

**Bankruptcy Court
Western District of Pennsylvania**

**Amendments to the Local Rules, Forms and Court Procedures
Effective Date: November 22, 2004**

Rule 5005-2 Records and Files

Paragraph A. has been amended to make it clear that paper size should be 8 ½" x 11".

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

Rule 9013-3, Pleading Special Matters in Motions

Paragraph C. 3 has been added to the rule:

- C. In addition, a motion for relief from stay shall include:
1. an itemized statement of:
 - a. the amount and date of the loan;
 - b. the principal balance owed as of the date the bankruptcy case was filed;
 - c. the interest accrued to the date of filing of the case and the per diem rate thereafter;
 - d. all charges and fees added to the balance alleged to be owed;
 - e. the amount necessary to cure as of the bankruptcy filing date;and
 - f. postpetition defaults.
 2. an averment that an appropriate proof of claim has been filed.
 3. identification of the original holder of the obligations secured by the mortgage or other security interest and every subsequent transferee including the movant and whether the movant is the holder of that obligation or an agent of the holder. The requirements of this subparagraph (3) are limited to Chapter 13 cases.
(Additional language is underlined.)

Rule 9019-1, Settlements

Rule 9019-1 has been modified as follows:

Rule 9019-1 SETTLEMENTS: A motion requesting court approval of a settlement must delineate the reasons for settling the matter. A concise summary of the proposed settlement that fully describes its terms and the reason for settlement must be filed as an attachment to the motion requesting court approval of the settlement. ~~The summary of the proposed settlement shall substantially conform to Local Form No. 27.~~ The summary of the proposed settlement shall contain a complete caption and be signed by the moving party or counsel to the moving party. Movant shall attach a copy of the summary to the order scheduling the hearing when it is issued by the court. Movant shall then serve the order and summary as directed by the court order. (Additional language is underlined and deletions are lined through.)

General Court Procedure #4 - Procedures Governing Mediation of Matters in Bankruptcy Cases

References to the prior general order in paragraphs 5.2.2, 6.3.2, 6.4, 8.3.3, and 11.2 have been deleted. A reference to General Court Procedure #4 has been added to those paragraphs.

All of the mediation forms (Forms, A, B, C-1, and C-2) now proceed the Court Procedure #4.

The caption of Form C-1 was modified to state: "Forms C-1 and C-2 should not be filed on the case docket. These forms should be delivered to the Mediation Program Administrator."

General Court Procedure #6 - Exclusion of Personal Identifiers

On August 2, 2004, the President signed into law H.R.1303, which amends section 205(c)(3) of the E-Government Act of 2002 to provide an additional method of dealing with redacted documents.

H.R.1303 provides for a rule which would permit the filing of a "reference list" with the court that would include the complete version of each personal data identifier and a corresponding partially redacted version of each identifier. This redacted version would be used in lieu of, and be construed to refer to, the complete identifier in subsequent filings in the case. The list is intended to serve as a type of 'key.' For example, if an individual's full Social Security Number is 123-45-6789, the list would include the complete number with the corresponding partially redacted number of XXX-XX-6789, which would be used in future filings. This listing would be maintained under seal and could be amended by a party as a matter of right.

GCP # 6 has been amended to comply with the August 2, 2004 Amendments to the E-Government Act of 2002.

General Court Procedure #10 - Cash Collateral Guidelines

The Cash Collateral Guidelines published on the “Interim Rules Page” of the Court’s Website have been made part of the Court Procedure’s Manual.

Chapter 13 Procedure # 12

The following paragraph has been added to Chapter 13 Procedure #12:

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.

Local Form 1

The following paragraph has been added to the Declaration Re: Electronic Filing Of Petitions, Schedules and Statements:

Check box if debtor is a servicemember as defined by the Servicemen’s Civil Relief Act of 2003. If debtor becomes entitled to protections from the Act during the bankruptcy case, he shall file an affidavit advising the Court within ten (10) days of the date of his change in status.

Local Form 27

Local Form No. 27 has been abrogated.

Modifications Concerning Answer Period

The following rules and procedures have been amended to reflect an answer period of 14 days plus an additional three days if service is by mail. Additional language is underlined and deletions are lined through.

Rule 2004-1 EXAMINATION

C. Notice: Not less than twenty-five (25) days written notice of a proposed examination shall be given to the entity to be examined, its counsel, and to other affected parties. The entity to be examined and other affected parties shall have ~~seventeen~~ fourteen (14) days after service, plus an additional three days when the notice is served by mail, 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.

Rule 7008-1 MOTIONS IN ADVERSARY PROCEEDINGS

C. Response: The response to any motion shall be filed and served within ~~seventeen (17)~~ fourteen (14) days after service of the motion plus an additional three days 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 five (5) days, plus an additional three days when service is by mail, after service of the response or reply, as applicable.

Rule 9006-1 TIME

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

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

~~B.~~ C. Every responsive pleading must be filed and served within ~~seventeen (17)~~ fourteen (14) days from the date the motion is filed and served. Respondent shall have an additional three days, which is a total of seventeen days, to file a response to any motion served by mail.

Rule 9013-1 MOTIONS AND CONTESTED MATTERS

C. Responses to any pleading must be filed and served on or before ~~seventeen (17)~~ fourteen (14) days after the pleading is filed. Respondent shall have an additional three days to file a response to any motion served by mail.

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

Every responsive pleading must be filed and served within ~~seventeen (17)~~ fourteen (14) days from the date the motion is filed. Respondent shall have an additional three days to file a response to any motion served by mail.

GCP #3 - SALE OF ESTATE PROPERTY OUTSIDE THE ORDINARY COURSE OF BUSINESS

A. Sale of Property

C. Responses and objections shall be filed and served at least ~~seventeen (17)~~ fourteen (14) days, plus an additional three (3) days if served by mail, prior to the sale hearing date. In addition to parties required to be served, responses and objections shall be filed on the initial offeror and counsel. The objecting party must attend the hearing or file and serve a notice of withdrawal of the objection at least two (2) business days prior to the hearing. Higher or better bids are not an objection to the motion.

Chapter 13 Procedure #2 - Claims

5. If an amended proof of claim is filed after the deadline for filing claims such claim must be served by the creditor on the Chapter 13 Trustee and the debtor and debtor's attorney, if represented. All objections to the amended proof of claim must be filed and served within ~~seventeen (17)~~ fourteen (14) days after service plus an additional three (3) days if served by mail.

Chapter 13 Procedure #4 - Distribution Under Plans and Objections to Claims

5. The Chapter 13 Trustee is authorized to amend monthly payments to mortgage holders where required by floating interest rates or changes in the insurance and tax escrow payments, provided that the mortgage company has given notice to the debtor and the debtor has not filed and served an objection within ~~seventeen (17)~~ fourteen (14) days. Debtor shall have an additional three days to file an objection when the notice has been served by mail.

Local Bankruptcy Form No. 24, Summary Cover Sheet and Notice of Hearing on Professional Fees in Chapter 7 and 13

7. Any written objections must be filed with the court and served on the Applicant on or before _____, ____, (~~seventeen (17)~~ fourteen days from the date of this notice plus an additional three (3) days if served by mail).