

**LBR 9036-1 (Proposed)**

**Notice and Service by Electronic Transmission**

- (a) In General. Persons sending a notice or serving a paper under Fed. R. Bankr. P. 9036 shall file a certificate of service consistent with LBR 7005-1.
- (b) Notice from and Service by the Court.
  - (1) Registered Users. As used in Fed. R. Bankr. P. 9036(b)(1), a "Registered User" is defined as any attorney or trustee who files pleadings or other documents in a bankruptcy case or adversary proceeding in the Eastern District of California with the court's electronic filing system. The Clerk of the Court shall maintain and make available in pdf printable form a list of Registered Users by case. All other persons (including unrepresented persons) are not deemed "Registered Users," as that term is used in Fed. R. Bankr. P. 9036(b)(1).
  - (2) Non-registered Users Who Have Consented to Service by Electronic Means. As used in Fed. R. Bankr. P. 9036(b)(2), as applicable to other persons by Rule 9036(c), recipient means those persons who have consented in writing to service by electronic means. Any such consent must specify the party for whom consent is given and the particular means, i.e., email to a specified address, to which consent is given. Any such consent must be signed by a duly authorized representative of that party.
- (c) Notices from and Service by an Entity. Any entity may send notice or serve a paper in the same manner that the clerk does under (b), excluding (b)(2)(A) and (B) in Fed. Rule Bankruptcy Procedure 9036. Fed. R. Bankr. P. 9036(c). For persons served electronically pursuant to their consent to such service (not ECF Registered User service by the Clerk of the Court), a copy of the written consent to such electronic service shall be attached to the Certificate of Service.

**LBR 2002-3 (Proposed New)**

**Notice to Creditors Whose Claims Are Filed**

Without further order of the court, the provisions of Fed. R. Bankr. P. 2002(h) are applicable to Chapter 7, Chapter 12 and Chapter 13 cases that otherwise satisfy the provisions of that subdivision. The Clerk of the Court or any party in interest giving notice required by Fed. R. Bankr. P. 2002(a) may limit such notice to those persons specified in Fed. R. Bankr. P. 2002(h).

**LBR 2002-4 (Proposed New)**

**Notices to Committees**

In Chapter 7 cases, where a committee has been elected under 11 U.S.C. § 705 and in Chapter 11 cases where one or more committees have been

appointed under 11 U.S.C. § 1102, any notice required by Fed. R. Bankr. P. 2002(a)(2), 2002(a)(3), and/or 2002(a)(6) notice need only to be given to: (1) the U.S. Trustee; (2) the committees elected under § 705 or appointed under § 1102 or their authorized agent (including committee counsel); and (3) creditors and equity security holders who have filed and served on the trustee or debtor in possession a request all notices. Fed. R. Bankr. P. 2002(i).

**LBR 3015-1(d)3) (Proposed New)**  
**Renumber Current Paragraph (d)3) to (d)4)**  
**Chapter 13 Debt Adjustment Cases**

[after the existing language of the portion of Rule 3015-1(d)(2) add the following new paragraph]

3) Limited Notice For Modified Plans Proposed After Confirmation (Fed. R. Bank. P. 3015(h)). Modified Chapter 13 plans that neither increase the duration of a plan, nor decrease the dividend due creditors holding general unsecured claims, i.e., Chapter 13 plan, EDC 3-080, § 3.14 claims, are deemed to not affect the claims of those creditors. Fed. R. Bankr. P. 3015(h). As a result, a modified Chapter 13 plan that neither increases the duration of the plan, nor decreases the dividend due creditors holding general unsecured claims, and the motion to modify the plan, as well as all supporting documents, need only be served on:

- (1) the U.S. Trustee;
- (2) the Chapter 13 trustee;
- (3) the debtor(s) and counsel;
- (4) creditors holding allowed secured claims;
- (5) creditors holding allowed priority unsecured claims;
- (6) creditors holding leases or executory contracts that have been assumed; and
- (7) creditors who have filed requests for notice.

Subject to LBR 2002-3, any plan that reduces the duration of the plan must be served on all creditors and parties in interest. Fed. R. Bankr. P. 2002; 3015(h).

All other proposed modified plans and the motion to modify the plan, as well as all other supporting documents must be served on: (1) the U.S. Trustee; (2) the Chapter 13 trustee; (3) indenture trustees; (4) the debtor(s) and counsel; and (5) all creditors who have filed proofs of claim and creditors who are then still permitted to file a proof of claim having been granted an extension to file claims pursuant to Fed. R. Bankr. P. 3002(c)(1) or (c)(2).

4) Minor Modifications. . . . .

[Renumbered, No modification of current rule text]

**Proposed LBR 7005-1** *(NOTE: Replaces current LBR 7005-1)*

**Mandatory Certificate of Service Form**

**For Use by Attorneys, Trustees, or Other Registered Electronic Filing System Users**

The service of pleadings and other documents in adversary proceedings, contested matters in the bankruptcy case, and all other proceedings in the Eastern District of California Bankruptcy Court by either attorneys, trustees, or other Registered Electronic Filing System Users shall be documented using the Official Certificate of Service Form adopted by this Court. In addition to other requirements stated on the Official Certificate of Service Form:

- A. Unless service is on six or fewer parties in interest and a custom service list is used or the persons served are not on the Clerk of the Court's Matrix, the Certificate of Service Form shall have attached to it: (1) the Clerk of the Court's Matrix for the case or the adversary proceeding; (2) the list of ECF Registered Users; and/or (3) the list of Equity Security Holders as applicable.
- B. For persons served electronically pursuant to their consent to such service (not ECF Registered User service by the Clerk of the Court), a copy of the written consent to such electronic service must be attached to the Certificate of Service.
- C. When a Clerk's Office Matrix is attached to the Certificate of Service, for the persons not served by that method of service, the filer shall strike out the names of such persons not served by that method of service.
- D. Where the Clerk's Matrix of Creditors is attached to the Certificate of Service form, such list shall be downloaded not more than 7 days prior to the date of filing the pleadings and other documents and shall reflect the date of downloading. The serving party may download that matrix either in "pdf label format" or in "raw data format." Where the matrix attached is in "raw data format," signature on the Certificate of Service is the signor's representation that no changes, e.g., additions, deletions, modifications, of the data have been made except: (1) formatting of existing data; or (2) removing creditors from that list by the method described in paragraph (C) of this rule.

The Official Certificate of Service Form may be found on the Court's Website using the Bankruptcy Forms, Forms and Publications link.