of a trial or hearing may be granted for good cause. Agreement of counsel alone is not sufficient grounds for a continuance.
- (b) A motion to continue must be filed as promptly as practicable after a party or an attorney learns of the grounds necessitating the filing of the motion.
- (c) A person intending to request a continuance must contact all opposing counsel to advise them of the intended motion and to ascertain whether opposing counsel will consent to the motion.
- (d) A motion to continue must be in writing and must specify the grounds for continuance. Unless the movant is not represented by an attorney in the proceeding, the motion must state whether all opposing counsel have been contacted about the continuance and whether any opposing counsel objects to the motion. If opposing counsel could not be consulted about the continuance, the motion must specify what efforts were made to contact opposing counsel.
- (e) If an opposing party objects to the continuance, movant's counsel must contact the Courtroom Deputy to schedule a hearing on the motion. The hearing may be conducted by telephone unless the parties contemplate the introduction of evidence rather than the professional representations of counsel.
- (f) A motion to continue must be served on opposing counsel and on any parties not represented by an attorney. If the motion is resisted, the motion must contain conspicuous notice of the time and date of the hearing on the continuance and whether the hearing will be held at a court location or by telephone. If the hearing is to be held by telephone, it is the responsibility of movant to place the call and ascertain from opposing counsel the telephone number at which each may be called.
- (g) If a motion to continue is filed within 14 days of the hearing or trial date, movant's counsel must telephonically advise the Courtroom Deputy that the motion is being filed.

- (h) Movant must provide a proposed order for an unresisted motion.
- (i) A motion to continue which does not comply with this Rule may be denied without a hearing.

#### **Rule 5072-1 Courtroom Decorum**

- (a) Attorneys and parties shall conduct themselves in court matters with dignity, propriety, and civility. *See* Local Rule 2090-1(d).
- (b) Hearings are recorded electronically. Accordingly, attorneys and pro se parties shall speak into a microphone while addressing the Court. Attorneys and pro se parties shall communicate with the Court while seated at counsel table or from behind a lectern if one is available and the Court so directs or the person so desires. Counsel may not approach the bench unless requested or permitted.
- (c) Counsel and pro se parties may remain seated at counsel table while examining witnesses unless the Court requires use of a lectern. Counsel and pro se parties may approach a witness with Court permission for the purpose of presenting or examining an exhibit.
- (d) Witnesses may not be addressed by their first names or nicknames.
- (e) Neither counsel nor a party may leave the hearing unless and until excused.
- (f) Participants attending court shall dress appropriately considering the serious nature of the proceedings.

#### **Rule 5073-1 Photography, Recording Devices, and Broadcasting**

- (a) Prohibited Acts
  - (1) A person must not take photographs, make audio or video recordings, or broadcast from the courtroom or its environs during the progress of or in connection with judicial proceedings, whether or not court is actually in session.
  - (2) The dissemination of any recorded courtroom transmissions by any means, for any purpose, by or to any person, without an order authorizing such dissemination is prohibited. Any unauthorized dissemination shall subject the person or persons responsible to appropriate sanctions.
- (b) Environs Defined

For purposes of this rule, “environs” means all rooms in a courthouse or building where a judicial proceeding is being conducted or which are being used or occupied by court personnel or proceeding participants, and all passageways and stairways immediately adjacent thereto.

(c) Judicial Proceeding Defined

As used in this rule, “judicial proceeding” means any trial or hearing held by the Bankruptcy Court and any meeting of creditors held pursuant to 11 U.S.C. § 341.

(d) Official Record

This rule does not prohibit the Clerk’s use of audio equipment in recording proceedings or the use of audio recorders by the United States Trustee, trustee, or other presiding officer at a meeting of creditors held pursuant to 11 U.S.C. § 341.

(e) Laptop Computers or Similar Devices

Attorneys participating in a case may use laptop computers or similar devices as technical support.

(f) Cellular Phones

Cellular phones are prohibited in the federal courthouse. Exceptions may be granted for legal counsel attending court proceedings, but they must be silenced.

**Rule 5075-1 Clerk – Delegated Functions of**

The Clerk is authorized to execute the following orders:

- (a) orders granting applications to pay filing fees in installments pursuant to Local Rule 1006-1(a);
- (b) discharges of debtors in chapter 7 cases;
- (c) final decrees; and
- (e) such other orders as the Court may direct.

**PART 6. COLLECTION AND LIQUIDATION OF THE ESTATE**

**Rule 6004-1 Sale, Abandonment, or Other Disposition of Estate Property**

(a) Dispositions on General Notice

Except as provided in paragraph (b) of this Rule and unless the Court orders otherwise in a particular case or proceeding, not less than 21 days’ notice must be given to all

creditors and parties-in-interest (including the debtor, debtor's attorney, trustee, and United States Trustee) with respect to any proposed sale, abandonment, other disposition of property, or the compromise or settlement of claims or controversies.

(b) Dispositions on Limited Notice in Chapter 7 Cases

Unless the Court orders otherwise in a particular case or proceeding, a chapter 7 trustee may:

- (1) sell personal property having a scheduled value of less than \$3,000 after excluding the value of liens and exemptions;
- (2) compromise or settle any claim, controversy, or cause of action on an account receivable of a value claimed due by the debtor of less than \$5,000; or
- (3) abandon property of the estate by filing a report of sale, compromise, or abandonment with the Clerk, certifying thereon that a copy of said report has been served on the debtor, debtor's attorney, the United States Trustee, and upon any entity who, as of the date of the filing of the report, has filed a Request for Notices pursuant to Local Rule 2002-1(b).

Any entity wanting to object to such disposition of property must file an objection with the Clerk within 21 days after the filing of the report by the trustee. The objection must be served on the trustee, United States Trustee, debtor, and debtor's attorney. Timely filed objections will be set for hearing by separate notice. If there is no timely filed objection as to a disposition under Subsections (b)(1) or (b)(3) of this Rule, the proposed sale or abandonment will take place without an order. If there is no timely filed objection to a compromise or settlement under Subsection (b)(2) of this Rule, the trustee shall submit for the Court's consideration a proposed order approving the compromise or settlement.

(c) Notice; Objection; Hearing

A notice under Paragraph (a) of this Rule shall be filed and served by the trustee or the debtor-in-possession. The trustee or debtor-in-possession shall use a current copy of the Clerk's matrix for serving notice. The server shall file a proof of service which has attached to it a copy of the Clerk's matrix which was used for service.

The notice must state that objections to the proposed sale, abandonment, compromise, or other disposition of property must be filed with the Clerk and served on the trustee, United States Trustee, debtor, and debtor's attorney within 21 days of service of the notice or within such other specific time as may have been fixed by the Court. The notice must further state that timely filed objections to the proposed disposition, if any, will be set for hearing before the Court by separate notice, and if no timely objection is

filed, the proposed sale or abandonment will take place without an order. If the disposition is the sale or compromise of a claim or controversy, the notice shall provide that if there is no timely filed objection, an order approving the sale or compromise will be submitted to the Court for its consideration.

(d) Competing Offers on Proposed Private Sales

If a trustee or debtor-in-possession serves notice of a private sale of property of the estate, and a creditor or equity security holder files, within the time for objection, a bona fide offer to purchase the property at a greater price, the offer will be treated as an objection to the proposed private sale. The offer must be served on the trustee, United States Trustee, debtor, and debtor's attorney.

(e) Description of Property

A trustee or debtor who proposes to sell, abandon, or otherwise dispose of property must include a description that reasonably identifies the property to be disposed of. Nothing in this rule prohibits the trustee or debtor from describing the property by incorporating by reference a description of property set forth in a document attached to the notice or motion. Such an attached document may be a copy of a mortgage, security agreement, or the relevant portion of the debtor's schedules.

(f) Notice to Creditors

The notice of the commencement of the case and the meeting of creditors in a chapter 7 case shall contain the following language:

NOTICE IS GIVEN that during the course of administration, the chapter 7 trustee may sell, abandon, or otherwise dispose of property, including the compromise or settlement of controversies, by filing a report of such intended action with the Clerk, with a copy served upon the U.S. Trustee, debtor(s), debtor(s) counsel, and those creditors and equity security holders who have requested notice pursuant to Rule 2002 of the Bankruptcy Rules.

## **PART 7. ADVERSARY PROCEEDINGS**

### **Rule 7001-1 Adversary Proceedings - General**

Notwithstanding Federal Rule of Bankruptcy Procedure 7001(2) and (9), a debtor may request by a motion a determination that a judgment lien has not attached to debtor's homestead but only if the request is joined with a motion to avoid lien under 11 U.S.C. § 522(f)(1)(A). *See* Local Rule 4003-1.



### **Rule 7003-1 Adversary Proceeding Cover Sheet**

All adversary complaints shall include an Adversary Cover Sheet (Director's Form 1040).

### **Rule 7005-2 Filing of Discovery Materials**

Unless otherwise ordered or required pursuant to this rule, parties to an adversary proceeding shall not file notices of or requests for discovery or responses thereto.

### **Rule 7026-1 Discovery - General**

Rules 26(a)(1), 26(a)(2), 26(a)(3), and 26(f) of the Federal Rules of Civil Procedure as incorporated by Federal Rule of Bankruptcy Procedure 7026 shall be applicable in adversary proceedings filed in this Court. The timing of all disclosures under these Rules shall be determined by separate orders entered in each proceeding. Except as limited by Federal Rule of Civil Procedure 30(a), the parties may engage in discovery before the scheduling conference.

### **Rule 7033-1 Discovery - Interrogatories**

A party serving interrogatories shall, after each interrogatory, leave a reasonable amount of space for the response. The person preparing the answers to interrogatories shall use the space provided and any necessary attachment sheets.

### **Rule 7036-1 Discovery – Requests for Admission**

A party serving requests for admission shall, after each request, leave a reasonable amount of space for the response. The person preparing the answers shall use the space provided and any necessary attachment sheets.

### **Rule 7037-1 Discovery - Disputes**

#### **(a) Parties Must Confer -- Affidavit**

Except in circumstances where one party to a discovery dispute is appearing pro se, a motion relating to discovery will not be considered by the Court unless counsel for the moving party has filed an affidavit stating that he or she has conferred personally in good faith with counsel for the opposing party in an effort to resolve the discovery dispute without court intervention and that the parties have been unable to reach such an agreement. Alternatively, counsel must certify what efforts were made to confer with opposing counsel or why such conference was not held.

#### **(b) Discovery Disputes**

- (1)** A motion to compel discovery must have attached to it the relevant discovery requests and responses.

- (2) A motion seeking the imposition of sanctions under Federal Rule of Civil Procedure 37(b), (c), or (d) must have attached to it all documents considered by movant to be relevant to the motion.

#### **Rule 7054-1 Costs – Taxation/Payment**

- (a) If the Court allows costs to the prevailing party, in order to recover costs, the party must file a “Bill of Costs” (Director’s Form 2630) and serve it upon counsel for the adverse party within 21 days of the allowance. Failure to file within the required time shall constitute a waiver of the recovery of costs.
- (b) A party opposing the Clerk’s taxation of costs shall have 14 days from the service of the Bill of Costs to file a resistance to taxation. After that time, the Clerk shall tax the costs in the amount determined by the Clerk to be appropriate. On motion served within 7 days after the Clerk’s taxation of costs, a party may seek review of the Clerk’s taxation.
- (c) Unless otherwise ordered by the Court, all costs taxed are payable directly to the party entitled thereto.

#### **Rule 7055-1 Default – Involuntary Dismissal of Settled Cases**

Upon notice to the Court that an adversary proceeding has been settled, the parties shall file within 30 days thereafter such papers as are required to dispose of the proceeding. Upon failure to file the papers, the Court may order the dismissal of the action without further notice and without prejudice of the right of any party to seek relief from the order of dismissal.

#### **Rule 7056-1 Summary Judgment**

A party desiring oral argument on a motion for summary judgment must make the request in the motion or the resistance; the request should be identified as part of the title of the pleading. Oral argument will be held at the discretion of the presiding judge.

### **PART 8. APPEALS**

#### **Rule 8006-1 Designation of Record - Appeal**

All documents designated by the parties, except for exhibits, shall be maintained electronically in CM/ECF by the Clerk. If any party desires that an exhibit be transmitted as part of the designation of record, the party shall make that request in writing to the Clerk at the time of the designation of record.

#### **Rule 8007-3 Docketing Appeal**

The Clerk shall notify the Appellate Court of any failure of a party to pay required fees or costs.

## **PART 9. GENERAL PROVISIONS**

### **Rule 9001-1 Definitions**

The terms defined in Federal Rule of Bankruptcy Procedure 9001 shall have the same meanings when used in these Local Rules.

### **Rule 9004-1 General Requirement of Form**

- (a) A local rule may be cited as “Local Rule \_\_\_\_” or “L.R. \_\_\_\_.”
- (b) Parties may cite unpublished decisions of this Court in their briefs or memoranda. The decisions of this Court made prior to March 2004 are available on the Court’s website. Decisions/Opinions entered into CM/ECF since March 2004 may be found on the United States Government Publishing Office’s website.

### **Rule 9006-1 Time Periods – Reduction or Enlargement**

A request for the reduction or enlargement of a time period specified in the Federal Rules of Bankruptcy Procedure or these Local Rules shall state the reason for the change. A proposed order must be submitted.

### **Rule 9010-1 Representations and Appearances – Attorneys and Pro Se Parties**

- (a) Attorney Identification Number -- Initial Filing

The first paper filed in a case which is required to be signed by an attorney pursuant to Federal Rule of Bankruptcy Procedure 9011(a) must contain the attorney’s bar association number.

- (b) Attorney Information Required for All Filings

Every paper served or filed in a case which must be signed by an attorney pursuant to Federal Rule of Bankruptcy Procedure 9011(a) shall contain below the attorney’s signature the attorney’s business address, business telephone number, and business e-mail address.

- (c) Pro Se Parties

- (1) Only an individual may appear on his or her own behalf (pro se). Artificial persons such as corporations and partnerships must be represented in any proceeding by a licensed attorney. Artificial persons need not be represented by

an attorney in order to appear at the meeting of creditors held pursuant to 11 U.S.C. § 341 or to file proofs of claim, ballots in chapter 11 cases or acceptances or rejections of plans in cases under chapter 12 or 13.

- (2) Every paper served or filed by an entity not represented by an attorney shall contain the filer's mailing address, telephone number, and if available e-mail address.

### **Rule 9013-3 Certificate of Service - Motions**

Proof of service of all papers required or permitted to be served, other than those for which a method of proof is prescribed in the Federal Rules of Bankruptcy Procedure, shall be filed promptly with the Clerk, and, in any event, before action is to be taken thereon by the Court. The proof of service must show the date and manner of service and may be by written acknowledgment of service, by certification of a member of the bar of this Court, by affidavit of the person who served the papers, or by any other satisfactory proof.

### **Rule 9014-1 Contested Matters**

#### **(a) Responses Required**

- (1) If debtor intends to resist an objection to exemption or a motion for relief from stay, debtor shall file a response. See Local Rule 4003-1 and 4001-1(c).
- (2) If the party intends to resist a motion to avoid lien, the party affected by the motion shall file a response. See Local Rule 4003-2.

#### **(b) Pleading**

Rules 7008 and 7009 of the Federal Rules of Bankruptcy Procedure shall apply in contested matter proceedings.

#### **(c) Discovery**

- (1) The following Rules of Civil Procedure as incorporated by Federal Rules of Bankruptcy Procedure 7026 and 9014 shall not be applicable to contested matter proceedings: Federal Rules of Civil Procedure 26(a)(1), 26(a)(2)(B), and 26(f).
- (2) The disclosures required by Federal Rules of Civil Procedure 26(a)(2)(A) (the disclosure of the identity of expert witnesses) and 26(a)(3) (pretrial disclosures) shall be made in contested matter proceedings at the time of the exchange of exhibits under Local Rule 9070-1.
- (3) Local Rules 7033-1, 7036-1, and 7037-1 shall apply to contested matter proceedings.

### **Rule 9027-1 Removal/Remand**

When an action is removed to the Bankruptcy Court, the party filing the notice of removal shall file with the notice a list of the following:

- (a) all pleadings or other papers filed in the case from which the cause of action or claim is removed;
- (b) all matters pending in state court which will require resolution in the Bankruptcy Court; and
- (c) the names of all attorneys who have appeared in the removed action, their addresses, phone numbers, business e-mail addresses, and the names of the parties whom they represent.

### **Rule 9029-1 Local Rules - General**

Any Local Rule of this district is subject to modification by the judge as may be necessary in the interests of justice or to meet the needs of a particular case or circumstance.

### **Rule 9036-1 Notice by Electronic Transmission**

- (a) Electronic Notice
  - (1) Electronic service of a Notice of Electronic Filing on a recipient that is a Filing User of the Electronic Case Filing System is the equivalent of service of the paper by first class mail, postage prepaid.
  - (2) Filing Users shall ensure that all electronic filing activities and submissions conform to the requirements of Local Rule 5005-4, and to the Court's Administrative Procedures for Filing, Signing, Verifying and Maintaining Pleadings and Other Papers in the Electronic Case Filing (ECF) System.
- (b) Notice of Preferred Address
  - (1) An entity and a notice provider may agree that when the notice provider is directed by the Court to give a notice to that entity, the notice provider shall give the notice to the entity in the manner agreed to and at the address or addresses the entity supplies to the notice provider. That address is conclusively presumed to be a proper address for the notice. The notice provider's failure to use the supplied address does not invalidate any notice that is otherwise effective under applicable law.

- (2) The filing of a notice of preferred address pursuant to 11 U.S.C. § 342(f) by a creditor directly with the agency or agencies that provide noticing services for the Bankruptcy Court will constitute the filing of such a notice with the Court.
- (3) Registration with the National Creditor Registration Service must be accomplished through the agency that provides noticing services for the Bankruptcy Court. Registration information is available at <https://bankruptcynotices.uscourts.gov>

#### **Rule 9037-1 Privacy Protection for Filings Made with the Court**

- (a) Names of Minor Children - On Schedule J of Official Bankruptcy Form 106J debtors shall list only the relationship and age of the debtor's dependents (i.e., son, age 6).
- (b) Redaction Responsibility - The responsibility for redacting personal identifiers rests solely with counsel and the parties. Neither the Clerk nor the Court will independently review each document for compliance with Federal Rule of Bankruptcy Procedure 9037.

#### **Rule 9070-1 Exhibits**

- (a) Marking Exhibits

Prior to the commencement of a trial or hearing, all exhibits to be offered into evidence shall be marked with exhibit labels. The original label shall be affixed to the exhibit which will be offered into evidence. The plaintiff or moving party shall identify its exhibits using consecutive numbers. The defendant or respondent shall identify its exhibits using consecutive letters. If there is more than one plaintiff, moving party, defendant or respondent, the parties shall agree as to a division of numbers or letters, and the exhibit labels should clearly identify the party by whom the exhibit is offered.

- (b) Exhibit List

A party offering an exhibit shall submit an Exhibit List which lists all of the exhibits which the party proposes to offer into evidence. The form of the Exhibit List is available on the Court's website. Prior to the commencement of the trial or hearing, the list shall be delivered to the Courtroom Deputy. Also prior to the commencement of the hearing or trial, the Courtroom Deputy shall initial and date each exhibit label. Copies of the Exhibit List shall be made available for opposing counsel and the presiding judge.

- (c) The party offering an exhibit into evidence shall provide copies to each opposing counsel and three copies to the Court.
- (d) Exchanging Exhibits Prior to Trial

All exhibits must be served on opposing counsel at least 14 days prior to the date of the hearing or trial. The offeror shall promptly file proof of service. If a party who proposes to introduce an exhibit into evidence serves a copy of the offered exhibit on opposing counsel in accordance with this Rule, the exhibit will be admitted without further authentication or foundation, unless a party wanting to object to the offer serves and files a written objection at least 7 days prior to the commencement of the trial or hearing. The written objection must state the grounds for the objection. If trial or hearing is scheduled on an expedited basis, the motion seeking such expedition shall propose an expedited schedule for the exchange of exhibits.

(e) Custody of Clerk

All exhibits which have been received shall remain in the custody of the Clerk. Before judgment in the proceeding becomes final, exhibits may not be removed from the custody of the Clerk without order of the Court and the execution of a receipt.

(f) Withdrawal or Destruction after Final Judgment

Unless the Court orders otherwise or an appeal is filed, when judgment is final and is no longer subject to an appeal, exhibits may be claimed and withdrawn by the party to whom they belong. Any exhibits not claimed and withdrawn within 60 days may be destroyed or otherwise disposed of by the Clerk. The Clerk shall give the attorneys of record 14 days notice of the Clerk's intent to dispose of the exhibits.

(g) Record of Withdrawal or Destruction

The Clerk shall obtain and file a receipt specifying exhibits withdrawn from the Clerk's custody. The Clerk shall prepare and file a statement identifying all exhibits destroyed or otherwise disposed of, the date of the Clerk's action and the date notice of intent to act was served on the attorneys of record.

**Rule 9072-1 Orders - Proposed**

(a) Proposed Orders

- (1) Proposed orders must be submitted to the Clerk for the Court's consideration when the request for relief is uncontested or when all parties agree to the relief granted in the proposed order. Additionally, proposed orders must be submitted to the Clerk with the following requests for relief: extensions of deadlines, continuances, Rule 2004 examinations, avoidance of liens on default, sustaining objections to exemptions on default, and where otherwise provided by these Rules or requested by the Court.
- (2) Orders prepared by counsel and submitted to the Clerk for the Court's consideration must be submitted as a separate document. The proposed order

must indicate in the lower left-hand corner of the signature page the name of the attorney who prepared and submitted the order and the party whom the attorney represents. If the order exceeds one (1) page, additional pages shall be identified with the name of the debtor, the bankruptcy or adversary number and the order's page number.

- (3) Instructions on submitting proposed orders can be found on the Court's website. Failure to provide proposed order could result in issuance of Order to Submit Proposed Order, setting the matter for a show cause hearing or in some instances, denial of relief requested.

(b) Consent Orders

When parties to a proceeding desire to resolve a matter by the entry of an order, all parties or their attorneys must consent to the entry of the proposed order.

**Rule 9073-2 Hearings - Expedited**

- (a) A request for an expedited hearing on any matter must be made in a separate motion filed with the motion or other pleading on which the party seeks expedited hearing or relief. The motion must specify why the expedited hearing is sought, including the nature of any emergency, and the time within which the hearing is sought.
- (b) A motion for expedited hearing or relief may be combined with a request to reduce notice under Federal Rule of Bankruptcy Procedure 9006.

**Rule 9074-1 Telephone Conferences**

- (a) A request for a telephonic hearing may be made by separate motion or in the motion, application, response, objection, or other paper necessitating the hearing. The caption's title must include a reference to the request.
- (b) A hearing will not be held by telephone if a party contemplates the examination of a witness or the offering of exhibits.