UNITED STATES DISTRICT COURT
308 United States Courthouse
1010 Fifth Avenue
Seattle, WA 98104

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MAY 19 1994

AT SEATTLE
CLERK U.S. DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
BY DEPUTY

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON

IN RE: LOCAL RULES OF BANKRUPTCY PROCEDURE	ORDER ADOPTING LOCAL RULES OF BANKRUPTCY PROCEDURE

PURSUANT TO Rule 9029, Fed.R.Bankr.P., and Rule 83, F.R.Civ.P., it is hereby

ORDERED that the attached Local Rules of Bankruptcy Procedure for the Western District of Washington are adopted by the undersigned and are applicable to all bankruptcy cases and proceedings as of the date hereof.

DATED at Seattle, Washington, this 19th day of May, 1994.

Barbara J. Rothstein
BARBARA J. ROTHSTEIN
CHIEF UNITED STATES DISTRICT JUDGE

John C. Coughenour
JOHN C. COUGHENOUR
UNITED STATES DISTRICT JUDGE

Carolyn R. Dimmick
CAROLYN R. DIMMICK
UNITED STATES DISTRICT JUDGE

ROBERT J. BRYAN
UNITED STATES DISTRICT JUDGE

WILLIAM L. DWYER
UNITED STATES DISTRICT JUDGE

THOMAS S. ZILLY
UNITED STATES DISTRICT JUDGE

FRANKLIN D. BURGESS
UNITED STATES DISTRICT JUDGE

UNITED STATES BANKRUPTCY COURT
315 Park Place Building
1200 Sixth Avenue
Seattle, WA 98101

UNITED STATES BANKRUPTCY COURT FOR THE
WESTERN DISTRICT OF WASHINGTON

IN RE: LOCAL RULES OF BANKRUPTCY PROCEDURE	RECOMMENDATION TO THE UNITED STATES DISTRICT COURT FOR ADOPTION OF LOCAL RULES OF BANKRUPTCY PROCEDURE

THE UNDERSIGNED JUDGE of the above-entitled Court recommends that the attached proposed Local Rules of Bankruptcy Procedure for the Western District of Washington be adopted by the United States District Court for the Western District of Washington, pursuant to Rule 9029, F.R.Bankr.P., and Rule 83, F.R.Civ.P.

DATED at Seattle, Washington, this 4 day of May, 1994.

SAMUEL J. STEINER
Chief Bankruptcy Judge

PROPOSED AMENDMENTS TO THE

LOCAL RULES OF BANKRUPTCY PROCEDURE
FOR THE
WESTERN DISTRICT OF WASHINGTON

LOCAL RULES OF BANKRUPTCY PROCEDURE
FOR THE
WESTERN DISTRICT OF WASHINGTON

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General Rule 1--ASSIGNMENT OF CASES

All cases shall be assigned by the clerk to the respective judges of the court. Assignments shall be made on a random basis, including reassignments where necessitated by the recusal or absence of the assigned judge, except in cases filed under chapter 13 and cases assigned according to geographic locale. Related cases may be assigned to the same judge on motion of a party in interest made in accordance with Local Bankruptcy Rule 9013, or at the discretion of the court; provided, however, that a debtor or petitioning creditor may bring such a motion *ex parte*, if notice of the bankruptcy has not yet been sent to creditors. Adversary proceedings shall be assigned to the judge to whom the case has been administratively assigned.

In the absence of the assigned judge for any reason, a party in interest seeking emergency relief must obtain any temporary reassignment from the office of the clerk, who shall make such temporary reassignment. Temporary reassignment applications shall be available from the office of the clerk.

General Rule 2--PLACE OF FILING

All cases in which the debtor resides, or has its principal place of business or principal assets, in the counties of Clark, Cowlitz, Grays Harbor, Lewis, Mason, Pacific, Pierce, Skamania, Thurston and Wahkiakum, shall be filed at Tacoma. All other cases shall be filed at Seattle.

Rule 1001--SCOPE OF RULES; SHORT TITLE

(a) Scope; Effective Date. These Local Rules of Bankruptcy Procedure (hereinafter "Local Bankruptcy Rules") govern practice and procedure in the United States Bankruptcy Court for the Western District of Washington. These rules supersede all previous local rules and general orders of the Bankruptcy Court for the Western District of Washington and shall apply to all cases and proceedings pending in this court on and after December 1, 1990.

(b) Local Rules of District Court. The Local Rules of the United States District Court for the Western District of Washington (hereinafter "Local Rules W.D. Wash.") are rules of the United States Bankruptcy Court for the Western District of Washington, except

as they may be inconsistent with Title 11, United States Code (hereinafter "Bankruptcy Code"), the Federal Rules of Bankruptcy Procedure (hereinafter Fed.R.Bankr.P.), or these Local Bankruptcy Rules.

Rule 1006--FILING FEE

A discharge shall not be granted to any debtor otherwise entitled to a discharge pursuant to Bankruptcy Rule 4004(c), unless the filing fee has been paid in full.

Rule 1007--LISTS, SCHEDULES, AND STATEMENTS

(a) Copies of Petitions, Schedules, Statements, and Lists. In addition to the original signed petition, , schedules, statements, and lists (including the master mailing list described in subsection (b) of this rule) required by the Federal Rules of Bankruptcy Procedure, the debtor shall file :

(1) three copies in cases filed under chapters 7 and 12;
(2) two copies in cases filed under chapter 13; and
(3) four copies in cases filed under chapters 9 and 11.

(b) Master Mailing List to be Filed with Petition.

(1) Contents of List. Every bankruptcy petition shall be accompanied by a master mailing list containing the names and addresses of all creditors and the United States trustee. In chapter 11 cases, the list shall also include the taxing authority for any county in which the debtor holds an interest in real estate, whether or not taxes are owed on the property.

(2) Format of List. The master mailing list shall be submitted in the format designated by administrative regulation of the clerk.

(3) Amendment of List. A supplemental mailing list shall be filed with any schedule or amended schedule which contains additions to the original list. The supplemental list shall conform to the format designated by the clerk pursuant to administrative regulation.

(4) Accuracy of Master Mailing List. The filing of the list shall be deemed to be a verification by the debtor that the list is a complete and accurate listing of all creditors, with the last known mailing address of each party listed. The clerk's office shall not be required to compare the names and addresses shown on the master mailing list with those on the schedules or amendments thereto; provided, however, that the clerk shall add to the list any creditors or parties in interest who have filed proofs of claim or written requests for notice. The debtor shall notify the clerk promptly of any corrections or changes

to the master mailing list.

(c) Return Copies of Documents Filed. A person seeking the return by mail of a copy of any document filed shall submit an additional copy of the document requested, together with a self-addressed, stamped envelope.

(d) Extension of Time to File Schedules and Statements.

(1) A motion for extension of time to file schedules and statements shall be filed prior to the expiration of the deadline for filing. Such a motion shall be made on five days' notice to those specified in Rule 1007(a)(4), Fed.R.Bankr.P., and to entities requesting notice pursuant to Rule 2002(i), Fed.R.Bankr.P. If no objection is timely filed, an order may be presented *ex parte*. The motion shall contain:

(A) the date the petition was filed;
(B) the date the schedules and statements are due;
(C) the date set for the section 341 meeting of creditors; and
(D) the reason for the delay.

(2) The court shall not extend the date for filing schedules and statements to a date within five days of the section 341 meeting of creditors, unless the debtor has arranged with either the trustee or the United States trustee for a continuance of the meeting. In such event, the debtor shall mail to all creditors notice of the continuance of the meeting and the extension of time to file schedules and statements.

Rule 1009--AMENDMENT OF PETITIONS, LISTS, SCHEDULES AND STATEMENTS

(a) Case Name and Number; Verification. The debtor's name and the case number shall appear on the first page of any amended petition, schedule, statement, or list. Any amendment shall be verified in the same manner as required for the original document.

(b) Number of Copies. Amended petitions, lists, schedules, and statements shall be filed in the same numbers as prescribed by Local Bankruptcy Rule 1007(a), and shall be served on any trustee.

(c) Amendment of Petition to Add Party. A petition may not be amended to add a spouse as a joint debtor after the order for relief has been entered.

(d) Addition of Creditors.

(1) Duty to Supplement Master Mailing List. A supplemental mailing list shall be filed with any schedule that contains additions to a prior list or schedule of creditors or other interested parties. The supplemental list shall be submitted in a format designated by the clerk pursuant to administrative regulation.

(2) Notice of Amendment. If the debtor amends its schedules of creditors after the section 341 meeting notice has been mailed, the debtor shall mail to the trustee and any creditors added by the amendment a notice of the amendment, together with a copy of the section 341 meeting notice. The notice of amendment shall inform the creditor that, on motion by the creditor made before the expiration of any applicable deadlines set forth in the section 341 meeting notice, the court may for cause extend the time for filing 1)

proofs of claim, 2) objections to the debtor's exemptions, 3) complaints objecting to discharge, and 4) complaints to determine the dischargeability of a debt.

(3) Fee for Amending Schedules. Except in chapter 13 cases, every amendment to a debtor's schedules of creditors or equity security holders, after notice to creditors, shall be accompanied by a fee prescribed by the Judicial Conference of the United States.

Rule 1017--DISMISSAL OF CASE

(a) Dismissal for Failure to File Schedules, Statements, and Lists, or for Failure to Attend Section 341 Meeting of Creditors. If a debtor in a voluntary case fails to timely file the required schedules, statements, or lists, or fails to appear at the section 341 meeting of creditors, the United States trustee may apply for an order of dismissal on five days' notice to the debtor, debtor's counsel, any trustee, and those entities requesting special notice pursuant to Rule 2002(i), Fed.R.Bankr.P.; provided that the file contains proof that the debtor was notified of this provision, as well as the deadline for filing the documents or the date and time of the meeting, as the case may be. Upon receipt of a written objection prior to presentation of an order of dismissal, the United States trustee may note the matter for hearing on no less than ten days' notice. If, in a joint case, only one spouse appears at the section 341 meeting, the United States trustee may apply for an order dismissing the case as to the nonappearing spouse.

(b) Motions to Vacate--Notice Requirement. A motion to vacate an order of dismissal entered pursuant to this rule shall be noted for hearing pursuant to Local Bankruptcy Rule 9013 and shall be served on the United States trustee, any trustee appointed in the case, those entities requesting special notice pursuant to Rule 2002(i), Fed.R.Bankr.P., and any additional parties in interest as the court directs.

(c) Applicability of Rule. This rule shall not apply in cases converted from one chapter to another.

Rule 2002--NOTICES

(a) Entities Responsible for Giving Notice. Unless otherwise ordered by the court, all notices shall be given by the party requesting relief, except that the clerk shall be responsible for sending the following notices:

(1) notice of the section 341 meeting of creditors, pursuant to Rule 2002(a)(1), Fed.R.Bankr.P.;

(2) notice of the date fixed for the filing of claims against a surplus in an estate, pursuant to Rule 2002(a)(4), Fed.R.Bankr.P.;

(3) in a chapter 11 case, notice to equity security holders of the order for relief, and of any meeting of equity security holders held pursuant to section 341 of the Bankruptcy Code, in accordance with Rule 2002(d)(1) and (2), Fed.R.Bankr.P.;

(4) notice of the order for relief, pursuant to Rule 2002(f)(1), Fed.R.Bankr.P.;

(5) notice of dismissal or conversion of a case, pursuant to Rule 2002(f)(2), Fed.R.Bankr.P.;

(6) notice of the time allowed for filing claims pursuant to Rule 3002, Fed.R.Bankr.P., in accordance with Rule 2002(f)(3), Fed.R.Bankr.P.; provided, however, that a plan proponent shall give such notice in a chapter 11 case;

(7) notice of the time fixed for filing a complaint objecting to the debtor's discharge pursuant to section 727 of the Bankruptcy Code as provided in Rule 4004, pursuant to Rule 2002(f)(4), Fed.R.Bankr.P.; provided, however, that a plan proponent shall give such notice in a chapter 11 case;

(8) notice of the time fixed for filing a complaint to determine the dischargeability of a debt pursuant to section 523 of the Bankruptcy Code as provided in Rule 4007, pursuant to Rule 2002(f)(5), Fed.R.Bankr.P.;

(9) notice of the waiver, denial, or revocation of a discharge as provided in Rule 4006, pursuant to Rule 2002(f)(6), Fed.R.Bankr.P.;

(10) notice of entry of an order confirming a plan under chapter 9, 11 or 12 , pursuant to Rule 2002(f)(7), Fed.R.Bankr.P.; and

(11) notice of a summary of the trustee's final report and account in a chapter 7 case, pursuant to Rule 2002(f)(8), Fed.R.Bankr.P.

(b) Use of Master Mailing List for Noticing. Parties may obtain from the clerk copies of a master mailing list, as well as a list containing the names and addresses of each entity requesting special notice pursuant to Rule 2002(i), Fed.R.Bankr.P., updated in accordance with Rule 2002(g), Fed.R.Bankr.P., for a fee in an amount prescribed by the Judicial Conference of the United States. Alternatively, parties may obtain a master mailing list through the court's public information access service ("PACER"). Notice is presumed to be adequate if mailed to all entries on the appropriate mailing list, provided that the list is current to within twenty days of mailing as evidenced by (1) the clerk's certification, (2) counsel's verification in the affidavit of service, or (3) a notation on the list showing the date it was extracted from PACER.

(c) Notices to Creditors Whose Claims Are Filed. In a chapter 7 case, after expiration of the deadline for filing claims and entry of an order allowing or disallowing claims, all notices required to be given to creditors pursuant to Rule 2002(a)(2), (3), and (7), and 2002(f)(8), Fed.R.Bankr.P., may be limited to creditors whose claims have been filed and creditors who are still permitted to file claims by reason of an extension granted under Rule 3002(c)(6), Fed.R.Bankr.P.

Rule 2003–EXAMINATION AT MEETING OF CREDITORS

The debtor shall have available for reference at the section 341 meeting of creditors the financial statements and tax returns of the debtor for the two years preceding the filing of the bankruptcy petition.

Rule 2014–EMPLOYMENT OF PROFESSIONAL PERSONS

Applications for the appointment of professionals shall disclose any retainer paid or promised and the anticipated method of compensation. Copies of any fee agreements shall be attached as exhibits. Orders authorizing the appointment of professionals do not constitute approval of the terms of any fee agreement or arrangement. Retainers may not be drawn from trust absent an order approving compensation and/or reimbursement and authorizing application of the retainer. Each application for employment shall contain a certification that the applicant has read Local Bankruptcy Rule 2016. Copies of applications, objections, and orders relating to the employment of professionals shall be served on the United States trustee.

Rule 2015--DUTY OF TRUSTEE OR DEBTOR IN POSSESSION TO KEEP RECORDS AND MAKE REPORTS

(a) Chapter 11 Monthly Financial Reports. A chapter 11 debtor in possession or trustee shall file with the court and serve on the United States trustee and each member of any committees elected or appointed pursuant to the Bankruptcy Code and to their authorized agents, a monthly financial report. Each report shall be due by the fifteenth day of the subsequent month and, except as otherwise ordered by the court, shall include the following:

(1) balance sheet;

(2) income statement;

(3) statement of cash receipts and disbursements;

(4) statement of accrued receivables. The statement shall disclose amounts considered to be uncollectible;

(5) statement of post-petition accrued payables, including professional fees. The statement shall list the name of each creditor and the amounts owing and remaining unpaid for over 30 days;

(6) tax disclosure statement. The statement shall list post-petition taxes due or tax deposits required, the name of the taxing agency, the amount due, the date due, and

an explanation for any failure to make such payments or deposits;

(7) compensation statement. The statement shall disclose the amount of compensation paid to all insiders, as defined in section 101(30) of the Bankruptcy Code.

(b) Chapter 11 Tax Returns. The debtor in possession or chapter 11 trustee shall file, and serve on the United States trustee, a copy of the debtor's most recent federal income tax return within 30 days after entry of the order for relief, and shall file and serve its returns for each subsequent year whenever such returns are submitted to the Internal Revenue Service.

(c) Chapter 11 Post-Confirmation Reports. If an application for a final decree has not been filed within six months after confirmation of a chapter 11 plan, then a chapter 11 plan proponent shall file and mail to the United States trustee a post-confirmation report within six months after entry of the order confirming the plan of reorganization, and every six months thereafter until a final decree has been entered. The post-confirmation report shall disclose progress of the plan toward consummation and shall include the following:

(1) a summary, by class, of amounts distributed or property transferred to each recipient under the plan, and an explanation of the failure to make any distributions or transfers of property under the plan;

(2) debtor's projections as to its continuing ability to comply with the terms of the plan;

(3) a report of any pending or anticipated litigation, including the nature of each matter, the parties involved, and an estimated date when the matter will be resolved;

(4) a description of any other factors that may materially affect the debtor's ability to consummate the plan;

(5) an estimated date when an application for final decree will be filed with the court.

Rule 2016–COMPENSATION, AND REIMBURSEMENT OF PROFESSIONALS

(a) General. Unless otherwise ordered by the court, an application for compensation for services and reimbursement of necessary expenses shall include the following:

(1) the date of entry of the order approving the applicant's employment;

(2) a statement, by date, of the amounts of compensation and reimbursement of expenses previously allowed and amounts paid;

(3) the source of payment for requested compensation and reimbursement of expenses;

(4) the amount of unencumbered funds in the estate;

(5) a narrative summary of the services provided, results obtained and benefit to the estate;

(6) an itemized time record of services for which an award of compensation is sought, including:

(A) the date the service was rendered;

(B) the identity of the person who performed the service and the hourly rate of such individual;

(C) a detailed description of the service rendered and the time spent performing the service;

(D) the total number of hours spent and the total amount of compensation requested;

(7) a statement of expenses, by category, for which reimbursement is sought. For extraordinary expenses, state:

(A) the date the expense was incurred;

(B) a description of the expense;

(C) the amount of the expense requested; and

(D) the necessity of the expense.

(b) Counsel for Trustees and Debtors in Possession. Where compensation is sought by counsel for a trustee or debtor in possession, the application shall include a list of names and functions of all other professionals whose employment has been authorized in the case.

(c) Requests for Interim Compensation. In any case in which interim compensation is sought, the application shall include the following additional information:

(1) the financial condition of the estate with respect to payment of post-petition expenses, significant impediments to plan confirmation, and general prospects for reorganization;

(2) a projection of the applicant's future expenses and fees and the anticipated source of their payment;

(3) the status of the case, and the progress of the case toward closing or proposal of a plan of reorganization. If a plan has been filed, the statement shall include a projected date for confirmation. If a plan has been confirmed, the statement shall describe what progress has been made toward consummation of the plan and what remains to be done to close the case;

(d) Applications of $30,000 or More. In applications for compensation involving $30,000 or more, the narrative summary required by subsection (a)(5) shall be divided into general categories according to the nature of the tasks performed, with the total hours, fees, and expenses broken down for each category, including but not limited to general administration, objections to claims, plan confirmation, and major adversary proceedings.

Rule 3003–DEADLINE FOR FILING PROOF OF CLAIM OR EQUITY SECURITY INTEREST IN CHAPTER 11 CASES

Prior to the first date set for hearing on a disclosure statement, a chapter 11 plan proponent shall apply for an order fixing a deadline by which proofs of claim or interest

must be filed. Upon entry of the order, the plan proponent shall transmit to each creditor and equity security holder a copy of the order or notice containing such deadline. Notice of the deadline shall be a separate document.

Rule 3007--OBJECTIONS TO CLAIMS IN CHAPTER 11 CASES

Unless otherwise ordered by the court, objections to claims in chapter 11 cases shall be filed and served no later than sixty days after the entry of the order confirming a plan.

Rule 3017--COURT CONSIDERATION OF CHAPTER 11 DISCLOSURE STATEMENT

(a) Objection to Disclosure Statement. Unless otherwise ordered by the court, any party wishing to object to a disclosure statement in a chapter 11 case shall file and serve an objection to disclosure statement not later than five days before the hearing on the disclosure statement. The objection shall identify those portions of the disclosure statement which the objecting party asserts are incomplete, misleading or erroneous, and the basis for such assertions.

(b) Conference of Attorneys. Not later than four days before the hearing on the disclosure statement, there shall be a conference of attorneys. It shall be the duty of counsel for the proponent of the disclosure statement ("proponent") to arrange for the conference. The attorney for each objecting party shall attend the conference, either in person or telephonically. At the conference, counsel shall attempt to reach agreement on changes to the disclosure statement.

(c) Summary of Objections to Disclosure Statement. Unless otherwise ordered by the court, the plan proponent's counsel shall file a summary of those objections to the disclosure statement that have not been resolved at the conference of attorneys. The summary shall be filed and served on the objecting parties, the United States trustee, and the judge's chambers at least two days prior to the hearing on such statement.

(d) Notice of Hearing on Disclosure Statement. The proponent's notice of hearing on the disclosure statement shall include the time within which objections must be served under subsection (a) of this rule, and the date, time and place of the conference of attorneys required by subsection (b) of this rule.

(e) Hearing on Disclosure Statement. Failure by an objecting party or proponent to comply with the provisions of this rule may be deemed by the court to be an admission that the objection, or the opposition thereto, is without merit.

Rule 3018--VOTING ON CHAPTER 11 PLAN

At least three days prior to the confirmation hearing, the plan proponent shall file the ballots and a written summary of the ballots cast, and shall serve a copy of the summary on any party that has filed an objection pursuant to Local Bankruptcy Rule 3020. The summary shall contain a separate listing of acceptances and rejections and shall include the following information by class:

(a) the name of each creditor filing an acceptance or rejection, the dollar amount of each claim, and whether the debtor has objected to the claim;

(b) the total dollar amount and number of all allowed claims voted;

(c) the percentage dollar amount of acceptances; and

(d) the percentage number of acceptances.

Rule 3020-- CONFIRMATION OF CHAPTER 11 PLAN

(a) Preconfirmation Report. The plan proponent shall, not less than three days prior to the confirmation hearing, file a memorandum containing the proponent's response to any objections, and a statement as to how each requirement of Section 1129 of the Bankruptcy Code is satisfied. The memorandum shall be served on the debtor, the United States trustee, any committee appointed pursuant to the Bankruptcy Code or their authorized agents, and any party that has filed an objection to confirmation.

(b) Objections to Confirmation. Unless otherwise ordered by the court, objections to confirmation of a plan shall be filed and served at least five days before the hearing on confirmation of the plan.

Rule 4001--RELIEF FROM AUTOMATIC STAY

(a) Applicability of Local Bankruptcy Rule 9013. Except as otherwise provided herein, Local Bankruptcy Rule 9013 applies to motions for relief from stay.

(b) Motion Documents Under Section 362 of the Bankruptcy Code. Motions for relief from stay shall contain a statement of the factual basis for relief and the status of any pending foreclosure. Where equity in real property is an issue, the motion and notice of motion shall contain a legal description and a common address.

(c) Notice of Motion. The moving party shall schedule the matter for hearing not less than twenty-two nor more than thirty days after the date such motion is filed. If the moving party schedules a hearing for or agrees to continue a hearing to a date more than thirty days after the date the motion was filed, the party shall be deemed to have waived the

automatic termination provisions of 11 U.S.C. 362(e). In addition to those parties listed in Rule 4001 Fed.R.Bankr.P., notice shall be given to the debtor, attorney for the debtor, trustee, the United States trustee, and to any persons requesting special notice under Rule 2002(i), Fed.R.Bankr.P. In addition, any motion for relief from the codebtor stay pursuant to section 1201 or 1301 of the Bankruptcy Code shall be served upon the codebtor, if any.

(d) Procedure for Motions Timely Controverted. If the motion is timely and properly controverted, the originally-scheduled hearing will be a final hearing with argument on the documents submitted, unless the court deems it necessary to set an evidentiary hearing. In that event, the initial hearing may be a preliminary hearing at which the court may set a date for final hearing and enter such other orders as may be appropriate.

Rule 4008–REAFFIRMATION AGREEMENTS

Reaffirmation Agreements submitted for court approval must be accompanied by Form B240 (see Appendix 1), with Parts A and C completed and signed. The written agreement, together with copies of any other documents that are incorporated by reference, must be attached.

Rule 5003–RESPONSIBILITIES OF THE CLERK

(a) Delegation of Ministerial Orders. The clerk and such deputies as he may designate are authorized to sign and enter without further direction the following orders, which are deemed to be of a ministerial nature:

(1) orders on motions and applications of the type described in Rule 77, Fed.R.Civ.P.,except that the clerk is not authorized to grant orders or judgments for default;

(2) orders permitting the payment of filing fees in installments and fixing the number, amount, and dates of payment;

(3) orders discharging a trustee and closing a case after such case has been fully administered;

(4) orders reopening cases that have been closed due to administrative error; and

(5) orders authorizing the trustee to pay expenses of administration of $500.00 or less in chapter 7 cases.

(b) Administrative Regulations. The clerk is authorized to promulgate regulations governing administrative matters, including the submission of forms, content and format of creditor mailing lists, mode of payment of filing fees, and disposition of records. Such regulations shall be available for public reference, and shall be published in such

publications and at such intervals as the clerk deems appropriate.

(c) Custody and Disposition of Exhibits and Depositions. CR 79(g), Local Rules W.D. Wash., shall control the custody of exhibits and depositions.

(d) Deposit of Funds in the Registry of the Bankruptcy Court.

(1) Order for Deposit into Court Registry. Except for deposits required by law or court order, a party desiring to deposit funds into the registry of the court must file an application, which shall include a detailed explanation of the facts and circumstances necessitating the deposit of estate funds into the registry. The application and a proposed order shall be delivered to the financial deputy clerk, who will review the proposed order for compliance with this rule prior to submitting the proposed order to the court.

(2) Proposed Orders Directing Deposit of Funds by Clerk. A proposed order directing the clerk to deposit funds in an interest-bearing account or instrument shall include the following:

(A) the amount to be deposited;

(B) the name of the depository approved by the Treasurer of the United States;

(C) a designation of the type of account or instrument in which the funds are to be deposited;

(D) language directing the clerk to deduct from the income earned on the deposit a fee as prescribed by the Judicial Conference of the United States, without further order of the court.

Rule 5010--MOTIONS TO REOPEN

a) Motions to Reopen. A motion to reopen a case shall be noted for hearing in accordance with Local Bankruptcy Rule 9013, with notice to any adversely affected parties. The notice shall state whether assets were administered in the case and whether a deadline was established for filing proofs of claim.

b) Filing Fee. Any filing fees prescribed by 28 U.S.C. section 1930(b) and the Judicial Conference of the United States shall be paid prior to the entry of any order reopening a case.

Rule 5011--WITHDRAWAL OF REFERENCE

(a) Caption. A motion for withdrawal of reference shall be designated: "Motion for Withdrawal of Reference."

(b) Filing and Service of Papers. The motion, response and reply documents, including memoranda and supporting materials as required by CR 7(b), Local Rules W.D.

Wash., shall be filed with the Clerk of the Bankruptcy Court. Any motion for withdrawal of reference shall be filed and served promptly after service of any pleading or document in which the basis for the motion first arises. Response documents shall be filed and served no later than 14 days after service of the motion for withdrawal. Reply documents, if any, shall be filed and served no later than five days after service of any response. Bankruptcy Court records may be brought before the District Court by filing copies of such records and proceedings, together with a verification of the party or its counsel that the copies are true and correct copies of papers contained in the bankruptcy file. Such copies shall be clearly identified and shall be filed with the Clerk of the Bankruptcy Court no later than five days after the filing of the related motion, response, or reply. The copies need not be certified or exemplified by the Bankruptcy Court, and the added cost of certification or exemplification will not be allowed as a cost item under 28 U.S.C. Section 1920(4), unless certification is required after an opposing party challenges the accuracy of the copies.

(c) Transmittal of Documents to District Court. Within five days after expiration of the time for filing documents as provided in subsection (b) of this rule, the Clerk of the Bankruptcy Court shall transmit to the Clerk of the District Court all motion documents that have been filed with the Bankruptcy Court. After the District Court Clerk has opened a docket, all further documents pertaining to the motion for withdrawal shall be filed with the Clerk of the District Court. Except as otherwise ordered by the Bankruptcy Court or District Court pursuant to a stay entered in accordance with Rule 5011(c), Fed.R.Bankr.P., parties shall continue to file with the Clerk of the Bankruptcy Court all documents relating to other matters in the bankruptcy case or proceeding.

(d) Proceedings in District Court. A motion for withdrawal of reference shall be assigned to a District Court Judge in accordance with the District Court's usual system for assigning civil cases. The District Court Clerk shall note the matter on the Judge's motion docket for the Friday immediately following receipt of all documents from the Bankruptcy Court. Unless otherwise ordered by the District Court, a motion to withdraw will be decided by the court without a hearing. A party desiring oral argument should so indicate by typing "ORAL ARGUMENT REQUESTED" in the caption of its motion or responsive memorandum.

The District Court may in its discretion grant or deny the motion in whole or in part, and may make such orders as it deems appropriate for the orderly disposition of the case or proceeding. Upon entry of a dispositive order by the District Court, the Clerk of the District Court shall forward a copy of the order to the parties and to the Clerk of the Bankruptcy Court.

Rule 7004--SERVICE OF SUMMONS AND COMPLAINT

(a) Summons and Cover Sheet. Upon filing an adversary complaint, the plaintiff shall furnish the clerk with a summons and cover sheet which substantially comply with the forms available from the office of the clerk. The clerk shall issue to the plaintiff a completed summons for each defendant.

(b) Proof of Service. The plaintiff shall file a certificate of service within fourteen days after service has been effected.

Rule 7016--PRETRIAL PROCEDURES

(a) Pretrial Conferences. Unless excused by the court, counsel and any unrepresented parties shall attend a pretrial conference at the date and time set forth on the summons. The purpose of the pretrial conference shall be to set a trial date and deadlines for discovery, dispositive motions, pretrial orders, and trial briefs, and to resolve any other matters appropriate to the circumstances of the case.

(b) Pretrial Orders. If the court requires a pretrial order, CR 16(h) through (n) and CR 16.1, Local Rules W.D. Wash., shall apply, with the exception that the following deadlines shall be observed:

(1) Lodging Date for Proposed Pretrial Order. The proposed pretrial order, along with two copies, shall be lodged ("lodging date") with the judge's chambers no later than five days prior to the scheduled trial date, unless otherwise ordered by the court.

(2) Plaintiff's Pretrial Statement. The plaintiff's pretrial statement shall be served not later than twenty days prior to the lodging date.

(3) Defendant's Pretrial Statement. The defendant's pretrial statement shall be served not later than fifteen days prior to the lodging date.

(4) Conference of Attorneys. The conference of attorneys shall be held not later than five days prior to the lodging date.

Rule 8006--RECORD AND ISSUES ON APPEAL TO DISTRICT COURT

In appeals to the District Court, parties shall file the designations of record, statements of issues, and written requests for a transcript, pursuant to Rule 8006, F.R.Bankr.P. However, in lieu of providing the clerk with copies of the items designated to be included in the record, each party shall serve and file excerpts of the record as an appendix to its brief. The appendix furnished by the appellant shall include the following:

(a) the items listed in Rule 8009(b)(1) through (8), Fed.R.Bankr.P.;

(b) the transcript or portion thereof as necessary for adequate review in light of the

standard of review to be applied to the issues before the District Court; and

(c) any additional items designated by the appellant.

The appendix furnished by the appellee shall include any required material that has been omitted by the appellant, plus any additional items designated by the appellee.

Rule 9006–TIME

(a) Service by Mailing. If service is made by mail, three days shall be added to any time period prescribed by these rules.

(b) Orders to Shorten Time for Placing a Motion on the Court's Calendar. Orders to shorten time shall be the exceptions to the rule, and will be granted only upon a showing of exigent or exceptional circumstances. An order shortening time may be granted *ex parte* at the court's discretion. The applicant's attorney shall certify in writing the efforts, if any, that have been made to give notice and the reasons that further notice should not be required.

An order shortening time shall be served immediately, along with the underlying motion papers, on all parties entitled to notice of the underlying motion.

Rule 9011--SIGNING AND VERIFICATION OF PAPERS--MOTIONS FOR SANCTIONS

The procedures of Rule 11(c), Fed.R.Civ.P.,shall apply to any requests for sanctions under Rule 9011, Fed.R.Bankr.P.

Rule 9013–MOTIONS AND ORDERS--FORM AND SERVICE

(a) Applicability. As used herein, the term "motion" includes any motion, application, objection, or other request for an order or determination of the court, except one required to be commenced by complaint pursuant to Rule 7001, Fed.R.Bankr.P. The provisions of this rule apply to all motions filed in cases and adversary proceedings, except as otherwise provided by law or by order of the court.

(b) Papers.

(1) Format. The moving party shall file with its motion (A) a statement of all reasons in support thereof, together with a memorandum of points and authorities as is necessary to support such motion, and (B) all affidavits and photographic or documentary

evidence to be presented in support of the motion.

(2) Proposed Order. A copy of a proposed order shall be attached as an exhibit to the motion. Opponents may propose alternative orders in the same fashion. Original orders should not be submitted in advance of the hearing, except as permitted in Local Bankruptcy Rules 4001(d) and 9013(e)(3).

(3) Filing and Service.

(A) In adversary proceedings and contested matters, all supporting memoranda and other documentation shall be served with the motion upon all opposing parties.

(B) Motions for summary judgment, relief from stay, and lien avoidance shall be filed and served at least twenty-two days preceding the date fixed for hearing, exclusive of the time required for mailing pursuant to Rule 9006.

(C) Emergency motions for authorization to use cash collateral or to obtain credit shall be scheduled for hearing with such notice as the court shall prescribe, in accordance with 11 U.S.C. §363(c)(3) and Rule 4001(b) and (c), Fed.R.Bankr.P.

(D) All other motions and/or notice thereof shall be filed and served upon the appropriate parties at least fifteen days preceding the date fixed for hearing, unless a longer period of notice is ordered by the court or prescribed by the Federal Rules of Bankruptcy Procedure or these Local Bankruptcy Rules.

(4) Length of Memoranda. Without prior court approval, opening and responsive memoranda relating to motions for summary judgment or other dispositive motions shall not exceed twenty-four pages, and opening and responsive memoranda for all other motions shall not exceed twelve pages. A reply brief shall not exceed one-half the permitted length of the opening brief without prior approval of the court.

(5) Response Required. Each party opposing a motion shall file and serve responsive papers not later than four days preceding the date set for hearing, or on the court day preceding the day so computed in the event that it falls on a Saturday, Sunday, or legal holiday.

(6) Reply Permitted. Not later than two days preceding the date set for hearing, the moving party may file and serve papers in strict reply to any response. No additional replies will be considered by the court, unless otherwise ordered.

(7) Notation of Judge, Chapter, Location, Date, and Time of Hearing. The name of the assigned judge, the chapter under which the case is pending, and the location, date and time of hearing shall be noted on the top right-hand corner of all papers filed in connection with and in response to the motion.

(8) Copies to be Served on Chambers. The original motion, responsive, and reply documents, including affidavits or certificates of service, must bear proof that two copies have been timely served on the chambers of the judge before whom the motion will be heard, or delivered to the appropriate box in the office of the clerk. Copies shall be clearly identified with the word "COPY" appearing conspicuously on the first page. Failure to provide such copies may result in the papers not being considered.

(9) Noncompliance. Failure of a party to file and/or serve the papers as required by this rule may be deemed by the court to be an admission that the motion, or opposition to the motion, as the case may be, is without merit.

(c) Appearance at Hearings Required. Except as provided in subsection (e)(3) of this rule, appearance is required at all scheduled hearings. Failure to appear at the date and time appointed for hearing may be deemed by the court to be an admission that the motion, or the opposition to the motion, as the case may be, is without merit.

(d) Placing a Motion on the Court's Calendar.

(1) Hearing Judge. Motions shall be set on the calendar of the judge to whom the case or adversary proceeding has been administratively assigned, except as permitted in General Rule No. 1.

(2) Motion Calendars. Motion calendars shall be held regularly in Seattle and Tacoma, and elsewhere as determined by the judges of the court. Each judge will maintain a regular motion calendar. A schedule of the motion dates, times, and places for each judge's calendar shall be posted at the office of the clerk of the court and shall be published in such publications and at such intervals as the clerk deems appropriate.

(3) Special Settings. A party desiring an evidentiary hearing with live testimony shall obtain a special setting from the judge's secretary or scheduling clerk.

(4) Party Responsible for Obtaining Hearing Date. The moving party shall be responsible for obtaining a hearing date.

(5) Confirmation of Hearings. In the event a motion is to be argued, counsel shall notify the chambers of the judge before whom the motion will be heard by noon two days prior to the hearing. Failure to confirm a hearing may result in the motion being stricken, unless an agreed order is to be entered and the court is so advised by the time for confirmation, or a default order has been signed pursuant to subsection (e)(3) of this rule.

(6) Settlement. Parties shall notify the court as soon as practicable if a matter has been settled or motion withdrawn prior to hearing. This provision does not excuse compliance with Rule 2002(a)(3) or 7041, Fed.R.Bankr.P.

(e) Notice of Motion.

(1) By Whom Given. Except as otherwise provided in Local Bankruptcy Rule 2002(a) or other applicable rules, all notices of motions shall be given by the moving party.

(2) To Whom Given. The types of notices specified in Rule 2002(a), Fed.R.Bankr.P., must be given to the debtor, the debtor's attorney, the trustee, the United States trustee, all creditors, all indenture trustees, and any persons requesting special notice under Rule 2002(i). As to notices not specified in Rule 2002(a), Fed.R.Bankr.P., notice of motions shall be given to all parties in interest.

(3) Contents of Notice. Every motion shall be set for hearing, and the moving party shall give notice of the motion and the hearing. The notice may be combined with the motion, provided that (A) the caption so indicates, (B) the notice is the first part of the text of the pleading, and (C) the parts are separately headed.

The notice shall clearly state (A) that any response to the motion must be filed and served at least four days prior to the date set for hearing, and (B) that if no response is filed within the time allowed, the court may in its discretion grant the motion prior to the hearing, without further notice.

(f) Default. If no opposition to a motion has been timely filed and served, and provided the period allowed for responses after service of the notice equals or exceeds the minimum notice period required by statute or rule, the court in its discretion may:

(1) grant the motion by default at the hearing, or

(2) grant the motion prior to the time set for hearing, upon the moving party's *ex parte* presentation of a proposed order, accompanied by proof of service and a declaration or statement in the proposed order that no objections were timely received. The proposed order shall contain the date and time for which the hearing was scheduled.

(g) *Ex Parte* Motions.

(1) Contents of Motion. In every *ex parte* motion, the moving party shall (A) allege specific facts forming the basis of the request, (B) cite the statute or rule authorizing the court to act, and (C) state specific reasons why the court should proceed without notice or a hearing. If the motion arises in an adversary proceeding or a contested matter as defined in Rule 9014, Fed.R.Bankr.P., the moving party shall, in addition, describe (D) what immediate and irreparable injury, loss or damage will result to the movant before the adverse party or his attorney can be heard in opposition; and (E) the efforts, if any, which have been made to give notice to the adverse party and its attorney.

(2) *Ex Parte* Orders. A proposed *ex parte* order shall contain the words "*ex parte*" in its title. A party desiring a conformed copy of the order shall provide an extra copy of the proposed order and a pre-addressed, stamped envelope.

(h) Motions for Reconsideration. CR 7(e), Local Rules W.D. Wash. shall govern motions for reconsideration. Such motions shall be filed and served within ten days after entry of a judgment or order, and shall not be noted for hearing unless oral argument is requested by the court.

(i) Orders.

(1) Form. A proposed order or judgment, including one requested *ex parte* or by stipulation, must be submitted on a document separate from its attendant motion or stipulation. Orders and judgments shall contain at least one line of text on the same page as the date and signature lines. Orders and judgments shall indicate the date and time the matter was heard or scheduled to be heard.

(2) Presentation. A party presenting a proposed order at a time subsequent to hearing on a motion shall serve copies of the proposed order on parties that were present at the hearing and, unless agreement is reached as to the form of the order, shall give at least five days' notice of the time, date and place of presentation of the proposed order.

Rule 9021--ENTRY OF JUDGMENT AND ORDERS

Unless the court directs otherwise, all orders, findings of fact and conclusions of law, and judgments shall be prepared by the prevailing party.

Rule 9027–CASES REMOVED FROM OTHER COURTS

A notice of removal required to be filed in the Western District of Washington pursuant to Rule 9027, Fed.R.Bankr.P., shall be filed with the Clerk of the Bankruptcy Court, and shall be accompanied by a filing fee as required for adversary proceedings. CR 101(b), Local Rules W.D. Wash., shall apply in cases removed to the Bankruptcy Court.

MEMORANDUM

DATE: May 4, 1994

FROM: Samuel J. Steiner

SUBJECT: Local Bankruptcy Court Rules

TO: Hon. Barbara J. Rothstein
Chief Judge, United States District Court

Enclosed please find amended Local Rules of Bankruptcy Procedures, which the Bankruptcy Judges recommend for adoption pursuant to Rule 9029, F.R.Bankr.P., and Rule 83, F.R.Civ.P. Also enclosed is a Recommendation to the United States District Court, as well as a proposed Order Amending Local Rules of Bankruptcy Procedure.

These amendments were submitted to the Court by an Advisory Committee, which was composed of Judge Howard (Chair), Judge Brandt, and Judge Overstreet, along with members of the court staff, representatives of the Office of the United States Trustee and the Department of Justice, and members of the bar. A draft was then published for comment from the bar, as required by 28 U.S.C. 2071(b). The Committee reviewed the comments and made a final recommendation to the Court. On behalf of the Judges of this Court, I endorse the enclosed draft for your consideration.

Enc.

cc: Hon. Frank D. Howard