

***UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF
PENNSYLVANIA***

LOCAL RULES

Effective December 1, 2017

TABLE OF CONTENTS

LOCAL BANKRUPTCY RULES

1001-1 Local Rules—General.....	1
1002-1 Evidence of Authority to File Petition.....	1
1002-2 Complex Chapter 11 Cases: General.....	1
1002-3 Complex Chapter 11 Cases: Selection of Motion and Applications for Expedited Hearing.....	3
1002-4 Complex Chapter Cases: Automatic Reconsideration	5
1007-1 Notice to Creditors with an Interest in Cash Collateral.....	5
1007-2 Matrix List of Creditors.....	5
1007-3 Supplementing the Matrix List of Creditors	6
1007-4 Submission of Evidence of Employer’s Payments Within 60 Days of Filing the Petition.....	6
1009-1 Amendments to Voluntary Petition and Schedule: Adding a Creditor	7
1017-1 Conversion of Case	7
1017-2 Dismissal of Case	8
1019-1 Conversion: Filings Following	8
2002-1 Request for Notice	9
2002-2 Clerk’s Service List	9
2004-1 Examinations.....	9
2010-1 Management and Disbursement of Estate's Funds.....	10

TABLE OF CONTENTS (Cont'd)

2014-1 Employment of Professionals	11
2014-2 Attorney's Control of Funds of Estate Prohibited	12
2015-1 Trustees and Debtors in Possession: Operating and Other Reports.....	12
2016-1 Compensation of Professionals	12
2016-2 Compensation of Professionals: Detailed Form of Application	13
2016-3 Applications for Compensation in Chapter 13 Cases	16
2016-4 Disclosure of Compensation.....	17
2016-5 Payment on Account to Professionals in Complex Chapter 11 Case	17
2083-1 Chapters 12 and 13—Form of Plan Payment.....	19
2090-1 Attorneys—Admission to Practice	19
2090-2 Attorneys—Discipline and Disbarment	22
2091-1 Limitation on Attorney Withdrawal.....	23
3002-1 Amendment of Proof of Claim in Chapter 7 Case.....	23
3002-2 Request for Allowance of Administrative Expense.....	23
3002-3 Wage Claimant’s Social Security Number	23
3002.1-1 Failure to Respond to Trustee’s Notice of Final Cure.....	23
3007-1 Objections to Claims.....	23
3011-1 Unclaimed Funds in Registry of Court.....	25
3011-2 Undistributed Funds under a Chapter 11 Liquidating Plan	25
3015-1 Mandatory Use of Chapter 13 Form Plan	26
3015-2 Service of Chapter 12 and Chapter 13 Plans	26

TABLE OF CONTENTS (Cont'd)

3015-3 Chapter 12 or Chapter 13 Plan: Amendment before Confirmation26

3015-4 Chapter 12 or Chapter 13 Plan: Objection to Confirmation26

3015-5 Chapter 12 or Chapter 13 Plan: Amendment after Confirmation26

3015-6 Pre-Confirmation Certification27

3016-1 Chapter 11 Disclosure Statement and Plan: Disbursing Agent Proposal27

3017-1 Chapter 11 Plan: Disclosure Statement28

3017-2 Objection to Disclosure Statement29

3017.1-1 Small Business Cases29

**3017.1-2 Small Business Cases: Procedure after Conditional Approval of Disclosure
Statement29**

3021-1 Post-Confirmation Distribution Report30

3022-1 Administrative Closure of Individual’s Chapter 11 Case30

4001-1 Motion to Use Cash Collateral and to Obtain Credit31

4002-1 Disclosure of Compensation Paid by the Debtor to Certain Persons32

**4002-2 Objections to Compensation of Officers and Directors, Partners, Members
or Managers of the Debtor 33**

4003-1 Objections to Exemptions34

4004-1 Deferral of Entry of Chapter 7 Discharge Order34

4004-2 Trustee’s Final Report in Chapter 12 and Chapter 13 Case.....34

4004-3 Entry of Chapter 12 and Chapter 13 Discharge35

4004-4 Voluntary Dismissal of Adversary Proceeding Objecting to Discharge.....35

TABLE OF CONTENTS (Cont'd)

5001-1 Court Administration 36

5003-1 Documents Filed Under Seal..... 37

5003-2 Period of Time Document Remains under Seal 37

5005-1 Electronic Filing Definitions 38

5005-2 Electronic Filing: General..... 38

5005-3 Registration and Eligibility to Be an Authorized CM/ECF User 39

5005-4 Payment of Filing Fees 40

5005-5 Registration as Consent to Receive Notice and Service Electronically 40

5005-6 Use of Login and Password..... 40

5005-7 Signatures 41

5005-8 Document Requiring Multiple Signatures..... 42

5011-1 Withdrawal of Reference..... 42

5070-1 Calendars and Scheduling 43

5070-2 Resolution of Contested Matter..... 45

6004-1 Motion to Sell Assets..... 46

6007-1 Objection to Notice of Abandonment of Property of the Estate 46

7003-1 Adversary Proceeding Cover Sheet..... 47

7005-1 Motions in Adversary Proceedings..... 47

7016-1 Pretrial Statement..... 47

7023-1 Class Actions 49

TABLE OF CONTENTS (Cont'd)

7026-1 Discovery..... 49

7041-1 Settlement of Adversary Proceeding..... 50

7041-2 Notice of Involuntary Dismissal of Adversary Proceeding 50

8003-1 Opinion in Support of Order..... 51

8003-2 Payment of Fees 51

8003-3 Notice of Appeal in Pro Se Cases..... 51

8005-1 Appeals Heard by District Court 51

8009-1 Effect of Failure to Designate Record..... 51

8009-2 Transcript..... 51

8011-1 Electronic Filing and Service..... 52

8011-2 Personal Identifiers..... 52

8012-1 Disclosure of Corporate Affiliations and Financial Interest..... 52

8013-1 Rules Governing Motions..... 53

8013-2 Motion to Expedite Appeal 53

8013-3 Failure to Respond to Motion..... 54

8014-1 Brief of Appellant 54

8014-2 Brief of Appellee 54

8018-1 Motion for Extension of Time to File a Brief 54

8018-2 Appendix to Brief..... 55

TABLE OF CONTENTS (Cont'd)

9001-1 Definitions 55

9004-1 Documents in Paper Form 56

9008-1 Publication of Notices 56

9010-1 Attorneys—Appearance 56

9011-1 Electronic Signature 57

9013-1 Applications: General..... 57

9013-2 Applications that May Be Decided Immediately..... 58

9013-3 Application Practice 58

9014-1 Motions 59

9014-2 Motions Decided Without Hearing 59

9014-3 General Motion Practice 60

9014-4 Certification of Service..... 62

9014-5 Consensual Resolution of Motion..... 62

9015-1 Jury Trial 62

9019-1 Arbitration 62

9019-2 Mediation..... 63

9032-1 Effect of Amendment of Local Rules of Civil Procedure 69

9076-1 Telephone and Video Conferences and Hearings 69

Local Rule 1001-1
Local Rules—General

(a) *Scope.* The Local Bankruptcy Rules and Local Bankruptcy Forms are adopted to govern the practice and procedure before the United States Bankruptcy Court for the Eastern District of Pennsylvania.

(b) *Short Title.* These rules shall be cited and referred to as the Local Bankruptcy Rules ("L.B.R.") and the forms as the Local Bankruptcy Forms ("L.B.F.").

(c) *Construction.*

(1) These Rules and Forms. These rules and forms shall be construed in a manner consistent with the Federal Rules of Bankruptcy Procedure ("Fed. R. Bankr. P.") and the Official Bankruptcy Forms.

(2) Section or §. A reference to "section" or "§" followed by a number but not followed by the title of legislation is a reference to a section of the Bankruptcy Code.

(3) Notice of the Hearing Date. "Notice of the Hearing Date" or a variation of that phrase means notice of the date, time and location of a scheduled hearing.

Local Rule 1002-1
Evidence of Authority to File Petition

A debtor who is not an individual shall file with the petition evidence of authority to file a petition for relief under the Code.

Local Rule 1002-2
Complex Chapter 11 Cases: General

(a) *Complex Chapter 11 Case.* A complex chapter 11 case is a chapter 11 case in which

(1) the total debt in the case is more than 3 times the dollar amount stated in §101(51D),

(2) the debtor's debt or equity securities are publicly traded, or

(3) there are 100 or more parties in interest in the case.

(b) *Statement of Qualification for Complex Chapter 11 Case Status: Administration.* A chapter 11 debtor may file a Statement of Qualification for Complex Chapter 11 Case Status, substantially in the form of L.B.F. 1002-2A that sets forth the reasons why the debtor's chapter

11 case qualifies under subdivision (a) as a complex chapter 11 case. If a Statement of Qualification is filed, the case shall be administered as a complex chapter 11 case, unless the court orders otherwise.

(c) *Expedited Hearing.* In a case being administered as a complex chapter 11 case, if the debtor files a motion for the scheduling of an Expedited Hearing (“Expedited Hearing”) within 10 days of filing the case, the assigned judge shall use the judge’s best efforts to schedule an Expedited Hearing as soon as appropriate, but not more than 3 business days after the filing of the motion, unless the debtor requests a later date. If the assigned judge is unavailable, the Emergency Judge serving under L.B.R. 5001-1(a) shall use the judge’s best efforts to arrange for an Expedited Hearing within the 3 day period. The courtroom deputy shall promptly inform the debtor of the date and time of the Expedited Hearing and which motions and applications will be heard (“the Expedited Hearing Agenda”).

(d) *Notice of Expedited Hearing: Service of Motions and Applications.*

(1) Service. The debtor shall serve a Notice of Expedited Hearing substantially in the form of L.B.F. 1002-2B, copies of the motions and applications that will be heard at the Expedited Hearing and the proposed order that accompanies each motion and application on the following parties, or, if represented, their counsel:

(A) the United States Trustee;

(B) counsel for any committee or, if the committee is not represented by counsel, the committee members; or if a committee has not been appointed, the 20 largest unsecured creditors of the debtor on the list filed under Fed. R. Bank. P. 1007(d);

(C) any prepetition committee of unsecured creditors;

(D) the Internal Revenue Service at the address shown on the list maintained by the Clerk under Fed. R. Bank. P. 5003(c);

(E) any federal, state, or local governmental taxing authority to which the debtor is subject;

(F) any agency that has administrative or regulatory jurisdiction over the debtor; and

(G) any entity whose interest would be directly, materially, and adversely affected if the relief requested in one or more of the motions were granted and whose interests are not adequately represented by persons on whom service is otherwise required.

(2) Deadline for Service. The debtor shall serve the Notice of Expedited Hearing by hand delivery, overnight delivery, facsimile or electronic mail, or as otherwise directed by the court on the day the debtor is notified by the court of the date of

the Expedited Hearing, if feasible. If service is not made on the day the debtor is notified by the court of the date of the Expedited Hearing, service shall be made no later than the next day.

(3) Certification of Service. The debtor shall file a certification of service as required by L.B.R. 9014-4 before the Expedited Hearing.

(4) Adequacy of Service. If the court determines that the service completed in advance of the Expedited Hearing is inadequate for any motion or application on the Expedited Hearing Agenda, the court may deny some or all of the relief requested or continue the hearing.

(e) *Advance Notice to and Service on the United States Trustee.*

(1) Notice to United States Trustee. Counsel for the debtor, with or without naming the debtor or including information that identifies the debtor, shall, if feasible, advise the United States Trustee of a debtor's intent to file a complex chapter 11 case and of the motions and applications the debtor intends to request be heard at an Expedited Hearing. Counsel shall give this notice to the United States Trustee as soon as practical, which ordinarily should be at least 48 hours before the chapter 11 case is filed.

(2) Service on United States Trustee. The debtor shall deliver by hand or electronic mail, if feasible, the applications and motions (in substantially final form) that the debtor intends to request be heard at an Expedited Hearing to the United States Trustee at least 24 hours before the filing of the chapter 11 case.

(f) *Notice of Entry of Orders.* On the day the debtor is notified of the entry of the order disposing of a matter heard at the Expedited Hearing, the debtor, if feasible, shall serve a copy of the order on the parties required to be served under subdivision (d)(1). If service is not made on the day the debtor is notified of entry of the order, service shall be made the next day.

(g) *Objection to Statement of Qualification: Response to Motion or Application.* An objection to the debtor's Statement of Qualification and an objection or response to an application or motion scheduled to be heard at an Expedited Hearing may be filed before the Expedited Hearing or made orally at the Expedited Hearing.

Local Rule 1002-3

Complex Chapter 11 Cases: Selection of Motions and Applications for Expedited Hearing

(a) *Criteria.* In a complex chapter 11 case, a motion or application will be scheduled for an Expedited Hearing under L.B.R. 1002-2 only if it appears that an expedited ruling will either

(1) materially enhance the possibility that the debtor will be able to continue to operate the business;

(2) contribute to the preservation of the assets of the estate; or

(3) facilitate the orderly and efficient administration of the case.

(b) *Typical Motions.* The following are examples of motions or applications that ordinarily will be scheduled for an Expedited Hearing if the debtor requests:

Administrative Matters

- (1) Motion for Joint Administration of Related Chapter 11 Cases;
- (2) Motion for Approval of Debtor Serving Notice of the § 341 Creditors' Meeting;
- (3) Motion for Approval of Notice Procedures;
- (4) Motion for Approval of Claims Agent or Notice Agent;
- (5) Motion under L.B.R. 2090-1 for Admission of an Attorney *Pro Hac Vice*;
- (6) Motion for Order Scheduling Omnibus Hearing Dates;
- (7) Motion to Establish Procedures for Handling Reclamation Claims;
- (8) Motion to Establish Procedures for Sale of Property;
- (9) Motion Concerning the Appointment of a Consumer Privacy Ombudsman or Patient Care Ombudsman;

Financing

- (10) Motion for Interim Authorization of Use of Cash Collateral;
- (11) Motion for Interim Authorization of Post-Petition Borrowing;
- (12) Motion for Approval of Debtor's Continuing Use of Existing Bank Accounts, Business Forms, and Cash Management System, or Related Relief;
- (13) Motion for Approval of Interim Modified § 345 Investment Procedures and for Scheduling of Hearing on Permanent Modified § 345 Investment Procedures;

Operation of the Debtor's Business

- (14) Motion for Approval to Pay Pre-Petition Employee Wage Claims, Benefits, and Related Taxes to all Employees, Independent Contractors, and Tax Authorities;
- (15) Motion for Approval to Pay Pre-Petition Trust Fund and/or Priority Taxes;

(16) Motion for Approval to Pay or Honor Obligations to Customers;

(17) Motion for Approval to Pay Other Pre-Petition Claims;

(18) Motion for Order Authorizing and Directing Banks to Honor Certain Pre-Petition Checks; and

(19) Motion for Interim Relief and for Scheduling of Hearing on Determination of Adequate Assurance to Utilities.

(c) *Other Motions.* A debtor may request that a motion or application that is not listed in subdivision (b) be heard at the Expedited Hearing.

Local Rule 1002-4
Complex Chapter 11 Cases: Automatic Reconsideration

(a) *Automatic Reconsideration.* The court shall reconsider an order entered on a matter heard at an Expedited Hearing held under L.B.R. 1002-2, other than an order entered under § 363 or § 364 relating to the use of cash collateral or approval of post-petition financing, if a motion for reconsideration is filed within 14 days of entry of the order.

(b) *Expedited Schedule.* If requested, the reconsideration shall be on an expedited basis.

(c) *Burden of Proof.* The party who had the burden of proof on the motion or application that resulted in the entry of the order being reconsidered also has the burden of proof on reconsideration of the order.

Local Rule 1007-1
Notice to Creditors with an Interest in Cash Collateral

(a) *Notice to Those with an Interest in Cash Collateral.* The debtor shall notify each creditor known to the debtor to claim an interest in cash collateral, as defined by § 363(a), of the filing of the petition in a voluntary case or of the entry of an order for relief in an involuntary case within one day of the filing of the petition or the entry of the order for relief.

(b) *Certification of Service.* The debtor shall promptly file a certification of service as required by L.B.R. 9014-4.

Local Rule 1007-2
Matrix List of Creditors

(a) *Definition.* “Matrix List of Creditors” means a list of the name and complete address of each creditor in a case in a format designated by the Clerk.

(b) *Clerk’s Duty.* The Clerk shall post instructions on the court’s website for creating a Matrix List of Creditors in both electronic and paper format.

(c) *Debtor's Duty to File Matrix List of Creditors.* The debtor shall file a Matrix List of Creditors as follows:

(1) A CM/ECF Filing User shall file the Matrix List of Creditors electronically by entering the required information on the CM/ECF System.

(2) An unrepresented debtor authorized to file paper copies of documents under L.B.R. 5005-2 (c) shall file a Matrix List of Creditors in paper form that is created in conformity with the Clerk's instructions for creating a Matrix List of Creditors.

(d) *Deadline for Filing: Voluntary Case.* In a voluntary case, the debtor shall file a Matrix List of Creditors with the petition. Failure to file the Matrix List of Creditors may constitute cause for dismissal of the case.

(e) *Deadline for Filing: Involuntary Case.* In an involuntary case, the debtor shall file a Matrix List of Creditors within 14 days of the entry of the order for relief.

(f) *Matrix List of Creditors.* A debtor satisfies the requirement of Fed. R. Bankr. P.1007(a)(1) and (2) for filing a list of creditors by filing a Matrix List of Creditors that complies with this rule.

Local Rule 1007-3 Supplementing the Matrix List of Creditors

(a) *Duty to Supplement the Matrix List of Creditors.* A debtor who amends a schedule under Fed. R. Bankr. P. 1009(a) to add a creditor or who files a schedule of post-petition debts under L.B.R. 1019-1 shall promptly supplement the Matrix List of Creditors.

(b) *No Duty to Supplement.* A debtor has no duty to supplement the Matrix List of Creditors to include a creditor who has filed a proof of claim or a request for notices under Fed. R. Bankr. P. 2002(j).

(c) *Format of Supplement to Matrix List of Creditors.* The Matrix List of Creditors is supplemented by filing a list of additional creditors created in the same manner and format as the original Matrix List of Creditors. The originally filed Matrix List of Creditors and any supplement constitutes the Matrix List of Creditors for the purpose of these rules.

Local Rule 1007-4 Submission of Evidence of an Employer's Payments Within 60 Days of Filing the Petition

A debtor shall comply with §521(a)(1)(B)(iv) by filing with the court

(1) the required payment advices (pay stubs), or

(2) the documents available to the debtor accompanied by a statement that sets forth the reason why some payment documents have not been submitted and the

debtor's estimate of and other evidence, if any, of the payments received within the 60 day time period.

Local Rule 1009-1

Amendments to Voluntary Petition and Schedule: Adding a Creditor

(a) *Service of Amendment of Voluntary Petition or Schedule.* A debtor shall file and serve an amendment to a voluntary petition or schedule on those listed on the Clerk's Service List.

(b) *Addition of Creditor.* The debtor shall also serve an amendment adding a creditor to the debtor's schedules on that creditor.

(c) *Service of Additional Documents.* If the debtor amends a schedule by adding a creditor after the notice of the § 341 meeting has been given, in addition to the service required by this subdivision, the debtor shall serve the creditor with a copy of the notice of

(1) the § 341 meeting;

(2) any notice of a deadline for filing a proof of claim; and

(3) any notice served on all creditors in the case if a deadline for creditor action stated in that notice has not yet expired or a matter described in the notice is still pending before the court.

(d) *Payment of Fee.* The debtor shall pay the fee prescribed by the Administrative Office of the United States Courts for filing an amendment adding a creditor or file an application for a waiver of that fee due to the debtor's inability to pay the fee.

(e) *Certificate of Service.* The debtor shall file a certification of service as required by L.B.R. 9014-4.

Local Rule 1017-1

Conversion of a Case

(a) *Certain Motions of Debtor to Convert.* A motion of a debtor to convert a case to a case under another chapter under § 706(a) or § 1112(a) is governed by L.B.R. 9014-2.

(b) *Other Motions to Convert.* A motion to convert a case to a case under another chapter, other than a motion to convert under subdivision (a), is governed by L.B.R. 9014-3, except that in a case under chapter 7, 11 or 12, in addition to serving those on the Clerk's Service List as required under L.B.R. 9014-3(g), the movant shall serve the Notice required by L.B.R. 9014-3(e) on those on the Matrix List of Creditors.

Local Rule 1017-2
Dismissal of Case

(a) *Certain Motions of Debtor to Dismiss.* A motion of a debtor to voluntarily dismiss a case under §1208(b) or §1307(b) is governed by L.B.R. 9014-2.

(b) *Other Motions to Dismiss.* A motion to dismiss a case, other than a motion to dismiss under subdivision (a), is governed by L.B.R. 9014-3, except that in a case under chapter 7, 11 or 12, in addition to the service required under L.B.R. 9014-3(g), the movant also shall serve the Notice required by L.B.R. 9014-3(e) on those on the Matrix List of Creditors.

(c) *Debtor's Address.* If the case is dismissed and the debtor's address is different than the address shown on the docket, the debtor shall advise the trustee within 14 days of entry of the order of dismissal of the address to which any refund of money paid to the trustee should be sent.

Local Rule 1019-1
Conversion: Filings Following

(a) *Conversion to Chapter 7.* Within 14 days after entry of an order converting a case under another chapter to a chapter 7 case, the debtor shall file a schedule of post-petition debts which arose subsequent to the filing of the petition but prior to the conversion to chapter 7.

(b) *Conversion to Chapter 13.* Within 14 days after entry of an order converting a case under another chapter to a chapter 13 case, the debtor shall file

(1) a schedule of post-petition debts which arose subsequent to the filing of the petition but prior to the conversion to chapter 13, and

(2) a chapter 13 plan, as required by Fed. R. Bank. P. 3015(b).

Local Rule 2002-1 Request for Notice

A party in interest may request all notices in the case by filing a request under this rule or Fed. R. Bankr. P. 2002 (i) that includes the name, address, telephone number, fax number, and e-mail address of the party filing the request.

Local Rule 2002-2 Clerk's Service List

The Clerk shall maintain a Clerk's Service List which lists the name, address, telephone number, fax number, and e-mail address of

- (a) all those who file a request under L.B.R. 2002-1 to receive all notices in the case, and
- (b) the debtor; counsel for the debtor; the trustee; counsel for the trustee; counsel for any official committee; and the United States Trustee.

Local Rule 2004-1 Examinations

(a) *Consultation Required.* Prior to seeking an examination or the production of documents under Fed. R. Bankr. P. 2004, the party seeking the examination shall attempt to consult with the proposed examinee to reach an agreement on the date, time, place and scope of an examination or production of documents.

(b) *Options for Scheduling and Conducting Examination.* After consulting or making a reasonable attempt to consult with the proposed examinee, a party seeking an examination may use one of the following methods to schedule and conduct the examination:

(1) Examination by Agreement. If an examinee from whom an examination or production of documents is sought agrees to the date, time, place and scope of the examination or production of documents, the party seeking the examination shall file a notice of examination at least 7 days prior to the scheduled examination that states the date, time, place and scope of the examination or production documents. No motion, subpoena, or court order is required.

(2) Examination by Consent Order. The party seeking an examination or production of documents and the examinee may file for the court's approval at least 7 days prior to a scheduled examination an executed consent order that sets forth the date, time, place and scope of the examination or production of documents.

(3) Examination by Motion. A party seeking an examination or production of documents who moves under Fed. R. Bankr. P. 2004(a) for an order authorizing an examination or the production of documents shall include in the motion a certification

(A)) stating that the movant attempted to consult with the proposed examinee to arrange for a mutually agreeable date, time, place and scope of an examination or production of documents, but no agreement was reached; or

(B) explaining why the movant did not attempt to consult with the proposed examinee to arrange for a mutually agreeable date, time, place and scope of an examination or production.

(c) *Subpoena for Examination.*

(1) Contemporaneous Service of Subpoena. A party to a consent order or moving for an examination or production of documents under subdivision (b)(2) or (b)(3) of this rule may serve a subpoena issued under Fed. R. Bankr. P. 2004(c) contemporaneously with the filing of the consent order or motion.

(2) Scheduling Examination or Production. If a subpoena is served contemporaneously with a consent order or motion for an examination under paragraph (1) of this subdivision, the examination or the production of documents may not be scheduled sooner than 7 days after the filing of the proposed consent order or 7 days after the date of the hearing on the motion.

(d) *Motion or Request to Quash or Modify Subpoena.*

(1) Response. If a subpoena is served contemporaneously with a motion for an examination or the production of documents, a response to the motion may include a request to quash or modify the subpoena.

(2) Stay of Subpoena. A subpoena that is served contemporaneously with a motion for an examination or for the production of documents is stayed automatically if, by the response deadline under L.B.R. 9014-3(h)

(A) a motion to quash or modify the subpoena is filed, or

(B) a response to the motion for an examination is filed that includes a request to quash or modify the subpoena.

Local Rule 2010-1

Management and Disbursement of Estate's Funds

(a) *Trustees.* In a chapter 7 case or a chapter 11 case in which a trustee has been appointed, the trustee is the only person who may have signatory or other authority to control or disburse funds or other property of the estate.

(b) *Attorneys.* An attorney whose employment is approved under § 327 of the Code shall

not establish or exercise any signatory or other authority to control or disburse funds or other property of the estate unless the attorney is also serving as the trustee or a court approved escrow agent.

**Rule 2014-1
Employment of Professionals**

(a) *Service.* The applicant shall serve a copy of an application to employ a professional on the day the application is filed on those on the Clerk’s Service List and, in a chapter 11 case in which a committee has not been appointed, the 20 largest unsecured creditors of the debtor on the list filed under Fed. R. Bank. P. 1007(d).

(b) *Prior Payments to Professional to be Employed.* A professional to be employed in a chapter 11 case shall disclose in the verified statement submitted under Fed. R. Bankr. P. 2014(a)

(1) the total amount, if any, remaining on the petition date of all payments made to the professional for services to be rendered; and

(2) with respect to each payment received from the debtor on or within 90 days before the filing of the petition, the information set forth below:

Date Payment Received	Amount Received	Amount Applied to Services Rendered Before Receipt	Amount Applied to Services Rendered After Receipt	Amount Remaining on Petition Date

(c) *Deadline for Objection.* An objection to the application must be filed within 7 days of service of the application.

(d) *Certification of Service.* The applicant shall file a certification of service as required by L.B.R. 9014-4.

(e) *Certification of No Timely Objection.* If a timely objection is not filed, the applicant shall file a certification that a timely objection has not been filed.

(f) *Disposition of Application.* Subject to Fed. R. Bankr. P. 6003, after the 7-day objection period has ended, the court may either decide the application or set a hearing date.

(g) *Notice of Hearing.* If the court sets a hearing date for the application, the clerk shall serve notice of the hearing on the applicant, any objector, and those on the Clerk’s Service List.

Local Rule 2014-2
Attorney's Control of Funds of the Estate Prohibited

An attorney whose employment is approved under § 327 shall not establish or exercise any signatory or other authority to control or disburse funds or other property of the estate except when also serving as trustee or when serving as an escrow agent.

Local Rule 2015-1
Trustees and Debtors in Possession: Operating and Other Reports

A trustee or debtor-in-possession who submits an operating or other periodic report to the United States Trustee shall file a copy of the report on the same day.

Local Rule 2016-1
Compensation of Professionals

(a) *Service of Application.* On the day an application for compensation and reimbursement of expenses is filed, the applicant shall serve the application and the notice described in subdivision (c) on those on the Clerk's Service List and, in a chapter 11 case in which a committee has not been appointed, on the 20 largest unsecured creditors of the debtor on the list filed under Fed. R. Bank. P. 1007(d).

(b) *Deadline for Objection.* An objection to the application must be filed within 14 days of service of the application.

(c) *Notice of Application and Objection.* The notice served under subdivision (a) shall

(1) identify the applicant and the amounts requested; and

(2) state that any objection to the application must be filed and served on the applicant or, if the applicant is represented, counsel for the applicant within 14 days of the date on which the application is served.

(d) *Certification of Service.* The applicant shall file a certification of service of the application and the notice as required by L.B.R. 9014-4.

(e) *Providing Copy of Application on Request.* An applicant shall furnish a copy of the application to any party in interest who requests a copy and who agrees to reimburse the applicant for the actual cost of producing and delivering the copy of the application.

(f) *Certification No Timely Objection.* If no timely objection is filed within the 14 day period to file an objection, the applicant shall file a certification that a timely objection has not been filed.

(g) *Notice of Hearing.* If the court sets a hearing date for the application for compensation and reimbursement of expenses, the Clerk or, if the court directs, the applicant

shall serve the notice of the hearing on the applicant, the objector, and those on the Clerk's Service List.

(h) *Disposition Without Hearing: Reduced Award.* If the court, without holding a hearing, awards an applicant less than the requested amount of compensation and reimbursement of expenses, the applicant may include a request for a hearing on the application in a motion under Fed. R. Bankr. P. 9023. If the motion under Fed. R. Bank. P. 9023 does not include a request for a hearing, the motion is governed by L.B.R. 9014-2.

Local Rule 2016-2

Compensation of Professionals: Detailed Form of Application

(a) *Content of Application.* An application for compensation or reimbursement of expenses required by Fed. R. Bankr. P. 2016(a) shall include the following, unless the application is governed by L.B.R. 2016-3:

(1) a description of the services performed that identifies each service separately in sufficient detail to allow evaluation of the benefit derived from the service, the date each service was performed, and the time expended for each service;

(2) the professional time expended shall be set forth either

(A) by each professional or paraprofessional in chronological order,

(B) by date, showing all professionals or paraprofessionals that expended time on each day, or

(C) by categories of service set forth in subdivisions (d) and (f); and

(3) a list by type of the expenses for which reimbursement is sought that includes for each type of expense either:

(A) a statement that the amount of the expense is calculated using the applicant's actual in-house cost or the actual amount billed by a third party provider, or

(B) an explanation of how the amount of the expense is calculated.

(b) *Additional Content in Interim Applications in Chapter 7 and Liquidating Chapter 11 Cases.* An interim application for compensation and reimbursement of expenses in a chapter 7 case or a liquidating chapter 11 case also shall include a description of the history of case administration and the present status of the bankruptcy estate, including a summary of the assets that have been administered, the disbursements that have been made, and the amount of money presently in the bankruptcy estate.

(c) *Additional Content in Certain Chapter 11 Cases.*

(1) *Content of Application for Compensation or Reimbursement of Expenses.* In a chapter 11 case, an application for compensation and reimbursement of expenses that covers a period for which a professional has received payment on account pursuant to L.B.R. 2016-5 shall include the following:

(A) a list of the requests for payment on account that were filed during the period showing for each request whether (i) any objections were filed, (ii) a hearing on the objection has been held or scheduled to be held, and (iii) the amount, if any, paid on account;

(B) a tabulation that shows the difference, if any, between the amounts requested in each request for payment on account and the application for compensation and reimbursement filed under L.B.R. 2016-2; and

(C) an explanation of any differences in the amounts requested.

(d) *Form of Application.* An application for compensation or reimbursement of expenses that conforms substantially to L.B.F. 2016-2 satisfies the requirements of subdivision (a).

(e) *Categories of Service.* An application for compensation that requests professional fees in excess of \$75,000 shall set forth separately, to the extent applicable, the professional time expended under the following categories of service:

(1) *Asset Analysis and Recovery:* Identification and review of potential assets including causes of action and non-litigation recoveries.

(2) *Asset Disposition:* Sales, leases (§ 365 matters), abandonment and related transaction work related to asset disposition.

(3) *Assumption and Rejection of Leases and Contracts:* Analysis of leases and executory contracts and preparation of motions specifically to assume or reject.

(4) *Avoidance Action Analysis:* Review of potential avoiding actions under §§ 544–549 of the Code to determine whether adversary proceedings are warranted.

(5) *Budgeting (Case):* Preparation, negotiation, and amendment to budgets for applicant's fees.

(6) *Business Operations:* Issues related to debtor-in-possession operating in chapter 11 such as employee, vendor, tenant issues and other similar problems.

(7) *Case Administration:* Coordination and compliance activities not specifically covered by another category.

(8) *Claims Administration and Objections:* Specific claim inquiries; bar date

motions; analyses, objections and allowances of claims.

(9) Corporate Governance and Board Matters: Preparation for and attendance at Board of Directors meetings; analysis and advice regarding corporate governance issues, including trustee, examiner, and CRO issues; review and preparation of corporate documents (e.g., articles and by-laws).

(10) Employee Benefits and Pensions: Review and preparation related to employee and retiree benefit issues, including compensation, bonuses, severance, insurance benefits, and 401K, pensions, or other retirement plans.

(11) Employment and Fee Applications: Preparation of employment and fee applications for self or others; motions to establish interim procedures.

(12) Employment and Fee Application Objections: Review of and objections to the employment and fee applications of others.

(13) Financing and Cash Collateral: Matters under §§ 361, 363 and 364 including cash collateral and secured claims; loan document analysis.

(14) Litigation: Contested matters and adversary proceedings (not otherwise within a specific project category), each identified separately.

(15) Meetings and Communications with Creditors: Preparation for and attendance at § 341(a) meeting and any other meetings with creditors and creditors' committees.

(16) Non-Working Travel.

(17) Plan and Disclosure Statement: Formulation, presentation and confirmation; compliance with the plan confirmation order, related orders and rules; disbursement and case closing activities, except those related to the allowance and objections to allowance of claims.

(18) Real Estate: Review and analysis of real estate-related matters, including purchase agreements and lease provisions (e.g., common area maintenance clauses).

(19) Relief from Stay and Adequate Protection: Matters relating to termination or continuation of automatic stay under § 362 and motions for adequate protection under § 361.

(20) Reporting: Statement of financial affairs, schedules, monthly operating reports, and any other accounting or reporting activities; contacts with the United States Trustee not included in other categories.

(21) Tax: Analysis of tax issues and preparation of federal and state tax returns.

(22) Valuation: Appraise or review appraisals of assets.

(f) *Additional Categories of Service.* An applicant may use additional categories of service that refer to a substantive aspect of the case. An applicant shall not use a category that refers only to a procedural task (e.g., “attend court hearings”).

(g) *Court Ordered Categories of Service.* On its own motion or on the motion of a party in interest, the court may order that different categories be used for services performed after a date certain that is a reasonable period of time after the entry of the order.

Local Rule 2016-3 Applications for Compensation in Chapter 13 Cases

(a) Application for Compensation for Services Rendered Before Confirmation

(1) Short Form Application. Counsel for a chapter 13 debtor may file a short form application that conforms substantially to L.B.F. 2016-3A if the services were rendered:

(A) for a chapter 13 debtor with above - median income (the amount on line 15b of Official Form B122C-1 is not less than the amount on line 16c) and counsel will receive total compensation of \$5,000 or less for all services rendered before confirmation; or

(B) for a chapter 13 debtor with below - median income (the amount on line 15b of Official Form B122C-1 is less than the amount on line 16c) and counsel will receive total compensation of \$4,000 or less for all services rendered before confirmation.

(2) Long Form Application. If counsel for a chapter 13 debtor is not authorized under subdivision (a)(1) to file a short form application for services rendered before confirmation, counsel shall file a long form application that conforms substantially to L.B.F. 2016-2B.

(b) Application for Compensation for Services Rendered After Confirmation: Supplemental Application. If counsel for a chapter 13 debtor renders services after confirmation and seeks compensation payable by the chapter 13 trustee, counsel shall file a supplemental application that conforms substantially to L.B.F. 2016-2C.

(c) Periodic Adjustments. The dollar amounts in effect under subdivision (a)(1) of this rule shall adjust automatically beginning in April of 2019 in the same percentage and on the same effective date as the adjustments made and published by the Judicial Conference of the United States under 11 U.S.C. § 104, rounded to the nearest \$25. Adjustments under this subdivision do not apply to cases commenced before the effective date of an automatic adjustment. The Clerk shall publish a notice of the adjustment on the Court’s website.

Rule 2016-4
Disclosure of Compensation

(a) *Approved Disclosure Form for Attorney for the Debtor.* In a chapter 7, 12 or 13 case, the statement by a debtor's attorney of compensation paid or agreed to be paid that conforms substantially to Form B 2030 satisfies the requirements of § 329(a) of the Code and Fed. R. Bankr. P. 2016(b).

(b) *Disclosure of Payments by Debtor.* In all cases filed by a debtor who is not represented by counsel, at the time the petition is filed, the Clerk shall require the debtor to complete a statement on L.B.F. 2016-4 setting forth all persons or business entities from whom the debtor received assistance or to whom the debtor paid or agreed to pay money in connection with the case.

Local Rule 2016-5
Payment on Account to Professionals in Complex Chapter 11 Case

(a) *Definition.* "Payment on Account" means the amount of compensation for services rendered and reimbursement of expenses that the debtor in a case being administrated as a complex chapter 11 case under L.B.R. 1002-2 may provisionally pay to a professional employed under § 327 or § 1103 under subdivision (h) of this rule before the court approves payment of interim or final compensation and reimbursement for expenses under § 330 or § 331.

(b) *Frequency of Payment on Account.*

(1) Rolling 4 Month Maximum Period. A professional employed under § 327 or § 1103 may file requests and accept Payment on Account for services rendered and reimbursement of expenses for a maximum period of 4 months. Except for the first and last month of the professional's employment, a request must cover at least one month.

(2) Calculating 4 Month Maximum Period. A month that counts toward a professional person's 4 month maximum period under paragraph (1) is eliminated from the count upon the filing of an application for interim compensation for that month.

(c) *Content of Request.* A request for Payment on Account shall include

(1) a list by name of each professional or paraprofessional, their billing rate, number of hours billed, and the total amount requested for the period;

(2) a general description of the services rendered during the period by the the applicant in the categories of service listed in L.B.R. 2016-2 (e); and

(3) a list of the type and amount of expenses for which reimbursement is requested.

(d) *Service of Request and Notice.* On the day a request for Payment on Account is filed, the professional who made the request shall serve those listed on the Clerk's Service List with

(1) a copy of the request, and

(2) a notice stating the date of the filing of the request and the requirement that any objection to the request must be filed and served on the professional who filed the request within 14 days of the date of the service of the request.

(e) *Deadline to Object.* An objection to the request for Payment on Account must be filed within 14 days of service of notice of the request.

(f) *Content of Objection.* An objection to a request for Payment on Account shall identify the objector, state the basis of the objection, and identify the amount of the requested payment that is objected to and the amount that is not objected to.

(g) *Certification of No Objection.* If no timely objection is filed or if an objection is filed to the payment of a specific, limited amount of the requested Payment on Account, the professional who filed the request shall file a certification that no timely objection has been filed or that no timely objection has been filed to a specific amount.

(h) *Amount of Payment on Account.* On receipt of a certification under subdivision (g) that no timely objection has been filed, or an objection has been filed only to the payment of a specific, limited amount of the requested compensation or expenses, the debtor may provisionally pay the professional

(1) the lesser of

(A) 80% of the requested compensation or

(B) 100% of the amount of the compensation that has not been objected to, and

(2) 100% of the expenses requested that have not been objected to.

(i) *Hearing Date on Objection and Notice of Hearing.* Only the professional who files a request for Payment on Account may obtain a hearing date under L.B.R. 5070-1(a) for consideration of objections that have been timely filed to one or more requests. The professional shall give notice of the hearing to the objector and those listed on the Clerk's Service List.

(j) *No Binding Effect.* A party who did not object to a request for Payment on Account may object to an application under L.B.R. 2016-2 for compensation and reimbursement for the same period.

(k) *Return of Payment on Account.* If the amount provisionally paid on account to a professional exceeds the amount of final compensation awarded by the court, the professional shall repay the excess amount to the debtor within 14 days of entry of the order allowing final compensation, unless the court fixes another date for the repayment.

Local Rule 2083-1
Chapters 12 and 13—Form of Plan Payment

Payments to a chapter 12 or 13 trustee under §§ 1226(a), 1326(a), or a confirmed plan shall be made by certified check, cashier's check, money order, or by other means acceptable to the chapter 12 or 13 trustee. Each payment shall be marked legibly with the bankruptcy case number and with the name of the debtor as that name appears in the caption of the case.

Local Rule 2090-1
Attorneys—Admission to Practice

(a) *Attorney Practice Before the Court.* An attorney may practice before this Court if he or she:

(1) is admitted to practice in and presently in good standing before the United States District Court for the Eastern District of Pennsylvania;

(2) represents the United States and is authorized to practice before the district court under Local Civil Rule 83.5(e) of the United States District Court for the Eastern District of Pennsylvania;

(3) is admitted to practice *pro hac vice* under subdivision (b); or

(4) is authorized to appear under Fed. R. Bankr. P. 9016 and Fed. R. Civ. P. 45(f).

(b) *Admission Pro Hac Vice.* An attorney who is a member in good standing of the bar of any United States District Court or the highest court of any state or of the District of Columbia may be admitted to practice before this court in a particular case, matter, or proceeding.

(1) Adversary Proceedings. Procedure and Effective Date. A request for admission *pro hac vice* to appear in an adversary proceeding shall be made by verified motion of the attorney seeking such admission under L.B.R. 9014-2. An order admitting an attorney *pro hac vice* is not effective until the admission fee established by the district court is paid.

(2) Adversary Proceedings. Content. A request for admission *pro hac vice* to appear in an adversary proceeding shall:

(A) identify all federal, state or other courts of which the attorney is a member in good standing or admitted and holding inactive status;

(B) state whether the attorney has been disbarred or suspended from the bar of any court or otherwise subjected to professional discipline; and

(C) state whether the attorney is currently subject to any disciplinary proceedings.

(3) Non-Adversary Proceedings. Procedure, Content, and Effective Date. A request for admission *pro hac vice* to appear in any matter other than an adversary proceeding shall be made by verified motion of the attorney seeking such admission and is governed by subdivisions (b)(1) and (2), except that the court, in its discretion, may waive the requirement of a written motion and permit an attorney to make the motion orally on the record, including affirmation of the information required under paragraphs (A), (B) and (C) of subdivision (b)(2). An admission by oral motion is not effective beyond the initial appearance until the written motion is filed and the admission fee established by the district court has been paid.

(c) *Student Practice.*

(1) Generally. A law student may appear before the court in any case, matter, or proceeding on behalf of any person if the person on whose behalf the law student is appearing has indicated in writing consent to that appearance and the approved supervising attorney, who must be counsel of record for the person on whose behalf the law student is appearing, has also indicated in writing his approval of that appearance.

(2) Eligibility Requirements. In order to be eligible to appear before the court, the law student must, at the time of each such appearance (except as otherwise specified):

(A) be duly enrolled in a law school approved by the American Bar Association; have completed legal studies amounting to at least three semesters, or the equivalent if the school is on a basis other than a semester basis;

(B) be introduced to the court in which the law student is appearing for the first time by an attorney admitted to practice before the court;

(C) announce to the court each time that the law student appears that the student is a law student appearing pursuant to this rule;

(D) neither ask for nor receive any compensation or remuneration of any kind for services from the *person* on whose behalf he or she renders services; and

(E) have read and be familiar with the Rules of Professional Conduct adopted by the Supreme Court of Pennsylvania, as amended from time to time, and any Rule of professional conduct adopted, from time to time, by the United States District Court for the Eastern District of Pennsylvania, the Fed. R. Evid., the Fed. R. Civ. P., the Fed. R. Bankr. P., the Code, and the L.B.R. and the L.B.F.

(3) Compensation. An eligible law student may be paid by an attorney, legal services agency, law school, public defender agency, or government entity.

(4) Termination of Eligibility. The eligibility of a law student to appear before the court or perform other services in a bankruptcy case or proceeding may be terminated by any judge within this district after notice and hearing.

(5) Supervising Attorney. Any member of the bar of this court who chooses to supervise an eligible law student:

(A) shall be an attorney who has previously received from the Board of Bankruptcy Judges approval to supervise eligible law students, such approval having been given after the filing of an application;

(B) assumes personal professional responsibility for the quality of the services performed by the law student; and

(C) shall assist the law student in his preparation to the extent necessary to make the product of the law student's efforts indistinguishable from those of a licensed member of the bar.

(6) Role of Students. The Clerk shall maintain a roll of all approved supervising attorneys and law students.

(7) Miscellaneous. Nothing contained in this rule shall affect the right of any person who is not admitted to practice law to perform any act he might lawfully perform prior to the adoption of this rule.

Local Rule 2090-2

Attorneys—Discipline and Disbarment

(a) *Standards of Professional Conduct.* The standards and rules of professional conduct adopted by the United States District Court for the Eastern District of Pennsylvania and applicable to attorneys practicing before the district court are applicable to attorneys practicing before the bankruptcy court. The bankruptcy court may govern and control the conduct of attorneys practicing before the bankruptcy court.

(b) *Discipline by District Court and Bankruptcy Court.* The bankruptcy court may discipline attorneys practicing before the bankruptcy court, except that the bankruptcy court may not suspend or disbar an attorney. If a judge of the bankruptcy court has good cause to believe that an attorney should be suspended or disbarred, the judge shall notify the Chief Judge of the district court who shall proceed with the matter in accordance with Local Rules of Disciplinary Enforcement of the United States District Court for the Eastern District of Pennsylvania.

(c) *Discipline by Other Courts.*

(1) Required Notification by Attorney. An attorney admitted to practice before this court shall promptly notify the Clerk of this court and the Clerk of the district court if another court of the United States or the District of Columbia, a territory, commonwealth or possession of the United States, or of any state imposes a sanction of public discipline, suspension, or prohibits the attorney from practicing before that court for

(A) violating applicable rules of professional conduct,

(B) voluntarily electing inactive status or failing to fulfill a continuing legal education requirement, unless the attorney is active and in good standing in another court, or

(C) any other reason.

(2) Action by Court. Upon notification by an attorney as required under this subdivision or the filing of a certified or exemplified copy of a judgment or order demonstrating that an attorney has been prohibited from practicing before another court or otherwise disciplined by another court the Chief Judge may, after notice and a hearing, discipline the attorney in any appropriate way, other than suspending or disbarring the attorney.

Local Rule 2091-1
Limitation on Attorney Withdrawal

An attorney may not withdraw an appearance as counsel for the debtor in a bankruptcy case, or for any party in a pending contested matter or adversary proceeding, except by order of the court, unless another attorney eligible to appear before the court enters an appearance simultaneously.

Local Rule 3002-1
Amendment Proof of Claim in Chapter 7 Case

In a chapter 7 case, a proof of claim may not be amended after the filing of the trustee's Notice of Final Report.

Local Rule 3002-2
Request for Allowance of Administrative Expense

(a) *Motion.* A request for allowance of an unpaid administrative expense, other than by a governmental unit exempt from filing a request under §503(b)(1)(D) or for professional compensation under L.R.B. 2016-1, shall be made by motion, unless otherwise provided in a confirmed plan.

(b) *Deadline for Filing Motion for Allowance of Administrative Expense.* The court on its own motion or on motion of a party in interest may fix a deadline for filing a motion for allowance of an unpaid administrative expense.

Local Rule 3002-3
Wage Claimant's Social Security Number

On request of the trustee or the person who is authorized to make distributions, a wage claimant must provide the claimant's full social security number directly to the trustee or other authorized person making distributions. The full social security number shall not be filed with the court.

Local Rule 3002.1-1
Failure to Respond to Trustee's Notice of Final Cure

In a chapter 13 case, if the holder of a claim secured by a security interest in the debtor's principal residence does not file the statement required under Fed. R. Bankr. P. 3002.1(g), the debtor may file a motion under Fed. R. Bankr. P. 3002.1(i).

Local Rule 3007-1
Objections to Claims

(a) *Content of Objection.* An objection to the allowance of a claim shall identify the objector, the claims register number of the proof of claim objected to, the name of the claimant, the amount claimed, and the basis of the objection.

(b) *Scheduling of Hearing.* Prior to the filing of an objection, the objector shall obtain a hearing date in the manner provided in L.B.R. 5070-1.

(c) *Documents Filed and Served with Objection.* The following documents shall be filed and served with the objection:

(1) unless an omnibus objection is filed, a copy of the claim to which the objection is made, including all exhibits or attachments relevant to the objection;

(2) a proposed form of order which, if entered by the court, would grant the relief sought by the objection; and

(3) a notice of the filing of the objection and the hearing date substantially in the form of L.B.F. 3007-1.

(d) *Continuance of the Hearing.* Unless the court, for cause, orders otherwise, if the claimant fails to notify the objector in writing at least 7 days before the hearing date of the claimant's intent to contest the objection, upon request, the objector is entitled to a continuance of the hearing at its first listing.

(e) *Service and Deadline for Service.* The objection and documents listed in subdivision (c) shall be served as required under Fed. R. Bankr. P. 3007(a) on the debtor, the claimant, and the trustee at least 30 days before the hearing date.

(f) *Certification of Service.* The objector shall file a certification of service as required by L.B.R. 9014-4.

(g) *No Response Required.* No response is required to an objection to the allowance of a claim.

Local Rule 3011-1
Unclaimed Funds in Registry of Court

(a) *Withdrawal of Funds.* A motion for the withdrawal of funds paid into the Court Registry is governed by L.B.R. 9014-2. The motion shall state:

- (1) the amount to be withdrawn;
- (2) the reason the funds were paid into the registry, if known;
- (3) the name, address and the last four digits of the taxpayer identification number of the entity to which funds are to be paid; and
- (4) the basis of the proposed recipient's right to payment of the funds.

(b) *Evidence of Right to Payment.*

(1) Power of Attorney. If the proposed recipient's right to payment of the funds is based in whole or in part on a power of attorney, a copy of the power of attorney shall be filed and served with the motion.

(2) Transferee of Claim. If the proposed recipient of the funds did not comply with Fed. R. Bankr. P. 3001(e)(2) or (4) to establish that the recipient was the transferee of the claim to the funds, evidence of the transfer shall be filed and served with the motion.

(c) *Service.* The motion and the evidence referred to in subdivision (b) shall be served on the debtor, the trustee or former trustee, the transferor of a claim referred to in subdivision (b)(2), the United States Trustee and, if 28 U.S.C. §2042 applies, on the United States Attorney.

(d) *Certification of Service.* The movant shall file a certification of service as required by L.B.R. 9014-4.

Local Rule 3011-2
Undistributed Funds under a Chapter 11 Liquidating Plan

(a) *Definition.* The term "undistributed funds" in this rule means funds available for distribution under a chapter 11 liquidating plan that are undistributed because

- (1) a creditor has rejected or forfeited its right to a distribution under the plan;
- (2) the administrative costs of distribution effectively preclude further distribution under the plan; or
- (3) no one that has a right to the funds under the plan.

(b) *Motion for Authority to Disburse Undistributed Funds.* If there are undistributed funds and the chapter 11 liquidating plan does not provide for the disposition of the undistributed funds, the disbursing agent may file a motion for authority to disburse the undistributed funds to

an entity recommended by the disbursing agent.

Local Rule 3015-1
Mandatory Use of Chapter 13 Form Plan

In a chapter 13 case, the plan must conform to L.B.F. 3015.1-1.

Local Rule 3015-2
Service of Chapter 12 and Chapter 13 Plans

(a) *Service.* After filing the chapter 12 or chapter 13 plan, the debtor shall promptly serve the plan as required under Fed. R. Bankr. P. 3015(d) and, if applicable, Fed. R. Bankr. P. 3012(b).

(b) *Certification of Service.* The debtor shall file a certification of service as required by L.B.R. 9014-4.

Local Rule 3015-3
Chapter 12 or Chapter 13 Plan: Amendment before Confirmation

(a) *Amended Plan.* In a chapter 12 or 13 case, the debtor may modify a plan before confirmation by filing a new version of the plan incorporating all of the amendments into the amended plan with the proper numerical designation, such as the “Second Amended Plan.” An amended chapter 13 plan must conform to L.B.F. 3015.1-1.

(b) *Service.* On the day an amended chapter 12 or chapter 13 plan is filed, the debtor shall serve the amended plan as required under Fed. R. Bankr. P. 3015(d) and, if applicable, Fed. R. Bankr. P. 3012(b).

(c) *Certification of Service.* The debtor shall file a certification of service as required by L.B.R. 9014-4.

Local Rule 3015-4
Chapter 12 or Chapter 13 Plan: Objection to Confirmation

(a) *Filing and Service.* As required by Fed. R. Bankr. P. 3015(f), an objection to confirmation of a debtor’s chapter 12 or chapter 13 plan or amended chapter 12 or chapter 13 plan shall be filed and served on the debtor, the debtor’s counsel, and the trustee no later than 7 days before the date of the hearing on confirmation of the plan or amended plan, unless the court orders otherwise.

(b) *Effect of Later Filed Amended Plan on Pending Objection to Confirmation.* A filed objection to confirmation of a plan continues as an objection to a later filed amended plan.

Local Rule 3015-5
Chapter 12 or Chapter 13 Plan: Amendment after Confirmation

(a) *Motion Required.* A confirmed chapter 12 or chapter 13 plan may be amended after confirmation under §1229 or §1329 only on a motion governed by L.B.R. 9014-3.

(b) *Content of Motion.* The motion shall summarize the

- (1) terms of the confirmed plan;
- (2) proposed amendments to the plan; and
- (3) effect, if any, of the proposed amended plan on the distribution under the confirmed plan to each class of creditors.

(c) *Documents Filed and Served with the Motion.* The motion shall be accompanied by

- (1) a copy of an amended plan;
- (2) a proposed order which, if entered by the court, would grant the relief sought by the motion; and
- (3) the notice required by L.B.R. 9014-3(e), except that the notice shall state that the deadline for filing objections is 21 days from service of the notice, as required by Fed. R. Bankr. P. 3015(h).

(d) *Service of Motion and Accompanying Documents.* On the day the motion is filed, the proponent shall serve the motion, the notice required by subdivision (c)(3), the amended plan, and the proposed order on

- (1) those on the Clerk's Service List, and
- (2) any priority or secured creditor, or creditor adversely affected by the changes to the original plan who is not on the Clerk's Service List.

(e) *Service of Notice on All Creditors.* On the day the motion is filed, the proponent shall serve the notice required by subdivision (c)(3) on all creditors.

(f) *Certification of Service.* The debtor shall file a certification of service as required by L.B.R. 9014-4.

Local Rule 3015-6 Chapter 13 Pre-Confirmation Certification

(a) *Debtor Represented by Counsel.* In a chapter 13 case, counsel for the debtor shall file a pre-confirmation certification that conforms to L.B.F. 3015-3A.

(b) *Debtor Not Represented by Counsel.* In a chapter 13 case, an unrepresented debtor shall file a pre-confirmation certification that conforms to L.B.F. 3015-3B.

Local Rule 3016-1 Chapter 11 Disclosure Statement and Plan: Disbursing Agent Proposal

If a chapter 11 plan provides for the liquidation of a material portion of the property of

the estate and the distribution of the proceeds to creditors through a disbursing agent, the plan and the disclosure statement shall include a disbursing agent proposal setting forth

- (a) the name of a person competent and willing to serve as disbursing agent, if known;
- (b) the duties to be performed by the disbursing agent;
- (c) the amount and costs of a bond;
- (d) if a bond will not be required, the reasons why a bond should not be required; and
- (e) the method and source of payment of the disbursing agent.

Local Rule 3017-1
Chapter 11 Plan: Disclosure Statement

(a) *Filing of Disclosure Statement and Voting Procedures Motion.* The plan proponent in a chapter 11 case shall file with the plan

- (1) the disclosure statement required by § 1125; and
- (2) a motion for approval of the disclosure statement and for approval of plan voting procedures.

(b) *When Considered by Court.* The court shall consider the motion for approval of plan voting procedures at the hearing on the disclosure statement.

(c) *Service.* The plan proponent shall serve the motion for approval of the disclosure statement and for approval of plan voting procedures with the plan and disclosure statement that are served under Fed. R. Bankr. P. 3017(a) on

- (1) those on the Clerk's Service List;
- (2) the Securities and Exchange Commission; and
- (3) any party in interest who requests in writing a copy of the disclosure statement or plan.

(d) *Notice.* The plan proponent shall give the 28 day notice required under Fed. R. Bankr. P. 3017(a) of the filing of the motion for approval of the disclosure statement and for approval of plan voting procedures, the deadline for filing an objection, and hearing on the motion to those specified in Fed. R. Bankr. P. 2002(b).

(e) *Certification.* The plan proponent shall file a certification of service of the documents under subdivisions (c) and (d) as required by L.B.R. 9014-4.

Local Rule 3017-2
Objection to Disclosure Statement

Deadline to File Objection and Service. An objection to a motion for approval of the disclosure statement or for approval of the plan voting procedures shall be filed and served no later than 7 days before the hearing on the disclosure statement and served on

- (1) those on the Clerk's Service List, and
- (2) the plan proponent.

Local Rule 3017.1-1
Small Business Cases

In a small business case governed by Fed. R. Bankr. P. 3017.1,

- (a) L.B.R. 3017-1(a), (c), and (e) apply, except that the references to a motion for approval of the disclosure statement and voting procedures shall be read as a reference to an application for conditional approval of the disclosure statement and voting procedures;
- (b) the application for conditional approval of the disclosure statement and approval of plan voting procedures is governed by L.B.R. 9013-2; and
- (c) an initial order approving plan voting procedures is conditional and subject to final approval at the confirmation hearing.

Local Rule 3017.1-2
Small Business Cases: Procedure after Conditional Approval of Disclosure Statement

(a) *Service.* If the court conditionally approves the disclosure statement and voting procedures and enters an order under Fed. R. Bankr. P. 3017.1(a), the plan proponent, shall serve on all creditors and equity security holders, as required by Fed. R. Bankr. P. 2002(b), 3017(d), and 3017.1(c),

- (1) the plan or a court approved summary of the plan and the conditionally approved disclosure statement; and
- (2) notice of the dates of the hearing on confirmation of the plan and on final approval of the disclosure statement and the deadlines to accept or reject the plan, to object to confirmation of the plan, and to object to final approval of the disclosure statement.

(b) *Certification of Service.* The plan proponent shall file a certification of service as required by L.B.R. 9014-4.

Local Rule 3021-1
Post-Confirmation Distribution Report

(a) *Post-Confirmation Distribution Report.* Unless otherwise ordered by the court, the debtor, trustee, disbursing agent, or other person designated in a chapter 11 plan to make distributions to creditors after confirmation of a chapter 11 plan shall prepare, file, and serve a post-confirmation distribution report for the balance of the calendar quarter in which the confirmation order is entered, for each following quarter, and any part of a quarter in which plan distributions are completed until the case is closed.

(b) *Contents of Report.* A post-confirmation distribution report for each reporting period shall include

- (1) the names of
 - (A) the institution where funds are deposited,
 - (B) the accounts, and
 - (C) the person who has signatory authority over the account;
- (2) if funds are invested in instruments, the type, amount, and maturity date of the instruments;
- (3) the amount distributed to each class and any unclassified creditor under the plan; and
- (4) the cumulative amount distributed to each class and any unclassified creditor since confirmation of the plan.

(c) *Deadline to File.* A post-confirmation distribution report shall be filed on or before the 20th day after the end of each calendar quarter.

(d) *Service.* A post-confirmation distribution report shall be served on

- (1) counsel for any committee remaining in existence after confirmation of the plan; and
- (2) those on the Clerk's Service List.

Local Rule 3022-1
Administrative Closure of Individual's Chapter 11 Case

If the court in an individual chapter 11 case enters an order for administrative closure of the case subject to re-opening for entry of a discharge, the Clerk shall serve L.B.F. 3022-1, Notice of Administrative Closure, on those on Matrix List of Creditors.

Local Rule 4001-1
Motions to Use Cash Collateral and to Obtain Credit

(a) *Motion.* A request to use cash collateral under § 363 or to obtain credit under §364 is governed by L.B.R. 9014-3.

(b) *General Content of Motion.* A motion to use cash collateral or to obtain credit shall contain a summary of the essential terms of the proposed use of cash collateral or of the credit terms, including

- (1) the terms of adequate protection under §363(e);
- (2) requested priority over administrative expenses under §364(c)(1) or priority over or equal to a lien under §364(d)(1);
- (3) the maximum borrowing available on an interim and final basis; and
- (4) borrowing conditions, interest rate, maturity, events of default, and limitations on the use of funds.

(c) *Identification of Certain Specific Terms.* A motion to use cash collateral or to obtain credit must state whether the proposed form of order, or transactional document (including the cash collateral stipulation, if any, or loan agreement), contains any provision listed below. If so, the motion must specify the location of the provision in the proposed form of order or transactional document.

- (1) Provisions that grant cross-collateralization protection (other than replacement liens or other adequate protection) to the prepetition secured creditors (i.e., clauses that secure prepetition debt by post-petition assets in which the secured creditor would not otherwise have a security interest by virtue of its prepetition security agreement or applicable law);
- (2) Provisions or findings of fact that bind the estate or other parties in interest with respect to the validity, perfection or amount of the secured creditor's prepetition lien or the waiver of claims against the secured creditor;
- (3) Provisions that seek to waive rights the estate may have under § 506(c);
- (4) Provisions that grant to the prepetition secured creditor liens on the debtor's claims and causes of action arising under §§ 544, 545, 547, 548 and 549;
- (5) Provisions that deem prepetition secured debt to be post-petition debt or that use post-petition loans from a prepetition secured creditor to pay part or all of that secured creditor's prepetition debt, other than as provided in § 552(b);
- (6) Provisions that provide disparate treatment for the professionals retained by

a creditors' committee from those professionals retained by the debtor with respect to a professional fee carve-out;

(7) Provisions regarding conditions to closing and/or borrowing, including any budget provisions;

(8) Provisions regarding maturity, termination and default, including the effect of any such provisions on the automatic stay;

(9) Provisions that prime any secured lien without the consent of that lienor;

(10) Provisions that seek to affect the Court's power to consider the equities of the case under § 552(b)(1);

(11) Provisions for priority over administrative expenses; and

(12) Any other material provisions, including “lockbox” requirements, or provisions relating to allocation of debt repayment, change of control, accountings, rights of inspection, and key covenants.

Local Rule 4002-1

Disclosure of Compensation Paid by the Debtor to Certain Persons

(a) *Compensation Paid During Interim Period.* Unless the court orders otherwise and subject to termination under subdivision (b), the debtor may pay compensation for services rendered to the debtor by a person who is an officer or director of a corporate debtor, partner of a partnership debtor, or a member, manager, or officer of a limited liability company at a rate equal to or less than the annual rate of compensation and benefits paid to the person as of the 90th day before the filing of the petition or such other amount as the court orders for cause shown.

(b) *Compensation Disclosure Notice.* The debtor's authority to pay compensation and expenses under subdivision (a) terminates 21 days after the filing of the petition or the entry of an order for relief in an involuntary case unless the debtor files within the 21 day period a compensation disclosure notice listing the name of any person receiving compensation from the debtor under subdivision (a) and

(1) a description of the position, title, and duties of the person; the compensation being paid, and a list of each benefit provided with the cost of each benefit; and

(2) the compensation paid, a list of each benefit provided, and the cost of each benefit on the 90th day, 180th day, and 1 year before the filing of the petition.

(c) *Effect of Timely Compensation Notice.* If the debtor timely files and serves the compensation disclosure notice under subdivision (b), the debtor is authorized to pay the

disclosed compensation and benefits even if an objection is filed under L.B.R. 4002-2 until the court orders otherwise.

(d) *Service*. On the day the notice described in subdivision (b) is filed, the debtor shall serve the notice on

- (1) the members of any committee and counsel for the committee or, if no committee has been appointed, the creditors holding the 20 largest unsecured claims;
- (2) creditors holding secured claims; and
- (3) those on the Clerk's Service List.

Local Rule 4002-2

Objections to Compensation of Officers and Directors, Partners, Members or Managers of the Debtor

(a) *Content of Objection*. An objection to the debtor's payment of compensation or a benefit retention provided to a person listed in the debtor's notice under L.B.R. 4002-1 shall identify the objector and state the basis of the objection.

(b) *Scheduling of Hearing*. Prior to the filing of an objection, the objector shall obtain a hearing date under L.B.R. 5070-1.

(c) *Documents to Be Filed and Served With an Objection*. The objector shall serve the following documents with an objection:

- (1) copy of the debtor's notice to which objection is made;
- (2) a proposed form of order which, if entered by the court, would grant the relief sought by the objection; and
- (3) a notice of the hearing date.

(d) *Service and Deadline for Service*. The objection and documents listed in subdivision (c) shall be served at least 21 days prior to the date set for a hearing on

- (1) the members of any committee and counsel for the committee or, if no committee has been appointed, the creditors holding the 20 largest unsecured claims;
- (2) creditors holding secured claims; and
- (3) those the Clerk's Service List.

(e) *Certification of Service.* The objector shall file a certification of service as required by L.B.R. 9014-4.

(f) *No Response Required.* No response is required to an objection filed under subdivision (a) of this rule.

Local Rule 4003-1
Objections to Exemptions

(a) *Content of Objection.* An objection to an exemption filed under Fed. R. Bankr. P. 4003(b) shall identify the objector and the basis for the objection.

(b) *Scheduling of Hearing.* Prior to filing an objection, the objector shall obtain a hearing date in the manner provided in L.B.R. 5070-1.

(c) *Documents to be Served and Filed with Objection.* The following documents shall be served and filed with an objection:

(1) a proposed form of order which, if entered by the court, would grant the relief sought by the objection; and

(2) a notice of the hearing substantially in the form of L.B.F. 4003-1.

(d) *Service and Deadline for Service.* On the day the objection is filed, the objector shall serve the objection and the documents listed in subdivision (c) on the debtor, the debtor's counsel, and those on the Clerk's Service List.

(e) *Certification of Service.* The objector shall file a certification of service as required by L.B.R. 9014-4.

(f) *No Response Required.* No response is required to an objection to an exemption.

Local Rule 4004-1
Deferral of Entry of Chapter 7 Discharge Order

A chapter 7 debtor's motion under Fed. R. Bankr. P. 4004(c) to defer entry of a discharge order is governed by L.B.R. 9014-2.

Local Rule 4004-2
Trustee's Final Report in Chapter 12 and Chapter 13 Case

(a) On completion of the case administration under a confirmed chapter 12 or chapter 13 plan, the trustee shall promptly file a final report.

(b) Upon the filing of the final report, the Clerk shall promptly give notice to the debtor, debtor's counsel, and all creditors that

(1) the final report has been filed; and

(2) any objection to the final report must be filed within 30 days from the date of service of the notice.

(c) An objection to the trustee's final report must be served on the debtor, debtor's counsel, the trustee, and those on the Clerk's Service List.

Local Rule 4004-3

Entry of Chapter 12 and Chapter 13 Discharge

(a) *Debtor's Motion for Entry of Discharge.*

(1) A debtor may file a motion for entry of a discharge before or after the Trustee's Final Report is filed.

(2) The motion is governed by L.B.R. 9014-3, except that service is only required to be made on the trustee and every creditor whose claim is subject to discharge.

(b) *Content of Motion.*

(1) In a chapter 12 case, the debtor must represent that all of the plan payments have been made and attach a completed and executed copy of L.B.F. 4004-3A.

(2) In a chapter 13 case, the debtor must represent that all of the plan payments have been made and attach a completed and executed copy of L.B.F. 4004-3B.

Local Rule 4004-4

Voluntary Dismissal of Adversary Proceeding Objecting to Discharge

A motion for the voluntary dismissal of a complaint objecting to discharge under §727 shall state

(a) whether consideration was promised or given, directly or indirectly, for the withdrawal of the action; and

(b) the terms of any agreement entered into between the debtor and a creditor.

Local Rule 5001-1
Court Administration

(a) *Emergency Judge.*

(1) The judge who is designated as “Emergency Judge” shall act instead of the judge to whom a case is assigned whenever the assigned judge is unavailable to determine a matter in the time within which judicial action is required.

(2) During normal business hours, all inquiries concerning the Emergency Judge shall be referred to the clerk, who shall obtain complete information concerning the nature of the emergency, the name of the case, the names and telephone numbers of counsel and shall provide this information to the Emergency Judge who shall determine what action, if any, is required of the Emergency Judge.

(3) Outside of normal business hours, all inquiries concerning the Emergency Judge shall be made to the Chief Security Officer for the District Court at the U.S. Courthouse for the Eastern District of Pennsylvania, 601 Market Street, Philadelphia, PA 19106, who will contact the Clerk of the Bankruptcy Court.

(4) Whenever counsel requests immediate judicial action, the clerk shall contact the assigned judge and in the event that the judge cannot be reached or the judge consents to action by the Emergency Judge, the Emergency Judge shall act in accordance with paragraph (1) of this subdivision.

(5) If the Emergency Judge is required to hold an extensive hearing or otherwise perform a substantial amount of work, the clerk may, at the request of the Emergency Judge and with the consent of the assigned judge, reassign the case to the Emergency Judge for all purposes.

(b) *Assignment of Cases.*

(1) Cases shall be assigned by a blind lottery method to judges sitting in a multi-judge location.

(2) If the filed papers indicate a later filed case is related to an earlier filed case, the clerk shall assign the later filed case to the same judge to whom the earlier case was assigned and notify the judge of that assignment. On motion of an interested party or if the judge receiving the later filed case is of the opinion that a relationship does not exist, the receiving judge may refer the case to the clerk for assignment by the blind lottery method in the same manner as if it were a newly filed case.

(3) If the filed papers do not indicate that a later filed case is related to an earlier filed case, the court, on its own motion or on motion of an interested party, may determine that a case is related to another case or is more appropriately heard by

another judge and, with the consent of the receiving judge, reassign the case to the receiving judge.

Local Rule 5003-1

Documents Filed Under Seal

(a) *When Documents May Be Filed Under Seal.* A document may be filed under seal only if

(1) a federal statute authorizes the sealing of the record or of certain specific documents; or

(2) the court orders the document sealed under §107.

(b) *Motion to Seal: Filing of the Documents.*

(1) A motion to file documents under seal shall be filed electronically under L.B.R. 5005-1.

(2) The documents for which filing under seal is sought may be filed electronically or the movant may request permission to file the documents in paper form.

(c) *Status of Documents Pending and After Decision on Motion.*

(1) The clerk shall restrict public access to the documents that are the subject of the motion to file documents under seal pending the court's ruling on the motion.

(2) Unless the court orders otherwise, if the motion to file documents under seal is denied, the clerk shall remove the restriction on public access 14 days after the entry of the order denying the motion to file under seal.

Local Rule 5003-2

Period of Time Document Remains Under Seal

(a) *Governing Federal Statute.* If a document is sealed under a federal statute, the continued status of the document is governed by that federal statute.

(b) *Duration of Court Order.*

(1) Unless the court orders otherwise, a document sealed by the court under L.B.R. 5003-1(a)(2), remains sealed until terminated under this subdivision.

(2) On the second anniversary of the closing of the bankruptcy case, the Clerk shall send notice to the party who submitted the sealed document and the party's attorney that the document will be unsealed unless a party in interest files an objection within 60 days of service of the notice.

(3) The Clerk shall send the notice to the address on the docket or any more current address ascertained by the Clerk.

(4) If a party in interest objects to the unsealing of the document or if the Clerk's notice is returned unclaimed, the court will determine whether to maintain the document under seal, to unseal it, or to require further notification.

Local Rule 5005-1
Electronic Filing Definitions

(a) "CM/ECF System" means the court's Case Management/Electronic Case Files System that receives documents filed in electronic format.

(b) "Filing User" means a person who has obtained a court-issued login and password to use the CM/ECF System for electronic filing of all documents and to receive notice.

(c) "Limited Filing User" means a person who has obtained a court-issued login and password to use the CM/ECF System for electronic filing of specific documents and to receive notice.

(d) "Non-Filing User" means a party in interest who has obtained a court-issued login and password to use the CM/ECF System to obtain notice.

(e) "Authorized CM/ECF Users" means Filing Users, Limited Filing Users, and Non-Filing Users.

(f) "CM/ECF Filing Users" means Filing Users and Limited Filing Users.

Local Rule 5005-2
Electronic Filing: General

(a) *Mandatory Electronic Filing.* Documents filed with the court shall be filed electronically via the CM/ECF System unless filing in paper form is authorized under subdivision (c).

(b) *Automatic Extension of Time.* If the CM/ECF System is inaccessible for electronic filing of documents for any reason on the last day for filing under Fed. R. Bankr. P. 9006(a)(1), then under Fed. R. Bankr. P. 9006 (a)(3) the time for filing is extended to the first accessible day for electronic filing that is not a Saturday, Sunday or legal holiday.

(c) *Permissible to File in Paper Form.* Filing in paper form is permissible in the following circumstances:

(1) Pro Se Debtors. An individual debtor who is not represented by counsel.

(2) CM/ECF Filing Users. An CM/ECF Filing User who is unable to file electronically due to the CM/ECF System not being available.

(3) Attorneys. An attorney

(A) who due to exigent circumstances must file a document before the attorney is able to become a Filing User, but only for 14 days after filing a document in paper form; or

(B) who is admitted pro hac vice, but only for 14 days after entry of the admission order.

(4) Court Authorization to File in Paper Form. A party in interest may file in paper form a proof of claim, a transfer and assignment of a claim, a request for notice, and any other document for which the court permits filing in paper form.

(5) Documents Under Seal. Documents for which filing under seal is sought may be filed in paper form if the court authorizes filing in paper form under L.B.R. 5003-1(b)(2).

(d) *Filing, Docketing and Service*. Transmission of the CM/ECF Notice of Electronic Filing automatically generated by the CM/ECF System upon the filing of a document constitutes

(1) entry of the document on the docket by the Clerk under Fed. R. Bankr. P. 5003; and

(2) service and notice of the document, including the notice of a judgment or order required by Fed. R. Bankr. P. 9022, to all persons listed on the CM/ECF Notice of Electronic Filing who are deemed to have consented to electronic service or notice of the document under to L.B.R. 5005-5.

(e) *Filing Date*. A document filed electronically is filed on the date and at the time stated in the CM/ECF Notice of Electronic Filing.

(f) *Eastern Time Determines Filing Date*. The electronic filing of a document must be completed before midnight prevailing Eastern Time, to be timely filed on that day.

(g) *Non-Electronic Service*. Parties not deemed to have consented to electronic service or notice of the document are entitled to service of the electronically filed document in paper form.

Local Rule 5005-3

Registration and Eligibility to Be an Authorized CM/ECF User

(a) *Registration*. A person eligible to be an Authorized CM/ECF User under this rule registers by submitting to the Clerk the completed registration form prescribed by the Clerk and available on the court's website.

(b) *Filing Users Who Are Attorneys and Other Appointees*. The following persons may

register as Filing Users: Attorneys admitted to practice in the United States District Court for the Eastern District of Pennsylvania who currently are in good standing, including those admitted pro hac vice by the bankruptcy court; attorneys authorized to represent or representing the United States but who are not admitted to the United States District Court for the Eastern District of Pennsylvania; United States trustees and their assistants; trustees and their assistants, examiners, ombudsmen, and mediators appointed to serve in a bankruptcy case; and other persons the court designates.

(c) *Filing Users Who Are Parties.* On request of an individual pro se debtor or an individual pro se party to a pending contested matter or adversary proceeding, the court may authorize the pro se party to register as a Filing User for purpose of the debtor's case, a contested matter, or an adversary proceeding.

(d) *Limited Filing Users.* A creditor and personal financial course providers may register with the Clerk as a Limited Filing User for the purpose of filing proofs of claim, transfers and assignments of claims, requests for notices, and those other documents identified on the Limited Filing User Registration form which is available on the court's website.

(e) *Non-Filing Users.* A party in interest in a case may register with the Clerk as a Non-Filing User for the purpose of obtaining electronic notice in that case.

Local Rule 5005-4 Payment of Filing Fees

CM/ECF Filing Users shall pay all applicable filing fees through the CM/ECF System. Fees shall be paid at the time of filing of the document or, in the case of multiple filings on a single day, fees incurred during that day may be accumulated and paid at one time but no later than midnight prevailing Eastern Time of the day following the day of the multiple filings.

Local Rule 5005-5 Registration as Consent to Receive Notice and Service Electronically

Registration as a CM/ECF Filing User constitutes

- (a) waiver of the right to service by personal service or first class mail, except with regard to service of a summons and complaint under Fed. R. Bankr. P. 7004;
- (b) waiver of the right to service and notice by first class mail of the entry of an order or judgment under Fed. R. Bank. P. 9022; and
- (c) consent to electronic service of all notices and documents.

Local Rule 5005-6 Use of Login and Password

Authorized CM/ECF Users shall control and protect the security of their CM/ECF

System login and password and immediately notify the Clerk if they learn that their CM/ECF account has been compromised. Authorized CM/ECF Users may be subject to sanctions for failure to comply with this provision.

Local Rule 5005-7

Signatures

(a) *Documents Signed by CM/ECF Filing Users.* Electronically filed documents that are signed by a CM/ECF Filing User must include a signature block that sets forth the name, address, telephone number, and e-mail address of the CM/ECF Filing User. The electronically filed document shall be either:

- (1) a scanned copy of the document signed by the CM/ECF Filing User; or
- (2) a copy of the document with the notation of “s/” next to the typed name of the CM/ECF Filing User.

(b) *Document Signed By a Debtor or Third Party.*

(1) Debtor or Third Party Signature. Electronically filed documents signed by the debtor or a third party shall be either (i) a scanned copy of the document signed by the debtor or third party, (ii) or a copy of the document with the notation of “s/” next to the typed name of the signatory.

(2) Documents Signed by Debtor or Third Party Under Oath or Penalty of Perjury.

(A) Signature Requirements. All documents, including petitions, lists, schedules, statements and amendments thereto that are required to be verified under Fed. R. Bankr. P. 1008 or contain an unsworn declaration as provided in 28 U.S.C. § 1746, and all writings, affidavits or pleadings in which a debtor or third party who is not a CM/ECF Filing User verifies, certifies, affirms or swears under oath or penalty of perjury the truth of matters set forth in that document must be physically signed by the debtor or third party. These documents may be filed electronically by either: (i) filing a scanned copy of the physically signed document; or (ii) affixing the notation “s/” next to the typed name of the person whose signature appears on the original document.

(B) Retention of the Original or a Duplicate of a Document.

(i) If a CM/ECF Filing User electronically files a document subject to subdivision (b)(2)(A) that has the notation “s/” next to the typed name of the person whose signature appears on the original document, the CM/ECF Filing User and the Filing User's law firm or employer must retain the original signed document or a scanned copy of the original signed document until 3 years after

the main case is closed.

(ii) If the Filing User leaves the law firm or employer, whoever at that time has custody or control over the original signed document or the scanned copy is solely responsible for performing the retention duty under subdivision (b)(2)(B)(i).

(iii) On request of the court, the CM/ECF Filing User or the Filing User's law firm or employer, or both, as appropriate, must produce the original signed document or a scanned copy.

(C) Retention Not Required. If a CM/ECF Filing User electronically files a document subject to subdivision (b)(2)(A) that is a scanned copy of an actual signed document, neither the original document nor a scanned copy needs to be retained by the Filing User.

Local Rule 5005-8 Document Requiring Multiple Signatures

(a) *Authority to File.* A stipulation or other joint document that requires the signatures of the CM/ECF Filing User and one or more required signers who have not physically signed the document may be filed electronically by the CM/ECF Filing User if

(1) all required signers who have not physically signed the document confirm to the CM/ECF Filing User that the content of the document is acceptable and the CM/ECF Filing User is authorized to file the document; and

(2) the electronically filed document includes the notation of “s/” next to the typed name of the required signers who have not actually signed the document.

(b) *Representation on Filing.* A CM/ECF Filing User who electronically files a document under subdivision (a) represents that all of the required signers who have not physically signed the document have confirmed to the CM/ECF Filing User that the content of the document is acceptable and that the CM/ECF Filing User is authorized to file the document.

(c) *Obligations of Required Signer.* A required signer’s confirmation of acceptance of the document and of the CM/ECF Filing User’s authority to file the document constitutes the required signer’s signature for purposes of Fed. R. Bankr. P. 9011, other Federal Rules of Bankruptcy Procedure, these local rules, and any other purpose for which a signature is required in connection with proceedings before the court

Local Rule 5011-1 Withdrawal of Reference

(a) *Motion and Brief.* A motion for withdrawal of the reference of a case or proceeding

under 28 U.S.C. § 157(d) shall be accompanied by a proposed form of order which, if approved by the court, would grant the relief sought by the movant and a brief containing a concise statement of the legal contentions and authorities relied on in support of the motion.

(b) *Caption.* The caption of a motion for withdrawal shall conform substantially to L.B.F. 5011-1.

(c) *Filing.* The motion, proposed order, and brief shall be filed with the clerk of the bankruptcy court.

(d) *Transmittal to District Court.* The clerk of the bankruptcy court shall promptly transmit the motion for withdrawal of the reference to the district court.

(e) *Service.* The movant shall serve the motion, proposed order, and brief on the parties to an adversary proceeding, if the motion is to withdraw the reference of an adversary proceeding, or those listed on the Clerk's Service List, if the motion is to withdraw the reference of the case or of any matter arising in the case other than an adversary proceeding.

(f) *Opposition.* Unless the district court directs otherwise, within 14 days after service of the motion, a party opposing the motion shall file with the district court and serve on the movant and the parties referred to in subdivision (e) a brief in opposition with an answer or other response that may be appropriate.

(g) *Further Proceedings in District Court.* Local Civil Rule 7.1, Motion Practice, of the United States District Court for the Eastern District of Pennsylvania governs all proceedings in the district court relating to the motion for withdrawal.

Local Rule 5070-1 Calendars and Scheduling

(a) *Hearing Dates.* A person who files a motion, application, objection, or notice for which a hearing is required under the Fed. R. Bankr. P. or for which these rules require the scheduling of a hearing shall consult the court's website at www.paeb.uscourts.gov to obtain a hearing date on the judge's calendar before filing the document. The hearing date shall allow adequate time for the movant or objector to complete any service or notice required by the Federal Rules of Bankruptcy Procedure or these rules.

(b) *Filing Deadline.* If a filing deadline for a selected hearing date is listed on the assigned judge's hearing calendar on the court's website, the movant shall file the motion no later than the filing deadline.

(c) *Completion of Hearing.* If a hearing is called on the day scheduled but not completed, the court may continue the hearing to a date certain without further written notice.

(d) *Rescheduling by Court.* If the Court, on its own initiative, reschedules a hearing date or cancels a scheduled hearing, the Clerk shall notify all interested parties of the new hearing

date or the cancellation unless the court directs otherwise.

(e) Rescheduling by Agreement.

(1) A party who desires to reschedule a matter scheduled before the court shall consult with all other interested counsel to attempt to reach an agreement to reschedule the matter to a date certain.

(2) If the interested parties agree to reschedule the matter to a date certain, the party who initiated the proposed rescheduling shall consult with the courtroom deputy for the judge to whom the case is assigned to request rescheduling of the hearing.

(3) Approval of a new hearing date is at the discretion of the court.

(4) If a new hearing date is assigned, the party who initiated the rescheduling shall give notice promptly to the interested parties of the new hearing date.

(f) *Motion to Reschedule.* If any of the interested parties do not agree to reschedule a matter, the interested parties are unable to agree on a proposed new date, or an informal request to reschedule is not granted, a party may request that hearing be rescheduled by motion under L.B.R. 9014-2; during a telephone conference convened under L.B.R. 9076-1; or by oral motion in open court made at the scheduled hearing.

(g) *Expedited Consideration.*

(1) Consultation. A party who desires to obtain a hearing date earlier than the hearing date that would ordinarily be assigned under subdivision (a) of this rule or other expedited consideration, to the extent practicable, shall consult with all other interested parties to attempt to reach an agreement that an expedited hearing is appropriate and on the suggested hearing date or dates.

(2) Content of Motion. A motion for expedited consideration shall

(A) set forth with particularity the reasons expedited consideration is necessary and appropriate;

(B) identify who the movant consulted as required by subdivision (f)(1);

(C) describe the agreement, if any, that resulted from the consultation with other interested parties; and

(D) identify who was provided a copy of the motion for expedited consideration or otherwise given notice of the motion prior to its filing; and state when and how the movant gave notice of the motion.

(3) Combined Motion or Application. A motion or application may be combined with a request for expedited consideration of the motion or application. The title of such motion or application shall indicate that the i t includes a request an expedited hearing date or other expedited consideration.

(4) Documents to Accompany Motion. The motion for expedited consideration shall be filed and served with

(A) a proposed order that grants expedited consideration by scheduling a hearing and provides for a method of prompt service of the order as well as the underlying motion or application, and

(B) a copy of the underlying motion or application for which expedited consideration is requested, unless a combined motion under paragraph (g)(3) is filed.

(5) Disposition. A motion for expedited consideration is governed by L.B.R. 9014-2. If the Court grants an expedited hearing, the court may schedule the hearing for the date requested or some other date.

Local Rule 5070-2 Resolution of Contested Matter

(a) *Report to the Court.* A moving party shall promptly report resolution of a contested matter to the courtroom deputy of the judge to whom the contested matter is assigned.

(b) *Documenting the Resolution.* If judicial approval of the resolution of a contested matter is required by Fed. R. Bankr. P. 9010 or is requested, the parties shall file a stipulation, motion, or other appropriate document that implements the resolution within 30 days of the reporting of the resolution to the court.

(c) *Failure to Document.* If the parties do not timely document the resolution, the court may enter an appropriate order.

Local Rule 6004-1
Motion to Sell Assets

(a) *Motion.* A motion to sell assets under §363(b) or (f), other than a sale subject to Fed. R. Bankr. P. 6004(d), is governed by L.B.R. 9014-3.

(b) *Private Sale.* A motion to sell assets by a private sale shall

- (1) describe the material terms of the sale;
- (2) state whether the buyer or any person affiliated with the buyer is an insider of the debtor; and
- (3) be accompanied by a copy of the sale documentation, if any.

(c) *Public Sale.* A motion to sell assets by a public sale shall include the proposed sale procedures and highlight any provision relating to credit bidding.

Local Rule 6007-1
Objection to Notice of Abandonment of Property of the Estate

(a) *Deadline to File Objection.* Under Fed. R. Bankr. P. 6007(a), an objection must be filed within 14 days of service of the notice of abandonment of property of the estate.

(b) *Content.* An objection to a notice of abandonment of property of the estate shall identify the objector and the basis for the objection.

(c) *Scheduling of Hearing.* Prior to filing the objection, the objector shall obtain a hearing date in the manner provided in L.B.R. 5070-1.

(d) *Documents to be Filed and Served with Objection.* The following documents shall be filed and served with the objection:

- (1) the notice of abandonment to which the objection is made;
- (2) a proposed form of order; and
- (3) notice of the hearing on the objection.

(e) *Service and Deadline for Service.* On the day an objection is filed, the objector shall serve the objection and the documents listed in subdivision (d) on those on the Clerk's Service List.

(f) *Certification of Service.* The objector shall file a certification of service as required by L.B.R. 9014-4.

(g) *No Response Required.* Unless the court orders otherwise, no response is required to an objection to a notice of abandonment.

**Local Rule 7003-1
Adversary Proceeding Cover Sheet**

A party who files a paper copy of a complaint as authorized under L.B.R. 5005(c)(2) shall file with the complaint the Adversary Proceeding Cover Sheet provided by the Clerk.

**Local Rule 7005-1:
Motions in Adversary Proceedings**

(a) *Incorporation of General Motion Practice.* Except as provided in subdivision (b) of this rule, the following rules apply to all motions filed in adversary proceedings:

L.B.R. 9014-2	Motions Decided Without Hearing
L.B.R. 9014-3(b)	Content
L.B.R. 9014-3(c)	Scheduling of Hearing
L.B.R. 9014-3(d)	Filing Deadline
L.B.R. 9014-3(e)	Notice
L.B.R. 9014-3(f)	Proposed Order
L.B.R. 9014-3(h)	General Deadline for Filing Response or Objection to Motion.
L.B.R. 9014-3(j)	Determination without Hearing if No Response or Objection Timely Filed.
L.B.R. 9014-3(k)	Determination without Hearing
L.B.R. 9014-4	Certification of Service

(b) *Dispositive Motions.* For a motion to dismiss for failure to state a claim under Fed. R. Civ. P. 12(b)(6), a motion for judgment on the pleadings under Fed. R. Civ. P. 12(c), and a motion for summary judgment under Fed. R. Civ. P. 56:

- (1) the movant shall not obtain a hearing date under L.B.R. 9014-3(c);
- (2) the response period under L.B.R. 9014-3(h) is 21 days;
- (3) the movant shall modify L.B.F. 9014-3 to conform to this subdivision; and
- (4) if no timely response is filed to a motion for summary judgment, Fed. R. Civ. P. 56(e) applies.

**Local Rule 7016-1
Pretrial Statement**

(a) Unless the court orders otherwise, the parties shall file a joint pre-trial statement within the time provided in the court's pre-trial order. The form and content of the pre-trial statement may be covered by the Judicial Practices and Procedures of the assigned judge, which are available on the court's website, or by a previously entered pre-

trial order.

(b) If neither the assigned judge's Judicial Practices and Procedures nor pre-trial order specify the form and content of the joint pre-trial statement, the statement should address the following:

- (1) Basis of jurisdiction.
- (2) Whether the matter is a non-core matter, a core matter over which the bankruptcy judge may enter a final order or judgment, or a core matter over which the bankruptcy judge may not enter a final order or judgment.
- (3) If the adversary proceeding is a non-core matter or a core matter over which the bankruptcy judge may not enter a final order or judgment, whether the parties have previously consented or now consent to the bankruptcy judge entering a final order or judgment.
- (4) Statement of uncontested facts.
- (5) Statement of facts which are in dispute.
- (6) Damages or other relief. A statement of damages claimed or relief sought. A party seeking damages shall list each item claimed under a separate descriptive heading, shall provide a detailed description of each item and state the amount of damages claimed. A party seeking relief other than damages shall list the exact form of relief sought with precise designations of persons, parties, places and things expected to be included in any order providing relief.
- (7) Legal issues presented set forth in separate paragraphs and the constitutional, statutory, regulatory and decisional authorities relied on. (A brief statement regarding which party has the burden of proof on each legal issue should also be included).
- (8) Witnesses' names and addresses listed separately for liability and damages in the order they will be called along with a brief statement of the evidence the witnesses will give. Expert witnesses shall be identified as experts and a summary of the experts' qualifications shall be attached.
- (9) A list of all exhibits to be offered into evidence which shall be serially numbered and physically marked before trial.
- (10) A list of each discovery item and trial deposition to be offered into evidence. (Counsel shall designate by page the portion of deposition testimony and by number the interrogatories which shall be offered in evidence at trial).
- (11) A list of any motion in limine that needs to be resolved prior to trial. The

nature of the issue shall be described in sufficient detail to facilitate a discussion of the issue at a pre-trial conference and to permit the court to issue a scheduling order for the motion in limine.

(12) Estimated trial time.

(13) A certification that the parties have attempted good faith settlement discussions without success.

Local Rule 7023-1
Class Actions

Local Civil Rule 23.1, Class Actions, of the United States District Court for the Eastern District of Pennsylvania applies to adversary proceedings.

Local Rule 7026-1
Discovery

(a) *General.* Local Civil Rule 26.1, Discovery, of the United States District Court for the Eastern District of Pennsylvania applies to adversary proceedings.

(b) *Motions to Compel for No Response.* A motion to compel answers to interrogatories or to compel compliance with a request for production under Fed. R. Civ. P. 34 on the basis that no response or objection has been timely served is governed by L.B.R. 9014-2. The motion shall be accompanied by a copy of the interrogatories or the Rule 34 request.

(c) *Text of Rule on Effective Date.* Local Civil Rule 26-1(a)-(f), Discovery, of the United States District Court for the Eastern District of Pennsylvania on the effective date of these Rules provides as follows:

Rule 26.1 Discovery

(a) Interrogatories, requests for production and inspection and requests for admission under Fed.R.Civ. P 33, 34 and 36, answers, responses, and objections to interrogatories and to requests under Fed.R.Civ.P. 34 and 36, and notices of deposition and depositions under Fed.R.Civ.P. 30 and 31 shall not be filed with the court. The party serving the discovery material or taking the deposition shall retain the original and be the custodian of it.

(b) Every motion under the Federal Rules of Civil Procedure governing discovery shall identify and set forth, verbatim, the relevant parts of the interrogatory, request, answer, response, objection, notice, or subpoena, or dispositions. Any party responding to the motion shall set forth, verbatim, in that party's memorandum any other part that the party believes necessary to the Court's consideration of the motion.

(c) If material in interrogatories, requests, answers, responses, or depositions is used as

evidence in connection with any motion, the relevant parts shall be set forth, verbatim, in the moving papers or in responding memoranda. If it is used as evidence at trial, the party offering it shall read it into the record, or if directed to do so by the Court, offer it as an exhibit.

(d) The Court shall resolve any dispute that may arise about the accuracy of any quotation or discovery material used as provided in subdivisions (b) and (c) of this rule and may require production of the original paper or transcript.

(e) The Court, on its own motion, on motion by any party or an application by a non-party, may require the filing of the original of any discovery paper or deposition transcript. The parties may provide for such filing by stipulation.

(f) No motion or other application under the Federal Rules of Civil Procedure governing discovery or under this rule shall be made unless it contains a certification of counsel that the parties, after reasonable effort, are unable to resolve the dispute.

**Local Rule 7041-1
Settlement of Adversary Proceeding**

(a) *Notification to the Court.* The plaintiff shall promptly report settlement of an adversary proceeding to the courtroom deputy of the judge to whom the adversary proceeding is assigned.

(b) *Documenting the Resolution.* If judicial approval of the resolution of an adversary proceeding is required or is requested, the parties shall file a stipulation, motion, or other appropriate document that implements the resolution within 30 days of the reporting of the resolution to the court.

(c) *Failure to Document.* If the parties do not timely document the resolution, the court may enter an appropriate order.

**Local Rule 7041-2
Notice of Involuntary Dismissal of Adversary Proceeding**

Before any adversary proceeding is involuntarily dismissed, the Clerk shall give notice to the plaintiff, the debtor (if not the plaintiff), to their counsel, and such creditors or other interested parties as the court may direct.

Local Rule 8003-1
Opinion in Support of Order

The bankruptcy judge whose order is the subject of an appeal may, within 30 days of the docketing of the notice of appeal, file a written opinion in support of the order or a written supplemental opinion that amplifies any earlier written opinion or recorded oral bench ruling or opinion.

Local Rule 8003-2
Payment of Fees

If a notice of appeal is docketed in the district court without prepayment of the applicable fee, the appellant must pay the fee to the Clerk of the bankruptcy court within 14 days after docketing of the appeal in the district court. The Clerk of the bankruptcy court shall transmit to the district court a certification of an appellant's failure to pay the fee within the 14 day period. If the appellant fails to pay the fee within the 14 day period, or any extension granted by the district court, the district court may dismiss the appeal.

Local Rule 8003-3
Notice of Appeal in Pro Se Cases

A document filed in the bankruptcy court by a pro se litigant that evidences an intention to appeal an order or to obtain leave to appeal *in forma pauperis* constitutes a notice of appeal despite any informality in form or title.

Local Rule 8005-1
Appeals Heard By District Court

An appeal from an order of the bankruptcy court shall be heard by the district court.

Local Rule 8009-1
Effect of Failure to Designate Record

(a) *Effect.* The appellant's failure to file the designation of the record and statement of issues required under Fed. R. Bankr. P. 8009(a) is a ground for dismissal of the appeal.

(b) *Bankruptcy Clerk Certification to District Court.* The Clerk of the bankruptcy court shall transmit to the district court a certification of an appellant's failure to timely file the designation of the record and statement of issues required by Fed. R. Bankr. P. 8009(a).

Local Rule 8009-2
Transcript

(a) *Ordering Transcript.*

(1) The appellant must, within 14 days after filing a notice of appeal, deposit with the court reporter the estimated cost of the transcript of all or the necessary

part of the testimony taken at trial.

(2) Where an appellant cannot afford the cost of the transcript, counsel for appellant or the appellant pro se, must apply to the bankruptcy court within 14 days of the filing of the notice of appeal for the provision of such transcript at government expense under 28 U.S.C. § 753(f).

(3) If the bankruptcy court denies the application, the appellant must, within 14 days of the order denying the application, either deposit with the court reporter the fees for the transcript or apply to the district court for the provision of the transcript at government expense.

(4) Failure to comply with this subdivision is a ground for dismissal of the appeal.

(b) *Appellant's Certification.* The appellant shall file, with its designation of the record and statement of issues required by Fed. R. Bankr. P. 8009(a), either a certification of how the appellant has complied with subdivision (a) this rule, or a copy of the completed Transcript Purchase Order form available on the bankruptcy court's website.

Local Rule 8011-1 Electronic Filing and Service

Local Civil Rule 5.1.2, Electronic Case Filing ("ECF") Procedures, of the United States District Court for the Eastern District of Pennsylvania governs filings in the district court.

Local Rule 8011-2 Personal Identifiers

Specific personal identifiers must be excluded or redacted from all documents filed with the district court as required by Fed. R. Bankr. P. 9037 and Local Civil Rule 5.1.3, Modifications and Redactions, of the United States District Court for Eastern District of Pennsylvania, and Judicial Conference Policy.

Local Rule 8012-1 Disclosure of Corporate Affiliations and Financial Interest

(a) *Deadline for Filing Disclosures.* The disclosure statements and list described in subdivisions (b)-(d) shall be filed not later than 30 days after the appeal is docketed in the district court.

(b) *Corporate Disclosure.* A corporation that is a party to an appeal must file a corporate disclosure statement on a form provided by the district court that as required by Fed. R. Bankr. P. 8012-1(a) identifies any parent corporation and any publicly owned corporation that owns 10% or more of its stock. The statement must be filed whether or not the corporation has anything to report.

(c) *All Parties Disclosure*. A party to an appeal who knows of a publicly owned corporation that has a financial interest in the outcome of the litigation must file a disclosure statement that identifies the corporation and its interest.

(d) *Appellant's Disclosure*. The appellant must promptly file a list identifying

(1) the debtor, if not named in the caption,

(2) the members of the creditors committee or, if a committee has not been appointed, the 20 largest unsecured creditors on the list filed under Fed. R. Bankr. P. 1007(d), and

(3) any entity not named in the caption which was an active participant in bankruptcy court proceeding giving rise to the appeal.

Local Rule 8013-1 Rules Governing Motions

(a) *Motion Filed in the District Court*. A motion filed in the district court is governed by Fed. R. Bankr. P. 8013.

(b) *Motion Filed in the Bankruptcy Court*. A motion filed in the bankruptcy court is governed by L.B.R. 9014-1 and Fed. R. Bankr. P. 8013.

(c) *Certification by Counsel for the Movant*. A motion must contain a certification by counsel for the movant that the movant has sought consent to the motion from each party and that consent has been either given or denied in whole or in part.

Local Rule 8013-2 Motion to Expedite Appeal

(a) *Deadline to File a Motion to Expedite an Appeal*. A motion to expedite an appeal under Fed. R. Bankr. P. 8013(a) must be filed within 14 days of the docketing of the appeal in the district court. If the basis to expedite the appeal arises after the 14 day period expires, a party to the appeal may file a motion to expedite the appeal within 7 days of the occurrence or event that is the basis of the motion. A motion to expedite an appeal may be combined with an emergency motion under Fed. R. Bankr. P. 8013(d).

(b) *Content of Motion and Response*. A motion to expedite an appeal must include either a proposed briefing schedule that has been agreed to by the parties, or the movant's proposed briefing schedule with supporting reasons.

(c) *Response*.

(1) A response to the motion must be filed within 7 days after service of the motion and any reply must be filed within 3 days after service of the response, unless otherwise directed by the district court.

(2) A response to a motion shall contain a proposed briefing schedule with supporting reasons.

(3) The responding party may agree to a proposed briefing schedule without conceding that expedition is necessary.

Local Rule 8013-3
Failure to Respond to Motion

If a party to an appeal fails to respond to a motion within the 7 day response period under Fed. R. Bankr. P. 8013(a)(3)(A), the court may grant the motion as uncontested.

Local Rule 8014-1
Brief of Appellant

(a) *Issues Raised Below and Related Litigation.* In addition to the sections enumerated in Fed. R. Bankr. P. 8014(a), the brief of appellant must include the following: in the statement of the issues presented required by Fed. R. Bankr. P. 8014(a)(5), a designation by reference to specific pages of the appendix or place in the proceedings at which each issue on appeal was raised, objected to, and ruled upon; and after the statement of issues presented, a statement of all appeals which arose from the debtor's bankruptcy case previously or are currently pending in the district court or court of appeals; whether the matter on appeal has been before the district court or court of appeals previously; and whether the appellant is aware of any other pending judicial proceeding in a federal or state court that presents issues which if decided may be relevant to the issues presented by the appellant's appeal and not duplicative of cases cited in the body of appellant's brief.

(b) *Standard of Review.* The brief of the appellant must include under a separate heading before the discussion of the issues a statement of which standard or scope of review is applicable to each issue on appeal (e.g. whether the bankruptcy court abused its discretion; whether the bankruptcy court's fact findings are clearly erroneous; whether the bankruptcy court erred in formulating or applying a legal precept)

Local Rule 8014-2
Brief of Appellee

(a) *Related Litigation and Standard of Review.* In addition to the sections of a brief enumerated in Fed. R. Bankr. P. 8014(b), the brief of appellee must also include the sections required by L.B.R. 8014-1(a)(2) and (b).

(b) *Appellee's Single Brief If Multiple Appellants.* The brief of an appellee who has been permitted to file one brief in consolidated appeals of two or more appellants must contain an appropriate cross reference index which clearly identifies and relates appellee's answering contentions to the specific contentions of the various appellants. The index must contain an appropriate reference by appellee to the question raised and the page in the brief of each appellant.

Local Rule 8018-1
Motion for Extension of Time to File a Brief.

(a) *Motion for an Extension of Time May Be Ruled on Before Expiration of Response Period.* A motion for an extension of time to file a brief is a motion for a procedural order under Fed. R. Bank. P. 8013(b) which may be ruled on at any time without the court awaiting a response.

(b) *Disposition of Certain Motion.* A motion for an extension of time should be made at least 3 days in advance of the due date for filing the brief. A timely first request for an extension of 14 days or less ordinarily will be granted. An additional extension will not be granted unless the ground for extension was not foreseeable when the first request was made.

Local Rule 8018-2 Appendix to Brief

(a) *Appendix to Brief: Separate Filing.* Except as provided in subdivision (b), an appendix to a brief shall be filed as a separate document from the brief.

(b) *Volume One of Appellant's Appendix.* Volume one of an appellant's multi-volume appendix must consist only of (1) the notice of appeal, (2) the judgment, order, or decree from which the appeal is taken, (3) any findings, conclusions, or opinions relevant to the appeal, and

(4) any order granting a certificate of direct appeal. Volume one of the appellant's appendix shall be attached to the appellant's brief, but the content shall not count towards the page or type volume limitations on the brief.

(c) *Hyperlinks.* In addition to an electronic appendix, hyperlinks to the appendix may be added to the brief. If hyperlinks are used, the brief must also contain immediately preceding the hyperlink a reference to the paper appendix page. Hyperlinks to testimony must be to a transcript. A motion must be filed and granted seeking permission to hyperlink to an audio or video file before such links may be included in the brief or appendix. Hyperlinks may not be used to link to sealed or restricted documents.

(d) *Documents Sealed in the Bankruptcy Court.* Records sealed in the bankruptcy court are sealed on appeal without the need for filing an additional motion to seal. Sealed documents must be in a separate volume, filed under a separate docket entry as sealed documents, and listed in the table of contents of the appendix as sealed documents.

Local Rule 9001-1 Definitions

"Clerk's Service List" means the list maintained by the Clerk as required under L.B.R. 2002-1.

"Document" means any paper submitted to the court in a case under the Code.

"Matrix List of Creditors" means the list of the name and complete address of each creditor in a case in a format designated by the Clerk that is filed by a debtor as required under L.B.R. 1007-2(d).

Local Rule 9004-1
Documents in Paper Form

(a) *Application.* This rule applies if a party is authorized under L.R.B. 5005-1(b) to file a document in paper form.

(b) *General.* A document submitted to the Clerk in paper form for filing shall measure 8½ x 11 inches and shall be stapled or fastened at the top.

(c) *Date and Time Stamped Copies of Filed Documents.*

(1) If requested at the time of filing, the Clerk shall date and time stamp one copy of any document filed in paper form.

(2) If a document that is filed by mail in paper form is accompanied by a copy of the document and a self-addressed, stamped envelope, the Clerk shall date and time stamp the copy and return it to the person who filed the document.

Local Rule 9008-1
Publication of Notices

(a) *General.* Whenever a notice is to be given by publication, the notice shall be published one time in a newspaper of general circulation in the county of the debtor's last known address and one time in the legal periodical, if any, that serves that county, unless the court orders otherwise.

(b) *Official Newspaper.* The Legal Intelligencer of Philadelphia, Pennsylvania, is designated the official newspaper of the United States Bankruptcy Court for the Eastern District of Pennsylvania for the publication of notices, announcements, and other material concerning the court and court administration.

Local Rule 9010-1
Attorneys—Appearance

(a) *Notice of Appearance.* A notice of appearance shall contain the attorney's name, office address, and telephone number as required under Fed. R. Bankr. P. 9010(b) and the attorney's e-mail address and fax number.

(b) *Filing Petition as Appearance for Debtor.* The filing of a petition in bankruptcy by an attorney on behalf of a debtor constitutes an entry of appearance in any and all matters arising during the administration of the case including, but not limited to, all applications, motions, and adversary proceedings.

(c) *Filing Document as Appearance.*

(1) Main Case. The filing by an attorney of a pleading, application, motion, stipulation, or other document in the main case on behalf of a party constitutes an entry of appearance in the main case by the attorney for that party.

(2) Adversary Proceeding. The filing by an attorney of a pleading, application, motion, stipulation, or other document in an adversary proceeding on behalf of a party constitutes an entry of appearance in the adversary proceeding only by the attorney for that party.

(d) *Updating Information.*

(1) Attorney Filing User. An attorney, other than an attorney who is appearing pro hac vice under L.B.R. 2090-1(b) and is not a filing user, who has filed either a notice of appearance or who has entered an appearance under subdivisions (b) or (c) shall update the attorney's electronic registration on the CM/ECF System to show any change in the information contained in the notice of appearance or the petition or other document filed by the attorney.

(2) Attorney Non Filing User. An attorney who is not a filing user shall promptly notify the Clerk of any change in the information contained in the attorney's motion for admission pro hac vice, notice of appearance, or other document filed by the attorney.

**Local Rule 9011-1
Electronic Signature**

The authorized use of a CM/ECF User's login and password to file a document on the CM/ECF System is a Filing User's electronic signature. The CM/ECF User's electronic signature constitutes the CM/ECF User's signature for purposes of Fed. R. Bankr. P. 9011, other Federal Rules of Bankruptcy Procedure, these local rules, and any other purpose for which a signature is required in connection with proceedings before the court.

**Local Rule 9013-1
Applications: General**

(a) *Applications Filed in a Case.*

(1) A request for relief that is made by application under the Federal Rules of Bankruptcy Procedure, other than an applications listed in paragraph (2) of this subdivision, is governed by this subdivision and by either L.B.R. 9013-2 or L.B.R. 9013-3.

(2) An application to approve the employment of a professional is governed by L.B.R. 2014-1 and an application for an award of compensation to a professional is governed by L.B.R. 2016-1 through L.B.R. 2016-3.

(b) *Content of Application.* An application shall identify the applicant, the nature of the relief sought, and the basis for the relief sought.

(c) *Proposed Order.* An applicant shall file with an application a proposed form of order which, if entered by the court, would grant the relief sought by the application.

(d) *Service of Application.* On the day the application is filed, the applicant shall serve the application and the proposed order on those listed on the Clerk's Service List.

(e) *Certification of Service.* The applicant shall file a certification of service as required by L.B.R. 9014-4.

Local Rule 9013-2 Applications that May Be Decided Immediately

(a) *Applicability.* At any time after the filing of the application and without a hearing, the court may decide an application under:

- (1) Fed. R. Bank. P. 1006(b) for payment of filing fees in installments; or
- (2) L.B.R. 3017-1 for conditional approval of a disclosure statement in a small business case.

(b) *Objection.* An objection may be filed to an application governed by this rule.

Local Rule 9013-3 Application Practice

(a) *Applicability.* An application that is not governed by L.B.R. 2014-1; L.B.R. 2016-1 through L.B.R. 2016-3; or L.B.R. 9013-2 is governed by this subdivision.

(b) *Notice.* On the day an application is filed, the applicant shall file and serve on those on the Clerk's Service List a notice of the filing of the application and the relief sought, and stating that the deadline for filing and serving an objection on the applicant, or if the applicant is represented, counsel for the applicant, is 7 days after the date on which the application was served.

(c) *Objection to Application and Service.* An objection shall be filed and served on the applicant, or if the applicant is represented, counsel for the applicant, no later than 7

days after the date on which the applicant serves the application.

(d) *Certification of No Objection.* If a timely objection is not filed, the applicant shall file a certification that a timely objection has not been filed.

(e) *Disposition of Application.* After the 7-day objection period has ended, the court may either decide the application or set a hearing date.

(f) *Notice of Hearing.* If the court sets a hearing date for the application, the Clerk shall serve notice of the hearing on the applicant, the objector, and those on the Clerk's Service List.

Local Rule 9014-1

Motions

(a) *Motions for Withdrawal of the Reference.* A motion for withdrawal of the reference of a case or proceeding to the bankruptcy court is governed by L.B.R. 5011-1.

(b) *Motions Filed in an Adversary Proceeding.* A motion filed in adversary proceeding is governed by L.B.R. 7005-1.

(c) *Motions Filed in Connection with an Appeal.* A motion filed in connection with an appeal is governed by Fed. R. Bank. P. 8013 and L.B.R. 8013-1 to 8013-3.

(d) *Other Motions Filed in a Case.* A motion filed in a case, other than a motion referred to in subdivisions (a)-(c) of this rule, is governed by either L.B.R. 9014-2 or L.B.R. 9014-3.

Local Rule 9014-2

Motions Decided Without Hearing

(a) *Disposition of Certain Motions.* The court may rule without a hearing on a motion under:

- (1) § 362(j) for entry of an order under § 362(c) confirming that the automatic stay has been terminated;
- (2) §§ 1225(c) or 1325(c) for entry of a wage order;
- (3) Fed. R. Bankr. P. 1007(a)(4) or 1007(c) or (e) for an extension of time;
- (4) L.B.R. 1017-1(a) or 1017-2(a) to convert or dismiss a case;
- (5) Fed. R. Bankr. P. 2002 and any other Fed. R. Bankr. P. to limit service of documents or notice otherwise prescribed by these rules;
- (6) L.B.R. 2090-1(c)(2) to appear *pro hac vice*;
- (7) Fed. R. Bankr. P. 3003(c) to fix the time within which proofs of claim or interest may be filed;

- (8) L.B.R. 3022-1(a) to administratively close an individual Chapter 11 case;
- (9) Fed. R. Bankr. P. 4004(c) and L.B.R. 4004-1(a) to defer entry of a discharge order;
- (10) L.B.R. 5070-1(e) to reschedule a hearing;
- (11) L.B.R. 5070-1(f) for expedited consideration;
- (12) L.B.R. 7026-1(b) to compel responses to discovery requests;
- (13) Fed. R. Bankr. P. 9006(b)(1) for an enlargement of the time when the motion is filed before the expiration of the period originally prescribed;
- (14) Fed. R. Bankr. P. 9006(c)(1) for reduction of the time to act;
- (15) Fed. R. Bankr. P. 9023, if the motion does not include a request for a hearing, to alter or amend an order awarding an applicant less than the requested amount of compensation and reimbursement of expenses; and
- (16) Fed. R. Bankr. P. 9037 to limit or prohibit electronic public access to a filed document.

(b) *Content.* A motion shall

- (1) identify the movant, the nature of the relief sought, and the basis for the relief sought, and
- (2) contain a statement that the movant does or does not consent to the entry of a final order or judgment by the court if it is determined that the court, absent consent of the parties, cannot enter a final order or judgment consistent with Article III of the United States Constitution.

(c) *Proposed Order.* The movant shall file and serve with the motion a proposed form of order which, if entered by the court, would grant the relief sought by the motion.

(d) *Service.* The movant shall serve a copy of the motion and the proposed form of order on those listed on the Clerk's Service List.

(e) *Certification of Service.* The movant shall file a certification of service as required by
L.B.R. 9014-4.

Local Rule 9014-3
General Motion
Practice

(a) *Applicability.* This rule applies to a motion in a case that is not governed by

L.B.R. 9014-2.

(b) *Content.* A motion shall

(1) identify the movant, the nature of the relief sought, and the basis for the relief sought, and

(2) contain a statement that the movant does or does not consent to the entry of a final order or judgment by the court if it is determined that the court, absent consent of the parties, cannot enter a final order or judgment consistent with Article III of the United States Constitution.

(c) *Scheduling of Hearing.* Prior to filing a motion, the movant shall obtain a hearing date as provided in L.B.R. 5070-1(a).

(d) *Filing Deadline.* The movant shall file the motion no later than the filing deadline for the selected hearing date as listed on the assigned judge's hearing calendar on the court's website.

(e) *Notice.* On the day the motion is filed, a movant shall file and serve a notice substantially in the form of L.B.F. 9014-3 of the filing of the motion, the relief sought, the hearing date, and the deadline for filing a timely response or objection under subdivisions (h) and (i).

(f) *Proposed Order.* A movant shall file with the motion a proposed form of order which, if entered by the court, would grant the relief sought by the motion.

(g) *Service of Motion.* On the day the motion is filed, the movant shall serve the motion, the notice required under subdivision (e), and the proposed order on the following:

(1) those on the Clerk's Service List; and

(2) any person whose interest would be directly, materially and adversely affected if the relief requested in the motion were granted and whose interests are not adequately represented by those on whom service is otherwise required.

(h) *General Deadline for Filing Response or Objection to Motion.* Except as provided in L. B. R. 9014-2 and subdivision (i), a response or objection to a motion shall be filed and served on the movant, or if the movant is represented, counsel for the movant, no later than 14 days after the date on which the movant serves the motion.

(i) *Special Deadlines for Filing Response or Objection to Motion.* A response or objection to a motion shall be filed and served in the manner and within the time provided under

(1) an order fixing a different time to file a response or objection to a motion;

(2) L.B. R. 3015-4(b), motion to amend a confirmed chapter 12 or 13 plan; and

(3) L.B.R. 3016-3(a), motion for approval of a disclosure statement.

(j) *Content of Response or Objection.* A response or objection shall contain a statement that the party filing the response or objection does or does not consent to the entry of final orders or judgments by the court if it is determined that the court, absent consent of the parties, cannot enter final orders or judgments consistent with Article III of the United States Constitution.

(k) *Determination without Hearing if No Response or Objection Timely Filed.* If a response or objection is required to be filed and no timely response or objection is filed, the movant may file a certification of no response with the court and, unless a hearing is required under the Federal Rules of Bankruptcy Procedure, may request that the court grant the relief requested in the motion without a hearing. The filing of a certification of no response does not cancel the scheduled hearing. The movant may contact the judge's courtroom deputy to ascertain whether the court has canceled the hearing.

Local Rule 9014-4 Certification of Service

(a) *Deadline for Filing Certificate of Service.* A person who serves an application, motion, objection, notice, or other document required to be served shall file a certificate of service promptly, but no later than the earlier of (i) 3 days after filing of the document, or, (ii) if a hearing is scheduled, before the hearing.

(b) *Form of Certificate of Service.* A certificate of service shall state

(1) the subject of the notice or the title of the document served;

(2) the names of all persons served and their physical or e-mail address; and

(3) whether service was made through the CM/ECF system, mail, or another means.

Local Rule 9014-5 Consensual Resolution of Motion

L.B.R. 5070-2 governs a consensual resolution of a contested motion.

Local Rule 9015-1 Jury Trial

A statement of consent to have a jury trial conducted by a bankruptcy judge specially designated to conduct a jury trial under 28 U.S.C. § 157(e) shall be filed and served by a party demanding a jury trial within the time permitted under Fed. R. Civ. P. 38(b) to demand a jury trial and by all other parties within 14 days of the timely filing of a statement of consent by the party demanding a jury trial.

**Local Rule 9019-1
Arbitration**

The court may designate for compulsory arbitration an adversary proceeding in which money damages only are being sought in an amount not in excess of \$150,000, exclusive of interest and costs. Rule 53.2 of the Local Rules of Civil Procedure of the United States District Court for the Eastern District of Pennsylvania governs arbitration under this rule, except that the trial *de novo* under that rule shall be before the bankruptcy court.

**Local Rule 9019-2
Mediation**

(a) *Certification of Mediators.* The Chief Judge shall certify as many mediators as the Chief Judge determines are necessary.

(b) *Application.* An application for certification as a mediator may be obtained from the Clerk. A properly completed application shall be submitted to the Clerk.

(c) *Eligibility to be a Court Certified Mediator.*

(1) Attorney Applicants. An attorney admitted to the bar of this court under L.B.R. 2090-1 may be certified as a mediator if the attorney has served as a mediator on a regular basis or completed mediation training and

(A) has been involved actively for at least 3 years as counsel of record in bankruptcy cases; or

(B) has been involved actively for at least 3 years as an academic or attorney in matters that involve legal or factual issues or business transactions that are the subject of litigation before this court.

(2) Non-Attorney Applicants. A person who is not an attorney may be certified as a mediator if the person

(A) has served as a mediator on a regular basis or completed mediation training; or

(B) has been involved actively for at least 3 years as a professional in bankruptcy cases or in matters that involve legal or factual issues or business transactions that are the subject of litigation before this court.

(d) *Register of Certified Mediators: Retention of Appointment Orders.* The Clerk shall maintain a Register of Certified Mediators; provide a copy of the Register on request; and maintain a record of each mediator's appointments.

(e) *Judicial Assignment of a Matter to Mediation and Appointment of a Mediator.*

(1) Assignment of a Matter to Mediation. The court,

- (A) on its own motion,
- (B) by approving a stipulation of the parties, or
- (C) on motion of a party

may assign any matter in the case for mediation, except that an adversary proceeding that has been designated under L.B.R. 9019-1 for compulsory arbitration may not be assigned to mediation unless the parties consent.

(2) Request for Appointment of Selected Mediator. The parties to a proposed mediation may file a stipulation requesting

- (A) the appointment of a mediator selected by the parties, and
- (B) approval of the terms for compensating the mediator and reimbursing the mediator's expenses.

(3) Appointment of a Certified Mediator Selected by Parties. Unless special circumstances exist, the court shall appoint a person who is on the Register of Certified Mediators and willing to serve as mediator if the person has been selected by the parties to be the mediator and that person has preliminarily determined that he or she is not disqualified from serving under subdivision (i) of this rule.

(4) Appointment of a Non-Certified Mediator Selected by the Parties. The court may, but need not, appoint a person who is not on the Register of Certified Mediators who is willing to serve as mediator if the person has been selected by the parties to be the mediator and that person has preliminarily determined that he or she is not disqualified under subdivision (i) of this rule.

(5) Appointment of Mediator Selected by the Court. The court shall appoint a mediator if the parties do not select a mediator or the mediator selected by the parties is not appointed by the court. The court or a person designated by the court may contact a potential appointee to determine whether the person is willing to serve as mediator and whether that person has preliminarily determined that he or she is not disqualified under subdivision (i) of this rule.

(f) *Notice of Appointment.*

The Clerk shall notify the mediator of the appointment.

(g) *Compensation and Reimbursement of Expenses.*

(1) Compensation of Mediator Absent Agreement of the Parties.

(A) A mediator who accepts an appointment volunteers the time expended to prepare for the mediation and to conduct a mediation conference or conferences lasting up to 4 hours, except as provided in paragraph (2) of this subdivision.

(B) After completion of 4 hours in a mediation conference or conferences, the mediator may either

(i) continue to volunteer the mediator's time; or

(ii) give the parties the option to agree to pay the mediator a reasonable hourly rate for additional time spent on the mediation.

(C) If the parties agree to compensate the mediator under subdivision (g)(1)(B)(ii), they shall each pay a pro rata share of the mediator's compensation, unless they agree to some other allocation or court approval of the payment of the mediator's fee is required under subdivision (g)(3).

(2) Agreement for Compensation of Mediator.

(A) Agreement. Subject to subdivision (g)(3), the parties may agree to pay the mediator reasonable compensation consisting of fees and reimbursement of expenses for the mediator's services.

(B) Stipulation. If the order assigning the matter for mediation or appointing a mediator did not approve the terms of the mediator's compensation or reimbursement of expenses, the parties to the mediation may file a stipulation for approval of the terms of the mediator's compensation or reimbursement of expenses.

(C) Sharing Obligation to Pay Mediator's Fee. The parties shall each pay a pro rata share of the mediator's compensation, unless they agree to some other allocation.

(3) Court Approval Required if Estate Is a Party. Unless the court orders otherwise in the order assigning a matter to mediation or appointing a mediator, court approval of the mediator's compensation shall be required if the estate is to be charged under paragraph (1)(C) or (2)(C) of this subdivision for all or part of the mediator's compensation and

(1) the amount of compensation payable by the estate

(i) exceeds \$3,000 in a chapter 7 or 13 case, or

(ii) exceeds \$5,000 in a chapter 11 case; or

(2) the estate's representative objects to the amount to be paid by the estate for the mediation.

(h) *Motion to Enforce Obligation to Pay Mediator*. A motion to enforce a party's obligation under subdivision (g)(1)(C) and (g)(2)(C) to compensate a mediator is governed by L.B.R. 9014-3.

(i) *Disqualification*.

(1) Mediator. Mediators shall be disqualified for bias or prejudice as provided in 28 U.S.C. § 144 and shall disqualify themselves from proceeding with any appointment when they would be required to disqualify themselves under 28 U.S.C. § 455 if they were a justice, judge, or magistrate judge.

(2) Mediator's Firm. A mediator's firm or employer is not automatically disqualified from employment as a professional in a case or from representing a party in the case solely because of the mediator's prior service in a case. If disclosure of information obtained by the mediator in the mediation would be harmful, an appropriate screening mechanism shall be established by the mediator's firm or employer to insure the mediator has no connection with the discharge by the firm or the employer of its responsibilities in the case.

(j) *Acceptance of Appointment*. Within 7 days of receiving an order of appointment, the mediator shall notify the Clerk that the appointment is accepted and that there is no ground for disqualification or that the mediator is disqualified.

(k) *Confidentiality*.

(1) Mediator. All information disclosed to the mediator during the mediation process is confidential. The mediator shall not divulge that information to either a party to the mediation or a third party without the consent of the party who disclosed the information.

(2) Mediation Communications Confidential and Privileged. Any written or oral communications to the mediator by a party or other participant, any statement of a party, an attorney, the mediator, or other participant in connection with the mediation, and a mediator's written or oral settlement recommendations are confidential and privileged and shall not be disclosed to third parties.

(3) Mediation Documents. Documents relating to the mediation, except the Mediation Report, shall not be filed with the court or delivered to the judge who assigned the matter to mediation. This paragraph does not apply to the reporting of or processing of a complaint about unlawful or unethical conduct during the mediation process.

(4) Discovery. Information that is otherwise discoverable in the pending litigation in the bankruptcy court does not become exempt from discovery by merely being used by a party in the mediation.

(5) Preservation of Privileges. The disclosure by a party of privileged information to the mediator does not waive or otherwise adversely affect the privileged nature of the information.

(6) Admissibility. Fed. R. Evid. 408, Compromise Offers and Negotiations, applies to the mediation communications.

(1) *Parties to the Mediation.* The court, on its own motion, or the mediator, with the consent of the parties to the mediation, may direct that additional parties participate in the mediation or be invited to participate in the mediation.

(m) *Scheduling Mediation Conference.*

(1) Notice. The mediator shall give notice to the parties of the date, time, and location of the initial mediation conference at least 14 days before the date of the initial mediation conference.

(2) Date and Time. The date of the initial mediation conference shall be no later than 30 days after the mediator is notified of the appointment. The mediator shall select the date and time of the initial mediation conference and all other mediation activities.

(3) Continuance. The mediator may continue the initial conference to a date that is no later than 60 days after the mediator is notified of the appointment if the mediator finds that exceptional circumstances prevent holding the initial conference on the original date or fairness to the parties justifies a continuance. If the initial conference is continued to a later date, the mediator shall notify the appointing judge.

(4) Location. The initial mediation conference and any additional conferences may be held at any location mutually agreed to by the parties and the mediator. If the parties and the mediator cannot agree upon a location for the mediation conferences, the conferences shall be held in the courthouse where the appointing judge regularly sits.

(5) Additional Conferences. The mediator, with the consent of the parties, may schedule additional mediation conferences.

(n) *Mediation Procedure.*

(1) No Automatic Continuance of Matters Assigned to Mediation. A trial or hearing will not be continued to accommodate a mediation unless the court orders otherwise.

(2) Mediation Memorandum.

(A) Unless the mediator otherwise directs, not later than 3 days before the initial mediation conference, each party shall provide to the mediator, but not to the other parties, a mediation memorandum no longer than 2 pages, summarizing the nature of the matter and the party's positions on (1) the major factual and legal issues affecting liability, (2) the relief sought by each party and (3) settlement.

(B) Once a party's memorandum has been provided to the mediator, unless that party consents, the mediator may not direct the party to provide the memorandum to another party.

(3) Attendance of Counsel at Mediation Conference. An attorney who is responsible for the representation of a party shall attend the initial mediation conference and any additional mediation conferences. Local counsel for an attorney attending a conference does not have to appear. Each attorney shall be prepared to discuss in good faith the following:

(A) all liability issues;

(B) all damage issues; and

(C) the client's position on settlement.

(4) Attendance of Parties at Mediation Conference. If an individual or any other entity that is a party to a mediation resides within or has its principal place of business located within the Eastern District of Pennsylvania, the individual shall attend the mediation conference in person and any other entity shall have a person with decision making authority for it attend the mediation conference. All other individuals or entities that are parties to the mediation must be available by

telephone and the person available by telephone must have decision making authority. The mediator for cause may excuse attendance completely or authorize participation by telephone.

(5) No Recording of Mediation Conference. A mediation conference shall not be recorded by any means.

(6) Conclusion of Mediation. The mediator shall file a Mediation Report on the form provided by the Clerk within 14 days of the conclusion of the mediation. If the mediation results in an agreement for the resolution of the matter, the parties shall determine which of them will prepare the stipulation of settlement, have the stipulation of settlement executed, and file the requisite motion for court approval. A motion for court approval shall be filed no later than 30 days after the conclusion of the mediation or within such additional time as the court shall direct.

(7) Sanctions. Willful failure of an attorney or a party to comply with paragraphs (3), (4), or (5) of this subdivision or subdivision (k) may result in imposition of appropriate sanctions.

Local Rule 9032-1 **Effect of Amendment of Local Rules of Civil Procedure**

The selected Local Rules of Civil Procedure of the United States District Court for the Eastern District of Pennsylvania which are incorporated by reference and made applicable by these rules shall be the Local Rules of Civil Procedure in effect on the effective date of these rules and as later amended, unless otherwise provided by the amendment or by these rules.

Local Rule 9076-1 **Telephone and Video Conferences and Hearings**

(a) *Arranging a Telephone or Video Hearing or Conference.* A party requesting a telephone or video conference or hearing shall first seek the agreement of opposing counsel and then contact the courtroom deputy for the judge to whom the case is assigned to request court permission. The requesting party shall discuss with the courtroom deputy the existence of the procedural or technical requirements for the proceedings.

(b) *Video.* Technical arrangements to use the court's video conference system shall, when practicable, be made 7 days in advance of the scheduled proceeding date in consultation with the judge's courtroom deputy.

(c) *Telephone.* The party requesting to participate by telephone in a conference or hearing shall initiate the call or provide access to a conference call facility, unless otherwise directed by the court. The person participating in the proceeding by telephone by receiving a call must be available by the telephone before the time set and must take any steps necessary to keep the telephone lines open so that the call can be timely placed.

(d) *Record.* A verbatim record of a telephone or video hearing shall be made in all cases.