

FILED

April 28, 2015

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF CALIFORNIA

In re

ORDER ADOPTING CHANGES
TO LOCAL RULES OF PRACTICE

GENERAL ORDER 15-01

Debtor.

Notice and opportunity for public comment having been given in
accordance with Federal Rule of Bankruptcy Procedure 9029, and those
comments received having been duly reviewed and considered by the
court,

IT IS HEREBY ORDERED that the Local Rules of Practice are
modified as set forth herein; and

IT IS FURTHER ORDERED that the Local Rules of Practice, as
modified herein, shall take effect on May 1, 2015, and shall govern in
all bankruptcy cases and proceedings thereafter filed and, insofar as
practicable, all bankruptcy cases and proceedings then pending.

1. LBR 1016-1 is added and shall provide:

LOCAL RULE 1016-1

Procedure Upon the Death or Incapacity of a Debtor
During the Pendency of a Bankruptcy Case.

(a) Notice of Death. In a bankruptcy case which has not been closed, a Notice of Death of the debtor [Fed. R. Civ. P. 25(a), Fed. R. Bankr. P. 7025] shall be filed within sixty (60) days of the death of a debtor by the counsel for the deceased debtor or the person who intends to be appointed as the representative for or successor to a deceased debtor. The Notice of Death shall be served on the trustee, U.S. Trustee, and all other parties in interest. A copy of the death certificate (redacted as appropriate) shall be filed as an exhibit to the Notice of Death.

The Notice of Death may be combined with the single motion permitted by paragraph (b) of this Rule. If so combined, the title to the motion and notice of motion shall be: "NOTICE OF DEATH AND MOTION FOR [state relief requested]." The death certificate (redacted as appropriate) shall be filed as an exhibit to such motion.

(b) Single Motion For Omnibus Relief Upon Death of Debtor. When the debtor has died or has become incompetent prior to a closing of a bankruptcy case, the provisions of Federal Rule of Civil Procedure 18(a) [Fed. R. Bankr. P. 7018, 9014(c)] apply to the following claims for relief which may be requested in a single motion:

- (1) Substitution as the representative for or successor to the deceased or legally incompetent debtor in the bankruptcy case [Fed. R. Civ. P. 25(a), (b); Fed. R. Bankr. P. 1004.1 & 7025];
- (2) Continued administration of a case under chapter 11, 12, or 13 [Fed. R. Bank. P. 1016];
- (3) Waiver of post-petition education requirement for entry of discharge [11 U.S.C. §§ 727(a)(11), 1328(g)]; and
- (4) Waiver of the certification requirements for entry of discharge in a Chapter 13 case, to the extent that the representative for or successor to the deceased or incompetent debtor can demonstrate an inability to provide such certifications [11 U.S.C. § 1328]

2. LBR 3015-1(d), (f)(1), (3), (i) is modified to provide:

LOCAL RULE 3015-1

Chapter 13 Debt Adjustment Cases

(d) Procedure to Confirm Modified Plans.

(1) Modified Plans Proposed Prior to Confirmation. If the debtor modifies the chapter 13 plan before confirmation pursuant to 11 U.S.C. § 1323, the debtor shall file and serve the modified chapter 13 plan together with a motion to confirm it. The plan shall be filed as a separate document. Notice of the motion shall comply with Fed. R. Bankr. P. 2002(b), which requires twenty-eight (28) days' of notice of the time fixed for filing objections, as well as LBR 9014-1(f)(1). LBR 9014-1(f)(1) requires twenty-eight (28) days' notice of the hearing and notice that opposition must be filed fourteen (14) days prior to the hearing. In order to comply with both Fed. R. Bankr. P. 2002(b) and LBR 9014-1(f)(1), parties-in-interest shall be served at least forty-two (42) days prior to the hearing.

(2) Modified Plans Proposed After Confirmation. If the debtor, trustee, or the holder of an allowed unsecured claim modifies the chapter 13 plan after confirmation pursuant to 11 U.S.C. § 1329, the plan proponent shall file and serve the modified chapter 13 plan together with a motion to confirm it. The plan shall be filed as a separate document. Notice of the motion shall comply with Fed. R. Bankr. P. 3015(g), which requires twenty-one (21) days' of notice of the time fixed for filing objections, as well as LBR 9014-1(f)(1). LBR 9014-1(f)(1) requires twenty-eight (28) days' notice of the hearing and notice that opposition must be filed fourteen (14) days prior to the hearing. In order to comply with both Fed. R. Bankr. P. 3015(g) and LBR 9014-1(f)(1), parties-in-interest shall be served at least thirty-five (35) days prior to the hearing.

(f) Plan Payments.

(1) Due Date. Plan payments shall be made monthly and must be received by the trustee on the twenty-fifth (25th) day of each month beginning the month after the order for relief under chapter 13. All plan payments to the trustee by the debtor shall be by cashier's check, money order, or electronic transfer approved by the trustee.

(3) Trustee's Fees on Certain Plan Payments. The trustee may collect, with the authorization of the U.S. Trustee, the percentage fee fixed under 28 U.S.C. §

1 586(e)(1)(B) on all receipts used to pay post-petition
2 contract installment payments paid to holders of
3 secured claims, whether made before or after
4 confirmation of the chapter 13 plan, as well as on all
adequate protection payments made by the trustee to
holders of secured claims.

5 (i) Court Approval of Sales, Transfers, and Credit.

6 (1) Prior to Completion of Payments Under the Plan.

7 Except for transfers made in the ordinary course by a
8 business debtor, prior to completion of payments under
the applicable plan, the debtor shall not sell or
transfer property or incur debt except as provided
herein.

9 (A) Vehicle Loans. The court may approve an ex parte
10 motion by the debtor to finance the purchase of a
motor vehicle if the trustee's written consent is
11 filed with or as part of the motion. The
debtor's motion and the trustee's approval are
12 their certification to the Court that:

13 (i) All payments required by the chapter 13
plan are current;

14 (ii) The chapter 13 plan is not in default;

15 (iii) A declaration, which may be in the format
16 of Schedules I and J, by the debtor has
been filed within the prior thirty (30)
17 days that demonstrates an ability to pay
all future plan payments, projected living
18 and business expenses, and the new debt;

19 (iv) The new debt is a single loan incurred to
purchase a motor vehicle that is reasonably
20 necessary for the maintenance or support of
the debtor or a dependent of the debtor or,
21 if the debtor is engaged in business, is
necessary for the continuation,
22 preservation, and operation of the debtor's
business;

23 (v) The only security for the new debt will be
the motor vehicle to be purchased by the
24 debtor; and

25 (vi) The new debt does not exceed \$20,000.00.

26 (B) New Home Loans. The Court may approve an ex
27 parte motion by the debtor to finance the
purchase of a residence if the trustee's written
28 consent is filed with or as part of the motion.
The debtor's motion and the trustee's approval

are their certification to the Court that:

- (i) All payments required by the chapter 13 plan are current;
- (ii) The chapter 13 plan is not in default;
- (iii) A declaration, which may be in the format of Schedules I and J, by the debtor has been filed within the prior thirty (30) days that demonstrates an ability to pay all future plan payments, projected living and business expenses, and the new debt;
- (iv) The new debt is a single loan incurred to purchase a residence that is reasonably necessary for the maintenance or support of the debtor and his or her family;
- (v) The only security for the new debt will be the residence to be purchased by the debtor; and
- (vi) The monthly payment (the principal and interest payment on account of the new debt plus all impounds, taxes, insurance, association fees, and bonds and other assessments) will not exceed the greater of the debtor's current such monthly payment or rental payment or \$2,500.00.

(C) Refinance of Existing Home Loans. The Court may approve an ex parte motion by the debtor to refinance existing debt(s) encumbering the debtor's residence if the trustee's written consent is filed with or as part of the motion. The debtor's motion and the trustee's approval are their certification to the Court that:

- (i) All payments required by the chapter 13 plan are current;
- (ii) The chapter 13 plan is not in default;
- (iii) A declaration, which may be in the format of Schedules I and J, by the debtor has been filed within the prior thirty (30) days that demonstrates an ability to pay all future plan payments, projected living and business expenses, and the refinanced debt;
- (iv) The new debt is a single loan incurred only to refinance existing debt encumbering the debtor's residence;

- 1 (v) The only security for the new debt will be
2 the debtor's existing residence;
- 3 (vi) All creditors with liens and security
4 interests encumbering the debtor's
5 residence will be paid in full from the
6 proceeds of the new debt and in a manner
7 consistent with the chapter 13 plan;
- 8 (vii) The monthly payment (the principal and
9 interest payment on account of the new debt
10 plus all impounds, taxes, insurance,
11 association fees, and bonds and other
12 assessments) will not exceed the greater of
13 the debtor's current such monthly
14 payment(s) on the existing debt(s) being
15 paid or \$2,500.00. The Court will not
16 approve ex parte motions to obtain secured
17 credit pursuant to 11 U.S.C. § 364(d).

18 (D) Sale of Property. The Court may approve an ex
19 parte motion by the debtor to sell real or
20 personal property with a value of \$1,000.00 or
21 more other than in the ordinary course of
22 business if the trustee's written consent is
23 filed with or as part of the motion. The
24 debtor's motion and the trustee's approval are
25 their certification to the Court that:

- 26 (i) The sale price represents a fair value for
27 the subject property;
- 28 (ii) All creditors with liens and security
interests encumbering the subject property
will be paid in full before or
simultaneously with the transfer of title
or possession to the buyer;
- (iii) All costs of sale, such as escrow fees,
title insurance, and broker's commissions,
will be paid in full from the sale
proceeds;
- (iv) The sale price is all cash;
- (v) The debtor will not relinquish title to or
possession of the subject property prior to
payment in full of the purchase price; and
- (vi) The sale is an arm's length transaction.

"Trading in" a vehicle as part of the purchase
price for a new vehicle complies with the
requirements of (v) and (vi) of this
Subparagraph. The Court will not approve ex

1 parte motions to sell property pursuant to 11
2 U.S.C. § 363(f).

3 (E) Other New Debt and Transfers. If the trustee
4 will not give the consent required by
5 Subparagraphs (A), (B), (C), or (D) of this
6 Paragraph (1) or if the debtor wishes to incur
7 new debt or transfer property on terms and
8 conditions not authorized by those Subparagraphs,
9 the debtor shall file the appropriate motion,
10 serve it on the trustee, those creditors who are
11 entitled to notice, and all persons requesting
12 notice, and set the hearing on the Court's
13 calendar with the notice required by Fed. R.
14 Bankr. P. 2002 and LBR 9014-1.

15 (2) After Completion of Plan Payments. Except for
16 transfers made in the ordinary course by a business
17 debtor, after completion of payments under the plan
18 but prior to the closing of the case, the debtor shall
19 not sell or transfer property or incur debt except as
20 provided herein.

21 (A) Ex Parte Motion. The debtor may request by ex
22 parte motion that the court authorize the debtor
23 to sell or transfer property or to incur debt,
24 without regard to the limitations provided in
25 Subpart (i)(1), if the trustee's written consent
26 is filed with or as part of the motion. The
27 debtor's motion and the trustee's approval are
28 their certification to the court that:

 (i) All payments required by the chapter 13
 plan have been paid to the trustee;

 (ii) Debtor has completed and filed the
 certificate for the required post-petition
 education [11 U.S.C. § 1328(g)] or such
 requirement has been waived by order of the
 court;

 (iii) Debtor has filed the certifications required
 in 11 U.S.C. § 1328(a) or such requirement
 has been waived by order of the court.

 (B) Noticed Motion. If the trustee does not provide
 approval for an ex parte motion under Subpart
 (i)(2)(A), the debtor may file the appropriate
 motion, serve it on the trustee, those creditors
 who are entitled to notice, and all persons
 requesting notice, and set the hearing on the
 Court's calendar with the notice required by Fed.
 R. Bankr. P. 2002 and LBR 9014-1.

1 3. LBR 5005-1(b), (c), (d), (e), (f), (g) is modified to provide:

2 **LOCAL RULE 5005-1**

3 Electronic Record Is the Official Record; Filing of Documents

4 (b) Electronic Filing Mandatory. Except as provided in Subpart
5 (d) below, all documents shall be submitted for filing in
6 electronic form in strict compliance with instructions of
7 the Clerk in a format approved by the Court.

8 (c) Filing Proofs of Claim by Electronic Means Directly with the
9 Court. In all cases, proofs of claim may be filed by
10 electronic means directly with the Clerk of Court through
11 the court's website according to those guidelines
12 established by the Clerk. When filing proofs of claim, the
13 claimant shall comply with the requirements of Bankruptcy
14 Rule 3001(c) and (d). The filing of a proof of claim by
15 electronic means directly with the Clerk shall constitute
16 the filing claimant's approved signature by law, and the
17 provisions of 18 U.S.C. § 152(4) shall apply to the filing
18 of a proof of claim under this procedure.

19 (d) Exceptions to and Waivers of Requirement to File Documents
20 in Electronic Form.

21 (1) Pro Se Exception. Except as provided in Subpart (c),
22 all unrepresented persons, sometimes referenced as
23 "pro se litigants" or as "persons appearing in propria
24 persona," shall file and serve paper documents.

25 (2) Attorney and Trustee Waivers. Attorneys who regularly
26 practice and trustees assigned cases in the Eastern
27 District of California shall register as users of the
28 Court's electronic filing system and file documents in
29 electronic form, provided, however, that an attorney
30 or trustee may apply for a waiver of this requirement.
31 A request for waiver shall be submitted as an ex parte
32 application supported by a declaration demonstrating
33 cause for relief from the requirement to file in
34 electronic form. The decision to permit the filing of
35 paper documents is in the sole discretion of the Court
36 and may be cancelled at any time upon notice to the
37 attorney.

38 (3) Sealed Document Exception. Unless otherwise ordered
39 by the Court, requests to file documents under seal
40 pursuant to 11 U.S.C. §§ 107(b) and (c) and Fed. R.
41 Bankr. P. 9018 shall be filed as paper documents. A
42 paper copy of the order sealing documents shall be
43 attached to the documents under seal and be delivered
44 to the Clerk's Office. The Clerk shall maintain
45 sealed documents in paper form.

46 (e) Scanning and Disposition of Paper Documents. Paper
47 documents filed pursuant to Subpart (c)(1) or (c)(2) of this
48 Rule shall promptly be scanned by the Clerk into electronic

1 form. Once scanned and made part of the ECF system, the
2 paper documents may be discarded.

3 (f) Violations. The Clerk shall not refuse to file any
4 proffered paper document submitted in violation of this
5 Rule, but following scanning into electronic form, shall
6 bring such paper document to the attention of the Court.
7 Any attorney or trustee who files a document in violation of
8 this Rule may be subject to monetary or non-monetary
9 sanctions.

10 (g) Time of Filing.

11 (1) Documents Submitted on Paper. A document submitted on
12 paper shall be deemed filed when the Clerk takes
13 physical possession of such document.

14 (2) Documents Submitted in Electronic Form. Documents
15 submitted in electronic form shall be deemed filed as
16 of the date and time stated on the Notice of
17 Electronic Filing issued by the Clerk.

18 (3) Technical Failures Affecting Filing of Documents in
19 Electronic Form. Technical failure shall not alter the
20 registered user's responsibility to comply with all
21 applicable filing deadlines, provided, however, that a
22 registered user whose electronic filing is made
23 untimely as the result of a documented, technical
24 failure of the Court's electronic filing system may
25 seek appropriate relief from the Court.

26 *Subdivision (c): Comment: The clerk's office maintains an*
27 *online form on which users, without a password, can enter a*
28 *claim. This local rule creates the authority for a pro se*
creditor to enter a claim directly on the claims register.
Currently General Order 11-03.

4. LBR 5010(b) is modified to provide:

LOCAL RULE 5010-1

Motions to Reopen Cases

(b) Contents of Motion. A motion to reopen a case shall contain
a statement of the grounds for reopening the case, and shall
state whether, in the opinion of the moving party, the
appointment of a trustee is necessary or advisable and the
reasons why or why not, but shall not contain a request for
any other relief. If filed by the debtor, the motion shall
state: (1) whether the debtor intends to amend the schedules
and statements; and (2) if so, the particular additions,
deletions or other changes to be made. The motion shall be
served on the United States Trustee.

1 5. LBR 7026-1(d)

2 LBR 7026-1(d) is deleted.

3 6. LBR 7015-1 is added and shall provide:

4 **LOCAL RULE 7015-1**

5 Motions to Amend Pleadings

6 A motion for leave to amend or supplement a pleading before trial
7 must include as exhibits: (1) a copy of the proposed amendment,
8 amended or supplemental pleading, which must be serially numbered
9 to differentiate it from previous pleadings or amendments; and
10 (2) either a redline copy, which compares the proposed pleading
11 to the most recent applicable pleading, or a table that specifies
12 the location by citation to the page, paragraph and recites
13 verbatim each addition or deletion.

10 7. LBR 7055 is added and shall provide:

11 **LOCAL RULE 7055-1**

12 Default and Default Judgment Procedures in Adversary Proceedings

13 A party seeking entry of default must submit "Request for Entry
14 of Default by Plaintiff(s)" (local form EDC.003-726) and "Entry
15 of Default and Order Re: Default Judgment Procedures" (local form
16 EDC.003-727).

15 8. LBR 7067 is modified to provide:

16 **LOCAL RULE 7067-1**

17 Registry Funds

18 (a) Registry funds maintained pursuant to 28 U.S.C. § 2041 and
19 Rule 67 of the Federal Rules of Civil Procedure shall
20 include, but shall not be limited to, monies to be held in
21 escrow pending resolution of a particular dispute before the
22 Court.

21 (b) Receipt of Funds

22 (1) No money shall be sent to the Court or its officers
23 for deposit in the court's registry pursuant to 28
24 U.S.C. § 2041 without a court order signed by the
25 presiding judge in the case or proceeding.

24 (2) The party making the deposit or transferring funds to
25 the Court's registry shall serve the order permitting
26 the deposit or transfer on the clerk of Court.

26 (3) Unless otherwise ordered, all monies ordered to be
27 paid to the Court or received by its officers in any
28 case pending or adjudicated shall 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.

1 (c) Investment of Registry Funds

2 (1) Where, by order of the Court, funds on deposit with
3 the court are to be placed in some form of interest
4 bearing account or invested in a court-approved,
5 interest-bearing instrument in accordance with Rule 67
6 of the Federal Rules of Civil Procedure, the Court
Registry Investment System ("CRIS"), administered by
the Administrative Office of the United States Courts
under 28 U.S.C. 2045, shall be the only investment
mechanism authorized.

7 (2) Money from each case deposited in the CRIS shall be
8 "pooled" together with those on deposit with Treasury
9 to the credit of other courts in the CRIS and used to
10 purchase Government Account Series securities through
11 the Bureau of Public Debt, which will be held at
Treasury in an account in the name and to the credit
of the Director of Administrative Office of the United
States Courts, hereby designated as custodian for the
CRIS.

12 (3) An account for each case will be established in the
13 CRIS titled in the name of the case giving rise to the
14 investment in the fund. Income generated from fund
15 investments will be distributed to each case based on
16 the ratio each account's principal and earning has to
17 the aggregate principal and income total in the fund.
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/or their counsel.

18 (4) Funds held in the CRIS remain subject to the control
and jurisdiction of the court.

19 (d) Registry and Investment Fees. The custodian is authorized
20 and directed to deduct the registry fee for maintaining
21 accounts deposited with the Court and the investment
22 services fee for the management of investments in the CRIS.
The registry fee is determined on the basis of the rates
published by the Director of the Administrative Office of
United States Courts as approved by the Judicial Conference
and the investment services fee is assessed according to the
Court's Miscellaneous Fee Schedule.

24 (e) Order for Disbursement of Registry Funds. Payment of funds
25 from any funds deposited pursuant to this Rule shall be by
26 order of the Court only. The form of order submitted shall
27 contain the names and addresses for each of the parties to
28 whom funds are to be paid, the amounts to be paid and a
statement acknowledging the fees on the interest earned will
be deducted before payment of funds will be distributed.
Taxpayer information for each party must be submitted on
form AO 213, which is available on the Court's website.
Funds shall be disbursed only after the time for appeal of
the related judgment or order has expired, or upon approval
by the court of a written stipulation by all parties.

Notes: This suggested modification to LR 7067-1 incorporates General Order 13-01, an order that deals with our transition to CRIS, a new AO organized registry account within the US Treasury. It also requires parties to submit form AO 213, allowing us to collect taxpayer identification information for disbursing funds. Finally, it allows for a time period to elapse before we release funds, which is important in that our office would otherwise need to seek reimbursement from a payee if a judgement was later reversed on appeal.

9. LBR 9004-1(e)(3),(4) is modified to provide:

LOCAL RULE 9004-1

General Requirements of Form

(e)(3) Approval by Counsel or Party. If the court at the hearing on the matter, or by separate order, requires that any attorney or unrepresented party appearing in the matter be provided the opportunity to review and approve a form of order or judgment prior to its submission, the proposed order or judgment shall, just below the space reserved for placement of the judge's signature, contain the signatures of such counsel or party indicating their approval. Approval indicates only that the document accurately reflects the ruling of the court and does not constitute agreement or waiver of appellate rights. Orders not bearing the signature an attorney or unrepresented party designated by the court to approve the form of the order shall not be lodged with the court for at least three days after transmission to that attorney. In the event a dispute arises regarding the form of order, the submitting counsel or party shall submit, along with the proposed order, a brief declaration summarizing the reason for the lack of approval by the attorney or unrepresented party, along with a proof of service demonstrating service of the proposed form of order and the declaration on the non-approving counsel or party.

(e)(4) Proposed Order as Exhibit. Nothing in these local rules prohibits a party from submitting a proposed form of order or judgment as an exhibit to a notice, motion, memorandum, or other document.

10. LBR 9014-1(d) is modified to provide:

LOCAL RULE 9014-1

Motion Calendar and Procedure

(d) Format and Content of Motions and Notices.

(1) Contents of Motion. Except as otherwise provided in these rules, every application, motion, contested matter or other request for an order, shall be filed separately from any other request, except that relief in the alternative based on the same statute or rule

1 may be filed in a single motion. Without
2 incorporation by reference to any other document,
3 exhibit or supporting pleading, the motion shall state
4 with particularity the grounds therefor, and shall set
5 forth the relief or order sought.

6 (2) Format. All pleadings and documents filed in support
7 and in opposition to a motion shall contain in the
8 caption the date and time of the hearing and the
9 courtroom in which the hearing will be held and shall
10 otherwise comply with LBR 9004-1, General Requirements
11 of Form.

12 (3) Separate Notice. Every motion shall be accompanied by
13 a separate notice of hearing stating the Docket
14 Control Number, the date and time of the hearing, the
15 location of the courthouse, the name of the judge
16 hearing the motion, and the courtroom in which the
17 hearing will be held.

18 (4) Contents of Notice. The notice of hearing shall
19 advise potential respondents whether and when written
20 opposition must be filed, the deadline for filing and
21 serving it, and the names and addresses of the persons
22 who must be served with any opposition. If written
23 opposition is required, the notice of hearing shall
24 advise potential respondents that the failure to file
25 timely written opposition may result in the motion
26 being resolved without oral argument and the striking
27 of untimely written opposition.

28 (5) Service of Notice Only. When notice of a motion is
served without the motion or supporting papers, the
notice of hearing shall also succinctly and
sufficiently describe the nature of the relief being
requested and set forth the essential facts necessary
for a party to determine whether to oppose the motion.
However, the motion and supporting papers shall be
served on those parties who have requested special
notice and those who are directly affected by the
requested relief.

(6) Legal Authority. Each motion, opposition, and reply
shall cite the legal authority relied upon by the
filing party.

(7) Evidence. Every motion shall be accompanied by
evidence establishing its factual allegations and
demonstrating that the movant is entitled to the
relief requested. Affidavits and declarations shall
comply with Fed. R. Civ. P. 56(e).

1 11. LBR 9014-2 is added and shall provide:

2 **LOCAL RULE 9014-2**

3 **Motions Involving Disclosure or Discovery Disputes**

4 For any motion involving a disclosure or discovery dispute in
5 adversary proceedings or contested matters shall comply with this
6 rule.

7 (a) Separate Statement Required. Except as provided herein, any
8 motion under Fed. R. Civ. P. 37, *incorporated by* Fed. R.
9 Bankr. P. 7037, 9014(c), or other applicable rule involving
the adequacy of a disclosure or discovery response under
Fed. R. Civ. P. 26-37, *incorporated by* Fed. R. Bankr. P.
7026-7036, 9014(c), or seeking monetary or other sanctions
arising from the inadequacy of the disclosure or discovery
response shall be accompanied by a separate statement.

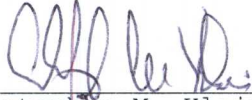
10 (b) Separate Statement Not Required. A separate statement is
11 not required when no disclosure or response to discovery has
been provided.

12 (c) Contents of Separate Statement. A separate statement is a
13 separate document filed and served with the discovery motion
that provides all the information necessary to understand
14 each disclosure or discovery request and all the responses
to it that are at issue. The separate statement must be full
and complete so that no person is required to review any
15 other document in order to determine the full request and
the full response. Material must not be incorporated into
16 the separate statement by reference. The separate statement
must include--for each disclosure or discovery request
17 (e.g., each interrogatory, request for admission, deposition
question, or inspection demand) to which a further response,
18 answer, or production is requested--the following:

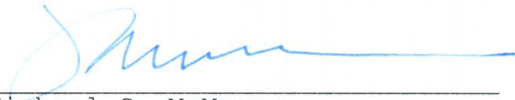
- 19 (1) The text of the applicable portion of Rule 26 or the
request, interrogatory, question, or inspection
demand;
- 20 (2) The text of each Rule 26 disclosure, response, answer,
or objection, and any further responses or answers;
- 21 (3) A statement of the factual and legal reasons for
compelling further responses, answers, or production
22 as to each matter in dispute;
- 23 (4) If necessary, the text of all definitions,
instructions, and other matters required to understand
each discovery request and the responses to it;
- 24 (5) If the response to a particular discovery request is
dependent on the response given to another discovery
25 request, or if the reasons a further response to a
particular discovery request is deemed necessary are
26 based on the response to some other discovery request,
the other request and the response to it must be set
27 forth; and
- 28 (6) If the pleadings, other documents in the file, or
other items of discovery are relevant to the motion,
the party relying on them must summarize each relevant
document.

1 (d) Identification of Interrogatories, Demands, or Requests. A
2 motion concerning interrogatories, inspection demands, or
3 admission requests must identify the interrogatories,
4 demands, or requests by set and number.

5 Dated: April 28, 2015

6 

7 Christopher M. Klein
8 Chief Bankruptcy Judge

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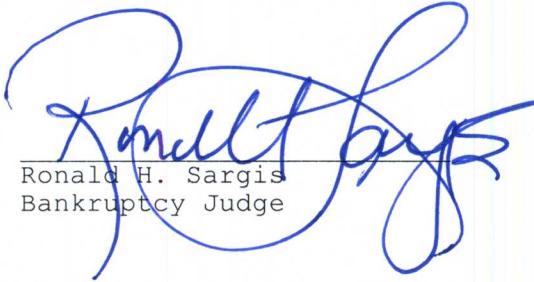
10 Michael S. McManus
11 Bankruptcy Judge

12 

13 W. Richard Lee
14 Bankruptcy Judge

15 

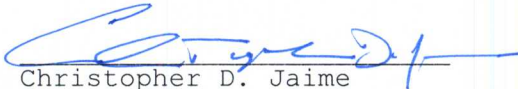
16 Robert S. Bardwil
17 Bankruptcy Judge

18 

19 Ronald H. Sargis
20 Bankruptcy Judge

21 

22 Fredrick E. Clement
23 Bankruptcy Judge

24 

25 Christopher D. Jaime
26 Bankruptcy Judge