

# **United States Bankruptcy Court Southern District of Illinois**



## **LOCAL RULES OF BANKRUPTCY PROCEDURE**

**June 1, 2012**

**Honorable Laura K. Grandy, Chief Bankruptcy Judge**

**Donna N. Beyersdorfer, Clerk of Court**

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

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**IN RE: LOCAL RULES OF THE UNITED STATES BANKRUPTCY COURT FOR  
THE SOUTHERN DISTRICT OF ILLINOIS**

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**ORDER APPROVING LOCAL BANKRUPTCY RULES**

After due notice and opportunity for public comment,

IT IS ORDERED that, pursuant to the authority of Rule 9029 of the Federal Rules of Bankruptcy Procedure, the annexed Local Rules of the United States Bankruptcy Court for the Southern District of Illinois are approved and shall apply to all cases and proceedings in said Court, effective June 1, 2012. All prior Local Rules are hereby rescinded.

ENTERED: May 17, 2012

/s/ Laura K. Grandy

UNITED STATES BANKRUPTCY JUDGE

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**United States Bankruptcy Court  
Southern District of Illinois**

**LOCAL RULES OF BANKRUPTCY PROCEDURE**

**INTRODUCTION – SCOPE OF RULES**

**L.R. 1001 – Scope of Rules and Forms; Short Title.**

- A. **Title and Citation.** These Rules are adopted pursuant to Rule 9029 of the Federal Rules of Bankruptcy Procedure to govern the local practice and procedures before the United States Bankruptcy Court for the Southern District of Illinois (the “Court”). These Rules shall be known as the “Local Rules of the Bankruptcy Court for the Southern District of Illinois” (the “Rules”) and shall be cited as “S.D. Ill. LBR \_\_\_\_\_” herein. These Rules may be amended or supplemented from time to time by additional orders as the Court deems necessary. All references to provisions of the Bankruptcy Code are to Title 11 of the United States Code. All references to the District Court are to the United States District Court for the Southern District of Illinois.
- B. **Application.** These Rules shall apply to all cases and proceedings in the United States Bankruptcy Court for the Southern District of Illinois except to the extent the Court determines application of the Rules would not be feasible or as otherwise more specifically provided herein. Failure to comply with these Rules may result in denial of the relief requested, dismissal, or other sanctions. To the extent that an order in a specific case conflicts with these Rules, the order in the case shall control.
- C. **Effective Date.** These Rules become effective on June 1, 2012. The Rules governing chapter 13 plan contents shall be the rules in effect at the time the plan was originally filed. For previous versions of the rules, check the Court’s website at [www.ilsb.uscourts.gov](http://www.ilsb.uscourts.gov) or contact the Court.
- D. **Relationship to Prior Rules/Orders; Actions Pending on Effective Date.** These Rules supersede all previous rules and any conflicting Orders promulgated by this Court or any Judge of this Court. They shall govern all applicable proceedings brought in this Court after they take effect, and shall apply to all pending proceedings at the time they take effect, except to the extent that the Court determines that application thereof would not be feasible or would work injustice, in which event the former rules shall govern.

The General Orders, Standing Orders, and Administrative Orders listed in Appendix A of these Rules are repealed.

The superseding of any prior rule and repealing of any order shall not affect any act done pursuant to or obviate any act required thereby.

- E. **Modification or Suspension of Rules.** In specific cases or proceedings, the Court, upon its own motion or the motion of any party, may suspend or modify any of these Rules if the interests of justice so require.

- F. **District Court Rules.** Except as otherwise provided in these Rules, or as ordered by the Court in a particular case, the Local Rules of the United States District Court for the Southern District of Illinois are adopted and incorporated herein and shall apply to proceedings in the United States Bankruptcy Court for the Southern District of Illinois.
- G. **Electronic Filing Rules and Chapter 13 Procedures Manual.** The rules and procedures governing electronic filing are contained in a separate document entitled “Electronic Filing Rules.” In addition, supplemental procedures, guidelines, and instructions applicable to chapter 13 cases are contained in a separate “Chapter 13 Procedures Manual.” The Electronic Filing Rules and the Chapter 13 Procedures Manual are incorporated into and made a part of these Rules. Both will be maintained on the Court’s website at [www.ilsb.uscourts.gov](http://www.ilsb.uscourts.gov). Reference in these Rules to any form, guideline or instruction in the Electronic Filing Rules or Chapter 13 Procedures Manual shall refer to the then-applicable form, guideline or instruction maintained by the Clerk of Court. All parties before the Court shall follow the procedures, guidelines and instructions set forth in the Electronic Filing Rules and Chapter 13 Procedures Manual and may be sanctioned for failing to do so.
- H. **Conforming Changes.** To the extent that the Federal Rules of Bankruptcy Procedure are revised from time to time, the Clerk of Court may revise these Rules to conform to such changes. The Clerk of Court will issue a public notice to advise of any such revision.
- I. Nothing in these Rules precludes this Court from entering General Orders, Standing Orders, Administrative Orders or guidelines to supplement these Rules.

## **PART I. COMMENCEMENT OF CASE; PROCEEDINGS RELATED TO PETITION AND ORDER FOR RELIEF**

**L.R. 1002-1 – New Case Filing Information and PDF Documents.** In any new case filed in this Court, if the information that is entered in the Court’s electronic filing system is inconsistent with the attached PDF document(s), the information in the PDF document(s) will be considered the correct information and the PDF document(s) will control. The Clerk’s office is authorized to correct the information in the electronic case file to match the information in the PDF document(s).

If notices or other documents are issued before the information in the electronic case file is corrected, and those notices or documents contain incorrect information, it is the responsibility of the person filing the case to notify creditors and parties in interest of this fact.

### **L.R. 1002-2 – Matrix.**

- A. The petitioner must file with the petition a mailing matrix of creditors listing the complete name, address, and zip code of each creditor. The matrix must be in a format prescribed in this Court’s Style Guide for Electronic Case Filing, which can be found on the Court’s website at [www.ilsb.uscourts.gov](http://www.ilsb.uscourts.gov). Attorneys who are registered CM/ECF participants are required to upload the creditor matrix in CM/ECF upon filing a petition



for the commencement of a case. Pro se debtors must submit the matrix at the time of filing a petition for the commencement of a case, which shall be used for scanning the creditors into the computer.

- B. When an attorney electronically files a petition as an emergency filing, the attorney must upload into CM/ECF the creditor information necessary to provide proper notice to all scheduled creditors. When a pro se debtor files a petition as an emergency filing, the debtor must submit the matrix at the time of filing, which shall be used for scanning the creditors into the computer.
- C. The debtor shall also verify that the matrix includes all creditors listed on the schedules and submit, along with the petition, an appropriate verification similar to the one located on the Court's website at [www.ilsb.uscourts.gov](http://www.ilsb.uscourts.gov).

**L.R. 1003 – Involuntary Petition.** The burden to prosecute an involuntary petition rests with the petitioning creditors. Debtor shall file the schedules, statements and other documents required by Rule 1007 of the Federal Rules of Bankruptcy Procedure within 14 days of the entry of the order for relief. If debtor fails to do so, the petitioning creditors shall have 14 days thereafter to file the required schedules, statements and documents or a motion to appoint a responsible party to perform the duties of debtor. In the event the petitioning creditors fail to file either the required schedules and documents or a motion to appoint a responsible party, the Court may dismiss the involuntary petition for lack of prosecution.

**L.R. 1006 – Filing Fee.**

- A. **Payment of Filing Fee in Installments.** Fifty percent of the filing fee shall be due at the time the petition is filed for debtors applying to pay the filing fee in installments.
- B. **Waiver of Filing Fee.** The Court will post on the Court's website at [www.ilsb.uscourts.gov](http://www.ilsb.uscourts.gov) the applicable poverty guidelines to be used in determining whether a debtor qualifies for a fee waiver pursuant to 28 U.S.C. § 1930(f). The order granting *In Forma Pauperis* status may be vacated if developments in the case demonstrate that waiver of the fee was unwarranted.

**L.R. 1007-1 – Required Information and Documentation for Case Trustees.**

- A. **Information to be Served on Trustee.** For a list of the specific information and documents required by each Trustee, as well as whether the Trustee requires electronic or paper submission, consult the Court's website at [www.ilsb.uscourts.gov](http://www.ilsb.uscourts.gov).
- B. **Other Documentation.** The debtor shall provide the documentation required by Rule 4002(b)(2) of the Federal Rules of Bankruptcy Procedure in the time and manner set forth by that Rule. If the debtor twice fails to provide the documentation in a timely manner, the case will be dismissed without further hearing or notice, upon the filing of a motion to dismiss by the Trustee. The 10-day period set forth in Section 704(b)(1)(A) of the Bankruptcy Code shall be 10 days after the conclusion of the 341 meeting of creditors.

**L.R. 1007-2 – Bankruptcy Code § 521(a)(1) Filing Requirements.** Effective as to cases filed on or after October 17, 2005, copies of all payment advices, or other evidence of payment, received by the debtor from any employer(s) of the debtor within 60 days prior to the date of the filing of the bankruptcy petition, (1) shall not be filed with the Court unless otherwise ordered; and (2) shall be provided to the Trustee, the United States Trustee if no Trustee has been appointed, and to any creditor who timely requests copies of payment advices, or other evidence of payment, at least 7 days before the first scheduled 341 meeting of creditors. To be considered timely, a creditor’s request must be received at least 14 days before the first scheduled 341 meeting.

A. **Bankruptcy Code § 521(a)(1)(B)(iv).** The requirements of Section 521(a)(1)(B)(iv) of the Bankruptcy Code (that debtor provide copies of all payment advices or other evidence of payment received within 60 days before the date of the filing of the petition) is satisfied by providing to the Trustee (or the United States Trustee in a case where no Trustee has been appointed) at least 7 days before the first scheduled 341 meeting of creditors:

1. Payment advice(s) or other evidence of payment (which may be satisfied by providing less than “all payment advices or other evidence of payment received within 60 days before the date of the filing of the petition ...” - e.g. by providing a year-to-date statement that includes payments received within 60 days of the petition), or
2. A verified statement that the debtor did not receive payments to which Section 521(a)(1)(B)(iv) of the Bankruptcy Code applies.
3. Pay advices or other evidence of payment shall be arranged (1) separately for each debtor and (2) chronologically for each different employer.
4. Notwithstanding the foregoing, the Trustee may require that 6 months of pay advices or their evidence of payment (as defined in subsection 1 above) be provided to verify the current monthly income listed on Official Form B22A or B22C. Failure to provide this documentation shall not delay the commencement of the 341 meeting of creditors.

In no event shall the documents required by Section 521(a)(1)(B)(iv) of the Bankruptcy Code be provided later than 45 days after the date of the filing of the petition. If the 341 meeting is not set within 45 days of the filing of the petition, the 45-day deadline for providing payment advices to the Trustee (or the United States Trustee, if applicable) still applies. If the Trustee or the United States Trustee continues the 341 meeting to receive these documents, such continuance shall not be deemed a request or consent to extend the deadline of Section 521(i) of the Bankruptcy Code. Nothing in this Rule shall be construed as requiring the Trustee or the United States Trustee to continue the 341 meeting. Failure to provide the documents within the 45-day deadline shall be grounds for the Trustee or the United States Trustee (if applicable) to request dismissal. If the case is dismissed following such a request by the Trustee or the United States Trustee, and the debtor believes the case was dismissed in error, the debtor shall file any motion to

reinstate the case within 14 days of the entry of the dismissal order. A case that has been dismissed for failure to file a required document or provide a required document to the Trustee or the United States Trustee will not be considered to be a case dismissed in error.

- B. **Bankruptcy Code § 521(a)(1)(B)(v).** The requirement of Section 521(a)(1)(B)(v) of the Bankruptcy Code (statement of the amount of monthly net income, itemized to show how the amount is calculated) is satisfied by including such information in Schedule I.
- C. **Bankruptcy Code § 521(a)(1)(B)(vi).** The requirement of Section 521(a)(1)(B)(vi) of the Bankruptcy Code (a statement disclosing any reasonably anticipated increase in income or expenditures over the next 12-month period following the date of the filing of the petition) is satisfied by including such information on the appropriate line item on Schedules I and J.

**L.R. 1007-3 – Bankruptcy Code § 521 Tax Returns and Requests.** Debtor shall provide the Trustee (or the United States Trustee if no Trustee has been appointed), no later than 7 days prior to the 341 meeting, a copy of the debtor's most recently filed federal and state tax returns, or a verified statement that such returns do not exist and the reason why the returns do not exist. The tax returns and/or verified statement shall not be filed with the Court. On request of a creditor under Section 521(e)(2)(A)(ii) of the Bankruptcy Code, the debtor shall provide copies of such tax returns to the creditor but shall not file the returns or an Exhibit Summary thereof with the Court. Failure to provide the Trustee (or the United States Trustee if applicable) with the required tax returns or a verified statement that such returns do not exist as set forth in this Rule will result in the dismissal of the case without further notice, upon the filing of a motion to dismiss by the Trustee or the United States Trustee. Nothing in this Rule shall be construed as requiring the Trustee or the United States Trustee to continue the 341 meeting.

**L.R. 1007-4 – Adoption of Interim Rule 1007-I of the Federal Rules of Bankruptcy Procedure.** Interim Rule 1007-I of the Federal Rules of Bankruptcy Procedure, along with all amendments thereto past and future, is adopted by this Court, effective December 19, 2008.

**L.R. 1009 – Amended Schedules and/or Matrix.**

- A. **Adding Creditors.** If an amendment adds creditors, attorneys who are registered CM/ECF participants are required to upload creditor information for the additional creditors at the time of filing the amended document.
- B. **Content of Amended Schedules D, E, F or Matrix.** Amended Schedules D, E, F and/or an amended matrix shall include only the names and addresses that have been newly added, or for which information has changed. Along with the amended schedule and/or matrix, the debtor shall file a signed declaration and/or verification (as applicable) for the amended schedule and/or matrix. If the debtor is deleting a creditor, the debtor must so state.

- C. **Service.** The debtor shall serve the amended schedule and/or the amended matrix on the Trustee and on any entity affected thereby, in compliance with Rule 1009(a) of the Federal Rules of Bankruptcy Procedure. In addition, when the amendment adds creditors, the debtor shall also serve, on any newly added creditor, a copy of the last issued notice of commencement of case, and in any asset case, a proof of claim form and notice of the claims bar date. In chapter 13 cases, the debtor shall also serve a copy of the current chapter 13 plan on every newly added creditor included in the amended document. The debtor shall file a certificate of service listing the documents served. The debtor shall serve a copy of the amended schedules and/or matrix on any party requesting a copy of these documents.
- D. **Large Chapter 11 Cases.** In any large chapter 11 case, or a chapter 7 case that has been converted from a chapter 11 case, in which the Court authorizes the debtor or a noticing agent to provide notice and maintain the creditor matrix, the following procedures shall apply to amended matrices:
1. When the matrix needs to be amended or corrected, the debtor shall file, in PDF format the amended or corrected matrix in the CM/ECF system. The debtor shall not upload this amended matrix into the CM/ECF system. The filed (not uploaded) amended matrix shall include all names and addresses comprising the most current list of the debtor's creditors.
  2. To file the amended or corrected matrix, the debtor shall use the "Amended Creditor Matrix" event.
  3. On conversion of a chapter 11 case or within 7 days of any request from the Court or any other party, the debtor shall file, in PDF format, and upload (as a text file) an amended matrix as set forth in these Rules.

**L.R. 1015 – Joint Administration and Affiliated Debtor Cases.** The debtor or a party in interest may request by motion that cases in this Court regarding a debtor and its affiliate(s) be jointly administered. A motion for joint administration shall be filed as early in the case as possible. Unnecessary delay may result in the Court's denial of the motion for joint administration. Such a motion shall be served on all creditors, the Trustee (if any), the Trustee's attorney, and any examiner in the case. The motion for joint administration shall be filed in the case requested to be designated as the lead case. Joint administration of a debtor and its affiliates, unless otherwise ordered by the Court, shall not be a substantive consolidation of the cases.

- A. **Designation of Lead Case.** Unless otherwise stated in the order granting joint administration, when multiple affiliated cases are filed, the first case filed (i.e., the case having the lowest case number) shall be designated as the lead case.
- B. **Docket.** A single case docket and case file shall be maintained in the lead case after entry of the order for joint administration.

- C. **Style of Court Documents.** Pleadings and other documents filed after entry of the order for joint administration shall be styled with the caption of the lead case, shall include the affiliated debtors from the jointly administered cases, and shall set forth the bankruptcy docket number of the lead case. Such documents shall be filed in the lead case only.
- D. **Claims.** A separate claims register shall be maintained for each affiliated case. A proof of claim shall specifically state the name and case number of the debtor against which the claim is asserted. If claims are asserted against more than one of the affiliated debtors in a jointly administered case, a separate original proof of claim shall be filed in each case.
- L.R. 1017 – Motions to Reinstate Following Dismissal on Trustee’s Motion to Dismiss for Failure to Make Plan Payments.** The motion shall state the reason for failure to make payments and how debtor proposes to cure the arrearage. The motion shall also state whether the case was previously dismissed and reinstated and shall provide dates of any prior dismissals and orders of reinstatement. The debtor shall serve a copy of the motion on the Trustee, United States Trustee, and all parties in interest. No later than 7 days after the filing of the motion, the Trustee shall file a response to the motion, stating whether the Trustee consents or opposes reinstatement. Upon the filing of the Trustee’s consent, the case may be reinstated without hearing.

## **PART II. ADMINISTRATION AND NOTICE**

### **L.R. 2002 – Service/Noticing.**

- A. **Noticing by Proponent.** The proponent of the following matters will serve the notice required by Rule 2002 of the Federal Rules of Bankruptcy Procedure and shall forthwith file the notice with a certificate of service (the list is not intended to be all inclusive):
1. A proposed use, sale or lease of property of the estate other than in the ordinary course of business.
  2. The time fixed to accept or reject a proposed modification of a chapter 12 or 13 plan.
  3. A motion to allow temporary cessation/abatement of plan payments to the Trustee.
  4. An application for compensation or reimbursement of expenses totaling in excess of \$1,000.00.
  5. A motion to compromise or settle a controversy, other than approval of an agreement pursuant to Rule 4001(d) of the Federal Rules of Bankruptcy Procedure.

6. A motion to retain a tax refund.
  7. A motion for leave to modify/amend a mortgage.
  8. A motion for abandonment.
  9. A motion to redeem property.
  10. A motion to avoid lien under Section 522(f) of the Bankruptcy Code.
- B. **Notices to the United States and its Agencies.** Whenever these Rules or the Federal Rules of Bankruptcy Procedure require that notice be sent to the United States and/or its agencies, the notice shall be addressed in accordance with this Court’s Electronic Filing Rules, which can be found on the Court’s website at [www.ilsb.uscourts.gov](http://www.ilsb.uscourts.gov).
- C. **Mailing List.** When the proponent is required to provide notice to all creditors, the proponent shall insure the current mailing matrix is used.
- D. **Certificate of Service.** A certificate of service shall contain the full name and address of the persons/entities served by U.S. mail, or, if applicable, the certificate may state that “all creditors listed on the matrix have been served.” A certificate of service shall contain the full name of the persons/entities served electronically as required by this Court’s Electronic Filing Rules, which can be found on the Court’s website at [www.ilsb.uscourts.gov](http://www.ilsb.uscourts.gov). The certificate of service shall be signed by the person completing service.
- E. **Notice of Preferred Addresses under Bankruptcy Code § 342(f) and National Creditor Registry Service.** An entity and a notice provider may agree that when the notice provider is directed by the Court to give a notice to that entity, the notice provider shall give the notice to the entity in the manner agreed to and at the address or addresses the entity supplies to the notice provider. That address is conclusively presumed to be a proper address for the notice. The notice provider’s failure to use the supplied address does not invalidate any notice that is otherwise effective under applicable law.

The filing of a notice of preferred address pursuant to Section 342(f) of the Bankruptcy Code by a creditor directly with the agency or agencies that provide noticing services for the Bankruptcy Court will constitute the filing of such a notice with the Court.

Registration with the National Creditor Registration Service must be accomplished through the agency that provides noticing services for the Bankruptcy Court. Forms and registration information are available at <https://ncrs.uscourts.gov>.

**L.R. 2003 – Bankruptcy Code § 341 Meetings.**

- A. **Requests to Reschedule § 341 Meeting.** All requests to continue or reschedule 341 meetings must first be directed to the United States Trustee in chapter 11 cases and to the assigned Trustee or interim Trustee, as appropriate, in chapter 7, 12 and 13 cases. Upon agreement between the proponent of the continuance and the appropriate Trustee, it is the

responsibility of the proponent to immediately serve notice to all creditors and parties in interest, including the Court, of the new date, time and place of the rescheduled 341 meeting. The proponent shall file a certificate of service with the notice.

- B. **Requests to Reschedule § 341 Meetings within 7 Days of Meeting.** Any request by the debtor to reschedule a 341 meeting within 7 days of the scheduled meeting will require either the debtor or his/her attorney to appear at the scheduled meeting to request that the meeting be rescheduled. If the appropriate Trustee consents to the rescheduling and announces at the regularly scheduled 341 meeting the new 341 meeting date, no further notice to the creditors and parties in interest is required, except that the appropriate Trustee shall advise the Court of the rescheduled hearing date, time and place by making a docket entry using the Court's CM/ECF system.
- C. **Continuance of the Bankruptcy Code § 341 Meeting Announced at Meeting.** The Trustee or the United States Trustee may continue a 341 meeting from time to time by announcement at the regularly scheduled 341 meeting, with no further notice to the creditors and parties in interest being required, except that the appropriate Trustee shall advise the Court of the rescheduled hearing date, time and place by making a docket entry using the Court's CM/ECF system. The minimum amount of time for continuing a 341 meeting is 7 days.
- D. **Waiver of Attendance.** A request by a debtor to be excused from attendance at the 341 meeting of creditors must be made in writing to the Office of the United States Trustee and copied to the case Trustee. The United States Trustee's acceptable grounds for waiver include: medical condition, imprisonment and military assignments that prevent attendance. Any application for waiver of attendance must include supporting documentation, e.g., doctor's letter, court order or military order. Waiver of personal appearance and permission to attend a 341 meeting by telephone must also be approved by the United States Trustee. To appear by telephone, the debtor must be sworn in and identified by a notary, court reporter or other person permitted by law to administer an oath.
- E. **Disputes.** Prior to filing a motion seeking continuance of a 341 meeting or requesting that a joint debtor be excused from a 341 meeting, the movant shall seek such relief from the Trustee. The motion shall state relief from the Trustee has been denied. Failure to do so may result in the denial of the motion by the Court.
- F. **Failure to Attend the Bankruptcy Code § 341 Meeting.** If the debtor in a voluntary case fails to attend the first scheduled 341 meeting without being excused, the Trustee shall list the date, time, and location for a continued 341 meeting by making a docket entry within the Court's CM/ECF system. The minimum amount of time for continuing a 341 meeting is 7 days. If the debtor fails to appear at the second 341 meeting without being excused, the Trustee may file a motion asking that the case be dismissed. The Court may consider the Trustee's motion without a hearing.

**L.R. 2004 – Motions under Rule 2004 of the Federal Rules of Bankruptcy Procedure.**

- A. **Motion for Examination and/or Production.** A motion under Rule 2004 of the Federal Rules of Bankruptcy Procedure may contain a request for an examination or for production of documents. In addition, in a motion for an examination, the moving party may request that the examinee be required to produce documents at the time and place of the examination or at such other time and place as set forth in the motion.
- B. **Conference Required.** Prior to filing a motion for examination and/or for production of documents under Rule 2004 of the Federal Rules of Bankruptcy Procedure the moving party shall attempt to confer (in person or telephonically) with the proposed examinee or the examinee's counsel (if represented by counsel) to arrange for a mutually agreeable date, time, place and scope of an examination and/or production. If an agreement is reached, no motion shall be required.
- C. **Certification of Conference Required.** All motions for examination and/or production under this Local Rule shall include a certification of the moving party that either (1) a conference was held as required and no agreement was reached, or (2) a conference was not held and an explanation as to why no conference was held.
- D. **Service and Notice Requirements.** In addition to any other rules of service that generally apply, all motions for examination and/or production of documents shall be served upon the following parties, through their counsel, if represented: (1) the debtor; (2) the Trustee; (3) the United States Trustee; (4) all official committees; and (5) the proposed examinee and/or party producing documents. All such motions shall be accompanied by a notice of motion setting forth (1) an objection, response or answer deadline of 7 days from filing of the motion; and (2) the date, time and place of the hearing in the event an objection is filed.
- L.R. 2015-1 – Duty of Chapter 7 Trustee upon Sale of Property.** The Trustee shall file, within 14 days of the sale, a report of sale stating the property sold, to whom it was sold and the dollar amount for which the property was sold. An auctioneer's report may be substituted for the foregoing.
- L.R. 2015-2 – Duty of Chapter 7 Trustee upon Dismissal.** In all dismissed cases, the Trustee shall file, within 14 days of the date of dismissal, a Report of Receipts and Disbursements, or, if applicable, a Report of No Receipts and Disbursements.
- L.R. 2015-3 – Duty of Chapter 7 Trustee to File Interim Reports.** The chapter 7 Trustee shall file an Interim Report as frequently as required by the United States Trustee unless a Final Distribution has been filed and approved by the Court.
- L.R. 2015-4 – Duty of Debtor in Chapter 11 Case.**
- A. **Operating Reports.** Chapter 11 debtors shall provide monthly operating reports to counsel for the Unsecured Creditors Committee and upon request, to any creditor.
- B. **Insurance Requirements - Debtor-in-Possession.**
1. General Requirements. All debtors in a chapter 11 case in which no Trustee has been appointed shall:



- a. insure all estate assets against physical damage and loss with policy limits covering the asset values stated in the debtor's schedules;
  - b. if applicable, maintain liability coverage for the debtor's operations and businesses;
  - c. if applicable, and as appropriate or customary for the debtor's industry, maintain additional types of insurance (workers compensation, products liability, or professional liability); and
  - d. require insurer(s) to notify the United States Trustee of any insurance claims or lapses of coverage.
2. Proof of Insurance. Upon request of any party, the Trustee, or the United States Trustee, the debtor shall provide proof of insurance, which shall include a certificate of insurance, binder, or other document(s) from the insurance carrier stating amounts, types and period of coverage, and notification of any secured party as loss payee. Failure to provide such proof shall give rise to a presumption that no insurance is in effect.

**L.R. 2015-5 – Duty of Debtor in Chapter 12 Case to Disclose Disposable Income.** On the first anniversary of confirmation of a chapter 12 plan and not less frequently than annually thereafter, the debtor shall account to the Trustee for all disposable income as defined in Section 1225(b)(2) of the Bankruptcy Code. The debtor shall provide the Trustee with reasonable information, summaries, and documentation evidencing all receipts and disbursements of money and property over the prior year to enable the Trustee to determine whether the debtor has disposable income which should be applied to make plan payments under Section 1225(b)(1)(B) of the Bankruptcy Code. Failure to comply with this Rule shall be cause for dismissal or other appropriate action. Nothing in this Rule precludes the Trustee from obtaining an order of Court requiring disclosures more frequently than annually.

**L.R. 2016-1 – Compensation of Professionals.**

- A. **Disclosure of Compensation and Pre-Petition Retainers.** Pursuant to Section 329 of the Bankruptcy Code and Rule 2016(b) of the Federal Rules of Bankruptcy Procedure, an attorney representing a debtor in a case under any chapter shall file with the petition a statement disclosing compensation paid or agreed to be paid to such attorney for services in contemplation of or in connection with the case. Counsel shall serve the disclosure on the Trustee and United States Trustee. In chapter 13 cases, counsel shall serve only the Trustee. Until a case is closed, a supplemental fee disclosure statement shall be filed and served as required in this Rule either no later than 14 days after any payment not previously disclosed in a properly filed Disclosure of Compensation for Attorney for Debtor pursuant to Rule 2016(b) of the Federal Rules of Bankruptcy Procedure, or no later than 14 days after the agreement for such a payment. Monies received but not subsequently disclosed are subject to disgorgement.
- B. **Applications for Compensation.** Except in flat fee chapter 13 cases as governed by the Chapter 13 Procedures Manual, all professionals employed under Sections 327 and 1103 of the Bankruptcy Code shall file an application for allowance of compensation following the guidelines in *In re Weidau's, Inc.*, 78 B.R. 904 (Bankr. S.D. Ill.1987). Applications

for compensation may be denied if the professional seeking compensation has failed to obtain an order approving employment.

**L.R. 2016-2 – Payment of Professional Fees in Chapter 11 Cases.**

A. **General Requirements in Chapter 11 Cases.** The requirements of Rule 2016-1 of these Rules apply in chapter 11 cases.

B. **Monthly Bills (Fee Statements) in Chapter 11 Cases.** If debtor’s counsel desires to receive compensation on a monthly basis prior to allowance on an interim application, counsel shall file a motion to establish procedures for interim compensation and reimbursement of expenses of professionals. At the time the motion is filed, a separate notice shall be filed allowing 14 days from the date of filing to file objections. The motion and notice shall be served on all interested parties, including, but not limited to, the debtor; the United States Trustee; the Trustee (if any); the Trustee’s attorney (if any); and counsel for the unsecured creditors committee or, if counsel has not been appointed, to the unsecured creditors committee. If no committee has been appointed, service shall also be made to the twenty largest unsecured creditors.

All monthly payments of fees and expenses are subject to approval, modifications or disgorgement on interim application, which may not be filed sooner than every 120 days and not less frequently than every 180 days. In any case that has been pending more than 180 days, no professional shall be permitted to receive payment on a monthly bill or fee statement unless such professional has filed one or more interim fee applications covering all services provided more than 180 days before the date of such monthly bill or fee statement. Counsel may file a motion to extend this period.

**L.R. 2090 – Attorney Admission.**

A. **General Admission to Practice before the Bankruptcy Court.** The bar of this Court shall consist of any attorney in good standing to practice before the United States District Court for the Southern District of Illinois. The requirements for attorney admission and standards concerning attorney discipline outlined in District Court’s Local Rules 83.1 through 83.4 are adopted for this Court. Attorneys are required to read and remain familiar with:

1. These Local Rules, the Electronic Filing Rules, and the Chapter 13 Procedures Manual;
2. Local Rules of the United States District Court for the Southern District of Illinois, including the Rules of Disciplinary Enforcement, which can be found at [www.ilsd.uscourts.gov](http://www.ilsd.uscourts.gov);
3. Local Rules of Procedure for the Seventh Circuit Court of Appeals, which can be found at [www.ca7.uscourts.gov](http://www.ca7.uscourts.gov);
4. Bankruptcy Code and Federal Rules of Bankruptcy Procedure;
5. Federal Rules of Civil Procedure;
6. Federal Rules of Evidence; and
7. Federal Rules of Appellate Procedure.

- B. **Admission Pro Hac Vice.** Any attorney licensed to practice in any state of the United States or the District of Columbia who does not wish to be admitted generally, but wishes to be admitted for the purpose of a specific bankruptcy case or adversary proceeding only, must file a Motion to Appear *Pro Hac Vice*. The motion must contain a verified statement setting forth the state and federal bars of which the movant is a member in good standing and the bar number, if any, issued by each jurisdiction; and be accompanied by the filing fee for *pro hac vice* motions. Upon entry of the Court order granting the motion, the attorney will be permitted to appear of record and to participate *pro hac vice*.
- C. **Local Counsel.** It shall not be necessary for parties appearing by non-resident counsel to retain local counsel to represent them. However, if local counsel is retained and appears in Court for non-resident counsel, then the Clerk of the Court shall enter the appearance of local counsel in the Court record. At each appearance, local counsel shall be fully apprised of, and conversant with, the facts and law concerning any case in which they appear. Local counsel shall also be required to have full authority to represent their clients as if they were non-resident counsel.

**L.R. 2091 – Withdrawal and Substitution of Counsel.**

- A. Except as provided in subsection C of this Rule, an attorney of record may withdraw from a case, adversary proceeding, or contested matter only by way of a motion and order of the Court granting the attorney leave to withdraw. A motion to withdraw must be served upon (1) the attorney's client, (2) the Trustee, (3) the United States Trustee and (4) all persons and entities having entered their appearances in the case, adversary proceeding or contested matter.
- B. An order authorizing an attorney of record to withdraw may be granted without hearing if no objections to the motion to withdraw are filed within 7 days following the filing of the motion. If an objection to a motion to withdraw is filed, the Court will schedule a hearing to consider the motion and any objections thereto.
- C. If new counsel is to be simultaneously substituted for a withdrawing attorney, then no motion to withdraw shall be necessary. Rather, a Notice for Substitution of Counsel shall be filed with the Court. Furthermore, the substituting counsel shall file a Form 2016(b) Disclosure of Compensation.
- D. In a case under chapter 13, the Trustee shall cease payments to withdrawing counsel for the debtor upon entry of an order authorizing withdrawal or upon the filing of a Notice for Substitution of Counsel, as the case may be.
- E. In a case under chapter 13, substitute counsel for the debtor shall be bound by withdrawing counsel's fee election unless the Court, on motion and for cause, orders otherwise. As such, absent a Court order to the contrary, and an amended plan if appropriate, the chapter 13 Trustee shall only disburse to substitute counsel those attorney's fees remaining unpaid, if any.

**L.R. 2092 – Professional Conduct and Obligations of Attorneys.**

- A. **Professional Conduct.** The professional conduct of attorneys appearing before this Court shall be governed by the Rules of Professional Conduct adopted by the Supreme Court of Illinois, the Rules of Disciplinary Enforcement of the United States District Court for the Southern District of Illinois, and these Rules.
- B. **Duty to Confer.** Every attorney appearing before this Court is required to attempt, in good faith, to communicate with opposing counsel in advance of appearing in any trial or hearing in a contested matter in an attempt to reach a settlement of the matter.
- C. **Obligations of Attorneys.**
  - 1. With respect to hearings, attorneys shall appear at all scheduled hearings, unless:
    - a. counsel advises the Court prior to the hearing that the matter has been resolved, and counsel has been excused;
    - b. at least one party appears and reports to the Court concerning resolution of the matter;
    - c. the Court has continued the matter; or
    - d. the Court has otherwise excused attendance.
  - 2. Attorneys for debtors shall provide appropriate representation for the debtor at the 341 meeting. Failure of counsel to provide appropriate representation at any hearing or the 341 meeting is cause for the Court to reduce attorneys' fees or issue other sanctions. Counsel shall dress in courtroom attire when appearing at 341 meetings.

**L.R. 2094 – Attorney Discipline.**

- A. **Disbarment or Suspension by another Court.** Any attorney that has been admitted to practice in the United States District Court for the Southern District of Illinois that becomes disbarred or suspended from practicing law by any court shall automatically be disbarred or suspended in this Court for the same length of time as the attorney's disbarment or suspension in the original court. Any such attorney shall, immediately upon disbarment or suspension, notify the Clerk of Court of the disbarment or suspension in writing. Failure to do so shall subject the attorney to further sanctions by this Court.
- B. **Request for Reinstatement.** Any attorney disbarred or suspended from practicing in this Court pursuant to subsection A of this Rule may file a motion with the Court requesting that the Court reinstate the attorney before the expiration of the disbarment or suspension in the original court. The Clerk of Court will then open a miscellaneous proceeding assigned to the Chief Judge of this Court. The Court will set a hearing at which the attorney will be required to show cause as to why the attorney should be reinstated in this Court.
- C. **Non-exclusivity.** Nothing in this Rule shall preclude the Court from initiating its own attorney disciplinary proceedings regardless of whether an attorney has been disciplined by another court.

## **PART III - A. CLAIMS AND DISTRIBUTION TO CREDITORS**

**L.R. 3001 – Proof of Claim – Supporting Information.** Rule 3001(c)(2)(C) of the Federal Rules of Bankruptcy Procedure also applies to non-residential mortgages.

**L.R. 3002.1 – Notice Relating to Claims Secured by Security Interest in the Debtor’s Principal Residence.** Rule 3002.1 of the Federal Rules of Bankruptcy Procedure also applies to non-residential mortgages.

**L.R. 3003 – Filing Proof of Claim or Equity Security Interest in Chapter 11 Cases.** Unless otherwise ordered, the claims bar date for any creditor or equity security holder whose claim or interest is not scheduled or is scheduled as disputed, contingent or unliquidated is 90 days following the first date set for the 341 meeting of creditors for non-governmental units and 180 days after the date of the order for relief for governmental units.

**L.R. 3004 – Filing of Claims by Debtor or Trustee.** If the debtor or Trustee files a claim on behalf of a creditor pursuant to Rule 3004 of the Federal Rules of Bankruptcy Procedure, the debtor/Trustee shall serve the claim on the affected creditor and the creditor’s attorney, if any. A certificate of service shall be filed with the claim. Any subsequent claim filed by the creditor supersedes the claim filed by the debtor/Trustee.

**L.R. 3007 – Objections to Claims in Chapter 13 Cases.** In a chapter 13 case, a separate notice must be filed along with an objection to claim and must be served on all interested parties in accordance with the procedures set forth in the Chapter 13 Procedures Manual. The notice shall comply with the form found on the Court’s website at [www.ilsb.uscourts.gov](http://www.ilsb.uscourts.gov).

## **PART III - B. CHAPTER 11 AND 13 PLANS AND PROCEDURES FOR CONFIRMATION**

**L.R. 3015 – Chapter 13 Plans and Procedures.** The procedures, guidelines and instructions applicable to chapter 13 are contained in a separate “Chapter 13 Procedures Manual,” which can be found on the Court’s website at [www.ilsb.uscourts.gov](http://www.ilsb.uscourts.gov). The Manual is hereby incorporated into and made a part of these Rules.

**L.R. 3016 – Required Language in Chapter 11 Plan.** Every chapter 11 plan shall contain a provision describing what property, if any, of the chapter 11 estate, which vests in the debtor upon confirmation, shall revert in the chapter 7 estate in the event that the chapter 11 case is converted to a chapter 7 case following confirmation, but before substantial consummation.

**L.R. 3018 – Acceptance or Rejection of Chapter 11 Plan.**

A. **Form of Ballot.** Unless a different ballot form has been approved by the Court, the plan proponent shall use the form available on the Court’s website at [www.ilsb.uscourts.gov](http://www.ilsb.uscourts.gov). The ballot shall be distributed to creditors, shall include the address of the plan proponent

or the party designated to receive ballots, and shall indicate that ballots should be received no later than the deadline established by the Court.

- B. **Tabulation of Balloting; Report and Certification.** The plan proponent shall tabulate the ballots and prepare a balloting report. The report shall list, for each class, the total number of claims voting, total dollar amount of claims accepting, and percentage of claims voting that accept the plan. The report shall also indicate, for each class, whether it is impaired or unimpaired and whether or not the requisite vote has been attained in each class. A sample “Ballot for Accepting or Rejecting Plan” and “Report of Balloting” can be found on the Court’s website at [www.ilsb.uscourts.gov](http://www.ilsb.uscourts.gov). The Report of Balloting shall be certified by the plan proponent.
- C. **Filing and Service.** All ballots must be submitted to the attorney for the plan proponent at least 7 days before the confirmation hearing. The balloting report and certification shall be filed with the Court at least 3 days before the confirmation hearing. Copies of the report shall be served on the United States Trustee, the Service List, and parties filing objections to the plan.
- D. **Rules for Tabulating Ballots.** In tabulating the ballots, the following rules shall apply:
1. Ballots that are not signed will not be counted either as an acceptance or rejection.
  2. Where the amount shown as owed on the ballot differs from the schedules, the amount shown on the schedules will be used, or if a proof of claim has been filed and allowed or deemed allowed, the amount shown on the proof of claim will be used for the purpose of determining the amount voting, unless the Court orders otherwise.
  3. Unless the Court orders otherwise, ballots that do not show a choice of either acceptance or rejection will not be counted either as an acceptance or rejection.
  4. Unless the Court orders otherwise, ballots that are received after the last date set for filing ballots will not be counted as either an acceptance or rejection.

**L.R. 3022 – Final Decree in Chapter 11 Cases where Debtor is an Individual.**

**(Applicable to cases filed on or after October 17, 2005.)**

- A. **Application for Final Decree/Reports/Motion.** If the debtor in a chapter 11 case is an individual and has completed all plan payments, then the debtor shall file the following documents:
1. a report with the Court certifying that debtor has complied with the terms and conditions of the plan and that debtor is otherwise eligible for a discharge under Section 1141(d)(5) of the Bankruptcy Code;
  2. a motion for entry of discharge order; and
  3. an application for final decree pursuant to Rule 3022 of the Federal Rules of Bankruptcy Procedure.

In addition, debtor shall certify that all monthly operating reports have been filed. If the debtor is otherwise eligible, the Court shall issue a discharge as soon as practicable.

- B. **Request for Discharge under Bankruptcy Code § 1141(d)(5)(B).** If a discharge is sought under Section 1141(d)(5)(B) of the Bankruptcy Code, the debtor shall request entry of discharge by filing a motion for discharge, which shall be a contested matter governed by Rule 9014 of the Federal Rules of Bankruptcy Procedure. If the motion is granted, and if the debtor is otherwise eligible, the Clerk shall issue the discharge and the final decree closing the case.
- C. **Closing Case before Plan Payments Completed.** If the debtor proposes to close the case before plan payments have been completed, and intends to reopen the case after plan completion to obtain a discharge, then the debtor shall file a motion to close the case and shall include in that motion a statement of the debtor's intent to reopen. The motion shall be accompanied by a notice giving all creditors 21 days from the date of filing within which to object to the motion. Upon the filing of a motion to reopen, the debtor shall be required to pay any fees due for reopening the case. After reopening, the debtor shall file the application for final decree and supporting documentation as required in subsection A of this Rule.

#### **PART IV. THE DEBTOR: DUTIES AND BENEFITS**

**L.R. 4001-1 – Motions to Extend or Impose the Stay under Bankruptcy Code §§ 362(c)(3) or (4).** Motions to extend or impose the automatic stay should be filed concurrently with the bankruptcy petition. A motion filed after the date of the filing of the petition may not receive a hearing date until after 30 days of the date of the filing of the petition.

The motion must include specific and sufficient facts to support the legal requirements for the motion as found in Sections 362(c)(3) or (4) of the Bankruptcy Code, as applicable.

**L.R. 4001-2 – Motions for Relief from the Automatic Stay.** A motion for relief from stay must be filed as a separate pleading, except such motion may also include a request for abandonment or adequate protection, as well as a request for relief from the co-debtor stay.

- A. **Content of Motion for Relief from Stay.** A motion for relief from stay shall:
  - 1. name as respondents the debtor, the case Trustee (if one has been appointed) and, to the extent known to the moving party, any other entity that may have a legal or equitable interest in the property which is the subject of the motion;
  - 2. state with particularity the grounds therefore and the relief sought;
  - 3. state the value of the property, if known, and the amount of any known encumbrances thereon; and

4. if the motion is brought “for cause” rather than for “lack of equity,” state the specific facts that constitute “cause.”

**B. Motion for Relief from the Automatic Stay to Foreclose on Collateral.**

1. General Provisions. In a case filed under any chapter in which the movant is seeking to foreclose on collateral, the movant shall attach to the motion a separate statement that (1) lists any other entity/party that may have a legal or equitable interest in the property which is the subject of the motion; or (2) states that to the best of the movant’s knowledge, information and belief, there are no such other entities/parties. Failure by the movant to include this statement shall result in the motion for relief from stay being stricken as deficient by the Court. In addition, the motion shall recite the specific statutory and factual basis on which relief is sought, including:

- a. the basis for the debt;
- b. the balance of the indebtedness on the petition date or otherwise;
- c. the date and manner of perfection, including book and page number, certificate of title, or UCC-1 recording. Documentation in support of a motion for relief shall be filed in accordance with this Court’s Electronic Filing Rules, which can be found on the Court’s website at [www.ilsb.uscourts.gov](http://www.ilsb.uscourts.gov); and
- d. if the motion is brought under Section 362(d)(2) of the Bankruptcy Code, the value of the collateral and the basis for the value.

2. Chapter 13 Cases.

- a. In a chapter 13 case in which the movant is seeking to foreclose on collateral, the motion shall also include:
  - i. the balance due;
  - ii. a breakdown of the amount due, including:
    - (1) unpaid principal;
    - (2) accrued interest from a specific date to a specific date;
    - (3) late charges from a specific date to a specific date;
    - (4) attorneys’ fees;
    - (5) advances for taxes, insurance and the like;
    - (6) any other charges;



(7) specific months for which default is alleged; and

(8) evidence of perfection of the movant's lien or security interest.

b. Concurrent with the filing of the motion, the movant shall provide to the debtor, debtor's counsel, Trustee and the United States Trustee, a copy of the payment history for all post-petition payments to date. Failure to provide the payment history may result in the denial of the motion at the preliminary hearing.

C. **Notice of Motion.** A notice under this section must be filed as a separate document along with the motion and must be served on all respondents/interested parties. The notice shall comply with the form found on the Court's website at [www.ilsb.uscourts.gov](http://www.ilsb.uscourts.gov).

D. **Incomplete Pleadings.** Any motion for relief from stay not accompanied by the notice of motion and a certificate of service shall be stricken as deficient by the Court.

E. **Opposition to Relief from Stay.** Any pleading in opposition to the motion for relief from stay shall:

1. be filed and served on the movant, and on any entity or person known to have a legal or equitable interest in the property, not later than 14 days from the date of filing unless otherwise ordered;
2. identify the interest of the opposing party in the property;
3. state with particularity the grounds for the opposition; and
4. if filed by the debtor, state the value of the property specified in the motion and the amount of equity that would be realized by the debtor after deduction of all encumbrances.

F. **Uncontested Motion.** Unless an objection to a motion for relief from stay is timely filed, or unless the Court directs otherwise, an order granting the motion shall be entered without a hearing.

**L.R. 4001-3 – Motions to Use Cash Collateral and to Obtain Credit.**

A. **Provisions to be Disclosed.** In addition to the provisions listed in Rules 4001(b)(1)(B) and (c)(1)(B) of the Federal Rules of Bankruptcy Procedure, any motion to use cash collateral or motion to obtain credit (collectively "Financing Motions") must also disclose the following:

1. Cross-Collateralization of Pre-Petition Debt: Provisions that grant cross-collateralization protection (other than replacement liens or other adequate protection) to the pre-petition secured creditor, i.e., clauses that secure pre-petition debt by post-petition assets in which the secured creditor does not assert a valid, perfected security interest by virtue of its pre-petition security agreement or

applicable non-bankruptcy law, and provisions that deem pre-petition secured debt to be post-petition debt or that use post-petition loans from a pre-petition secured lender to pay all or part of that lender's pre-petition claim, other than as provided in Section 552(b) of the Bankruptcy Code;

2. Professional Fee Provisions: Provisions that grant a carve-out for professional fees, including the amount of the fee;
3. Priming of Existing Liens: Provisions that prime any secured lien;
4. Loan Documentation Costs: Provisions that call for the payment of fees or costs by the debtor other than reasonable attorney's fees for loan documentation;
5. Plan Restrictions: Provisions that limit, restrict, or otherwise affect the terms of a proposed plan of reorganization; and
6. United States Trustee's Fees: Payment of fees to the United States Trustee.
7. Administrative Claims: Existence of any administrative claim that is sought by the movant.

B. **Summary of Essential Terms.** All Financing Motions must also set forth, unless good cause is shown, the total dollar amount requested, the debtor's proposed budget for the use of the funds, an estimate of the value of the collateral which secures the creditor's asserted interest, the maximum borrowing available on an interim and final basis, the borrowing conditions, interest rate, fees, costs or other expenses to be borne by the debtor, maturity, limitations on the use of the funds, events of default and the protections afforded under Sections 363 and 364 of the Bankruptcy Code.

C. **Interim Relief.** The Court may grant relief on an interim and emergency basis to avoid immediate and irreparable harm to the estate pending a final hearing, provided that:

1. The party seeking interim and emergency relief files a motion which complies in all respects with this Rule and with Rule 9006-3 of these Rules, and which describes the reason(s) relief on an emergency basis is necessary and appropriate;
2. Counsel for the party seeking interim, emergency relief contacts the Judge's courtroom deputy to obtain a date and time for a hearing;
3. The motion and notice of hearing on the motion is served on all secured creditors, the United States Trustee, all parties who filed requests for notice, any examiner or Trustee appointed in the case, counsel for any official committee(s), and, if no committee of unsecured creditors has been appointed, all creditors identified on the list of creditors filed pursuant to Rule 1007(d) of the Federal Rules of Bankruptcy Procedure;
4. The party seeking interim and emergency relief shall serve a copy of a proposed order granting the motion on all parties identified in the foregoing subsection.

5. Service of the motion and notice of hearing is made by one or more of the following means: (1) electronic mail, (2) facsimile transmission, or (3) overnight delivery;
6. The party seeking interim and emergency relief files a certificate of service which identifies the persons served with a copy of the motion and notice, and which, for each such person, specifies the method of service.

D. **Proposed Order.** A proposed order granting the motion must be submitted to the Court as a separate document in accordance with the Court's Electronic Filing Rules, which can be found on the Court's website at [www.ilsb.uscourts.gov](http://www.ilsb.uscourts.gov).

**L.R. 4002 – Debtor's Duties: Scheduling Pending Lawsuits.** The debtor shall include on Schedule F the name and address of any court (using the name and address of the applicable non-bankruptcy court) in which an action or post judgment proceeding is pending against the debtor at the time of the filing of debtor's bankruptcy petition. The debtor shall also include on Schedule F the names and addresses of the parties and counsel involved in that action or proceeding. These requirements are restricted to those actions which must be disclosed in response to questions 4(a) and 4(b) on the Statement of Financial Affairs. If an action against the debtor is commenced subsequent to the date of the order for relief, but prior to discharge, the debtor shall amend Schedule F, along with the matrix, as required above and shall provide notice to the parties identified above.

**L.R. 4003 – Motion to Avoid Liens under Bankruptcy Code § 522(f)(1).**

A. **Requirements.** Any debtor seeking to avoid a lien pursuant to Section 522 of the Bankruptcy Code shall file a separate written motion as to each alleged lien holder. The motion shall identify:

1. the lien to be avoided, its amount, and the date the debt that the lien secures was incurred;
2. the amount, listed separately, of all other liens on the property;
3. if applicable, the amount of the impaired exemption;
4. the statute allowing the exemption;
5. the value of the subject collateral; and
6. the specific statutory provision under which relief is sought.

Motions to avoid judicial liens shall also include the case number and the Court where the underlying judgment was entered, the date of the judgment, and shall list the common address of any real property affected by the lien.

B. **Nonpossessory, Nonpurchase Money Security Interests in Household Goods.** Motions to avoid a nonpossessory, nonpurchase money security interest in household goods under Section 522(f)(1)(B) of the Bankruptcy Code must, in addition to the requirements in subsection A of this Rule, specifically identify the household goods that are subject to the security interest sought to be avoided, referring to the definition of "household goods" provided in Section 522(f)(4) of the Bankruptcy Code.

C. **Service and Notice.** The debtor shall serve the motion and notice thereof on the lien holder, in accordance with Rule 9014(b) of the Federal Rules of Bankruptcy Procedure. The notice shall allow 21 days from the date of filing to file objections. The debtor shall file the notice and certificate of service with the Court.

**L.R. 4004 – Obtaining Discharge after Case Closed without Discharge for Failure to File Financial Management Certificate.** A debtor may file a motion to reopen a case in order to obtain a discharge where the discharge was not entered solely because the debtor failed to file an Official Form B23 pursuant to Rule 1007(b)(7) and (c) of the Federal Rules of Bankruptcy Procedure.

**L.R. 4008 – Reaffirmation Hearings.** The discharge order will be entered by the Clerk no earlier than 14 days following the conclusion of the reaffirmation hearing.

## **PART V. COURT AND CLERK’S OFFICE OPERATIONS**

**L.R. 5001-1 – Court Locations, Mailing Addresses and Hearing Locations.** There are two (2) court locations and Clerk’s Offices in this District, with hearings being held at both locations. The mailing addresses and hearing locations are as follows:

U.S. Bankruptcy Court  
Melvin Price Federal Courthouse  
750 Missouri Avenue  
East St. Louis, Illinois 62201  
(618) 482-9400

U.S. Bankruptcy Court  
Federal Courthouse  
301 West Main Street  
Benton, Illinois 62812  
(618) 435-2200

**L.R. 5001-2 – Collection of Fees by the Clerk’s Office.** Except as otherwise provided by Rule 1006(b) and (c) of the Federal Rules of Bankruptcy Procedure and 28 U.S.C. § 1930(a)(6), all fees which the Clerk is required to collect are due and owing at the time of filing or in advance of performing any requested service.

The appropriate fee shall be in the form of credit card (only from attorneys or non-debtor parties), debit card, cash, or a cashier's check, money order or a check of the attorney for the debtor, made payable to "Clerk, U.S. Bankruptcy Court". Personal checks of the debtor will not be accepted by the Clerk's Office. Cash should not be sent through the mail. The Clerk is not responsible for the loss of cash allegedly mailed and not received in the Clerk's Office. Parties filing documents electronically which require a fee will submit the payment using an accepted credit/debit card via the internet as reflected in this Court’s Electronic Filing Rules, which can be found on the Court’s website at [www.ilsb.uscourts.gov](http://www.ilsb.uscourts.gov).

**L.R. 5001-3 – Dishonored Checks.** Upon a check or draft being returned by the depository upon which it is drawn for insufficient funds, the Clerk, without further order, may thereafter, for a period of 6 months, accept only cash, a cashier's check or money order from the person giving the dishonored check.

**L.R. 5003 – Case Information.** The Clerk's Office has installed a computerized Voice Case Information System (VCIS) which provides information on a case by dialing in from any touch-tone telephone. See the Court's website at [www.ilsb.uscourts.gov](http://www.ilsb.uscourts.gov) for the telephone number and instructions on its use along with VCIS phone numbers for other Bankruptcy Courts.

Telephone inquiries to the regular business telephone line of the Clerk's Office requesting information that is readily available on VCIS will be directed to the VCIS telephone number.

**L.R. 5005-1 – Filing of Papers: General Requirements.**

A. **Method of Filing.** Effective September 3, 2002, the Court will no longer accept paper documents for filing, except from pro se filers. Any such pro se filer wishing to file a paper document may do so by bringing the document to the Clerk's Office in either East St. Louis or Benton during regular business hours. Assistance will be provided at those locations to aid such filers in scanning and entering such documents into the Court's electronic filing system.

B. **Form.** All petitions, pleadings and other papers offered for filing shall meet the following requirements:

1. **Legibility:** Papers shall be plainly and legibly typewritten, printed or reproduced on one side of the paper only.
2. **Caption: Official Forms:** The caption and form of all petitions, pleadings, schedules and other papers shall be in substantial compliance with the Federal Rules of Bankruptcy Procedure, Official Forms or Local Rules for the Southern District of Illinois. Each paper or set of papers filed shall bear the name of the debtor and chapter of the case. Each paper other than the petition shall also have the case number.

C. **Signature.** Every pleading and other paper shall be signed.

**L.R. 5005-2 – Size of Papers.** Papers submitted for filing shall be 8 ½" by 11" in size.

**L.R. 5005-3 – Electronic Filing Policies and Procedures.** The Court has adopted Electronic Filing Rules to establish practices and procedures for filing, signing, maintaining and verification of pleadings and other documents by electronic means. The rules, as described in the Electronic Filing Rules, are incorporated into these Local Rules. The Electronic Filing Rules are available on the Court's website at [www.ilsb.uscourts.gov](http://www.ilsb.uscourts.gov). Amendments to the Electronic Filing Rules may be entered from time to time in keeping with the needs of the Court.

**L.R. 5010 – Fees for Motions to Reopen.** In any case in which a motion to reopen is filed, the filing fees prescribed by 28 U.S.C. § 1930(b) must be paid at the time the motion is filed, unless (1) the motion to reopen states that the purpose of reopening is to correct an administrative error or to file an action related to the debtor’s discharge (such as a complaint to determine dischargeability or a motion for contempt for violation of the discharge injunction); or (2) a complaint to determine dischargeability and/or a motion for contempt for violation of the debtor’s discharge injunction (which are considered actions related to the debtor’s discharge) is filed simultaneously with the motion to reopen.

**L.R. 5011 – Withdrawal of Reference.**

- A. **Time and Manner.** A request to withdraw the reference of a case or proceeding, in whole or in part, other than a *sua sponte* request by the judge, shall be by motion. Absent leave of Court, a party filing a motion to withdraw the reference shall file the motion within 14 days of the filing of the first related pleading or response, or within 14 days of the pretrial order (if any), whichever is later, or shall be deemed to have waived such request.
- B. **Response.** No later than 14 days after the filing of the motion to withdraw the reference, any other party may file and serve a response to such motion.
- C. **Place of Filing and Controlling Rules.** A motion to withdraw the reference and all documents relating to the motion, including any responses thereto, shall be filed with the Bankruptcy Court (up until the time that the case is transferred) in the bankruptcy case or adversary proceeding in which reference is sought to be withdrawn using the caption of that bankruptcy case or adversary proceeding. The Clerk of Court will transmit the motion to withdraw the reference and all documents filed relating to the motion to the District Court. This Rule and the Local Rules of the United States District Court for the Southern District of Illinois regarding motion practice and bankruptcy court matters shall govern the motion to withdraw the reference and all proceedings related thereto.

**PART VI. COLLECTION AND LIQUIDATION OF THE ESTATE**

**L.R. 6004-1 – Notice of Proposed Sale.** In addition to the requirements of Rule 2002 of the Federal Rules of Bankruptcy Procedure, if the notice of a proposed sale is to a private party, the notice must also include a statement substantially as follows: “Any higher bids must be stated in writing and received by (proponent of motion) not later than (the same date as the last date to object to the proposed sale).”

**L.R. 6004-2 – Liquidators/Auctioneers and Appraisers.**

- A. **Bond Required.** It is the responsibility of the Trustee to monitor the auctioneer or other liquidator and unless otherwise ordered by the Court, to assure that any auctioneer or other liquidator who will come into possession or control of any asset or proceeds of any asset of an estate, posts a bond with the United States Trustee on behalf of the United States of America, for the full value of the assets in the possession or control of the auctioneer or liquidator.

- B. **Report of Sale.** The Trustee shall file a report of sale within 14 days of any sale. At the time of filing, the Trustee shall transmit a copy of the report of sale to the United States Trustee along with an itemized list of the property sold, the name of each purchaser, and the price received for each item or lot of inventory. The Trustee shall make available upon request said itemized list.
- C. **Application for Compensation.** In the event the auctioneer or liquidator seeks compensation and costs of sale, an application for compensation containing a detailed itemization of requested compensation and actual expenses shall be filed with the Court.
- D. **Remittance of Gross Proceeds.** Upon filing an application to employ an auctioneer or other liquidator and receiving Court approval, it is the responsibility of the Trustee to monitor the auctioneer or other liquidator, and to assure that, unless otherwise ordered by the Court, all gross sale proceeds are remitted to the Trustee within 14 days of the sale. Upon motion of any party in interest and for good cause shown, the Court may authorize the auctioneer or other liquidator to submit the net proceeds or to turn over to a secured creditor the net proceeds realized from the sale of that creditor's collateral.
- E. **Validity of Checks.** The validity of any checks or bank drafts accepted by the auctioneer or other liquidator shall be the sole responsibility of the auctioneer or liquidator.
- F. **Separate Escrow Account.** It is the responsibility of the Trustee to monitor the auctioneer or other liquidator, and to assure that, if the auctioneer or liquidator does not remit the entire sale proceeds to the Trustee within 14 days, and the proceeds of the property sold are \$50,000.00 or more, the auctioneer or liquidator shall open a segregated escrow or trust account for deposit of the sale proceeds. This account shall be designated by the bankruptcy estate case name and shall require the co-signature of the Trustee for any withdrawals. If the proceeds of the sale are less than \$50,000.00, the proceeds may be deposited in the auctioneer's or liquidator's trust or client fund account.
- G. **Appraiser Serving as Auctioneer or Liquidator.** No appraiser, agent or employee of an appraiser who has been employed in a bankruptcy case may serve as the auctioneer or liquidator in that same case without the approval of the Court.
- H. **Auctioneer or Liquidator Purchasing at Sale.** It is the responsibility of the Trustee to monitor and to assure that no auctioneer or other liquidator, or any agent, employee or family member of the auctioneer or liquidator employed in a case, purchase any asset from the estate.

**L.R. 6007 – Abandonment of Property.** A motion for abandonment of property by a creditor will be granted without notice if the Trustee has filed a Report of No Distribution.

**L.R. 6008 – Redemption of Property.**

- A. **Filing and Certificate of Service.** The debtor must file with the Court the motion for redemption, the notice, and a certificate of service.
- B. **Service and Notice.** The debtor shall serve the motion and notice thereof on the lien holder and interested parties, in accordance with Rules 9014(b) and 7004 of the Federal

Rules of Bankruptcy Procedure. The notice shall allow 21 days from the date of filing to file objections.

**L.R. 6012 – Trustee Payments to the Internal Revenue Service.** Any duly appointed Trustee in a chapter 7 or chapter 13 bankruptcy case in this district who is remitting a non-electronic payment to the United States Internal Revenue Service should direct the payment to the address found in the Internal Revenue Manual at Part 5, Chapter 9, Section 15.1, regardless of what address appears on the proof of claim.

## **PART VII. ADVERSARY PROCEEDINGS**

**L.R. 7004 – Service of Summons on the United States and Its Agencies.** Whenever service is required by the Federal Rules of Bankruptcy Procedure on the United States or its various agencies, the service shall be in accordance with this Court’s Electronic Filing Rules, which can be found on the Court’s website at [www.ilsb.uscourts.gov](http://www.ilsb.uscourts.gov).

**L.R. 7016 – Pre-Trial Procedures.**

- A. **Duty to Exchange Witness and Exhibit Lists, and Exhibits.** Parties to an adversary proceeding shall mark all exhibits prior to trial and shall prepare sufficient copies of the exhibits for all parties to refer to at trial, plus one copy each for the Judge, Law Clerk and Courtroom Deputy. The parties shall exchange all exhibits and supply paper copies to the Court at least 14 days prior to trial. Each party shall prepare and file at least 7 days prior to trial a written statement as to each exhibit indicating whether the party objects to the exhibit and, if so, the nature of the objection. Unless otherwise ordered, the parties shall exchange the names of all witnesses intended to be called at trial at least 7 days prior to trial.
- B. **Objections to Exhibits.** Objections to the authenticity or genuineness of any document shall be made in writing no later than 72 hours prior to trial. Failure to object to the authenticity or genuineness of a document does not waive any right to object on the basis of relevance at trial.
- C. **Briefs, Findings of Fact, Conclusions of Law.** Unless a pre-trial order directs otherwise, the parties shall prepare and submit at least 14 days prior to trial proposed findings of fact, conclusions of law and briefs in support of their respective positions. The briefs shall contain a statement which outlines the burden of proof on each issue, who has the burden of proof, and why the burden of proof has or has not been sustained.
- D. **Failure to Comply.** The Court may refuse consideration of or strike any pleading or other document, or take any other appropriate action, for failure to comply with the procedures set forth in subsections A, B or C of this Rule.

**L.R. 7026-1 – Filing and Service of Discovery Materials.** Because of the considerable cost to the parties of furnishing discovery materials, and the serious problems encountered with storage, the Court adopts the following procedure for filing of discovery materials with the Court:



- A. If relief is sought under Rules 26(c) or 37 of the Federal Rules of Civil Procedure, concerning any disclosures, interrogatories, or requests for production or inspection, answers to interrogatories or responses to requests for production or inspection, copies of the portions of the disclosures, interrogatories, requests, answers or responses in dispute shall be filed with the Court contemporaneously with any motion filed under these Rules.
- B. If disclosures, interrogatories, requests, answers, responses or depositions are to be used at trial or are necessary to a pre-trial motion which might result in a final order on any issue, the portions to be used shall be filed with the Court at the outset of the trial or at the filing of the motion insofar as their use can be reasonably anticipated.

**L.R. 7026-2 – Motions to Compel.** Except as otherwise ordered, the Court will not entertain any motion under Rule 37 of the Federal Rules of Civil Procedure, unless, prior to the filing of the motion, counsel for the moving party has conferred or has made reasonable efforts to confer with opposing counsel concerning the matter in dispute. Counsel for the moving party shall file a statement establishing compliance with this Rule with any motion filed under Rule 37 of the Federal Rules of Civil Procedure.

**L.R. 7041-1 – Dismissal of Underlying Bankruptcy Case.** Any pending adversary proceeding shall be dismissed 14 days following the date of dismissal of the underlying bankruptcy case, unless a party, within the same period, requests otherwise by written motion.

**L.R. 7041-2 – Complaints to Deny or Revoke Discharge: Dismissal or Settlement.**

- A. **Contents and Service of Motion for, or Stipulation Regarding Voluntary Dismissal of Complaint to Deny or Revoke Discharge.** Any dismissal, whether by motion or stipulation, of a complaint to deny or revoke the debtor’s discharge pursuant to Section 727 of the Bankruptcy Code, shall be served on the United States Trustee, any case Trustee, counsel of record, and any party that has intervened in the adversary proceeding. The notice, motion or stipulation shall contain a recital concerning the consideration, if any, for the dismissal or the terms and conditions of any agreement concerning the dismissal. The moving party shall file, with the motion or stipulation, a separate notice giving all interested parties 21 days from the date of filing to object.
- B. **Objections to Dismissal.** Unless the United States Trustee, the case Trustee, or another entity seeks to intervene or to be substituted for the plaintiff in the proceeding or objects to the dismissal within 21 days following the filing of the motion/stipulation, the Court may dismiss the complaint and/or close the adversary proceeding, upon such terms and conditions as it deems proper, without further notice or hearing.

**L.R. 7055 – Default Judgment.**

- A. **Clerk’s Entry of Default.** A plaintiff seeking the Clerk of Court’s entry of default shall follow the procedures set forth in Rule 7055 of the Federal Rules of Bankruptcy Procedure. To obtain the Clerk of Court’s entry of default, the Court requires the filing of the following:
  - 1. Request for Clerk of Court’s entry of default; and
  - 2. Verified Affidavit\* supporting entitlement to entry of default.

\*The affidavit shall contain:

- a. The complete caption setting forth the name of the Court, the name of the parties, and bankruptcy and adversary case numbers;
- b. Date of issuance of summons;
- c. Statement of whether the Court fixed a deadline for filing an answer or motion, or whether the 30 or 35 day limit applies;
- d. Date of service of the complaint;
- e. Date of filing of affidavit or return of service;
- f. Statement that no answer or motion has been received within the time limit fixed by the Court or by Rule 7012(a) of the Federal Rules of Bankruptcy Procedure;
- g. Statement that the defendant is not in the military service (as required by the Soldier's & Sailor's Civil Relief Act, 50 U.S.C. App. § 521); and
- h. Statement that the defendant is not a minor or an incompetent person as required by Rule 55(b)(1) of the Federal Rules of Civil Procedure.

If the plaintiff is entitled to entry of default, the Clerk's Office will complete the entry of default and serve a copy of the entry of default to the plaintiff.

- B. **Motion for Default Judgment.** The movant shall file a separate motion for default judgment, and shall serve the motion on the party against whom the default judgment is requested by mail at the last known address.
- C. **Determining Amount of Judgment.** If the claim to which no response was made is for a "sum certain," then the motion shall be accompanied by an affidavit showing the principal amount due and owing, not exceeding the amount sought in the claim, plus interest, if any, computed by the movant, with credit for all payments received to date clearly set forth, and costs, if any, pursuant to 28 U.S.C. § 1920. If the amount of the claim is not readily ascertainable or if the amount requested in the motion exceeds the amount stated in the claim, the Court may conduct a hearing on the motion for default judgment.

**L.R. 7056 – Motions for Summary Judgment.**

- A. **Motion for Summary Judgment.** A motion for summary judgment shall state with particularity, in separately numbered paragraphs, each material fact as to which the movant claims there is no genuine issue. Each such paragraph shall reference the pleading, discovery, affidavit or document that supports such fact. If the motion requires consideration of facts not appearing in the record, the party shall file all documentary evidence relied upon, including affidavits, as an attachment to the motion. The motion shall not refer to material facts not presented as evidence in support of the motion. The motion shall also state concisely the legal grounds on which relief should be granted.
- B. **Memorandum in Support.** The moving party shall file with each motion for summary judgment a memorandum in support of the motion, including citations to any authorities

upon which the party relies. Failure to file a memorandum in support of the motion may result in the entry of an order striking the motion.

- C. **Responses.** Each party opposing a motion for summary judgment shall file a response specifically admitting or denying each of the movant's factual statements. The response shall include the reason for denial of any factual allegation and shall be supported by reference to the pleadings, discovery, affidavits or documents that support respondent's denial. The response shall further list in numbered paragraphs any additional facts that remain in dispute and those facts shall be supported by reference to the pleadings, discovery, affidavits or documents that support the respondent's allegations. If any response requires consideration of facts not appearing in the record, the party shall file with its response all documentary evidence relied upon, including affidavits, if applicable.
  - D. **Memorandum in Support of Response.** The respondent shall also file a memorandum in support of the response, including citations to authorities on which the respondent relies. Failure to file a memorandum in support of the response may result in the entry of an order striking the response.
  - E. **Response Time.** The response and memorandum in support of the response shall be filed within 21 days from the date the motion for summary judgment is filed.
  - F. **Replies.** The moving party may file a reply no later than 14 days after the response is filed. Additional replies may be filed by either party only with leave of Court. Any reply may address only matters raised in the response to which the reply relates.
  - G. **Page Limits.** Absent leave of Court, no pleading or memorandum regarding summary judgment shall exceed 20 numbered pages, exclusive of the signature page and attachments.
- L.R. 7069 – Execution/Enforcement of Judgments.** A Trustee or debtor who seeks to enforce a judgment in an adversary proceeding or an order of turnover for the benefit of the bankruptcy estate may pursue collection in the Bankruptcy Court.

## **PART IX. GENERAL PROVISIONS AND MOTION PRACTICE**

**L.R. 9006-1 – Motions for Relief from Stay.** Any objections to a motion for relief from stay shall be filed on or before 14 days from the date of filing unless otherwise ordered. This provision is to allow the Court time to meet the statutory hearing requirements of Section 362(e) of the Bankruptcy Code.

### **L.R. 9006-2 – Procedure for Obtaining Shortened and/or Limited Notice.**

- A. **General Application.** This provision shall govern the procedures to be followed for any matter as to which shortened notice or shortened notice and expedited hearing is requested pursuant to Rule 9006(c) of the Federal Rules of Bankruptcy Procedure (a "9006(c) Request"). The 9006(c) Request shall be considered by the Court without a

hearing. If granted, the Court will issue an order shortening notice and/or setting an expedited hearing.

- B. **Filing Requirements.** A 9006(c) Request shall be made by separate written motion, shall clearly refer to the matter to which it pertains (the “Underlying Motion”), shall specifically state the need for shortened notice or expedited treatment, shall state the time by which the notice is to be shortened or the expedited hearing is to be held, and shall briefly describe the relief requested in the Underlying Motion. The movant shall provide telephonic notice to the Clerk’s Office of the filing of the 9006(c) Request and shall tender a proposed order.
- C. **Service and Distribution of 9006(c) Request, Underlying Motion and Order Shortening Notice and/or Setting Expedited Hearing.** The movant shall serve, by fax, e-mail or hand delivery, the 9006(c) Request and the Underlying Motion, along with the Order Shortening Notice and/or Setting Expedited Hearing, on any party that has, or claims to have, an interest in the property to be affected by the relief requested in the Underlying Motion, parties required to receive notice under the applicable Federal Rule of Bankruptcy Procedure, and any other party as directed by the Court. If the matter is a contested matter within an adversary proceeding, service of the 9006(c) Request and the underlying Motion shall be made in the manner described above but only upon the parties to the adversary proceeding and any other party as directed by the Court.

**L.R. 9006-3 – Emergency Motions.** Attorneys/participants seeking to schedule emergency motions or other expedited matters shall identify the same by using the word “emergency” in the title of the pleading; provide an explanation within the pleading as to the nature of the emergency; and use the word “emergency” in the docket text when electronically filing such pleading. Counsel shall immediately upon filing contact the Judge’s courtroom deputy, who will advise chambers of the filing. Only upon being directed by the Court, counsel shall immediately issue and file a notice of the hearing with a certificate of service.

**L.R. 9010 – Representation and Appearances.**

- A. **Appearances by Attorneys.** The filing of any document (other than a proof of claim, a reaffirmation agreement, a request pursuant to Rule 2002(g) of the Federal Rules of Bankruptcy Procedure, or a creditor change of address) shall be deemed a general entry of appearance in that case by the attorney filing the document.
- B. **Appearance without Attorney – Corporation or Other Business Entities.** A corporation, partnership, trust or other business entity, other than a sole proprietorship, may appear and act without counsel in a case or proceeding before this Court only for the purpose of attending the 341 meeting, filing a request for notice and service of documents, filing a change of address, filing a proof of claim, and submitting a ballot. For all other purposes, such entity shall appear and act only through an attorney.

**L.R. 9011 – Signing of Papers.**

- A. **Signature Requirement and Attorney Information.** If a party is represented by an attorney, every pleading filed and/or presented for filing shall be signed by the attorney

of record in accordance with this Court's Electronic Filing Rules, which can be found on the Court's website at [www.ilsb.uscourts.gov](http://www.ilsb.uscourts.gov). Under the attorney's signature shall be typed the attorney's name, office address, e-mail address, telephone number, and state bar number.

- B. **Stipulations and Agreed Orders.** Every stipulation and agreed order shall be signed by each interested party or their attorney of record.

**L.R. 9013-1 – Filing Motions and Objections to Motions.**

- A. **Separate Motions and Objections.** Every application, motion, or other request for an order from the Court, including motions initiating contested matters, shall be filed separately, except as provided in Rule 4001-2 of these Rules. Applications, motions and other requests shall state with particularity the order or relief sought, and shall contain a short and plain statement concerning the factual basis or grounds for the motion. Objections to separately filed motions must also be filed separately.
- B. **Stay Relief or Adequate Protection Motions.** Motions seeking relief from the automatic stay or adequate protection may not be joined with any other objections or request for relief, except as provided in Rule 4001-2 of these Rules.
- C. **Content of Objections.** Objections to any motion, application, or request shall contain a short, plain statement concerning the factual or legal basis for the objections. The failure to state a sufficient legal or factual basis for the objection may result in the objection being overruled without a hearing.
- D. **Duty to Confer.** If a motion is contested, the movant shall confer with the respondent prior to the hearing to determine whether a consent order may be entered disposing of the motion, or in the alternative, to stipulate to as many facts and issues as possible.

**L.R. 9013-2 – Certificate of Service.**

- A. **Filing.** All pleadings and papers filed in a bankruptcy case pursuant to Rules 9013 or 9014 of the Federal Rules of Bankruptcy Procedure shall comply with Rule 7005(d) of the Federal Rules of Bankruptcy Procedure.
- B. **Failure to Comply.** The Court may refuse consideration of or strike any pleading or document for which a certificate of service has not been filed or which does not otherwise comply with subsection A above.

**L.R. 9013-3 – Stipulations or Agreements.** In order to bring the matter before the Court, stipulations that are filed in a case must be accompanied by an appropriate motion to approve same. (This Rule does not apply if the stipulation is submitted pursuant to an order of the Court, and does not apply in adversary proceedings.) Stipulations that are filed without the appropriate motion will be processed as deficient by the Clerk's Office. If the stipulation is processed as deficient, it must be refiled when the motion to approve stipulation is filed.

**L.R. 9013-4 – Proposed Orders.** With the exception of certain motions listed on the Court's website, all motions, applications, objections to claims in chapter 13 and chapter 11, and

motions to approve stipulations or agreements must be accompanied by a proposed order. The order shall not be attached to the motion, application, etc., but shall be e-mailed to the Court in accordance with the Court's Electronic Filing Rules governing submission of proposed orders, which can be found on the Court's website at [www.ilsb.uscourts.gov](http://www.ilsb.uscourts.gov).

**L.R. 9013-5 – Briefs.**

- A. **Motions Requiring Briefs.** Absent leave of Court, the following motions shall be supported by a brief: Motions to dismiss, motions to strike pleadings, motions for a more definite statement, and motions for judgment on the pleadings. (Briefs in support of motions for summary judgment are governed by Rule 7056 of these Rules.)
- B. **Motions that Do Not Require Briefs.** The following motions do not require a brief: debtor's motion to voluntarily dismiss case; plaintiff's motion to voluntarily dismiss an adversary proceeding; motions to dismiss for failure to attend the 341 meeting of creditors; motions to dismiss for failure to comply with a Court order; motions to dismiss for failure to make chapter 13 plan payments; and motions to avoid liens under Section 522(f) of the Bankruptcy Code.
- C. **Motions for Relief from Stay.** At the preliminary hearing on a motion for relief from stay, the Court may order that briefs be filed prior to the trial date.
- D. **Time and Manner of Filing.** Except as noted in subsection C of this Rule, briefs shall be filed at the time the corresponding motion is filed and shall be filed as a separate document. All briefs, including responsive briefs, shall contain a short, concise statement of the party's position and citations to any authorities upon which the party relies.
- E. **Responsive Briefs.** Each party opposing the motion shall file a responsive brief within 14 days after the filing of the movant's brief. No brief beyond the responsive brief shall be filed except upon leave granted.
- F. **Page limits.** Absent leave of Court, briefs shall not exceed 20 pages, exclusive of the signature page and attachments.
- G. **Failure to File Brief.** If a party fails to file a brief in support of a motion as outlined above, the Court may enter an order striking or denying the motion. If an opposing party fails to file a responsive brief as outlined above, the Court may enter an order granting the relief sought in the motion.

**L.R. 9014 – Applicability of Bankruptcy Rule 7016.** Upon request, the Court may order that Rule 7016 of the Federal Rules of Bankruptcy Procedure shall apply in a contested matter.

**L.R. 9015 – Jury Trials.**

- A. **Authorization.** Pursuant to District Court's Local Rule 9015.1, the District Court has authorized the Bankruptcy Judges of this District to conduct jury trials with the express consent of all parties.

- B. **Applicability of District Court Rules.** Unless otherwise ordered by the Bankruptcy Court, the Local Rules of the United States District Court for the Southern District of Illinois governing jury trials shall apply.
- C. **Time for Consent.** Unless, within 30 days after the demand for jury trial is filed, the other parties to the proceeding file a consent, the Bankruptcy Judge shall request that the District Court withdraw the reference of the matter. Even if all parties consent, the Bankruptcy Judge will determine whether the request for a jury trial is proper.

**L.R. 9019 – Stipulations and Settlements.**

- A. **Notice to Court When Hearing is Set.** When parties reach a settlement in a matter that has been set for hearing, the parties shall promptly notify the Court of the settlement and, within the time promised or as required by the Court, shall file the appropriate pleading and/or submit any proposed order concerning the settlement. The Court may extend the time for filing/submission upon request. Failure to file the settlement pleading or submit the proposed order may result in the Court taking such action as it deems appropriate, including granting or denying the requested relief.
- B. **Adversary Proceedings.** When approval of a settlement or compromise is required by Rule 9019(a) or (b) of the Federal Rules of Bankruptcy Procedure, the movant shall file a motion to approve the settlement, along with the appropriate notice, in the adversary proceeding. In the event the settlement affects estate property, the movant shall also file a copy of the motion and notice in the bankruptcy case.

Settlements of complaints to deny or revoke discharge are governed by Rule 7041-2 of these Rules.

- C. **Matters Pending in Other Courts.** Parties shall be required to file a motion/application to approve settlement of any civil action pending outside this Court.

**L.R. 9027 – Removal.**

- A. **Removal when Bankruptcy Case Pending in this District.** Removal of a matter pending in state court or in a district other than the Southern District of Illinois is accomplished by filing a notice of removal as an adversary proceeding in the bankruptcy case. If the matter is filed or pending before the District Court for this district, then a request to refer the matter to the Bankruptcy Court should be filed with the District Court.
- B. **Removal when Bankruptcy Case Pending in a Different District.** A party seeking to remove a matter related to a bankruptcy case pending in another district should provide telephonic notice to the Bankruptcy Clerk of Court for the Southern District of Illinois prior to filing the removal.

**L.R. 9034-1 – Transmittal of Pleadings, Papers, Objections and Other Papers to the United States Trustee.** The mailing address and telephone number for the United States Trustee servicing the Southern District of Illinois can be found on the Court’s website at [www.ilsb.uscourts.gov](http://www.ilsb.uscourts.gov).

**L.R. 9034-2 – Mailing Addresses for United States and Various Government Agencies.** Service to addresses for the United States and various government agencies shall be in accordance with this Court’s Electronic Filing Rules, which can be found on the Court’s website at [www.ilsb.uscourts.gov](http://www.ilsb.uscourts.gov).

**L.R. 9037 – Privacy Protection for Filings Made with the Court.** The Court, on its own motion or on a motion for a protective order filed pursuant to Rule 9037(d) of the Federal Rules of Bankruptcy Procedure, may rule on such motion without notice or hearing.

**L.R. 9070 – Disposition of Exhibits.** The District Court’s Local Rule 79.1 shall not apply. Exhibits admitted into evidence shall be held by the Court for a period of 14 days from the disposition of the matter. In the event an appeal is filed and the exhibits are not included in the designation of items on appeal, the exhibits shall be held by the Court until the disposition and expiration of the applicable appeal period.



## APPENDIX A

### **Repealed Orders:**

General Order 11-5	Rule 3001(c)(2)(C) and Rule 3002.1 of the Federal Rules of Bankruptcy Procedure
General Order 11-4	Revised Uniform Chapter 13 Plan
General Order 11-3	Trustee Payments to the Internal Revenue Service
General Order 11-01	Attorney's Fees in Chapter 13 Proceedings
General Order 10-2	Amendment to General Order 08-7
General Order 09-4	Changes/Updates in Time Period Calculations in Local Rules and in Standing and General Orders
General Order 09-3	Chapter 13 Plans: Section 4(C) Governing Surrender of Property
General Order 09-2	Chapter 13 Confirmation Order: Change in Language
General Order 09-1	Amendment to General Order 08-4
General Order 08-7	Adoption of Interim Bankruptcy Rule 1007-I
General Order 08-5	Revised Uniform Chapter 13 Plan
General Order 08-4	Electronic Filing of Exhibits
General Order 08-3	Chapter 13/Changes in On-Going Mortgage Payments
General Order 08-2	Calculation of Trustee's Fee in Chapter 13 Cases
General Order 08-1	Chapter 13: Amended Plans, Amended Objections, Confirmation
General Order 07-8	Notice of Default in Chapter 13 Plan Payments
General Order 07-7	Notice of Default in Chapter 13 Plan Payments
General Order 07-6	Amended Plans in Chapter 13 Cases
Amended Standing Order 07-5	Chapter 13 Case Administration
General Order 07-04	Motion for Discharge in Chapter 13 Cases
General Order 07-03	Chapter 13/Distribution of Funds Upon Filing of Modified Plans After Confirmation
General Order 07-02	Chapter 13/Original Signatures
General Order 07-01	Chapter 13/Specified Monthly Payments
General Order 05-05	New Case Filing Information and PDF Documents
General Order 05-04	Attorney's Fees in Chapter 13 Proceedings
Administrative Order 05-03	Implementation of Notice of Preferred Addresses Under 11 U.S.C. § 342(f) and National Creditor Register Service
Amended General Order 05-02	Show Cause Procedure in Chapter 13 Cases
Standing Order 05-02	Filing of Payment Advices
Standing Order 05-01	Chapter 13 Case Administration
General Order 04-2	Dismissal and Reinstatement of Cases Upon Failure of Debtor(s) to Attend 341 Meetings of Creditors
General Order 04-1 (No Number)	Chapter 12 Filings Amendment to Standing Order 1-94, entered 12/15/2003
General Order 03-1	Chapter 12 Filings
General Order 02-5	Exhibits and Electronic Filing
General Order 02-4	Electronic Filing

General Order 02-3	Attorney's Fees in Chapter 13 Proceedings
General Order 02-2	Required Provision in Chapter 11 Plan
General Order 02-1	Electronic Case Management
Standing Order 02-1	Filing, Signing and Verification of Pleadings and Other Documents in the Electronic Case Filing System
General Order 01-6	Motions to Lift Stay in Chapter 7 Cases: Required Information
General Order 01-3	Chapter 13 Plans ("Best Interest of Creditors" Test)
General Order 1-01	Local Rule 7026-1
General Order 1-99	Motions to Avoid Judicial Liens
Administrative Order 1-99	Default Judgments in Actions to Determine Dischargeability of Debt
Administrative Order 98-4	Motions to Reopen: Fees
Standing Order 1-94	Chapter 13 Case Administration