

Rule 1002-2 COMPLEX CHAPTER 11 CASES

(a) For purposes of Local Rules 1002-2 through 1002-10 (“the Complex Chapter 11 Case Rules”), a “Complex Chapter 11 Case” is defined as a case filed in the Court under Chapter 11 of the Bankruptcy Code that requires special scheduling and other procedures due to a combination of factors, including, but not limited to, one or more of the following:

(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) In the event of any conflict between the Complex Chapter 11 Case Rules and another Local Rule, the Complex Chapter 11 Case Rules will prevail unless ordered otherwise by the Court.

Rule 1002-3 PRE-FILING NOTICE OF COMPLEX CHAPTER 11 CASES

At least three days prior to the anticipated filing date of a Complex Chapter 11 case, or as soon thereafter as reasonably possible, the debtor shall:

(1) notify the United States Trustee of the debtor's intention to file such a Complex Chapter 11 Case;

(2) provide the United States Trustee with drafts of all anticipated First Day Motions, with the proposed orders attached as exhibits; and

(3) without disclosing the name of the debtor, contact the Clerk of the Court to discuss the anticipated filing, the amount of the debtor's assets, number and type of creditors, procedures for handling public inquiries (i.e., the names, addresses and telephone numbers of the persons to whom such inquiries should be directed), procedures for handling First Day Motions, claims and proofs of claim process, whether the debtor will request the Court to set a last date to file proofs of claim or interest, and any other matter which may need particular attention given the nature of the debtor and the Chapter 11 case. The Clerk of the Court will not assign the case to a judge until the petition is filed.

Rule 1002-4 DESIGNATION OF A COMPLEX CH. 11 CASE

To secure designation as a Complex Chapter 11 Case, debtor shall file a Notice of Designation as Complex Case as soon as practicable after the case has been filed, substantially in the form of Local Form 49, and shall utilize the applicable procedures for such cases as set forth in the Local Rules. Upon the filing of the Notice of Designation as Complex Case, the case shall be deemed a Complex Chapter 11 Case unless and until ordered otherwise by the Court.

Rule 1002-5 AFFIDAVIT OF DEBTOR

In a case designated as a Complex Chapter 11 Case, concurrently with the Notice of Designation as Complex Case, the principal debtor shall file an affidavit of a knowledgeable authorized representative containing the following information:

- (1) A description of the debtor's business and operations including where such operations are located;
- (2) A statement of the reasons for the bankruptcy filing;
- (3) A description of the debtor's organizational chart and corporate structure;
- (4) A summary of the debtor's capital structure, including a description of its secured and unsecured debt;
- (5) A statement identifying the number of the debtor's employees, the location of those employees, and whether any are members of a union;
- (6) A statement as to what, if any, retiree benefit or pension obligations that the debtor has and the funding status thereof;
- (7) A description of any proposed financing and/or use of cash collateral;
- (8) A description of the First Day Motions (as defined in Local Rule 1002-6) for which the debtor will seek approval and the need for each; and
- (9) Any other information the debtor believes would be helpful to the Court in understanding the case and considering any First Day Motions.

Rule 1002-6 FIRST DAY MOTIONS AND ORDERS IN COMPLEX CHAPTER 11 CASES

(a) “First Day Motions” are motions filed by the debtor on or shortly after the filing of the petition and the Notice of Designation of Complex Chapter 11 Case which require expedited consideration by the Court. “First Day Orders” are orders which result from First Day Motions.

(b) If the debtor in a Complex Chapter 11 case is filing any First Day Motions in the case, then along with the Notice of Designation of Complex Chapter 11 Case the debtor shall also file a Request for Emergency Consideration of First Day Motions, substantially in the form of Local Form 50.

(c) Promptly upon the receipt of a Request for Emergency Consideration of First Day Motions, the Court will issue an Order scheduling a First Day Motion hearing. Each Judge shall arrange the Judge's calendar so that First Day emergency hearings can be conducted consistent with the Bankruptcy Code and Rules, including Rule 4001, as required by the circumstances, but not more than two business days after the filing of a Request for Emergency Consideration of First Day Motions. If the Judge assigned to a Complex Chapter 11 Case is unable to hold hearings on any First Day Motions within two business days after request by the debtor, the Court will make another Judge available to hear any First Day Motions within two business days of the request by the debtor and the Clerk shall notify counsel for the debtor immediately thereof.

(d) As soon as practicable following filing of a Complex Chapter 11 case with First Day Motions, the debtor shall provide Chambers with a “First Day” binder with paper copies of the Notice of Designation of Complex Chapter 11 Case, the Request for Emergency Consideration of First Day Motions, all filed First Day Motions, any proposed Orders, any responses or objections that have been filed by that time, a proposed Agenda for the First Day hearing, and the Affidavit of Debtor meeting the requirements set forth in W. PA. LBR 1002-5.

(e) First Day Motions which may be entertained by the Court within two business days of the date of filing of the First Day Motions include, but are not limited to, the following:

(1) Motions to authorize debtor's use of cash collateral on an emergency basis, pending a final hearing, and providing adequate protection; see W.PA.LBR 4001-2.

(2) Motions to authorize debtor to obtain post-petition financing on an emergency basis, pending final hearing; see W.PA.LBR 4001-2.

(3) Motions to direct joint administration of debtors' cases if more than one case is commenced.

(4) Motions to authorize debtor to mail initial notices, including the Notice of Meeting of Creditors under 11 U.S.C. § 341(a).

(5) Motions to extend debtor's time for filing schedules and statement of financial affairs to a specified date.

(6) Motions to authorize payment of pre-petition amounts owed to critical vendors.

(7) Motions to authorize employment and payment without fee applications of professionals used in ordinary course of business, not to exceed a specified individual and aggregate amount.

(8) Motions to establish procedures for compensation and reimbursement of expenses of professionals.

(9) Motions for interim order prohibiting utilities from altering, refusing or discontinuing service on account of pre-petition claims and establishing procedures for determining requests for additional adequate assurance.

(10) Motions to authorize retention and appointment of claims and noticing agent under 28 U.S.C. §156(c) and 11 U.S.C. §105(a).

(11) Motions to authorize the employment and retention of administrative agent.

(12) Motions to authorize debtor to maintain existing bank accounts and cash management system, and to continue using existing business forms (including checks) without "debtor-in-possession" designation, subject to the requirements of W. PA. LBR 1002-7(a).

(13) Motions to authorize debtor to deviate from enumerated permitted investments set forth in 11 U.S.C. § 345, subject to the requirements of W. PA. LBR 1002-7(b).

(14) Motions to authorize debtor to pay pre-petition wages, salaries and commissions (including vacation, severance and sick leave pay) earned by an individual in an amount not to exceed specified per employee and aggregate amounts, subject to the requirements of W. PA. LBR 1002-7(c).

(15) Motions to authorize debtor to pay claims for contribution to employee benefit plans in an amount not to exceed a specified amount, subject to the requirements of W. PA. LBR 1002-7(d).

(16) Motions to authorize debtor to reimburse employee business expenses in an amount not to exceed a specified amount per employee and not to exceed a specified aggregate amount, subject to the requirements of W. PA. LBR 1002-7(e).

(17) Motions to authorize debtor to honor pre-petition customer claims (e.g., refund of deposits, lay-a-way plans) and warranties, not to exceed specified aggregate and per claimant amounts, subject to the requirements of W. PA. LBR 1002-7(e).

(18) Motions to authorize continued performance without assumption under key executory contracts, including payment of prepetition amounts due and owing thereunder in an amount not to exceed specified aggregate and per claimant amounts, subject to the requirements of W. PA. LBR 1002-7(f).

(19) Motions for the entry of a case management order setting forth filing, notice and hearing procedural requirements for the case.

Comment: Generally, the purpose of First Day Motions is to expeditiously deal with essential administrative matters to ensure that the debtor's business and operations are stabilized and conducted in a manner consistent with past practice so as to afford the debtor an opportunity to reorganize its affairs. While the Court recognizes the necessity and desirability of entertaining appropriate First Day Motions, the terms and conditions of any resulting First Day Orders will depend upon the facts and circumstances of the case, the notice given, and related factors, and they will take into account the needs of the debtor and the rights of other parties in interest.

Rule 1002-7 SPECIAL REQUIREMENTS FOR CERTAIN TYPES OF FIRST DAY MOTIONS

First Day Motions are subject to the following special requirements:

(a) Motions of the type described in W. PA. LBR 1002-6(e)(12) shall describe the proposed cash management system and, in cases where money will be transferred between debtors or from a debtor to a non-debtor affiliate, represent why such transfers are desirable from the debtor's perspective, affirm that the debtor(s) will maintain records of all post-petition intercompany transfers of funds, and describe what repayment terms exist.

(b) Motions of the type described in W. PA. LBR 1002-6(e)(13) shall disclose the amount of funds which the debtor proposes to invest outside the statute's enumerated permitted investments and the proposed types of investments to be made. If the debtor proposes to invest or deposit money in or with an entity that has not satisfied the requirement of 11 U.S.C. § 345 (b) (a "Non-Qualified Entity") the First Day Motion should demonstrate and explain why such an investment or deposit is necessary and, to the extent known, why the Non-Qualified Entity cannot or has not satisfied the requirements of 11 U.S.C. § 345(b).

(c) Motions of the type described in W. PA. LBR 1002-6(e)(14) shall set forth in the motion the amounts to be paid. If the motion requests authority to pay amounts in excess of the amount set forth in 11 U.S.C. § 507(a)(4) per employee, then a list of the names and position/job titles of all employees as to whom those payments will be made shall be attached. However, the propriety of those requests shall be considered on a case by case basis. The motion also shall state whether, and the extent to which, the claims proposed to be paid constitute priority claims under 11 U.S.C. § 507 ("Priority Claims") and, if such claims are not Priority Claims, the motion should explain why those claims should be afforded the treatment requested in the motion. The motion may also ask the Court to direct banks to honor prepetition checks for such amounts and authorize the debtor to replace prepetition checks that have been dishonored.

(d) Motions of the type described in W. PA. LBR 1002-6(e)(15) shall set forth in the motion the amounts to be paid. If the motion requests authority to pay amounts in excess of the amounts set forth in 11 U.S.C. § 507(a)(5) (as modified by 11 U.S.C. § 104(b)), then a list of the names and position/job titles of all employees as to whom those payments will be made shall be attached. However, the propriety of those requests shall be considered on a case by case basis. The motion also shall state whether, and the extent to which, the claims proposed to be paid constitute Priority Claims and, if such claims are not Priority Claims, the motion should explain why those claims should be afforded the treatment requested in the motion.

(e) Motions of the type described in W. PA. LBR 1002-6(e)(16) and 1002-6(e)(17) shall set forth in the motion the amounts to be paid. The motion also shall state whether, and the extent to which, the claims proposed to be paid constitute Priority Claims and, if such claims are not Priority Claims, the motion should explain why those claims should be afforded the treatment requested in the motion.

(f) Motions of the type described in W. PA. LBR 1002-6(e)(18) shall list and state all

contracts subject to the motion and whether, and the extent to which, the claims proposed to be paid are believed to be Priority Claims and, if such claims are not Priority Claims, the motion should explain why those claims should be afforded the treatment requested in the motion.

(g) Motions of the type described in W. PA. LBR 1002-6(e)(19) shall include a proposed Case Management Procedures Order, substantially in the form of Local Form 58. The debtor or trustee filing such motion shall file the proposed order in both a “clean” version, and a “red-line” version which indicates any changes that have been made from Local Form 58.

Rule 1002-8 EMPLOYMENT OF CLAIMS AND NOTICING AGENTS UNDER 28 U.S.C. § 156(c)

(a) An application seeking to retain a claims and noticing agent under 28 U.S.C. § 156(c) (“Section 156(c) Application”) should be limited in scope to those duties that would be performed by a Clerk of Court with respect to providing notice and processing claims (such as maintaining a claims register). The Section 156(c) Application should exclude those duties that would not be performed by a Clerk of Court, for example, duties involving the preparation of schedules, acting as balloting and tabulation agent, or distributing assets pursuant to a confirmed plan of reorganization; such services should be the subject of a separate application and order of the Court.

(b) A Section 156(c) Application shall be substantially in the form of Local Form 51, and the proposed order accompanying the Section 156(c) Application shall be substantially in the form of Local Form 52. The debtor or trustee filing those documents shall file them in both a “clean” version, and a “red-line” version which indicates any changes that have been made from Local Forms 51 and 52.

(c) Parties submitting a Section 156(c) Application shall adhere to the following procedures, and the Section 156(c) Application shall include representations and attachments as indicated:

(1) As a condition of retention, the claims and noticing agent has a duty to comply with all relevant statutory provisions and rules of procedure, including the Local Rules and General Orders of this Court and applicable guidelines.

(2) As a condition of retention, the claims and noticing agent shall agree to maintain records of all services which, at a minimum, will show dates, categories of services, fees charged, and expenses incurred.

(3) The fee structure for the claims and noticing agent shall be included in the engagement agreement. The engagement agreement shall be annexed to the Section 156(c) Application.

(4) The claims and noticing agent shall serve its monthly invoices on the committee, if any, monitoring the expenses of the debtor, and any party-in-interest who requests service of the monthly invoices.

(5) If requested by the claims and noticing agent, and disclosed in the Section 156(c) Application, the debtor or trustee may pay an agreed sum as a retainer to cover fees and expenses such as postage, printing, publication, etc.

(6) If any dispute arises relating to an engagement agreement or monthly invoices, the parties shall meet and confer in an attempt to resolve the dispute. If resolution is not achieved, the parties may seek resolution of the matter from the Court.

(7) Debtor shall notify both the Clerk's Office and the claims and noticing agent within seven days of an order of dismissal or conversion of the case.

(8) At the end of a case or upon termination of the claims and noticing agent's services, the debtor or the trustee must obtain a termination order to terminate the services of the claims and noticing agent. The claims and noticing agent is responsible for archiving the claims with the Federal Archives Record Administration, if applicable.

(9) A claims and noticing agent shall be disinterested person as that term is defined in Section 101(14) of the Bankruptcy Code with respect to the matters upon which it is to be engaged.

(d) The failure of the claims and noticing agent to comply with the duties set out in this Local Rule, as applicable, and with the provisions set out in the Section 156(c) Application and the order approving it may lead to removal of the claims and noticing agent's name from any list of approved agents maintained by the Court.

(e) A debtor or trustee seeking an order terminating the services of a claims and noticing agent shall do so by filing an application setting forth the factual and legal basis for such termination. As part of such application the debtor or trustee shall include a Notice of Proposed Order Authorizing Termination of Claims and Noticing Agent, substantially in the form of Local Form 53, and a proposed Order Terminating Services of Claims and Noticing Agent, substantially in the form of Local Form 54.

Rule 1002-9 EXPANSION OF DUTIES OF CLAIMS AND NOTICING AGENTS

(a) To the extent a debtor or trustee in a Complex Chapter 11 Case would like a claim and noticing agent who has been retained pursuant to a granted Section 156(c) Application to be allowed an enlarged scope of duties beyond those permitted by W. PA. LBR 1002-8, such requests shall be made on a case-by-case basis upon proper Application for Employment of Administrative Agent, as set forth herein.

(b) An Application for Employment of Administrative Agent shall be substantially in the form of Local Form 55, it shall be accompanied by a Declaration in Support substantially in the form of Local Form 56, and the proposed order accompanying the Application for Employment of Administrative Agent shall be substantially in the form of Local Form 57. The debtor or trustee filing those documents shall file them in both a “clean” version, and a “red-line” version which indicates any changes that have been made from Local Forms 55, 56, and 57.

Rule 1002-10 PROOF OF AUTHORIZATION TO FILE

In a voluntary case, there shall be filed on the petition date a duly attested resolution authorizing the commencement of the bankruptcy case executed by the body whose approval is required for the commencement of a bankruptcy case under applicable law. A suitable authorization must similarly be filed with any consent to an involuntary petition.

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. The Court is receptive to motions seeking approval of interim compensation procedures as appropriate on a case-by-case basis.

(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 bankruptcy 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 refiling;

- (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 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.

(e) Upon completion of a chapter 13 plan, a debtor shall file a Certification of Discharge Eligibility (substantially in the form of Local Bankruptcy Form 24).

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 to the extent required by Bankruptcy Rule 1007(b)(7), 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.

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 an objection to claim pursuant to Fed.R.Bankr.P. 3007, 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, or any other document which the Bankruptcy Code or the Federal Rules of Bankruptcy Procedure explicitly require to be served by personal service or first-class mail.

(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 5005-20 DOCUMENTS FILED UNDER SEAL

(a) Filing Users shall electronically file a motion to file documents under seal, ~~accompanied by a proposed order. The Filing User shall attach a copy of the documents to be filed under seal that have been redacted in good faith to conceal Documents that contain confidential, scandalous, or defamatory matter. Upon filing the motion to seal, the moving party must hand deliver a copy of the motion to seal and the unredacted documents sought to be sealed in a secured envelope to the Clerk's Office. The envelope containing the documents shall be conspicuously marked "FILED UNDER PENDING MOTION TO SEAL" and stating the complete case number. 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. ~~Accompanying the motion shall be a proposed order, an unredacted copy of the documents to be filed under seal, and a copy of the documents to be filed under seal that have been redacted in good faith to conceal confidential, scandalous, or defamatory matter. The motion, proposed order, unredacted copy of the documents, and a redacted copy of the documents shall be hand delivered in a single secured envelope to the Clerk's Office. The envelope containing the documents shall be conspicuously marked "FILED UNDER PENDING MOTION TO SEAL" and stating the complete case number 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.~~

(~~c~~) A motion to file documents under seal, ~~and the redacted version of the documents to be filed 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.~~

(d) ~~If a motion to file under seal is denied, the filer shall promptly contact the Clerk's Office and arrange to retrieve the unredacted version of the documents.~~

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

(~~f~~) ~~If a motion to file under seal is granted, t~~The Judge shall determine who shall scan the documents ~~and enter it~~ into the electronic filing system, as well as the parties that can view ~~the sealed documents~~. ~~Paper copies of documents submitted to the Court The document shall be~~

destroyed after they are ~~it is~~ entered into the electronic filing system.

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

Rule 7008-1 MOTIONS IN ADVERSARY PROCEEDINGS

(a) All motions shall be in writing unless made orally during a hearing or trial and so recognized by the Court.

(b) Motions filed within adversary proceedings shall contain a short, concise descriptive title of the motion in addition to the complete adversary caption. The caption shall conform to Official Form ~~16D-416D~~ (Caption for Use in Adversary Proceeding).

(c) A proposed order of Court shall be filed as an attachment to all motions and all other requests for relief.

~~(e)(d) Unless otherwise directed by the Court, t~~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 services is by mail. If no response is timely filed, and upon the filing of a CNO by the moving party if required, the motion shall be deemed uncontested and the Court ~~shall~~ may dispose of the motion without hearing. Replies and surreplies are not permitted unless ordered by the Court. If permitted, replies and surreplies shall be filed and served within the time frame set by the Court. 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) Unless otherwise directed by the Court, briefs by the moving party and responding party are optional, are limited to twenty (20) pages, and are due at least one week prior to the hearing date on the motion. If authorized, reply and surreply briefs shall address only matters not addressed in it's the initial brief and shall be due as set forth in the order allowing them. 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 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~~416D (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 short, concise 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 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 416D (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 101 through 207~~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 9019-3 MEDIATORS

(c) East applicant shall agree to serve in a *pro bono* capacity for his or her initial mediation appointment. Thereafter, recognizing that the commitment to perform pro bono services is aspirational in nature, the applicant shall serve in a *pro bono* capacity when asked to do so by the Court, on average, at least 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, and certify that such applicant has completed at least two (2) Continuing Legal Education (CLE) credits in the preceding year period ending on December 31st with substantially mediation-related content. In meeting this minimum CLE threshold for each year, the applicant may use accumulated relevant credits not previously exhausted toward this requirement. In the event an applicant fails to meet the required CLE threshold in any one year, the applicant will be immediately removed from the Mediation Panel until the requisite CLE requirement is met.

Rule 9020-2 LOSS MITIGATION PROGRAM COMMENCEMENT

(a) At any time after the commencement of the case until thirty (30) days after the first date originally scheduled for the First Meeting of Creditors whether or not it actually takes place, or at any time during the case with the lender's consent, a debtor with Eligible Property secured by an Eligible Loan may request the commencement of the LMP by filing a Motion for Loss Mitigation (substantially in the form of Local Bankruptcy Form 39). 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.

(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.

(d) The deadline for filing an objection to a Motion for Loss Mitigation is fourteen (14) days from the 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 9020-6 LOSS MITIGATION PROGRAM RESOLUTION

(a) LMP participants shall seek the Court's 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 Creditor, the debtor, and the debtor's attorney, if applicable.

(d) If parties agree to a final or long-term loan modification, the debtor shall file a Motion to Authorize the Loan Modification, which shall be served immediately on any applicable trustee and all creditors whose claims are secured by liens against the 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, the proposed order shall 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 fourteen (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 fourteen (14) days of the entry of the order approving the loan modification.

(e) In addition to the requirements of Subsection (d), above, as part of the Motion to Authorize the Loan Modification, the Creditor shall attach a certification stating the following:

- (1) an escrow analysis was performed in connection with the offer of a loan modification.
- (2) approval of the loan modification will bring any arrearages in the Debtor's escrow account obligations current as of the effective date of the loan modification.
- (3) the Debtor's timely loan payment per month will adequately satisfy all escrow requirements over the ensuing 12 months (including but not limited to, all projected disbursements from the account together with the two-month's minimum balance required under the Real Estate Settlement Procedures Act (RESPA)) without the need for an increase in the escrow payment (unless such payment is solely caused by an increase in the tax or

insurance obligations funded from the account).

~~(e)~~(f) Where a debtor is represented by counsel, a resolution may be 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 the Court may conduct 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)~~(g) 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.