

1 The bankruptcy court constituted by §404 of the Bankruptcy
2 Act of 1978 [Public-Law-95-598] shall continue to be known as the
3 United States Bankruptcy Court of this district. The Clerk of the
4 Bankruptcy Court is hereby designated to maintain all files in
5 bankruptcy cases and adversary proceedings. All papers in cases
6 or proceedings arising under or related to Title 11 shall be filed
7 with the Clerk of the Bankruptcy Court regardless of whether the
8 case or proceeding is before a bankruptcy judge or a judge of the
9 district court, except that a judgment by the district judge shall
10 be filed in accordance with Rule 92) of the Bankruptcy Rules.

11 (c) Reference to Bankruptcy Judges

12 (1) All cases under Title 11 and all civil proceedings
13 arising under Title 11 or arising in or related to cases under
14 Title 11 are referred to the bankruptcy judges of this district.

15 (2) The reference to a bankruptcy judge may be
16 withdrawn by the district court at any time on its own motion or
17 on timely motion by a party. A motion for withdrawal of reference
18 shall not stay any bankruptcy matter pending before a bankruptcy
19 judge unless a specific stay is issued by the district court. If
20 a reference is withdrawn, the district court may retain the entire
21 matter, may refer part of the matter back to the bankruptcy judge,
22 or may refer the entire matter back to the bankruptcy judge with
23 instructions specifying the powers and functions that the
24 bankruptcy judge may exercise. Any matter in which the reference
25 is withdrawn shall be reassigned to a district judge in accordance
26 with the court's usual system for assigning civil cases.

27 (3) Referred cases and proceedings may be transferred
28 in whole or in part between bankruptcy judges within the district
29 without approval of a district judge.

30 (d) Powers of Bankruptcy Judges

31 (1) The bankruptcy judges may perform in referred
32 bankruptcy cases and proceedings all acts and duties necessary for

1 the handling of those cases and proceedings except that the
2 bankruptcy judges may not conduct:

- 3 (A) A proceeding to enjoin a court;
4 (B) A proceeding to punish a criminal contempt --
5 (i) not committed in the bankruptcy judge's
6 actual presence; or
7 (ii) warranting a punishment of imprisonment.
8 (C) An appeal from a judgment, order, decree or
9 decision of a United States bankruptcy judge;
10 or
11 (D) Jury trials.

12 Those matters which may not be performed by a bankruptcy judge
13 shall be transferred to a district judge.

14 (2) Except as provided in (d)(3), orders and judgments
15 of bankruptcy judges shall be effective upon entry by the Clerk of
16 the Bankruptcy Court, unless stayed by the bankruptcy judge or a
17 district judge.

18 (3) (A) Related proceedings are those civil
19 proceedings that, in the absence of a petition in bankruptcy,
20 could have been brought in a district court or a state court.
21 Related proceedings include, but are not limited to, claims
22 brought by the estate against parties who have not filed claims
23 against the estate. Related proceedings do not include:
24 Contested and uncontested matters concerning the administration of
25 the estate; allowance of and objection to claims against the
26 estate; counterclaims by the estate in whatever amount against
27 persons filing claims against the estate; [~~orders-in-respect-to~~
28 ~~obtaining-filing-claims-against-the-estate~~]; [~~orders-in-respect-to~~
29 ~~obtaining-credit~~]; orders authorizing the use of cash collateral;
30 orders to turn over property of the estate; proceedings to set
31 aside preferences and fraudulent conveyances; proceedings in
32 respect to lifting of the automatic stay; proceedings to determine

1 dischargeability of [~~particular~~] a debt[s]; [~~proceedings-to-object~~
2 ~~to-the-discharge;~~] proceedings in respect to the confirmation of a
3 plan[s]; orders approving the sale of property of the estate free
4 and clear of liens; [~~where-not-arising-from-proceedings-resulting~~
5 ~~from-claims-brought-by-the-estate-against-the-parties-who-have-not~~
6 ~~filed-claims-against-the-estate;~~] allowance or denial of
7 discharge; and similar matters. A proceeding is not a related
8 proceeding merely because the outcome will be affected by state
9 law.

10 (B) In related proceedings, and wherever the
11 bankruptcy judge determines that circumstances require that a
12 judgment or order be entered by a district judge, the bankruptcy
13 judge shall [may] not enter a judgment or dispositive order, but
14 shall submit findings, conclusions and a proposed judgment or
15 order to the district judge, unless the parties to the proceeding
16 consent to entry of judgment or order by the bankruptcy judge.

17 (e) District Court Review

18 (1) A notice of appeal from a final order or judgment
19 or proposed order or judgment of a bankruptcy judge or an
20 application for leave to appeal an interlocutory order of a
21 bankruptcy judge, shall be filed within 10 days of the date of
22 entry of the judgment or order or of the lodgment of the proposed
23 judgment or order. As modified by sections (e)2(A) and (e)2(B) of
24 this rule, the procedures set forth in Part VIII of the Bankruptcy
25 Rules apply to appeals of bankruptcy judges' judgments and orders,
26 and the procedures set forth in Bankruptcy Interim Rule 8004 apply
27 to applications for leave to appeal interlocutory orders of
28 bankruptcy judges. Modification by the district judge or the
29 bankruptcy judge of time for appeal is governed by Rule 802 of the
30 Bankruptcy Rules.

31 (2) (A) A district judge shall review:

- 32 (i) an order or final judgment entered under
section [~~paragraph~~] (d)(2) if a timely

1 notice of appeal has been filed or if a
2 timely application for leave to appeal has
3 been granted;

4 (ii) an order or final judgment entered under
5 section [paragraph] (d)(2) if the
6 bankruptcy judge certifies that circum-
7 stances require that the order or judgment
8 be approved by a district judge, whether
9 or not the matter was controverted before
10 the bankruptcy judge or any notice of
11 appeal or application for leave to appeal
12 was filed; and

13 (iii) a proposed order or judgment lodged under
14 section [paragraph] (d)(3), whether or not
15 any notice of appeal or application for
16 leave to appeal has been filed.

17 (B) In conducting review, the district judge may
18 hold a hearing and may receive such evidence as appropriate and
19 may accept, reject or modify, in whole or in part, the order or
20 judgment or proposed order or judgment of the bankruptcy judge,
21 and need give no deference to the findings of the bankruptcy
22 judge. At the conclusion of the review, the district judge shall
23 enter an appropriate order or judgment.

24 (3) When the bankruptcy judge certifies that
25 circumstances require immediate review by a district judge of any
26 matter subject to review under section [paragraph](e)(4)(2), the
27 district judge shall review the matter and enter an order or
28 judgment as soon as possible.

29 (4) It shall be the burden of the parties to raise
30 prior to the time of the entry of the order or judgment of the
31 district judgment after review the issue (if) whether the
32 bankruptcy judge should have entered a proposed judgment or order

1 under section (d)(3) rather than an order under section (d)(2).
2 [~~any proceeding is a related proceeding prior to the time of the~~
3 ~~entry of the order of judgment of the district judge after~~
4 ~~review.~~]

5 (f) Local Rules

6 In proceedings before a bankruptcy judge, the local rules of
7 the bankruptcy court shall apply. In proceedings before a
8 district judge, [~~of the district court,~~] the local rules of the
9 district court shall apply.

10 (g) Bankruptcy Rules and Title IV of the Bankruptcy Act
11 [~~Public Law 95-598~~]

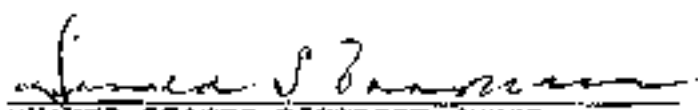
12 Courts of bankruptcy and procedure in bankruptcy shall
13 continue to be governed by Title IV of the Bankruptcy Act of 1978
14 [~~Public Law 95-598~~] as amended and by the bankruptcy rules
15 prescribed by the Supreme Court of the United States pursuant to
16 28 U.S.C. §2075 and limited by section [~~SEC-~~] 405(d) of the Act,
17 to the extent that such Title and Rules are not inconsistent with
18 this rule and the holding of Northern Pipeline Construction Co. v.
19 Marathon Pipe Line Co., _____ U. S.
20 _____, 102 S. Ct. 2858 (1982).

21 (h) Effective Date and Pending Cases

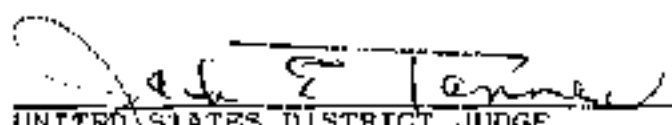
22 This rule shall become effective December 25, 1982, and shall
23 apply to all bankruptcy cases and proceedings not governed by the
24 Bankruptcy Act of 1998 as amended, and filed on or after October
25 1, 1979. Any bankruptcy matters pending before a bankruptcy judge
26 on December 25, 1982, shall be deemed referred to that judge.

27 DATED this 24th day of December, 1982.

28 
29 WALTER J. MCEWEN
30 CHIEF UNITED STATES DISTRICT JUDGE

31 
32 JAMES S. [unclear]
33 UNITED STATES DISTRICT JUDGE

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UNITED STATES DISTRICT JUDGE


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