

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF LOUISIANA

NOTICE OF PROPOSED AMENDMENTS
TO THE LOCAL RULES

In accordance with Bankruptcy Rule 9029, public notice is given of the following proposed amendments to the Local Rules of the United States Bankruptcy Court for the Eastern District of Louisiana. These changes are made in order to be consistent with the time-computation amendments to the Federal Rules that are to become effective on December 1, 2009.

Local Rules 1006-1(B), 1015-1, 2007.1-1, 2083-1, 3015-1, 3015-2, 7007-1, 7026-1(C), 7041-1(A), 7067-1(D), 9013-1(B), and 9013-2(B) are amended to read as follows, with the revisions underlined. All amendments are to be effective December 1, 2009.

Comments may be made in writing and must be received by **October 23, 2009** as follows:

- (1) by email to Bankruptcy_Clerk@laeb.uscourts.gov, or
- (2) by mail to the Clerk of Court, U.S. Bankruptcy Court, EDLA, 500 Poydras St., Suite B-601, New Orleans, LA 70130.

1006-1(B) Effect of Dismissal of Case

If a case is dismissed voluntarily or for cause prior to payment of the entire filing fee, the debtor must pay, within **14** ~~10~~ days of the date of dismissal, whatever fee remains due at the time the case is dismissed.

1015-1 Joint Administration or Substantively Consolidated Cases

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(b) *Consolidated Mailing Matrix.* **When the court orders** Upon joint administration or consolidation, the debtor must, within **7** ~~10~~ days of the entry of the order, file ~~with the clerk~~ a consolidated mailing matrix comprising a total mailing list of all interested parties in all the jointly administered and consolidated cases, without duplication. The mailing matrix must comply with Rule 1007-2 of these rules.

2007.1-1 Election of Trustee in Chapter 11 Reorganization Case

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(c) *Application for Approval of Appointment and Resolution of Disputes.* Unless there is an unresolved dispute as to the election, the United States Trustee will promptly appoint the person elected to be trustee and file an application for approval of the appointment of the elected person under Bankruptcy Rule 2007.1(b), except that the application does not have to contain names of parties in interest with whom the United States Trustee has consulted. If it is necessary to resolve a dispute regarding the election, the United States Trustee must promptly file a report informing the court of the dispute. If no motion for the resolution of the dispute is filed within **14** ~~10~~ days after the date of the creditors' meeting called under Section 1104(b) **of the Code**, a person appointed by the United States Trustee in accordance with Section 1104(d) ~~of the Code~~ and approved in accordance with Bankruptcy Rule 2007.1(b) will serve as trustee.

2083-1 Chapter 13 – Additional Duties of Trustee and Debtor

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(b) *Debtor's Duties:*

1. The debtor must provide all tax refunds to the trustee. The debtor must move the court for use of the funds within **21** ~~20~~ days of receipt of the funds by the Chapter 13 trustee if the debtor wishes to receive any portion of the tax refund.

3015-1 Objections to Confirmation

Objections to confirmation must be filed in writing and served on the debtor, the debtor's attorney, and the trustee **7** ~~eight calendar~~ days prior to the confirmation hearing.

3015-2 Modification of Plan

(a) *Prior to Confirmation.* At least **7** ~~five~~ days prior to the confirmation hearing, the attorney for the debtor must send notice of any modification to the trustee and to all creditors affected by the modification. A copy of the notice, including a certificate of mailing, must be filed with the modification.

(b) After Confirmation. The party requesting plan modification after confirmation must send notice of any such request, accompanied by a summary of the proposed modification, to the trustee and to all creditors affected by the modification. The notice must state that any objections to the proposed modification are to be filed by written pleading with the court and the trustee within 21 20 days of mailing of the notice and that a hearing will be held on a specific date thereafter. A copy of the notice, including a certificate of mailing, must be filed with the proposed modification. After hearing, the court may approve the plan as modified. Any motions for modification of the Chapter 13 plan that do not adversely affect the creditors may be authorized by *ex parte* order.

7007-1 Motion for Extension of Time to Plead

Upon certification by a moving party that there has been no previous extension of time to plead and that the opposing party has not filed an objection to an extension of time, then by an *ex parte* motion and order, the court will allow one extension for a period of 21 20 days from the time the pleading would otherwise be due. Further extensions will not be granted by stipulation, but only by application to the court and for good cause shown.

7026-1(C) Meeting of Parties under Bankruptcy Rule 7026

(a) Except as otherwise ordered in a particular case, the conference between the parties required by Bankruptcy Rule 7026 adopting FRCvP 26(f) must be held no later than 7 ~~seven working~~ days before the scheduled pretrial conference.

7041-1(A) Dismissal for Failure to Prosecute

In adversary proceedings, if no responsive pleadings or motion for entry of default have been filed within 60 days after issuance of the summons, an order to show cause will be issued to counsel for the plaintiff(s) to show why the adversary proceeding should not be dismissed for lack of prosecution. The order setting the date and time for the scheduled show cause hearing will be served on counsel for plaintiff(s), allowing at least a 21 20 day notice.

Unless good cause is shown prior to or at the scheduled hearing, the adversary proceeding will be dismissed.

7067-1(D) Disbursement of Registry Funds

On all checks drawn by the clerk on registry funds, the name of the payee must be written as that name appears in the court's order providing for disbursement. Counsel must also provide the Social Security number or Tax I.D. number for each payee and complete mailing or delivery instructions for each payee. The Social Security number must be submitted to the financial deputy clerk, and should not be filed into the record.

Unless otherwise ordered, the clerk will issue disbursements as soon after receipt of the order as the regular business practices of the clerk's office permits, but not before the 14 ~~10~~ day appeal period has run. It is the responsibility of the moving party to verify that the funds have been paid within a reasonable time.

9013-1(B) Setting Motions for Hearing

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(b) *Twenty-One Day Twenty-Day Notice*. A party filing a motion must, at the time of filing, set the motion for hearing no earlier than the first motion day that is at least 21 ~~20~~ days after the motion is noticed for hearing, except as otherwise specifically provided by the Bankruptcy Rules, ordered by the court, or agreed to by all parties entitled to notice. In case of a motion under Section 362(d) of the Bankruptcy Code, if there is no motion day more than 21 ~~20~~ days after notice, but less than 30 days after filing, the hearing will be set on the last motion day that is not more than 30 days after the motion is filed.

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(d) *Notices to Creditors*. If a notice to all creditors is required by the Bankruptcy Rules, it must set forth: (1) the title of the motion or other form of relief requested; (2) the name of the movant; (3) the name, address, and telephone number of counsel for movant; (4) the relief requested by the movant, concisely described; (5) the date, time, and place of the hearing; and (6) that any party opposing the motion or other relief requested must file a written objection or response with the clerk no later than 7 ~~eight-calendar~~ days prior to the scheduled hearing and must serve the attorney for the movant by that date. If an opposition or response is not timely filed and served as set forth below, the court may grant the relief requested without hearing.

9013-2(B) Objections and Response/Opposition Memoranda

Each party opposing a motion must file its reasons for opposing the motion no later than ~~7~~ eight-calendar days prior to the noticed hearing date and must at the same time serve a copy on the opposing parties.

A copy of the opposition must be served on opposing counsel in the same fashion and at the same time as filed with the court.

If a reply memorandum is filed by the movant, it must be filed and chambers must be notified no later than 24 hours before the hearing. No further memoranda may be filed except with leave of court.

You may access the court's notice of the proposed amendments to the Uniform Local Rules at the court's website: www.laeb.uscourts.gov

October 2, 2009

R. Marla Hamilton, Clerk of Court