

UNITED STATES BANKRUPTCY COURT
CENTRAL DISTRICT OF ILLINOIS

PROPOSED LOCAL BANKRUPTCY RULES

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RULE 1001-1 DEFINITIONS

- A. "Administrative Procedures" means the Administrative Procedures for the Case Management/Electronic Case Filing System, dated July 10, 2017, as may be amended.
- B. "Bankruptcy Code" or "Code" means title 11 of the United States Code, as amended.
- C. "Bankruptcy Court" or "Court" refers to the bankruptcy judges of the United States Bankruptcy Court for the Central District of Illinois.
- D. "Bankruptcy Rules" means the Federal Rules of Bankruptcy Procedure.
- E. "Clerk" refers to the clerk of court duly appointed by the United States Bankruptcy Court for the Central District of Illinois, any deputy clerk, and any member of a judge's staff who has taken the oath of office to perform the duties of a deputy clerk.
- F. "CM/ECF" means the Case Management/Electronic Case Filing System.
- G. "District Court" means the United States District Court for the Central District of Illinois.
- H. "District Court Local Rules" means the Local Rules promulgated by the District Court.
- I. "Local Rules" means the Local Rules adopted by the Bankruptcy Court as set forth herein.
- J. "Mailing matrix" means the list required by Bankruptcy Rule 1007(a)(1) containing the name and address of each entity included or to be included on schedules D, E/F, G, and H.
- K. "Official Form" means the current Official Bankruptcy Form approved for use by the Judicial Conference of the United States as may be modified by the Court.
- L. "Rules" may be in reference to any applicable rule, including these Local Rules, the District Court Local Rules, the Bankruptcy Rules, or the Federal Rules of Civil Procedure.
- M. "Section" or "§" refers to provisions of the Bankruptcy Code unless otherwise specified.

N. "Trustee" means the person appointed or selected to serve as case or standing trustee under the Bankruptcy Code, but not the debtor in possession in a case under Chapter 11.

RULE 1001-2 SCOPE OF LOCAL RULES

(A) **Purpose.** These Local Rules are adopted pursuant to Bankruptcy Rule 9029 to govern the local practice and procedures before the Bankruptcy Court and shall be cited as "ILCB LR ____." They are intended to supplement the Bankruptcy Rules and those portions of the Federal Rules of Civil Procedure that are incorporated by the Bankruptcy Rules. The Local Rules are to be construed consistent with, and subordinate to, the Bankruptcy Rules and the Federal Rules of Civil Procedure and to promote the just, speedy, and economic determination of every bankruptcy case and proceeding. Numbers for the Local Rules track numbers of related Bankruptcy Rules to the extent they exist.

(B) **Application.** These Local Rules shall apply to all bankruptcy cases and proceedings in the Central District of Illinois except to the extent the Court determines them to be inconsistent with applicable law, the Bankruptcy Rules, or the Official Forms or the Court explicitly finds that one or more of the Local Rules should not apply in a particular circumstance. Unless the Court specifically determines otherwise, the nonenforcement of any Local Rule or provision thereof in a particular case or proceeding does not change the Rule's applicability in that or any other case or proceeding and does not preclude any party in interest or the Court, sua sponte, from raising issues of noncompliance. Failure to comply with these Local Rules may result in denial of relief requested, dismissal, or other sanctions.

(C) **Modification or Suspension.** In specific cases or proceedings, the Court, upon its own motion or the motion of any party, may suspend or modify any of these Local Rules if the interests of justice so require.

RULE 1002-1 COMMENCEMENT OF VOLUNTARY CASE

(A) **Voluntary Case Filing.** A case under the Code may only be commenced by petition. A voluntary petition must be signed by the debtor(s) and filed on the current Official Form. A "case" opened by filing an unsigned petition is a nullity and will be dismissed without notice or hearing. Petitions filed on a form other than the current Official Form may be dismissed without notice or hearing.

(B) **Mailing Matrix.** The debtor shall file with the voluntary petition a list containing the name and address of each entity included on Schedules D, E/F, G, and H. The list is commonly referred to as the mailing matrix. For cases filed electronically, the mailing matrix shall be submitted in a computer readable format. An extension of time to file the mailing matrix may only be granted upon motion and for cause. See Fed. R. Bankr. P. 1007(a)(5). Any voluntary case filed without the required list or a motion seeking an extension of time for cause may be dismissed without notice or hearing.

(C) **Compliance with Credit Counseling Requirements.** All voluntary petitions for individual debtors shall include a statement regarding each debtor's compliance with the credit counseling requirements of §109(h). Subject to subsections (1), (2), and (3) of this paragraph, each individual debtor shall personally satisfy the statutory pre-petition credit counseling requirements and file with the petition a certificate of completion as required by §521(b). In a joint case, each debtor must obtain their own certificate; both certificates may be saved as a single PDF and filed together. Credit counseling may not be completed by a power of attorney (POA), guardian, or other representative on the debtor's behalf.

- (1) If the debtor has received the credit counseling briefing required by §109(h)(1) but does not have the certificate required by §521(b) when the petition is filed, the debtor shall state as much on the petition and file the certificate within 14 days thereof.
- (2) If the debtor is unable to complete credit counseling despite meaningful efforts to do so, the debtor shall include with the petition a certification under §109(h)(3), describing their efforts to obtain the required credit counseling briefing and exigent circumstances that merit a temporary waiver of the requirements of §109(h)(1).
- (3) If the debtor is unable to complete credit counseling due to incapacity, disability, or active military duty in a combat zone as defined in §109(h)(4), the debtor shall state as much on the petition and file contemporaneously with the petition a motion to excuse compliance entirely on that basis.

The failure of any debtor in an individual or joint voluntary case to satisfy the requirements specified in this subsection may result in dismissal of the case as to each such debtor without notice or hearing.

RULE 1006-1 FILING FEES

(A) **Case Filing Fee.** The case filing fee is required with the filing of the petition. The only exceptions are in voluntary cases filed by individuals where the petition is accompanied

by a request to pay the filing fee in installments or to waive the filing fee entirely made by application, prepared on the appropriate Official Form and signed by the debtor.

(B) **Fees for CM/ECF Filings.** Subject to paragraph (A) of this Rule, any document filed electronically through CM/ECF shall be accompanied by the appropriate fee. All CM/ECF transactions that require a filing fee must be paid through the Pay.Gov system. Payment for all transactions must be made within a 24-hour period or the E-Filer's access to CM/ECF will be temporarily disabled.

(C) **Fees for Other Filings.** Subject to paragraph (A) of this Rule, any document filed by a pro se individual and not through CM/ECF shall be accompanied by the appropriate fee in the form of cash, cashier's check, or money order. Payments by personal check or credit card will not be accepted. Cash will only be accepted in person and for the exact amount due. The Clerk's Office is not authorized to accept cash sent via the mail and cannot make or give change.

RULE 1007-1 LISTS, SCHEDULES, STATEMENTS, AND OTHER REQUIRED CASE DOCUMENTS

(A) Except as provided in paragraph (C) of this Rule and subject to the Court ordering otherwise, the lists, schedules, statements, and other documents required under Bankruptcy Rule 1007 shall be completed on the most current Official Form (if any) and filed with the petition or within such other time prescribed by Bankruptcy Rule 1007 as applicable. If not signed, the required documents shall be accompanied by an unsworn declaration on the appropriate Official Form signed by the debtor(s) per Bankruptcy Rule 1008.

(B) Judges may issue orders for missing documents in Chapter 7, 12, and 13 cases and in some Chapter 11 cases depending on the judge to whom the case is assigned. Such orders constitute notice that the case may be dismissed without further hearing if documents are not timely filed.

(C) **Payment Advices.** Regarding the filing of payment advices pursuant to 11 U.S.C. §521(a)(1)(B)(iv), copies of all payment advices or other evidence of payment received within 60 days before the date of the filing of the petition by the debtor from any employer of the debtor:

(1) Shall not be filed unless otherwise ordered;

- (2) Shall be provided by the debtor to the trustee at least seven days before the first date set for the meeting of creditors conducted pursuant to 11 U.S.C. §341; and
- (3) Shall be provided by the debtor promptly to any creditor who sends written request to the debtor.

RULE 1009-1 AMENDMENTS OF VOLUNTARY PETITIONS, LISTS, SCHEDULES, AND STATEMENTS

(A) **Generally.** Amendments to voluntary petitions, lists, schedules, and statements shall be filed on the most current Official Form and be signed by the debtor(s) or accompanied by an unsworn declaration on the appropriate Official Form signed by the debtor(s) per Bankruptcy Rule 1008.

(B) **Social Security Number.** An amended Statement of Social Security Number shall be filed for any change or correction to the debtor's social security number. If the change or correction affects the last four digits of the debtor's social security number, an amended petition shall also be filed.

(C) **Amendments to Schedules; Specific Requirements.**

- (1) Amendments of Schedules A/B, C, I, and J shall include all information requested on the schedule so that the amended schedule fully replaces the previously-filed schedule.
- (2) Amendments of Schedules D, E/F, G, and H shall include only the new information. When new creditors or parties in interest are added, a fee may be due and shall be tendered with the amended schedule.
- (3) Amended schedules shall be accompanied by a Declaration on the applicable Official Form.
- (4) Amended schedules of assets or liabilities shall be accompanied by a Summary of Assets and Liabilities on the applicable Official Form.
- (5) Because creditors and parties in interest have only 30 days to object after filing of an amended claim of exemptions, the debtor must serve an amended Schedule C on the entire mailing matrix. The 30-day objection period shall only begin to run upon the docketing of a certificate of service of the amended Schedule C.

(6) Amended schedules that add creditors or parties in interest shall be served on those added parties.

(D) Removing Creditor from Mailing Matrix. A request to remove a creditor or party in interest from the mailing matrix must be made by motion. Refiling the original schedules or filing amended schedules with the creditor crossed off or with a notation that the creditor is to be deleted is not effective. A motion filed by the debtor seeking to have a creditor removed shall be served on that creditor. A creditor that is removed from the mailing matrix on their own motion waives the right to any future notices in the case.

RULE 1014-1 VENUE

For cases in which the debtor's address as disclosed on the petition or otherwise entered into CM/ECF (if different) is not located within the Central District of Illinois, the petition should be accompanied by a motion to fix venue that sets forth the basis for venue in the Central District of Illinois.

RULE 1017-1 CONVERSION – REQUEST FOR/NOTICE OF

(A) A case under Chapter 12 or 13 may be converted to one under Chapter 7 by the debtor filing a notice of conversion. Upon such filing, the Clerk shall process the conversion. All other conversions shall be requested by motion and shall be considered only after notice and hearing.

(B) One debtor in a joint case may seek conversion as provided in paragraph (A) of this Rule to the exclusion of the other joint debtor. If the conversion is allowed, the Clerk shall deconsolidate the joint case and assign a new case number to the case of the converting debtor. The debtor in the converted case shall be responsible for the associated deconsolidation fee assessed following conversion.

RULE 2002-1 NOTICE AND SERVICE REQUIREMENTS

(A) **Service Requirements.** All parties are responsible for the service of their pleadings, motions, and other papers on all other parties in interest entitled to notice and for filing a certificate of such service. Failure to complete service as required may result in the pleading, motion, or other paper being stricken or the relief requested therein being denied.

(B) **Proof of Service Required.** A certificate of service shall include the full name of each person served electronically and the full name and address of each person served by mail or otherwise. A certificate of service must state the precise manner of the service made on each party or entity. A certificate of service which states that service was made by one of several possible methods without specifying the actual method used may be stricken. Any certificate of service which is docketed separately from the pleading served shall include the case caption and specifically identify the pleading served. A sample certificate of service form is available on the Court's website under "Local Forms."

RULE 2016-1 COMPENSATION OF DEBTOR'S ATTORNEY

(A) **Counsel for Debtors.** Every attorney representing a debtor in a case filed under any chapter shall file with the petition or within 14 days thereafter a statement, on the most current Official Form, disclosing the compensation paid or agreed to be paid to such attorney for services in contemplation of or in connection with the case.

(B) **Changes to Compensation Agreement; New or Additional Counsel for Debtors.** If the amount or other terms of the compensation agreement change post-petition, an amended disclosure of compensation must be filed within 14 days of the date the agreement is entered into. If an attorney appears as additional or substitute counsel for a debtor, a disclosure of compensation for the new or substituted attorney shall be filed with that attorney's appearance or motion to substitute.

RULE 2090-1 ATTORNEY ADMISSION; REPRESENTATION AND APPEARANCES

(A) **General Admission to Practice before the Bankruptcy Court.** Any attorney appearing before this Court must be admitted to practice before the United States District Court for the Central District of Illinois. The requirements for attorney admission, including requests to appear pro hac vice, and the standards concerning attorney discipline, including the Rules of Professional Conduct adopted by the Supreme Court of Illinois, as set forth in the District Court's Civil LR 83.5 and 83.6 are adopted by and apply to attorney practice before this Court.

(B) **Electronic Filing.** With limited exceptions, attorneys are required to file documents electronically through CM/ECF and must obtain a login and password to do so. An attorney's login and password may only be used by that attorney or such individuals authorized by them to file documents on their behalf. One attorney's login and password may not be used to file documents on behalf of or signed by another attorney.

Use of another attorney's CM/ECF credentials to file a document may result in the filed document being stricken and both attorneys being sanctioned. The Administrative Procedures posted on the Court's website are to be strictly followed.

- (C) **Attorney of Record; Individual Appearances.** Every petition, pleading, written motion, and other paper except a list, schedule, or statement (and amendments thereto) shall be signed by at least one attorney of record in the attorney's individual name. To be "of record" and authorized to sign pleadings, documents, or agreed orders on behalf of a party, every attorney, other than the attorney who filed the initial bankruptcy petition or the complaint in an adversary proceeding, must enter his or her appearance for that party. Only individual attorneys may enter an appearance; appearances by firms are not permitted.
- (D) **Withdrawal and Substitution of Counsel.** Withdrawal from representing a party may only be accomplished by order of court upon motion requesting withdrawal. Filing a notice stating that an attorney is or has withdrawn is not effective. An attorney of record for a party will remain so until an order has been entered allowing the withdrawal. The filing of an appearance by a new attorney will not itself result in the withdrawal of any prior attorney of record.

RULE 3007-1 OBJECTIONS TO CLAIMS

- (A) **Generally.** Objections to claims shall include, in both the text of the objection and in the docket entry, the name of the creditor and the claim number of the claim that is the subject of the objection.
- (B) Claim objections shall state with particularity the basis for the objection and the precise relief requested. The form of a claim objection should allow for the entry of a text order granting the objection as filed, without further explanation. Claim objections should not include requests for alternative forms of relief or general requests such as for "any other or further relief the Court deems appropriate." Relief for which an adversary complaint is required may not be obtained by filing an objection to claim, but an adversary complaint may include a claim objection.
- (C) **Omnibus Claim Objections.** If a creditor has filed more than one claim, objections to multiple claims of that creditor may be included in the same objection if each claim is identified by number and the basis to object to each claim is stated with particularity. Omnibus claim objections involving claims of more than one creditor are not favored and, absent justification satisfactory to the Court, may be required to be refiled as separate objections before they will be processed.

RULE 3015-1 CHAPTER 13 PLANS

- (A) **Local Plan Form Required.** All Chapter 13 plans shall be filed using the local plan form available on the Court's website. The local plan form must be completely filled in, including indicating "None" in the provisions where that is an applicable option. All plans shall be signed and dated by the attorney for the debtor or by the debtor if pro se. Plans may be signed by debtors represented by an attorney, but a debtor's signature must be in addition to and not instead of the attorney's signature. Amended plans shall be clearly labeled as such and indicate the amended plan's iteration (first, second, third, and so forth).
- (B) **Service of Plans and Amended Plans.** The Clerk will send a copy of the original plan to all creditors and parties in interest with a notice scheduling an objection or hearing date. The Clerk will not, however, send copies of amended plans. Debtors shall serve all amended plans and file a certificate of service. The Clerk will then send a notice scheduling an objection or hearing date to all creditors and parties in interest.

RULE 4001-1 AUTOMATIC STAY

- (A) **Motions for Relief from Stay.** All motions seeking relief from the automatic stay shall specifically identify any property subject to the motion. Motions seeking stay relief with respect to property based on a perfected secured interest in such property should have attached as exhibits copies of all documents necessary to support the movant's claim. Copies of any documents required to be recorded in order to perfect a secured interest should include the recording information.
- (B) **Agreed Motions; Filing Fees.** Agreed motions for stay relief shall be signed by the movant's attorney and the debtor's attorney (or the debtor if pro se), as well as the trustee in Chapter 7 cases unless the trustee has filed a report of no distribution or affirmatively abandoned the property that is subject to the motion. Agreed motions complying with these requirements do not require a fee. For all other motions, the required fee shall be tendered with the filing even if the movant alleges that the motion is unopposed.
- (C) **Motions to Extend or Impose the Stay.** Every motion to extend or to impose the stay shall contain the case number and date of dismissal of the debtor's prior case or cases dismissed within the preceding year. Every motion shall also contain a detailed statement of the facts demonstrating that the current case was filed in good faith. Motions to extend the stay pursuant to §362(c)(3) shall be filed concurrently with the petition or within such time shortly thereafter to facilitate scheduling the matter for

hearing and to provide sufficient notice to all creditors and parties in interest in advance of the hearing. Motions to extend the stay must be heard within 30 days of the filing of the petition and will not be heard on an emergency basis and shortened notice. Motions to impose the stay pursuant to §362(c)(4) shall be filed within 30 days of the case filing. All motions to impose or extend the stay will be set for hearing; the debtor's attendance is required.

RULE 4003-1 EXEMPTIONS AND LIEN AVOIDANCE

(A) **Requests by Motion.** Motions to avoid lien per §522(f) shall include sufficient information to allow the Court to determine—on the face of the motion, without having to refer to other case documents—whether the requested relief is warranted. All motions must include:

- (1) the name of the lien holder,
- (2) a description of the property (address or legal description if applicable),
- (3) the value of the property,
- (4) identification of the holder(s) and amount of all consensual liens or other liens on the property,
- (5) the basis for the lien (judgment, etc.),
- (6) information regarding the exemptions impaired by the lien, and
- (7) the legal basis for lien avoidance.

In addition, all motions to avoid lien should clearly lay out the mathematical calculation supporting the requested relief in a manner consistent with §522(f)(2).

(B) **Requests Made Through Chapter 12 or 13 Plan.** A request to avoid a lien under §522(f) may also be made as part of a Chapter 12 or 13 debtor's proposed plan. All the substantive requirements for requests to avoid lien by motion under paragraph (A) of this Rule still apply.

(C) **Adversary Proceeding Required.** Requests to determine the priority, validity, or extent of a lien must be filed as an adversary proceeding.

(D) **Service Required.** For lien avoidance under paragraph (A) or (B) of this Rule, the debtor shall serve affected creditors with notice in accordance with Bankruptcy Rules 9014 and 7004 and file proof of such service.

RULE 4008-1 REAFFIRMATION AGREEMENTS

(A) **General Requirements.** Reaffirmation agreements must satisfy the requirements of §524(c), (d), and (k) and shall be filed in a form substantially similar to Director's Procedural Form 2400A (Form B 2400A) or Director's Procedural Form 2400A/B ALT (Form B 2400A/B ALT). Every reaffirmation agreement must also be accompanied by a cover sheet completed on Official Form 427.

(B) **Hearing Required.** A hearing and court approval shall be required in cases where an attorney of record has signed the attorney certification but a presumption of undue hardship exists and in all cases where the debtor is not represented by counsel.

(C) **Leases.** The assumption of a lease of personal property in a Chapter 7 case by a debtor is governed by §365(p)(2) rather than the provisions of §524(c). Regardless of the form used for such assumptions, the process is not subject to court approval and the filing of a reaffirmation agreement related to a lease of personal property will not be set for hearing.

RULE 5005-1 STRICKEN DOCUMENTS

(A) A document filed with an improper caption, without any signature or with an improperly formatted electronic signature, by using the wrong CM/ECF event, or with any other defect that limits the ability of the Clerk to properly process the document may be stricken without notice or hearing.

(B) Stricken documents may not be amended. The striking of a document is, however, without prejudice to the filing of a new, corrected document that seeks the same relief as the stricken document.

(C) Unless the Court orders otherwise, the striking of a document does not extend any deadline set by the Code, Rules, or court order for the filing of the document. The stricken document does not serve as a placeholder for a corrected document to be filed after the running of a deadline.

RULE 6004-1 SALE OF ESTATE PROPERTY

- (A) **Sales Free and Clear.** Requests to sell an asset free and clear of lien or other interests shall be made by motion that:
- (1) specifically identifies the creditor or party having a lien on or interest in the property to be sold and the type of interest involved,
 - (2) states the claimed amount of the lien, and
 - (3) identifies the specific subparagraph of §363(f) that permits the free and clear sale.
- (B) **Notice of Intent.** The movant shall file a separate notice of intent with each sale motion.
- (C) **Special Sale Procedures or Qualifications.** Special procedures or qualifications for bidding, objecting, and generally conducting the sale shall be requested by separate motion filed prior to the motion to sell and notice of intent to sell.
- (D) **Report of Sale Required.** A report of sale must be filed for every sale.
- (E) **Auctioneers or Brokers.** If an auctioneer, broker, or other professional is to conduct a sale of property, their employment must be approved before the sale will be authorized.
- (F) **Debtor Sales.** Debtors may only sell property of the estate in reorganization cases.
- (G) **Sale Confirmation Not Required.** Orders confirming sales are not required by the Code or Rules and generally will not be entered even if tendered.

RULE 7003-1 COMMENCEMENT OF ADVERSARY PROCEEDINGS

An adversary proceeding is commenced by filing a complaint. The complaining party shall file and docket the complaint in a manner that accurately reflects the nature of the suit and the relief sought. If, after filing, the complaining party finds that the complaint as filed or docketed in CM/ECF is not accurate, that party shall seek appropriate relief by filing an amended complaint or correspondence addressed to the Clerk requesting correction of the docket.

RULE 7004-1 SERVICE OF SUMMONS

Proof of Service Required. When an adversary complaint is filed, the Clerk will issue a summons for service on the defendant(s) to the proceeding. The plaintiff shall serve the summons and provide proof of service by filing a copy of the complete, executed summons and attached certificate of service using the “Summons Service Executed” docket event. If service is not made in the manner and time provided under Bankruptcy Rule 7004, the serving party must file a request for an alias summons using the “Correspondence” docket event.

RULE 7026-1 DISCOVERY MATERIALS

Except as provided by Local Rule 7037-1 or order of court, discovery materials—meaning all materials related to discovery under Rules 26 through 36 of the Federal Rules of Civil Procedure, made applicable to bankruptcy proceedings by Bankruptcy Rules 7026 through 7036 and 9014, and to discovery taken under Bankruptcy Rule 2004—shall not be filed.

RULE 7037-1 DISCOVERY DISPUTES

- (A) **Responding to Discovery.** Responding parties shall precisely state any objections and answer or otherwise comply with each discovery request and subpart to the extent not objected to so that any disputes can be narrowly focused for resolution.
- (B) **Motions Regarding Disputes.** Motions to compel and other motions regarding discovery disputes shall only be filed after a good faith attempt has been made to resolve matters without court intervention. Every motion shall include a statement certifying the movant’s good faith attempt to resolve the disputes before filing the motion and outlining those efforts in detail.

RULE 7041-1 DISMISSAL OF PROCEEDINGS TO DENY OR REVOKE DISCHARGE

- (A) **Requirements for Motion to Dismiss Adversary Proceeding to Deny or Revoke Discharge.** No adversary proceeding objecting to or seeking revocation of a debtor’s discharge under §§727, 1141, 1228, or 1328 of the Bankruptcy Code will be dismissed except upon motion with service made to the debtor, the United States Trustee, the trustee, if any, and all creditors and other parties of record. The motion shall either:
 - (1) state that no entity has promised, has given, or has received directly or indirectly any consideration to obtain or allow such dismissal; or

(2) specifically describe any such consideration promised, given, or received.

(B) **Notice Period.** The Court may dismiss a proceeding of the type described in paragraph (A) of this Rule without further notice or a hearing if the United States Trustee, the trustee, or another party in interest does not object to dismissal or move to intervene or be substituted for the plaintiff within 21 days following the filing and service of the motion to dismiss.

RULE 7055-1 ENTRY OF DEFAULT AND DEFAULT JUDGMENTS

(A) **Clerk Not to Enter Default Judgments.** Notwithstanding Bankruptcy Rule 7055, a party seeking entry of judgment by default shall present a motion to the judge, rather than the Clerk. Unless otherwise directed by a judge, the Clerk will not prepare or sign default judgments in any adversary proceeding or contested matter under Bankruptcy Rules 7055 or 9021. Such judgments shall be presented to the Court for entry.

(B) **Requirements for Default Judgment.**

(1) **Entry of Default.** A default shall be entered only at the request of the party seeking relief and upon showing that the defendant was properly served and failed to appear or respond to the complaint. No motion for default judgment shall be granted unless the moving party has established that the defendant is in default.

(2) **Default Judgment.** A motion shall be filed and accompanied by any documents necessary to prove up the moving party's entitlement to a default judgment. This includes exhibits or affidavits that establish the truth of the allegations in the complaint and the amount of damages.

(3) **Servicemembers Civil Relief Act of 2003.** If the defendant is an individual, the moving party shall file an affidavit of compliance with 50 U.S.C. §3931 before a default judgment will be entered.

(C) Requests for entry of default and default judgment should be combined in a single motion. Such motion must specifically request entry of judgment in the moving party's favor and, together with attachments, must establish the moving party's entitlement to both entry of default and a default judgment. The party moving for default/default judgment shall serve the motion on all other parties to the proceeding and file a certificate of such service.

(D) Motions for default/default judgment will generally only be granted after notice and an opportunity for hearing.

RULE 7056-1 SUMMARY JUDGMENT

The District Court Civil LR 7.1(D) regarding motions for summary judgment and responses and replies thereto applies in proceedings before this Court and shall be followed unless the Court orders otherwise.

RULE 9006-1 EXTENSIONS OF TIME

Motions to extend time to perform an act required under the Code or Rules or by order of court shall specifically request a date certain or a definite period of time within which to complete the required act.

RULE 9013-1 MOTION PRACTICE

(A) **Generally.** Requests for entry of an order should be made by filing a written motion or application setting forth with particularity the relief sought and grounds therefor. With limited exceptions, proposed orders must be linked to a matter pending before the Court. Uploaded orders that purport to resolve matters not specifically requested in a pending motion or adversary complaint will generally not be entered even if agreed.

(B) **Motions to Continue Setting.** A motion to continue a matter set before the Court should include the reason or basis for the motion, a statement about whether other parties were consulted and agree to the requested relief, and the period of time or specific dates sought for a continued setting.

RULE 9037-1 PRIVACY PROTECTION; RESTRICTED FILINGS

(A) **Privacy Protections.** The filer of a document is responsible for protecting against disclosure of sensitive information in filed documents. Sensitive information should not be included in any document filed with the Court unless its inclusion is required by the Bankruptcy Rules or Official Forms or is otherwise necessary and relevant to the case.

(B) **Redactions.** If sensitive information must be included in a filing, the filer should, in accordance with Bankruptcy Rule 9037, modify or partially redact the information prior

to filing or take appropriate remedial action to redact information included in a previously-filed document.

- (C) **Filing Documents Under Seal.** In order to file a document under seal, a party or attorney must first seek leave to do so by motion. If the motion for leave to file document under seal is granted, the movant will be able to file the document using the “Sealed Document” event under *Bankruptcy>Miscellaneous* in CM/ECF. Documents filed without first obtaining leave and using the correct docketing event will not be sealed and cannot be sealed after the filing. Although the Clerk can later restrict access to the filing, the document will have already been transmitted through CM/ECF to all users in the case.
- (D) **Highly Sensitive Documents.** Certain types of documents deemed highly sensitive must be filed and maintained outside CM/ECF. Specific procedures for determining what qualifies as a highly sensitive document and the manner in which they are to be filed and maintained are set forth in the Court’s General Order Regarding the Filing of Highly Sensitive Documents, entered January 25, 2021, available on the Court’s website.