

**LOCAL RULES**  
**United States Bankruptcy Court**  
**Eastern District of Wisconsin**

**October 2025**



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[TO BE ADDED]

Final Draft

## **LR 1001-1 Local Rules – General**

The United States Bankruptcy Court for the Eastern District of Wisconsin adopts these Local Rules effective \_\_\_\_\_. 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. 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, except where these Rules or a court order makes them applicable.

## **LR 1002-1 Miscellaneous Cases**

Matters that are not case or proceeding specific may be adjudicated in a miscellaneous case.

- (a) Matters adjudicated in miscellaneous cases may include the following:
  - (1) Attorney discipline or enforcement of 11 U.S.C. § 110 related to conduct affecting multiple cases;
  - (2) Requests to make omnibus corrective filings in multiple cases; and
  - (3) Enforcement of subpoenas related to matters pending in other courts.
- (b) To commence a miscellaneous case, a party must submit a request to the Clerk of Court in the manner described in the Appendix to these Local Rules.

## **LR 1004.1-1 Petitions Filed on Debtor's Behalf by a Court-Appointed Representative, Holder of Power of Attorney, Next Friend, or Proposed Guardian Ad Litem**

- (a) *Signing of petition.* If a bankruptcy petition is filed on behalf of a debtor by a court-appointed representative, the holder of a power of attorney, a proposed next friend, or a proposed guardian ad litem (a "Non-Debtor Filing Party"), the petition must be signed by the Non-Debtor Filing Party and must state the Non-Debtor Filing Party's authority for acting on the debtor's behalf in filing the petition, i.e., must state, for example, that the person signing the petition is a court-appointed representative, the holder of a power of attorney, a proposed next friend, or a proposed guardian ad litem.
- (b) *Motion for appointment of next friend or guardian ad litem.*
  - (1) *Timing.* A motion seeking appointment as the debtor's next friend or guardian ad litem pursuant to Rule 1004.1 of the Federal Rules of Bankruptcy Procedure must be filed with any petition filed by a

Non-Debtor Filing Party or as soon as possible after the need for the appointment arises in all other cases.

- (2) *Contents of motion.* The motion must identify the specific duties which the proposed next friend or guardian seeks authority to perform on the debtor's behalf and must specify the circumstances justifying a grant of that authority.
- (3) *Declaration* The motion must be accompanied by a Declaration that states the following:
  - (A) the proposed next friend or guardian's name, address, and relationship to the debtor;
  - (B) whether the proposed next friend or guardian or any other person (to the best of the Filing Party's knowledge, information and belief) was previously authorized to act as the debtor's representative, and, if another person was so authorized, that person's name, address, and relationship to the debtor;
  - (C) facts sufficient to authenticate copies of all powers of attorney, court orders, or instruments authorizing action on the debtor's behalf that are filed as exhibits to the Declaration;
  - (D) why the debtor is unable to file the petition or otherwise unable to manage their financial affairs on their own behalf;
  - (E) whether the debtor has authorized the filing of the petition;
  - (F) how filing bankruptcy will benefit the debtor;
  - (G) why the proposed next friend or guardian is competent to handle the debtor's financial affairs and how much knowledge the proposed next friend or guardian has of the debtor's financial affairs;
  - (H) whether any of the debtor's debts were incurred for the benefit of the proposed next friend or guardian;
  - (I) whether the Filing Party expects to be compensated for serving as the debtor's next friend or guardian ad litem and the source of that compensation; and

- (J) the names and addresses of any persons known to the proposed next friend or guardian who may object to the filing of the petition on the debtor's behalf.
- (4) *Proposed order.* A proposed order must be separately filed when filing the motion.
- (5) *Additional supporting documents.* Copies of all powers of attorney, court orders, or instruments authorizing the proposed next friend or guardian and any other person to act on the debtor's behalf must be filed as exhibits to the proposed next friend or guardian's Declaration required by this rule.
- (6) *Service.* The motion, Declaration, and proposed order must be served on the debtor, any trustee, the United States trustee, and any person identified in paragraph (b)(3)(J) of this rule.

**LR 1005-1     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 file in a manner that allows inclusion in the notice of the meeting of creditors the name, address, and Social Security number of the debtor's spouse if known or reasonably obtainable.

**LR 1007-1     Matrix**

- (a)     The debtor must file a separate master service list or "Matrix" in the form specified in the Appendix to these Rules that states 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.
- (b)     A debtor who amends Schedules D or E/F to add or change creditors or creditor addresses must file a supplemental matrix listing only the new creditors and addresses when filing the amended schedule.

**LR 1007-2     Disclosure of Other Documents**

- (a)     In Chapter 7 cases, debtors must provide the following to the trustee no later than 7 days before the first-scheduled meeting of creditors:
  - (1)     Titles to vehicles or, if the debtor does not hold a title, certificate of ownership or proof of lien perfection;
  - (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 two most recent years' federal and state income tax returns the debtor has filed with appropriate taxing authorities, within the last seven years, including all schedules or transcripts;
  - (6)     Any marital agreement; and
  - (7)     All other documents reasonably requested by the trustee.
- (b)     In Chapter 12 and 13 cases, the debtor must provide the following to the trustee no later than seven days before the first-scheduled meeting of creditors:
  - (1)     The two most recent years' federal and state income tax returns the debtor has filed with appropriate taxing authorities, within the last seven years, including all schedules, or transcripts;

- (2) Any marital agreement; and
- (3) All other documents reasonably requested by the trustee.
- (c) Tax returns or transcripts provided to the trustee as required by this Rule, should not be filed with the court, unless otherwise ordered, and any tax return or transcript that is filed with the court must have personal identifiers redacted in the manner described in Fed. R. Bankr. P. 9037.
- (d) No later than 14 days after entry of the order of relief, debtors must file Local Form 1007 and copies of all payment advices or other evidence of payment, redacted as provided in Fed. R. Bankr. P. 1007(b)(1)(E), sufficient to show all payments received from any employer within 60 days of the date on which the debtor filed the bankruptcy petition.

**LR 1009-1 Notice to Added Creditors and Amendments to Schedule I or Schedule J**

- (a) The debtor must promptly serve notice of the case's commencement, any proof of claim deadline, and any Chapter 11, 12, or 13 plan on all creditors not included on the original Matrix (including when the debtor amends the schedules to add creditors or amend information about creditors) and must file proof of such service within a reasonable time after service is completed.
- (b) Any debtor filing an amended schedule I or J must file simultaneously both schedules I and J, unless the court orders otherwise.

**LR 1010-1 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 1015-1 Administration of Joint Estates and Related Matters**

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 orders otherwise.

**LR 1016-1 Death of Debtor**

- (a) This rule only applies to cases in which the debtor dies after completion of the meeting of creditors under 11 U.S.C. § 341, unless the court orders otherwise.
- (b) 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 attesting, 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).

- (c) The attorney must serve any declaration made under (a) 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.
- (d) If no objections are filed after the expiration of the time to object, the court may enter an order that
  - (1) the debtor is disabled for purposes of 11 U.S.C. § 109(h)(4), and
  - (2) 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); and
- (e) 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 1017-1 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 2002-1 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 2002-2 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 2004-1     Rule 2004 Examinations**

- (a) *Definitions.* In this rule,
  - (1) “2004 Examination” means the examination of, or the production of Documents or electronically stored information from, an entity under Fed. R. Bankr. P. 2004.
  - (2) “Documents” means information however stored, including in hard copy or electronically stored information.
- (b) *2004 Examination of debtors.*
  - (1) *Motion requesting 2004 Examination order.* A party must move for an order commanding a debtor to appear for examination or produce documents.
  - (2) *Service of motion.* A motion for a 2004 Examination of a debtor need be served only on the debtor, the debtor’s attorney (if any), any trustee, the United States trustee, and any official committee.
  - (3) *Order.*
    - (A) *Proposed order.* The moving party must separately file and serve a proposed order when filing the motion.
    - (B) *Service of court’s order.* If the court grants the motion for a 2004 Examination, the moving party must promptly serve the order on all entities to be examined who did not receive electronic notice of the order’s entry, and on the debtor, if the debtor is not represented by counsel.
  - (4) *Meet and confer requirement for a debtor represented by counsel.* Before filing a motion for a 2004 Examination of a debtor represented by counsel, the moving party must in good faith confer or attempt to confer with the debtor’s attorney to ascertain whether the debtor consents to the 2004 Examination and to arrange a mutually agreeable date, time, place, and scope. The motion must include a certification that the movant has complied with this paragraph.
- (c) *2004 Examination of non-debtors.*
  - (1) *Motion requesting service of subpoena.* To compel a non-debtor to appear for a 2004 Examination, the moving party must request the

court to authorize the issuance of a subpoena to appear for examination or produce Documents in accordance with Fed. R. Bank. P. 2004(c) and 9016.

- (2) *Service of motion.* A motion for a 2004 Examination of a non-debtor need be served only on the debtor (including on the debtor's attorney, if any), any trustee, the United States trustee, any official committee, and the entity to be examined if that entity has appeared or filed proof of claim.
- (3) *Proposed subpoena.* The moving party must file (as an attachment to the motion) and serve a proposed subpoena that specifically provides for all requested examinations and Documents.
- (4) *Service of the subpoena in the form authorized by the court.* Unless the court orders otherwise,
  - (A) after the court grants a motion for 2004 Examination from a non-debtor, the moving party must serve the non-debtor with a subpoena as authorized by the court's order;
  - (B) Fed. R. Bankr. P. 9016 governs the content, form, service and enforcement of the subpoena.
- (d) *Protective orders and motions to quash or modify subpoenas.*
  - (1) Unless the court orders otherwise, an entity compelled under this rule to appear for a 2004 Examination or to produce Documents may move for a protective order and may move to quash or modify any subpoena as provided by Fed. R. Civ. P. 26(c) and Fed. R. Bankr. P. 9016 (incorporating Fed. R. Civ. P. 45).
  - (2) An entity requesting that a subpoena issued under this rule be vacated, modified, or quashed, or that the court enter a protective order, must file and serve that request as provided in Fed. R. Civ. P. 9016 (incorporating Fed. R. Civ. P. 45) and Local Rule 9014-1(a).
  - (3) An entity moving under this paragraph must file a certification with the motion specifying the movant's good faith efforts to confer with the party entitled to conduct the contested 2004 Examination to resolve the dispute.
  - (4) Any objection to a motion made under this paragraph must be filed no later than seven days after the motion is filed; the objecting party must address the party's good faith efforts to confer with the movant to resolve the dispute.

- (5) Unless the court orders otherwise, the timely filing of a motion under this paragraph stays the effect of an order or subpoena issued under this Rule, until the court adjudicates the motion.

(e) *Time for examination or production.*

If a motion for a 2004 examination requests that an examination or production occur fewer than 21 days after the date on which the motion is filed, the motion and any supporting Declarations must show good cause for affording fewer than 21 days to comply.

(f) *Immediate adjudication.* The court may adjudicate a motion under this rule immediately and without notice or a hearing.

(g) *Stipulations to alter examination or production.* Unless the court orders otherwise, parties to an order or subpoena issued under this Rule may modify the date, time, place or scope of any examination or production by agreement of all affected parties without leave of court.

(h) *Exception for Chapter 13 Trustee.*

- (1) Unless the court otherwise orders, no part of this rule applies to motions filed by a chapter 13 trustee before plan confirmation or adjudication of any motion to modify a confirmed plan to compel a debtor to produce documents, materials, or information related to a debtor's financial circumstances and chapter 13 plan confirmation or modification.

- (2) The objection deadline for a motion to dismiss a chapter 13 case based on a debtor's failure to comply with an order requiring testimony or production of documents under Rule 2004 need not exceed 14 days from the date on which the motion is filed.

(i) The court may deny a motion under this Local Rule if it finds that the motion is inconsistent with an order governing discovery in an adversary proceeding to which the movant is a party.

**LR 2014-1 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 compensation for those services. If the applicant seeks to have compensation limited as provided in 11 U.S.C. § 328, then the application must specifically state the terms and conditions of employment for purposes of § 328(a) and must request that the professional's compensation be so limited. The court retains the authority to limit any award of compensation and expenses under 11 U.S.C.

§ 330(a) unless (i) the application states that the applicant is unwilling to have the court apply § 330(a) in adjudicating any request for an award of compensation or expenses and (ii) the order authorizing employment so provides.

- (b) *Proposed order authorizing employment.* The applicant must file, as an exhibit to the application, a proposed order specifying, without incorporating the application or any other document by reference, the requested terms of employment and method of calculating compensation. Unless otherwise ordered, employment is effective as of the date the application is filed.
- (c) *Service, notice of objection period, and disposition.*
  - (1) The applicant must serve the application to employ a professional 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.
  - (3) Except as otherwise provided by Fed. R. Bankr. P. 6003, the court may act on an application to appoint a professional before the notice period expires. If the court approves the application before the objection period expires, the court will consider de novo any timely filed objection as a request for reconsideration.
- (d) *Professionals in chapter 13 cases.* In a Chapter 13 case, debtors may employ professionals, including real estate brokers, without court approval.

**LR 2016-1    Applications for Compensation for Services Rendered and Reimbursement of Expenses**

- (a) *Content of application.* 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, including any initials by which those individuals are identified on the invoices submitted, along with a description of the experience, length of professional practice, and billing rate for each.
  - (2) A chronological record of the time spent on the case that:
    - (A) Identifies the timekeeper who performed the service;

- (B) States the time spent on each service or task in tenths of an hour;
    - (C) For each meeting, correspondence, or conference, identifies the subject matter and all parties with whom the timekeeper met or communicated; and
    - (D) 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, date, and amount 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.
  - (7) Receipts or other support for each disbursement or expense item for which reimbursement is sought must be retained and be made available upon request.
- (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 or, within the same period, 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 2016-1(a), applications for

interim compensation must demonstrate that an allowance of interim compensation will not create an undue hardship on the debtor or the estate. Unless otherwise ordered, all interim compensation awards are contingent on entry of a final compensation award and all amounts paid based on an interim award are subject to recoupment until finally approved.

- (d) *Final compensation.* Applications for final compensation must include a summary of all fees and expenses requested even if 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. Unless the court orders otherwise, the entry of an order finally awarding compensation and expenses to a professional engaged by a trustee or committee concludes that engagement.
- (e) *Proposed orders.* Unless otherwise ordered, if no one timely objects to the application, the applicant must file a proposed order granting the application no later than fourteen days after the objection period ends. The proposed order must state (1) separately total fees and total expenses awarded by the order and (2) total fees and expenses awarded to the applicant during the entire case.

#### **LR 2016-2    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 fees.* Counsel for the debtor in a Chapter 13 case need not file an application for compensation in the following circumstances in which administrative expenses are deemed allowed under 11 U.S.C. § 503(b):
  - (1) **Presumptively reasonable fee through confirmation:** If the total amount of compensation that counsel agreed to accept for representing the interests of the debtor in connection with the case, as disclosed pursuant to 11 U.S.C. § 329(a) and Federal Rule of Bankruptcy Procedure 2016(b), is less than or equal to the presumptively reasonable fee through at least plan confirmation and no party has objected to the compensation, then upon the entry of an order confirming the plan, counsel is allowed compensation in the agreed-to amount, such compensation is allowed as an administrative expense, and the trustee may pay counsel the

balance of the allowed compensation in accordance with the confirmed plan, unless the court orders otherwise.

- (2) **Presumptively reasonable fee for post-confirmation plan modification:** If the debtor requests a modification of the confirmed plan, the request includes additional compensation to counsel for preparing and filing the request, the amount of the additional compensation is less than or equal to the presumed reasonable fee, and no party has objected to the compensation, then upon the entry of an order granting the request and modifying the plan, counsel is allowed compensation in the amount stated in the request, such compensation is allowed as an administrative expense, and the trustee may pay counsel the balance of the allowed compensation in accordance with the modified plan, unless the court orders otherwise.
- (3) **Presumptively reasonable fee through dismissal before confirmation:** If the court dismisses the case without confirming the plan, counsel is allowed the presumed reasonable fee or the total amount of compensation that counsel agreed to accept (as described above), whichever is less; such compensation is allowed as an administrative expense; and the trustee may pay counsel the balance of the allowed compensation in accordance with 11 U.S.C. §1326(a)(2), if no party has objected to the compensation, unless the court orders otherwise.
- (4) The Chapter 13 trustee may withhold compensation payable under this subsection until the court enters an order authorizing the payment. The debtor or the trustee may request entry of an order requiring payment of compensation allowed under this subsection.

(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 file an application for compensation in accordance with the requirements of Local Rule 2016-1. 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 (including all compensation, whether pre- or post-petition, even if in connection with the case before its conversion to Chapter 13), the attorney must file one or more fee applications under Local Rule 2016-1 for all services and expenses for which the attorney seeks compensation. The application must include a request for approval of the total compensation that the chapter 13 debtor's attorney is seeking. The total compensation includes both the presumed reasonable fee and any compensation that exceeds the presumed reasonable fee, and the request for compensation must be accompanied by the information required by Local Rule 2016-1(a).

**LR 2016-3      Presumed Reasonable Fee for Bankruptcy Petition Preparer**

The court will maintain in the Appendix to these Local Rules a schedule of compensation that is reasonable for bankruptcy petition preparers to charge debtors to prepare documents for filing as authorized by 11 U.S.C. § 110. No bankruptcy petition preparer may charge a greater amount without leave of court.

**LR 2070-1      Chapter 7 Trustee Expenditures**

- (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) Changing locks on premises that are property of the estate;
  - (2) Storage expense or rent 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 incurred to determine the existence or perfection of secured claims (not including wages of persons doing such searches);
  - (6) Fees and charges necessary to maintain and administer estate bank accounts;
  - (7) Transcripts and court reporter fees;
  - (8) Taxes incurred by the estate, including surcharges; and
  - (9) Necessary utility charges.



- (b) All expenses paid under subsection (a) must be included on a later-filed application for administrative expenses and must be separately itemized and described in that application.
- (c) The trustee may pay bond premiums in an amount authorized by the United States trustee.
- (d) This Local Rule does not authorize a trustee to pay wages or compensate professionals and does not authorize the payment of any estate funds to the trustee or anyone employed by the trustee.
- (e) Notwithstanding subsection (a), as to any expenditure authorized by this rule, the trustee must give as much notice as practically possible to any party in interest who requests such notice and to any creditor holding a claim secured by property from which the trustee may seek payment under 11 U.S.C. § 506(c).
- (f) If any party in interest objects to the trustee paying an expense, the trustee may not incur the expense or pay it with funds of the estate without a court order.
- (g) Any notice or objection under this Local Rule must be in writing served on (1) the trustee, the United States trustee, and counsel for the debtor by either personal delivery, email, similarly expeditious electronic means, or, if those means are unavailable, first-class U.S. mail and (2) the debtor by first-class mail.
- (h) The trustee may pay expenses that exceed an aggregate of \$2,500 exclusive of bond premiums 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 3002-1 Supplemental Claims**

- (a) *Filing and administration of supplemental claims.*
  - (1) When a debt-adjustment or reorganization plan provides for an allowed claim that is secured by a lien on the debtor's property, the holder of that claim may supplement its proof of claim to include amounts due and owing after the filing of the bankruptcy petition when authorized by court order or stipulation signed by the creditor, the debtor, and the trustee and filed with the court.
  - (2) A creditor filing a supplemental claim must use the Official Bankruptcy form for filing a proof of claim, modified at a

minimum to identify it clearly as a supplemental claim, or the Local Supplemental Proof of Claim Form.

- (b) *Filing of supplemental claim after adjudication of motion for relief from stay.* Unless the court orders otherwise,
  - (1) if a court order authorizes a creditor to file a supplemental proof of claim, the creditor must file any supplemental proof of claim no later than 70 days after entry of the order.
  - (2) if a stipulation authorizes a creditor to file a supplemental proof of claim, the creditor must file any supplemental proof of claim by the date provided in the stipulation or, if no date is provided, no later than 70 days after the stipulation is filed.
- (c) *Filing of supplemental claims by debtor or trustee.* If a creditor fails timely to file a supplemental claim, the debtor or trustee may file the supplemental proof of claim pursuant to Federal Rule of Bankruptcy Procedure 3004.
- (d) *Objections to supplemental claims.* An objection to a supplemental claim is governed by Federal Rule of Bankruptcy Procedure 3007 and Local Rule 3007-1; any order allowing or disallowing a supplemental claim may be reconsidered as provided in Federal Rule of Bankruptcy Procedure 3008.
- (e) *Effect of withdrawal, transfer, or assignment of claim on supplemental claim.* If a claim that has been supplemented under this rule is withdrawn, the supplemental claim is also deemed withdrawn. If such a claim is transferred or assigned, a trustee must tender any payment on the supplemental claim to the transferee or assignee.
- (f) *Application of Rule 3002.1 to supplemental claims.* Federal Rule of Bankruptcy Procedure 3002.1 applies to all supplemental claims that supplement claims to which that rule otherwise applies.

#### **LR 3003-1 Chapter 11 Claim Bar Date**

- (a) *Minimum time to file claims.* If a chapter 11 debtor moves to set the deadline for filing claims at a date fewer than 60 days from the entry of the order setting that date, the motion must show good cause for the period requested.
- (b) *Subchapter V.* When a chapter 11 debtor elects to proceed under subchapter V, the court may set the deadline for filing claims without a motion.

#### **LR 3007-1 Claim Objection Procedure**

- (a) *Title.* The objection must state the name of the creditor and the court-assigned claim number in the title.
- (b) *Content of objection filed by debtor.* A claim objection filed by the debtor must be supported by one or more 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 either the claimant does not file and serve a response within 30 days after service of the notice, or the response filed by the claimant fails to adequately oppose the objection.
- (d) *Proof of service.* The objecting party's declaration of service must comply with Fed. R. Bankr. P. 3007(a)(2) and Local Rule 9013-2.
- (e) *Hearing.* If the creditor fails to file a timely response, the court may sustain the objection without a hearing. Even in the absence of a response, however, the court may hold a hearing, including a hearing at which the objecting party is required to prove facts sufficient to overcome the presumption of the claim's validity, as provided by Fed. R. Bankr. P. 3001(f), or otherwise demonstrate that the court should sustain the objection.

#### **LR 3015-1 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 plan.* Notwithstanding any other subsection of this Local Rule, the debtor must ensure proper service of the plan on the United States trustee, the Chapter 13 trustee, and on all creditors, including in the manner provided in Fed. R. Bankr. P. 3012(b) when the plan provides a request to determine the amount of a secured claim held by a nongovernmental entity.
  - (1) If the debtor files the plan with the petition, the Clerk, through the Bankruptcy Noticing Center, will serve the plan 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 that service.

- (3) The debtor must serve the plan on all creditors added to the schedules or Matrix after the Clerk or the debtor serves the plan, and file proof of that service.
- (c) *Modification of Chapter 13 plan under 11 U.S.C. § 1323 before confirmation and objections.*
  - (1) To modify a chapter 13 plan under 11 U.S.C. § 1323, the debtor must file and serve the modification using a local form included in the Appendix.
    - (A) A preconfirmation modification must reproduce in full all modified sections of the model plan form, unless the debtor modifies the plan using the Limited Modification to Unconfirmed Chapter 13 Plan local form.
    - (B) A preconfirmation modification supersedes all prior modifications and must restate, without incorporation by reference, the effective terms of all preceding modifications. Any term stated in a previous modification that is not restated in a subsequent modification is not part of the plan.
  - (2) Unless the court otherwise orders, a debtor filing a preconfirmation plan modification must serve the modified plan and notice of the objection period on the trustee, United States trustee, and all creditors.
  - (3) 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 modified plan is governed by Fed. R. Bankr. P. 9014.
- (d) *Deadline to object to confirmation of Chapter 13 Plan under 11 U.S.C. § 1325.* Unless the court orders otherwise, the deadline to object to confirmation of the debtor's proposed Chapter 13 plan is the later of 28 days after the trustee concludes the meeting of creditors or 21 days after the filing of an amendment under 11 U.S.C. § 1323.
- (e) *Motions to modify a confirmed Chapter 13 plan under 11 U.S.C. § 1329.*
  - (1) Any party who moves to modify a plan after confirmation under 11 U.S.C. § 1329 must use a Notice and Motion to Modify Confirmed Chapter 13 Plan form approved by the court.

- (2) A party moving to modify a confirmed chapter 13 plan must serve the motion and notice of a 21-day objection period on the debtor, trustee, United States trustee, and all creditors.
- (3) An objection to a motion to modify a confirmed chapter 13 plan must be filed and served on the moving party, the Chapter 13 trustee, the United States trustee no later than 21 days after service of the motion.
- (4) A debtor's motion to modify a confirmed chapter 13 plan may include a request for the approval of attorney's fees in the presumed reasonable amount listed in the Appendix to these Local Rules for filing and prosecuting the motion.
- (5) A motion to modify a confirmed chapter 13 plan is a distinct contested matter and does not supersede previously filed motions to modify the confirmed plan, even if the previously filed motions are unadjudicated and filed by the same party.

**LR 3022-1 Interim Closure or Final Decree Closing a Non-Subchapter V Chapter 11 Case**

- (a) *Applicability.* This Local Rule only applies to cases under chapter 11 of the Bankruptcy Code, except cases under subchapter V other than as incorporated by LR 3022-2.
- (b) *Motion for final decree.* After an estate is fully administered, a reorganized debtor or a chapter 11 trustee may file a motion for a final decree using the court's Local Form Number 3022-1(a). Notice of the motion with 28 days' notice of the deadline to object must be served on all parties upon whom the plan was served.
  - (1) The motion must be supported by one or more declarations made under penalty of perjury by persons with the requisite personal knowledge, unless relying on facts of which the court may take judicial notice, showing: (i) the status of the estate's administration, stating specifically whether the estate has been fully administered and (ii) the status of all pending related adversary proceedings and unresolved contested matters, including, as to either, any that are on appeal, describing for each its status.
  - (2) For chapter 11 plans confirmed under 11 U.S.C. §1141(d)(5), the declaration required by Local Rule 4004-2(b) must demonstrate that the debtor has completed all payments under the plan.

(c) *Motion for order closing case on interim basis.*

- (1) If a chapter 11 estate is substantially consummated, but not fully administered, a reorganized debtor or chapter 11 trustee may file a motion to close the case on an interim basis using the court's Local Form Number 3022-1(b). Notice of the motion with 28 days' notice of the deadline to object must be served on all parties upon whom the plan was served. The motion must be supported by a declaration under penalty of perjury showing that the estate has been substantially consummated and explaining why it cannot be fully administered promptly.
- (2) If a chapter 11 case is closed pursuant to Rule 3022-1(b), the debtor may thereafter file a motion to reopen the bankruptcy case to request further relief, including but not limited to a final decree and order closing the case under Local Rule 3022-1(a), or a request for a discharge under Local Rule 4004-2.
- (3) A case closed on an interim basis is not closed for purposes of 11 U.S.C. §362(c)(2) unless the court so orders.

**LR 3022-2 Closing Cases Under Subchapter V of Chapter 11: Final Reports and Final Decrees**

- (a) *Applicability.* This Local Rule only applies to cases under subchapter V of chapter 11 of the Bankruptcy Code.
- (b) *Cases in which the debtor confirms a plan under 11 U.S.C. §1191(a).* In cases in which the debtor confirms a plan under 11 U.S.C. §1191(a):
  - (1) Subchapter V final report and account. The court may close the case if the case is fully administered and
    - a. the debtor files a motion for final decree under Local Rule 3022-1(a);
    - b. the subchapter V trustee has submitted a final report and, if the trustee received funds under 11 U.S.C. §1194, files an account of administration of the estate; and
    - c. all motions and final reports filed under this subsection have been served with 28 days' notice of a deadline to object on all parties upon whom the plan was served.

- (2) Closing on interim basis. A debtor may seek closure on an interim basis under Local Rule 3022-1(b).
- (c) *Cases in which the debtor confirms a plan under 11 U.S.C. §1191(b).* In cases in which the debtor confirms a plan under 11 U.S.C. §1191(b):
  - (1) Subchapter V final report and account and final decree. No later than 60 days after the final distribution to creditors,
    - a. the debtor must file (i) a subchapter V final report and account of administration of the estate and (ii) a motion for final decree under Local Rule 3022-1(a).
    - b. the subchapter V trustee must file a final report, if the trustee has received funds under 11 U.S.C. §1194.
    - c. the debtor or subchapter V trustee filing a motion or final report under this subsection must serve notice of the filing with 28 days' notice of the deadline to object on all parties upon whom the plan was served.
  - (2) Discharge of the subchapter V trustee. Unless ordered otherwise, the court's entry of the final decree discharges the subchapter V trustee and terminates the trustee's service.

#### **LR 4001-1 Preconfirmation Adequate Protection Payments**

- (a) *Preconfirmation adequate protection payment requirements.*
  - (1) The Chapter 13 trustee must make preconfirmation adequate protection payments provided for in a proposed chapter 13 plan or court order, or any available portion of those payments, from any funds available for that purpose received before the date of the entry of an order of dismissal.
  - (2) 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.
  - (3) A trustee is not required to make preconfirmation adequate protection payments if:
    - (A) The debtor has not listed the secured creditor's name and a sum certain to be paid to the creditor or

- (B) The secured creditor has not filed a proof of claim alleging a secured claim for which the plan proposes adequate protection payments.
- (b) *Payment methodology and effect on claim amount.* The Chapter 13 trustee must make all adequate protection payments subject to this Local Rule as provided for in the proposed Chapter 13 plan; unless the plan provides otherwise in clear and conspicuous language, the trustee will make adequate protection payments in equal monthly amounts.
  - (1) Adequate protection payments reduce the principal amount of the related secured claim but the trustee must pay the claim as allowed unless the court orders otherwise.
  - (2) The debtor must file notice of all adequate protection payments made directly to the creditor no later than 28 days after making such payments.
- (c) *Objections.* Pursuant to 11 U.S.C. § 1326(a)(3), interested parties may object to the payment of adequate protection as provided in a proposed plan or otherwise. If an objection is filed to adequate protection payments provided for in an unconfirmed plan, the Chapter 13 trustee may continue to make those payments unless the court orders otherwise.
- (d) *Preconfirmation adequate protection payments to a lessor of personal property.* If the debtor leases personal property, the debtor must pay the lessor directly all scheduled lease payments that become due in the ordinary course (and without acceleration) after the date of the order for relief. The debtor is presumed for purposes of plan confirmation to have made these payments as required under 11 U.S.C. § 1326(a), unless an objection or other filing contends otherwise.

**LR 4001-2 Motions for Relief from Stay**

- (a) *Fourteen-day objection period required.* Any party that files a motion for relief from the automatic stay of 11 U.S.C. § 362(a) or the codebtor stay of § 1301(a) must serve notice as required by Local Rule 9014-1(a). The notice must state that any objection must be filed no more than 14 days after service of the notice. Failure to comply with this paragraph is cause to deny the motion.
- (b) *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) Describe in the motion the basis for the movant's authority to enforce the note.



- (2) Except as provided in subparagraph (b)(3), file with the motion one or more separate Declarations that evidence all facts alleged in the motion that are known by the movant, including the following:
  - (A) A description of the property, including its full street address;
  - (B) An itemization of the post-petition arrearage that the movant alleges is due;
  - (C) A complete payment history from the date the movant 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.
- (3) If the debtor has stated an intent to surrender the real property in the debtor's chapter 13 plan or other document filed in the case,
  - (A) the moving party is not required to file a Declaration described by paragraph (b)(2) of this rule, but
  - (B) the motion must specifically (i) allege that relief from stay as to the property is requested based on the debtor's intent to surrender that property and (ii) identify where in the record the debtor stated an intention to surrender that property.
- (c) *Objections.* An objection filed by the debtor to a motion brought pursuant to subsection (b) of this Local Rule challenging the moving party's allegation of missed payments must attach proof that payments have been made or a Declaration that those payments have been made.
- (d) *Chapter 13 trustee to discontinue paying secured claim after creditor obtains relief from stay.* Unless the court orders otherwise, when a secured creditor is granted relief from the automatic stay to allow it to

collect from the collateral that secures its claim, the chapter 13 trustee may stop paying any secured claims of that creditor that are secured by that collateral.

**LR 4001-3     Renewed Motions for Relief From Stay**

When authorized by court order, a party may renew a previously adjudicated motion for relief from stay by filing correspondence giving 14 days' notice of the renewal. If a party renews a motion for relief from stay with respect to real property in a chapter 13 case, the renewing party must simultaneously file one or more Declarations that evidence all information required by Local Rule 4001-2(b)(2)(B)–(D) that is new or changed since the filing of the previously adjudicated motion.

**LR 4004-1     Discharge in Chapter 7, 12, and 13 cases**

(a)     *Disclosures required before discharge in Chapter 7, 12, and 13 cases.*

- (1)     *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.
- (2)     *Pre-discharge filing requirements for Chapter 12 and 13 debtors.*
  - (A)     No more than 30 days after the debtor's final plan payment to the trustee, the trustee must file a certification that the debtor has made all required payments to the trustee under the confirmed plan.
  - (B)     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 to report information 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). Unless otherwise ordered, the debtor must file Local Form 2830 within 60 days after the trustee files the certification that the debtor has made all required payments to the trustee under the plan.
  - (C)     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, to report information 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. Unless otherwise ordered, the debtor must file Local Form 2831 within 60 days after the trustee files the certification that the debtor has made all required payments to the trustee under the plan.

(b) *Closing without discharge.*

- (1) If a debtor does not timely file either Local Form 2830 or 2831 the court may close the case without granting a discharge.
- (2) If an individual debtor in a chapter 7 or 13 case who is required to file the statement described in Fed. R. Bankr. P. 1007(b)(7) fails to file that statement, the court will close the case without granting a discharge.
- (3) In any case in which § 727(a)(1), (8), or (9) or § 1328(f) applies, the court will close the case after the requirements of § 350(a) are satisfied.
- (4) A debtor who can demonstrate after the court closes the case that the debtor is entitled to a discharge must move to reopen the case under 11 U.S.C. § 350(b) to request the granting of a discharge.

(c) *Deceased debtors.* When a declaration of death in compliance with Local Rule 1016-1 is filed for a debtor who is a chapter 12 or chapter 13 debtor, the debtor is not required to file Local Form 2830 or 2831; but the court will not grant the debtor a discharge without proof that the debtor meets the applicable discharge requirements of 11 U.S.C. §§ 1141, 1192, 1228, and 1328.

**LR 4004-2    Obtaining discharge in cases confirmed under 11 U.S.C. §§1141(d)(5) or 1191(b)**

- (a) This rule applies to cases under title 11 with chapter 11 plans that were confirmed under 11 U.S.C. §§1141(d)(5) or 1191(b).
- (b) To obtain a discharge under 11 U.S.C. §1141(d)(5), a debtor must file and serve:
  - (1) A motion requesting that the court grant the debtor a discharge under §1141(d)(5) supported by one or more declarations made under penalty of perjury by persons with the requisite personal knowledge, unless relying on facts of which the court may take judicial notice, showing:
    - a. The debtor has completed all payments under the confirmed plan as required by §1141(d)(5)(A);

- b. The debtor satisfies the requirements of §1141(d)(5)(C) regarding the applicability of §522(q)(1) to the debtor, unless the debtor has filed a declaration of death in compliance with Local Rule 1016-1.
- (2) Notice of the motion with 28 days' notice of the deadline to object must be served on all parties upon whom the plan was served.
- (c) To obtain a discharge under 11 U.S.C. § 1192, a debtor must file and serve:
  - (1) A subchapter V final report and account as required by Local Rule 3022-2(c).
  - (2) A motion requesting that the court grant the debtor a discharge under §1192(b), supported by one or more declarations made under penalty of perjury by persons with the requisite personal knowledge, unless relying on facts of which the court may take judicial notice, showing that the debtor has completed all payments as required by §1192;
  - (3) Notice of the motion with 28 days' notice of the deadline to object must be served on all parties upon whom the plan was served.

**LR 5005-1 Electronic Filing**

- (a) *Parties represented by counsel must file electronically.*
  - (1) Parties represented by counsel must file electronically through the court's CM/ECF system unless the court for cause permits filing through other means. Counsel using the CM/ECF system to file documents must comply with the Case Management/Electronic Case Filing Administrative Procedures.
  - (2) Counsel must file all documents created by the filer electronically in text-searchable, Portable Document Format ("PDF"), and must file in text-searchable PDF format all other documents available in that format.
  - (3) Counsel may not file petitions, motions, briefs, memoranda, objections, responses, correspondence, pleadings, declarations, stipulations, or proposed orders that are scanned (non-text-searchable PDFs).
- (b) *Electronic filing by persons not represented by counsel.* Persons not represented by counsel must file documents and other papers (other than proofs of claim) in hard copy, unless the court authorizes electronic filing

and the filing complies with the procedures available on the court's website: <https://www.wieb.uscourts.gov/edss-administrative-procedures>.

- (c) *Creditor filing proof of claim.* A creditor may file a proof of claim electronically in the manner described on the court's website: <https://www.wieb.uscourts.gov/file-claim-electronically>.

## **LR 5005-2 Signatures and Document Retention**

### **(a) *Authorized Signatures.***

- (1) The following constitute a signature under these local rules and the Federal Rules of Bankruptcy Procedure including, but not limited to, Rule 9011:
  - (A) a document filed using CM/ECF is deemed signed for all purposes, including Rule 9011, by (i) the lawyer to whom the log-in used to file the document is registered and (ii) persons whose names appear on the document preceded by “/s/” followed by their printed names provided that they have authorized or consented to the filing of the document;
  - (B) an image with a digital signature from a software product that uses encryption and/or multi-factor authentication to create a secure electronic signature that uniquely identifies the signer and corresponding unique IP address and or PIN, and ensures that the signature is authentic and has not been altered or repudiated, with a printed or typed name included or provided below (“Digital Signature”);
  - (C) an original signature made with a writing implement, with an identifying printed or typed name, or a digital reproduction of such signature;
  - (D) an electronically submitted document by a self-represented individual that contains a digitally scanned image of that individual's signature made with a writing implement or a Digital Signature.

### **(b) *Certification.***

- (1) Use of the court's CM/ECF system to electronically file a document constitutes certification by the registered participant in CM/ECF under oath and penalty of perjury, that:
  - (A) all persons indicated to have signed the document have executed original signatures under one of the approved methods described in Local Rule 5005-2(a);

- (B) the registered participant in CM/ECF has custody of the document with the signing party's original signature under one of the approved methods described in subsection (a) or if the signing party is also a CM/ECF participant, has permission to include the signing party's signature by "/s/";
  - (C) the registered participant in CM/ECF has retained evidence of such authorization in accordance with Local Rule 5005-2(c) when applicable; and
  - (D) the registered participant in CM/ECF has authorized the electronic filing of the signed document.
- (2) Use of the court's electronic submission means for self-represented individuals to file a document constitutes certification by the self-represented individual under oath and penalty of perjury that:
- (A) the self-represented individual has executed the document with their original wet ink signature or Digital Signature;
  - (B) the self-represented individual has custody of the document with their original signature or Digital Signature; and
  - (C) the self-represented individual has retained the document with their original wet-ink signature or Digital Signature in accordance with Local Rule 5005-2(c).

(c) *Retention.*

- (1) *Documents with original signatures.* Persons filing documents containing an original signature must retain those documents with their original signature or a digital reproduction of those documents until five years after the closing of the case or proceeding in which the document is filed.
- (2) *Documents with Digital Signatures.* Persons filing a document with a Digital Signature must retain those documents, in electronic format, in a manner that retains all data necessary to ensure the authenticity of the electronic signature until five years after the closing of the case or proceeding in which the document is filed.
- (3) *Documents filed with printed or typed signatures.* A registered participant in the court's CM/ECF system who electronically files a document containing a printed or typed signature of a person other than the registered participant must retain (i) the signed document with an authorized signature or (ii) evidence that the person has authorized the registered participant to attach their signature as provided in Local Rule 5005-2(a)(1)(A) for five years

after the closing of the case or proceeding in which the document is filed.

- (4) *Documents filed by self-represented individuals using the court-approved electronic means.* A self-represented individual who electronically files a document using means approved by the court must retain that document with their original signature or Digital Signature until five years after the closing of the case or proceeding in which the document is filed.

#### **LR 5005-3 Prohibition of Facsimile and Email Filing**

Documents may not be filed with or submitted to the court by facsimile or email unless the court orders or directs otherwise.

#### **LR 5011-1 Motions for Withdrawal of the Reference**

- (a) *Filed in bankruptcy court and fee paid to clerk of the bankruptcy court.* 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) must be filed and the filing fee paid to the Bankruptcy Clerk. The motion must be supported by a memorandum of law specifying all grounds on which the motion is based and may be supported by one or more declarations evidencing factual allegations on which the motion relies.
- (b) *Briefing of motion to withdraw reference.* Unless otherwise ordered,
  - (1) No later than 21 days after service of the motion, any party opposing the motion to withdraw the reference must serve a combined objection and supporting memorandum that specifies all grounds on which the objection is based; the objection may also be supported by one or more declarations evidencing factual allegations on which the objection relies;
  - (2) No later than 14 days after service of the motion, any party supporting the motion to withdraw the reference may file notice that they join in the motion and may file a supplemental memorandum and declarations in support of the motion; and
  - (3) No later than 7 days after the service of any objection, the moving party and any party that has timely joined in the motion may file a reply in support of the motion.
- (c) *Report and recommendation.* After the submissions required by this order are filed, the court may enter a report and recommendation on whether the district court should grant the motion.

- (d) *Transmittal to district court.* Unless the court orders otherwise, the Bankruptcy Clerk will transmit the motion and related filings, including any report and recommendation, to the United States District Court for the Eastern District of Wisconsin 42 days after the date on which the motion was filed.

**LR 7005-1 Proof of Service**

The provisions governing proof of service under Local Rule 9013-2 apply in adversary proceedings.

**LR 7008-1 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 that the party does or does not 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 7012-1 Consent to Final Order – Responsive Pleading**

A party's failure to include in a responsive pleading, motion under Fed. R. Civ. P. 12, or an objection to such a motion a statement that the party does or does not 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 7012-2 Motions on Pleadings**

Unless the court orders otherwise, Local Rule 7056-1(c) applies to motions filed under Fed. R. of Bankr. P. 7012.

**LR 7016-1 Pretrial Procedures**

Unless the court orders otherwise, adversary proceedings arising under title 11 of the United States Code or arising in a case under title 11 are exempted from Fed. R. Civ. P. 16(b). For purposes of this rule, an adversary proceeding arises under title 11 when the complaint alleges at least one claim for relief under title 11 and an adversary proceeding arises in a case under title 11 when the complaint alleges one claim for relief that arises solely because of the case under title 11.

**LR 7026-1 Duty to Disclose; General Provisions Governing Discovery**

Unless the court orders otherwise, Fed. R. Civ. P. 26(a)(1) (mandatory disclosure), (a)(2)(B) (disclosure regarding expert reports), (a)(3) (additional



pretrial disclosures), (d)(1) and (2) (timing), and (f) (mandatory meeting before scheduling conference/discovery plan) do not apply in adversary proceedings.

**LR 7041-1    Notice Requirements for Dismissal of Proceeding to Deny or Revoke Discharge**

- (a) *Notice and hearing requirement.* No adversary proceeding or motion 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 on or before the deadline to object to 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 or deny a motion 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 7055-1    Motions for Default Judgment**

- (a) *Motion and optional supporting memorandum.* A party applying for entry of a default judgment by the clerk under Fed. R. Civ. P. 55(b)(1) or by the court under Rule 55(b)(2) (Fed. R. Bankr. P. 7055) must file a motion and may file a supporting memorandum. The motion and any memorandum must demonstrate by reference to legal authorities, alleged facts, and evidence submitted with the motion, if any, that establish the claim or right to relief for which entry of judgment is requested.
- (b) *Supporting evidentiary materials or request for evidentiary hearing.* If the allegations of the pleading on which default judgment is sought are insufficient to support entry of judgment—including to determine the amount of damages or to prove all elements of the claims on which default judgment is requested—the party moving for entry of default judgment must file and serve either (1) declarations or other evidentiary materials sufficient to establish a right to the relief requested or (2) a request for an evidentiary hearing accompanied by a list of witness, with a brief description of their anticipated testimony, and exhibits.

- (c) *Compliance with motion rules and required service under Rule 7004.*  
Unless the court orders otherwise,
  - (1) a party moving for entry of a default judgment must file and serve the motion (with any supporting memorandum, declarations, evidentiary materials) and notice of an objection period of no less than 14 days in compliance with Local Rules 9013-1, 9013-2, and 9014-1; and
  - (2) service must be made in the manner provided for service of a summons and complaint under Fed. R. Bankr. P. 7004.
- (d) *Proposed order.* Unless the party moving for default judgment has requested an evidentiary hearing or the court otherwise orders, the moving party must file a proposed order for default judgment in the manner provided in Local Rule 9014-2.

**LR 7056-1     Motions for Summary Judgment**

- (a) *Application in adversary proceedings and contested matters.* Unless the court orders otherwise, this Local Rule governs requests for summary judgment in adversary proceedings and contested matters.
- (b) *Deadline for filing.* Unless the court orders otherwise, a motion for summary judgment, including any motion for dispositive relief on any claim, defense, or issue, must be filed before the earlier of 30 days after the close of all discovery or 60 days before the initial date set for an evidentiary hearing on any issue for which summary judgment is sought.
- (c) *Compliance with other rules, notice of objection period, response, reply.*  
Unless the court orders otherwise,
  - (1) a party moving for summary judgment must comply with Fed. R. Civ. P. 56 and must file and serve a motion with any supporting memorandum and evidentiary materials;
  - (2) a response to motion must be filed no less than 28 days after the date on which the motion is filed; and
  - (3) no reply in support of the motion is required, but one may be filed within 14 days of the date on which the response is filed.

**LR 7067-1     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 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 9001-1 Rules of Construction**

- (a) *Declaration.* “Declaration” means a declaration pursuant to and in compliance with 28 U.S.C. § 1746 and an affidavit sufficient to support a charge of perjury under applicable nonbankruptcy law.
- (b) *Clerk.* “Bankruptcy Clerk” and “Clerk” in these Local Rules means Clerk of the United States Bankruptcy Court for the Eastern District of Wisconsin.
- (c) *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 the document or 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.
- (d) *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 9004-1 Form of Documents**

- (a) *Pleadings, motions, briefs, memoranda, stipulations, and exhibits.* In addition to complying with Rule 5005-1, all pleadings, motions, responses to motions, objections, applications, notices of intended action, briefs, memoranda, stipulations, other written requests for court action

(“Requests for Relief”), Declarations, and proposed orders (collectively, “Court Filings”) must comply with the court’s Case Management/Electronic Case Filing Administrative Procedures, though documents that (i) are double-spaced and use a proportional font not smaller than 12-point with a one-inch margin on all sides or (ii) utilize a form approved by this court, an Official Bankruptcy Form approved by the Judicial Conference, or a Director’s Form issued under Fed. R. Bankr. P. 9009 by the Director of the Administrative Office of the United States Courts satisfy this rule, unless the court orders an alternative format in advance.

- (b) *Signing filings.* All Requests for Relief must be signed by an attorney, or by the litigant if appearing pro se, in accordance with 5005-2.
- (c) *Size and legibility of documents filed using non-electronic means.* 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 9006-1    Motions for Expedite Hearing and to Shorten or Limit Notice**

- (a) *General application.* This rule governs motions for expedited hearings and motions to modify notice requirements on Requests for Relief (the “Underlying Request”). The court may adjudicate a motion made under this rule immediately and without a hearing.
- (b) *Timing.* Before or immediately following the filing of a motion under this rule, the movant must also file the Underlying Request.
- (c) *Filing requirements.* A motion under this rule must be made by filing a written motion separate from the Underlying Request and a proposed order addressing only the relief requested under this rule.
  - (1) *Contents of the motion.* The motion must:
    - (A) identify the Underlying Request and the relief it seeks;
    - (B) state with particularity the factual and legal grounds for the motion, including all grounds for concluding that there is cause to grant the request to hold an expedited hearing or modify notice;
    - (C) if requesting that the court shorten notice of or the time to object to the Underlying Request, state the length of any proposed objection period;

- (D) if a motion under this rule seeks to limit the parties in interest that receive notice of the Underlying Request, the motion must state the identities or classes of parties to receive notice; and
  - (E) if requesting an expedited hearing on the Underlying Request, state (i) the date by which the movant seeks a hearing and (ii) all preceding dates and times that the movant is unavailable and that parties expected to participate are known to be unavailable; the known reasons for each party's unavailability must also be stated, if known.
- (2) *Contents of the proposed order.* The movant must file a proposed order immediately after filing a motion under this rule. The proposed order must:
- (A) be filed as a separate document using the CM/ECF proposed order event;
  - (B) identify the Underlying Request and summarize the relief it requests;
  - (C) state the last day to object to the Underlying Request;
  - (D) state that any objection to the Underlying Request must be filed with the Clerk;
  - (E) state that if a party wants the court to consider its views or to hold a hearing on the Underlying Request, the party must timely file and serve an objection or other written response stating all grounds, factual and legal, for contesting the Underlying Request; and
  - (F) requires the moving party to (i) serve the Underlying Motion with notice of the requested objection period and any hearing date and (ii) file proof of such service no more than one day after the date on which the court grants the motion.
- (d) *Notice to chambers.* Immediately after filing a motion under this rule the movant must inform the presiding judge's staff by telephone of the filing.
- (e) *Service of the motion under this rule and of the Underlying Request; order shortening notice or setting expedited hearing.*
- (1) Unless the court orders otherwise, service of a motion under this rule is limited to those parties who receive ECF notice of its filing.

- (2) Motions made under and in compliance with this rule are exempt from Local Rule 9014-1(a).
- (3) A motion filed in compliance with this Local Rule makes the notice and service provisions of Local Rules 9013-2 and 9014-1(a) inapplicable to the Underlying Request unless the court orders otherwise.

**LR 9006-2     Motions for Extension of Time**

In addition to complying with Fed. R. Bankr. P. 9006(b), a motion for an enlargement of time must state the original deadline, the requested deadline, and all reasons for requesting the enlargement.

**LR 9006-3     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 day preceding their collection by the Clerk. The Clerk will stamp the date and time on those documents accordingly. Unless a court order specifies a different time of day by which a filing must be made, a document the Clerk stamps received on or before 11:59:59 p.m. on the deadline date is timely filed.

**LR 9010-1     Required Appearance Through Counsel; Admission to Practice; Attorney Discipline and Disbarment**

- (a) *Appearance through counsel.* Only individuals acting on their own behalf may appear pro se. All others, including legal entities (such as corporations, partnerships, unincorporated associations, limited liability companies, and trusts) and individuals acting on behalf of another, may seek relief from the court (including by filing any motion, objection, application, plan, or pleading) only through legal counsel admitted to practice as provided in this Local Rule.
- (b) *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 Local Rule 9010-1(c). Each attorney is responsible for maintaining current contact information with the court and in CM/ECF. Notification of a change of firm or a change of address must be filed with the court and served on the trustee and the United States trustee; counsel must simultaneously update their contact information electronically in CM/ECF.
- (c) *Pro hac vice admission.* An attorney moving to appear pro hac vice must demonstrate special circumstances that justify excusing them from seeking admission as provided in subsection (b) of this Local Rule. Additionally, attorneys requesting admission pro hac vice must demonstrate that they:



- (1) Are currently in good standing and eligible to practice before the bar of each federal and state court to which they have been admitted;
  - (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](http://www.wieb.uscourts.gov).
- (d) *Attorney discipline and disbarment.*
- (1) Attorneys practicing before this court are subject to the Wisconsin Rules of Professional Conduct for Attorneys, as may be adopted from time to time by the Wisconsin Supreme Court, except as may be modified by this court or by the United States District Court for the Eastern District of Wisconsin. After notice and opportunity to be heard, any attorney who violates the governing 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.
  - (2) The court, in its discretion, may report any allegation of misconduct to the appropriate authority regulating the practice of law in any jurisdiction in which the offending attorney has been admitted to practice.
  - (3) Any attorney admitted to practice or appearing before this court who is disbarred or suspended from practice in any jurisdiction must promptly report that matter to this court by sending a letter to the Clerk of Court.
  - (4) Any restriction on practice imposed by the United States District Court for the Eastern District of Wisconsin applies equally in this court.

**LR 9010-2      Withdrawal and Substitution of Attorneys of Record**

- (a) *Withdrawal of counsel for the debtor.* An attorney for the debtor may not withdraw or be terminated from representation of the debtor without court approval. Court approval of the withdrawal or termination may be obtained in one of the following ways:

- (1) In the absence of successor counsel or consent of the debtor, an attorney who seeks to withdraw as counsel for the debtor must file a motion to withdraw. Notice of the motion must comply with Local Rule 9014-1, and the motion must be served on the debtor, any adverse parties in a pending contested matter or adversary proceeding, the trustee, and the United States trustee.
- (2) If the debtor has successor counsel and the debtor has consented:
  - The debtor's current counsel and successor counsel may file a stipulation for substitution of counsel, or a stipulation for withdrawal of an attorney if multiple attorneys have already appeared, along with a motion to approve the stipulation. The stipulation must certify that the debtor was notified of and consents to the substitution or withdrawal and explain how and when the debtor's consent was obtained; or
  - The debtor's successor counsel may file a motion to terminate the appearance of the debtor's original counsel. The motion must certify that the debtor was notified of and consents to the termination and explain how and when the debtor's consent was obtained. Notice of the motion must comply with Local Rule 9014-1, and the motion must be served on the debtor and the attorney whose service is to be terminated.
  - The filing of a stipulation or motion under this subsection results in immediate appearance for the debtor of all counsel signing the motion or stipulation who have not already appeared.
  - Unless the court orders otherwise, representation by an attorney who has appeared for the debtor terminates upon entry of an order discontinuing the attorney's services, permitting a substitution of debtor's counsel, or granting the attorney's request to withdraw.

(b) *Withdrawal of counsel for non-debtor parties.*

- (1) In the absence of successor counsel or client consent, an attorney who seeks to withdraw as counsel for a non-debtor party must file a motion to withdraw. Notice of the motion must comply with Local Rule 9014-1 and the motion must be served on the represented party, any adverse parties in a pending contested matter or adversary proceeding, the trustee, and the United States trustee.

- (2) If a non-debtor party has successor counsel and the client has consented, an attorney may withdraw by filing a notice of withdrawal. The notice must certify that successor counsel for the party already has appeared, that the client was notified of counsel's intent to withdraw, and that the client consents to the withdrawal. Unless the court orders otherwise, representation of a non-debtor party terminates upon the filing of the notice of withdrawal.
- (3) If a non-debtor party is not involved in a pending contested matter or adversary proceeding and the client has consented, an attorney may withdraw by filing a notice of withdrawal. The notice must certify that the client was notified of counsel's intent to withdraw and that the client consents to the withdrawal. Unless the court orders otherwise, representation of the non-debtor party will terminate upon the filing of the notice of withdrawal.
- (c) *Payment of allowed compensation by a chapter 12 or 13 trustee when there is a successor counsel for the debtor.* Regardless of any substitution, withdrawal, or termination of services of counsel for the debtor, when a confirmed plan under chapter 12 or 13 directs a trustee to pay allowed administrative expenses to a debtor's counsel, the trustee must continue to pay the counsel entitled to payment when the court confirms the plan, unless an order or stipulation between the original and successor counsel on file with the court directs otherwise.
- (d) *Multiple case withdrawal, substitution, or termination.* Multiple cases or proceedings may be combined in the same notice, stipulation, motion, or proposed order under this Local Rule only if the cases are assigned to the same judge. Multiple cases assigned to different judges may not be combined in the same document. This Local Rule's notice, certification, and consent requirements apply to every affected client.
- (e) *Multiple representation; appearance by notice or filing; counsel of record.* Nothing in this Local Rule limits any party's ability to be represented simultaneously by more than one attorney in any case or proceeding. An attorney appears for a party by filing a notice of appearance or by filing any document on the party's behalf. If a party is represented by multiple attorneys in the same case or proceeding, the attorney who first appears will be deemed counsel of record, unless the party makes a different designation or the court orders otherwise.

#### **LR 9010-3 Debtor's Counsel and Adversary Proceedings**

When an adversary complaint is filed against a represented debtor, the Clerk will add the debtor's attorney as counsel for the debtor-defendant in the adversary proceeding in CM/ECF for notice purposes only. This addition of the debtor's

attorney as counsel in CM/ECF does not make that attorney counsel for the debtor in the adversary proceeding nor does it create any duty on behalf of debtor's counsel to represent the debtor in the adversary proceeding. Debtor's counsel will be deemed to be counsel of record for the debtor in the adversary proceeding only by making an appearance, including by filing of a notice of appearance, a motion, or a responsive pleading on behalf of the debtor in the adversary proceeding.

**LR 9013-1 Form of Pleadings, Motions, Applications, Objections, Notices, and Orders**

- (a) *Caption.* Every motion, application, notice of motion, proposed order, and notice of intended action must contain in the title a description of the requested relief or action intended.
- (b) *Specification of legal bases for relief.* Motions, applications, other requests for affirmative relief, responses, and objections must state the Bankruptcy Code sections, Federal Rules of Bankruptcy Procedure, and other authority on which they base their request for, or opposition to, relief.
- (c) *Allegations of facts in support of requested relief.* Motions, applications, and other requests for affirmative relief must allege facts sufficient to justify an award of the relief requested.
- (d) *Motions, applications, other requests for relief, and objections must state with particularity the grounds and the relief sought.* All Motions, applications, objections, and other requests for court action must comply with Fed. R. Civ. P. 7(b)(1)(B) and (C).
- (e) *Exhibits must be referenced with specificity.* An exhibit to a motion, objection, memorandum, brief or other document that seeks relief or supports a request for relief must be specifically referenced in the document.
- (f) *Failure to respond to a request for relief.* A failure to respond to (i) any motion, application, or claim objection or (ii) any document requesting relief to which a response is required by these Local Rules or court order is sufficient grounds for the court to grant the requested relief.

**LR 9013-2 Proof of Service**

- (a) 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 and the identity of the person who effectuated service.
- (b) Anytime a party files a certificate of service demonstrating service of a document on all creditors and parties in interest, the certificate of service

must include, as an attachment, a copy of the court-generated matrix for that case. The attached matrix must have been generated no more than 24 hours before service was completed. If the party was not required to serve all creditors and parties in interest listed on the matrix, then the party must remove or cross out on the attached matrix the names and addresses of the unserved creditors and parties in interest but must otherwise leave the matrix intact.

- (c) Failure to comply with this rule may constitute sufficient cause to deny the related request for relief without limitation on the party's right to request that relief in a subsequent filing.

**LR 9013-3     Motions to Continue or Impose the Automatic Stay Under 11 U.S.C. § 362(c)(3) or (4)**

- (a) *Movant must obtain a hearing date before filing the motion.* A party 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 party 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 9014-1. 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) *Evidentiary support.* A party moving to continue the stay under § 362(c)(3) or impose the stay under § 362(c)(4) must file and serve a Declaration or other evidentiary support for the motion simultaneously with the filing of the motion.
- (d) *Filing motions under § 362(c)(3) and (4).*
  - (1) A party 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 party filed the bankruptcy petition and must serve the notice of hearing at least 17 days before the hearing date.
  - (2) A party must file a motion under § 362(c)(4) within 30 days of filing the bankruptcy petition and must serve the notice of hearing at least 17 days before the hearing date.
- (e) *Hearing the motion.*
  - (1) The court may hold a hearing on a timely filed and served § 362(c)(3) or (4) motion if:
    - A party timely objects to the motion,

- The movant fails to file and serve one or more Declarations in support of the motion, or
  - The court concludes that testimony or other evidence of the debtor's good faith is necessary or desirable.
- (2) Unless the court orders otherwise, evidence may be presented at the hearing; the debtor, debtor's counsel, counsel for any objecting party (or the objecting party if an individual is proceeding without counsel), and all witnesses must appear in person at the hearing.
  - (3) The trustee may appear remotely at any hearing on a motion to continue or impose the stay, if the trustee has no objection to the motion. If the trustee appears remotely, the trustee may not question any witnesses, introduce any evidence, or make any arguments in support of or in opposition to the motion.
- (f) *Filing proposed order.* If no party timely objects to a motion properly filed and served under this Local Rule, the movant must file a proposed order. If the movant does not file a proposed order promptly after the objection period ends, the court may hold the scheduled hearing.

**LR 9013.4      Motions to Convert or Dismiss a Chapter 11 Case Under 11 U.S.C. § 1112(b)**

- (a) *Movant 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 on which to deny a motion under § 1112(b) to convert or dismiss.

**LR 9014-1    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 does not schedule a hearing on a motion, application, or notice of intended action except when there is a timely objection or response, or the court otherwise concludes that a hearing is necessary or desirable. Nothing in the rule limits the court's ability to adjudicate a motion, application, notice of intended action, or other request without a hearing.
  - (1) A party filing a motion, application, or notice of intended action must file and serve:
    - (A) A notice that substantially complies with Local Rule 9014-1 and conforms with the appropriate Official Form ("Notice of Motion", "Notice of Application", or "Notice of Objection");
    - (B) A motion, application, or statement of intended action conforming with Fed. R. Bankr. P. 9013 and Local Rule 9013-1; and
    - (C) Proof of service.
  - (2) *Contents of notice.* A notice of motion, application, or other intended action must clearly state that if a party wants the court to consider its views or to hold a hearing, 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 (i) the court otherwise orders or (ii) the Bankruptcy Code, the Federal Rules of Bankruptcy Procedure, or these Local Rules require a different objection period, in which case the notice must state the applicable 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 timely filed and served, the court may schedule a hearing and the Clerk, or such other person as the court may direct, will give notice of the hearing to the parties.

- (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 objection is timely filed, the filing party must file a proposed order in the manner required by Local Rule 9014-2, unless the court schedules a hearing.
- (b) *Remote hearings.* Unless the court orders otherwise, hearings at which persons may appear remotely will be preliminary hearings without the presentation of evidence.
- (c) *Court may rule at preliminary hearing.* If the court concludes that there are sufficient grounds to grant or deny the motion, application, objection, or intended action at the preliminary hearing, the court may rule on the matter at the preliminary hearing.
- (d) *Motions that may be filed without notice.*
  - (1) Notwithstanding subpart (a) of this Local Rule, unless the court otherwise orders, certain motions listed in the appendix to these rules may be filed without notice, and the court may act on them without notice or a hearing; and
  - (2) If a party files one of these motions, it must file a proposed order at the same time as the motion.

#### **LR 9014-2 Proposed Orders**

- (a) If no objection or other response is timely filed to a motion or other request for relief after providing notice in accordance with the Federal Rules of Bankruptcy Procedure and these Local Rules, the movant must file a proposed order within seven days after the expiration of the objection period. Unless the court orders otherwise, a motion or other request will not be deemed under advisement by the court until the date on which the movant files a proposed order.
- (b) The movant must file a proposed order after adjudication of the motion at a hearing, unless the court orders otherwise. If a proposed order is not submitted within seven days after the adjudication of the motion, the court may take action adverse to the moving or prevailing party as it deems appropriate, including directing the movant or prevailing party to appear before the court and show cause why the motion or other request for relief should not be denied, disapproved, or overruled.
- (c) If a chapter 13 trustee files a notice regarding settlement advising the court of the compromise of a motion to dismiss or objection to confirmation (including by using the settlement remark event), the trustee must file a



proposed order giving effect to that compromise no later than seven days after filing of the notice.

- (d) Proposed orders must be submitted in editable PDF format in compliance with Local Rule 5005-1(a)(2), not scanned.
- (e) 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 lefthand corner of the first page.

**LR 9014-3      Consent to Final Order: Motions, Objections, Applications, Notice of Intended Action, and Responses**

A party's failure to include in a motion, objection, application, notice of intended action, or response a statement concerning whether the party consents to the bankruptcy court's entry of a final order or judgment constitutes a forfeiture of the right to withhold that consent.

**LR 9019-1      Alternative Dispute Resolution: Settlement and Compromise**

- (a) *Settlement judge*: A judge presiding over a particular adversary proceeding, bankruptcy case, or other bankruptcy-related matter may appoint another active, senior, or recall-status judicial officer, including a United States Bankruptcy Judge, from any judicial district to act as settlement judge to assist in possible resolution of disputes, including to mediate disputes or to act as a mediator.
- (b) *Authority*: Settlement judges appointed as provided in this rule act in their official capacity to the full extent authorized by the titles 11 and 28 of the United States Code, including 28 U.S.C. §651, and by the inherent authority of the office of United States Bankruptcy Judge to assist interested parties in resolving disputes through means of the settlement judge's selection, unless limited by the appointment order. Except as limited by the appointment order or any other order entered by the presiding judge, the settlement judge may hear, decide, and issue orders concerning any dispute or matter related to the settlement process or to any resulting settlement.

**LR 9027-1      Consent to Final Order: Removal**

A party's failure to include in a removal notice or post-removal pleading a statement concerning whether the party consents 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 9029-1      Photography, Recording Devices & Broadcasting, Disturbances**

- (a) No one may take any photographs of, make any recordings in, or make any broadcasts from any of the courtrooms, conference rooms, witness rooms adjacent to the courtrooms, the Clerk's Office and adjacent areas, or the corridors located on the first floor of the Federal Courthouse in Milwaukee unless allowed by leave of the court. These prohibitions do not apply to ceremonial proceedings or similar court-approved conduct.
- (b) The United States Marshal, the Marshal's deputies, or a custodian of the Federal Courthouse may enforce this Local Rule by ejecting violators or by referring the matter to the United States Attorney.
- (c) Causing a disturbance or nuisance in any area occupied by the Bankruptcy Court or intentionally or knowingly disturbing the court's proceedings or operations is prohibited.
- (d) The United States Attorney may enforce the prohibitions in this Local Rule by seeking an order that requires any person who violates this subsection to appear before a judge to answer to a charge of contempt.

**LR 9029-2      Waiver or Modification of Local Rules**

The court may waive or modify any of these Local Rules in the interest of justice.