



# Clerk's Notes



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OCTOBER 2011

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## I. Filing fee increases effective November 1, 2011

Increases to bankruptcy fees will become effective on November 1, 2011. A partial list of the new fees is as follows:

Adversary	\$293
Chapter 7	\$306
Chapter 11	\$1,046
Chapter 12	\$246
Chapter 13	\$281
Certification	\$11
Misc. Proceeding	\$46
Lift Stay	\$176
Motions to Divide	Same as the filing fee for the chapter
Notice of Appeal	\$298
Amendments	\$30
Tape/CD	\$30
Records Retrieval	\$53

A complete list of the fees is posted on the Court's website at [www.laeb.uscourts.gov](http://www.laeb.uscourts.gov) under "What's New".

## II. New Minimum Installment Payment

Due to the increase in filing fees, applications to pay filing fees in installments must now be accompanied by an initial installment payment of at least \$61.00.

## III. Amendments to Bankruptcy Rules and Forms - effective December 1, 2011

### A. Amendments to Rules

Several amendments to the Bankruptcy Rules become effective on December 1. These include: 1004.2 (new), 2003, 2019, 3001, 3002.1 (new), 4004, and 6003. For a description of the changes, go to the U.S. Courts website at [www.uscourts.gov](http://www.uscourts.gov) - Rules & Policies - Federal Rulemaking - Pending Rules Amendments.

### B. New and amended forms

A number of other new and amended forms become effective on December 1. The new forms required to address Rule 3002.1 – claims secured by a security interest in the debtor’s principal residence – are Form 10 (Attachment A), Form 10 (Supplement 1), and Form 10 (Supplement 2).

For more information, go to the U.S. Courts website at [www.uscourts.gov](http://www.uscourts.gov) - Forms & Fees - Bankruptcy Forms - Related Material - Pending Changes.

## IV. Filing Proposed Orders, Motions, Notices of Hearings, and Objections

### A. Submitting orders timely

Reminder that orders must be submitted within 2 days of a hearing. The Clerk’s Office regularly monitors to ensure that orders are filed after the hearings are held. If an order is not filed, an order to show cause may be set.

### B. Motions to Withdraw a Claim - Section A

In order to withdraw a proof of claim in Section A, a motion to withdraw must be filed. The event code is in CM/ECF under “Bankruptcy”;

“Motions/Applications”; “Withdraw Claim (Section A)”. If the motion is filed after the claims objection deadline, the motion must be noticed for hearing. Otherwise, the matter will be granted *ex parte*.

Because claimants have limited creditor passwords that do not allow them to file motions, the court will allow these parties to file requests or letters instead of motions. This event code can be found under Creditor Claim Actions in Bankruptcy Events. The Clerk’s Office will set the matter for hearing when necessary.

Attorneys and non-attorney filers should submit orders to:  
[SectionAOrders@laeb.uscourts.gov](mailto:SectionAOrders@laeb.uscourts.gov).

#### C. Linking objections to confirmation of plan

When objections are linked to chapter 13 plan confirmations, the objections appear automatically on the hearing docket and the Clerk’s Office does not have to search the entire docket sheet for objections. Some attorneys are forgetting to link their objections. To assist in the smooth operations of the hearing dockets, please link objections to the plan.

#### D. Notices of Hearing

##### 1. 21 day response period

A **21** day notice period is now required for the majority of motions now heard on motion day. *See* Bankr.R. 2002. Please update all notice of hearing forms to reflect this change from the previous 20 day notice period.

##### 2. Current mailing matrix

When serving creditors and parties in interest, please be sure to use the most current mailing matrix in CM/ECF. Some attorneys are incorrectly using the original list of creditors, which may not include updates and may result in deficient service.

To access the current mailing list, go to CM/ECF and click on Reports, then Creditor Mailing Matrix.

#### E. Redacting private information from pleadings

We continue to see pleadings, claims, and attachments that include unredacted personal identifier information. The filer is responsible for complying with the privacy rules and ensuring that confidential information is redacted from court filings. *See* Fed.R.Bankr.P. 9037; LBR 5005-1(F).

#### F. Credit Counseling and Financial Management Course Certificates

Remember to file the pre-petition credit counseling certificate with the petition (unless an exemption applies). If the certificate is not filed, the Clerk's Office will issue a deficiency, and the case may ultimately be dismissed.

Individual chapter 7 debtors must also file the certificate of financial management course (Form 23) within 60 days of the meeting of creditors. Individual chapter 13 and 11 debtors must file the certification no later than the date of the last plan payment. If the certification is not timely filed, an order to show cause may be filed or the case may be closed without a discharge.

#### V. Liquids in the U.S. Courthouse and Hale Boggs Federal Building

The U.S. Marshals Service implemented a new liquids policy for our buildings on August 1, 2011. People entering the buildings are limited to five 3 ounce containers of liquids, gels, creams, and aerosol products. Items purchased and consumed inside the buildings are permitted.

#### VI. PACER fee increase - effective April 1, 2012

The Judicial Conference has authorized an increase in the Judiciary's electronic public access fee that will take effect on April 1, 2012. The cost will increase from \$.08 to \$.10 per page, with the cost of a single document capped at \$2.40. PACER users who do not accrue charges of more than \$15 in a quarterly billing cycle will not be charged a fee.

Local, state, and federal government agencies will be exempted from the increase for three years.

## VII. Electronic Courtroom Technology

Reminder that our courtrooms are equipped with audio-visual technology that allows attorneys to present evidence electronically. We encourage you to use the equipment. The equipment includes a DVD/VCR player, touch screens, a document camera, and more. Laptop connectors are located on the lectern and the attorney tables.

Section A - Paper exhibit books are still required prior to trial, even if you plan on using the system to present evidence electronically.

Section B - If you plan to use the electronic evidence presentation system instead of the joint exhibit book now required in the pretrial notices, please notify chambers 7 days before the trial.

If you would like to practice using the equipment, whether or not before a trial or hearing, please call Brian Richoux, Chief Deputy (589-7822) to make arrangements.

## VIII. Updated version of CM/ECF coming in November

We anticipate that CM/ECF Release 4.1 and 4.2 will be uploaded onto our system during the weekend of November 19. A special edition of the Clerk's Notes will be coming soon with information about the new release.