

# **Local Bankruptcy Rules of the U.S. Bankruptcy Court**



## **for the Western District of Pennsylvania**

**Adopted: March 4, 2016**

**Effective: April 1, 2016**

The Honorable Jeffery A. Deller, Chief Judge

The Honorable Thomas P. Agresti

The Honorable Carlota M. Böhm

The Honorable Gregory L. Taddonio

Michael R. Rhodes, Clerk

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**LOCAL BANKRUPTCY RULES OF THE U.S. BANKRUPTCY COURT OF THE  
WESTERN DISTRICT OF PENNSYLVANIA**

**Rule 1001-1 CITATION OF LOCAL BANKRUPTCY RULES (W.PA.LBR)**

The Local Bankruptcy Rules of the United States Bankruptcy Court for the Western District of Pennsylvania (hereinafter “the Court”) shall be cited as W.PA.LBR \_\_\_\_\_ - \_\_\_\_ [Local Bankruptcy Rule number]. The citations in the Local Bankruptcy Rules may be modified to correspond to changes in the Bankruptcy Code, Official Forms, and Federal Rules of Bankruptcy Procedure.

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

(a) These Rules supersede all previous local bankruptcy rules promulgated by this Court. They shall govern all applicable cases and proceedings brought in this Court after they take effect. They also shall apply to all proceedings pending at the time they take effect, in so far as just and practical.

(b) Local Bankruptcy Rules of general applicability also apply when there are specific rules governing a particular matter unless expressly stated otherwise in these Local Bankruptcy Rules or an order of Court.

(c) Where appropriate in order to correct errors, adjust scheduling, or to accomplish substantial justice, a Presiding Judge may modify the applicability of any Local Bankruptcy Rule in a particular case or matter.

(d) The provisions of the Local Bankruptcy Rules are severable, and if any Local Bankruptcy Rule or provision thereof shall be held to be unenforceable, other Local Bankruptcy Rules and provisions will not be affected.

**Rule 1001-3 EFFECTIVE DATE OF RULES**

These Rules shall take effect on April 1, 2016

#### **Rule 1001-4 STANDING ORDERS**

(a) The Court may issue Standing Orders that supplement and/or amend these Rules.

(b) Standing Orders shall be filed on the Miscellaneous Docket and posted on the Court's website, addressing but not limited to the following:

- (1) temporary measures inappropriate for inclusion in these Rules (e.g., the closure of the Court during a holiday, inclement weather or emergency).
- (2) matters requiring prompt action (e.g., accommodating changes to the Bankruptcy Code or federal rules), and/or addressing matters where the Court determines that there is an immediate need to revise or enact a rule.
- (3) the assignment or reassignment of cases.
- (4) the adoption and implementation of the latest version of these Local Rules and corresponding Local Forms.

(c) Standing Orders issued under subpart (b)(2) of this Rule shall be incorporated into and superseded by these Rules during the ensuing, annual, formal revision process, including review and comment by the Standing Local Rules Committee, a public comment period and approval by both the District Court for the Western District of Pennsylvania and the Judicial Council for the Third Circuit Court of Appeals.

**PART I COMMENCEMENT OF CASE: PROCEEDINGS  
RELATING TO PETITION AND ORDER FOR RELIEF**

**Rule 1002-1 DIVISION OF BUSINESS & CLERK'S OFFICE HOURS**

(a) The Court operates in Divisions: the Pittsburgh Division and the Erie Division.

~~(a)~~ 1 The Pittsburgh Division of the Court is comprised of the Pittsburgh Counties and the Johnstown Counties. The counties of Allegheny, Armstrong, Beaver, Butler, Fayette, Greene, Lawrence, Washington, and Westmoreland constitute the Pittsburgh Counties. The counties of Bedford, Blair, Cambria, Indiana, Somerset, and Clearfield constitute the Johnstown Counties.

~~(b)~~ 2 The Erie Division is comprised of the counties of Erie, Clarion, Elk, Jefferson, McKean, Warren, Crawford, Forest, Mercer, and Venango.

~~(c)~~ 3 The bankruptcy petition shall indicate the county of the debtor's residence, or principal place of business, as the case may be.

(b) The Clerk's Office shall maintain public office hours from 9:00 a.m. until 4:30 p.m. on weekdays, except for legal holidays or as otherwise ordered by the Chief Bankruptcy Judge.

## **Rule 1002-2 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 (1) 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 shall substantially conform to Local Bankruptcy Form 2 (Ex Parte Motion for Designation as Complex Chapter 11 Bankruptcy Case).

(c) Generally, requests for relief will be heard on at least forty-eight (48) hours’ notice to the parties specified in W.P.A.LBR 1002-2(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. Upon the request of a party in interest, the Court may issue an order substantially in the form of Local Bankruptcy Form 3 (Initial Order for Complex Chapter 11 Bankruptcy Case).

(d) Any motion filed under this Local Bankruptcy Rule, together with notice providing the time by which any objection shall be filed and the date, time, and place of hearing, shall be served on:

- (1) the three (3) largest secured creditors;
- (2) any committee appointed under the Bankruptcy 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 declaration shall be filed to that effect.

## **Rule 1006-1 FILING FEES, INSTALLMENT PAYMENTS**

(a) In accordance with W.PA.LBR 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. 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) Whenever a case is dismissed prior to the filing fees being paid in full, the debtor shall remit the balance of the fees to the Clerk within fourteen (14) days after the entry of the order of dismissal.

(c) A motion to reopen a case or to vacate an order of dismissal shall 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 MATRICES**

(a) For purposes of this Local Bankruptcy 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 nondebtor parties to executory contracts or unexpired leases in which a debtor is a party.

- (1) If the debtor is a corporation, the Mailing Matrix shall include the names and addresses, including ZIP Codes, of all current officers and directors.
- (2) If a debtor is a partnership, the Mailing Matrix shall include the names and addresses, including ZIP Codes, of all general and limited partners.
- (3) If a debtor is a limited liability company, the Mailing Matrix shall include the names and addresses, including ZIP Codes, of all members and managers.

(b) 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 located in the Local Bankruptcy Rules section of the Court’s website. When the Internal Revenue Service is a party, the debtor shall include the name and address of the IRS Insolvency Unit at the address listed in the Address Appendix located in the Local Bankruptcy Rules section of the Court’s website.

(c) Mailing Matrices shall be filed electronically, unless a party is not represented by an attorney (pro se) or has been granted by order of Court permission to file the Mailing Matrix on paper.

(d) In all voluntary cases, the Mailing Matrix is due when the petition is filed. If the Mailing Matrix is not timely filed, the case will be dismissed automatically by the Court. An order extending the time to file the bankruptcy schedules or other documents needed to complete the bankruptcy petition shall not constitute an extension of time to file the Mailing Matrix unless so stated in the order.

(e) At the time of filing the petition, the debtor shall file on the Case Management/Electronic Case Files System (“CM/ECF System”) Local Bankruptcy Form 29 (Notice Regarding Filing of Mailing Matrix) with the Mailing Matrix as an attachment. After docketing Local Bankruptcy Form 29, the debtor immediately shall upload the Mailing Matrix into the CM/ECF System as a text file (with a .txt extension). Mailing Matrices shall be stricken if not filed in a text (.txt) format.

(f) If one (1) or more creditors is added to the creditor maintenance system in CM/ECF, the debtor shall file Local Bankruptcy Form 30 (Notice Regarding Modification to Mailing Matrix) on the CM/ECF System. After docketing Local Bankruptcy Form 30, the debtor shall upload into the CM/ECF System a supplemental Mailing Matrix as a text file containing only the names and addresses of the added creditors.

(g) The debtor is to assure that the Mailing Matrix is kept current and accurate at all times.

### **Rule 1007-3 DISCLOSURE OF RELATED CASES AND PROCEEDINGS**

(a) 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) As used in this Local Bankruptcy Rule, the term “Related Case” includes, but is not limited to, bankruptcy cases, ancillary or miscellaneous proceedings, and adversary proceedings, whether or not presently pending, involving:

- (1) a spouse or former spouse of the debtor;
- (2) an affiliate (as defined by 11 U.S.C. § 101);
- (3) an insider (as defined by 11 U.S.C. § 101); or
- (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) The debtor shall file with the Clerk copies of the payment advices described in 11 U.S.C. § 521(a)(1)(B)(iv). Debtors shall file payment advices in accordance with Fed. R. Bankr. P. 9037, Privacy Protection for Filings Made with the Court, which instructs parties to redact personal information such as the first five (5) numbers of a debtor's Social Security number and personal identifying numbers such as employee identification numbers. If the debtor does not have the required payment advices, then the debtor shall file a certification with the Clerk explaining the reason payment advices are not available.

(b) Each individual debtor shall also report to the trustee not later than fourteen (14) days before the date first set for the first meeting of creditors any other source of income not listed on debtor's payment advices.

(c) Chapter 13 debtors that are self-employed (including debtors acting as landlords) shall submit a completed Local Bankruptcy Form 5 (Chapter 13 Business Case Questionnaire) to the trustee at least fourteen (14) days prior to the first scheduled meeting of creditors.

## **Rule 1007-5 DOMESTIC SUPPORT CERTIFICATION**

(a) Debtors in Chapter 12 or Chapter 13 cases who are subject to a domestic support obligation, whether the obligation arose before or after the commencement of the case, shall at the time of making the last payment called for under the plan:

- (1) certify to the Chapter 12 or Chapter 13 trustee that all prefiling and postfiling payments have been made on domestic support obligations substantially conforming to Local Bankruptcy Form 21 (Domestic Support Obligation Certification); and
- (2) provide the Chapter 12 or Chapter 13 trustee with the name and address of any holders of a domestic support obligation, the name and address of the debtor responsible for the obligation, and the name and address of the most recent employer of the debtor responsible for the obligation substantially conforming to Local Bankruptcy Form 22 (Domestic Support Obligation Claim Holder Report).

**Rule 1007-6 LIST OF 20 LARGEST UNSECURED CREDITORS**

The List of 20 Largest Unsecured Creditors shall be filed with every voluntary Chapter 11 petition. The bankruptcy case shall be dismissed if the List of 20 Largest Unsecured Creditors is not filed with the petition. In the event that there are fewer than twenty (20) creditors, the list shall so state.

## **Rule 1009-1 AMENDMENTS BY DEBTOR**

(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 by the debtor 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 and the amount and nature of such debt.

(d) All amendments shall include:

- (1) a caption indicating that the document is an “Amendment to [Note: Filer 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 Bankruptcy Rules;
- (4) a supplemental Mailing Matrix and Local Bankruptcy Form 30 (Notice Regarding Modification to Mailing Matrix) shall be filed pursuant to W.PA.LBR 1007-1(f);
- (5) the payment of any fees required by 28 U.S.C. § 1930; and
- (6) a completed amendment cover sheet substantially conforming to Local Bankruptcy Form 6 (Amendment Cover Sheet).

(e) 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.

(f) When the debtor files an amendment modifying the Social Security number, the amendment including the full Social Security number shall be served on creditors and all parties in interest. The amendment filed with the Court shall have the first five (5) 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 Form 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.



## **Rule 1017-1 DISMISSAL OR CONVERSION OF BANKRUPTCY CASE**

(a) A motion to dismiss a voluntary or involuntary bankruptcy petition 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. In addition, any payment or consideration received or anticipated, lump sum or otherwise, shall be identified.

(b) 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:

- (1) counsel for debtor;
- (2) United States trustee;
- (3) any person who has filed a request for notices in the case;
- (4) the IRS Office of the District Counsel in Pittsburgh at the address listed in the Address Appendix located in the Local Bankruptcy Rules section of the Court's website;
- (5) the Commonwealth of Pennsylvania Department of Revenue at the address listed in the Address Appendix located in the Local Bankruptcy Rules section of the Court's website;
- (6) the Commonwealth of Pennsylvania Department of Labor and Industry, at the address listed in the Address Appendix located in the Local Bankruptcy Rules section of the Court's website;
- (7) other taxing body creditors;
- (8) all secured creditors;
- (9) the attorney for the creditors' and other committees or, if none, then on the seven (7) largest unsecured creditors.; and
- (10) creditors claiming they are owed domestic support obligation.

(c) A motion filed by a party other than the debtor to convert or dismiss a Chapter 13 case shall be scheduled initially for a hearing before the Presiding Judge on a Chapter 13 motions day.

(d) Upon the filing by the Chapter 13 trustee of a Certificate of Default Recommending Dismissal of Case based upon plan payment defaults, the debtor shall file and serve a written response accompanied by documentation that at least one (1) full plan payment was sent to the Chapter 13 trustee's lock box after the date of the Certificate of Default.

- (1) The debtor's failure to respond in accordance with the requirement of the order will result in the dismissal of the case without a hearing.
- (2) The response shall set forth in detail the basis for denial of the Chapter 13 trustee's request for dismissal and any prospective plan changes designed to cure the existing default. Proof of one (1) full plan payment shall be attached to any response, including an amended plan.
- (3) If the response proposes that additional payments will be made prior to the hearing scheduled on the motion, verification of such payments shall be made to the Court contemporaneously with delivery of payment to the Chapter 13 trustee.
- (4) If the response indicates that the plan payment is to be increased in order to cure the existing default, the new payment shall be identified in the response, and the plan shall be deemed amended as of the date of the response to include the adjusted payment.
- (5) If the response expresses the debtor's intent to amend the plan other than by a payment increase, the amended plan is to be filed along with the response and served on all parties in interest. Upon the filing of the amended plan, the Court shall cancel the hearing previously set for consideration of the Chapter 13 trustee's request for dismissal, and a conciliation conference and plan confirmation hearing will be scheduled. If the debtor fails to make any plan payment prior to the conciliation conference and plan confirmation hearing, on Supplemental Certificate of Default filed and served by the Chapter 13 trustee, the case will be dismissed and the hearing canceled.

## **Rule 1017-2 DISMISSAL OF BANKRUPTCY CASE FOR DEFICIENT FILING**

(a) The Clerk shall serve electronically upon debtor's counsel, or by postal mail if the debtor is not represented by counsel, a Notice of Deficient Filing if the debtor fails to timely file all of the documents necessary to initiate the case as required by the Bankruptcy Code, the Federal Rules of Bankruptcy Procedure, these Local Bankruptcy Rules, and/or any order of this Court.

(b) Pursuant to the United States trustee's motion to dismiss, as authorized by General Order #91-1, the Notice of Deficient Filing will identify the filing deficiencies and set forth a date for dismissal of the case.

(c) 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 to comply with the Notice of Deficient Filing.

**Rule 1019-1 MAILING MATRIX IN CONVERTED CASES**

Local Bankruptcy Form 30 (Notice Regarding Modification to Mailing Matrix) and a supplemental Mailing Matrix, which meets the requirements of W.PA.LBR 1007-1 and lists the names and addresses of nonscheduled prepetition and postpetition creditors and executory contract holders, shall be filed by the debtor. If the debtor is the filing party, then all postpetition creditors shall be served with a copy of the motion.

**PART II OFFICERS AND ADMINISTRATION; NOTICES; MEETINGS;  
EXAMINATIONS; ELECTIONS; ATTORNEYS AND ACCOUNTANTS**

## **Rule 2002-1 CERTIFICATES OF SERVICE**

(a) Any entity who serves a document in satisfaction of a notice requirement shall file a certificate of service with the Clerk within seven (7) calendar days after the date of service. A certificate of service of any document in an expedited matter shall be filed immediately after service is made.

(b) Service in paper copy format shall be made on each party in interest who is not a Notice of Electronic Filing (NEF) recipient.

(c) The certificate of service shall conform substantially to Local Bankruptcy Form 7 (Certificate of Service).

(d) It is the responsibility of the filer to compare the actual NEF generated by CM/ECF upon filing the document with the list of NEF recipients identified in the certificate of service. The filer shall file an amended certificate of service where there is a discrepancy between the original certificate of service and the actual NEF.

**Rule 2002-2 DUTY TO MAINTAIN CURRENT ADDRESS**

It is the responsibility of parties in interest and counsel to assure that their postal and e-mail addresses are kept current in each case pending entry of a final decree.

## **Rule 2004-1 EXAMINATION**

(a) The purpose of this Rule is to avoid a motion and Court order for a 2004 examination unless an objection is filed.

(b) 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 W.PA.LBR 2004-1(e).

(c) Not less than twenty-eight (28) 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 fourteen (14) 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) If no response or objection is served, the notice to conduct an examination need not be filed, and the examination may occur as the parties agree.

(e) When an examinee or party in interest objects to the examination, the burden is on the party seeking the examination to file a motion to compel the examination, in accord with Fed. R. Bankr. P. 2004(a). A certificate shall be attached to any motion to compel explaining the efforts made to meet and confer and certifying that such efforts were unsuccessful. All parties in interest, including the examinee and its counsel, shall be served with the motion.

(f) If anyone has been unreasonable in seeking or resisting discovery pursuant to 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) This Rule does not apply to adversary proceedings and to contested matters.

(1) The discovery provisions of Part VII of the Local Bankruptcy Rules apply in adversary proceedings.

(2) Fed. R. Bankr. P. 9014 applies to discovery in contested matters.



**Rule 2015-1 DUTY TO KEEP RECORDS, FILE REPORTS, AND MAKE PAYMENTS, INCLUDING TAXES**

(a) 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) For purposes of proper service, the party shall use the current address, if listed, in the Address Appendix located in the Local Bankruptcy Rules section of the Court's website.

(c) Any entity whose address is listed in the Address Appendix located in the Local Bankruptcy Rules section of the Court's website shall file a notice with the Clerk of any change of address necessary for the parties to comply with these Rules on or before the effective date of the change.

(d) Payments to the Chapter 13 trustee shall be made in accordance with instructions provided by the Chapter 13 trustee.

(e) Where applicable, a debtor in possession or a trustee in a Chapter 11, a Chapter 12 debtor, or a Chapter 13 debtor case shall comply with the following:

- (1) All checks issued by a debtor in possession under Chapter 11 shall bear the legend: "Debtor in Possession Account, Bankruptcy Case No. xx-xxxxx."
- (2) Any instrument used to make a Chapter 12 or Chapter 13 plan payment shall include the debtor's name and case number.
- (3) Keep current, and pay when due, all debts arising after the entry of the order for relief, including any debt arising from rentals or other money due on account of real estate leases and utility services, as well as any federal, state, and local employment, income, or other tax, as required by law.
- (4) Submit to the Pennsylvania Department of Revenue Bankruptcy Division, at the address listed on the Address Appendix, a certified or cashier's check in full payment of the following taxes in the manner hereafter set forth:
  - (A) all Pennsylvania sales tax collected pursuant to 72 P.S. § 7202 *et seq.* shall be remitted together with the proper tax returns, no later than the end of the seventh day following the last day of each month in which such sales taxes were required to be collected; and
  - (B) all employer withholding tax (personal income tax) withheld pursuant to 72 P.S. § 7316 *et seq.* shall be remitted together with the proper tax returns, no later than the end of the second business day after the payment of wages to employees.

- (5) Submit, no later than the last day of the month following the end of the contributions withheld, pursuant to 43 P.S. § 785 and § 781.4, to the Local Office of the Field Accounting Service of the Pennsylvania Department of Labor and Industry, Office of Unemployment Compensation Tax Services.
  - (6) In the case of self-employed debtors, submit estimated income tax payments by April 15, June 15, September 15, and January 15 to the IRS and Pennsylvania Department of Revenue Bankruptcy Division, respectively.
  - (7) Timely file all federal, state, and local tax returns with the applicable taxing bodies during the pendency of the bankruptcy case.
- (f) The debtor in possession or trustee in a Chapter 11 case shall:
- (1) timely file all federal, state, and local tax returns with the applicable taxing bodies during the pendency of the bankruptcy case;
  - (2) file with the Clerk monthly statements of operations for the preceding month (“Monthly Operating Report”) no later than the twentieth day of the next month. The initial Monthly Operating Report shall include:
    - (A) the name and location of each depository or place of investment holding funds of the estate;
    - (B) the applicable account number or numbers; and
    - (C) whether the debtor is operating on a “cash” or “accrual” basis.
- (g) After a confirmation order is entered, the reorganized debtor shall file quarterly reports until the case is closed.
- (h) A Chapter 13 debtor engaged in business shall:
- (1) timely file all federal, state, and local tax returns with the applicable taxing bodies during the pendency of the bankruptcy case;
  - (2) serve the Chapter 13 trustee with an initial Chapter 13 “Business Case Questionnaire” on a form substantially in compliance with Local Bankruptcy Form 5 (Chapter 13 Business Case Questionnaire) at least fourteen (14) days prior to the first date set for the meeting of creditors. The initial questionnaire shall include:
    - (A) the name and location of each depository or place of investment holding funds of the estate;

- (B) the applicable account number or numbers; and
  - (C) whether the debtor is operating on a “cash” or “accrual” basis; and
- (3) beginning with the first full month following the petition filing and continuing monthly thereafter, serve the Chapter 13 trustee with a “Report of Operations” no later than the twentieth day of the month covering each preceding month. The Reports of Operations shall not be filed with the Court.

## **Rule 2016-1 PROFESSIONAL FEES AND EXPENSES**

(a) Fee applications are required in all cases, except those originally filed Chapter 7 cases where counsel for the debtor is compensated via a lump sum payment prior to filing, and in those Chapter 13 cases when counsel opts for compensation pursuant to the “no-look fee” provisions of this Local Bankruptcy Rule.

(b) No compensation or expenses will be allowed, or paid by the estate or any third-party source, to any professional for services rendered in any case unless:

- (1) a motion to approve employment has been filed; and
- (2) an order granting the motion has been entered, except that counsel for debtors in Chapter 13 cases are not required to file such a motion or obtain such an order.

(c) An application for fees and expenses filed pursuant to W.PA.LBR 2016-1(b) shall include 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 by the application;
- (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, the retention agreement, an itemization of fees and expenses paid from any source other than the debtor’s estate, a copy of the attorney disclosure statement previously filed pursuant to Fed. R. Bankr. P. 2016, attached as exhibits;
- (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”), attached to the Application. Regardless of the approach utilized, 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;
  - (A) 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 documents, etc.

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

(C) In Chapter 13 cases, if the professional or other timekeeper has performed services in connection with the debtor's participation in the Loss Mitigation Program, described in W.PA.LBR 9020-1, the application for fees and expenses shall:

(i) separately itemize any fees for services rendered and expenses incurred in connection with the debtor's participation in the Loss Mitigation Program; and,

(ii) otherwise comply with the requirements of W.PA.LBR 9020-7(c).

(6) an itemization of the expenses for which reimbursement is requested:

(A) Expenses shall be billed and allowed only at actual cost without overhead or add-ons; and

(B) If compensation for travel time is requested, unless appropriate, special circumstances are set forth, typically only fifty percent (50%) of the applicable hourly rate of the professional will be allowed for travel;

(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) a summary cover sheet substantially conforming to Local Bankruptcy Form 9 (Summary Cover Sheet). A fee application filed without a completed cover sheet shall be dismissed without prejudice to refile;

(10) a proposed order of Court;

(11) in complex Chapter 11 cases, a spreadsheet which reflects all fees that are requested pursuant to the application and a cumulative total for professional by category; and

(12) if the Court enters an administrative fee order in a particular case, the terms of the order shall govern;

(d) All entries in a fee application shall:

(1) list each service or task separately and state in increments not exceeding one-tenth (1/10) of an hour 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 attendance at a hearing or trial;

(4) identify any document with specificity if the service involves preparation of that document; and

(5) include all other information necessary to a full understanding of the services performed and the person and time involved.

(e) Unless leave to seek interim compensation has been allowed by order of the Court, all fee applications filed in Chapter 7 cases will be considered only after:

(1) the trustee in the case has filed a final account;

(2) there has been a proposed order of final distribution submitted for the Court's consideration in which the allowed fees are included; and

(3) notice has been given to all parties in interest of:

(A) the last date to file objections thereto; and

(B) the hearing date and time, if any.

(f) The Chapter 13 "no look attorney fee" shall be limited to a maximum of \$4,000.00 and the Chapter 13 "no-look expense charge" shall be limited to a maximum in the amount of \$500 (allowable expenses charged include the petition filing fee, postage, copying, certifications and other costs incurred in the administration of the case.) When the fee and expenses charged by counsel is less than or equal to either or both of the no-look fee and expense charge, no fee application is required. The no-look attorney fee and expense charge:

(1) shall include any retainer received;

(2) shall be reduced on a dollar-for-dollar basis for anything paid directly by the client, for instance if the client pays the petition filing fee

directly, the no-look expense charge shall be equal to \$500 less the filing fee; and,

(3) does not preclude the award of additional fees and/or expenses by the Court upon the filing of a fee application consistent with these Local Bankruptcy Rules requiring in such case a detailed statement and accounting of fees and expenses charged; *provided however*, in order to "opt out" of the no-look fee provisions of this Local Bankruptcy Rule:

(A) counsel shall have entered into a written fee agreement at the commencement of the representation providing the alternative of opting out of the no-look fee compensation option and for payment of additional fees in the event of unforeseen, future case complications; and

(B) to the extent counsel seeks such additional compensation, counsel is required to file a cumulative fee application subject to the other provisions of this Local Bankruptcy Rule.

(g) If counsel opts to be paid via the no-look fee, counsel shall nevertheless advise and represent the debtor(s) in a manner consistent with applicable professional standards and be required to perform all matters necessary to properly and timely complete the bankruptcy case, including the following services:

- (1) the debtor(s) will be interviewed by counsel and appropriately briefed on the Chapter 13 process;
- (2) accurate and complete schedules, statements of financial affairs, and related documents will be prepared by counsel;
- (3) all documents will be explained;
- (4) counsel will file a Chapter 13 plan that meets with the requirements of Local Bankruptcy Form 10 (Chapter 13 Plan) and is capable of confirmation;
- (5) in addition to the first meeting of creditors, counsel will attend all hearings and will remain counsel of record until the case is either completed or dismissed, unless the Court has issued an order discharging the attorney as counsel of record;
- (6) counsel will file all motions and objections contemplated in the confirmed plan in a timely fashion; and
- (7) counsel will complete representation without additional charge to the debtor(s) for the duration of the Chapter 13 case.

(h) Counsel fees paid through the Chapter 13 plan shall be at the monthly rate and level set forth in the plan.

- (i) Additional fees may be paid through the Chapter 13 plan if either:
  - (1) the confirmed Chapter 13 plan contemplated such fees without decreasing the percentage or amount originally to be paid to other creditors through the plan, and proper application for allowance and payment is filed and approved; or
  - (2) in instances where the additional fees are not contemplated in the plan, assuming the plan is amended within fourteen (14) days after the application for fees is allowed and such fees are paid from plan resources without decreasing the percentage or amount to be paid to other creditors through the plan.

(j) Notwithstanding W.PA.LBR 2016-1(i), the Court recognizes that additional services provided by debtor's counsel may provide a benefit to the estate. Upon counsel's request, the Court may determine that the benefit to the estate warrants a diminution in the dividend paid to unsecured creditors and an amendment to the plan is not necessary. In such cases, any fee application filed shall specify:

- (1) in detail, the benefit received by the estate; and
- (2) whether and to what extent the unsecured creditors would receive a lower dividend under the existing plan if the fee application were granted and the fees were paid by the trustee from debtor's plan payments.



**Rule 2016-2 Bank Service Fees on Chapter 7 Estate Accounts**

(a) Chapter 7 trustees are authorized to incur and pay any actual, necessary expense as contemplated by 11 U.S.C. §330, for bank fees and charges directly related to the administration of estate accounts.

(b) The Court retains authority to review and approve such expenses during the administration of the case.

**PART III CLAIMS AND DISTRIBUTION TO CREDITORS  
AND EQUITY INTEREST HOLDERS; PLANS**

## **Rule 3002-1 FILING CLAIMS**

(a) If the amendment adding creditor(s) to schedules is filed after the claims bar date has expired or will expire within thirty (30) days of the amendment, the affected creditor(s) shall file a proof of claim within thirty (30) days of the date notice of the amendment is sent.

(b) 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 shall not be filed with the Court.

(c) The Clerk shall notify parties in interest of the bar date when proofs of claims are required to be filed in the case.

(d) The Clerk shall set a bar date for governmental entities to file proofs of claim in each bankruptcy case filed in the Western District of Pennsylvania. The bar date shall be included on the docket of the case. The bar date for governmental entities shall not be modified when a case is converted to a different Chapter of the Bankruptcy Code. Governmental entities shall file proofs of claim within the greater of one hundred eighty (180) days from the date the order for relief was first entered in the case or the bar date set for other creditors after conversion.

(e) The bar date for governmental entities shall not be modified when the Chapter 7 trustee files a Notice of Assets and the Clerk notifies parties to file claims. Governmental entities shall file proofs of claim within the greater of one hundred eighty (180) days from the date the order for relief was first entered in the case or the proof of claim deadline date set for other creditors by the Clerk.

(f) Any entity filing more than ten (10) claims in a calendar year shall file claims electronically in the CM/ECF System.

**Rule 3002-2 AMENDING CLAIMS**

- (a) All amended claims shall include:
  - (1) a caption indicating that the document is an amendment to a prior claim, i.e., “Amendment to Claim No. \_\_\_\_\_, Filed by \_\_\_\_\_”; and
  - (2) a clear description of the material added or deleted; and
  - (3) a certificate of service by the creditor that notice has been served on the debtor, trustee, and any creditor and attorney for the creditor originally on the claim.
- (b) Amendments made for the sole purpose of redacting personal identifiers pursuant to Fed. R. Bankr. P. 9037 shall comply with the requirements of W.PA.LBR 9037-1, and shall not be combined with any other amendment of the claim.

**Rule 3002-3 ADDITIONAL REQUIREMENTS FOR CLAIMS IN CHAPTER 12 AND 13 CASES**

(a) Subject to the requirements of Fed. R. Bankr. P. 9037, the following shall be included in the claim form:

- (1) Creditor's account number conspicuously stated.
- (2) Sufficient identification of collateral.
- (3) A holder of a claim secured by real property shall separately state the following:
  - (A) arrearage, late fees, attorney's fees and foreclosure costs incurred through the date of filing of the debtor's bankruptcy petition, principal balance, applicable interest rate and amount of the regular monthly payment.
  - (B) if regular payment includes an escrow component, it shall be clearly identified and the amount stated.
  - (C) the Mortgage and Note and any Assignments of Claim shall be attached to the claim.
  - (D) any postpetition arrearage shall be separately stated and itemized.

(b) Claims resulting from the rejection of an executory contract shall be filed and served on the Chapter 13 trustee, the debtor, and debtor's attorney, if represented, by the later of the claims bar date or thirty (30) days after the date of rejection. Executory contracts may be rejected in the confirmed plan.

(c) Any creditor who asserts a deficiency shall file a proof of claim or amend a filed proof of claim to assert the deficiency.

(d) If an amended proof of claim is filed after the deadline for filing claims, such claim shall be served by the creditor on the Chapter 13 trustee, the debtor, and debtor's attorney, if represented.

(e) All objections to the amended proof of claim shall be filed and served within ninety (90) days after the amended proof of claim is filed and served.

(f) The Chapter 13 trustee will promptly place all funds intended for a specific creditor on reserve:

- (1) upon notice from an assignor or transferee that a claim has been transferred;

- (2) whenever the trustee receives:
  - (A) a returned check;
  - (B) a statement from a creditor indicating that the account has been assigned;
  - (C) a statement from a creditor indicating that the account has been paid in full; or
  - (D) any other statement from a creditor indicating that the creditor is not owed anything on a claim; or
- (3) in any circumstance where a creditor seeks to change the payee name for a claim.

(g) Within twenty-one (21) days of placing funds on reserve, the Chapter 13 trustee shall file a “Notice of Funds on Reserve” with the Court which certifies that the debtor(s), the original creditor, the putative creditor, and if known, counsel for the debtor(s), original creditor and putative creditor were served with the Notice and the date of such service.

(h) No funds will be distributed by the Chapter 13 trustee to any purported assignee or transferee without a “transferred proof of claim” filed in accordance with Fed. R. Bankr. P. 3001(e) and notice issued in accordance therewith by the Clerk with an opportunity to object.

(i) Transferred or assigned proofs of claim shall include the following:

- (1) the case number;
- (2) the claim to be paid;
- (3) the nature of the collateral supporting the claim;
- (4) the appropriate address for payment, and
- (5) copies of all assignments and authorizations for loan service applicable to the transfer and in support of the claim.

(j) Copies of each proof of claim and each amended, assigned, and/or transferred proof of claim, including all attachments, shall be served on the Chapter 13 trustee, the debtor, and the debtor’s counsel, if represented.

**Rule 3002-4 ~~RESERVED~~ NOTICE OF MORTGAGE PAYMENT CHANGE**

A narrative summary of the chain of title, copies of all applicable lien assignments(s) and other appropriate evidence of the Creditor's authority to act and be paid, shall be filed as attachments to the Notice of Mortgage Payment Change if filed by a Creditor who, at the time of filing, is not a Creditor of record.

## **Rule 3002-5 NOTICE OF POSTPETITION FEES, EXPENSES, AND CHARGES**

(a) A holder of a claim: (i) for rent for debtor's residence or (ii) secured by a security interest in the debtor's assets asserting recovery against the debtor and/or against the debtor's assets for fees, expenses, or charges, incurred in connection with the claim after the bankruptcy case was filed, shall file a separate "Notice of Postpetition Fees, Expenses, and Charges," which:

- (1) shall be filed as a supplement to the holder's proof of claim;
- (2) shall be served no later than one hundred eighty (180) days after the date when the fees, expenses, or charges are incurred;
- (3) shall not be subject to Fed. R. Bank. P. 3001(f);
- (4) shall be served on the debtor(s), counsel to the debtor(s), and the Chapter 13 trustee;
- (5) need not be filed if fees, expenses, and charges were included in a previously filed "Notice of Mortgage Payment Change"; and
- (6) if not timely filed, shall result in the disallowance of any additional sums claimed by the creditor for the period in question.

(b) After a Notice of Postpetition Fees, Expenses, and Charges is docketed, the Court will issue an order requiring the debtor(s) within twenty-one (21) days to file:

- (1) an amended Chapter 13 plan;
- (2) a declaration certifying that the existing Chapter 13 plan is sufficient to pay the modified debt; or
- (3) an objection to the Notice of Postpetition Fees, Expenses, and Charges.

(c) If a Notice of Postpetition Fees, Expenses, and Charges is timely filed in the proper form and the debtor fails to timely file an objection, ~~the payment change~~ postpetition fees, expenses, and/or charges shall be allowed without further order, notice, or hearing. However, no such ~~payment change postpetition fees, expenses, and/or charges~~ shall be ~~implemented paid~~ by the chapter 13 trustee until such time as the debtor or debtor's counsel files an amended chapter 13 plan or a declaration certifying that the existing chapter 13 plan is sufficient to pay the modified debt.



**Rule 3003-1 PROOFS OF CLAIM BAR DATE IN CHAPTER 11 CASES**

The deadline for creditors other than governmental units to file proofs of claim in Chapter 11 cases is ninety (90) days after the first date set for the meeting of creditors.

**Rule 3011-1 UNCLAIMED FUNDS**

Requests for disbursement of unclaimed funds shall be made pursuant to 28 U.S.C. § 2042 by filing a motion and serving a copy of the motion on all interested parties, including the debtor, United States attorney, United States trustee, and former and/or current case trustee(s).

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

In Chapter 13 cases, the plan shall be filed in substantial conformity to Local Bankruptcy Form 10 (Chapter 13 Plan).

**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 Bankruptcy Form 11 (Ex Parte Motion for Order to Pay Trustee Pursuant to Wage Attachment and Order to Pay Trustee Pursuant to Wage Attachment).

(b) When a bankruptcy case is filed by one (1) debtor, “Doc. No. WO-1” shall be included in the caption of the motion for wage attachment and the proposed order. Any motion to amend shall include “Doc. No. WO-1” in the caption.

(c) When a joint case is filed, the name of the debtor whose wages are to be attached shall be stated in the caption of the motion and in the proposed order. “Doc. No. WO-1” shall be included in the caption of the first joint debtor requesting a wage attachment. “Doc. No. WO-2” shall be included in the caption of a subsequent motion requesting a wage attachment filed by the other joint debtor.

(d) Any motion to amend a wage attachment shall be filed at the original motion number for the first or second joint debtor (WO-1 or WO-2) and shall be marked “Amended Motion for Wage Attachment” in the caption.

(e) Any motion to amend the amount of the wage deduction shall request only the exact amount to be attached.

(f) If a debtor has more than one (1) employer, separate wage attachment motions and proposed orders granting the requested relief shall be filed for each employer from whom wages are to be attached. A motion naming more than one (1) employer as a respondent will be dismissed without prejudice for failure to comply with this Local Bankruptcy Rule.

(g) The debtor shall state the pay frequency when providing the statement of the payment amount, e.g., \$535.00 biweekly, or \$267.50 weekly, in addition to providing the calculation of the monthly amount. If the payroll period is unknown, a monthly basis shall be used. If the payroll period is known, the payment amount shall be calculated as follows:

<b>Payment Frequency</b>	<b>Calculation of Monthly Amount</b>
Weekly (52 pays/year)	amount to be attached multiplied by 12; then divided by 52 and rounded upwards
Biweekly (every 2 weeks = 26 pays/year)	amount to be attached multiplied by 12; then divided by 26 and rounded upwards
Semimonthly (twice each month = 24 pays/year)	amount to be attached divided by 2; then rounded upwards

(h) Automated Clearing House (ACH) payments are made by entering into a contract with the Chapter 13 trustee and not by motion and order. Therefore, no motion shall be filed to commence or terminate ACH payments.

(i) 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 Bankruptcy Form 12 (Notification of Debtor's Social Security Number). 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 3015-3 PLAN CONFIRMATION HEARINGS & CONCILIATION**

~~Initial plan confirmation hearings shall be scheduled by the “Notice of Chapter 13 Bankruptcy Case, Meeting of Creditors, & Deadlines” and conciliated by the Chapter 13 trustee. Continuances of plan confirmation hearings may refer the parties to another conciliation conference or to a confirmation hearing before the Presiding Judge.~~

(a) Objections to the debtor(s)’ Chapter 13 plan shall be filed at least 7 days prior to the first date set for the meeting of creditors as scheduled by the Notice of Chapter 13 Bankruptcy Case, Meeting of Creditors & Deadlines (the “341 Notice”).

(b) The 341 Notice shall schedule a plan confirmation hearing (the “Initial Confirmation Hearing”) to be held immediately following the meeting of creditors, as authorized by 11 U.S.C. § 1324(b). Initial Confirmation Hearings shall be conciliated by the Chapter 13 Trustee or her designee.

(c) Objections to holding the Initial Confirmation Hearing immediately following the meeting of creditors (“Hearing Objections”) shall be filed at least 14 days prior to the first date set for the meeting of creditors as scheduled by the 341 Notice. A party filing a Hearing Objection that is not withdrawn prior to the first date set for the meeting of creditors shall attend the Initial Confirmation Hearing.

(d) In the absence of a pending Hearing Objection, the Court shall deem the Initial Confirmation Hearing as a Final Confirmation Hearing. If there is a timely filed Hearing Objection as of the date of the first meeting of creditors, then the Court shall deem the Initial Confirmation Hearing as an “Interim Confirmation Hearing” and schedule a Final Confirmation Hearing not earlier than 20 days, and not later than 45 days, after the date of the first meeting of creditors.

(e) Promptly after the conclusion of each conciliated confirmation hearing, the Chapter 13 Trustee shall submit to the Court a recommendation that the Chapter 13 Trustee deems appropriate under the circumstances, including but not limited to: continuation of the conciliation, confirmation of the plan and/or dismissal or conversion of the case.

#### **Rule 3015-4 CONTINUED CHAPTER 13 CONCILIATION CONFERENCES**

(a) If the Chapter 13 trustee determines during the initial conciliation conference that a continuance is necessary, the trustee shall announce to the parties in attendance the time, date, and location of the rescheduled Chapter 13 conciliation conference.

(b) The case docket shall reflect the time, date, and location of any rescheduled Chapter 13 conciliation conference that is continued by the Chapter 13 trustee during the conference. Generally, parties shall review the case docket to determine if an entry has been made rescheduling the conciliation conference. Attorneys filing electronically in a case shall receive in electronic form a Notice of Electronic Filing (NEF) from the Clerk that includes the docket entry reflecting the continued time, date, and location of the conciliation conference.

**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 Bankruptcy Form 13 (Disclosure Statement To Accompany Plan), except in a case designated as a complex Chapter 11.



**Rule 3016-2 PLAN SUMMARY IN CHAPTER 11 CASES**

(a) A summary shall be filed with the plan and contain a concise description of the provisions of the plan. The plan summary shall provide an explanation of the plan in narrative form and shall be no more than two (2) pages.

(b) A description of any releases provided by the plan and the consideration given by the party to be released shall be set forth clearly as a separately labeled paragraph.

(c) A description of any liens which are to be avoided according to the plan shall be set forth as a separately labeled paragraph.

**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 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 designated agent. The address for return of the ballot shall be noted on the ballot.

(c) Counsel for the proponent of the plan shall electronically file the ballots at least two (2) business days prior to the confirmation hearing and bring the original ballots to the hearing.

(d) At least two (2) business days prior to the plan confirmation hearing, counsel for the proponent of the plan shall file a summary of the ballots including certification that all ballots received have been accounted for and tabulated and that the summary is an accurate representation of the ballots received.

(e) 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.

(f) In cases where the plan includes nondebtor releases, permanent injunctions, and/or exculpations, the ballot shall include a separate section for the voting creditor to choose whether to accept or reject those provisions.

## **Rule 3021-1 DISTRIBUTION UNDER CHAPTER 9, 11, AND 13 PLANS**

(a) Each creditor shall 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. The distribution of any proceeds pursuant to a confirmed plan shall be mailed to the address of the creditor as designated pursuant to Fed. R. Bankr. P. 2002(g), if one has been filed.

(b) Within ninety (90) days of confirmation of a Chapter 9 or Chapter 11 plan and each ninety (90) days thereafter until the case is closed, 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.

(c) Following confirmation of a plan, the Chapter 13 trustee shall make distribution to secured and priority creditors in accordance with the terms of the plan. Claims identified in the plan or proofs of claim filed shall be treated for distribution purposes as follows:

- (1) after the filing of a plan and prior to confirmation of such plan, the Chapter 13 trustee is authorized to make distribution of the designated monthly payments as provided in the plan on secured nontax claims, attorney's fees, and utility accounts;
- (2) the debtor or debtor's attorney, if represented, shall review the proofs of claim filed and shall file objections to any disputed claims within ninety (90) days after the claims bar date or, for late filed or amended claims, within ninety (90) days after they are filed and served. Absent an objection, the proof of claim will govern as to the classification and amount of the claim. Objections filed after the ninety (90) days specified herein shall be deemed untimely.

(d) In Chapter 13 cases, failure of an unsecured creditor to file a claim shall inure to the benefit of the other unsecured creditors in the same class. The Chapter 13 trustee shall increase the percentage to be paid accordingly, provided that payments shall not exceed one hundred percent (100%) of the total amount of the allowed unsecured claims (including interest if provided in the plan for such claims). Distributions to unsecured creditors shall be made on a pro rata basis as calculated by the Chapter 13 trustee and not on a per capita basis.

(e) If a secured creditor obtains relief from the automatic stay, the Chapter 13 trustee shall suspend distributions to all creditors with claims secured by the collateral released from the automatic stay, following the Chapter 13 trustee's receipt of notice of the grant of relief. However, the Chapter 13 trustee shall continue to make distribution to other creditors in accordance with the terms of the plan.

~~(f) In the event of conversion or dismissal following the confirmation of a Chapter 13 plan, then the Chapter 13 trustee shall distribute all funds received prior to the effective date of the conversion or dismissal, in accordance with the terms of the confirmed plan.~~

~~(g f)~~ In the event that a Chapter 13 plan is not confirmed, then the trustee shall refund all payments to the debtor if the case is dismissed, or to the Chapter 7 trustee if the case is converted.

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

(a) The agent designated to administer the plan, or if none then the plan proponent, shall file and serve on all parties in interest a motion for final decree within the time period set forth in the confirmation order. If no confirmation order is issued, a motion for final decree shall be served within ninety (90) days after confirmation.

(b) Every motion for final decree shall have a completed Local Bankruptcy Form 14 (Report for Bankruptcy Judges in Cases To Be Closed—Chapter 11 Cases) attached.

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

**Rule 4001-1 MOTIONS FOR RELIEF FROM STAY COMBINED WITH OTHER REQUESTS FOR RELIEF**

(a) Motions for relief from stay shall not be combined with requests for any type of relief other than for adequate protection.

(b) If a motion combining relief from stay with a request for any type of relief other than for adequate protection is not dismissed, the movant is deemed to have waived the time periods set forth in 11 U.S.C. § 362(e).

## **Rule 4001-2 USE OF CASH COLLATERAL AND OBTAINING FINANCING**

(a) A preliminary hearing may commence no earlier than forty-eight (48) hours after service of the motion and notice of the hearing. In addition to the CM/ECF System, the movant may use any means reasonably calculated to accomplish expedited notice and service (e.g., hand delivery, facsimile, direct e-mail, or next-day delivery) upon an authorized representative of a party adversely affected by the relief requested, and shall note on the certificate of service the manner in which service was effected.

(b) Except as provided herein and elsewhere in these Local Bankruptcy Rules, all cash collateral and financing requests under 11 U.S.C. §§ 363 and 364 shall be heard by motion filed pursuant to Fed. R. Bankr. P. 2002, 4001, and 9014 (“financing motions”).

- (1) All financing motions shall (a) recite whether the proposed form of order and/or underlying cash collateral stipulation or loan agreement contains any provision of the type indicated below; (b) identify the location of any such provision in the proposed form of order, cash collateral stipulation and/or loan agreement; and (c) justify the inclusion of such provision:
  - (A) Provisions that grant cross-collateralization protection (other than replacement liens or other adequate protection) to the prepetition secured creditors (i.e., clauses that secure prepetition debt by postpetition assets in which the secured creditor would not otherwise have a security interest by virtue of its prepetition security agreement or applicable law);
  - (B) Provisions or findings of fact that bind the estate or other parties in interest with respect to the validity, perfection, or amount of the secured creditor’s prepetition lien or the waiver of claims against the secured creditor without first giving parties in interest at least (a) one hundred twenty (120) days from the date of the order, or (b) ninety (90) days from the date a committee is formed and retains counsel, to investigate such matters;
  - (C) Provisions that seek to waive or release, without notice and/or hearing, whatever rights the estate may have under applicable law, including without limitation, Chapter 5 of the United States Bankruptcy Code;
  - (D) Provisions that immediately grant to the prepetition secured creditor liens on the debtor’s claims and causes of action arising under 11 U.S.C. §§ 544, 545, 547, 548, and 549;
  - (E) Provisions that deem prepetition secured debt to be postpetition debt or that use postpetition loans from a prepetition secured creditor to pay part or all of that secured creditor’s prepetition debt, other than as provided in U.S.C. § 552(b);



- (F) Provisions that provide disparate treatment for the professionals retained by a creditors' committee from those professionals retained by the debtor with respect to a professional fee carve-out; and
- (G) Provisions that prime any secured lien without the consent of that lienor.

- (2) All financing motions shall also provide a summary of the essential terms of the proposed use of cash collateral and/or financing (e.g., the maximum borrowing available on a final basis, the interim borrowing limit, borrowing conditions, interest rate, maturity, events of default, use of funds limitations, and protections afforded under 11 U.S.C. §§ 363 and 364).

(c) The Court may grant interim relief pending review by interested parties of the proposed debtor in possession financing arrangements. Such interim relief shall include only what is necessary to avoid immediate and irreparable harm to the estate pending a final hearing. In the absence of extraordinary circumstances, the Court shall not approve interim financing orders that include any of the provisions previously identified in W.PA.LBR 4001-2(b)(i)(A)-(G).

(d) A final order shall be entered only after notice and a hearing pursuant to Fed. R. Bankr. P. 4001.

**Rule 4001-3 RENT DEPOSITS**

(a) A rent deposit submitted under 11 U.S.C. § 362(l)(1)(B) by a debtor filing a bankruptcy petition in the Court's electronic filing system shall be delivered to the Clerk within three (3) days of the filing date of the petition and shall be in the form of a cashier's check, certified check, attorney's client account check, or money order payable to the lessor.

(b) A rent deposit submitted under 11 U.S.C. § 362(l)(1)(B) by a debtor filing a bankruptcy petition conventionally on paper shall be filed at the same time as the petition. The deposit shall be in the form of a cashier's check, certified check, attorney's client account check, or money order payable to the lessor.

#### **Rule 4001-4 POSTCONFIRMATION MATTERS IN CHAPTER 13 CASES**

(a) Notwithstanding any provision in a Chapter 13 plan revesting property of the estate in the debtor, all sales of real and personal property shall be conducted in accordance with the Federal Rules of Bankruptcy Procedure and Local Bankruptcy Rules. The Notice of Sale shall state the proposed disposition of sale proceeds.

(b) Any postpetition extensions of credit sought by the debtor shall be in the form of a motion subject to the Federal Rules of Bankruptcy Procedure and Local Bankruptcy Rules. Such motion shall be served on the Chapter 13 trustee and all parties in interest.

(c) A motion seeking real estate/mortgage financing shall include the following information:

- (1) the identity of the property that is subject to the financing;
- (2) the identity of the source of funds;
- (3) a description of the terms of the financing, including:
  - (A) whether it will be the first mortgage on the subject property;
  - (B) the amount of principal borrowed;
  - (C) the interest rate;
  - (D) the term of the loan and its amortization schedule;
  - (E) the amount of the monthly payment; and
  - (F) all other material terms of the financing agreement;
- (4) whether the new mortgage financing is to be incorporated into the existing plan or is designed to complete payments under the plan;
- (5) the status of plan payments at the time that the motion is filed;
- (6) if a discharge is sought through the financing, whether the provisions of 11 U.S.C. § 1328 are met; and
- (7) the date the loan is expected to close.

(d) A motion seeking approval of motor vehicle financing shall include the following:

- (1) the type and cost of vehicle being purchased;
- (2) the source of funds;

- (3) the terms of financing, including:
  - (A) the principal borrowed;
  - (B) the interest rate;
  - (C) the term of the loan and its amortization schedule;
  - (D) the amount of the monthly payment; and
  - (E) all other material terms of the financing agreement;
- (4) how the new payment will be incorporated into the Chapter 13 plan;
- (5) the status of plan payments at the time the motion is filed;
- (6) whether any further plan modification is necessary;
- (7) the date the loan is expected to close;
- (8) if the treatment of other creditors will be changed as a result of this financing, a statement of the rationale and underlying facts in support of that change;
- (9) if the plan payment is to be changed as a result of the financing, sufficient facts to demonstrate the feasibility of the plan amendment;
- (10) whether the standards of 11 U.S.C. § 1325(b) are met; and
- (11) whether and when an amended plan will be filed.

## **Rule 4002-1 PROOF OF FEDERAL INCOME TAX RETURNS**

If debtor did not file the federal income tax return required under applicable law for the most recent tax year ending immediately before the commencement of the case not later than seven (7) days before the date first set for the first meeting of creditors, then debtor shall submit to the trustee documentary proof of income from any source whatsoever, including, but not limited to, wages, salaries, commission, 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., not later than seven (7) days before the date first set for the first meeting of creditors. Any debtor who does not have documentary proof of income required by this Rule, or who had no income during the period, shall file a verified statement to that effect and serve a copy on the trustee.

**Rule 4002-2 PROOF OF INSURANCE**

All Chapter 13 debtors shall submit to the Chapter 13 Trustee proof of insurance for all of the debtors' motor vehicles, motor homes, and improved real estate, within 14 days after their initial Chapter 13 Plan is filed.

**Rule 4004-4      MOTIONS FOR DISCHARGE IN CHAPTER 11 CASES BROUGHT BY INDIVIDUALS**

Within ninety (90) days after final distribution of all plan payments, the debtor shall:

- (a) file a combined motion to reopen the case and to waive the filing fee; and
- (b) file a motion seeking discharge with a final report and account certifying that all plan payments have been made, that debtor has completed the financial management course, and that all domestic support obligations (if any) are current. The report shall include a list of all creditors, the amount of each creditor's claim, and the principal and interest paid to each creditor.

**PART V BANKRUPTCY COURTS AND CLERKS**



**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 MANDATORY ELECTRONIC FILING**

(a) Electronic filing through the Court's Case Management/Electronic Case Files System (the "CM/ECF System") is mandatory in this District for attorneys. Filers not represented by an attorney (*pro se*) may file paper documents with the Clerk, who shall promptly file such documents using the CM/ECF System.

(b) The Court shall sanction violators of this Local Bankruptcy Rule in the amount of \$150.00 per paper filing. Counsel shall not charge to or collect the \$150.00 from the client as a fee, cost, expense, or other charge in the case.

## Rule 5005-2 REGISTRATION AS A FILING USER

(a) A “Filing User” is anyone having a Court-issued CM/ECF System log-in and password. Any attorney appearing before the Court shall be registered as a Filing User. Pursuant to W.P.A.LBR 9010-1 and Local Bankruptcy Form 18 (Motion for *Pro Hac Vice* Admission), *pro hac vice* admission requires association with a local registered Filing User.

(b) Any attorney admitted to the Bar of the Western District of Pennsylvania (including those admitted *pro hac vice*), ~~and/or who has attended CM/ECF System training provided by the Clerk~~, United States trustees and their assistants, private trustees, and others as the Court deems appropriate may apply for registration as a Filing User after attending CM/ECF System training provided by the Clerk.

(c) The Court may grant a *pro se* party to a pending action permission to apply for registration as a Filing User, subject to attending CM/ECF System training provided by the Clerk. If granted, the *pro se* party’s Filing User status is limited solely to the specific pending action. If, during the course of the action, an attorney appears on the party’s behalf, that attorney shall immediately advise the Clerk to terminate the *pro se* party’s registration as a Filing User.

(d) Applications for registration as a **Limited** Filing User ~~shall be made using Local Bankruptcy Form 4B ((Limited Filing User Form and Agreement)~~ submitted through the Court’s website.

### **Rule 5005-3 REGISTRATION AS A LIMITED FILING USER**

(a) An individual who is registered as a CM/ECF System participant in another district and/or who has attended CM/ECF System training provided by the Clerk may apply for registration as a Limited Filing User. A Limited Filing User's CM/ECF System account is limited to filing proofs of claim, notice requests, withdrawals of claims, transfers of claims, objections to transfer of claim, reaffirmation agreements, notices of mortgage payment change, and notices of postpetition fees, expenses, and charges.

(b) A Limited Filing User will not receive electronic notification of documents or docket activity.

(c) Applications for registration as a Limited Filing User shall be ~~made using Local Bankruptcy Form 4B (CM/ECF Limited Filing User Registration)~~ submitted through the Court's website.

#### **Rule 5005-4 TERMINATION OF REGISTERED FILING USER STATUS**

(a) An attorney may terminate his or her status as a registered Filing User in a specific case only upon the granting of a motion for withdrawal of appearance in that case pursuant to W.PA.LBR 9010-2(b).

(b) An attorney may terminate his or her status as a registered Filing User in the entire CM/ECF System only by using Local Bankruptcy Form 4C (Notice of Termination of CM/ECF Privileges), which shall be delivered to the Clerk by certified mail.

(c) Termination of registered Filing User status due to special circumstances (for example, death or mental incapacity) may be made by motion to the Court by an appropriate representative.

(d) At its discretion, the Court may terminate an individual's status as a registered Filing User for reasons that include, but are not limited to, an egregious or recurring violation of these Local Bankruptcy Rules and/or Federal Rules of Bankruptcy Procedure and/or in response to a finding of misconduct by any duly empowered tribunal.

**Rule 5005-5 CM/ECF SYSTEM PASSWORDS**

(a) Each Filing User shall maintain control and security over his or her CM/ECF System log-in and password. A Filing User shall not voluntarily share, transfer or assign the use of his or her CM/ECF System log-in and/or password. A Filing User who suspects that his or her password has been compromised shall immediately notify the Clerk.

(b) Violation of this Local Bankruptcy Rule may result in the termination of the Filing User's CM/ECF System account, sanctions and/or other disciplinary action at the discretion of the Court.

## **Rule 5005-6 SIGNATURES**

(a) A Filing User's CM/ECF System log-in and password serve as the Filing User's signature on all electronic documents filed with the Court for purposes of the Federal Rules of Bankruptcy Procedure, the Local Bankruptcy Rules of this Court, and any other purpose for which a signature is required in connection with proceedings before the Court.

(b) Electronically filed documents shall comply with Fed. R. Bankr. P. 9011 and set forth the Filing User's name, address, telephone number, e-mail address, and state Bar registration number, if applicable. In addition, the name of the Filing User under whose log-in and password the document is submitted shall be preceded by an "/s/" and typed in the space where the signature would otherwise appear.

(c) When a settlement agreement or similar document requiring multiple signatures is filed electronically, the filing party shall comply with instructions set forth by the Judge assigned to the case on the Court's website. If the Judge does not have specific instructions, then the document bearing all the necessary signatures shall be electronically filed either by:

- (1) submitting a scanned document containing all necessary signatures, with Local Bankruptcy Form 26 (Settlement and Certification of Counsel) attached;
- (2) representing the consent of the parties on the document; or
- (3) in any other manner approved by the Court.

**Rule 5005-7 DECLARATION OF ELECTRONIC FILING**

(a) The signature of the debtor(s) authorizing the electronic filing of the bankruptcy case shall be accomplished by filing an original executed paper version of Local Bankruptcy Form 1A (Declaration Re: Electronic Filing), or Local Bankruptcy Form 1B if the debtor is not represented by counsel, within fourteen (14) days of the electronic filing of the petition. Both debtors shall sign the authorization when a joint petition is filed.

(b) The attorney representing the debtor shall notify the Court forthwith if the debtor(s) fails to sign the declaration.

(c) The case shall be dismissed without prejudice when the Court is notified that the debtor has failed to sign the declaration or if the declaration is not filed within fourteen (14) days of the date the petition is filed.



## **Rule 5005-8 NOTICE AND SERVICE**

(a) The CM/ECF System automatically generates a Notice of Electronic Filing (“NEF”) when a document is filed. The NEF contains a hyperlink to the document filed and identifies by e-mail address each Filing User to whom the CM/ECF System automatically transmits the NEF. The generation of an NEF by the CM/ECF System creates a presumption of effective notice and service as to each Filing User identified in the NEF.

(b) By registering as a Filing User with the Court, a Filing User consents to electronic notice in the form of a CM/ECF System-generated NEF, and waives his or her right to receive notice by first-class mail, including, but not limited to, the entry of an order or judgment pursuant to Fed. R. Bankr. P. 9022.

(c) By registering as a Filing User with the Court, a Filing User consents to electronic service in the form of a CM/ECF System-generated NEF which contains a hyperlink to a PDF of the document(s) being served, and waives his or her right to service by personal service or first-class mail, except with regard to service of a summons and complaint pursuant to Fed. R. Bankr. P. 7004, a motion initiating a contested matter under Fed. R. Bankr. P. 9014, and/or a subpoena under Fed. R. Bankr. P. 9016.

(d) As to persons who are not Filing Users, notice and service shall be effectuated by nonelectronic means in accordance with all applicable Local Bankruptcy Rules and Federal Rules of Bankruptcy Procedure.

(e) A certificate of service shall identify the specific method of service upon each person served.

## **Rule 5005-9 E-MAIL ACCOUNTS**

(a) A Filing User shall maintain a current primary e-mail address in the CM/ECF System. Filing Users may also register a secondary e-mail address. It is the Filing User's responsibility to ensure that the primary and secondary e-mail accounts are active and fully functional.

(b) The CM/ECF System will automatically send Notices of Electronic Filing (NEFs) to the registered primary and secondary e-mail addresses of all Filing Users in a case. Filing Users are responsible for monitoring the docket activity in each of his or her cases, independently of the NEFs sent to the Filing User's registered e-mail accounts. Problems with a Filing User's e-mail account will not defeat the presumption of effective notice and service pursuant to W.PA.LBR 5005-8(a).

(c) If the CM/ECF System reports repeated e-mail delivery errors to a Filing User's primary or secondary e-mail addresses, the Chief Judge shall issue a Rule to Show Cause to the Filing User.

**Rule 5005-10 PAYMENT OF COURT FEES**

(a) Unless another form of payment is required by the Court, filers shall pay by credit card, through the CM/ECF System, all applicable filing fees at the time of filing or by the end of the day.

(b) If fees are not paid within four (4) days of the date incurred, the Filing User shall be locked out of the CM/ECF System until full payment is made.

## **Rule 5005-11 COURT-ISSUED DOCUMENTS**

(a) All orders, decrees, judgments, and proceedings of the Court shall be filed through the CM/ECF System, constituting entry on the docket pursuant to Fed. R. Bankr. P. 5003 and 9021.

(b) Any order or other Court-issued document filed electronically without the original signature of a Judge or the Clerk has the same force and effect as if the Judge or Clerk had physically signed the document.

(c) Except as may be otherwise provided in the Federal Rules of Bankruptcy Procedure, orders may be issued as “text-only” entries on the docket, without an attached document. Such orders are official and binding.

## **Rule 5005-12 ATTACHMENTS AND EXHIBITS**

(a) Each abstract, exhibit, and excerpt shall be electronically filed as a separate Portable Document Format (“PDF”) file attached to the docket entry to which it refers.

(b) Filing Users shall provide a description of each attachment or exhibit at the time of filing, using the description input field provided by the CM/ECF System. Descriptions shall clearly and concisely identify the content and/or type of document being attached.

(c) Filing Users shall submit as exhibits or attachments only those excerpts of the referenced documents that are directly germane to the matter under consideration by the Court. All excerpted material shall be clearly and prominently identified as such. Filing an excerpt as an attachment or exhibit does not prejudice the filing of additional excerpts or the complete document. Responding parties may timely file additional excerpts or the complete document that they believe are directly germane. The Court may require parties to file additional excerpts or the complete document.

(d) With respect to loan documentation, in lieu of the entire document, a one-page Local Bankruptcy Form 28 (Document and Loan History Abstract) may be filed.

(e) A party filing a pleading containing a Document and Loan History Abstract, or an excerpted exhibit, shall have a paper copy of the entire document at any hearing pertaining to the pleading.

(f) A party filing a pleading containing an excerpt or abstract shall, upon request of any party in interest, provide a copy of the entire exhibit. Unless otherwise directed by the Court, the copy may be provided in electronic format.

## **Rule 5005-13 DOCUMENT FORMAT AND QUALITY**

(a) All documents filed through the CM/ECF System shall be in a Portable Document Format ("PDF").

(b) All documents created by the Filing User shall be:

- (1) on 8.5" by 11" paper;
- (2) sequentially page numbered;
- (3) sequentially paragraph numbered except as to briefs;
- (4) created in a font size no smaller than 12 Courier or an equivalent font size, including footnotes; and
- (5) converted directly to PDF format using the word processing software (i.e., shall not be scanned into PDF format).

(c) Only documents not created by the filing party (e.g., lease agreements, mortgages, etc.) may be scanned into PDF format. Scanned documents shall be legible, properly aligned, and free of water marks or other marks caused by poorly maintained scanning equipment or text from other pages bleeding through the page.

(d) All PDF documents filed through the CM/ECF System shall be flattened and fully text-searchable.

## **Rule 5005-14 HYPERLINKS**

(a) Electronically filed documents may contain hyperlinks to other portions of the same document and/or hyperlinks to a location on the Internet that contains a source document for a citation.

(b) Hyperlinks to cited authority shall not replace standard citation format. Complete citations shall be included in the text of the filed document.

(c) Neither a hyperlink, nor any site to which it refers, shall be considered part of the record. Hyperlinks are simply convenient mechanisms for accessing material cited in a filed document.

(d) The Court accepts no responsibility for, and does not endorse, any product, organization, or content at any hyperlinked site, or at any site to which that site may be linked. The Court accepts no responsibility for the availability or functionality of any hyperlink.

## **Rule 5005-15 PAPER RETENTION REQUIREMENTS**

(a) Documents that are electronically filed and require original signatures other than that of the Filing User, such as the debtor, corporate officers, etc., shall be maintained in paper form by the Filing User for six (6) years from the date of case closing.

(b) On request of the Court, the Filing User shall provide original documents for review.

(c) Failure to maintain documents for the specified period shall subject the Filing User to sanctions, including, without limitation, disgorgement of fees.



## **Rule 5005-16 WITHDRAWAL OF FILES FROM THE CLERK'S OFFICE**

(a) 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.

(b) 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.

(c) 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 Clerk.

## **Rule 5005-20 DOCUMENTS FILED UNDER SEAL**

(a) Filing Users shall electronically file a motion to file documents under seal. Documents that contain confidential, scandalous, or defamatory matter shall be filed using docket events specified by the Clerk, and access to the documents shall be limited to parties authorized by the Judge. In the event the motion to file documents under seal is denied, the motion to seal documents and attachments, as well as any associated documents electronically filed by the movant, shall be made publicly accessible on the docket.

(b) A party who is not a Filing User shall file on paper a motion to file documents under seal and related documents containing confidential, scandalous, or defamatory matter. The document to be sealed shall be in a secured envelope. Affixed to the outside of the envelope shall be a statement containing a case caption, a case number, the nature of the document, and a notation that the document is being filed under seal.

(c) The motion to file documents under seal shall include a proposed order which grants the relief requested and further states: "The docket entry for the document(s) filed under seal shall describe the document(s) as follows: [Note: Filer to include a docket description for the sealed document.]" The docket entry for a sealed document shall describe the nature of the document filed without divulging confidential, scandalous, or defamatory information.

(d) A motion to file documents under seal shall be available for public review on the docket unless it contains confidential, scandalous, or defamatory matter, in which case the motion itself shall be filed under seal.

(e) The docket entry for a sealed document shall describe the nature of the document filed without divulging confidential, scandalous, or defamatory information.

(f) The Judge shall determine who shall scan the document and enter it into the electronic filing system as well as the parties that can view it. The document shall be destroyed after it is entered into the electronic filing system.

(g) The filing party shall keep the original documents for a period of six (6) years from the date of submission.

**Rule 5005-21 TECHNICAL FAILURES OF THE CM/ECF SYSTEM**

A Filing User whose filing is made untimely as a result of a technical failure of the CM/ECF System may seek appropriate relief from the Court.

**Rule 5005-22 FACSIMILE DOCUMENTS AND E-MAILED DOCUMENTS**

Documents may not be transmitted to the Clerk's Office for filing by facsimile, e-mail, text message, or any other electronic means other than CM/ECF, except as authorized by the Court. Any documents transmitted by facsimile or e-mail to the Clerk's Office without prior Court authorization shall be discarded without review.

## **Rule 5007-1 REQUESTS FOR TRANSCRIPTS**

(a) Parties may request transcripts or an audio recording on cassette or compact disk by either filing a transcript request with the Clerk on a form available from the Clerk and the Court's website or by verbal request made to an Electronic Court Reporter Operator ("ECRO"). If a verbal request is made, the party requesting the transcript shall provide the ECRO with a written request containing the details of the request and payment as described below before the request will be processed.

(b) W.PA.LBR 8006-1 shall apply to a request in connection with an appeal.

(c) The requesting party shall provide the ECRO with:

- (1) the name of the case;
- (2) the bankruptcy and motion or adversary numbers;
- (3) the date of the hearing;
- (4) the name of the Judge who heard the matter; and
- (5) the requesting party's name, telephone number, and mailing address and/or e-mail address and/or fax number.

(d) The ECRO shall estimate the cost of the transcript and the party requesting the transcript shall provide appropriate payment before the transcript request is processed. Checks written on a firm's business account will be accepted. Pro se litigants shall submit payment by money order, certified check, or cashier's check.

(e) When the completed transcript is received by the ECRO, the ECRO shall notify the requesting party that the transcript is available and shall notify the requesting party whether the actual cost of the transcript exceeded the estimate. If the actual cost of the transcript exceeded the estimate, the transcript will not be released until the additional payment is made. If the actual cost is less than the amount paid, the excess amount will be refunded.

(f) If the requesting party wants an expedited transcript, the requesting party shall notify the ECRO at the time the transcript is ordered. There is extra cost associated with expedited transcripts.

(g) Requests to redact personal identifiers from transcripts shall comply with W.PA.LBR 9037-1.

**Rule 5095-1 DEPOSITS (OTHER THAN UNCLAIMED FUNDS) INTO A REGISTRY FUND**

(a) A motion seeking Court approval of deposits into a registry fund shall be filed with the Court. The Clerk will not accept funds for a registry account without an order of Court.

(b) Upon entry of an order allowing the deposit of funds, the Clerk shall place the funds in a depository that will provide collateral for the full amount of the deposit. The Clerk shall not accept the funds until adequate collateral is pledged by the depository.

(c) An administrative handling fee will be assessed and funds will be withdrawn from each invested account at a rate established by the Judicial Conference of the United States.

**Rule 5095-2 WITHDRAWALS (OTHER THAN UNCLAIMED FUNDS) FROM A  
REGISTRY FUND**

(a) In order to withdraw deposited funds, a motion for disbursement of invested registry funds and a proposed order shall be filed. The proposed order for disbursement of invested registry funds shall 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 shall specify whether the payment is to be delivered to the payee or to counsel.

(b) The tax identification number or Social Security number of each payee receiving earned interest shall be provided to the Clerk in compliance with the Clerk’s instructions. No disbursement shall be made until the Clerk receives this information and any other information concerning payment required by the Internal Revenue Service.

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



**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**

(a) All sales of property not in the ordinary course of debtor's business shall be by motion, except where Fed. R. Bankr. P. 7001(2) or (3) is applicable.

(b) Unless a specific Judge employs the self-scheduling procedure, the Court will schedule any requested sale by separate order. If the seller anticipates that the sale hearing will take more than a limited time, the seller shall so notify the appropriate Court personnel.

(c) In the event of a sale not in the ordinary course of business, pursuant to Fed R. Bankr. P. 6004(f), the following shall apply:

- (1) The Notice of Sale shall contain the following information and shall be uploaded to the Electronic Access to Sales Information (EASI) system on the Court's website under "Notice of Sale":
  - (A) the case name and number and the adversary name and number or document number of the motion;
  - (B) a brief description of the property to be sold, such as "1988 Dodge Truck" for personalty, or in the case of realty, the complete street address, deed book volume, and page number;
  - (C) the date, time, and place of sale hearing;
  - (D) the date by which objections to the sale shall be filed and served;
  - (E) a statement of the amount of the initial offer and that higher or better offers will be considered at the hearing;
  - (F) the name, address, and telephone number of the person to contact for terms and conditions of sale or to examine the property; and
  - (G) hand money requirements at the time of the hearing.
- (2) Notice of any proposed sale shall be advertised by the seller by publication in a newspaper of general circulation in the county in which the property is located and in the Legal Journal of such county if one exists and shall contain the case name and number, a brief description of the property to be sold, the date of the sale hearing, and a reference to the Court's EASI website where additional information regarding the sale shall be uploaded pursuant to subsection (c)(1). The publication shall be made no more than thirty (30) nor less than fourteen (14) calendar days before the scheduled date of sale.
- (3) Proofs of publication of the advertising shall be filed when received by movant. If a representation is made to the Court at the time of the sale hearing that publication was made but the proofs of publication are not yet

received, the proofs of publication shall be filed upon receipt by the movant.

(4) An itemized Report of Sale shall be filed with the Court within seven (7) calendar days of the date of consummation of the sale.

(d) Notices shall meet the following requirements:

(1) Other than to parties receiving notice via the CM/ECF System, the seller shall send the Notice of Sale by first-class mail to:

(A) the debtor and debtor's counsel;

(B) the trustee and trustee's counsel, if any;

(C) all indenture trustees and their counsel, if any;

(D) lien holders;

(E) all creditors;

(F) all committees appointed pursuant to the Bankruptcy Code or to their authorized agents and their counsel, if any;

(G) the United States as required by Fed. R. Bankr. P. 2002(j); and

(H) the United States trustee.

(2) The seller may file a motion, served on all creditors and parties in interest, to establish a procedure for selling less than substantially all the assets of the estate or those assets of less than substantial value. The motion to establish sale procedure may provide that the Notice of Sale be served on a limited list of creditors and parties in interest. Each such list shall be set forth with particularity in the motion to establish the sale procedure.

(3) Any notice required to be served under these procedures shall be addressed as directed in a request for notices filed with the Clerk, but if a different address is stated in a proof of claim duly filed, that address shall be used; otherwise, the address shown in the list of creditors in the schedules shall be used.

**Rule 6004-2        SALE OF PROPERTY WITHOUT PUBLICATION IN CHAPTER 13  
CASES**

(a)        The debtor in a Chapter 13 case may conduct a private sale without meeting the requirements for publication in W.PA.LBR 6004-1 when all or a portion of the funds received by the debtor for the sale or refinancing of real property is designated to pay one hundred percent (100%) of the amount owed to creditors with allowed claims.

(b)        A stipulation signed by debtor's counsel and the Chapter 13 trustee to sell property without publication shall be served on all parties in interest, including the creditors and lien holders.

**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 Bankruptcy 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.

**PART VII ADVERSARY PROCEEDINGS**

**Rule 7004-1 NOTICE OF CONSTITUTIONAL QUESTION**

(a) 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 under the case number in bold-face type and all capital letters the words **CONSTITUTIONAL QUESTION RAISED**, shall serve a copy 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) 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 under the case number in bold-face type and all capital letters the words **CONSTITUTIONAL QUESTION RAISED**, shall serve a copy 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 responses thereto shall not be filed with the Clerk.

(b) A party seeking a protective order, to compel discovery, or other relief pursuant to 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.

(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) All motions shall be in writing unless made during a hearing or trial.
- (b) Motions filed within adversary proceedings shall contain a descriptive title of the motion in addition to the complete adversary caption. The caption shall conform to Official Form 16D (Caption for Use in Adversary Proceeding).
- (c) The response to any motion shall be filed and served within fourteen (14) days after service of the motion plus an additional three (3) days as provided by Fed. R. Bankr. P. 9006(f) when service is by mail. 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 seven (7) days, plus an additional three (3) days as provided by Fed. R. Bankr. P. 9006(f) when service is by mail, after service of the response or reply, as applicable.
- (d) 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.
- (e) If authorized, reply and surreply briefs shall be limited to five (5) pages, and shall address only matters not addressed in the initial brief. The deadlines for such briefs shall be set forth in the order granting their authorization.
- (f) 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.
- (g) Any request for oral argument or hearing on a contested motion within an adversary proceeding shall be in writing and referenced in the caption.
- (h) A proposed order of Court shall be filed as an attachment to all motions and all other requests for relief.
- (i) When briefing is complete, the moving party shall file a certification that briefing is completed substantially in compliance with Local Bankruptcy Form 16 (Certification That Briefing Completed). The Court may not act until the certificate is filed with the Clerk. In addition, when briefing is complete, a tabbed binder with all related pleadings, documents, exhibits, and an index shall be delivered to the Judge's Chambers.

**Rule 7008-2 REVIEW OF PROPOSED FINDINGS OF FACT AND CONCLUSIONS OF LAW ~~IN NON-CORE PROCEEDINGS~~**

(a) This Local Rule applies to non-core proceedings and any core proceeding in which a final order or judgment must be entered by a United States District Judge.

(~~a~~ b) A party objecting to the Bankruptcy Judge's proposed findings of fact and conclusions of law shall arrange for the transcription of the record or such portions of it as all parties may agree upon and file a Notice of Transcript Order within fourteen (14) days of the date the objection is filed.

(~~b~~ c) A party objecting to the Bankruptcy Judge's proposed findings or conclusions must file a motion to determine the portion of the record to be transcribed within fourteen (14) days of the date the objection is filed when the parties cannot agree. The objecting party shall arrange for the transcription of the record as determined by the Court and file a Notice of Transcript Order within seven (7) days of the date an order is entered on the motion.

(~~e~~ d) The Notice of Transcript Order shall comply with the caption requirements of W.PA.LBR. 9004-1, reference the date that the proposed findings of fact and conclusions of law were issued, provide the date and time of the hearing that will be transcribed, and provide the date that the transcript was ordered.

(~~d~~ e) A party objecting to the Bankruptcy Judge's proposed findings of fact and conclusions of law shall file all of the exhibits admitted into evidence as a single document prior to filing the objection. The objection shall identify all of the exhibits and the docket number at which the exhibits were filed.

(~~e~~ f) The Clerk shall transmit the proposed findings of fact and conclusions of law, the Clerk's notice to the parties, objections, and responses to the District Court without a transcript when the Notice of Transcript Order is not timely filed.

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

(a) The caption of an adversary proceeding shall conform to Official Form 16D (Caption for Use in Adversary Proceeding). 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 DOCUMENTS 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 fourteen (14) days after the filing of an appearance or a responsive pleading by the joined third-party defendant, copies of all docket sheets, documents of record, and docketed items in the case.

**Rule 7016-1 PRETRIAL PROCEDURE**

Pretrial procedures are governed by pretrial orders entered in each case and any additional requirements set forth by the Presiding Judge.

**Rule 7026-1 DISCOVERY OF ELECTRONIC DOCUMENTS (“E-DISCOVERY”)**

(a) If the parties cannot agree on how to conduct e-discovery before the first pretrial conference, the following default standards shall apply.

(b) Each party shall designate an “e-discovery liaison,” through whom all e-discovery requests and responses are made.

(1) The e-discovery liaison shall be:

(A) familiar with and able to explain the party’s electronic systems;

(B) knowledgeable about the technical aspects of e-discovery, including electronic document storage, organization, and format issues; and

(C) prepared to participate in e-discovery dispute resolutions.

(2) At all times, counsel of record shall be responsible for compliance with e-discovery requests. However, the e-discovery liaisons shall be responsible for organizing each party’s e-discovery efforts to insure consistency and thoroughness.

(c) At least seven (7) days prior to the first pretrial conference, the parties shall exchange the following:

(1) A list of the most likely custodians of relevant electronic materials, including a brief description of each person’s title and responsibilities;

(2) The name of the individual responsible for that party’s electronic document retention policies (“the retention coordinator”);

(3) The name of the party’s e-discovery liaison;

(4) A list of each relevant electronic system that has been in place at all relevant times and a general description of each system, including: (a) the nature, (b) scope, (c) character, (d) organization, (e) formats employed in each system, and (f) whether the electronic documents are of limited accessibility (for example, documents created or used by electronic media no longer in use, maintained in redundant electronic storage media, or for which retrieval involves substantial cost);

(5) A general description of the party’s electronic document retention policies for the systems identified above; and

(6) Any problems reasonably anticipated to arise with e-discovery.

(d) Discovery shall proceed in a sequenced fashion.

- (1) After receiving requests for document production, a party shall search its documents, other than those identified as limited accessibility electronic documents, and produce responsive electronic documents in accordance with Fed. R. Civ. P. 26(b)(2).
- (2) Electronic searches of documents identified as of limited accessibility shall not be conducted until the initial electronic document search has been completed. Requests for information expected to be found in limited accessibility documents shall be narrowly focused with some basis in fact supporting the request.
- (3) On-site inspections of electronic media pursuant to Fed. R. Civ. P. 34(b) shall not be permitted absent exceptional circumstances, where good cause and specific need have been demonstrated.

(e) If a party intends to employ an electronic search, the party shall disclose any restrictions as to scope and method which might affect its ability to conduct a complete search. The parties shall reach an agreement as to the method of searching, and the words, terms, and phrases to be searched with the assistance of the respective e-discovery liaisons. The parties also shall reach an agreement as to the timing and conditions of any additional searches which may become necessary in the normal course of discovery. To minimize the expense, the parties may consider limiting the scope of the electronic search (e.g., time frames, fields, document types).

(f) Unless the parties otherwise agree, electronic documents shall be produced as image files, such as Portable Document Format (PDF) or Tagged Image File Format (TIFF). The producing party shall preserve the integrity of the electronic document's contents, i.e., the original formatting, its metadata and, where applicable, its revision history. For production of electronic documents in their native format, particularized need shall be shown.

(g) Within the first thirty (30) days of discovery, each party shall outline the steps each shall take to segregate and preserve the integrity of all relevant electronic documents (akin to the standard protective order). If spoliation is at issue, a Fed. R. Civ. P. 30(b)(6) deposition of the retention coordinator shall be scheduled at a mutually convenient time. The retention coordinators shall:

- (1) take steps to ensure that e-mail of identified custodians is retained and not permanently deleted in the ordinary course of business and that electronic documents maintained by the individual custodians are not altered; and
- (2) provide notice as to the criteria used for spam and/or virus filtering of e-mail and attachments; e-mails and attachments filtered out by such systems need not be produced provided that the criteria underlying the filtering are reasonable.

(h) Within seven (7) days of identifying the relevant document custodians, the retention coordinators shall implement the above procedures, and each party's counsel shall file a statement of compliance as such with the Court.

(i) Electronic documents that contain privileged information or attorney work product shall be immediately returned if the documents appear on their face to have been inadvertently produced or upon written notice of the inadvertent production.

(j) The costs of discovery will be borne in accordance with the applicable rules. However, the Court will apportion the costs of electronic discovery upon a showing of good cause.



**Rule 7026-2 ELECTRONIC DISCOVERY SPECIAL MASTER**

Any party may request, and the Court may order, *sua sponte*, that any dispute concerning electronic discovery be referred to an Electronic Discovery Special Master, pursuant to United States District Court for the Western District of Pennsylvania, General Order No. 2:11-mc-94 (In Re: Use of Special Masters for Electronic Discovery by United States Bankruptcy Judges).

## **Rule 7037-1 DISCOVERY DISPUTES**

(a) An objection to interrogatories, depositions, requests, or applications pursuant to 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 only the specific portion that is the subject of the objection.

(b) An objection to discovery matters shall not extend the time to answer or respond to portions to which no objection was made.

(c) Any party opposing the requested relief shall file only those additional portions of the interrogatories, requests for documents, or requests for admission, and the responses to same that are necessary for the Court's consideration of the matter.

(d) If a discovery dispute is not resolved, the party initiating discovery shall file and serve a motion to compel. 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.

(e) Compliance with discovery orders shall be effected within fourteen (14) days of the entry of the order.

(f) 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.

(g) 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**

(a) A party shall file an adversary complaint and a motion for preliminary injunction along with an application for a temporary restraining order.

(b) A party filing an application for a temporary restraining order with an attached proposed order and any party filing a response shall deliver a paper copy to the Presiding Judge's Chambers to notify the Court that the application or response has been filed.

**PART VIII APPEALS TO DISTRICT COURT OR  
BANKRUPTCY APPELLATE PANEL**

**Rule 8006-1      REQUESTS FOR COMPLETE OR PARTIAL TRANSCRIPTS ON  
APPEAL**

(a)      The requirements for ordering transcripts are set forth in W.PA.LBR 5007-1. In addition to designating a transcript as part of the record on appeal, the requesting party shall file and serve notice that a transcript has been requested.

(b)      The request for a transcript by an appellant, shall be filed not later than two (2) days after filing the designation of the record and statement of issues to be presented.

(c)      Not later than two (2) 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 (2) 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 (2) days after the filing by such party of a designation of any additional items to be included in the record on the cross-appeal.

(f)      Parties shall comply with W.PA.LBR 9037-1 when requesting redaction of personal identifiers from transcripts.

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

(a) When, 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 fourteen (14) days' notice to the appellant and appellee of an intention to transmit a partial record consistent with W.PA.LBR 8007-1(b); and
- (2) After the 14-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 therefor 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 8007-2 TRANSMISSION OF THE RECORD ON APPEAL**

In accordance with Miscellaneous Order # 12-284 of the District Court, the Clerk shall not transmit to the District Court paper copies of documents listed on designations of record on appeal. The Bankruptcy Court Clerk shall transmit the record on appeal by way of an e-mail to the District Court Clerk, identifying the corresponding Bankruptcy Court docket entry number of each document designated by the parties to the appeal and attaching electronic copies of the respective designations of the record. The District Court shall access the designated documents by way of the ECF and PACER systems.

**PART IX GENERAL PROVISIONS**



## **Rule 9004-1 CAPTIONS OF PLEADINGS AND ORDERS**

Except as specified herein, any document filed in the general case or miscellaneous docket of a bankruptcy proceeding, including, but not limited to, any proposed order, pleading, notice, declaration, motion, application, response, or reply, shall contain a caption substantially conforming to Official Form 16D (Caption for Use in Adversary Proceeding), 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.” 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 to which it pertains. The foregoing requirement as to captions shall not apply as to a bankruptcy petition and other related preliminary filings in a bankruptcy case (Official Forms 1 through 15, 18, 19, 21, 22, 23, 25, and 26, or any Supplement or Attachment thereto); Directors Procedural Forms 13S through 231A-B, 253; Local Bankruptcy Forms 1A-1B, 10, and 13; a Chapter 11 plan of reorganization; a plan of reorganization in a small business case; a Chapter 12 plan; and a Chapter 13 plan and related disclosure statements.

**Rule 9006-1 TIME**

(a) To the extent a matter is self-scheduled pursuant to the scheduling practices of a particular judge, every request for relief, however made, shall be served on the same day that it is filed. Otherwise, the matter shall be served in the manner required by the directive of the Court.

(b) Every responsive pleading shall be filed and served within fourteen (14) days from the date the motion is filed and served.

(c) All references to days mean calendar days unless otherwise noted.

## **Rule 9010-1     ADMISSION TO PRACTICE**

(a) 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) No one, other than an attorney regularly admitted to practice in this Court, shall appear in any proceeding except upon motion filed with the Clerk and order entered by the Court. Every motion to be admitted *pro hac vice* shall be signed and filed by an attorney admitted to practice in this District. The motion shall substantially conform to Local Bankruptcy Form 18 (Motion for *Pro Hac Vice* Admission). The party seeking *pro hac vice* admission shall pay the required fees of \$40.00 contemporaneously with filing the motion. 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* and local counsel shall appear at Court hearings and be prepared to address all issues set for argument.

(c) 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, as local counsel, who is a member of the Bar of this Court and who shall act as local counsel during the term of applicant's admission and who maintains an office in this District for the regular transaction of business, upon whom all documents, pleadings, and notices shall be served and who shall be required to sign all papers filed with the Clerk. Local counsel is not necessary for:

- (1) 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) an attorney not admitted in the United States District Court for the Western District of Pennsylvania but admitted in another United States District Court 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 Local Bankruptcy 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) No attorney shall be given *pro hac vice* status on more than 3 occasions. At that point, general admission before the United States District Court for the Western District of Pennsylvania is required.

(e) 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 ENTRY, WITHDRAWAL AND/OR SUBSTITUTION OF APPEARANCE**

(a) 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. Thereafter, pursuant to W.P.A.LBR 5005-8, service and notice to the attorney(s) appearing on the first pleading or motion will be provided by way of electronic Notice of Electronic Filing (“NEF”) only to the Filing User unless an attorney enters a separate Notice of Appearance.

(b) All parties filing any document, including pleadings, shall appear in person or through counsel for the scheduled hearing on that matter unless such appearance has been excused by the Court.

(c) Only natural persons may appear in Court without counsel.

(d) Child support creditors need not appear by counsel; provided, however, that they shall first complete and file Local Bankruptcy Form 19 (Appearance of Child Support Creditor or Representative).

(e) An attorney may withdraw an entry of appearance and/or substitute appearance only with leave of Court, upon filing a written motion stating the reasons for withdrawal ~~and after reasonable notice to the client~~ and/or substitution and certifying that each affected client has expressly consented to the withdrawal and/or substitution.

(f) In the event that the consent of an affected client cannot be obtained, movant shall file a motion pursuant to subpart (e), above, which shall include “IN THE ABSENCE OF CLIENT CONSENT” in the title of the motion, and the Court shall schedule a hearing on the motion.

(g) An attorney intending to file a motion pursuant to subpart (e) or (f), above, in more than twenty (20) cases may contact the Clerk of Court to request the opening of a Miscellaneous Proceeding for the filing of an omnibus motion for the withdrawal and/or substitution of appearance in all cases. If the Chief Bankruptcy Judge determines that omnibus relief is appropriate, the Clerk shall open a Miscellaneous Proceeding and the movant shall file an omnibus motion for withdrawal and/or substitution of appearance with a list of all affected cases attached as an exhibit to the motion. For each case listed in the exhibit, the movant shall provide the case number, Presiding Judge, debtor(s)’ full name(s), and the full name of the movant’s client. The movant is responsible for the preparation and accuracy of the information set forth in the exhibit. The movant shall file a certificate of service demonstrating that the omnibus motion was timely served on each of the movant’s clients identified in the exhibit. The movant shall pay any applicable fee as set forth in the Fee Schedule available on the Court’s website.

**Rule 9010-3 AGREEMENTS OF ATTORNEYS**

(a) All agreements of attorneys shall be filed with the Court for approval; otherwise, they will be considered of no validity.

(b) No agreement contrary to the Federal Rules of Bankruptcy Procedure, these Local Bankruptcy Rules, or a separate order of Court will be considered valid including, without limitation, agreements to extend time.

**Rule 9013-1      MOTIONS AND CONTESTED MATTERS**

(a) All written motions, applications, objections or other requests for relief shall be 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) Any affirmative request for relief shall be brought by motion and may not be included in any response to a motion.

## **Rule 9013-2 PROCEDURE FOR EXPEDITED HEARINGS**

- (a) A motion including a request for expedited hearing shall specify:
  - (1) the substantive relief sought;
  - (2) just cause to request consideration of the underlying matter on an expedited basis;
  - (3) the specific harm the movant shall incur if a hearing is not granted on an expedited basis; and
  - (4) 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.
- (b) The request for expedited hearing shall be set forth in the title to the motion.
- (c) A proposed order granting the relief requested shall be filed as an attachment to the motion. A second proposed order substantially conforming to Local Bankruptcy Form 20 (Notice and Order Setting Hearing on an Expedited Basis) 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, place of hearing, and the date by which responses shall be filed and served.
- (d) Once the hearing is scheduled, movant shall serve on the respondent and all other applicable parties of interest a copy of the completed order scheduling the hearing and the accompanying motion, by hand delivery, and where addresses and numbers are known or readily ascertainable, alternate service by facsimile, electronic transmission, and any other method of service approved by the Court.
- (e) Parties filing a motion for expedited hearing shall immediately notify Chambers of the Judge assigned the case that the motion has been entered on the docket.

**Rule 9013-3 MOTIONS SEEKING: (1) RELIEF FROM THE AUTOMATIC STAY; (2) LIEN AVOIDANCE; (3) ABANDONMENT; (4) SALE APPROVAL; AND/OR (5) TO EXTEND/IMPOSE THE AUTOMATIC STAY**

(a) All motions seeking relief from the automatic stay shall plead the following with particularity:

- (1) the movant's name and proof of claim number, if any;
- (2) a description of any affected property and whether it appears in the schedules;
- (3) the value of any affected property and the source of the valuation;
- (4) the amount and date of the loan at origination;
- (5) the date and type of perfection (e.g., date of lien on title, date and location of UCC filing, date and mortgage book volume and page number, etc.);
- (6) the current balance (principal, interest, interest rate, charges, costs, fees, and accruing daily interest);
- (7) the balance owed as of the date of the motion;
- (8) an itemized statement of the default and the amount necessary to cure as of the filing date of the motion;
- (9) the amount of any plan payment arrearages;
- (10) a separate itemized statement of the postpetition default;
- (11) the value of any claimed exemption in the affected property;
- (12) the amount of any equity in the affected property; and
- (13) all known liens against any affected property, including:
  - (A) the name and address of the holder;
  - (B) the date incurred;
  - (C) the current balance owed; and
  - (D) the type of lien (e.g., mortgage, judgment, etc.).

(b) All motions seeking lien avoidance shall plead the following with particularity:

- (1) a description of the affected property and whether it appears in the schedules;



- (2) the name of each person or entity having an ownership interest in the affected property;
  - (3) the value of the affected property and the source of the valuation;
  - (4) the value of any claimed exemption in the affected property; and
  - (5) all known liens against the affected property, including:
    - (A) the name and address of the holder, and in the case of a judgment lien, counsel for the holder in the underlying lawsuit;
    - (B) the current balance owed;
    - (C) the date incurred;
    - (D) the type of lien (e.g., mortgage, judgment, etc.); and
    - (E) the identification of record location of each lien on the property subject to the action (i.e., in the case of a mortgage lien, the mortgage book volume and page number, and in the case of a judgment lien, the name of the court, identification of the case number, and date when the judgment was entered).
- (c) All sale motions shall plead the following with particularity:
- (1) the full name, address, and account number, if available, of all respondents, with only entities holding a lien, claim, or encumbrance against the affected property named as respondents;
  - (2) the value of the affected property and the source of the valuation, e.g., appraisal, book value, personal opinion, recent comparable sales;
  - (3) an appropriate description of the affected property and where it appears in the schedules:
    - (A) For sale of real estate, the formal deed description is not necessary. The current deed book and page number (or other recording information if deed book and page number are not available), street address, tax identification number, and basic description of the real estate use (e.g., commercial building, single-family residence) as well as a brief description of any other relevant appurtenances, shall be included; and
    - (B) For sale of personalty, an itemized list of the specific property subject to sale, individually identified without an “in bulk” reference (unless it would be impractical to do otherwise), shall be included;

- (4) the name and address of each person or other entity having an ownership interest in the affected property;
- (5) the value of any claimed exemption in the affected property;
- (6) identification of the specific disbursements, costs, and expenses of sale to be made at the time of closing:
  - (A) Unless an exact payoff amount for the specific lien, claim, and/or encumbrances is capable of being set forth in a finite amount, the per diem and other charges or assessments to be made at closing shall be identified in the respective payoffs listed; and
  - (B) In the event a request for payment of attorney fees and expenses in excess of \$750.00 is requested to be paid at closing, an itemization of attorney time and billing in support of the request shall be appended to the motion as a separate exhibit, in a form consistent with the requirements of these Local Bankruptcy Rules;
- (7) all liens, claims, and encumbrances against the affected property, including:
  - (A) the name and address of the holder, and in the case of a judgment lien, counsel for the holder in the underlying lawsuit;
  - (B) the current balance owed;
  - (C) the date incurred;
  - (D) the type of lien (e.g., mortgage, judgment, etc.); and
  - (E) the identification of record location of each lien on the property subject to the action (i.e., in the case of a mortgage lien, the mortgage book volume and page number, and in the case of a judgment lien, the name of the court, identification of the case number, and date when the judgment was entered);
- (8) the name and address of the purchaser(s), including:
  - (A) the relationship, if any, of the purchaser to the debtor;
  - (B) the purchase price;
  - (C) all conditions of sale; and
  - (D) a copy of any agreement of sale to be approved by the Court as a separate attachment; and

- (9) a proposed order in the form required by the assigned Judge.
  - (A) The order shall include the identity of every respondent and identity of the respective liens, claims, and encumbrances to be transferred to proceeds of sale, in the same manner as required by W.PA.LBR 9013-3(c)(1); and
  - (B) Identity of the specific disbursements, costs, and expenses of sale to be paid at closing, in the same manner required by W.PA.LBR 9013-3(c)(6).
- (10) as to the procedural requirements for sale of estate property outside the ordinary course of business, see W.PA.LBR 6004-1.

(d) All motions seeking abandonment of property shall plead the following with particularity:

- (1) a description of the affected property and whether it appears in the schedules;
- (2) the value of the affected property and the source of the valuation;
- (3) the value of any claimed exemption in the affected property;
- (4) the basis for any assertion that the affected property is either burdensome to the estate or is of inconsequential value and benefit thereto; and
- (5) all known liens against the affected property, including:
  - (A) the name and address of the holder, and in the case of a judgment lien, counsel for the holder in the underlying lawsuit;
  - (B) the current balance owed;
  - (C) the date incurred;
  - (D) the type of lien (i.e., mortgage, judgment, etc.); and
  - (E) the identification of record location of each lien on the property subject to the action (i.e., in the case of a mortgage lien, the mortgage book volume and page number, and in the case of a judgment lien, the name of the court, identification of the case number, and date when the judgment was entered).

(e) All motions seeking to extend or re-impose the automatic stay shall plead the following with particularity:

- (1) all creditors against whom the relief is sought shall be listed in the caption, notice, and motion;
- (2) whether the automatic stay was in effect upon commencement of the case, and if so, the date on which the automatic stay expires;
- (3) each bankruptcy case number for all bankruptcy cases in which the debtor was a debtor within the one-year period prior to the date when the current case was filed;
- (4) the reasons that each of the debtor's previous bankruptcy cases was dismissed;
- (5) whether presumption is in effect that the debtor did not file the case at issue in good faith and the reason for the presumption;
- (6) with particularity the substantial change in circumstances that occurred since the dismissal of the previous case; and
- (7) a verification executed by the debtor attached to the motion.

#### **Rule 9013-4 FILING OF PROPOSED ORDERS**

(a) All documents requesting relief shall have an appropriate proposed order of Court, that is, one that specifies the relief sought and not merely incorporating by reference the content of the foregoing document, filed as a separate attachment. If a proposed order is not attached, the Court shall dismiss the matter without scheduling a hearing thereon and without prejudice to its being refiled in compliance with these Local Bankruptcy Rules, Federal Rules of Bankruptcy Procedure, and Court orders or procedures.

(b) Proposed orders electronically filed with motions, petitions applications, objections, or other requests for relief shall be filed with the motion as a separate attachment.

## **Rule 9013-5 SCHEDULING HEARINGS**

(a) Parties are directed to ascertain, and shall comply with, procedures stated on the Court's website 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 the form prescribed by the United States Trustee. For fee applications in Chapter 7 and 13 cases, use Local Bankruptcy Form 8 (Summary Cover Sheet and Notice of Hearing on Professional Fees in Chapters 7, 12 and 13). For fee applications in Chapter 11 and 15 cases, use Local Bankruptcy Form 9 (Summary Cover Sheet for Fee Applications in Chapter 11 and Chapter 15).

(c) If nothing is filed on the docket in response to a motion, then the moving party, assuming no agreement with the opposing party/counsel to the contrary, shall file with the Clerk a Certification of No Objection substantially in compliance with Local Bankruptcy Form 25 (Certification of No Objection). The Certification shall be filed no later than two (2) 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 shall file a Settlement and Certification of Counsel substantially in compliance with Local Bankruptcy Form 26 (Settlement and Certification of Counsel). A proposed consent order shall be filed as an attachment to the Settlement and Certification 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 Bankruptcy 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) 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 30-day period specified in 11 U.S.C. § 362(e) when the hearing is scheduled for a date more than thirty (30) days after the date the motion is filed. If a hearing date is not available within the 30-day period, a movant who would be harmed by a delay of the hearing beyond the 30-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 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, in only such instances, when a motion to extend time is filed, then the time shall be extended until the disposition of the motion.

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

Every responsive pleading shall be filed and served within fourteen (14) days from the date the motion is filed. Respondent shall have an additional three (3) days to file a response to any motion served by mail. A written response is required for every written request for relief. Failure to timely file a response may result in the Court granting the relief by default.



## **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. If the demand is made by the moving party, it shall be endorsed on the front of the initial motion or pleading. The last date on which a demand for jury trial may be made by any party is fourteen (14) 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. In such cases, demand for jury trial shall be made within thirty (30) days after filing the Notice of Removal.

(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 and the Bankruptcy Court's entry of final orders or judgments with respect to the same; or
- (2) a motion to withdraw the reference to the District Court. All proceedings shall continue in the Bankruptcy Court unless and until an Order is issued by the District Court withdrawing the reference.

(d) The failure to comply with this Local Bankruptcy 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.

(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 shall delineate the reasons for settling the matter and shall attach a copy of the proposed settlement agreement.

## **Rule 9019-2 SCOPE AND EFFECT OF MEDIATION**

(a) The Court may assign any matter to the Mediation Program for the Western District of Pennsylvania (the “Mediation Program”) *sua sponte*, upon motion or stipulation of the parties to the matter or the United States trustee. The Court may order additional parties to participate in the mediation as necessary.

(b) The Court may assign to mediation any dispute arising in the bankruptcy case or in any adversary proceeding, contested matter, or otherwise. Fed. R. Bankr. P. 7016 is hereby made applicable to all matters in which mediation is requested in accordance with the Mediation Program.

(c) The assignment of a matter to mediation does not relieve the parties to that matter from complying with any other Court orders or applicable provisions of the Bankruptcy Code, the Federal Rules of Bankruptcy Procedure, or the Local Bankruptcy Rules of this Court. The assignment to mediation stays all discovery, pretrial, hearing dates, and trial schedules. The Court will issue a scheduling order and set deadlines for the mediation to conclude and for the discovery, pretrial, and trial to resume.

### **Rule 9019-3 MEDIATORS**

(a) The Clerk shall establish and maintain a register of persons (the “Register”) qualified and designated by the Court to serve as mediators in the Mediation Program. The Chief Bankruptcy Judge shall appoint a Judge of this Court to serve as the “Mediation Program Administrator.” The Mediation Program Administrator or designee shall receive applications for designation to the Register, maintain the Register, track and compile reports on the Mediation Program, and otherwise administer the program.

(b) Each applicant shall submit to the Mediation Program Administrator a statement of professional qualifications, experience, training, and other information relevant to designation to the Register, using Local Bankruptcy Form 31 (Application for Admission to Bankruptcy Mediation Program Register).

(c) Each applicant shall agree to serve in a *pro bono* capacity for his or her initial mediation appointment. Thereafter, the applicant shall serve in a *pro bono* capacity for one (1) out of every five (5) subsequent appointments as a mediator.

(d) Not later than March 1 of every year using Local Bankruptcy Form 31 (Application for Admission to Bankruptcy Mediation Program Register), each applicant accepted for designation to the Register shall reaffirm the continued existence and accuracy of the qualifications, statements, and representations made in the application, and file amendments as needed.

(e) The Court in its sole and absolute determination on any basis shall grant or deny an application. If the Court grants the application, the applicant’s name shall be added to the Register.

(f) A person shall be removed from the Register either at the person’s request or by Court order entered on the sole and absolute determination of the Court. If removed by Court order, the person shall be eligible to file an application for reinstatement after one (1) year.

(g) Before serving as a mediator, each person designated as a mediator shall take the following oath or affirmation:

“I, \_\_\_\_\_, do solemnly swear [or affirm] that I will faithfully and impartially discharge and perform all the duties incumbent upon me as a mediator in the Mediation Program of the United States Bankruptcy Court for the Western District of Pennsylvania without respect to persons and will do so equally with respect to the poor and to the rich.”

(h) Upon assignment of a matter to mediation and unless special circumstances exist as determined by the Court, the parties shall select a mediator and may choose an alternate mediator from the Register whose appointment shall be authorized by the Court. If the parties fail to make such selection within the time frame as set by the Court, then the Court shall appoint a mediator and may appoint an alternate mediator.

(i) If the mediator is unable or elects not to serve, the mediator shall file and serve on all parties to the mediation and on the alternate mediator, within seven (7) calendar days after receipt of a Notice of Appointment, a Notice of Inability or Election Not to Accept the

Appointment. The alternate mediator then shall become the mediator, if the alternate does not file and serve on all parties to the mediation a Notice of Inability or Election Not to Accept the Appointment within seven (7) calendar days after receipt of the original mediator's Notice of Inability or Election Not to Accept the Appointment. If neither the mediator nor the alternate mediator can serve, the Court shall appoint another mediator and alternate mediator.

(j) Any person selected as a mediator may be disqualified for bias or prejudice in the same manner that a Judge may be disqualified under 28 U.S.C. § 144. Any person selected as a mediator shall be disqualified in any matter where 28 U.S.C. § 455 would require disqualification if that person were a Judge.

(k) Promptly after receiving Notice of Appointment, the mediator shall make inquiry sufficient to determine whether there is a basis for disqualification under W.PA.LBR 9019-3(j). The inquiry shall include, but shall not be limited to, a search for conflicts of interests in the manner prescribed by the applicable rules of professional conduct for attorney mediators, and by the applicable rules pertaining to the mediator's profession for nonattorney mediators. Within seven (7) calendar days after receiving Notice of Appointment, the mediator shall file with the Court and serve on the parties to the mediation either (1) a statement that there is no basis for disqualification under W.PA.LBR 9019-3(j), and that the mediator has no actual potential conflict of interest, or (2) a Notice of Withdrawal.

(l) A party to the mediation who believes that the assigned mediator and/or the alternate mediator has a conflict of interest shall promptly bring the issue to the attention of the mediator and/or the alternate mediator, as applicable, and to the other parties to the mediation. If the mediator does not withdraw, and the movant is dissatisfied with this decision, the issue shall be brought to the Court's attention by the mediator or any of the parties to the mediation. The Court shall take such action as the Court deems necessary or appropriate to resolve the alleged conflict of interest.

(m) Aside from proof of actual fraud or unethical conduct, there shall be no liability on the part of, and no cause of action shall arise against, any person who is appointed as a mediator pursuant to this Local Bankruptcy Rule on account of any act or omission in the course and scope of such person's duties as a mediator.

(n) Once eligible to serve as a mediator for compensation, which shall be at reasonable rates and subject to judicial review, the mediator may require compensation or reimbursement of expenses as agreed by the parties to the mediation. Prior Court approval shall also be required if the estate is to be charged. If the mediator consents to serve without compensation, and at the conclusion of the first full day of the mediation conference, it is determined by the mediator and the parties to the mediation that additional time will be both necessary and productive in order to complete the mediation, then:

- (1) if the mediator consents to continue to serve without compensation, the parties to the mediation may agree to continue the mediation conference; and
- (2) if the mediator does not consent to continue to serve without compensation, the mediator's fees and expenses shall be on such terms as are satisfactory to the mediator and the parties to the mediation, subject to Court approval.

(o) Where the parties have agreed to pay mediation fees and expenses, they shall share equally all such fees and expenses unless the parties to the mediation agree to some other allocation. The Court may, in the interest of justice, determine a different allocation.

(p) If the Court determines that a party to a matter assigned to mediation cannot afford to pay the fees and costs of the mediator, the Court may appoint a mediator to serve *pro bono* as to that party.

#### **Rule 9019-4 THE MEDIATION PROCESS**

(a) After consulting with all counsel and *pro se* parties, the mediator shall schedule a convenient time and place for the mediation conference, and promptly give all counsel and *pro se* parties written notice of the time and place of the mediation conference. The mediator shall schedule the mediation to begin as soon as practicable.

(b) Unless the mediator directs otherwise, not less than seven (7) calendar days before the mediation conference, each party shall submit directly to the mediator any materials the mediator directs to be prepared or assembled. The mediator shall so direct not less than fourteen (14) calendar days before the mediation conference. Prior to the mediation conference, the mediator may confer with the participants to determine what materials would be helpful. The submissions shall not be filed with the Court, and the Court shall not have access to them. The mediator will not share one party's materials with another party unless expressly authorized to do so by the party providing the materials to the mediator.

(c) The following persons personally shall attend the mediation conference:

- (1) each party that is a natural person;
- (2) if the party is not a natural person, including a governmental entity, a representative who is not the party's attorney of record and who has full authority to negotiate and settle the matter on behalf of the party;
- (3) if the party is a governmental entity that requires settlement approval by an elected official or legislative body, a representative who has authority to recommend a settlement to the elected official or legislative body;
- (4) the attorney who has primary responsibility for each party's case; and
- (5) other interested parties such as insurers or indemnitors or one (1) or more of their representatives, whose presence is necessary for a full resolution of the matter assigned to mediation.

(d) A person required to attend the mediation is excused from personal appearance if all parties and the mediator agree that the person need not attend. The Court for cause may excuse a person's attendance. The mediator may require telephonic attendance in lieu of personal appearance.

(e) Willful failure to attend any mediation conference, and any other material violation of this Local Bankruptcy Rule, shall be reported to the Court by the mediator and may result in the imposition of sanctions by the Court. Any such report of the mediator shall comply with the confidentiality requirement of W.PA.LBR 9019-5.

(f) The mediator may establish procedures for the mediation conference.



**Rule 9019-5      CONFIDENTIALITY OF MEDIATION PROCEEDINGS**

(a) The mediator and the participants in mediation are prohibited from divulging, outside of the mediation, any oral or written information disclosed by the parties or by witnesses in the course of the mediation. No person may rely on or introduce, as evidence in any arbitral, judicial, or other proceedings, evidence pertaining to any aspect of the mediation effort, including, but not limited to:

- (1) views expressed or suggestions made by a party with respect to a possible settlement of the dispute;
- (2) the fact that another party had or had not indicated willingness to accept a proposal for settlement made by the mediator;
- (3) proposals made or views expressed by the mediator;
- (4) statements or admissions made by a party in the course of the mediation; and
- (5) documents prepared for the purpose of, in the course of, or pursuant to the mediation.

(b) Without limiting the foregoing, Rule 408 of the Federal Rules of Evidence and any applicable federal or state statute, rule, common law, or judicial precedent relating to the privileged nature of settlement discussions, mediation, or other alternative dispute resolution procedure shall apply.

(c) Information otherwise discoverable or admissible in evidence, however, does not become exempt from discovery, or inadmissible in evidence, merely by being used by a party in a mediation.

(d) The mediator shall not be compelled to disclose to the Court or to any person outside the mediation conference any of the records, reports, summaries, notes, communications, or other documents received or made by a mediator while serving in such capacity. The mediator shall not testify or be compelled to testify in regard to the mediation in connection with any arbitral, judicial, or other proceeding. The mediator shall not be a necessary party in any proceedings relating to the mediation.

(e) The parties, the mediator, and all mediation participants shall protect proprietary information and in-camera submissions. All such materials shall be kept confidential and shall not be used outside the mediation by any adverse party.

(f) The disclosure by a party of privileged information to the mediator does not waive or otherwise adversely affect the privileged nature of the information.

## Rule 9019-6 POSTMEDIATION PROCEDURES

(a) The mediator is not required to prepare written comments or recommendations to the parties. Mediators may present a written settlement recommendation memorandum to attorneys or *pro se* litigants, but not to the Court.

(b) If a settlement is reached at a mediation, a party designated by the mediator shall submit a fully executed stipulation and proposed order to the Court within twenty-one (21) calendar days after the end of the mediation. If the party fails to prepare the stipulation and order, the Court may impose appropriate sanctions.

(c) Promptly after the mediation conference, the mediator shall file with the Court, and serve on the parties and the Mediation Program Administrator, Local Bankruptcy Form 32 (Mediator's Certificate of Completion of Mediation Conference) showing compliance or noncompliance with the mediation conference requirements of this Local Bankruptcy Rule and whether or not a settlement has been reached. Regardless of the outcome of the mediation conference, the mediator shall not provide the Court with any details of the substance of the conference.

~~(d) Whether or not the mediation conference results in settlement, the mediator shall provide the Mediation Program Administrator with an estimate of the number of hours spent in the mediation conference and other statistical and evaluative information using Local Bankruptcy Form 33 (Report of Mediation program Conference) and Local Bankruptcy Form 34 (Mediator's Survey).~~

Whether or not the mediation conference results in a settlement, within seven (7) days of the conclusion of the mediation the mediator shall file on the docket of the case the Mediator's Certificate of Completion of Mediation Conference (Local Bankruptcy Form 32) and submit to the Mediation Administrator the Report of Mediation Conference & Mediator Survey through the Court's website at: <http://www.pawb.uscourts.gov/bankruptcy-mediators-upload>.

**Rule 9019-7 TERMINATION OF MEDIATION**

(a) Any matter assigned to mediation may be withdrawn from mediation by the Court at any time.

(b) Upon the filing of Local Bankruptcy Form 32 (Mediator's Certificate of Completion of Mediation Conference) or the entry of an order withdrawing a matter from mediation pursuant to W.PA.LBR 9019-7(a), the mediation will be deemed terminated, and the mediator excused and relieved from further responsibilities in the matter without further Court order.

(c) If the mediation conference does not result in a resolution of all of the disputes in the assigned matter, the matter shall proceed to trial or hearing pursuant to the Court's scheduling orders.

## Rule 9020-1 LOSS MITIGATION PROGRAM

(a) The Loss Mitigation Program (“LMP”) is a structured ~~forum for debtors and creditors to reach~~ process to facilitate consensual resolutions when residential property is at risk of foreclosure.

(b) For purposes of the LMP, the following definitions apply in W.P.A.LBR 9020-1 through 9020-7:

- (~~6~~ 1) “Core LMP Package” refers collectively to all of the forms and supporting documentation that the ~~e~~Creditor requires ~~in order~~ to initiate the assessment of loss mitigation options.
- (~~5~~ 2) “eCreditor” refers to any mortgage holder, ~~assignee~~, servicer or trustee of an ~~e~~Eligible ~~H~~Loan.
- (~~2~~ 3) “debtor” means any individual debtor in a case filed under Chapter 7, 11, 12 or 13 of the Bankruptcy Code, including joint debtors.
- (4) “Document Preparation Software” refers to a secure online program that facilitates the preparation of the Core LMP Package by populating the Primary LMP Documents and generating a customized checklist. A list of approved Document Preparation Software providers and related information shall be posted on the Court’s website.
- (4 ~~5~~) “Eligible ~~H~~Loan” means any mortgage, lien or extension of money or credit secured by Eligible Property, regardless of whether the loan is considered to be subprime or non-traditional, was in foreclosure prior to the bankruptcy filing, is the first or junior mortgage or lien on the Eligible Property, and/or has been pooled, securitized or assigned to a creditor or trustee.
- (~~3~~ 6) “Eligible ~~p~~Property” means any real property used as a ~~the debtor’s~~ principal residence in which ~~an eligible the~~ debtor holds an interest.
- (7) “LMP Period” is the time during which the LMP is in effect prior to its expiration or termination by Court order.
- (~~4~~ 8) “loss mitigation” includes the full range of solutions that may prevent either the loss of a debtor’s ~~Eligible ~~p~~Property~~ to foreclosure, increased costs to the lender, or both, including but not limited to, loan modification, loan refinance, forbearance, short sale, or surrender of the ~~Eligible ~~p~~Property~~ in full satisfaction of obligations arising under an Eligible Loan.
- (~~8~~) ~~“Loss Mitigation Order” refers to an order of Court commencing the LMP and setting certain deadlines applicable to the participants, substantially in the form of Local Bankruptcy Form 41.~~

(7 9) “Portal” refers to a secure online service that allows LMP documents to be submitted, retrieved and tracked. A list of approved Portals and related information shall be posted on the Court’s website.

(10) “Primary LMP Documents” refers collectively to the documentation that is generated by the Document Preparation Software.

(c) Unless otherwise ordered by the Court, the Local Bankruptcy Rules apply to the LMP, including but not limited to the caption requirements set forth in W.PA.LBR 9004-1, the certificate of service requirements set forth in W.PA.LBR 2002-1 and the notice requirements set forth in W.PA.LBR 5005-8.

~~(d) The confidentiality provisions of mediation set forth in W.PA.LBR 9019-5 shall apply to the LMP process.~~

## Rule 9020-2 LOSS MITIGATION PROGRAM COMMENCEMENT

(a) At any time after the commencement of the case until three (3) days before the first date scheduled for the First Meeting of Creditors, ~~the a~~ debtor with Eligible Property secured by an Eligible Loan may request the commencement of the LMP by filing a ~~m~~Motion for Loss Mitigation (substantially in the form of Local Bankruptcy Form 39), ~~or the creditor may request the commencement of the LMP by filing a motion substantially in the form of Local Bankruptcy Form 40.~~ The Motion for Loss Mitigation shall be served on the Creditor and all other creditors whose claims are secured by liens against the Eligible Property.

(b) Prior to filing a Motion for Loss Mitigation, the debtor's counsel (or the debtor if not represented by counsel) shall:

- (1) perform adequate due diligence concerning the debtor's eligibility for loss mitigation by reviewing all of the loan documentation in the debtor's possession and confirming all information necessary to make the certifications required on the Certification of LMP Eligibility and Readiness (Local Bankruptcy Form 40);
- (2) fully and completely prepare the Primary LMP Documents using Court-approved Document Preparation Software; and
- (3) if the Creditor is registered on the Portal, download the Core LMP Package from the Portal and fully prepare all documentation that may be required and posted by the Creditor in addition to the Primary LMP Documents.

~~(b) A proposed Loss Mitigation Order substantially in the form of Local Bankruptcy Form 41 shall be attached to any motion to commence the LMP.~~

(c) A Certification of LMP Eligibility and Readiness (substantially in the form of Local Bankruptcy Form 40) and a proposed Loss Mitigation Order (substantially in the form of Local Bankruptcy Form 41) shall be attached to any Motion for Loss Mitigation.

(e d) The deadline for filing an objection to a ~~motion to commence the LMP~~ Motion for Loss Mitigation is fourteen (14) days from ~~filing service~~ of the motion. Objections shall identify with specificity the grounds for the objection. If no objection is filed, the Court may enter a Loss Mitigation Order without further notice or hearing.

### Rule 9020-3 LOSS MITIGATION PROGRAM PARTICIPATION & DUTIES

(a) The debtor and eCreditor are the primary LMP participants. Any interested party may request by motion, or the Court may on its own direct, that a co-debtorobligor, additional creditors or other third parties participate in the LMP in furtherance of pursuing a global resolution.

(b) The Chapter 13 Trustee may participate in the LMP to the extent that such participation would be consistent with the Chapter 13 Trustee's duties under the Bankruptcy Code.

(e c) LMP participants shall negotiate act in good faith. A party failing to participate in good faith may be subject to sanctions after notice and a hearing.

~~(e d) MP sessions may be conducted in person, telephonically, online via the Portal, or by videoconference. Prior to the conclusion of each LMP session, the participants shall determine whether additional sessions are necessary. If additional sessions are necessary, the participants shall schedule the next session and establish a precise schedule for exchanging all required information and documentation. During the LMP all material communications between the debtor and Creditor shall be conducted exclusively through the Portal.~~

~~(d e) The debtor and creditor shall have a person with full settlement authority present during each LMP session. During a status conference or settlement conference with the Court, a person with full settlement authority shall attend the conferences. On behalf of each participating party, a person with complete knowledge of the file so as to be reasonably capable of answering questions posed by the Court related to the LMP shall attend all LMP-related hearings and conferences before the Court. Attendance at all hearings and conferences related to the LMP shall be in person unless participation by telephone or videoconference is expressly authorized by the Court.~~

(f) A debtor who files a ~~motion to commence the LMP (Local Bankruptcy Form 39), Motion for Loss Mitigation shall~~ immediately shall make (or cause to be made) adequate protection payments to the eCreditor in an amount that is at least sixty percent (60%) of the monthly principal and interest payment that is contractually due, plus one hundred percent (100%) of any required monthly escrow payment. If the eCreditor objects to the amount of the adequate protection payment ~~proposed by the debtor, then~~ after adequate notice, the Court shall hold a hearing to consider the objection.

(g) If the debtor is required to direct adequate protection payments to a different address than the debtor utilized prior to the filing of the bankruptcy case, the eCreditor shall promptly advise the debtor of the correct address and any other requirements to ensure the proper posting and processing of the payments. In Chapter 13 cases, the debtor immediately shall file a motion and proposed order requesting the Court to authorize the Chapter 13 Trustee to make payments to the specified payee at the specified address.

(h) In the event that the Eligible Loan is transferred or the service rights are assigned to a new servicer, then immediately on notice of the same the debtor shall file a proposed Order Substituting LMP Servicer (substantially in the form of Local Bankruptcy Form 46) and initiate the change of Creditor in the Portal.

(h i) If a relief from stay motion pursuant to section 362(d) is pending when a Loss Mitigation Order is entered or if such a motion is filed during the LMP period, the Court may condition the stay upon ~~compliance by the debtor with the~~ fulfillment of the debtor's obligations under the Loss Mitigation Order. If the debtor fails to comply with the debtor's LMP process duties or the Loss Mitigation Order, the ~~e~~Creditor may apply to terminate the ~~Loss Mitigation Order LMP~~ pursuant to W.PA.LBR 9020-5. Additionally, unless the Creditor specifically objects in writing, it is deemed to consent to a waiver of the deadlines set forth in section 362(e) of the Bankruptcy Code until thirty (30) days after the conclusion of the LMP.

(i) ~~In a Chapter 13 case, the Chapter 13 Trustee may recommend entry of an Interim Confirmation Order substantially in the form of Local Bankruptcy Form 43 pending the resolution of the LMP process. Under the terms of the Interim Confirmation Order, distribution to administrative, priority, and secured creditors, including the payment of arrearages, if any, and adequate protection, may be set forth, and a date for a Confirmation Hearing, consistent with the terms of the Loss Mitigation Order, shall be fixed.~~



#### Rule 9020-4 LOSS MITIGATION PROGRAM DEADLINES

(a) The LMP commences upon the entry of a Loss Mitigation Order. The Court, at its discretion, may alter any of the deadlines set forth ~~this section~~ these Local Rules. Where there is a conflict between the Loss Mitigation Order and these Local Rules, the Order governs.

(b) ~~If not previously registered, W~~within fourteen (14) days after the entry of the Loss Mitigation Order, the eCreditor shall ~~ensure that it has~~ registered and posted its entire Core LMP Package on the Portal.

(c) Within ~~thirty-five~~ seven (~~35~~ 7) days after ~~the~~ entry of the Loss Mitigation Order or the Creditor's registration on the Portal, whichever occurs later, the debtor shall upload and submit a through the Portal debtor's completed Core LMP Package ~~via the Portal~~.

(d) Within ~~ten~~ fourteen (~~10~~ 14) ~~business~~ days after the debtor's submission of the Core LMP Package, the eCreditor shall designate, via the Portal, a specific individual who, on behalf of the eCreditor, is the single point of contact for the LMP and is responsible for communicating with the debtor ~~about the Core LMP Package in order to arrive at a Package that the creditor deems complete~~. The eCreditor shall provide the designee's name, title, email address and either a direct telephone number or direct extension. At the same time, Creditor shall acknowledge, via the Portal, receipt of debtor's Core LMP Package and advise debtor of any additional or missing information required for Creditor to proceed with its review. The eCreditor shall immediately notify the debtor if there is a substituted designee and/or any change in the designee's contact information.

(e) Within sixty (60) days after the entry of the Loss Mitigation Order, the debtor, on notice to ~~and in cooperation with~~ the eCreditor, shall ~~submit a status report substantially in the form of Local Bankruptcy Form 42 file and serve an LMP Status Report with an attached~~ if the status report includes a request for an extension of the LMP period, the debtor shall attach a proposed order substantially in the form of Local Bankruptcy Form 44. The status report shall include a printout of the current and complete account history page from the Portal. The LMP Status Report shall be completed in accordance with the instructions provided in the Portal.

(f) Within ~~fourteen~~ seven (~~14~~ 7) days after the ~~final~~ conclusion of the LMP ~~p~~Period, the debtor, on notice to ~~and in cooperation with~~ the eCreditor, shall ~~submit an online final report at <http://www.pawb.uscourts.gov/lmp-reporting>. A PDF of file and serve an LMP Final Report with an attached printout of the current and complete and current Portal~~ account history from the Portal. shall be uploaded during the completion of the online final report. The LMP Final Report shall be completed in accordance with the instructions provided in the Portal. The obligation to timely file an LMP Final Report applies in all cases where a Loss Mitigation Order was issued, regardless of whether the case was subsequently dismissed or converted.

(g) If the LMP participants agree to the terms of a loan modification on a trial/interim basis, the debtor shall file a proposed order to approve the interim trial loan modification (substantially in the form of Local Bankruptcy Form 47) not less than fourteen (14) days before the first modification payment is due. In Chapter 13 cases, when trial payments are included as part of the trial loan modification, the proposed order must be filed not less than fourteen (14) days prior to the Chapter 13 Trustee's distribution date preceding the month in which the first trial payment is to begin.

## Rule 9020-5 LOSS MITIGATION PROGRAM DURATION

(a) The ~~initial~~ LMP ~~p~~Period shall be ninety (90) days unless otherwise specified in the Loss Mitigation Order.

(b) A request to extend the LMP ~~p~~Period shall ~~either be set forth in a status report pursuant to W.P.A.LBR 9020-4(e) or be requested by way of a motion setting forth all factual reasons in support of the request, with an attached proposed order substantially in the form of Local Bankruptcy Form 44. be made by way of a Motion To Extend the Loss Mitigation Period (substantially in the form of Local Bankruptcy Form 42). A proposed order (substantially in the form of Local Bankruptcy Form 43) and a complete and current printout of the account history from the Portal shall be attached to the Motion.~~

(c) A request to terminate the LMP process shall be made by way of ~~a motion setting forth all factual reasons in support of the request, with an attached proposed order substantially in the form of Local Bankruptcy Form 45. Motion To Terminate the Loss Mitigation Program (substantially in the form of Local Bankruptcy Form 44). A proposed order (substantially in the form of Local Bankruptcy Form 45) and a complete and current printout of the account history from the Portal shall be attached to the Motion.~~

(d) Requests to extend or terminate the LMP process shall be served on all parties in interest, including, where applicable, the trustee or Chapter 13 Trustee.

(e) The deadline for objecting to a request to extend or terminate the LMP process is ~~three seven~~ (~~3 7~~) business days from the service of the ~~request motion~~.

(f) Where a timely objection is filed, the Court may schedule a hearing to determine whether granting the relief requested is appropriate under the circumstances.

~~(g) Upon the entry of an order terminating the LMP process, the creditor may file a motion seeking relief from stay.~~

## Rule 9020-6 LOSS MITIGATION PROGRAM RESOLUTION

(a) LMP participants shall seek the Court's approval of authorization to enter into any agreement reached during the LMP process, including, but not limited to, a stipulation, sale, plan of reorganization, amended plan of reorganization, or loan modification, by way of a motion that complies with W.PA.LBR 9010-3 and W.PA.LBR 9019-1.

(b) Dismissal of the bankruptcy case shall not be made a requirement of an agreement reached through the LMP.

(c) Consent to the resolution shall be acknowledged in writing by an authorized representative of the eCreditor, the debtor, and the debtor's attorney, if applicable.

(d) ~~In a Chapter 13 case in which a~~ If parties agree to a final or long-term loan modification ~~has been agreed upon~~, the debtor shall file a ~~m~~Motion to ~~approve~~ Authorize the ~~H~~Loan ~~m~~Modification, which shall be served immediately on ~~the Chapter 13 Trustee~~ any applicable trustee and all creditors whose claims are secured by liens against the ~~residence~~ Eligible Property. The motion shall contain a detailed analysis of the proposed loan modification, and shall include a Loan Modification Summary (substantially in the form of Local Bankruptcy Form 48). A copy of the loan modification agreement shall accompany the motion. In a Chapter 13 case, ~~T~~he proposed order shall provide include the following provisions, where applicable:

- (1) If the loan modification approved by the Court impacts on the provisions of the debtor's Chapter 13 plan, a modified plan shall be filed within ~~ten~~ fourteen (~~10~~ 14) days of the entry of the order approving the loan modification.
- (2) If the loan modification approved by the Court results in a material change in the debtor's expenses, the debtor shall file an amendment to the impacted schedules reflecting income and expenses (Schedules I and J) within ~~ten~~ fourteen (~~10~~ 14) days of the entry of the order approving the loan modification.

(e) Where a debtor is represented by counsel, a resolution may be approved authorized by the Court without further notice, or upon such notice as the Court directs. Where a debtor is not represented by counsel, prior to authorizing a resolution ~~shall not be approved until after~~ the Court has may conducted a hearing at which the debtor shall appear in person. To be authorized by the Court, a proposed resolution must be in the best interests of the debtor and the bankruptcy estate.

(f) In the event a debtor satisfies all payment obligations under a trial/interim loan modification order, the Creditor shall extend an offer to enter into a final loan modification agreement within fourteen (14) days of receipt of the last interim payment. If the debtor accepts the offer, then the debtor immediately shall file and serve a Motion to Authorize the Loan Modification pursuant to W.PA.LBR 9020-6(d). If the debtor rejects the offer, then the debtor immediately shall file and serve either a Motion to Extend the Loss Modification Period (pursuant to W.PA.LBR 9020-5(b)) or a Motion to Terminate the Loss Modification Program (pursuant to W.PA.LBR 9020-5(c)) that sets forth the specific reasons for rejecting the offer.

## Rule 9020-7 LOSS MITIGATION PROGRAM FEES, COSTS & CHARGES

(a) Use of the Document Preparation Software requires the debtor to pay a fee of up to \$40.00 to the provider of the Document Preparation Software. Use of the Portal requires the debtor to pay a fee of \$25 up to \$40 to the administrator of the Portal. If use of the Document Preparation Software and/or the Portal creates an undue hardship, the debtor may file a motion specifying why the use of the Document Preparation Software and/or the Portal creates an undue hardship and requesting permission to prepare and exchange documents and communications conventionally with the eCreditor in another manner.

(b) If a proposed LMP resolution provides for a eCreditor to receive payment or reimbursement of any fee, cost or charge that arose from the LMP process, all such fees, costs and charges shall be disclosed to the debtor, the trustee, the U.S. Trustee, and to the Court prior to approval of the resolution. Counsel for the eCreditor is may be entitled to receive a reasonable fee for all work involved in connection with the mortgage modification, including requesting and reviewing documents, LMP and shall clearly delineate such fee in the LMP resolution or by amended proof of claim.

(c) Counsel for the debtor is entitled to receive reasonable compensation for all work involved in connection with the LMP process and shall file an application for allowance of attorney fees and costs with the Court, or alternatively accept a “no look” fee in the a reasonable amount of not to exceed \$1,000 to be paid as an administrative expense. Debtor’s counsel may also treat the Document Preparation Software fee of up to \$40 and the Portal fee of \$25 up to \$40 as an administrative expenses. Counsel for the debtor shall request compensation for LMP work in excess of the no look fee by way of a fee application substantially conforming to W.PA.LBR 2016-1 which shall separately itemize and designate fees and expenses arising from LMP-related services. No fees or expenses arising from LMP-related services may be paid until an LMP Final Report is filed pursuant to W.PA.LBR 9020-4(f).

## Rule 9037-1 REDACTION OF PERSONAL IDENTIFIERS

(a) Parties to transcripts and filers of any documents on the docket or claims register are responsible for reviewing each document in advance for personal identifiers and redacting information as required by Fed. R. Bankr. P. 9037.

(b) If, despite subsection (a), personal identifiers are disclosed in a filed document, the applicable corrective steps shall be taken, including:

(1) If the document is a transcript:

(A) Within seven (7) days of the filing of the transcript, any party intending to redact any portion of the transcript shall file Local Bankruptcy Form 35 (Notice of Intent to Request Redaction of Transcript), with an attached certificate of service demonstrating that Form 35 was served upon the transcriber, all persons whose testimony was transcribed, the debtor and all persons whose personal identifiers are to be redacted.

(B) The party requesting redaction shall serve upon the transcriber, all persons whose testimony was transcribed, the debtor and all persons whose personal identifiers were redacted, Local Bankruptcy Form 36 (Transcript Redaction Request) within twenty-one (21) days after the original transcript was filed. Local Bankruptcy Form 36 shall not be filed on the docket.

(C) Upon the transcriber's receipt of Local Bankruptcy Form 36 (Transcript Redaction Request), no unredacted copies of the transcript shall be sold or otherwise made available.

(D) Transcribers shall file a redacted version of the transcript within thirty-one (31) days after the original transcript was filed.

(2) If the document is a proof of claim:

(A) Regardless of whether the case is open or closed, the creditor shall immediately file a redacted claim on the claims register as an amended claim in compliance with the requirements of W.PA.LBR 3002-2(a).

(B) If the case is open at the time of the amendment, the creditor shall file Local Bankruptcy Form 37 ("Request to Restrict Public Access to Claim").

(C) If the case is closed at the time of the amendment, the creditor shall file a motion to reopen, ~~and pay the corresponding reopening fee.~~ The creditor shall attach Local Bankruptcy Form 37 to the motion to reopen.

(D) The creditor shall attach to Local Bankruptcy Form 37 a certificate of service demonstrating that Form 37 was served upon the debtor and all persons whose personal identifiers were redacted.

(3) Any other document filed on the docket:

(A) If the case is open at the time of the request, the filer of the original document shall file Local Bankruptcy Form 38 (“Request to Restrict Public Access to [specify document]”).

(B) If the case is closed at the time of the amendment, the filer of the original document shall file a motion to reopen, ~~and pay the corresponding reopening fee~~. The movant shall attach Local Bankruptcy Form 38 to the motion to reopen.

(C) The movant shall attach to Local Bankruptcy Form 38 a certificate of service demonstrating that Form 38 was served upon the debtor and all persons whose personal identifiers were redacted.

(c) Amendments to any filed documents made to redact personal identifiers pursuant to Fed. R. Bankr. P. 9037 shall not be combined with any other amendment to the original document.

(d) Motions requesting the Court to restrict public access to a document shall not be combined with any other motion, except for a motion to reopen pursuant to subsections (b)(2)(C) or (b)(3)(B).

**Rule 9070-1 EXHIBITS**

All exhibits, models, or diagrams, documentary or physical, introduced at a trial or hearing shall be removed by the parties to the litigation or their counsel within fourteen (14) 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 14-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.