

Local Rules of The United States Bankruptcy Court



**for
The Western District of Pennsylvania**

July 1, 2004

**ADDENDUM
TO THE
LISTING OF JUDGES**

**LOCAL RULES OF THE UNITED STATES
BANKRUPTCY COURT FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

The Hon. Judith K. Fitzgerald, Chief Judge

The Honorable M. Bruce McCullough

The Honorable Thomas P. Agresti

The Honorable Joseph L. Cosetti

The Honorable Warren W. Bentz

The Honorable Bernard Markovitz

Theodore S. Hopkins, Clerk

07/07/2004

**LOCAL RULES OF THE UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF PENNSYLVANIA**

INDEX

Rule 1001-1	CITATION OF LOCAL RULES (LR)
Rule 1001-2	APPLICABILITY OF LOCAL RULES AND RULES OF CONSTRUCTION
Rule 1001-3	EFFECTIVE DATE OF RULES
Rule 1002-1	DIVISION OF BUSINESS
Rule 1002-2	SEQUENCE OF FILINGS
Rule 1002-3	COMPLEX CHAPTER 11 CASES
Rule 1003-1	DESIGNATION OF PRINCIPAL IN INVOLUNTARY CASES
Rule 1006-1	FILING FEES, INSTALLMENT PAYMENTS
Rule 1007-1	MAILING MATRIXES, LISTS, SCHEDULES, AND STATEMENTS
Rule 1007-3	DISCLOSURE OF RELATED CASES AND PROCEEDINGS
Rule 1007-4	PROOF OF INCOME
Rule 1009-1	AMENDMENTS
Rule 1017-1	DISMISSAL OR CONVERSION OF BANKRUPTCY CASE
Rule 1017-2	DISMISSAL OF BANKRUPTCY CASE FOR DEFICIENT FILING
Rule 2002-1	CERTIFICATES OF SERVICE
Rule 2002-2	REQUESTS FOR NOTICES; AFFIDAVIT REQUIRED
Rule 2002-3	DUTY TO MAINTAIN CURRENT ADDRESS
Rule 2004-1	EXAMINATION
Rule 2015-1	DUTY TO MAKE PAYMENTS, FILE TAX RETURNS, PAY TAXES, AND FILE REPORTS IN CHAPTER 11 AND 13 CASES
Rule 2015-2	DUTY TO KEEP RECORDS AND MAKE REPORTS

Rule 2016-1	APPLICATIONS FOR FEES AND EXPENSES
Rule 2016-2	PROCEDURES FOR CONSIDERATION OF FEE APPLICATION
Rule 2016-3	COMPENSATION OF DEBTOR OR DEBTOR'S OFFICERS, PARTNERS AND DIRECTORS IN CHAPTER 11 CASES
Rule 3002-1	FILING CLAIMS
Rule 3002-2	ADDITIONAL REQUIREMENTS FOR CLAIMS IN CHAPTER 12 AND 13 CASES
Rule 3011-1	UNCLAIMED FUNDS
Rule 3015-1	USE OF PLAN FORM IN CHAPTERS 12 AND 13 CASES
Rule 3015-2	WAGE ORDERS IN CHAPTER 13 CASES
Rule 3016-1	USE OF DISCLOSURE STATEMENT FORM IN CHAPTER 11 CASES
Rule 3016-2	TRANSMISSION OF PLAN AND PLAN SUMMARY IN CHAPTER 11 CASES
Rule 3017-1	HEARING ON DISCLOSURE STATEMENT
Rule 3018-1	BALLOTING
Rule 3021-1	DISTRIBUTION UNDER CHAPTER 9 AND 11 PLANS
Rule 3022-1	MOTION FOR FINAL DECREE IN CHAPTER 11 CASES
Rule 4001-1	USE OF CASH COLLATERAL
Rule 4001-2	OBTAINING CREDIT
Rule 4001-3	AGREEMENT RELATING TO USE OF CASH COLLATERAL OR OBTAINING CREDIT
Rule 4001-4	MOTIONS FOR RELIEF FROM STAY COMBINED WITH OTHER REQUESTS FOR RELIEF
Rule 4001-5	TAX REFUND SETOFFS
Rule 5001-1	SEAL OF THE COURT
Rule 5005-1	ELECTRONIC FILING

Rule 5005-2	RECORDS AND FILES
Rule 5005-3	DOCUMENTS FILED UNDER SEAL
Rule 5007-1	REQUESTS FOR TRANSCRIPTS
Rule 5009-1	REPORT FOR BANKRUPTCY JUDGES IN CASES TO BE CLOSED
Rule 5011-1	WITHDRAWAL OF THE REFERENCE
Rule 5095-1	MOTION FOR DISBURSEMENT OF ESTATE FUNDS OTHER THAN UNCLAIMED FUNDS
Rule 6002-1	DEADLINE FOR ACCOUNT OF PRIOR CUSTODIAN
Rule 6004-1	SALE OF ESTATE PROPERTY OUTSIDE THE ORDINARY COURSE OF BUSINESS
Rule 6006-1	NOTICE OF ASSUMPTION OR REJECTION OF EXECUTORY CONTRACTS
Rule 7004-1	NOTICE OF CONSTITUTIONAL QUESTION
Rule 7005-1	FILING OF DISCOVERY MATERIALS
Rule 7008-1	MOTIONS IN ADVERSARY PROCEEDINGS
Rule 7010-1	CAPTIONS OF ADVERSARY PROCEEDINGS AND OF MOTIONS FILED WITHIN ADVERSARIES
Rule 7014-1	SERVICE OF PLEADINGS ON THIRD-PARTY DEFENDANTS
Rule 7016-1	PRETRIAL PROCEDURE
Rule 7037-1	DISCOVERY DISPUTES
Rule 7065-1	TEMPORARY RESTRAINING ORDERS
Rule 8006-1	REQUESTS FOR COMPLETE OR PARTIAL TRANSCRIPTS
Rule 8007-1	APPEAL TO THE DISTRICT COURT FROM THE BANKRUPTCY COURT
Rule 9004-1	CAPTIONS OF PLEADINGS AND ORDERS
Rule 9006-1	TIME

Rule 9009-1	FORMS
Rule 9010-1	ADMISSION TO PRACTICE
Rule 9010-2	APPEARANCE AND WITHDRAWAL OF APPEARANCE
Rule 9010-3	AGREEMENTS OF ATTORNEYS
Rule 9013-1	MOTIONS AND CONTESTED MATTERS
Rule 9013-2	PROCEDURE FOR EXPEDITED HEARINGS
Rule 9013-3	PLEADING SPECIAL MATTERS IN MOTIONS
Rule 9013-4	FILING OF PROPOSED ORDERS
Rule 9013-5	SCHEDULING HEARINGS
Rule 9013-6	EXTENSION OF TIME TO ASSUME CONTRACT OR LEASE OR TO FILE A PLAN
Rule 9014-1	FILING AND SERVICE OF RESPONSIVE PLEADINGS IN CONTESTED MATTERS
Rule 9015-1	JURY DEMAND
Rule 9015-2	JURY SELECTION SYSTEM
Rule 9019-1	SETTLEMENTS
Rule 9019-2	MEDIATION
Rule 9070-1	EXHIBITS

**LOCAL RULES OF THE UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF PENNSYLVANIA**

Rule 1001-1 CITATION OF LOCAL RULES (LR)

These Rules shall be cited as Local Rules (LR), and shall supersede all former local rules. Future changes to the Local Rules shall be reported on the official web site of the Court, www.pawb.uscourts.gov. The web site must also be consulted for Official Local Forms, the Court Procedures Manual, General Orders and Procedures that may be enacted from time to time, addresses for entities such as state and federal governmental units to which notice is required to be given, appendices to these Local Rules, and other information necessary for practice before the Bankruptcy Court for the Western District of Pennsylvania.

Rule 1001-2 APPLICABILITY OF LOCAL RULES AND RULES OF CONSTRUCTION

A. Applicability of General and Specific Provisions: Local Rules of general applicability also apply when there are specific rules governing a particular matter unless expressly stated otherwise in these Local Rules or an order of Court.

B. Court May Modify Applicability of Local Rules: Where appropriate in order to correct errors, adjust scheduling, or to accomplish substantial justice, a presiding Judge may modify the applicability of any Local Rule in a particular case or matter.

C. Citations: The citations in the Local Rules may be modified to correspond to changes in the Bankruptcy Code, Official Bankruptcy Forms, and Federal Rules of Bankruptcy Procedure.

D. Severability: The provisions of the Local Rules are severable and if any Local Rule or provision thereof shall be held to be unenforceable, other Local Rules and provisions will not be affected.

E. General Orders, Electronic Case Filing Procedures, Appendices, Procedures Governing Mediation, the Court Procedures Manual and other procedures as added from time to time, are available on the Court's web site and must also be consulted and applied as appropriate.

F. These rules shall apply to every case and proceeding.

G. Motions, responses and all other pleadings must be in writing. The time to file a responsive pleading is governed by LR 9013-1(C) unless a different time is set in another rule or by Court order.

H. A response combined with a motion shall be treated only as a response.

I. A certificate of service must be filed within five (5) days of the date of service of any document or pleading.

J. No agreement contrary to an order of court will be considered valid including, without limitation, agreements to extend time.

K. Whenever a trustee or committee of creditors or equity security holders is appointed or elected, service shall be made on counsel thereto, if counsel has been appointed. If no counsel has been appointed, the trustee and all members of each committee shall be served.

Rule 1001-3 EFFECTIVE DATE OF RULES

These rules shall take effect on July 1, 2004.

Rule 1002-1 DIVISION OF BUSINESS

The Court operates in Divisions. The current composition of the Court's Divisions is listed in the Court Procedures Manual. Counsel shall indicate on the petition the county of the debtor's residence, or principal place of business, as the case may be.

Rule 1002-2 SEQUENCE OF FILINGS

A. All filings shall be made electronically. An executed DECLARATION RE: ELECTRONIC FILING, Local Form No. 1, must be filed in paper copy within 15 days of the electronic filing of the petition. The original signed petition and related documents must be kept by the debtor's attorney for the six year retention period specified in the Court's Electronic Case Filing Procedures.

B. Order of Filing: Schedules of Assets and Liabilities, Statements of Financial Affairs, and other related documents (the "Petition Documents") filed in connection with a petition for relief shall be filed in the following sequence:

- Petition
- Summary of Schedules
- Schedules A through J
- Declaration Concerning Debtor Schedules
- Statement of Financial Affairs
- Disclosure of Compensation Paid or Promised to Attorney
- Statement of Intentions (if applicable)
- Mailing Matrix

Rule 1002-3 COMPLEX CHAPTER 11 CASES

A. A "Complex Chapter 11 Case" is defined as a case filed in the Western District of Pennsylvania under Chapter 11 of the Bankruptcy Code that requires special scheduling and other procedures because of a combination of factors, including, but not limited to, one or more of the following factors:

1. the need for expedited hearings for consideration of case management and administrative orders, the use of cash collateral, debtor-in-possession financing, retaining professionals on an interim basis, maintaining existing bookkeeping systems, paying employees wages and benefits, utility deposit orders for a limited period, and other matters vital to the survival of the business;
2. the size of the case;
3. the large number of parties in interest in the case;
4. the fact that claims against the debtor and/or equity interests in the debtor are publicly traded;
5. the need for special noticing and hearing procedures.

B. To secure designation as a Complex Chapter 11 Case, the party shall file a motion. The motion must substantially conform to Local Form No. 2.

C. Generally, requests for relief must be heard on at least 48 hours notice to the parties specified in paragraph

D. If immediate relief is requested, the Court, in its sole discretion, may preliminarily grant the relief requested without notice and hearing, provided, however, that the Court shall direct that any such order entered be served, together with a notice of objection and hearing dates, prior to entry of a final order. The Court may issue an Initial Order for Complex Chapter 11 Bankruptcy Case, Local Form No. 3, upon the request of a party in interest.

D. Any motion filed under this Local Rule together with notice providing the time by which any objection must be filed and the date, time, and place of hearing must be served on:

1. the three (3) largest secured creditors;
2. any committee appointed under the Code or its authorized agent or, if no committee has been appointed, on the twenty (20) largest unsecured creditors;
3. the Office of the United States Trustee, and
4. any other entity that the Court may direct.

E. The Court may require agenda letters and paper copies of documents in complex cases.

Rule 1003-1 DESIGNATION OF PRINCIPAL IN INVOLUNTARY CASES

All involuntary petitions relating to corporate and partnership debtors shall include a designation of the individual who is the principal operating officer or managing general partner, as the case may be, of the alleged debtor together with the address and phone number of the person so designated. If the identity or location of the principal operating officer or managing general partner is not known, a written statement shall be filed to that effect.

Rule 1006-1 FILING FEES, INSTALLMENT PAYMENTS

A. Failure to Pay Installment:

1. Dismissal of Case: In accordance with Local Rule 1017-2, the Court shall immediately issue an order of dismissal in any case where an installment payment has not been received by the due date unless, prior to the entry of any such order of dismissal, the debtor files an application to extend the installment payment schedule or requests in writing a hearing to show cause why the case should not be dismissed.
2. Duties of Debtor and Counsel: The individual debtor and the attorney for the debtor are responsible for knowing the due dates of installment payments. The Clerk will not send reminders or notices that installment payments are due.

B. Effect of Dismissal on Obligation for Fees: Whenever a case is dismissed prior to the fees being paid in full, the debtor shall remit the balance of the fees to the Clerk within ten (10) days after the entry of the order of dismissal.

C. Motions: A motion to reopen a case or to vacate an order of dismissal must be accompanied by the filing fee for a motion to reopen a case and any balance due on the original filing fee for the bankruptcy petition.

Rule 1007-1 MAILING MATRIXES, LISTS, SCHEDULES, AND STATEMENTS

A. Definition of Mailing Matrix: For purposes of this Local Rule, the term "Mailing Matrix" is an alphabetical listing by name and address, including zip code, of counsel of record for the debtor, each scheduled creditor and equity security holder of the debtor, and non-debtor parties to executory contracts or unexpired leases in which a debtor is a party.

1. If the debtor is a corporation, the Mailing Matrix also must include the names and addresses, including zip codes, of all current officers and directors.
2. If a debtor is a partnership, the Mailing Matrix also must include the names and addresses, including zip codes, of all general and limited partners.

B. The Mailing Matrix must be electronically filed when the petition is filed as a text file (with a .txt extension) one time only when the petition is filed. If schedules are amended to add a creditor, a supplemental Mailing Matrix containing only the names and addresses of the added creditors must be filed as a text file (with a .txt extension).

C. Mailing Matrixes shall be stricken if not filed in a text (.txt) format.

D. Duty to Prepare: The debtor and the attorney for the debtor shall bear the responsibility for the preparation and accuracy of the Mailing Matrix. If the Mailing Matrix is not timely filed, the bankruptcy petition will be dismissed by the Court.

E. Governmental Units: When the debtor lists any federal agency, other than the Office of the United States Trustee, on a Mailing Matrix, the debtor shall also list the name of the agency, c/o The United States Attorney's Office for the Western District of Pennsylvania, at the address listed in the Address Appendix. When the Internal Revenue Service is a party, the debtor must also include the name and address of the IRS Insolvency Unit at the address listed in the Address Appendix section of the Court Procedures Manual.

Rule 1007-3 DISCLOSURE OF RELATED CASES AND PROCEEDINGS

A. Duty to Disclose: At the time a petition is filed commencing a case under the Bankruptcy Code, or at any time during which a case is pending and such information becomes known, the debtor or counsel for the debtor shall file with the Court a statement disclosing the name, case number, location of the Bankruptcy Court having jurisdiction, and the name of the Bankruptcy Judge to whom the case is assigned for each related case that has been previously filed or that is then pending.

B. Definition of Related Case: As used in this Local Rule, the term "Related Case" includes but is not limited to bankruptcy cases, ancillary proceedings, and adversary proceedings, whether or not presently pending, involving:

1. a spouse or former spouse of the debtor,
2. an affiliate,
3. an insider,
4. the same debtor, entity, or person, including aliases or fictitious names used by that debtor, entity, or person, having previously filed a case or proceeding whether in this or any other district.

Rule 1007-4 PROOF OF INCOME

A. Each individual debtor shall assemble, documentary proof of income from any source whatsoever including, but not limited to, wages, salaries, commissions, workmen's compensation, public assistance, aid to families with dependent children, alimony, support, gambling or lottery winnings, pensions, distributions from trust funds, interest, dividends, etc. in (i) the year immediately preceding the date of filing of the petition in bankruptcy and (ii) the three-month period immediately preceding the filing.

B. Documentary proof of income includes without limitation W-2 Wage & Tax Statements, Form 1099s, copies of state or federal tax returns, or debtor's pay statements and shall conform to the income reported by the debtor in the Statement of Affairs. Within fifteen (15) days before the first scheduled § 341 Meeting, the debtor shall deliver a copy of the proof of income to the case trustee or other § 341 Meeting presiding officer and file an affidavit in substantial conformity to Local Form No. 4 with the Clerk. The Proof of Income submitted to the trustee by self-employed debtors in Chapter 13 cases shall substantially conform to Local Form No. 5, Business Case Questionnaire.

C. Any debtor who does not have documentary proof of income shall submit a verified statement to that effect, stating in addition the reasons why such proof is not available and enumerating all income and its sources.

D. Any debtor who had no income for either the year or the three-month period provided for in A, above, shall file a verified statement to that effect.

E. The trustee or other §341 presiding officer shall elicit from the debtor what principal cause or causes necessitated the bankruptcy filing and shall note that information on the Minutes of the Meeting, if minutes are filed with the Clerk, and shall further indicate any information concerning the debtor's income which the trustee believes should be brought to the attention of the Court.

F. The proof of income must be retained in paper form by the debtor's attorney, or *pro se debtor*, until six (6) years after all time periods for appeals expire and all appeals have been concluded. On request of the Court, the debtor's attorney or *pro se debtor* must provide the original proof of income for review.

Rule 1009-1 AMENDMENTS

A. No petition may be amended to add an additional debtor after the order for relief has been entered.

B. The trustee or any creditor may file objections to an amendment of the schedules or statement of financial affairs within thirty (30) days after the conclusion of the meeting of creditors or the filing of that amendment, whichever is later, unless further time is granted by the Court.

C. Each debt newly listed by an amendment to the schedules of liabilities shall also state when such debt was incurred.

D. All amendments shall include:

1. a caption indicating that the document is an "Amendment to (SPECIFY)";
2. a clear description of the material added or deleted;
3. a certificate of service by the debtor or debtor's attorney that notice has been given as required by the Federal Rules of Bankruptcy Procedure and these Local Rules;
4. a supplemental Mailing Matrix in a form that complies with these Local Rules and Court Procedures Manual and that includes the names and addresses of the creditors added or whose names and/or addresses have been changed by the amendment;
5. the payment of any fees required by 28 U.S.C. §1930; and
6. a completed amendment cover sheet substantially conforming to Local Form No. 6.

E. All creditors and other parties in interest shall be served with a copy of the amendment that includes the debtors full social security number when the debtor files an amendment modifying the social security number. The amendment filed with the court shall have the first five numbers of the social security number redacted. The

certificate of service filed with the amendment shall list the parties served and aver that the recipients received a copy of the amendment that included the full social security number. The caption of Official Bankruptcy Form No. 21, Statement of Social Security Number, shall be modified to include the word "amendment" at the end of the caption, and the completed form shall be submitted on paper, not filed, with the Clerk.

F. The debtor shall immediately give notice to each creditor added by an amendment to the schedules and file a certificate of service. The notice shall include a copy of the amendment filed with the court and a copy of the original § 341 Meeting Notice that lists the full social security number of debtor.

Rule 1017-1 DISMISSAL OR CONVERSION OF BANKRUPTCY CASE

A. Content of motion: A motion to dismiss a voluntary or involuntary bankruptcy petition, except a motion filed pursuant to § 1307(b) of the Code, shall set forth the reasons for the dismissal. The motion shall also set forth whether any arrangement or agreement has been made with any creditor or other person in connection with such application for dismissal and the terms thereof.

B. List of creditors: A disk in Mailing Matrix format as prescribed by the Clerk containing the names and addresses of nonscheduled prepetition and postpetition creditors shall be filed with the motion. If the electronic filing system is configured to allow creditors to be added to the case by electronic filers more than one time, filers may add the nonscheduled prepetition and postpetition creditors to the mailing matrix for the case in compliance with the procedures formulated by the Clerk.

C. Motions to Convert or Dismiss -- First Hearing

1. A motion filed by a party other than the debtor to convert a Chapter 11 case to a Chapter 7 or to dismiss the case shall be scheduled initially for a hearing at a motion court time on notice by the movant upon all creditors or, at the option of the moving party, only upon
 - a. counsel for debtor;
 - b. United States Trustee;
 - c. any person who has filed a request for notices in the case;
 - d. the IRS Office of the District Counsel in Pittsburgh at the address on the Address Appendix;
 - e. the Commonwealth of Pennsylvania, Department of Revenue at the address on the Address Appendix;
 - f. the Commonwealth of Pennsylvania, Department of Labor and Industry, at the address on the Address Appendix;
 - g. other taxing body creditors;
 - h. all secured creditors;
 - i. the attorney for the creditors' and other committees or, if none, then on the seven (7) largest unsecured creditors.
2. If the movant elects the option of limited service and the Presiding Judge determines at the initial hearing that an evidentiary hearing is necessary, it shall be fixed on notice as required by the Federal Rules of Bankruptcy Procedure.

Rule 1017-2 DISMISSAL OF BANKRUPTCY CASE FOR DEFICIENT FILING

If the debtor fails to timely file all the pleadings necessary to initiate the case and as required by the Bankruptcy Code and Bankruptcy Rules and these Local Rules and other orders of this Court, then the United States

Trustee is deemed to have filed a motion to dismiss the bankruptcy case pursuant to the appropriate provision of the Bankruptcy Code. The bankruptcy case will be dismissed without further notice and hearing if the deficiencies specified in the Notice of Deficient Filing issued by the Court when the case is filed are not corrected within the time period set forth in the notice. At any time before the date set for entry of an order of dismissal, the debtor (1) may file a motion requesting a hearing at which debtor shall show cause why the case should not be dismissed for deficiencies or (2) may file a motion and proposed order seeking an extension of time.

Rule 2002-1 CERTIFICATES OF SERVICE

A. Any entity who serves a notice, order or other document in satisfaction of a notice requirement, electronically, by mail, facsimile, or other authorized method, whether electronically or in paper copy format, shall file a certificate of service with the Clerk within five (5) calendar days after the date of service.

B. Service in paper copy format must be made on any party in interest who has not received electronic notice as authorized in these rules.

C. The certificate of service shall conform substantially to Local Form No. 7.

Rule 2002-2 REQUESTS FOR NOTICES; AFFIDAVIT REQUIRED

A. All counsel requesting notices on behalf of a creditor shall certify by affidavit that:

1. the request supersedes any prior request for notice by this creditor and there is no other request to receive notices for the specified creditor, or
2. that all prior requests are terminated and that counsel is authorized to make the request for notices on behalf of the named creditor.

B. The affidavit shall conform substantially to Local Form No. 8.

Rule 2002-3 DUTY TO MAINTAIN CURRENT ADDRESS

It is the responsibility of parties in interest and counsel to assure that their addresses are kept current in each pending case.

Rule 2004-1 EXAMINATION

A. Purpose: The purpose of this rule is to avoid a motion and court order for a 2004 examination unless an objection is filed.

B. Duty to confer: Before giving notice of a proposed examination, the movant shall confer with the proposed examinee (through counsel if represented) to arrange for an agreeable date, place, and time for the examination. Failure by the movant to attempt to confer shall be grounds to quash under paragraph E below.

C. Notice: Not less than twenty-five (25) days written notice of a proposed examination shall be given to the entity to be examined, its counsel, and to other affected parties. The entity to be examined and other affected parties shall have seventeen days after service to respond or object to the proposed examination. The notice shall apprise the party of the scope of the examination and categories of documents to be produced.

D. No order required: If no response or objection is served, the notice to conduct an examination under this rule is deemed ordered, without requiring the entry of an individual order. The notice of intent to conduct a Rule

2004 examination need not be filed.

E. Motions to quash or for protective order: A party who objects to the examination, has the burden of seeking relief from the Court by a motion to which must be attached a copy of the notice identified in paragraph C, above. The motion must be served by the objecting party upon the debtor, debtor's attorney, trustee, attorney for the unsecured creditors' committee or its members if there is no attorney and, where the entity to be examined is other than the objecting party, the examinee and its counsel, and all other affected parties. No motion to quash or for protective order may be filed until counsel have conferred to resolve the dispute. A certificate shall be filed as an attachment to any motion explaining the efforts made to confer and certifying that they were unsuccessful.

F. Sanctions: If anyone has been unreasonable in seeking or resisting discovery under Fed.R.Bankr.P. 2004, the Court may impose sanctions. The Court may condition the taking of an examination on terms that are just and promote efficient administration.

G. Exception of adversary proceedings and contested matters: This rule does not apply to adversary proceedings and to contested matters.

1. The discovery provisions of Part VII of the Bankruptcy Rules apply in adversary proceedings.
2. Fed.R.Bankr.P. 9014 applies to discovery in contested matters.

Rule 2015-1 DUTY TO MAKE PAYMENTS, FILE TAX RETURNS, PAY TAXES, AND FILE REPORTS IN CHAPTER 11 AND 13 CASES

Payments: The trustee or debtor-in-possession in a Chapter 11 case, and the debtor if engaged in business in a Chapter 13 case, shall comply with the Court Procedures Manual published at www.pawb.uscourts.gov.

Rule 2015-2 DUTY TO KEEP RECORDS AND MAKE REPORTS

A. Filing of Delinquent Tax Returns: Within sixty (60) days of the date of the initial filing of a bankruptcy petition, each debtor or debtor-in-possession shall file any and all federal, state, and local tax returns which are due but unfiled as of the date of the filing of the bankruptcy petition. The returns shall include all income, estate, gift, sales, excise, employment, real estate, school district, and other tax returns.

B. Any entity whose address is on the Address Appendix section of the Court Procedures Manual shall file a notice with the Clerk of any change of address or form number necessary for the parties to comply with these rules and procedures on or before the effective date of the change. The Address Appendix will be updated and marked "Revised as ____ (date)" whenever new information is posted.

C. Parties shall use the current addresses listed in the Address Appendix section of the Court Procedures Manual.

Rule 2016-1 APPLICATIONS FOR FEES AND EXPENSES

A. Scope of Rule. This Rule applies to: (1) all cases except Chapter 7 and Chapter 13 cases; (2) any motion of a professional person employed under 11 U.S.C. § 327, 328, or 1103 requesting approval for compensation and/or reimbursement of expenses; and (3) any request of an entity for payment of an administrative expense pursuant to 11 U.S.C. § 503(b)(3) or 503(b)(4).

B. Application Required: No compensation or expenses will be allowed to any professional for any service rendered in any case unless (1) a motion to approve employment has been filed; (2) an order granting the motion has

been entered prior to performing the services for which payment is requested; and (3) an application for fees and expenses is filed which provides the following:

1. the date of the order appointing the professional with a copy thereof attached as an exhibit;
2. a statement indicating whether the application is for final or interim compensation and expenses, the total amounts thereof, and the period covered;
3. the dates and amounts of previous compensation requested and the amounts approved, if any, including any retainers paid, with copies of the orders approving the prior payments attached as exhibits and, where applicable, a copy of the attorney disclosure statement which was filed pursuant to Fed.R.Bankr.P. 2016 ;
4. a list of all timekeepers included in the application including, but not limited to, the attorneys, paraprofessionals, or other professionals contributing services, number of years in practice, their billing rates, total hours, total dollars, and the blended hourly rate;
5. a chronological listing of time and services performed (Chronological Listing) or a listing of time and services by category of service arranged chronologically (Category Listing) shall be attached to the Application. Both a Chronological Listing and a Category Listing shall include the date, the professional or other timekeeper, a description of the service and the time involved;
6. an itemization of the expenses for which reimbursement is requested. Expenses shall be billed and allowed only at actual cost without overhead or add-ons;
7. a statement that the professional or other timekeeper is a disinterested person and does not represent or hold an interest adverse to the interest of the estate on the matter on which he was employed;
8. a history of the case in narrative form;
9. the application shall include a summary cover sheet. A fee application filed without a completed cover sheet will be dismissed without prejudice to refile in accordance with this Local Rule and other applicable provisions of law. The cover sheet shall conform substantially to Local Form No. 9;
10. a proposed order of court;
11. in complex Chapter 11 cases or when otherwise ordered, a spreadsheet shall be filed which reflects all fees that are requested pursuant to the application and a cumulative total for professional by category; and
12. when the Court enters an administrative fee order in a particular case, the terms of the order shall govern to the extent inconsistent with this Local Rule.

C. Requirements of Entries: All entries shall:

1. list each service or task separately and state the amount of time expended in its performance;
2. identify the subject matter of any correspondence or phone call and the party with whom the professional or other timekeeper has communicated if the service involves telephone and/or written correspondence;
3. identify where appropriate, and in the interest of clarity, the subject matter of any hearing or trial with specificity including the case, or adversary number if the service involved is attendance at a hearing or trial;
4. identify any pleading with specificity if the service involves preparation of a pleading; and
5. include all other information necessary to a full understanding of the services performed and the person and time involved.

D. Use of Category Listing: If a Category Listing is provided, each category shall be preceded by a heading generally describing the services within that category and a brief statement detailing the result to the estate. A separate category shall be included for preparation of the fee application and another for all administrative services

such as file maintenance, docket review, typing, filing and service of pleadings, etc.

E. Use of Chronological Listing: If a Chronological Listing is provided, there shall be attached a separate summary of time and service by category, each of which shall be given an identifying number. This identifying number shall be placed beside each chronological entry to indicate the category number into which it falls. A separate summary shall be included for preparation of the fee application and another for all administrative services such as file maintenance, docket review, typing, filing and service of pleadings, etc.

Rule 2016-2 PROCEDURES FOR CONSIDERATION OF FEE APPLICATION

A. Fee Applications in Chapter 7 Cases: All fee applications filed in Chapter 7 cases will be considered only after the trustee in the case has filed a final account, there has been a proposed order of distribution submitted for the Court's consideration, and notice has been given to all parties in interest of the last date to file objections thereto and the hearing date and time, if any. Allowed fees and expenses will be included in the final distribution in the case.

B. Fee Applications in Chapter 11 Cases: The Clerk, or such person as the Court may direct, shall promptly give notice to all parties in interest of the filing of the application, the date of the hearing on the fee application, and the last day for filing objections thereto.

C. Fee Applications in Chapter 13 Cases: The procedures in the Court Procedures Manual shall govern.

RULE 2016-3. COMPENSATION OF DEBTOR OR DEBTOR'S OFFICERS, PARTNERS AND DIRECTORS IN CHAPTER 11 CASES

A. The initial rate of compensation paid in a Chapter 11 case to members of a debtor partnership, or to an officer or director of a debtor corporation, or to an individual debtor after the filing of the petition shall not exceed the rate of compensation paid to those persons one hundred eighty (180) days prior to the filing of the petition.

B. Within twenty (20) days after the date of filing of the petition, the debtor shall file and serve on the U.S. Trustee and any committee of creditors holding unsecured claims (or, if no such committee has been appointed, the creditors listed under Fed.R. Bankr. P. 1007(d)) a statement containing the following information:

1. the name of the debtor, if an individual, or the members of the partnership, or the officers and directors of the corporation, and any other insiders, specifying the position and duties of each;
2. the rate of compensation paid to each officer or director (a) one hundred eighty (180) days prior to and (b) at the time of the filing of the petition; and
3. the rate of compensation of each officer or director as of the time the statement is filed.

Rule 3002-1 FILING CLAIMS

A. Notice by Debtor: When a debtor has filed an amendment to schedules that adds one or more creditors, the debtor shall comply with Local Rule 1009-1.

B. Filing of Proof of Claim by Added Creditor(s) When the Bar Date Has Expired or Will Expire Within 30 days: If when the amendment is filed the claims bar date has expired or will expire within thirty (30) days, the affected creditor(s) shall file a proof of claim within thirty (30) days of the date notice of the amendment is sent.

C. Official Form: The proof of claim shall conform substantially to the Official Form.

D. A wage claimant who files a proof of claim listing the redacted social security number shall provide the full social security number to the trustee upon the trustee's written request. The trustee shall inform the wage claimant that the full social security number should not be filed with the Court.

Rule 3002-2 ADDITIONAL REQUIREMENTS FOR CLAIMS IN CHAPTER 12 and 13 CASES

In addition to these rules, procedures applicable to Chapter 12 and Chapter 13 cases, as specified in the Court Procedures Manual, shall govern.

Rule 3011-1 UNCLAIMED FUNDS: Requests for disbursement of unclaimed funds shall be made by filing a motion and serving a copy of the motion on all interested parties including the debtor, United States Attorney, and the United States Trustee.

Rule 3015-1 USE OF PLAN FORM IN CHAPTER 13 CASES

In Chapter 13 cases the plan must be filed in substantial conformity to Local Form No. 10.

Rule 3015-2 WAGE ORDERS IN CHAPTER 13 CASES

A. The plan filed by a Chapter 13 debtor with attachable income shall be accompanied by a motion for a wage attachment(s) and order(s) in an amount(s) sufficient to cover plan payments. The motion and order shall substantially comply with Local Form No. 11 (the Ex Parte Motion for Order to Pay Trustee Pursuant to Wage Attachment and Order to Pay Trustee Pursuant to Wage Attachment). Instructions to complete these forms are also available in the Court Procedures Manual.

B. The debtor shall serve a copy of the signed order granting the wage attachment on the entity or entities required to remit payment to the trustee. The order shall be accompanied by a notification of debtor's complete, nine digit social security number substantially conforming to Local Form No.12. Debtor shall file a certificate of service regarding service of the order and notification, but the social security number shall not be included on the certificate.

Rule 3016-1 USE OF DISCLOSURE STATEMENT FORM IN CHAPTER 11 CASES

The disclosure statement filed in Chapter 11 cases shall substantially conform to, Local Form No. 13, except in a case designated as a complex Chapter 11.

Rule 3016-2 TRANSMISSION OF PLAN AND PLAN SUMMARY IN CHAPTER 11 CASES

A. A summary must be filed with the plan and contain a concise description of the provisions of the plan.

B. A description of any releases provided by the plan and the consideration given by the party to be released must be clearly set forth as a separate summary.

Rule 3017-1 HEARING ON DISCLOSURE STATEMENT

A. The responsibility for service shall be upon the proponent of the disclosure statement.

B. All objections to the disclosure statement shall be filed with the Clerk. In addition to any entities listed in Fed.R.Bankr.P. 3017, any objections to the disclosure statement shall be served upon the plan proponent and proponent's counsel.

Rule 3018-1 BALLOTING

A. All ballots submitted in connection with a plan shall clearly identify the proponent of the plan and the date of the plan for which the ballot is to be cast.

B. All ballots shall be returned to counsel for the proponent of the plan or his clearly designated agent. The address for return of the ballot shall be clearly noted on the ballot.

C. Counsel for the proponent of the plan shall bring the ballots to the confirmation hearing. A summary of the ballots shall be filed at least two (2) business days prior to the plan confirmation hearing. Counsel shall certify that all ballots received have been accounted for and tabulated and that the summary is an accurate representation of the ballots received.

D. An amended summary of ballots shall be filed within two (2) days after the plan hearing to account for any ballots cast with the approval of the Court after the time fixed for voting on the plan.

Rule 3021-1 DISTRIBUTION UNDER CHAPTER 9 AND 11 PLANS

A. It is the creditor's responsibility to assure that its current address is on file with the clerk. Distribution by the disbursing agent shall be to the most recent address on file with the Clerk.

B. Within ninety (90) days of confirmation of a Chapter 9 or Chapter 11 plan, the disbursing agent shall file with the Clerk a brief and accurate accounting of all sums received, all sums disbursed to date, the sums remaining with the disbursing agent and the proposed disposition thereof.

Rule 3022-1 MOTION FOR FINAL DECREE IN CHAPTER 11 CASES

A. The proponent of the confirmed plan or the agent designated to administer the plan shall file and serve on all parties in interest a motion for final decree within ninety (90) days after confirmation.

B. Every motion for final decree shall have a completed form "Report for Bankruptcy Judges in Cases to be Closed" attached. Local Form No. 14 shall be used.

Rule 4001-1 USE OF CASH COLLATERAL

A. Methods of Service of Notice of Preliminary Cash Collateral Hearing: A preliminary hearing may commence no earlier than 48 hours after service of the motion and notice of the hearing. The movant may use any expedited means reasonably calculated to accomplish notice and service.

B. Terms of Cash Collateral Motion: The terms of a proposed cash collateral motion shall conform to the Cash Collateral Guidelines specified in the Court Procedures Manual.

C. Exhibits to Cash Collateral Motions: The Electronic Case Filing procedure in the Court Procedures Manual shall govern the filing of exhibits.

Rule 4001-2 OBTAINING CREDIT

A preliminary hearing may commence no earlier than 48 hours after service of the motion and notice of the hearing. The movant may use any expedited means reasonably calculated to accomplish notice and service.

Rule 4001-3 AGREEMENT RELATING TO USE OF CASH COLLATERAL OR OBTAINING CREDIT

A. Motion; Service: A motion for approval of an agreement under Fed.R.Bankr.P. 4001(D) shall have a complete copy of the agreement filed as an attachment to the motion without regard to page limitations in the Electronic Case Filing Procedures.

B. Contents of Agreement Concerning Use of Cash Collateral: Any agreement concerning use of cash collateral shall comply with the Cash Collateral Guidelines specified in the Court Procedures Manual.

Rule 4001-4 MOTIONS FOR RELIEF FROM STAY COMBINED WITH OTHER REQUESTS FOR RELIEF

Movants who combine motions for relief from stay with a request for any other type of relief shall be deemed to have waived the thirty (30) day period specified in 11 U.S.C. §362(e).

Rule 4001-5 TAX REFUND SETOFFS

A. If any debtor or debtor-in-possession claims a federal or state tax refund during the pendency of a bankruptcy proceeding, the debtor or debtor-in-possession shall make a written request for such refund to the IRS Insolvency Unit or the Pennsylvania Department of Revenue, Bankruptcy Division, with copies of the same filed with the United States Trustee, any trustee appointed in the case, and the Clerk.

B. The written request must include the:

1. taxpayer identification number (SSN or EIN);
2. taxable period;
3. type of tax; and
4. amount claimed.

In lieu of this information, the request must be accompanied with a copy of the actual claim filed which gave rise to the refund.

C. The Internal Revenue Service and the Commonwealth of Pennsylvania are granted leave to retain any tax refund due a debtor or debtor-in-possession for a period not to exceed sixty (60) days after submission by the debtor or debtor-in-possession of a written request for the refund to the IRS or the Commonwealth. During this time period, the IRS and the Commonwealth are deemed not to be in violation of the automatic stay.

Rule 5001-1 SEAL OF THE COURT

The official seal of the Court shall bear the inscription "UNITED STATES BANKRUPTCY COURT" and shall be used by the Clerk for all documents required to be under seal of the Court. In lieu of an original seal, the Clerk or his deputy may place the official graphic of the seal on electronic documents issued by the Court.

Rule 5005-1 ELECTRONIC FILING: 1

Electronic filing is mandatory in this district. The Electronic Case Filing Procedures in the Court Procedures Manual shall govern all filings.

Rule 5005-2 RECORDS AND FILES

A. 8"x11" Paper: All papers presented to the Clerk or Judge shall be on 8 ½" x 11" size paper. Pages must be sequentially numbered in a document, and all paragraphs in all pleadings must be numbered.

B. Font Size: Whether electronically filed or filed on paper, all documents shall be created in a font size no smaller than 12 Courier or an equivalent font size if a different font face is used. Footnotes are subject to the same provision concerning font size.

C. Withdrawal of Files from Clerk's Office: Records and papers on file in the Clerk's Office may be produced pursuant to subpoena from any federal or state court directing their production. At the Clerk's discretion, records or papers in the files of the Court may be temporarily removed by United States District Court Judges, United States Magistrate Judges, the United States Attorney, the United States Trustee, the Standing Chapter 13 Trustee, and panel member trustees of this district upon receipt of a signed requisition. Otherwise, records and papers may be removed from the files only upon order of the Court. Whenever records or papers are withdrawn, the person receiving them shall leave with the Clerk a signed receipt describing the records or papers taken, and shall return them within the time specified by the Court.

Rule 5005-3 DOCUMENTS FILED UNDER SEAL

A motion to file a document under seal shall be electronically filed. If a motion to file a document under seal is filed or court approval has been given to file a document under seal, the document to be sealed shall not be electronically filed but shall be filed in hard copy in a secured envelope. Affixed to the outside of the envelope shall be a statement containing a case caption, a case number, a general statement that identifies the document for purposes of tracking, and a notation that the document is being filed under seal. The nature of the document must be described with sufficient particularity so that the Court is able to identify the contents of the envelope without disclosing the specifics of the enclosed matter.

Rule 5007-1 REQUESTS FOR TRANSCRIPTS

The guidelines in the Court Procedures Manual for ordering transcripts shall govern.

Rule 5009-1 REPORT FOR BANKRUPTCY JUDGES IN CASES TO BE CLOSED

The Chapter 7 trustee shall file the report for bankruptcy judges in cases to be closed in a form that substantially complies with Local Form No. 15 at the time the trustee's certification of case administration and application for discharge is filed.

Rule 5011-1 WITHDRAWAL OF THE REFERENCE

A. Place for Filing: All motions for withdrawal of the reference of a case or proceeding shall be filed with the Clerk of the Bankruptcy Court.

B. Designation of Record and Copies:

1. When a motion for withdrawal of the reference is filed movant shall simultaneously file with the Clerk of the Bankruptcy Court and serve on the respondent(s) a designation of the items to be included in the record and the document numbers associated with each.
2. Respondent(s) shall file a designation of additional items, if any, and the document numbers associated with each within five (5) calendar days of the filing the motion for withdrawal of the reference.

3. Parties shall provide the Clerk of the Bankruptcy Court paper copies of the designated documents at the time a designation is filed.

C. Transmittal of Record: The Clerk of the Bankruptcy Court shall transmit the motion for withdrawal of the reference, the designation and copies of the designated documents to the Clerk of the District Court after the designations and copies have been filed or the time to file such documents has expired, whichever occurs first.

Rule 5095-1 MOTION FOR DISBURSEMENT OF ESTATE FUNDS OTHER THAN UNCLAIMED FUNDS

A. Withdrawal of Deposited Funds: In order to withdraw deposited funds, a motion for disbursement of invested registry funds and a proposed order must be filed. The proposed order for disbursement of invested registry funds must include the name and address of the payee(s) and the total amount of the principal and interest (if the interest is not known, the order may read “plus interest”) which will be disbursed to each payee. Interest will be distributed pro rata among the payees unless the motion requests and the order signed by the Court provides otherwise. The proposed order must specify whether the payment is to be delivered to the payee or to counsel.

B. Tax Identification/Social Security Number: The tax identification number or social security number of each payee receiving earned interest must be provided to the Clerk in compliance with the Clerk’s instructions. No disbursement shall be made until the Clerk receives this information

Rule 6002-1 DEADLINE FOR ACCOUNT OF PRIOR CUSTODIAN

The custodian shall file and serve on the United States Trustee the required report and account within thirty (30) days from the date the custodian acquires knowledge of the commencement of the case.

Rule 6004-1 SALE OF ESTATE PROPERTY OUTSIDE THE ORDINARY COURSE OF BUSINESS

The Court Procedures Manual shall govern sales outside the ordinary course of business.

Rule 6006-1 NOTICE OF ASSUMPTION OR REJECTION OF EXECUTORY CONTRACTS: In proceedings proposing assumption or rejection of executory contracts or unexpired leases, notice of such proceedings shall be served upon the trustee, if any, all parties to such contracts or leases, and to counsel for any committee of creditors or equity security holders appointed or elected under the Code. If there is no such counsel, then service shall be made upon each of the committee members and, if no committee has been appointed, upon the seven (7) largest unsecured creditors.

Rule 7004-1 NOTICE OF CONSTITUTIONAL QUESTION

A. Notice of Federal Constitutional Question: Any party who draws in question the constitutionality of an act of Congress affecting the public interest in any action to which the United States or an officer, agency, or employee thereof is not a party, shall include in the caption of the pleading under the case number in bold-face type and all capital letters the words **CONSTITUTIONAL QUESTION RAISED**, shall serve a copy of the pleading on the Attorney General of the United States, shall file a certificate of service simultaneously, and shall otherwise comply with the service requirements of Fed.R.Bankr.P. 7004.

B. Notice of State Constitutional Question: Any party who draws in question the constitutionality of a state law affecting the public interest, in any action to which the state or an officer, agency, or employee thereof is not a party, shall include in the caption of the pleading under the case number in bold-face type and all capital letters the words **CONSTITUTIONAL QUESTION RAISED**, shall serve a copy of the pleading on the Attorney General of the state, shall file a certificate of service simultaneously, and shall otherwise comply with the service requirements of Fed.R.Bankr.P. 7004.

Rule 7005-1 FILING OF DISCOVERY MATERIALS

A. Depositions, interrogatories, requests for documents, requests for admissions, and answers and responses thereto shall not be filed with the Clerk.

B. A party seeking a protective order, to compel discovery or other relief under Fed.R.Bankr.P. 7026 shall file as an attachment to the motion only that portion of the deposition, interrogatory, request for document, or request for admissions that is the subject of an objection. The attachment shall be without regard to the page limitations in the Electronic Case Filing Procedures.

C. When discovery material is essential to an appeal, upon application by a party in interest and order of Court, the necessary portion of the discovery material shall be filed with the Clerk.

D. The party serving discovery or taking depositions shall retain the original as the custodian thereof.

Rule 7008-1 MOTIONS IN ADVERSARY PROCEEDINGS

A. Requirement of Written Motion: All motions shall be in writing unless made during a hearing or trial.

B. Grounds and Relief to be Stated: Motions filed within adversary proceedings shall contain a descriptive title of the motion in addition to the complete adversary caption. The caption must conform to Official Form 16D.

C. Response: The response to any motion shall be filed and served within seventeen (17) days after service of the motion. If no response is timely filed, the motion shall be deemed uncontested and the Court shall dispose of the motion. Replies and surreplies are not permitted unless ordered by the Court. If permitted, replies and surreplies shall be filed and served within five (5) days after service of the response or reply, as applicable.

D. Briefs: The movant shall file a brief, if any, and any supporting affidavits as an attachment to the motion and the respondent shall file a brief, if any, and any supporting affidavits as attachments to the response. Briefs shall be limited to twenty (20) pages. Reply and surreply briefs are not authorized to be filed unless the Court orders them in a particular case. If authorized, reply and surreply briefs shall be limited to five (5) pages, and shall address only matters not addressed in the initial brief.

E. Continuances: Motions for continuance of a trial date shall be considered by the Court only upon motion filed and served at least seven (7) calendar days before the scheduled trial.

F. Bringing Contested Motions to Attention of Court: Any request for oral argument or hearing on a contested motion within an adversary proceeding must be in writing and referenced in the caption of the pleading.

G. A proposed order of court shall be filed as an attachment to all motions and other pleadings requesting relief.

H. When briefing is complete, the moving party shall file a certification that briefing is completed substantially in compliance with Local Form No. 16. In addition to filing the certificate electronically, a courtesy copy shall be delivered to the Judge's chambers. The Court may not act until the certificate is filed with the Clerk.

Rule 7010-1 CAPTIONS OF ADVERSARY PROCEEDINGS AND OF MOTIONS FILED WITHIN ADVERSARIES

A. The caption of an adversary proceeding shall conform to Official Bankruptcy Forms 16C or 16D. Additionally, the initials of the presiding judge shall be appended to the bankruptcy case number.

B. Motions filed within adversary proceedings shall contain a descriptive title of the motion in addition to the complete adversary caption and adversary proceeding number.

C. Responses or replies to motions filed within adversary proceedings shall contain the adversary caption and number and the same caption as the motion but the description shall indicate that it is a response or reply.

Rule 7014-1 SERVICE OF PLEADINGS ON THIRD-PARTY DEFENDANTS

In every action in which there is a joinder of a third-party defendant, the third-party plaintiff shall deliver to the newly joined third-party defendant, within ten (10) days after the filing of an appearance or a responsive pleading by the joined third-party defendant, copies of all pleadings, orders, discovery materials, exhibits and any other material of record in the case (except for physical objects which cannot readily be copied).

Rule 7016-1 PRETRIAL PROCEDURE

Pretrial procedures are governed by pretrial orders entered in each case. Counsel shall use the pretrial order and pretrial statement issued by the Presiding Judge as posted on the Court's Website.

Rule 7037-1 DISCOVERY DISPUTES

A. Requirement of Writing: An objection to interrogatories, depositions, requests, or applications under Fed.R.Bankr.P. 7026 through 7037, as well as all motions and responses concerning discovery matters, shall be filed and have attached as an exhibit the specific portion of the interrogatories, depositions, requests or application or response thereto that is the subject of the objection.

B. Objections to Discovery Process: An objection to interrogatories, depositions, requests, or applications shall include only that portion that is the subject of the objection. Any such objection shall not extend the time within which the objecting party must otherwise answer or respond to any discovery matter to which it has not objected. Any party opposing the requested relief shall file only those additional portions of the interrogatories, request for documents or request for admission and the responses to same that are necessary for the Court's consideration of the matter.

C. Motions to Compel: If a discovery dispute is not resolved, the party initiating discovery shall file and serve a motion to compel an answer, production, designation, or inspection. Only those portions of the interrogatories, depositions, requests for documents, or request applications that are germane to the motion shall be filed. Any party opposing the requested relief shall file only those additional portions of the interrogatories, depositions, requests or applications and the responses to same that are necessary for the Court's consideration of the matter.

D. Compliance with discovery orders must be effected within ten (10) days of the entry of the order.

E. Failure to Comply with Order: Should a party fail to comply with an order of Court concerning discovery motions, the party objecting to such failure to comply shall place the matter before the Court by filing and serving a motion for supplementary relief.

F. Consultation Among Counsel: Counsel are required to participate in pretrial discovery conferences in order to decrease, in every way possible, the filing of unnecessary discovery motions. No motion concerning

discovery matters may be filed until counsel makes a good faith effort with opposing counsel to resolve the discovery matters in dispute. The Court shall dismiss any motion concerning discovery matters not accompanied by a certificate of counsel that a good faith effort has been made to resolve the discovery matters at issue. The certification shall be filed as an attachment to the motion.

Rule 7065-1 TEMPORARY RESTRAINING ORDERS

Parties filing an application for a temporary restraining order with an attached proposed order and any party filing a response must deliver a paper copy to chambers. The front page of the pleading shall note that it is a courtesy copy. The filing party may call chambers to arrange for alternative transmission of the document.

Rule 8006-1 REQUESTS FOR COMPLETE OR PARTIAL TRANSCRIPTS

A. Ordering Transcripts: The Clerk’s requirements for ordering transcripts as stated in the Court Procedures Manual shall govern. In addition to designating a transcript as part of the record on appeal, the requesting party must file and serve notice that a transcript has been requested.

B. The request for a transcript, if filed by an appellant, shall be filed not later than two days after the filing by appellant of the designation of the record and statement of issues to be presented.

C. Not later than two days after the filing by appellee of a designation of any additional items to be included in the record, an appellee shall file any request for a transcript.

D. If an appellee has filed a cross-appeal, the appellee as cross-appellant, shall file any request for a transcript not later than two days after the filing by such party of a statement of the issues to be presented on the cross-appeal and any designation of additional items to be included in the record.

E. A cross-appellee shall file any request for a transcript no later than two days after the filing by such party of a designation of any additional items to be included in the record on the cross-appeal.

Rule 8007-1 APPEAL TO THE DISTRICT COURT FROM THE BANKRUPTCY COURT

A. Where, after a notice of appeal to the United States District Court has been filed in the Bankruptcy Court, the appellant fails to designate the contents of the record on appeal or fails to file a statement of issues on appeal within the time required by the Federal Rules of Bankruptcy Procedure, or fails to provide, when appropriate, evidence that a transcript has been ordered and that payment therefor has been arranged, or fails to take any other action to enable the Bankruptcy Clerk to assemble and transmit the record:

1. The Clerk of the Bankruptcy Court shall provide fifteen (15) days notice to the appellant and appellee of an intention to transmit a partial record consistent with subsection B.2 of this Local Rule;
2. After the 15 day notice period has expired, the Clerk of the Bankruptcy Court shall thereafter promptly forward to the Clerk of the United States District Court a partial record consisting of a copy of the order or judgment appealed from, any opinion, findings of fact, and conclusions of law by the Court, the notice of appeal, a copy of the docket entries, any documents filed as part of the appeal, and any copies of the record which have been designated by the parties pursuant to Fed.R.Bankr.P. 8006. The record as transmitted shall be deemed to be the complete record for purposes of the appeal; and

B. Notwithstanding any counter designation of the record or statement of issues filed by the appellee, if the

appellee fails to provide, where appropriate, evidence that a transcript has been ordered and that payment therefore has been arranged, or the appellee fails to take any other action to enable the Bankruptcy Clerk to assemble and transmit the record pursuant to Fed.R.Bankr.P. 8006, the Clerk of the Bankruptcy Court shall transmit the copies of the record designated by the parties and this shall be deemed to be the complete record on appeal.

Rule 9004-1 CAPTIONS OF PLEADINGS AND ORDERS

The caption of any pleading, all responses and replies thereto, and any proposed order shall conform substantially to Official Bankruptcy Form 16D governing adversary captions except that the party seeking relief shall be designated as "Movant" and the party against whom relief is sought shall be designated as "Respondent". When there is no entity to be named as a respondent, the words "No Respondent(s)" shall be stated. In the caption of each motion and any response thereto the case number shall be entered as well as the chapter number. "Document No." shall be stated instead of "Adversary Proceeding No." when the pleading is a motion in the main case. The caption for the motion shall substantially conform with Local Form No. 17. A certificate of service, proposed order, or any subsequent pleading to a motion, objection, or other request for relief shall include in the caption the hearing date and time, the objection date, and the document number of the document that it pertains to.

Rule 9006-1 TIME

A. Every Local Rule or Court order or procedure in effect in this district that sets a date or a number of days by which an action is to be taken includes the additional three days time for service authorized by Fed.R.Bankr.P. 9006(f) and no additional time shall be permitted.

B. Every request for relief, however made, must be served on the same day that it is filed.

C. Every responsive pleading must be filed and served within seventeen (17) days from the date the motion is filed and served.

Rule 9009-1 FORMS: Local and national bankruptcy forms are available on the Court's Website. A paper copy of the local forms can be obtained from the Clerk, upon payment of any charge or fee.

Rule 9010-1 ADMISSION TO PRACTICE

A. Admission in General: Attorneys who are admitted to the bar of the United States District Court for the Western District of Pennsylvania are admitted to the bar of this Court.

B. *Pro Hac Vice* Admission: No one, other than an attorney regularly admitted to practice in this Court, shall appear in any proceeding on behalf of any trustee, creditor, or other party in interest, except upon motion filed with the Clerk and order entered by the Court. Every motion to be admitted *pro hac vice* must be signed and filed by an attorney admitted to practice in this district. The motion must substantially conform to Local Form No. 18. If a motion for *pro hac vice* is made orally in open court, it shall be followed promptly by the filing of a written motion signed by local counsel and the applicant. The Court may require counsel to provide evidence of admission in another district. An attorney admitted *pro hac vice* or local counsel must appear at court hearings and be prepared to address all issues set for argument.

C. Association with Local Counsel Required: An attorney not admitted to practice by the United States District Court for the Western District of Pennsylvania may not be admitted *pro hac vice* in this Court unless associated with an attorney who is a member of the Bar of this Court and who maintains an office in this district for the regular transaction of business, upon whom all notices, orders, pleadings and other papers filed in the case shall be served and who shall be required to sign all papers filed with the Clerk.

1. Claims Litigation: Association with local counsel shall not be required for the filing or prosecution of a proof of claim or response to an objection to a proof of claim. The Court may, however, direct counsel to claimant to associate with local counsel if the claim litigation will involve extensive discovery or trial time.
2. Government Attorneys: An attorney not admitted in the United States District Court for the Western District of Pennsylvania but admitted in another United States District Court may appear representing the United States of America (or any officer or agency thereof) or any State (or officer or agency thereof) provided that a certification is filed, signed by that attorney, stating (a) the courts in which the attorney is admitted, (b) that the attorney is in good standing in all jurisdictions in which the attorney has been admitted and (c) that the attorney will be bound by the Rules of this Court and submits to the jurisdiction of this Court for disciplinary purposes in connection with the matter in which the attorney is appearing.

D. The local rules of the United States District Court for the Western District of Pennsylvania as amended from time to time shall apply as to discipline of attorneys.

Rule 9010-2 APPEARANCE AND WITHDRAWAL OF APPEARANCE

A. Notice of Appearance: A separate notice of appearance need not be filed by an attorney for an original party to an action or for an intervenor. The endorsement of names of attorneys appearing on the first pleading or motion filed by a party shall constitute the entry of appearance for such attorneys and their law firms.

B. Withdrawal of Appearance: An attorney may withdraw an entry of appearance only with leave of Court, upon filing a written motion stating reasons for withdrawal and after reasonable notice to the client.

C. Appearance at Hearing Required: All parties filing a pleading must appear for the scheduled hearing on the matter in which the pleading was filed unless such appearance has been excused by the Court.

D. *Pro Se* Litigants: Only natural persons may appear in court without counsel.

E. Child Support Creditors: Child support creditors need not appear by counsel, provided, however, that they must first complete and file Local Form No. 19.

Rule 9010-3 AGREEMENTS OF ATTORNEYS

All agreements of attorneys shall be filed with the Court; otherwise, they will be considered of no validity.

Rule 9013-1 MOTIONS AND CONTESTED MATTERS

A. Any motion, application, objection or other request for relief must be in writing and accompanied by a proposed order filed as an attachment to the motion.

B. Periodic motions days may be established by each judge. No witnesses shall be heard on motions days.

C. Responses to any pleading must be filed and served on or before seventeen (17) days after the pleading is filed.

D. Any affirmative request for relief must be brought by motion and may not be included in any responsive pleading.

E. Replies and surreplies are not permitted except with leave of the Court. If permitted, they must be filed within five (5) days after the response or reply is filed.

Rule 9013-2 PROCEDURE FOR EXPEDITED HEARINGS

A. Filing of Motion: A motion for expedited hearing shall explain the necessity for an expedited hearing and shall state the substantive relief sought. A proposed order granting the relief requested must be filed as an attachment to the motion. A second proposed order substantially conforming to Local Form No. 20 shall be filed as an attachment to the motion and shall provide that the request for expedited hearing is granted and shall contain blank spaces for the Court to enter the date, time, and place of hearing and the date by which objections must be filed and served.

B. Requirements of Motion: In addition to the provisions of paragraph A, the request for expedited hearing must be set forth in the caption of the pleading.

C. The motion shall specify:

1. just cause to request consideration of the underlying matter on an expedited basis;
2. the specific harm the movant shall incur if a hearing is not granted on an expedited basis; and
3. the need for an expedited hearing has not been caused by any lack of due diligence on the part of the attorney or the attorney's client but has been brought about solely by circumstances beyond their control.

D. Parties filing a motion for expedited hearing with an attached proposed order and any party filing a response must deliver a paper copy to chambers. The front page of the pleading shall note that it is a courtesy copy. The filing party may call chambers to arrange for alternative transmission of the document.

Rule 9013-3 PLEADING SPECIAL MATTERS IN MOTIONS

A. Applicability of Rule: This rule applies to contested matter in which any of the following types of relief is sought:

1. an abandonment in a form that substantially complies with Local Form No. 21;
2. the avoidance of a lien or liens in a form that substantially complies with Local Form No. 22;
3. a sale; and
4. relief from stay.

B. Requisites of Content:

1. The following, if applicable, shall be pled with particularity:
 - a. the identity and location of the property subject to the action;
 - b. the market value of the property subject to the action, and the basis for the valuation;
 - c. the value of any claimed exemption in the property subject to the action;
 - d. the identity and address of the holder of each lien on the property subject to the action; and
 - e. the type, priority, face amount, balance owed, and record location of each lien on the property subject to the action.
2. If there is or may be no equity in the property for the creditors, an allegation showing the necessity for the sale or the consent of holders of liens and any fee agreed upon shall be stated.

- C. In addition, a motion for relief from stay shall include:
1. an itemized statement of:
 - a. the amount and date of the loan;
 - b. the principal balance owed as of the date the bankruptcy case was filed;
 - c. the interest accrued to the date of filing of the case and the *per diem* rate thereafter;
 - d. all charges and fees added to the balance alleged to be owed;
 - e. the amount necessary to cure as of the bankruptcy filing date; and
 - f. postpetition defaults.
 2. an averment that an appropriate proof of claim has been filed.

Rule 9013-4 FILING OF PROPOSED ORDERS

A. Orders Required to be Attached: All requests for relief including, but not limited to, all motions, petitions, applications, complaints, and objections must have an appropriate proposed order of court filed as an attachment to the request for relief. If a proposed order is not attached, the Court may dismiss the pleading without scheduling a hearing thereon and without prejudice to its being promptly refiled in compliance with Local or Federal Rules of Bankruptcy Procedure, Court orders or procedures.

B. Electronic Filing of Proposed Orders: Proposed orders electronically filed with motions, petitions applications, objections, or other requests for relief must be filed with the motion as a separate attachment to the pleading.

Rule 9013-5 SCHEDULING HEARINGS

A. Parties are directed to and shall comply with Procedures stated on the Court's Website to ascertain procedures for the scheduling practices of each Judge.

B. The moving party shall serve all parties in interest with the motion, proposed order, and notice of hearing. For Chapter 7 final accounts and proposed distributions use Local Form No. 23. For fee applications in Chapter 7 and 13 cases use Local Form No. 24. For fee applications in Chapter 9, 11, and 12 cases, use Local Form No. 9.

C. If the moving party does not receive a response, then the moving party shall file with the Clerk a Certificate of No Objection substantially in compliance with Local Form No. 25. The certificate must be filed no later than five days after the objection deadline has expired. If the Court grants the relief by default, the hearing is canceled.

D. If a disputed matter has been settled prior to the hearing, counsel for movant must file a Certificate of Counsel substantially in compliance with Local Form No. 26. A proposed consent order must be filed as an attachment to the Certificate of Counsel.

E. Initial hearings on motions shall be brief, not more than ten (10) minutes in any case. No testimony will be heard. If there is an issue of fact, a discovery schedule (if appropriate) and an evidentiary hearing will be fixed by the Court at the initial hearing. If there is no issue of fact, the Court may dispose of the matter at such hearing, or on briefs, or as the Court may determine. Matters which are settled after responses are filed shall be heard prior to other matters scheduled for the same time upon request of the parties at the hearing.

F. If a filing is not in substantial compliance with these local rules or procedures, an order may be entered dismissing the motion without prejudice, and movant shall promptly notify respondent thereof.

G. A motion for relief from default orders is governed by Fed.R.Bankr.P. 9023 or 9024 as applicable.

H. If a Judge designates a "Chapter 13 Day," all matters in or relating to Chapter 13 and Chapter 12 cases, and only such matters, shall be scheduled.

I. A movant who files a motion for relief from stay and selects a hearing date in accordance with a Judge's scheduling practice shall be deemed to have waived the thirty day period specified in 11 U.S.C. §362(e) when the hearing is scheduled for a date more than thirty days after the date the motion is filed. If a hearing date is not available within the thirty day period, a movant who would be harmed by a delay of the hearing beyond the thirty day period specified in 11 U.S.C. §362(e) shall file a motion for expedited hearing.

Rule 9013-6 EXTENSION OF TIME TO ASSUME CONTRACT OR LEASE OR TO FILE A PLAN

If, when a motion to extend time is filed, the time has not expired within which an executory contract or an unexpired lease may be assumed or rejected or within which the debtor retains the exclusive right to file a plan of reorganization, then the time is extended until the disposition of the motion.

Rule 9014-1 FILING AND SERVICE OF RESPONSIVE PLEADINGS IN CONTESTED MATTERS

Every responsive pleading must be filed and served within seventeen (17) days from the date the motion is filed.

Rule 9015-1 JURY DEMAND

A. The party making a jury trial demand shall file the demand with the Clerk of the Bankruptcy Court and serve all parties in interest. The last date on which a demand for jury trial may be made by any party is ten (10) days after:

- (1) an answer is filed and served to a complaint, cross-claim or counterclaim; or
- (2) a response to a motion or objection is filed and served.

B. With respect to removed actions, Fed.R.Civ.P. 81(c) applies.

C. Within thirty (30) days of filing the demand the party making the demand shall file with the Clerk and serve on all parties in interest:

- (1) the consent of all parties to trial by jury in the Bankruptcy Court;
- (2) pursuant to Fed.R.Bankr.P. 5011, a motion for withdrawal of the reference in order to conduct a jury trial in the District Court; or
- (3) a motion to extend time to file a consent or motion for withdrawal of the reference.

D. The failure to comply with this Local Rule shall be deemed to be a waiver of trial by jury in the Bankruptcy Court.

Rule 9015-2 JURY SELECTION SYSTEM

A. The plan for random selection of jurors adopted by the United States District Court for the Western District of Pennsylvania with the approval of its reviewing panel under 28 U.S.C. §1863 governs jury selection by the United States Bankruptcy Court for the Western District of Pennsylvania.

B. The Clerk of the Bankruptcy Court shall request that the Clerk of the District Court furnish a sufficient

number of jurors for use in scheduled jury trials. If not selected or serving in the Bankruptcy Court, such jurors shall be released to the District Court for continued utilization.

C. The Clerk of the Bankruptcy Court shall cooperate with the Clerk of the District Court in the implementation of those jury utilization techniques which are employed by the District Court in the interest of efficient and economical use of jurors.

Rule 9019-1 SETTLEMENTS: A motion requesting court approval of a settlement must delineate the reasons for settling the matter. A concise summary of the proposed settlement that fully describes its terms and the reason for settlement must be filed as an attachment to the motion requesting court approval of the settlement. The summary of the proposed settlement shall substantially conform to Local Form No. 27.

Rule 9019-2 MEDIATION: The Court Procedures Manual shall govern mediation procedures.

Rule 9070-1 EXHIBITS

All exhibits, models, or diagrams, documentary or physical, introduced at a trial or hearing shall be withdrawn by the parties to the litigation or their counsel within ten calendar days after final judgment, order or other final disposition of the trial or hearing, whichever is later. If the exhibits, models, or diagrams are not removed within the ten day period, the Clerk shall destroy them or make such other disposition of them as the Clerk may deem appropriate. It shall be the responsibility of counsel to produce any and all exhibits as designated on appeal.