

LOCAL RULES
United States Bankruptcy Court
Eastern District of Wisconsin

November 1, 2017

Table of Contents

LR 1002	Petitions Filed Using Non-Electronic Means	3
LR 1002.1	Electronically Filed Cases: Debtor to Maintain Paper Copies	3
LR 1005	Disclosure of Spouse.....	3
LR 1007	Matrix	3
LR 1007.1	Disclosure of Transfers and Loan Payments by the Debtor’s Spouse	3
LR 1007.2	Disclosure of Other Documents.....	3
LR 1008	CM/ECF Login and Password Constitute Signature.....	4
LR 1009	Notice to Added Creditors.....	5
LR 1010	Amendments to Chapter 11 or 12 Plans or Chapter 11 Disclosure Statement.....	5
LR 1015	Administration of Joint Estates	5
LR 1017	Conversion from Chapter 7, 11, or 12 to Chapter 13	5
LR 2002	Creditors’ Notices Pursuant to 11 U.S.C. § 342(f).....	5
LR 2002.1	Limited Notice to Bankruptcy Petition Preparers.....	5
LR 2002.2	Deadline to Object to Chapter 13 Plan.....	6
LR 2004	Rule 2004 Examinations	6
LR 2014	Applications for Employment	6
LR 2016	Applications for Compensation for Services Rendered and Reimbursement of Expenses.....	7
LR 2016.1	“No-Look” Fees in Chapter 13 Cases	8
LR 2070	Chapter 7 Trustee Expenditures	10
LR 3007	Claim Objection Procedure.....	11
LR 3015	Chapter 13 Plans	12
LR 3017	Chapter 11 Disclosure Statements	13
LR 4001	Pre-Confirmation Adequate Protection Payments	14
LR 4001.1	Motions for Relief from Stay.....	15
LR 4004	Disclosures Required Before Discharge.....	16
LR 5005	Electronic Filing.....	18
LR 5005.1	Retention of Electronically Filed Documents.....	19
LR 5005.2	Prohibition of Facsimile and Email Filing.....	19
LR 5005.3	Filing Proposed Orders	20
LR 5011	Motions for Withdrawal of the Reference	20
LR 6007	Motions for Abandonment.....	20
LR 7005	Proof of Service.....	20

LR 7008	Consent to Final Order – Complaint, Counterclaim, Cross-Claim, or Third-Party Complaint ...	20
LR 7012	Consent to Final Order – Responsive Pleading.....	20
LR 7016	Pretrial Procedures.....	21
LR 7026	Duty to Disclose; General Provisions Governing Discovery.....	21
LR 7041	Notice Requirements for Dismissal of Proceeding to Deny or Revoke Discharge.....	21
LR 7067	Court Registry Investments System.....	21
LR 9001	Rules of Construction.....	24
LR 9004	Form of Documents	25
LR 9006	Motions for Extension of Time	26
LR 9006.1	Paper Filing After Office Hours	26
LR 9010	Withdrawal and Substitution of Attorneys of Record	26
LR 9010.1	Ghostwriting Prohibited	28
LR 9010.2	Appearance Pro Hac Vice.....	28
LR 9013	Form of Motions, Notices and Orders	29
LR 9013.1	Proof of Service.....	29
LR 9013.2	Motions to Continue or Impose the Automatic Stay Under 11 U.S.C. § 362(c)(3) or (4)	29
LR 9013.3	Motions to Convert or Dismiss a Chapter 11 Case Under 11 U.S.C. § 1112(b)	30
LR 9014	Notice of Motion; Notice of Hearing; Time Periods for Objections; Form of Objections	31
LR 9014.1	Orders; 7-Day Rule.....	32
LR 9014.2	Consent to Final Order: Motions, Objections, and Responses.....	32
LR 9027	Consent to Final Order: Removal	33
LR 9029	Adoption of Rules and General Provisions	33
LR 9029.1	Waiver or Modification of Local Rules.....	34

LR 1002 Petitions Filed Using Non-Electronic Means

Debtors who file petitions using non-electronic means must file an original of all documents; debtors may not file additional copies unless the court orders otherwise.

LR 1002.1 Electronically Filed Cases: Debtor to Maintain Paper Copies

Debtors who file electronically must bring to the 11 U.S.C. § 341 meeting of creditors signed originals of their petition, schedules and Statement of Financial Affairs, including any amendments, and furnish those originals to the trustee upon request.

LR 1005 Disclosure of Spouse

In any case filed by a married debtor in which the debtor’s spouse is not a joint debtor, the debtor must include the name, address, and Social Security number of the debtor’s spouse in the Statement of Social Security Number(s) (Local Form 121) and the notice of the 11 U.S.C. § 341 meeting of creditors.

LR 1007 Matrix

In all cases, the debtor must prepare and file a separate master service list or “Matrix” in a form specified by the Clerk identifying the names and addresses of all creditors and other parties entitled to notice, including the debtor’s spouse, unless the spouse is a joint debtor. The Matrix will serve as the official mailing list in all cases unless the court orders otherwise.

LR 1007.1 Disclosure of Transfers and Loan Payments by the Debtor’s Spouse

In any case filed by a married debtor in which the debtor’s spouse is not a joint debtor, the Statement of Financial Affairs must include all transfers of marital property, and all loan payments made with marital property, for both spouses.

LR 1007.2 Disclosure of Other Documents

- (a) In Chapter 7 cases, the debtor must provide copies of the following to the assigned trustee no later than 7 days before the first scheduled 11 U.S.C. § 341 meeting of creditors:
 - (1) Titles to all vehicles;
 - (2) Recorded deeds and land contracts for all real estate;
 - (3) Recorded mortgages for all real estate;

- (4) The most recent real estate tax bill for all real estate;
 - (5) The preceding 2 years' federal and state income tax returns and all schedules, or transcripts;
 - (6) The name, address and telephone number of each holder of a domestic support obligation;
 - (7) Any marital agreement; and
 - (8) Any other documents reasonably requested by the trustee.
- (b) In Chapter 12 and 13 cases, the debtor must provide copies of the following to the assigned trustee no later than 7 days before the first scheduled 11 U.S.C. § 341 meeting of creditors:
- (1) The preceding 2 years' federal and state income tax returns and all schedules, or transcripts;
 - (2) The name, address and telephone number of each holder of a domestic support obligation;
 - (3) Any marital agreement; and
 - (4) Any other documents reasonably requested by the trustee.
- (c) Tax returns or transcripts provided to the trustee under subsection (a)(5) or (b)(1) above, should not be filed with the court, unless otherwise ordered, but must have personal identifiers of non-debtors redacted in the manner described in Fed. R. Bankr. P. 9037.
- (d) The debtor must file Local Form 1007 and copies of all payment advices or other evidence of payment received by the debtor from any employer in the 60 days before filing the bankruptcy petition. Local Form 1007 must be filed with the petition or within 14 days after the entry of the order for relief. The debtor must redact the documents filed under this rule as provided in Fed. R. Bankr. P. 1007(b)(1)(E).

LR 1008

CM/ECF Login and Password Constitute Signature

The user login and password required to submit documents to the CM/ECF System constitute the registered user's signature on electronic documents filed using that system. By filing a petition, schedule, statement, amendment, stipulation or other verified document containing a signature of a person other than the registered user, the registered user represents that person, in fact, signed the document. "S/____" or a similar notation constitutes a signature for purposes of this Local Rule.

LR 1009 Notice to Added Creditors

The debtor must serve a notice of commencement of case and a copy of the Chapter 11, 12, or 13 plan, if any, on any new creditor added by an amendment. The debtor also must file proof of such service.

LR 1010 Amendments to Chapter 11 or 12 Plans or Chapter 11 Disclosure Statement

Any party filing an amended or modified Chapter 11 or 12 plan or amended Chapter 11 disclosure statement must file a separate “redlined” version showing all changes made from the previously filed plan or disclosure statement.

LR 1015 Administration of Joint Estates

The estates in cases commenced by the filing of a joint petition by or against spouses will be administered jointly and substantively consolidated, unless the court directs otherwise.

LR 1017 Conversion from Chapter 7, 11, or 12 to Chapter 13

No later than 14 days after the entry of an order converting a case from Chapter 7, 11, or 12 to Chapter 13, the debtor must file a plan, schedules, and other documents required by these Local Rules and the Federal Rules of Bankruptcy Procedure.

LR 2002 Creditors’ Notices Pursuant to 11 U.S.C. § 342(f)

Creditors filing notices of preferred addresses pursuant to 11 U.S.C. § 342(f) must file those notices directly with the court’s notice provider as defined in Fed. R. Bankr. P. 9001(9) and 2002(g)(4). The Clerk will publish the notice provider’s name and contact information in the Appendix to these Local Rules.

LR 2002.1 Limited Notice to Bankruptcy Petition Preparers

In any case commenced by a petition prepared by a bankruptcy petition preparer (“BPP”), as defined in 11 U.S.C. § 110, and in which the BPP fails to file Official Forms B 119 or B 2800 or otherwise provide the court with an accurate mailing address, notice to the BPP will be limited to entry of a notice or an order on the docket.

LR 2002.2 Deadline to Object to Chapter 13 Plan

The deadline to object to a debtor’s originally proposed Chapter 13 plan is 28 days after the trustee concludes the 11 U.S.C. § 341 meeting of creditors.

LR 2004 Rule 2004 Examinations

A motion to take a Fed. R. Bankr. P. 2004 examination must be served on the debtor, the United States trustee, and the entity to be examined.

LR 2014 Applications for Employment

- (a) *Content of Application.* An application for authorization to employ a professional under 11 U.S.C. §§ 327 or 1103 must include a specific recitation of the anticipated services to be rendered together with the proposed method of calculating the compensation. If the applicant seeks to have compensation limited as provided in 11 U.S.C. § 328, then the applicant must specifically request in the application that the court approve the employment subject to § 328, and the application also must state whether the applicant is willing to have any request for fees reviewed under 11 U.S.C. § 330(a)’s compensation standards.

- (b) *Proposed Order Authorizing Employment.* An application for authorization to employ a professional under 11 U.S.C. §§ 327 or 1103 must be accompanied by a proposed order that describes the proposed terms of employment and method of calculating compensation without incorporating the application’s terms by reference.

- (c) *Notice and Disposition.*
 - (1) The applicant must serve the application to employ a professional person on the United States trustee, the debtor and any committee that has been appointed in the case.

 - (2) The applicant must serve those persons identified in (c)(1) with notice of a 14-day objection period, unless the court shortens the time for cause shown.

 - (3) Except as otherwise provided by Fed. R. Bankr. P. 6003, the court may act on an application to appoint a professional without awaiting expiration of the notice period. A party adversely affected by the court’s disposition may file a motion to

reconsider, vacate, or modify that disposition. The court will consider an opposition filed before expiration of the objection period as a request to reconsider the disposition. If an opposition is filed before the expiration of the objection period, the court will consider the application de novo.

- (d) *Professionals in Chapter 13 cases.* In a Chapter 13 case, the debtor does not need court approval to employ professionals, including real estate brokers.

LR 2016 Applications for Compensation for Services Rendered and Reimbursement of Expenses

- (a) *Content of Application.* All applications for compensation must provide all relevant information, including:
 - (1) A list of all attorneys, professionals, paraprofessionals or other timekeepers performing services on the case along with a description of the experience, length of professional practice, and billing rate for each.
 - (2) A chronological record of each timekeeper's time spent on the case that:
 - (A) States the time spent on each service or task in tenths of an hour;
 - (B) For each meeting, correspondence, or conference, identifies the subject matter and all parties with whom the timekeeper met or communicated; and
 - (C) Describes each document prepared and each hearing or trial attended for which the applicant seeks compensation.
 - (3) A summary of the total time expended by each timekeeper for whom the applicant seeks compensation.
 - (4) A detailed breakdown by item and date of all disbursements and expenses.
 - (5) If the application seeks compensation for more than one timekeeper performing the same task, including when more than

one professional attends a hearing or meeting or produces work product, the application must provide a justification for the use of multiple timekeepers.

- (6) A statement that identifies:
 - (A) Whether the applicant has applied for compensation in the case previously and, if so, the total amount of fees and expenses requested, as well as the date or docket number of all orders adjudicating those previous applications; and
 - (B) The total amount of fees and expenses that the applicant has received and any unpaid balance up through the date of the application.

- (b) *Disallowance Procedure in the Absence of a Hearing.* The court may disallow, without prejudice and without a hearing, an applicant's request for fees and expenses if the request does not comply with this Local Rule. If the court so disallows compensation, the applicant may request a hearing within 14 days after the date on which the court entered the disallowance order. Alternatively, the applicant may file a new application that complies with this Local Rule for any portion of the disallowed compensation.
- (c) *Interim Compensation.* In addition to providing the information required under Fed. R. Bankr. P. 2016 and Local Rule 2016(a), applications for interim compensation must include sufficient information to demonstrate that an allowance of interim compensation will not create an undue hardship on the debtor or the estate.
- (d) *Final Compensation.* Applications for final compensation must include a summary of all fees and expenses requested whether or not the court allowed those fees and expenses in an interim compensation order. An applicant does not need to file a detailed itemization of fees and expenses for which the applicant previously filed an itemization in a prior request for allowance of compensation. The final application must identify all amounts previously requested and amounts paid.

LR 2016.1 "No-Look" Fees in Chapter 13 Cases

- (a) *No-look Chapter 13 fee schedule.* The court will maintain a schedule of fees presumed to be reasonable compensation to attorneys representing

Chapter 13 debtors. The schedule is included in the Appendix to these Local Rules.

- (b) *Payment of presumed reasonable fee.* Attorneys for Chapter 13 debtors need not file an application for compensation in the following circumstances:
 - (1) If a confirmed plan directs the trustee to pay attorney compensation in an amount that is not greater than the presumed reasonable fee and no party has objected to the fee, the trustee may pay the attorney as provided in the plan as an allowed administrative claim.
 - (2) If the court dismisses the case before confirmation, the presumed reasonable fee for representing a debtor pre-confirmation is deemed an allowed administrative claim under 11 U.S.C. § 503(b), and the trustee is authorized to pay the attorney up to that amount.
- (c) *Objection procedure.*
 - (1) Any party in interest may object to or request a hearing on the reasonableness of compensation paid to a Chapter 13 debtor's attorney.
 - (2) If a party in interest objects to the presumed reasonable fee, or asks the court to limit compensation to an amount less than the amount presumed reasonable, the attorney requesting compensation must submit an application for compensation in accordance with the requirements of Local Rule 2016. The court then will schedule a hearing to determine the reasonableness of the fee. The attorney requesting compensation bears the burden of proving that the actual fee is reasonable.
- (d) *Compensation exceeding the presumed reasonable amount.* If a Chapter 13 debtor's attorney seeks total compensation that exceeds the presumed reasonable fee, the attorney must file one or more fee applications under Local Rule 2016 for all services and expenses for which the attorney seeks compensation.

- (a) In a Chapter 7 case, a trustee may incur and pay from property of the estate necessary and proper expenses of the following types, without prior notice to any party or a specific order authorizing the expenditures, if the trustee reasonably believes payment cannot await a final hearing and the aggregate amount does not exceed \$2,500:
- (1) Expenses relating to changing locks on premises that are property of the estate;
 - (2) Storage or rent expenses for property of the estate;
 - (3) Insurance for property of the estate;
 - (4) Moving expenses related to transportation of property of the estate;
 - (5) Expenses relating to investigation of existence or perfection of secured claims (but not including wages of persons doing such searches);
 - (6) Bank fees for obtaining copies of bank documents;
 - (7) Transcripts or court reporter fees;
 - (8) Taxes incurred by the estate, including surcharges; and
 - (9) Necessary utility charges.
- (b) The trustee may continue to pay bond premiums in an amount authorized by the United States trustee in the manner previously approved by the court. The \$2,500 aggregate amount the trustee is allowed to pay under this Local Rule does not include the bond premium costs.
- (c) This Local Rule does not authorize the payment of wages or the compensation of professionals, and does not authorize the payment of any estate funds to the trustee or anyone employed by the trustee.
- (d) Notwithstanding the provisions of this Local Rule, the trustee must give as much notice of an expenditure as practically possible to any party in interest who demands notice, as well as to any creditor from whom the trustee may seek reimbursement to the estate under 11 U.S.C. § 506(c).
- (e) If any party in interest objects to an expenditure, the trustee may not incur the expense or pay funds of the estate without a court order.
- (f) Any notice or objection under this Local Rule must be in writing served on the trustee, the debtor, and the United States trustee by either

personal delivery, first-class U.S. mail, email, or similarly expeditious electronic means.

- (g) The trustee may pay expenses that exceed an aggregate of \$2,500 only if authorized by court order. The court may authorize conditions for payment of future expenses after notice and an opportunity to request a hearing is afforded to the United States trustee, any creditor directly affected by the payment, counsel for the debtor (or an unrepresented debtor), and any other party specified by the court.

LR 3007

Claim Objection Procedure

- (a) *Caption.* The objection and all supporting memoranda, Affidavits, declarations, or similar papers must state the name of the creditor and the court-assigned claim number in the caption.
- (b) *Content of objection.* A claim objection must be supported by one or more Affidavits or declarations stating facts in support of the objection made by individuals with personal knowledge of those facts, unless the objection rests solely on the application of law to facts of which the court can take judicial notice (e.g., the claim was filed late).
- (c) *Notice.* The objecting party must serve and file a notice of the claim objection with the claim objection. The notice must clearly state that the court may grant the relief requested without a hearing if the claimant does not file and serve a response within 30 days of service of the notice, or if the response filed by the claimant fails to adequately oppose the objection.
- (d) *Proof of service.* The objecting party must file a declaration of service of both the claim objection and the notice. Except for claims filed by the United States or its officers or agencies or an insured depository institution, service of a claim objection is sufficient if sent by first-class U.S. mail to the address designated on the claimant's most recently filed proof of claim. Service of a claim objection on the United States, its officers or agencies must comply with Fed. R. Bankr. P. 7004(b)(4) or (5). Service of a claim objection on an insured depository institution must comply with Fed. R. Bankr. P. 7004(h). Claim objections also must be served on the debtor, trustee or debtor in possession, and, if applicable, an entity filing the claim under Fed. R. Bankr. P. 3005. The declaration of service must comply with Local Rule 9013.1.

- (e) *Hearing.* The court will ordinarily schedule a hearing on an objection to claim only when an adequate response is timely filed. However, the court may hold a hearing to inquire about the legal basis for the objection or to determine whether the Affidavits filed in support of the objection are sufficient to overcome the presumption of validity provided by Fed. R. Bankr. P. 3001(f).

LR 3015

Chapter 13 Plans

- (a) *Mandatory model plan.* All Chapter 13 debtors must use the Chapter 13 model plan included in the Appendix to these Local Rules.
- (b) *Service of original plan.* The plan must be served on the United States trustee, the Chapter 13 trustee, and all creditors.
 - (1) If the debtor files the plan with the petition, the Clerk through the Bankruptcy Noticing Center will serve the plan by mail on all persons then listed on the Matrix.
 - (2) If the debtor files the plan after the petition, the debtor must serve the plan and file proof of service.
 - (3) The debtor also must serve the plan on all creditors not served by the Clerk, including all creditors added to the schedules or Matrix after the Clerk or the debtor serves the plan.
 - (4) If the plan provides for the avoidance of a lien or security interest, the debtor must serve the plan on all affected creditors in the manner provided for service of a summons and complaint under Fed. R. Bankr. P. 7004.
- (c) *Chapter 13 plan amendments and modifications.*
 - (1) The debtor must use the court's Notice and Request to Amend Unconfirmed Chapter 13 Plan form when filing any pre-confirmation amendment to the plan. Any party who moves to modify a plan after confirmation must use the court's Notice and Request to Modify Confirmed Chapter 13 Plan form. Both forms are included in the Appendix to these Local Rules.
 - (2) Any successive pre-confirmation amendment must restate, without incorporation by reference, the effective terms of all preceding

plan amendments. Any term proposed in a previous amended plan that is not restated in a subsequent amendment will be deemed superseded and no longer part of the plan.

- (3) Unless the court for cause shown limits the notice, a debtor requesting a pre-confirmation amendment or any party moving for a post-confirmation modification must give the trustee, United States trustee and all creditors not less than 21 days' notice of the time fixed for filing objections. An amendment or modification that provides for the avoidance of a lien or security interest must be served on all affected creditors in the manner provided for service of a summons and complaint under Fed. R. Bankr. P. 7004.
 - (4) Any objection to a request to amend or modify a plan, whether pre-confirmation or post-confirmation, must be filed and served on the debtor or other moving party, the Chapter 13 trustee, the United States trustee and any other entity the court designates.
 - (5) If an objection is filed, the court or an entity the court designates will give notice of the hearing to the debtor or other moving party, objecting party, trustee, and United States trustee. An objection to a proposed amended plan is governed by Fed. R. Bankr. P. 9014.
- (d) If the debtor files a post-confirmation request to modify a Chapter 13 plan, the debtor may include a request for the approval of attorney's fees in the amount listed in the presumed reasonable fee chart included in the Appendix to these Local Rules.

LR 3017 Chapter 11 Disclosure Statements

- (a) *Notice of Hearing and Disclaimer.* The proponent of a plan must give notice of the hearing to consider approval of the disclosure statement. The notice must include the following statement in boldface type:

THIS NOTICE DOES NOT CONSTITUTE A SOLICITATION OF ACCEPTANCES OF A CHAPTER 11 PLAN. ACCEPTANCES MAY NOT BE SOLICITED UNLESS AND UNTIL THE DISCLOSURE STATEMENT HAS BEEN APPROVED BY THE COURT.
- (b) *Required Statement.* After approval by the court, the disclosure statement or a separate notice must conspicuously state the following:

THIS DISCLOSURE STATEMENT HAS BEEN DETERMINED BY THE COURT TO CONTAIN ADEQUATE INFORMATION AS REQUIRED BY SECTION 1125 OF THE BANKRUPTCY CODE. THIS DETERMINATION DOES NOT CONSTITUTE RECOMMENDATION OR APPROVAL OF THE PLAN.

LR 4001 Pre-Confirmation Adequate Protection Payments

- (a) *Pre-confirmation adequate protection payments to a lessor of personal property.* The debtor must pay directly to the lessor all payments scheduled in a lease of personal property for that portion of the obligation that becomes due after the date of the order for relief. Absent a timely objection to confirmation of the proposed plan, the debtor is presumed to have made these payments as required under 11 U.S.C. § 1326(a).
- (b) *Pre-confirmation adequate protection payments to creditors holding purchase money security interests in personal property.* The Chapter 13 plan must provide that 11 U.S.C. § 1326(a)(1)(C) pre-confirmation adequate protection payments be paid through the Chapter 13 trustee, unless the court orders otherwise.
- (c) *Pre-confirmation adequate protection payment requirements.* For a creditor to be paid pre-confirmation adequate protection payments by the Chapter 13 trustee:
 - (1) The debtor must list the secured creditor's name and a sum certain to be paid to the creditor; and
 - (2) A proof of claim must be filed.
- (d) *Payment in the ordinary course of the trustee's business.* The Chapter 13 trustee may make adequate protection payments conforming to this Local Rule in the ordinary course of the trustee's business from funds in the case as they become available for distribution to claimants.
- (e) *Payment methodology.* The Chapter 13 trustee must make all adequate protection payments subject to this Local Rule in the equal monthly amounts provided for in the Chapter 13 plan, unless the plan provides otherwise in clear and conspicuous language.
- (f) *Objections.* Pursuant to 11 U.S.C. § 1326(a)(3), creditors may file objections to the adequate protection treatment provided by the plan. The Chapter 13 trustee may continue to make adequate protection

payments to the movant in the monthly amount provided for in the plan until the court orders otherwise.

- (g) *Adequate protection payments.* Consistent with this Local Rule, the Chapter 13 trustee may make pre-confirmation adequate protection payments due under the plan or court order, or any available portion of those payments, from any funds available for that purpose received on or before the date of the entry of the order of dismissal.
- (h) *Adequate protection payments: Effect on claim amount.* The principal amount of the adequate protection recipient's claim will be reduced by the amount of the adequate protection payments paid to the claimant, unless the court orders otherwise.

LR 4001.1 Motions for Relief from Stay

- (a) *Motion for relief from stay as to real property in a Chapter 13 case.* A party moving for relief from stay under 11 U.S.C. § 362(d)(1) or (d)(2) with respect to real property in a Chapter 13 case must:
 - (1) State in the motion that the debtor has indicated an intent to surrender the real property in question when the debtor's Chapter 13 plan so provides.
 - (2) File the following with the motion when the motion is based in whole or in part on the debtor's failure to make one or more periodic post-petition payments:
 - (A) A copy of the note;
 - (B) A copy of the mortgage, land contract, or other agreement evidencing a lien;
 - (C) Evidence of the lien's perfection; and
 - (D) If applicable, a copy of all documents in the chain of assignment, unless such documents have already been filed and the motion provides record citations for each document not filed with the motion.
 - (3) The motion must describe the basis on which the moving party has authority to enforce the note. An objecting party or the court may require the moving party to demonstrate that basis through supporting documents, such as, if a loan servicer is making the motion on behalf of the noteholder, a copy of the loan servicing agreement or an abridgment thereof that grants authority to the

loan servicer to file the motion.

- (4) The moving party must also file with the motion a separate Affidavit signed by an officer, employee, or agent who has personal knowledge of averred supporting facts including the following:
 - (A) A description of the property, including its street address, municipality and state;
 - (B) An itemization of the post-petition arrearage that the movant alleges is due;
 - (C) A complete payment history from the date the moving party alleges the debtor's post-petition account was last current, unless the motion is based on a plan-payment default. The payment history must substantially conform to the form set forth in the Appendix to these Local Rules;
 - (D) If the motion is based on a default in making plan payments to the Chapter 13 trustee, the due date and amount of each missed payment, and the current status of payments to the trustee; and
 - (E) If relevant to the motion, the movant's estimate of the current market value of the property and whether any equity exists in the property.

- (b) *Objections.* An objection filed by the debtor to a motion brought pursuant to subsection (a) of this Local Rule challenging the moving party's allegation of missed payments must attach proof that payments have been made or an Affidavit that those payments have been made.
- (c) *Motions also requesting abandonment.* Motions for relief from the automatic stay that include a request for abandonment must also comply with Local Rule 6007's service requirement.

LR 4004 Disclosures Required Before Discharge

- (a) *Chapter 7 cases.* An individual Chapter 7 debtor who has claimed a homestead exemption that exceeds the amount identified in 11 U.S.C. § 522(q)(1) must file Local Form 2829 not later than 7 days before the first date set to object to the debtor's discharge under 11 U.S.C. § 727.
- (b) *Chapter 12 and 13 cases.*
 - (1) Within 30 days of the debtor's final plan payment to the trustee, the trustee must file a certification that the debtor has made all

required trustee payments.

- (2) Except as provided by 11 U.S.C. § 1228(b), to receive a discharge in a Chapter 12 case the debtor must file Local Form 2830, regarding domestic support obligations, the applicability of 11 U.S.C. § 522(q)(1), and the completion of payments under the plan made directly to creditors other than payments to holders of allowed claims provided for under 11 U.S.C. § 1222(b)(5) or 1222(b)(9). The debtor must file Local Form 2830 within 30 days of the trustee's filing of the certification that the debtor has made all required payments to the trustee.
- (3) Except as provided by 11 U.S.C. § 1328(b), to receive a discharge in a Chapter 13 case the debtor must file Local Form 2831, regarding domestic support obligations, the applicability of 11 U.S.C. § 522(q)(1), and the completion of payments under the plan made directly to creditors. The debtor must file Local Form 2831 within 60 days of the trustee's filing of the certification that the debtor has made all required payments to the trustee.
- (4) If a debtor does not file either Local Form 2830 or 2831 and the statement required by Fed. R. Bankr. P. 1007(b)(7), the court may close the case without granting a discharge. A debtor who can demonstrate after the court closes the case that the debtor is entitled to a discharge may move to reopen the case under 11 U.S.C. § 350(b) to request the granting of a discharge.

(c) *Chapter 11 cases.*

- (1) Individual Chapter 11 debtors may seek to have their cases administratively closed after confirmation during the pendency of the plan and then reopened to receive a discharge.
- (2) After completing the payments required by the plan or confirmation order, in order to receive a discharge, an individual debtor in a Chapter 11 case must file a Final Decree, Chapter 11 Final Report and, if the case has been administratively closed, Motion to Reopen Case for Entry of Discharge.
- (3) The debtor must serve all parties on the shortened service list for the case with notice of the motion to reopen for entry of discharge. If there is no shortened service list, the debtor must serve all

creditors and the U.S. trustee. The notice must state that any objection must be filed within 21 days of service of the motion and that absent a timely objection, the court may grant the motion and enter a discharge without a hearing.

(d) *Deceased debtor disclosures.*

- (1) If a debtor dies after filing a bankruptcy petition but before the court enters a discharge order, the attorney for the deceased debtor may file a declaration of death stating, to the extent applicable, that the debtor died before completing the financial management course described by 11 U.S.C. § 111, and that either Fed. R. Bankr. P. 1007(b)(8) does not apply to the debtor or the attorney does not know of a basis on which the debtor may be found liable for a debt of the kind described in 11 U.S.C. § 522(q)(1)(B).
- (2) The attorney must serve any statement made under (d)(1) on the trustee and the United States trustee giving notice that any party who wants to be heard on the declaration of death must file a request for a hearing within 14 days of service of the statement. If the debtor has claimed a homestead exemption that exceeds the amount identified in 11 U.S.C. § 522(q)(1), then the attorney must also serve the statement and notice on all creditors.
- (3) After the later of the expiration of the time to request a hearing or the commencement of a hearing, the court may enter an order that (A) the debtor is disabled for purposes of 11 U.S.C. § 109(h)(4), and (B) there is no reasonable cause to believe that the debtor will be found guilty of a felony of the kind described in 11 U.S.C. § 522(q)(1)(A) or liable for a debt of the kind described in § 522(q)(1)(B).
- (4) If the debtor's attorney files a declaration of death, then the trustee is excused from giving the notices required by 11 U.S.C. §§ 704(c)(1), 1202(c)(1)(C), and 1302(d)(1)(C).

LR 5005

Electronic Filing

- (a) The court will accept for filing documents submitted, signed, or verified by electronic means, which comply with procedures established by the court. Electronic filing is mandatory for all attorneys who practice in this

district, except in limited, emergency circumstances, or where the attorney has received a waiver from the Chief Judge of the Bankruptcy Court. If an attorney encounters emergency circumstances that require the attorney to file documents in paper form, the paper filing must be accompanied by a letter briefly describing the emergency circumstances that prevented the attorney from filing electronically.

- (b) All documents must be submitted for filing in Portable Document Format (“PDF”). Pleadings and proposed orders must be converted to PDF directly from the filer’s word processing software rather than scanned. Documents must be submitted in text searchable format, whenever possible.

LR 5005.1 Retention of Electronically Filed Documents

- (a) *Documents that must contain original signatures of a debtor or other entity.* A party that files electronically a document that is required to contain an original signature, including a document signed under penalty of perjury pursuant to 28 U.S.C. § 1746 or verified under Fed. R. Bankr. P. 1008, must maintain the document for a period of 5 years after the closing of the case, unless the court orders a different period. Upon request of the court or any party in interest, the filer must provide original documents for review.
- (b) *Retention of electronically filed documents containing original signatures.* As an alternative to maintaining the documents referred to by subsection (a) for 5 years, the filer may have the original document, including any original signature, scanned, digitized and electronically stored for 5 years. An electronically stored document will be deemed a counterpart intended by the person executing or issuing it to have the same effect as an original pursuant to Fed. R. Evid. 1001(d), provided the person or persons executing or issuing the document have signed and filed in the case a Verification of Signature and Designation of Electronic Counterpart as Original as included in the Appendix to these Local Rules. On the request of the court or any party in interest, the filer must provide a copy of the electronic document.

LR 5005.2 Prohibition of Facsimile and Email Filing

Documents may not be filed with or submitted to the court by facsimile or email unless the court specifically authorizes.

LR 5005.3 Filing Proposed Orders

Proposed orders must be submitted in editable PDF format and be directly converted from the filer's word processing software, not scanned.

LR 5011 Motions for Withdrawal of the Reference

A motion under Fed. R. Bankr. P. 5011(a) to withdraw the reference of a case or proceeding under 28 U.S.C. § 157(d), along with all responses and replies, must be filed with the Clerk of the Bankruptcy Court. The Clerk of the Bankruptcy Court will transmit the motion, all responses to the motion, and all replies to the Clerk of the District Court, who will assign a district court case number to the matter.

LR 6007 Motions for Abandonment

Creditors' motions for abandonment must be served in the same manner as a request for abandonment filed by the trustee or a debtor under Fed. R. Bankr. P. 6007.

LR 7005 Proof of Service

The provisions governing proof of service under Local Rule 9013.1 apply in adversary proceedings.

LR 7008 Consent to Final Order – Complaint, Counterclaim, Cross-Claim, or Third-Party Complaint

A party's failure to include in a pleading the statement required by Fed. R. Bankr. P. 7008 addressing consent to the bankruptcy court's entry of final orders or judgments constitutes a forfeiture of that party's right to withhold that consent.

LR 7012 Consent to Final Order – Responsive Pleading

A party's failure to include in a responsive pleading a statement addressing consent to the bankruptcy court's entry of final orders or judgments as required by Fed. R. Bankr. P. 7012(b) constitutes a forfeiture of that party's right to withhold that consent. A party who fails to file a responsive pleading after being served as required by Fed. R. Bankr. P. 7004 also forfeits any right to withhold consent to the bankruptcy court's entry of a final order or judgment.

LR 7016 Pretrial Procedures

Fed. R. Civ. P. 16(b) does not apply in adversary proceedings in which the complaint alleges a claim arising under title 11 of the United States Code or arising in a case under title 11.

LR 7026 Duty to Disclose; General Provisions Governing Discovery

Unless the court directs otherwise, Fed. R. Civ. P. 26(a)(1) (mandatory disclosure), (a)(2)(B) (disclosure regarding expert reports), (a)(3) (additional pretrial disclosures), (d)(1), (2) (timing), and (f) (mandatory meeting before scheduling conference/discovery plan) do not apply in adversary proceedings.

LR 7041 Notice Requirements for Dismissal of Proceeding to Deny or Revoke Discharge

- (a) *Notice and hearing requirement.* No adversary proceeding objecting to or seeking to revoke a debtor’s discharge under 11 U.S.C. §§ 727, 1141, 1144, 1228, or 1328 may be dismissed except on motion with 21 days’ notice to the debtor, the United States trustee, the trustee (if any), all creditors, and other parties in interest. The notice must include a statement that a trustee or creditor who desires to adopt and prosecute the adversary proceeding in question must seek leave to do so at or before the hearing on the motion to dismiss.
- (b) *Disclosure requirement.* A motion to dismiss of the type described in subsection (a) must either: (1) state that no entity has, directly or indirectly, promised, given, or received any consideration to obtain or allow dismissal; or (2) specifically describe all consideration promised, given, or received.
- (c) *Action on the motion, time to object or intervene.* The court may dismiss a proceeding of the type described in subsection (a) without further notice or a hearing, if the United States trustee, the trustee, or another party in interest does not object to dismissal or move to intervene or be substituted for the plaintiff within 21 days following service of the motion.

LR 7067 Court Registry Investments System

- (a) *Scope.* This Local Rule governs depositing funds under Fed. R. Bankr. P. 7067.

(b) *Receipt of funds.*

- (1) No money may be sent to the court or its officers for deposit in the court's registry without a court order signed by the presiding judge in the case or proceeding.
- (2) When a party makes a deposit or transfer of funds to the court's registry, it must also submit to the Clerk of Court a copy of the order authorizing the deposit or transfer.
- (3) Unless otherwise provided, all monies ordered to be paid to the court or received by its officers in any case pending or adjudicated must be deposited with the Treasurer of the United States in the name and to the credit of this court pursuant to 28 U.S.C. § 2041 through depositories designated by the Treasury to accept such deposit on its behalf.

(c) *Investment of registry funds.*

- (1) When the court orders funds on deposit with the court to be placed in an interest-bearing account or invested in a court-approved, interest-bearing instrument in accordance with Fed. R. Civ. P. 67, the Court Registry Investment System ("CRIS"), administered by the Administrative Office of the United States Courts under 28 U.S.C. § 2045, must be used.
- (2) Unless otherwise ordered by the court, interpleader funds deposited under 28 U.S.C. § 1335 must be deposited in the Disputed Ownership Fund (DOF) established within the CRIS and administered by the Administrative Office of the United States Courts, which will be responsible for meeting all DOF tax-administration requirements.
- (3) The Director of the Administrative Office of the United States Courts is designated as custodian for all CRIS funds. The Director or the Director's designee will perform the duties of custodian. Funds held in the CRIS remain subject to the control and jurisdiction of the court.
- (4) Money from each case deposited in the CRIS may be "pooled" together with funds on deposit with the Treasury to the credit of other courts in the CRIS and used to purchase Government

Account Series securities through the Bureau of Public Debt, which will be held at the Treasury, in an account in the name and to the credit of the Director of the Administrative Office of the United States Courts. The pooled funds will be invested in accordance with the principles of the CRIS Investment Policy as approved by the Registry Monitoring Group.

- (5) An account will be established in the CRIS Liquidity Fund titled in the name of the case giving rise to the deposit invested in the fund. Income generated from fund investments will be distributed to each case based on the ratio each account's principal and earnings has to the aggregate principal and income total in the fund after the CRIS fee has been applied. Reports showing the interest earned and the principal amounts contributed in each case will be prepared and distributed to each court participating in the CRIS and made available to litigants and their counsel.
- (6) For each interpleader case, an account will be established in the CRIS Disputed Ownership Fund, titled in the name of the case giving rise to the deposit invested in the fund. Income generated from fund investments will be distributed to each case after the DOF fee has been applied and tax withholdings have been deducted from the fund. Reports showing the interest earned and the principal amounts contributed in each case will be available through the FedInvest/CMS application for each court participating in the CRIS and made available to litigants and their counsel. On appointment of an administrator authorized to incur expenses on behalf of the DOF in a case, the case DOF funds should be transferred to another investment account as directed by court order.

(d) *Fees and taxes.*

- (1) The custodian is authorized and directed by this Local Rule to deduct the CRIS fee of an annualized 10 basis points on assets on deposit for all CRIS funds, excluding the case funds held in the DOF, for the management of investments in the CRIS. According to the court's Miscellaneous Fee Schedule, the CRIS fee is assessed from interest earnings to the pool before a pro rata distribution of earnings is made to court cases.

(2) The custodian is authorized and directed by this Local Rule to deduct the DOF fee of an annualized 20 basis points on assets on deposit in the DOF for management of investments and tax administration. According to the court's Miscellaneous Fee Schedule, the DOF fee is assessed from interest earnings to the pool before a pro rata distribution of earnings is made to court cases. The custodian is further authorized and directed by this Local Rule to withhold and pay federal taxes due on behalf of the DOF.

(e) *Transition from former investment procedure.*

(1) The Clerk is further directed to develop a systematic method of redemption of all existing investments and their transfer to the CRIS.

(2) Deposits to the CRIS DOF will not be transferred from any existing CRIS Funds. Only new deposits pursuant to 28 U.S.C. § 1335 from the effective date of this Local Rule will be placed in the CRIS DOF.

(3) Parties not wishing to transfer certain existing registry deposits into the CRIS may seek leave to transfer them to the litigants or their designees.

(4) This Local Rule supersedes and abrogates all prior orders of this court regarding the deposit and investment of registry funds.

(5) This Local Rule is generally effective on the date of entry, but DOF provisions will become effective on the date the CRIS DOF begins to accept deposits.

LR 9001 Rules of Construction

(a) *Affidavit.* "Affidavit" means an affidavit or a declaration pursuant to 28 U.S.C. § 1746.

(b) *Clerk.* "Clerk" in these Local Rules means Clerk of the United States Bankruptcy Court for the Eastern District of Wisconsin, unless the context requires reference to the Clerk of the District Court.

(c) *Motion.* "Motion" in these Local Rules includes all applications, notices of intended action or objections, and United States trustee comments.

- (d) *Local Rules enforcement.* These Local Rules are intended to be enforced primarily on the court's own initiative. Parties ordinarily should not file motions alleging only a violation of these Local Rules.
- (e) *Service by those requesting court action.* Where the Federal Rules of Bankruptcy Procedure direct that "the clerk, or some other person as the court may direct" will serve a document or otherwise give notice, the filer of the document or proponent of the action must serve or give notice, unless the court orders otherwise or the document or notice is listed on the table of Clerk-issued notices in the Appendix to these Local Rules.
- (f) *Incorporation of definitions and construction rules.* The definitions and rules of construction contained in title 11 of the United States Code and the Federal Rules of Bankruptcy Procedure apply to these Local Rules except where the text requires otherwise.

LR 9004 Form of Documents

- (a) *Pleadings, Motions, Briefs.* All pleadings, motions, responses to motions, briefs, stipulations, Affidavits, and proposed orders must be double-spaced and in not less than 12-point type, unless the court authorizes in advance an alternative method. No motion, memorandum, or brief may exceed 15 pages or 6,500 words, excluding exhibits and attached cases, without prior express authorization of the court. Only documents to which a motion, memorandum, or brief refers may be filed as exhibits. If a motion, memorandum, or brief exceeds 15 pages, the filer must include a certificate that the document complies with the type-volume limitation. The person preparing the certificate may rely on the word count of the word-processing system used to prepare the document. The certificate must report the number of words in the body of the document including all footnotes and other references.
- (b) *Local Rule not applicable to approved forms.* Forms approved by this court or approved for use in federal courts are exempt from this Local Rule's requirements.
- (c) *Identification of documents.* All pleadings, motions, memoranda, briefs, stipulations, Affidavits, and other written requests for court action must include the name of the court, the title of the case, the chapter number, the proper case number, with the initials of the assigned judge, and the

name or nature of the document.

- (d) *Signing filings.* All pleadings, motions, memoranda, briefs, and other written requests for court action must be signed by an attorney, or by the litigant if appearing pro se.
- (e) *Form of proposed orders.* Each proposed order must be submitted as a separate document. The drafter's name, address, telephone number, and email address must appear single-spaced in the lower left-hand corner of the first page.
- (f) *Size and legibility of documents generally.* All documents not filed electronically, except exhibits, must be on letter size (8-1/2" x 11") durable, opaque, unglazed paper, fastened at the top without special backing or binding; plainly and legibly written, typewritten, printed or reproduced. Documents that are not typewritten or otherwise printed must be in ink or its equivalent. Except for exhibits, only one side of each paper may be used. All pages must be sequentially numbered.

LR 9006 Motions for Extension of Time

In addition to complying with Fed. R. Bankr. P. 9006(b), a motion for an enlargement of time must identify the original deadline, the amount of additional time requested, and state with particularity the basis for the needed enlargement of time.

LR 9006.1 Paper Filing After Office Hours

The court deems papers deposited in the Clerk's drop box after hours to be filed at 11:59:59 p.m. on the business day preceding their collection by the Clerk. The Clerk will stamp the date and time on those documents accordingly. As long as the date and time stamped by the Clerk is no later than 11:59:59 p.m. on the deadline date, the court considers the documents timely filed for purposes of meeting deadlines.

LR 9010 Withdrawal and Substitution of Attorneys of Record

- (a) Withdrawal or substitution of counsel of record for a debtor or for a party in a contested matter or adversary proceeding requires leave of court obtained in one of the following ways.

- (1) *Withdrawal in the absence of successor counsel.* An attorney who seeks to withdraw during the pendency of the case, matter, or proceeding must file a motion to withdraw. Unless provided otherwise by this Local Rule, the attorney must serve the party, any adverse parties in the matter or proceeding, the trustee, and the United States trustee with 14 days' notice of the motion.
- (2) *Substitution of counsel.* A debtor or party may obtain leave to substitute counsel as follows:
 - (A) If the party, the party's currently appearing attorney, and successor attorney all agree that the succeeding attorney may appear in place of the party's current counsel, the substitution may be accomplished by filing a stipulation of substitution signed by the party, the current attorney, and the successor counsel. The party, through either current or succeeding counsel, must move the court for approval of the substitution; or
 - (B) The successor attorney may file a motion to substitute counsel served on the current counsel, the trustee, and the United States trustee.
- (3) *Continued representation by law firm.* If a party agreed to be represented by the attorneys of a law firm rather than a particular attorney at that firm and an attorney the Clerk has identified as attorney of record leaves the firm, an attorney at the firm must move to be substituted as counsel of record, if the firm intends to continue representing the party. The attorney filing the substitution motion must certify that the attorney has notified the client, the client has not objected, or the client has consented to the continued representation. The attorney must serve the motion on the party, the trustee, and the United States trustee.
- (4) *Continued representation by attorney who changes law firms.* If counsel of record for a party changes law firms during the pendency of a matter and other attorneys for the firm have appeared for the party in the matter, attorneys at counsel's former firm must move to withdraw. The attorney filing the substitution motion must certify that the party has consented to continued representation by the attorney of record. The

attorney filing the motion must serve the party's counsel of record, the party, the trustee, and the United States trustee.

- (b) *Substitution of counsel for other parties.* Other parties who have appeared through counsel and desire to change their counsel of record may do so by filing a notice of substitution of counsel. The notice may be filed by successor counsel but must be served on the party's counsel of record. The notice must describe the circumstances of the substitution and represent that the party has authorized the substitution. Unless the court otherwise orders, the notice is effective when filed.
- (c) *Multiple case substitution.* Multiple cases may be combined in the same motion and proposed order for substitution of counsel, but only if the cases are assigned to the same judge. If the substitution is to take place in cases assigned to more than one judge, separate motions and proposed orders are required for each judge. This Local Rule's notice, certification, and consent requirements apply to every client named.
- (d) *Effect of substitution order.* Any order substituting for an attorney of record or terminating a counsel of record takes effect when the order is entered, unless the order otherwise provides.

LR 9010.1 Ghostwriting Prohibited

All attorneys, whether or not the attorney of record, who make a major substantive contribution to a petition, pleading, proposed order, trial-related document, motion, memorandum, or brief that is filed with the court or is intended to be filed with the court, must be identified in the filing. No attorney may draft a document intended to be filed by an otherwise unrepresented person without complying with this Local Rule.

LR 9010.2 Appearance Pro Hac Vice

- (a) *Admission to practice.* Attorneys appearing in this court must be admitted to practice before the United States District Court for the Eastern District of Wisconsin, except as provided in subsection (b) of this Local Rule.
- (b) *Pro hac vice admission.* Motions to appear *pro hac vice* will not be granted absent special circumstances as determined by the court in its discretion. Attorneys may not be admitted *pro hac vice* unless they demonstrate that they:

- (1) Are in good standing and eligible to practice before the bar of a federal or state court;
- (2) Will only have limited or incidental involvement with the case or adversary proceeding in which they seek to appear;
- (3) Do not expect to appear or participate in any other case or adversary proceeding before this court; and
- (4) Have obtained or will obtain the necessary Electronic Case Filing authorization, as detailed at www.wieb.uscourts.gov.

LR 9013 Form of Motions, Notices and Orders

- (a) *Caption.* Every motion, proposed order and notice of intended action must contain in the caption a description of the relief requested or action intended.
- (b) *Disclosure of Basis of Motion.* Motions must state the Bankruptcy Code sections, Federal Rules of Bankruptcy Procedure, and other authority on which they base their request for relief.
- (c) *Motions must state with particularity the grounds and the relief sought.* All motions and other requests for court action must comply with Fed. R. Civ. P. 7(b)(1)(B) and (C).

LR 9013.1 Proof of Service

Every filing that is required to be served must be accompanied with or followed promptly by a certification of service that lists, for any non-CM/ECF service, the names and mailing address of the parties served and identifies the date and method of service for each served party.

LR 9013.2 Motions to Continue or Impose the Automatic Stay Under 11 U.S.C. § 362(c)(3) or (4)

- (a) *Debtor must obtain a hearing date before filing the motion.* Debtors moving to continue or impose the 11 U.S.C. § 362(a) stay under § 362(c)(3) or (4) must obtain a hearing date before filing the motion.
- (b) *Notice of the hearing and objection period.* Unless the court for cause orders otherwise, a debtor moving to continue the stay under § 362(c)(3)

or impose the stay under § 362(c)(4) must provide all creditors, the trustee, and the United States trustee with notice consistent with Local Rule 9014. The notice must provide 14 days to object to the motion and state the date on which the court will hear the motion if a party timely objects.

(c) *Filing motions under § 362(c)(3) and (4).*

(1) A debtor must file any motion under § 362(c)(3) in sufficient time for the court to hear the motion before the 30th day following the date on which the debtor filed the bankruptcy petition and must serve the notice of hearing at least 17 days before the hearing date.

(2) A debtor must file a motion under § 362(c)(4) within 30 days of filing the bankruptcy petition.

(d) The court will hold a hearing on a timely filed and served § 362(c)(3) or (4) motion if:

(1) A party timely objects to the motion;

(2) The debtor fails to file and serve one or more Affidavits in support of the motion; or

(3) The court concludes that testimony or other evidence of the debtor's good faith is necessary or desirable.

(e) If no party timely objects to a motion properly filed and served under this Local Rule, the debtor must file a proposed order. If the debtor does not promptly file a proposed order after the objection period ends, the court may hold a hearing.

LR 9013.3 Motions to Convert or Dismiss a Chapter 11 Case Under 11 U.S.C. § 1112(b)

(a) *Moving party must obtain a hearing date before filing the motion.* Parties moving under 11 U.S.C. § 1112(b) to convert or dismiss a Chapter 11 case must obtain a hearing date before filing the motion.

(b) *Notice of the hearing and objection period.* Unless the court orders otherwise, a party moving to convert or dismiss a Chapter 11 case must

provide the debtor, all creditors, the trustee, and the United States trustee with notice that:

- (1) Any objection to the motion must be filed not later than 21 days after service of the notice; and
 - (2) If a party files a timely objection, the court will hear the motion on the date obtained under subsection (a).
- (c) *Motion must be filed and served within 24 hours of obtaining a hearing date.* A party filing a motion under 11 U.S.C. § 1112(b) must file the motion and serve the notice as provided in subsection (b) of this Local Rule no more than 24 hours after obtaining a hearing date in accordance with subsection (a) of this Local Rule to ensure that interested parties receive 21 days' notice, as required by Fed. R. Bankr. P. 2002(a)(4), before the court is required to commence the hearing under § 1112(b)(3). A party's failure to comply with this Local Rule is sufficient grounds for denial of a motion to convert or dismiss under § 1112(b).

LR 9014 Notice of Motion; Notice of Hearing; Time Periods for Objections; Form of Objections

- (a) *Court action by negative notice.* Unless otherwise required by the Bankruptcy Code, the Federal Rules of Bankruptcy Procedure, these Local Rules, or court order, the court typically does not schedule a hearing on a motion or notice of intended action unless there is a timely objection or the court otherwise concludes that a hearing is necessary or desirable.
- (1) A party filing a motion or notice of intended action must file and serve:
 - (A) A notice of motion or intended action that substantially complies with Local Rule 9014;
 - (B) A motion or statement of intended action conforming with Fed. R. Bankr. P. 9013 and Local Rule 9013; and
 - (C) Proof of service.
 - (2) *Contents of notice.* A notice of motion or other intended action must clearly state that if a party wants the court to consider its views or to hold a hearing on the motion, that party must timely file and serve an objection. Additionally, the notice of motion must:

- (A) Afford at least 14 days after service of the notice to object, unless (A) the court otherwise orders, (B) the Bankruptcy Code or the Federal Rules of Bankruptcy Procedure (see, e.g., Fed. R. Bankr. P. 2002, 11 U.S.C. § 1301(d)) require a different objection period, or (C) the party filing the motion has moved to modify the objection period; and
 - (B) Specify that absent a timely filed objection, the court may grant the relief requested without a hearing.
- (3) If an objection is filed and served timely, the court will schedule a hearing and the Clerk, or such other person as the court may direct, will give notice of the hearing to the parties. A hearing notice served by a person other than the Clerk must state whether the hearing is evidentiary or preliminary, as directed by the court.
 - (4) In the absence of an objection, the court may direct a party to give notice of a hearing that it deems necessary or appropriate to hold before acting on the motion or other request for action.
 - (5) If no party files a timely objection, the moving party must promptly file a proposed order.
- (b) *Telephonic hearings.* Unless the court orders otherwise, hearings at which persons may appear by telephone will be preliminary hearings without the presentation of evidence. However, if the court concludes that there are sufficient grounds to grant or deny the motion at the preliminary hearing, the court may rule on the matter at the preliminary hearing.

LR 9014.1 Orders; 7-Day Rule

The court may hold proposed orders arising from a contested hearing for 7 days from the date that the proposed order is filed to allow for comments or objections to the form of the order. The court generally will hold orders for this period unless the parties agree on the form of the order, the court is reasonably confident that the order conforms to relief it directed at the hearing, or it concludes that other considerations warrant prompt entry of the order.

LR 9014.2 Consent to Final Order: Motions, Objections, and Responses

A party's failure to include in a motion, objection, or response a statement addressing consent to the bankruptcy court's entry of a final order or judgment

constitutes a forfeiture of the right to withhold that consent.

LR 9027 Consent to Final Order: Removal

A party's failure to include in a removal notice or post-removal pleading a statement addressing consent to the bankruptcy court's entry of a final order or judgment as required by Fed. R. Bankr. P. 9027(a)(1) or (e)(3) constitutes a forfeiture of the right to withhold that consent.

LR 9029 Adoption of Rules and General Provisions

- (a) The United States Bankruptcy Court for the Eastern District of Wisconsin adopts these Local Rules effective November 1, 2017. These Local Rules apply to all cases and proceedings in the United States Bankruptcy Court for the Eastern District of Wisconsin now pending or commenced after the effective date. Unless otherwise directed by the court or these Local Rules, the Local Rules of the United States District Court for the Eastern District of Wisconsin do not apply to cases or proceedings in the bankruptcy court.
- (b) No one may take any photographs of, make any recordings in, or make any broadcasts from any of the courtrooms, conference rooms, and witness rooms adjacent to the courtrooms of the Federal Courthouse in Milwaukee without first obtaining written permission from the person in charge of those areas. These prohibitions do not apply to ceremonial proceedings or similar court-approved conduct.
- (c) The United States Marshal, the Marshal's deputies or a custodian of the Federal Courthouse may enforce subsection (b) of this Local Rule by ejecting violators or by referring the matter to the United States Attorney. The United States Attorney may enforce these prohibitions by seeking an order that requires any person who violates that subsection to appear before a judge to answer to a charge of contempt.
- (d) At any time, upon its own motion, the Court may require that a nonresident attorney obtain local counsel to assist in the conduct of the action.
- (e) Only natural persons, including those operating sole proprietorships, may appear pro se. Legal entities, such as corporations, partnerships, unincorporated associations, limited liability companies, or trusts, must be represented by legal counsel.

- (f) Attorneys practicing before this court are subject to the Wisconsin Rules of Professional Conduct for Attorneys, as such may be adopted from time to time by the Wisconsin Supreme Court and except as may be modified by this court. After notice and opportunity to be heard, any attorney who violates those standards of conduct may be barred from practice before this court, suspended from practice for a definite time, reprimanded, or subjected to such other discipline as the court may deem proper.
- (g) The court, in its discretion, may report any allegation of unethical conduct to the appropriate authority regulating the practice of law in any jurisdiction in which the attorney has been admitted to practice law.
- (h) Any attorney admitted to practice or appearing before this court who is disbarred or suspended in any jurisdiction must promptly report the matter to this court. Any adverse admission or practice ruling of the United States District Court for the Eastern District of Wisconsin applies in this court.

LR 9029.1 Waiver or Modification of Local Rules

The court may waive or modify any of these Local Rules in furtherance of the just, speedy, and inexpensive determination of a case or proceeding.