

**United States Bankruptcy Court
Eastern District of Missouri**

Dana C. McWay
Clerk of Court

PROCEDURES MANUAL

accompanying

LOCAL RULES OF BANKRUPTCY PROCEDURE

Effective

March 31, 2003[†]

Honorable James J. Barta, Chief Judge
Honorable Barry S. Schermer
Honorable Kathy A. Surratt-States
Honorable David P. McDonald

United States Bankruptcy Court
Eastern District of Missouri
111 South Tenth Street, Fourth Floor
St. Louis, MO 63102
www.moeb.uscourts.gov

[†] reprinted - May 2003 (with revisions as noted)

**ACKNOWLEDGMENT
FROM THE
CLERK OF COURT**

Dana C. McWay

The United States Bankruptcy Court for the Eastern District of Missouri is pleased to present this Procedures Manual to accompany the Local Rules of Bankruptcy Procedure and Local Forms for the United States Bankruptcy Court for the Eastern District of Missouri effective March 31, 2003. This publication is a guide to this Court's procedures and is intended to provide the bar and others with information about operation of the Court and Clerk's Office necessary for practice before the Court. Provisions in this Manual complement the Court's Local Rules by specifying operating requirements of the Clerk's Office as well as certain procedural matters from the Local Rules that are subject to periodic modification. Because much of this information is updated frequently, the Manual contains numerous references to items available on the Court's website. Hyperlinks to such information are provided in this Manual on-line. This May 2003 reprint contains several clarifications identified since the original printing. All refinements or corrections are noted.

While every effort has been made to make this Procedures Manual a useful and comprehensive guide to practice before this Court, it is intended as a starting point for research into questions of bankruptcy procedure. Anyone proceeding in this Court should thoroughly review:

1. the United States Bankruptcy Code,
2. the Federal Rules of Bankruptcy Procedure,
3. the Federal Rules of Civil Procedure,
4. the Local Rules of this Court,
5. the Local Rules of the United States District Court for the Eastern District of Missouri,
6. the Federal Rules of Appellate Procedures,
7. the Local Rules of the Eighth Circuit Court of Appeals, and
8. the Local Rules of the Eighth Circuit Bankruptcy Appellate Panel.

Attorneys should also review the applicable Rules of Professional Responsibility. Unless otherwise specified, all statutory references are to Title 11 § § 101-1330 of the United States Code.

Revisions and updates to this publication will be posted on the Court's home page on the internet at (<http://www.moeb.uscourts.gov>). Amendments to any procedures or guidelines in this Manual will be made by the Court on notice to the public. Comments regarding this publication should be directed to:

Clerk, U.S. Bankruptcy Court
111 South Tenth Street, Fourth Floor
St. Louis, MO 63102

**United States Bankruptcy Court
Eastern District of Missouri**

**Procedures Manual
Index**

General Information - Court and Clerk's Office

Location and Divisions 1

Office Hours 2

Court Directory 2

Case Records Information

Voice Case Information System 3

Public Access to Court Electronic Records (PACER) 3

CM/ECF 4

Public Terminals 4

Internet Website 4

Copy Service 4

Archived Case Files 5

General Filing Requirements

Location for Filing 5

Drop Box	<u>5</u>
Required Signatures	<u>6</u>
General Format of Pleadings	<u>6</u>
Exhibit Summary Requirements	<u>6</u>
Voluntary Petitions	<u>6</u>
Order of Complete Petition Package	<u>7</u>
Chapter 7	<u>7</u>
Chapter 13	<u>7</u>
Chapter 11	<u>8</u>
Chapter 12	<u>8</u>
Minimum Filing to Commence Case	<u>8</u>
Matrix	<u>8</u>
Amendments to Matrix or Amended Schedules	<u>9</u>
Deficiency Notices	<u>9</u>
Deadlines for filing	<u>10</u>
Number of Copies Required	<u>11</u>
Hearings	<u>11</u>
Transcripts and Tape Requests	<u>11</u>

Bankruptcy Fees & Methods of Payment

Payment of Filing Fee in Installments	<u>11</u>
Methods of Payment	<u>11</u>
Bankruptcy Fee Schedule	<u>11</u>

Local Rules Governing Practice

Local Rules & Standing Orders	<u>12</u>
-------------------------------------	-----------

Attorney Admission and Compensation

Admission to Practice	<u>12</u>
-----------------------------	-----------

Guidelines for Compensation	<u>12</u>
-----------------------------------	-----------

Meetings of Creditors and Trustee Information

Required Documentation	<u>13</u>
------------------------------	-----------

Waiver of Attendance	<u>13</u>
----------------------------	-----------

Office of the United States Trustee	<u>14</u>
---	-----------

Panel Trustees	<u>14</u>
----------------------	-----------

Chapter 13 Procedures

Chapter 13 Attorney Fee Guidelines	<u>14</u>
--	-----------

Flat Fee Option - Flat Fee	<u>14</u>
----------------------------------	-----------

Fee Application Option - Initial Fee.	<u>14</u>
--	-----------

Limited Fee Application	<u>14</u>
-------------------------------	-----------

Attorney Fees on Dismissal of Case Prior to Confirmation	<u>14</u>
--	-----------

Payment of Chapter 13 Attorney's Fees through Plan	<u>14</u>
--	-----------

Hourly Compensation for Debtor's Attorney	<u>14</u>
---	-----------

Chapter 13 Plan and Confirmation	<u>15</u>
--	-----------

Interest on Secured Claims	<u>15</u>
----------------------------------	-----------

Minimum Monthly Chapter 13 Plan Payment	<u>15</u>
Confirmation of Plans	<u>15</u>
Plan Language for Use in Curing Missed Payments in Response to Trustee’s Motion to Dismiss	<u>15</u>
Chapter 13 Motor Vehicle Requirements	<u>15</u>
Insurance	<u>15</u>
Vehicle Valuation	<u>16</u>

Chapter 11 Procedures

Filing Guidelines	<u>16</u>
United States Trustee Matters - Initial Debtor Interview	<u>16</u>
First Day Matters	<u>17</u>
Affiliated Debtor Cases	<u>17</u>
Omnibus Objections to Claims in Chapter 11 Cases	<u>18</u>
Insurance Requirements - Debtor-in-Possession	<u>18</u>

Adversary Proceedings

Caption and Designation	<u>19</u>
Types of Actions	<u>19</u>
Summons	<u>19</u>
Pre-Trial Conference and Scheduling Order	<u>20</u>
Subpoenas	<u>20</u>
Stay of Proceeding to Enforce Judgment	<u>20</u>

Default Judgment Procedures [20](#)
Return Exhibits Following Trial [21](#)
Payment of Funds into Court Registry [21](#)

Claims

Chapter 7 Cases [21](#)
Chapter 12 and 13 Cases [21](#)
Chapter 9 and 11 Cases [22](#)
Claims filed by the Debtor [22](#)
Unclaimed Funds [22](#)

Appeals

Notice of Appeal & Process [22](#)
Appeals to the Bankruptcy Appellate Panel [23](#)
Appeals to the District Court [23](#)

Mediation

Panel of Mediators [23](#)
APPENDIX [24](#)

General Information - Court and Clerk's Office

Location and Divisions

The United States Bankruptcy Court for the Eastern District of Missouri consists of three divisions: Eastern (St. Louis), Northern (Hannibal), and Southeastern (Cape Girardeau). Although the Court conducts hearings in all three divisions, the Court maintains a staffed Clerk's Office only at the St. Louis Office in the Eastern Division. The address of the Clerk's Office is:

111 South Tenth Street
Fourth Floor
St. Louis, MO 63102
(314) 244-4500

All documents and pleadings must be filed with the Court in St. Louis unless such documents are presented to the Court when it is in session in either the Northern or Southeastern division. Divisional venue is determined by the county in which the debtor resides. 28 U.S. C. § 105.

Eastern Division (St. Louis) – City of St. Louis, Crawford, Dent, Franklin, Gasconade, Iron, Jefferson, Lincoln, Maries, Phelps, St. Charles, St. Francois, St. Genevieve, St. Louis, Warren and Washington.

Southeastern Division (Cape Girardeau) – Bollinger, Butler, Cape Girardeau, Carter, Dunklin, Madison, Mississippi, New Madrid, Pemiscot, Perry, Reynolds, Ripley, Scott, Shannon, Stoddard and Wayne.

Northern Division (Hannibal) – Adair, Audrain, Chariton, Clark, Knox, Lewis, Linn, Macon, Marion, Monroe, Montgomery, Pike, Ralls, Randolph, Schuyler, Scotland and Shelby.

Divisional venue is indicated numerically in the case number. The first numerical digit after the year and hyphen represents the division to which the case has been assigned.

Divisional assignments are indicated according to the following code:

1-	Southeastern Division	4-, 5 - Eastern Division
2-	Northern Division	

The addresses for Courthouses in each division are:

Southeastern Division
U.S. Courthouse
309 Broadway
Cape Girardeau, MO 63701

Northern Division
U.S. Courthouse
801 Broadway
Hannibal, MO 63401

Eastern Division
111 South Tenth Street
Fourth Floor
St. Louis, MO 63102

Office Hours

The Clerk's Office is open from 8:30 a.m. through 4:30 p.m. Monday through Friday except on holidays or as posted for special events. A current list of federal holidays is available on the Court's website.

The Clerk's Office asks that you avoid filing petition(s), especially multiple-debtor cases at the end of the day. The Clerk's Office closes at 4:30 p.m. Please arrive at least one hour before closing and organize your documents as outlined in the General Filing Requirements section below.

Court Directory

The phone system is accessible 24 hours a day. If the party you wish to reach is not available, the voice mail system will allow you to leave a message.

Main number - Receptionist	(314) 244-4500
VCIS (Voice Case Information System)	(314) 244-4999
Toll free	(888) 223-6431
PACER (Public Access to Court Electronic Records)	(314) 244-4988
Toll free	(888) 577-1668
Dana C. McWay, Clerk of Court	(314) 244-4601
Susan Schmitt, Administrative Assistant to Clerk of Court	(314) 244-4601
Diana Durkee August, Chief Deputy Clerk	(314) 244-4602
Donna Bard, Operations Manager	(314) 244-4800
Doris Sillas, Administrative Manager	(314) 244-4900
William Wolfenbarger, ITS Manager	(314) 244-4700
Sandra Louis, Attorney Advisor	(314) 244-4603
Bob Suhre, Director of Case Administration	(314) 244-4803
Steve Cruse, Director of Records & Public Service	(314) 244-4802
Matt Parker, Director of Courtroom Services	(314) 244-4801
CM/ECF Help Desk	(866) 803-9517

To request a hearing date, please contact the following:

<u>JUDGE</u>	<u>COURTROOM DEPUTY</u>	<u>TELEPHONE</u>
Chief Judge James J. Barta	Jonathon Burford	(314) 244-4805
Chapter 13 Confirmation Matters	Matthew Clear	(314) 244-4815
Judge Barry S. Schermer	Wynne Abernathy	(314) 244-4806
Chapter 13 Confirmation Matters	Tina Radosevich	(314) 244-4807

JUDGE	COURTROOM DEPUTY	TELEPHONE
Judge Kathy A. Surratt-States Chapter 13 Confirmation Matters	John Howley, Jr. Matthew Clear	(314) 244-4808 (314) 244-4815
Judge David P. McDonald	John Howley, Jr.	(314) 244-4808
Visiting Judge	Susan Schmitt	(314) 244-4601

To reach the Judges' Chambers, please contact the following:

Chief Judge James J. Barta Courtroom Seven South	Eva Kinzel - Judicial Assistant	(314) 244-4511
Judge Barry S. Schermer Courtroom Five North	Barbara Sutton - Judicial Assistant	(314) 244-4531
Judge Kathy A. Surratt-States Courtroom Seven North	Chicquita Greene - Judicial Assistant	(314) 244-4541
Judge David P. McDonald Courtroom Five South	Bryan Bacon (Law Clerk)	(314) 244-4523

Case Records Information

Voice Case Information System

The Bankruptcy Clerk's Office offers an electronic voice system which provides callers with basic case information for bankruptcy cases in the Eastern District of Missouri, including: case number, filing date, chapter, attorney name and telephone number, assigned judge and trustee, status of the case, 341 meeting date and closing date. The Voice Case Information System (VCIS) is available 24 hours a day, seven days a week, and can be accessed by calling (314) 244-4999 or 1(888) 223-6431 from any touch-tone telephone. Using VCIS, Court records may be searched by name, case number, tax identification number, or social security number.

Public Access to Court Electronic Records (PACER)

Access to Bankruptcy Court records is available 24 hours a day, seven days a week through PACER (Public Access to Court Electronic Records). PACER allows you to retrieve electronic case summaries, docket information, and images of certain documents using a personal

computer. It allows you to:

- search by party name or case number
- track updates to a case
- get a printed summary of a case
- get a printed copy of documents in certain cases
- perform other case research

PACER also allows you access to case information from various U.S. District Courts and Bankruptcy Courts across the country.

Subscribing to PACER is free, but there is a fee of \$.07 per viewed or printed page when accessing PACER via the web. The maximum fee per document is \$2.10. For more information or to subscribe to PACER, contact the PACER Service Center, P.O. Box 78054, San Antonio, TX 78278-0549 or call (800) 676-6856, or access through the link on the Bankruptcy Court website at www.moeb.uscourts.gov.

CM/ECF

On February 24, 2003, the Bankruptcy Court began using its Case Management (CM) system which allows images of all documents to be viewed through PACER. The Electronic Case Filing (ECF) feature of the CM/ECF system will enable attorneys to file documents electronically over the internet. For information relative to ECF, please see the Court's website.

Public Terminals

The Clerk's Office makes available public computer terminals for free access to PACER during normal business hours. Printing from these terminals is available for a fee.

Internet Website

The Clerk's Office has created an Internet web-site to disseminate information to the public. The address is www.moeb.uscourts.gov.

Copy Service

The Clerk's Office offers an on-site copy service through Bankruptcy Services, Inc. (BSI). Bankruptcy Services, Inc. provides case search, copy, fax and other services on a fee basis for the public. Bankruptcy Services, Inc. may be reached at (314) 244-4940.

Archived Case Files

The Court maintains closed case files for approximately one year after the closing date of the case, or as long as storage space is available. Case files, together with corresponding adversary files are then shipped to the National Archives and Records Administration in Kansas City, Missouri for storage. Information is available on cases that have been closed and shipped to the National Archive Center either through PACER or by requesting retrieval of the Court file. To retrieve a file from the National Archive Center, you may request the file in person, by writing to the Court, or by contacting the on-site copy service, Bankruptcy Services, Inc (BSI). A retrieval fee applies. If the Court retrieves the file for you, the retrieval fee must be paid in advance when the records request is submitted. It will take approximately 7 to 10 days for the Court to receive the file from the Archive Center.

General Filing Requirements

Location for Filing

Bankruptcy petitions, pleadings and other documents which are to be filed with Bankruptcy Court for the Eastern District of Missouri (for any division) must be filed with the Court in St. Louis. Until filing is permitted electronically, all documents must be filed with the Court in paper format following the specification of E.D.Mo.L.B.R. 9004-1 and must be accompanied by the number of copies specified on the Court's website. Documents may be filed in person during normal business hours at the Clerk's Office on the fourth floor of the Thomas F. Eagleton Building, by mail or, through use of the Bankruptcy Court's drop box. Pursuant to E.D.Mo.L.B.R 5005-1 A., facsimile filing is prohibited. Electronic filing will be permitted and required in accordance with Administrative Procedures adopted by the Court under E.D.Mo.L.B.R. 5005-1 D.

Drop Box

The Clerk's Office provides a drop box for convenience in filing petitions, pleadings and other documents with the Bankruptcy Court. The drop box is accessible 24 hours a day, seven days a week, and is located at the west entrance of the Thomas F. Eagleton building. The Court retrieves documents from the drop box several times throughout the day. All petitions, pleadings, or documents and copies thereof placed in the drop box must be clock-stamped immediately before depositing in the drop box. The clock-stamp allows the Court to determine when the petition, pleading or document was tendered to the Court. The date and time stamped at the drop box will usually serve as the date and time filed. Should any required signatures, fees or other matters be missing, the document(s) will be declined for filing under E.D.Mo.L.B.R. 5005-1 C. and 1002-1 A.

Required Signatures

The Clerk of Court may decline for filing any petition, pleading or document that fails to contain required signatures. E.D.Mo.L.B.R 5005-1 C.

Required signatures include:

1. The signature of an attorney or pro se party on any document and pleading filed with the Court.
2. The signature of an attorney on any document requiring such signature.
3. The signature of a petition preparer on any document requiring such signature.
4. The signature of the debtor(s)* on the following documents:
 - a. Voluntary Petition
 - b. Corporate or Partnership Declaration regarding Petition
 - c. Verification of Creditor Matrix
 - d. Declaration concerning Schedules or any Amendment thereto
 - e. Statement of Financial Affairs or any Amendment thereto
 - f. Application to Pay Filing Fee in Installments
 - g. Chapter 7 Individual Debtor's Statement of Intention
 - h. Reaffirmation Agreement
 - i. All plans (Chapter 12, 11, 13) and amendments thereto unless debtor(s)' signature is excused by the Court
 - j. Involuntary Petition (original signature of Petitioning Creditors)

* In a joint case, the signature of both debtors is required.

General Format of Pleadings

Local Rule 9004-1 specifies the required format for pleadings, including content of captions, margins and certificates of service. Local Rule 9011-1 sets forth signature block requirements.

Exhibit Summary Requirements

Local Rule 9040-1 provides information on the filing and exchange of exhibits. With limited exceptions noted in Local Rule 9040-1, an exhibit summary form (Local Form 9) should be used in place of filing most exhibits with the Court. On request of any party, copies of the actual exhibits are to be provided.

Voluntary Petitions

Federal Rule of Bankruptcy Procedure 9009 prescribes that the Official Forms "shall be observed and used with alterations as may be appropriate." These forms are not provided to the public by the Court but can be obtained from commercial legal printers or office supply stores and are available through the Court's website by clicking on "Official Forms." They are also available through various computer software packages. The forms should be either typed or legibly printed.

To file a complete bankruptcy petition package, the debtor must file the petition, all schedules, the statement of financial affairs, and a creditor matrix and verification of matrix. In Chapter 13 cases, the plan, plan summary, and attorney fee election form (Local Form 6) must also be filed. In Chapter 7 consumer cases, the debtor's statement of intentions must be filed as well. In all cases, the attorney's disclosure under Fed. R. Bankr. P. 2016(b) is also required at the time of filing the petition.

Order of Complete Petition Package

A complete voluntary petition and accompanying documents should be arranged in the following order and should be submitted with appropriate filing fee or application to pay fee in installments where permitted:

Chapter 7 Cases:

1. Voluntary Petition (*Official Form B1*)
2. Summary of Schedules (*Official Form B6*)
3. Schedules "A" - "J" (*Official Forms B6A-B6J*) (*Schedules I & J are NOT required for Chapter 7 or 11 Partnership/Corporation filings. Fed. R. Bankr. P. 1007*).
4. Declaration Concerning Debtor's Schedules (*Official Form B6*)
5. Statement of Financial Affairs w/Declaration (*Official Form B7*)
6. **Individual** Debtor's Statement of Intentions (Chapter 7) (*Official Form B8*)
7. Attorney Compensation Disclosure Under 2016(b) (*Fed. R. Bankr. P. 2016 b, E.D.Mo.L.B.R 2016-1 A.*)
8. Matrix and Verification of Creditor Matrix. (*Local Form 2*) (*E.D.Mo.L.B.R 1007-2*) (*Refer to separate instructions for preparation of matrix on the Court's website*).

Chapter 13 Cases:

1. Voluntary Petition (*Official Form B1*)
2. Summary of Schedules (*Official Form B6*)
3. Schedules "A" - "J" (*Official Forms B6A-B6J*) (*Schedules I & J are NOT required for Chapter 7 or 11 Partnership/Corporation filings. Fed. R. Bankr. P. 1007*).
4. Declaration Concerning Debtor's Schedules (*Official Form B6*)
5. Statement of Financial Affairs w/Declaration (*Official Form B7*)
6. Attorney Compensation Disclosure Under 2016(b) (*Fed. R. Bankr. P. 2016 b, E.D.Mo.L.B.R 2016-1 A.*)
7. Chapter 13 Attorney Fee Election Form (*Local Form 6*).
8. Chapter 13 Plan (*Local Form 13*)
9. Summary (Analysis) of Chapter 13 Plan-unless part of Plan
10. Matrix and Verification of Creditor Matrix. (*Local Form 2*) (*E.D.Mo.L.B.R 1007-2*) (*Refer to separate instructions for preparation of matrix on the Court's website*).

Chapter 11 Cases:

1. Voluntary Petition (*Official Form B1*)
2. Exhibit “A” (Corporate Chapter 11 debtors) (*Official Form B1 Ex. A*)
3. List of Creditors Holding 20 Largest Unsecured Claims (Chapters 9 & 11) (*Official Form B4*)
4. Summary of Schedules (*Official Form B6*)
5. Schedules “A” - “J” (*Official Forms B6A-B6J*) (*Schedules I & J are NOT required for Chapter 7 or 11 Partnership/Corporation filings. Fed. R. Bankr. P. 1007.*)
6. Declaration Concerning Debtor’s Schedules (*Official Form B6*)
7. Statement of Financial Affairs w/Declaration (*Official Form B7*)
8. Attorney Compensation Disclosure Under 2016(b) (*Fed. R. Bankr. P. 2016 b, E.D.Mo.L.B.R 2016-1 A.*)
9. Matrix and Verification of Creditor Matrix. (*Local Form 2*) (*E.D.Mo.L.B.R 1007-2*) (*Refer to separate instructions for preparation of matrix on the Court’s website.*)

Chapter 12 Cases:

1. Voluntary Petition (*Official Form B1*)
2. Summary of Schedules (*Official Form B6*)
3. Schedules “A” - “J” (*Official Forms B6A-B6J*) (*Schedules I & J are NOT required for Chapter 7 or 11 Partnership/Corporation filings. Fed. R. Bankr. P. 1007.*)
4. Declaration Concerning Debtor’s Schedules (*Official Form B6*)
5. Statement of Financial Affairs w/Declaration (*Official Form B7*)
6. Attorney Compensation Disclosure Under 2016(b) (*Fed. R. Bankr. P. 2016 b, E.D.Mo.L.B.R 2016-1 A.*)
7. Matrix and Verification of Creditor Matrix. (*Local Form 2*) (*E.D.Mo.L.B.R 1007-2*) (*Refer to separate instructions for preparation of matrix on the Court’s website.*)

Minimum Filing to Commence Case

The minimum documents required to commence a bankruptcy case are (1) a voluntary petition; (2) the required fee or application for payment of fee in installments; and (3) the matrix and verification of creditor matrix. E.D.Mo.L.B.R 1002-1.

Matrix

The matrix must be filed in accordance with the Matrix Instructions on the Court’s website and in the ECF Administrative Procedures. In addition, the following address should be included on the matrix if the Internal Revenue Service is scheduled as a creditor.

IRS
Insolvency
P.O. Box 66778
STOP 5334STL
St. Louis, MO 63166

The Missouri Department of Revenue **should be listed on the matrix in a Chapter 13 case**, using the following address:

Missouri Department of Revenue
Bankruptcy Unit
P.O. Box 475
301 W. High Street
Jefferson City, MO 65105-0475

Once filed, the debtor's matrix is used as the master mailing list for the Court to send notices to all creditors and parties in interest in the case. Any entity filing an entry of appearance, request for notice, or proof of claim is automatically added to the case and will be mailed subsequent notices sent by the Court to all creditors and parties in interest. The Court's system can provide a printed version of the updated matrix for use by any party.

Amendments to Matrix or Amended Schedules

Any amendment to the debtor's schedules or matrix must be made in accordance with E.D.Mo.L.B.R 1009-1. Only changes to the schedules or matrix are to be shown, and the debtor must sign and file a verification of the amended schedule or matrix. Any amended matrix must follow the format specified for amended matrices on the Court's website and in the ECF Administrative Procedures.

Deficiency Notices

The Court sends a deficiency notice when a petition is filed without all of the required documents or when other filing deficiencies are noted. The Court issues the deficiency notice immediately following receipt of a new petition to indicate what documents are missing or deficiencies exist and the deadline by which the deficiency must be cured. Failure to cure the deficiency by filing the missing documents within the time stated on the notice will likely result in prompt dismissal of the case or reconversion under E.D.Mo.L.B.R 1019-1 B. unless a motion to extend time for filing has been granted. The Court issues two deficiency notices: (1) a **fifteen-day deficiency notice** which provides 15 calendar days to file any schedules, the statement of financial affairs, attorney 2016(b) disclosure, or the Chapter 13 plan, if not filed with the petition; and (2) a **five-day deficiency notice** which provides five days if the debtor fails to provide other information critical to the Court's commencement of the case.

Deficiencies are issued as follows:

<p>5 Business Days Deficiencies:</p> <ul style="list-style-type: none"> • Attorney Signature or a non-attorney preparer omitted on a new case • Equity security holders omitted • Social Security Number/Tax ID omitted • Exhibit A, Chapter 11 Corp. omitted (publicly held only) • Chapter selection omitted on new petition • 20 largest unsecured creditors omitted (Chapters 9 & 11 only) • Application to Pay Filing Fee in Installments (does not reflect total payment due) • Application to Pay Filing Fee in Installments (exceeds 120 days) • Incorrect fee with the petition 	<p>15 Calendar Days Deficiencies:</p> <ul style="list-style-type: none"> • Attorney Disclosure Statement omitted • Chapter 13 Fee Election Form • Any Schedule omitted: <ul style="list-style-type: none"> Schedule A Schedule B Schedule C Schedule D Schedule E Schedule F Schedule G Schedule H Schedule I Schedule J • All Schedules A-J omitted • Statement of Financial Affairs omitted • Summary of Schedules omitted • All Statements & Schedules omitted • Declarations concerning schedules omitted • Chapter 13 Plan & Plan Summary
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Deadlines for Filing

Deadlines for filing various documents are specified in the Bankruptcy Code, the Federal Rules of Bankruptcy Procedure, and the Local Rules of this Court. A chart summarizing various deadlines for events in a typical bankruptcy case is included in Appendix A.

Number of Copies Required

The number of copies required for petitions, schedules, statements, plans, motions, and other documents is specified on the Court’s website.

Hearings

Available hearing dates may be obtained by contacting the appropriate Courtroom Deputy or by reviewing available dates on the Court's website. The number of days notice of hearing that must be provided is governed by Local and Federal Rules of Bankruptcy Procedure. The time line in Appendix A. provides time limits applicable to common motions or hearing events. For specific hearing date availability and scheduling instructions for each Judge, please see the Court's website under "Hearing Dates."

Transcripts and Tape Requests

Written transcripts of hearings or audio recordings of a hearing can be obtained by contacting Courtroom services. Audio recordings of hearings are provided on compact disk (CD) and require FTR Gold software to listen. The software is available via a free download from the Court's website. Transcript and tape request forms are available from the Court or on the Court's website.

Bankruptcy Fees & Methods of Payment

Payment of Filing Fee in Installments

Filing fees to commence a bankruptcy case by individuals may be paid in installments pursuant to Fed. R. Bankr. P. 1006(b)(2) and E.D.Mo.L.B.R 1006-1. Local Form 1 must be used.

Methods of Payment

Acceptable methods of payment include credit/debit card, cash, check, money order, or cashier check. Checks shall be payable to "Clerk, U.S. Bankruptcy Court." Checks made payable to a named person (i.e. "Dana C. McWay") are not acceptable. Only checks drawn on an attorney's account will be accepted in payment of filing fees. Checks from debtors and 3rd party checks will not be accepted. **Credit/Debit card payment is encouraged.** Credit/Debit Card Applications may be obtained through the Court's website.

Bankruptcy Fee Schedule

Available on the Court's website.

Rules Governing Practice

Local Rules & Standing Orders

Practice before this Court is governed by the Local Rules of this Court and all applicable authorities specified in the Acknowledgment from the Clerk of Court introducing this Manual. Any General Orders adopted by the Court affecting practice in this Court will be available on the Court's website.

Attorney Admission and Compensation

Admission to Practice

All duly licensed attorneys who are admitted to practice before the U.S. District Court for the Eastern District of Missouri shall be allowed to practice law before the Bankruptcy Court. E.D.Mo.L.B.R 2090-1. Admission to the United States District Court for the Eastern District of Missouri is governed by E.D.Mo.L.R.12.01.

All partnerships, corporations and other business entities (other than an individual conducting business as a sole proprietorship) must be represented by an attorney admitted to practice before this Court except such entities may appear and act on their own behalf for the purpose of attending the meeting of creditors, filing a request for notice and service of documents, and filing a proof of claim as permitted under E.D.Mo.L.B.R 9010-B.

An attorney who is not admitted to practice before this Court may be permitted to appear pro hac vice, but only on motion in accordance with E.D.Mo.L.B.R 2090-1 B. and with payment of required fees. Such fees are payable to the Clerk, U.S. District Court, but are to be submitted with pro hac vice application to the Bankruptcy Court. Instructions for pro hac vice applications are provided on Court's website and a sample motion is provided in Local Form 7.

Guidelines for Attorney Compensation

Appendix B. contains the Court's Guidelines for Professional Compensation. Local Rules 2016-1, 2016-2 and 2016-3 govern the procedures for applications for professional compensation.

Meetings of Creditors & Trustee Information

Required Documentation

In Chapter 7 cases, debtors must bring the following documentation to the § 341 meeting of creditors:

1. All passbooks, statements or other documents setting forth all financial account balances as of date of bankruptcy filing;
2. Current W-2 statements or pay stubs;
3. Copies of most recently filed federal and state income tax returns; and
4. Records of all real estate owned by the debtor.

In Chapter 13 cases, debtors must bring to the § 341 meeting:

1. The items listed above; and
2. The Chapter 13 trustee's question sheet (copies may be obtained from the Chapter 13 Trustee's Office). Debtors engaged in business may be subject to additional requirements by the trustee.

All individual debtors must bring photo identification and proof of social security number. The following are acceptable forms of picture identification:

- | | |
|------------------------------------|-------------------------|
| 1. driver's license; | 4. U.S. passport; |
| 2. federal or state government ID; | 5. military ID; or |
| 3. student ID; | 6. resident alien card. |

Acceptable forms of proof of social security number include an original:

- | | |
|-----------------------------|---|
| 1. driver's license; | 5. W-2 form; |
| 2. social security card; | 6. Internal Revenue Service Form 1099; or |
| 3. medicare insurance card; | 7. Social Security Administration SSA report. |
| 4. pay stub; | |

Waiver of Attendance

A request by a debtor to be excused from attendance at the meeting of creditors must be made in writing to the Office of the United States Trustee and copied to the case trustee. The U.S. Trustee's acceptable grounds for waiver include: medical condition, imprisonment and military assignment which prevent attendance. Any application for waiver of attendance must include supporting documentation, e.g., doctor's letter, court order, or military order. Waiver of personal appearance and permission to attend a 341 meeting by telephone must also be approved by U.S. Trustee's Office. To appear by telephone, the debtor must be sworn in and identified by a notary, court reporter, or other person permitted by law to administer an oath.

Office of the United States Trustee

Assistant U.S. Trustee:

Peter Lumaghi
111 South 10th Street, Suite 6353
St. Louis, MO 63102
(314) 539-2976

Attorneys for U.S. Trustee:

Martha Dahm (314) 539-2976
Leonora Long (314) 539-2976

List of Trustees - see Court's website for names and addresses of trustees.

Chapter 13 Procedures

Chapter 13 Attorney Fee Guidelines

1. **Flat Fee Option - Flat Fee.** Attorneys for Chapter 13 debtors who elect the Flat Fee Option may receive \$1,700 (or \$1,700 plus the filing fee, if the filing fee is advanced) without application to the Court. Effective May 1, 2003, the flat fee increases by \$150.00. E.D.Mo.L.B.R 2016-1 B.
2. **Fee Application Option - Initial Fee.** Attorneys for Chapter 13 debtors who elect the Fee Application Option may receive, without filing a fee application, an initial fee of \$1,100 (or \$1,100 plus the filing fee, if the filing fee is advanced). Effective May 1, 2003, the initial fee increases by \$150.00. E.D.Mo.L.B.R 2016-1 B.
3. **Limited Fee Application.** Attorneys for Chapter 13 debtors who elect the Fee Application Option may use the limited notice provisions of L.R. 2016-3 A. 2 b. for applications seeking additional fees in a cumulative amount that is not more than \$400. All other applications must be served as specified in E.D.Mo.L.B.R 2016-1 B. 2.
4. **Attorney Fees on Dismissal of Case Prior to Confirmation.** Unless otherwise directed, the Court will authorize payment of \$1,100 for Chapter 13 debtor's attorney on dismissal of a case prior to confirmation.
5. **Payment of Chapter 13 Attorney's Fees through Plan.** When paid through the plan, unless otherwise specified, the Chapter 13 trustee shall pay debtor's attorney's fees at the rate of 35% of funds available for distribution at the disbursement level for secured creditors.
6. **Hourly Compensation for Debtor's Attorney.** Chapter 13 debtor's attorney may be compensated on an hourly basis for representation of the debtor in an appeal.

Chapter 13 Plan and Confirmation

1. **Interest on Secured Claims.** The applicable interest rate for secured claims is published on the Court's website.
2. **Minimum Monthly Chapter 13 Plan Payment.** Unless otherwise ordered, the minimum monthly Chapter 13 plan payment referenced in E.D.Mo.L.B.R. 3015-3 H. is \$75.00.
3. **Confirmation of Plans.** Confirmation of a plan or amended plan may be approved prior to the confirmation hearing if no timely objection is filed. The trustee shall provide a proposed order confirming the plan or the pre- or post-confirmation amended plan.
4. **Plan Language for Use in Curing Missed Payments in Response to Trustee's Motion to Dismiss.** If a debtor seeks to make up missed payments by extending the plan or raising the amount of future plan payments, or by both extending the life of the plan and the amount of each plan payment, under E.D.Mo.L.B.R. 1017-2 B., the following format shall be employed to explain how the missed payments will be made:
 - a. Regular monthly plan payment plus \$_____ per month for _____ months (number of months) beginning _____(date).
 - b. Regular monthly plan payment plus \$_____ per month for the remainder of the plan term beginning _____ (date).
 - c. _____ dollars for ___ months, then ___ dollars for ___ months, then ___ dollars for ___ months with payments beginning _____. (date)

Chapter 13 Requirements Regarding Motor Vehicles

1. **Insurance.** Local Rule 2015-2 C. requires a debtor in a Chapter 13 case to maintain insurance on any motor vehicle on which a lien exists to secure a debt. Absent agreement between the debtor and the lienholder, the debtor shall:
 - a. prepay at least three (3) month's insurance on the vehicle;
 - b. provide for the collision and comprehensive deductible to be \$500 and provide for the insurance policy to name the lienholder as a loss payee. If the security agreement or other contract requires a deductible lower than \$500, such contract will govern the amount of deductible the debtor is required to maintain during the bankruptcy case.

2. **Vehicle Valuation.** The following policy shall govern valuation of automobiles in Chapter 13 cases pursuant to Associates Commercial Corporation v. Rash, 117 S.Ct. 1879 (1997).

Absent evidence to the contrary, a vehicle's value will be 95% of the National Automobile Dealers Association (NADA) (Central Edition) retail value at the time of filing for the first three years of the vehicle age. For each year thereafter, a 2% deduction would be made from such valuation to a maximum deduction of 15%. For example, if a debtor files a Chapter 13 petition in 2003, and owns a 2002 Ford Explorer with an NADA retail value of \$20,000, it would be valued at 95% of this NADA value. If the same vehicle was a 2001 or 2000 model, it would still be valued at 95% of the NADA value for such vehicle make, model and year. Thereafter, the percentage of NADA valuation shall be reduced by 2% per year for each additional year, resulting in 93% of NADA value for a 1999 vehicle; 91% for a 1998 vehicle, to a maximum reduction to 85% of NADA value.

Chapter 11 Procedures

Filing Guidelines

If you believe coordination with the Court is necessary or helpful before filing any substantial Chapter 11 case, please contact only the Clerk of Court at (314) 244-4601. If you have a multiple-debtor case and will request the estates be procedurally consolidated, please file your motion for consolidation as early in the proceeding as possible.

United States Trustee Matters - Initial Debtor Interview

Prior to or promptly after the filing of a case under Chapter 11 or the conversion to that chapter, the pro se debtor or debtor's attorney should contact the Office of the United States Trustee to schedule the § 341 meeting of creditors, arrange for an initial debtor interview, and review the United States Trustee's requirements and role in administering a Chapter 11 case. The United States Trustee's role includes reviewing first day motions, professional employment issues, committee formation and other topics germane to the commencement of the case. The U.S. Trustee will also assign an analyst and attorney to each case and will mail notice to each of the 20 largest unsecured creditors concerning formation of an unsecured creditors' committee. At the initial debtor interview, if not addressed in advance, the U.S. Trustee will review:

1. the debtor's obligation to file monthly operating reports;
2. the debtor's insurance needs;
3. the U.S. Trustee's banking guidelines;
4. the U.S. Trustee's Fee Guidelines; and
5. the debtor's obligation to pay quarterly fees under 28 U.S.C. § 1930(a)(6).

First Day Matters

Typical first day matters include:

1. Motion for joint administration;
2. Application for employment of professionals, including attorneys, accountants, financial advisors;
3. Motion to extend time for filing schedules and statement of financial affairs to a specified date;
4. Motion for use of cash collateral;
5. Motion for post-petition financing;
6. Motion to pay pre-petition employee wage claims and benefits;
7. Motion regarding 11 U.S.C. § 366;
8. Motion to vary from United States Trustee's requirements (such as maintenance of existing bank accounts, existing business forms, cash management systems, investment procedures, etc.);
9. Motion directing banks to honor pre-petition checks; and
10. Motions to allow debtor to pay certain pre-petition claims and honor certain pre-petition customer claims (refunds of deposits, warranties, etc.).

Affiliated Debtor Cases

When two or more petitions are pending in the same Court by a debtor and an affiliate, the Court may order the cases jointly administered. The debtor or another party in interest may request joint administration by motion served upon all parties on the Master Service List (E.D.Mo.L.B.R. 9013-3 C) or if no such list exists, on those who would be on the list. The motion for joint administration should be filed in the case requested to be designated as the lead case. Joint administration of a debtor and its affiliates shall be a procedural, and not a substantive consolidation of the cases.

1. **Designation of Lead Case.** Unless otherwise stated in the order granting joint administration, when multiple affiliated cases are filed, the first case filed (i.e. the case having the lowest case number) shall be designated as the "lead case."
2. **Docket.** A single case docket and case file shall be maintained in the lead case after entry of the order for joint administration.
3. **Style of Court Papers.** Pleadings and other documents filed after entry of the order for joint administration shall be styled with the caption of the lead case and shall indicate that the cases have been procedurally consolidated.
 - a. **Documents for All Cases.** The caption for a pleading or other document filed in jointly administered cases and intended as a pleading for all affiliated cases should follow the designated example in Local Form 22. The Court will docket and file such pleadings in the lead case.

- b. **Documents for Particular Cases.** A pleading or document intended only to be filed in a particular affiliated case or cases must contain the name(s) of the particular debtor/case(s) in the caption as described in the example in Local Form 22. Such documents will be docketed to, and deemed filed only in, the designated case.
4. **Claims.** A separate claims register shall be maintained for each case. Claims must specifically state the name and case number of the debtor against which the claim is asserted. If claims are asserted against more than one of the joint debtors, a separate original claim must be filed in each case.

Omnibus Objections to Claims in Chapter 11 Cases

If claims or objections to claims are similar or related or are based upon similar facts or theories of law, more than one claim may be included within a single objection and served as required by E.D.Mo.L.B.R. 3007-1 C. In jointly administered Chapter 11 cases, each objection shall be assigned a claim objection number by the debtors and shall be numbered sequentially and maintained by the Clerk in a single claims objection file without regard to the particular estate against which the subject claim is asserted. The debtor shall be responsible for maintaining and distributing (monthly or more frequently as may be required) a Master Objections to Claims Calendar which shall set forth the hearing date and time, debtor company name, debtor case number, claimant's name, claim number, claim amount, claim classification and claim objection number and shall indicate if any response has been received from claimant. Debtor shall serve the Master Objections to Claims Calendar upon all parties on the Master Service List, or if none, upon all those who would be on such a list.

Insurance Requirements - Debtor-in-Possession

1. **General Requirements.** The Office of the United States Trustee requests the following from all debtors-in-possession:
 - a. insure all estate assets against physical damage and loss with policy limits covering asset values stated in debtor's schedules;
 - b. maintain liability coverage for operation and businesses;
 - c. as appropriate or customary for the industry, maintain additional types of insurance (workers compensation, products liability, or professional liability); and
 - d. require insurer(s) to notify the office of U.S. Trustee of claims or lapse of coverage.
2. **Proof of Insurance.** Upon request of an interested party, trustee or U.S. Trustee, the debtor(s) shall provide proof of insurance, which shall include a certificate of insurance, binder, or other document from the carrier stating amounts, types and period of coverage, and notification of any secured party as loss payee. Failure to provide proof presumes no insurance is in effect.

Adversary Proceedings

Caption and Designation

Adversary proceedings are assigned a number (separate from the bankruptcy case number) which must be used in the caption of all adversary proceedings. Captions of adversary proceedings must clearly reflect the name of the debtor, plaintiff and defendant. E.D.Mo.L.B.R 9004-1 A.

Types of Actions

Pursuant to Federal Rules of Bankruptcy Procedure 7001, an adversary proceeding must be filed when a party is seeking to:

1. Recover money or property, except during a proceeding to compel the debtor to deliver property to the trustee, or a proceeding under §554(b) or §725 of the Code, Fed.R.Bank.P. 2017 or 6002.
2. Determine the validity, priority or extent of a lien or other interest in property, other than a proceeding under Fed.R.Bank.P. 4003(d).
3. Obtain approval pursuant to §363(h) for the sale of both the interest of the estate and of a co-owner in property.
4. Object to or revoke a discharge.
5. Revoke an order of confirmation of a Chapter 11, 12 or 13 plan.
6. Determine the dischargeability of a debt.
7. Obtain an injunction or other equitable relief.
8. Subordinate any allowed claim or interest, except when subordination is provided in a Chapter 9, 11, 12 or 13 plan.
9. Obtain a declaratory judgment relating to any of the foregoing.
10. Determine a claim or cause of action removed pursuant to 28 U.S.C. §1452.

Summons

Local Rule 7004-1 requires the plaintiff to submit a prepared summons with the complaint. The number of copies required is specified above. The Court will determine whether to set the case for a pre-trial or trial hearing and the Clerk will issue the summons.

A summons is only valid for ten days following its issuance (Fed.R.Bank.P. 7004(f)). If the ten day period has passed without the summons being served, the plaintiff should request, in writing, that the summons be reissued.

Subsections (4) and (5) of the Fed.R.Bank.P. 7004 govern service on the United States or its agencies of a summons and complaint and a motion in a contested matters (see Fed.R.Bank.P. 9014). Plaintiffs (or moving parties) should review those Rules carefully. The most common defect is that service is not made on the Attorney General of the United States nor on the officer or agency involved. Failure to effect proper service could jeopardize the plaintiff's case.

Pre-Trial Conference and Scheduling Order

Orders regarding discovery deadlines, pre-trial conferences, and other matters relating to trial may be issued sua sponte by the Court or on motion of a party.

Subpoenas

A party can compel production of documents or attendance of a witness at trial or at a deposition through use of a subpoena (Local Forms 23A, 23B, 23C). Bankruptcy Rule 9016 incorporates Federal Rule 45 regarding subpoenas authorizing attorneys to issue subpoenas. Subpoenas generally must be personally served, and if the witness's attendance is compelled, the subpoena must be accompanied by the fee for one day's attendance and for mileage. (See Fed. R. Civ. P. 45(b) and 28 U.S.C. § 1821). The current statutory witness fee for a non-party witness appearing at Court or for deposition is \$40.00 per day plus mileage at 36 cents per mile.

Stay of Proceeding to Enforce Judgment - (Rule 7062, Rule 9014)

The ten (10) day stay of execution under Fed.R.Bankr.P. 7062 does not apply to orders dismissing a case.

Default Judgment Procedures

Rule 7055 of the Federal Rules of Bankruptcy Procedure incorporates by reference Rule 55 Fed. R. Civ. P. which specifies the procedures when a defendant is in default. Under Rule 55, the plaintiff may request entry of default by the Clerk of Court by providing the Clerk with an affidavit submitting evidence to permit entry of the default. Procedural Form 260B provides the format for the Clerk's entry of default. Once the Clerk's Office enters a default, the plaintiff may seek a default judgment from the Court (judge). Although Rule 7055(b) permits the Clerk to enter default judgments when the amount of the judgment is readily calculable, in this jurisdiction, default judgments are typically granted only on motion heard by the judge and served upon the defaulting party. In order for the Court to determine the amount of damages or to establish the truth of any averments, the plaintiff must present evidence to support the request for default judgment either by affidavit or by other evidence at hearing.

To obtain entry of Clerk's default, the Court requires the following:

1. Request for Clerk's entry of default;
2. Affidavit* supporting entitlement to Clerk's default; and
3. Form B260 for entry of default.

*The affidavit should contain:

- a. Date of issuance of the summons;
- b. Statement of whether the Court fixed a deadline for filing an answer or motion, or whether the 30 or 35 day limit applies;
- c. Date of service of the complaint;
- d. Date of filing of affidavit or return of service;
- e. Statement that no answer or motion has been received within the time limit fixed by the Court;

- f. Statement that the defendant is not in the military service (as required by the Soldier's & Sailor's Civil Relief Act, 50 U.S.C. App. § 520); and
- g. Statement that the defendant is not an infant or incompetent (as required by Fed. R. Civ. P. 55(b)(1)).

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

To obtain the default judgment, the Court requires:

- 1. Motion for default judgment;
- 2. Affidavit in support of the motion for default judgment or other prima facie evidence of movant's case; and
- 3. Proposed order.

The Court generally requires proof that the motion for default judgment has been served upon the party in default.

Return Exhibits Following Trial

The Court will return trial exhibits to the party who submitted the exhibits approximately ten (10) days after entry of the order concluding the matter for which the exhibits were submitted.

Payment of Funds into Court Registry

Procedures for payment of funds into the Court's registry (e.g., on interpleader) are provided on the Court's website.

Claims

Chapter 7 Cases

In this jurisdiction, all Chapter 7 cases initially start as no-asset cases. The notice of commencement of case will specifically instruct creditors not to file a proof of claim until the Court sends a separate notice directing claims to be filed. If the trustee concludes the estate has assets, the Court will send a notice of assets to all parties on the matrix directing creditors to file a proof of claim and setting the date by which claims must be filed. Upon issuing a deadline for filing claims, the Court will give notice of the deadline as required in Fed. R. Bankr. P. 3002(c)(5).

Chapter 12 and 13 Cases

The deadline for filing claims in Chapter 12 and 13 cases shall be as stated in Rule 3002(c) (generally 90 days after the first date set for the meeting of creditors and 180 days after the order for relief for claims filed by governmental units).

Chapter 9 and 11 Cases

The deadline for filing claims in Chapter 9 and 11 cases shall be as stated in Rule 3003(c) (generally within the time fixed by the Court, notice of which must be given as required by 2002(a)(7)).

Claims filed by the Debtor

The Clerk's Office will send notice of the filing of the proof of claim to the affected creditor, case trustee, debtor and debtor's attorney. This notice describes the amount and type of claim, (secured, unsecured, etc.), when it was filed, and by whom. It also explains that a proof of claim filed by a creditor at any time shall supersede the proof of claim filed by the debtor or the trustee.

Unclaimed Funds

Funds for creditors who could not be located by the trustee or which otherwise may be unclaimed or in dispute may be paid into the Court's registry on motion. Payment of funds held in the Court's Registry may be made only on order of the Court, and if the request is for funds held on a particular claim, application must be made in compliance with the Court's instructions. A form application and affidavit are available on Court's website.

Appeals

Notice of Appeal and Process

The Notice of Appeal must be filed with the Bankruptcy Court. Motions for stay pending appeal or for other relief pending appeal must ordinarily be presented in the first instance to the bankruptcy judge. Fed. R. Bankr. P. 8005. An appeal is timely if filed within ten (10) days of the date of entry of the order or judgment being appealed. Fed. R. Bankr. P. 8002(a). Official Form 17 provides a sample notice of appeal. The notice of appeal must contain the title and date of the order appealed. A copy of the order being appealed should be attached to the notice of appeal (unless filing electronically) and should be submitted to the Bankruptcy Court with the appropriate fee. A separate notice of appeal and filing fee is required for each order being appealed. An appeal of an order denying reconsideration or similar relief may be included in the notice of appeal, or amended notice, appealing the underlying judgment or order. E.D.Mo.L.B.R. 8001-1.

Unless either party elects to have the appeal go to the District Court, the appeal will be heard by the Bankruptcy Appellate Panel. If the appellant wants the appeal to be heard by the District Court, the appellant must file an election with this Court at the time of filing the notice of appeal. Any other party seeking to have the appeal heard by the District Court must file an election with the Bankruptcy Appellate Panel within 30 days of service of the notice of appeal (28 U.S. C. § 158(c)). Sample forms for appellant's and appellee's election to the District Court are provided in an appendix to the local rules for the Bankruptcy Appellate Panel. Those rules and instructional manual are available from the Eighth Circuit Court of Appeals website at www.ca8.uscourts.gov.

Appeals to the Bankruptcy Appellate Panel

In an appeal to the Bankruptcy Appellate Panel, appellant must file with the Bankruptcy Court:

1. A notice of appeal (please serve and provide a certificate of service); and
2. The filing fee, payable to the Bankruptcy Court.

All documents filed after the notice of appeal should be filed with the Bankruptcy Appellate Panel. The Bankruptcy Court will assemble the preliminary record on appeal and transmit it to the Bankruptcy Appellate Panel, and the Panel will then issue a scheduling order to the parties. Local Rules 8006A and 8007A of the Local Rules of the United States Bankruptcy Appellate Panel govern preparation and filing of the record on appeal to the Bankruptcy Appellate Panel.

Appeals to the District Court

To appeal to the District Court, the appellant must file with the Bankruptcy Court:

1. The notice of appeal (please serve and provide a certificate of service)
2. The filing fee, payable to the Bankruptcy Court;
3. The appellant's separate election to have appeal heard by the District Court; and
4. The U.S. District Court cover sheet (available on this Court's website or the website of the U.S. District Court for the Eastern District of Missouri (www.moed.uscourts.gov)).

In an appeal to the District Court, unless otherwise designated, all pleadings and documents referenced in Rule 8006 and Rule 8007 Fed.R.Bankr.P. shall be filed with the Bankruptcy Court. The Bankruptcy Clerk shall transmit the record to the District Court. After transmission of the record to the District Court, all pleadings in the appeal shall be filed with the District Court. Federal Rule of Bankruptcy Procedure 8006 and 8007 govern appeals to the United States District Court.

Mediation

Panel of Mediators

Local Rule 9019-1 provides procedures for mediation. Please see the Court's website for a list of the panel of mediators.

APPENDIX

- A. Time limits and Deadlines (for various events in a typical bankruptcy case)
- B. Guidelines for Compensation of Professionals

**Chronology of Events in a Typical Case
Common Deadlines and Time Limits¹**

<u>EVENT</u>	<u>TIME</u>	<u>RULE/STATUTE</u>
<u>INITIAL MATTERS</u>		
Petition Filed	-----	-----
Interim Trustee Rejection or Acceptance	5 days (after notice of appointment)	Fed.R.Bankr.P. 2008
Schedules, Statements	15 days	Fed.R.Bankr.P. 1007(c)
Deadline for Filing of Statement of Intention (if necessary)	30 days after petition or by date of § 341 meeting (whichever is earlier)	11 U.S.C. § 521(2)(A)
<u>§ 341 MEETING</u>		
Section 341 meeting - Ch. 7, Ch. 11	Set within 20 - 40 days	Fed.R.Bankr.P. 2003(a)
Section 341 meeting - Ch. 12	20 - 35 days	Fed.R.Bankr.P. 2003(a)
Section 341 meeting - Ch. 13	20 - 50 days	Fed.R.Bankr.P. 2003(a)
Notice to Court of date for Meeting of Creditors - Ch. 11	No later than 5 days after receipt of the petition *	L.B.R. 2002-2 C.

¹ Unless otherwise stated, times listed are measured from date of petition.

* Clarification provided in May 2003 reprint.

<u>EVENT</u>	<u>TIME</u>	<u>RULE/STATUTE</u>
Deadline for objection to exemptions	30 days (after conclusion of § 341 meeting or after filing supplemental schedules or any amendment to exemptions)	Fed.R.Bankr.P. 4003(b)
<u>DISCHARGE</u>		
Deadline for § § 523(c) or 727(a) complaint, or § 707(b) motions	60 days (after first date set for section 341 meeting)	Fed.R.Bankr.P. 1017(e)(1) 4004(a), 4007(c)
Discharge	Forthwith (after expiration of time for complaint to discharge)	Fed.R.Bankr.P. 4004(c)
Extended deadline to object to discharge in a Ch. 7 case and object to dischargeability in a Ch. 7, 11 or 12 case	60 days after the rescheduled § 341 meeting if continued before commenced	L.B.R. 2003-1 D.
<u>CLAIMS</u>		
Bar date for filing proofs of claim - Ch. 7, 13, 12	90 days (after first date set for § 341 meeting or after notice of assets in Ch. 7 cases)	Fed.R.Bankr.P. 3002(c) Fed.R.Bankr.P. 3002(c)(5)
Bar date for filing proofs of claim - Ch. 11	Date set by Court and 30 days after notice to newly added creditors, or after order on rejection or avoidance	L.B.R. 3002-1 B. 3 L.B.R. 3002-1 D.
Bar date for filing governmental proof of claims	180 days (after the relief ordered)	Fed.R.Bankr.P. 3002(c)(1)
Minimum notice of bar date - Ch. 11, 9	20 days	Fed.R.Bankr.P. 2002(a)(7) Fed.R.Bankr.P. 3003(c)
Exchange copies or proof of claim and exhibits	7 days after request	L.B.R. 3001-1 B.

<u>EVENT</u>	<u>TIME</u>	<u>RULE/STATUTE</u>
Hearings on claim objections, Ch. 7, 12, 11	30 days notice	L.B.R. 3007-1 A.
Responses to claim objections, Ch. 7, 12, 11	5 days before hearing	L.B.R. 3007-1 A.
Hearings on claim objections, Ch. 13	30 days Negative Notice *	L.B.R. 3007-1 B.
Responses to claim objections, Ch. 13	20 days after service	L.B.R. 3007-1 B.
<u>ATTORNEY COMPENSATION</u>		
Attorney 2016(b) disclosure	With petition and within 15 days of additional fees	L.B.R. 2016-1 A.
Objections to compensation, Ch. 7, 12, 13	20 days after service of application	L.B.R. 2016-1 C. 1
Objections to compensation, Ch. 11	10 days before hearing	L.B.R. 2016-1 C. 2
Notice of hearing on applications for compensation, Ch. 7, 12, 13	30 days Negative Notice	L.B.R. 2016-1 D. 1
Notice of hearing on applications for compensation, Ch. 11	30 days minimum	L.B.R. 2016-1 D. 2 L.B.R. 2016-2 C.
<u>CHAPTER 12</u>		
Objections to confirmation, Ch. 12	21 days after service of plan	L.B.R. 3015-1 C.
Debtor to tender \$500.00 to Ch. 12 trustee	No later than 5 days after appointment of trustee	L.B.R. 2015-1 A.
Service of Ch. 12 confirmation order	5 days after entry	L.B.R. 3015-1 D.

<u>EVENT</u>	<u>TIME</u>	<u>RULE/STATUTE</u>
<u>CHAPTER 13</u>		
Ch. 13 Plan	15 days	Fed.R.Bankr.P. 3015(b)
Debtor must begin making payments under proposed Ch. 13 plan	30 days after filing of plan	11 U.S.C. § 1326(a)(1)
Objections to Ch. 13 confirmation	21 days after conclusion of 341 meeting *	L.B.R. 3015-4 F.
Hearings on confirmation of amended Ch. 13 plan, and deadline for objections	21 days after service of plan	L.B.R. 3015-4 G. L.B.R. 3015-4 H.
Hearings on motions to amend confirmed plans and deadline for objections	21 days after service of plan	L.B.R. 3015-5 B. L.B.R. 3015-5 C.
Turnover of collateral in a Ch. 13 case	45 days after petition	L.B.R. 3015-3 D.
<u>CHAPTER 11</u>		
End of exclusive period for Ch. 11 debtor to file plan	120 days	11 U.S.C. § 1121(c)(2)
Notice of the hearing on disclosure statement and objection deadline, Ch. 11	25 days notice	Fed.R.Bankr.P. 2002(b)(1), 3017(a) L.B.R. 3017-1 B.
Notice of confirmation hearing and objection deadline, Ch. 11	25 days	Fed.R.Bankr.P. 2002(b)(2) L.B.R. 3017-1 D.
Objections to disclosure statement , Ch. 11	5 days before hearing	L.B.R. 3017-1 C.
Summary of Ch. 11 ballots	3 days before confirmation hearing	L.B.R. 3020-1 A.

<u>EVENT</u>	<u>TIME</u>	<u>RULE/STATUTE</u>
Preservation of Ch. 11 ballots	2 years after confirmation	L.B.R. 3020-1 B.
Objections to Ch. 11 plan	5 days before hearing	L.B.R. 3020-1 C.
Service of Ch. 11 confirmation order	5 days after entry	L.B.R. 3020-1 D.
Application for final decree, Ch. 11	3 months after order of confirmation (or status report every 4 months thereafter)	L.B.R. 3022-1 A.
Objections to application for final decree	30 days after service of application	L.B.R. 3022-1 B.
Proposed hearing agenda, Ch. 11	2 days before hearing	L.B.R. 9013-3 B.
<u>MOTIONS & MISC</u>		
Hearings on motions for relief	20 days notice	L.B.R. 4001-1 B.
Response to motion for relief	5 days before hearing	L.B.R. 4001-1 D.
Response to motions to avoid lien	20 days after service	L.B.R. 4003-2 B.
Hearings on motion to avoid lien	10 days Negative Notice *	L.B.R. 4003-2 B.
Objections to final report, Ch. 12, 7, 13	30 days after service	L.B.R. 5009-1 A., B., C.
Withdrawal of reference	10 days after last pleading	L.B.R. 5011-1 A.
Response to motion to withdraw reference	10 days after service	L.B.R. 5011-1 B.

<u>EVENT</u>	<u>TIME</u>	<u>RULE/STATUTE</u>
Objections to abandonment of assets	15 days after trustee's report	L.B.R. 6007-1
Responses to motions for summary judgment	20 days after service	L.B.R. 7056-1 E.
Replies to responses to motions for summary judgment	5 days after service	L.B.R. 7056-1 F.
Service by mail, facsimile, or electronic transmission	3 additional days	L.B.R. 9006-1 A.
Responses to motions, <u>generally</u> (when set for hearing)	5 days before hearing	L.B.R. 9013-1 B.
Responses to motions, <u>generally</u> (when set on negative notice)	20 days after service	L.B.R. 9013-1 B.
Memoranda of law	5 days before hearing	L.B.R. 9013-1 D.
Demand for jury trial	10 days after last pleading	L.B.R. 9015-1 A.
Response to demand for jury trial	10 days after service of demand	L.B.R. 9015-1 B.
Schedules and Statements in a converted case	No later than 15 days after entry of conversion order*	L.B.R. 1019-1 A.
Matrix in a converted case	No later than 5 days after entry of conversion order*	L.B.R. 1019-1 A.
Objection to Rule 2004 motions	No later than 5 days after service of the motion	L.B.R. 2004-1 C.
<u>ADVERSARIES</u>		
Proof of service of summons	10 days before hearing date	L.B.R. 7004-1 B.

<u>EVENT</u>	<u>TIME</u>	<u>RULE/STATUTE</u>
Exchange exhibits and witness list	10 days before trial	L.B.R. 7016-1 A.
Deliver exhibits and witness lists to court	3 days before trial	L.B.R. 7016-1 A.
Objections to exhibits	3 days before trial	L.B.R. 7016-1 B.
Settlement conference	No later than 2 weeks after answer	L.B.R. 7016-1 C.
Deadline for discovery responses (when trial summons issued)	20 days after service	L.B.R. 7026-1 C.
<u>MEDIATION</u>		
Select a mediator	7 days after order of mediation	L.B.R. 9019-1 A. 2
Memorandum regarding mediation	14 days after order for mediation	L.B.R. 9019-1 A. 3
Mediator's report	5 days after mediation	L.B.R. 9019-1 A. 4
Statement of position for mediator	5 days before mediation	L.B.R. 9019-1 E.
Stipulation for settlement following mediation	10 days after mediator's report	L.B.R. 9019-1 G.
<u>REINSTATEMENTS</u>		
Motions to reinstate	10 days after entry of dismissal order	L.B.R. 9024-1 A.
Motions to reinstate after dismissal for failure to make Ch. 13 plan payments and payment to trustee	10 days after entry of dismissal order	L.B.R. 9024-2 A.

<u>EVENT</u>	<u>TIME</u>	<u>RULE/STATUTE</u>
Ch. 13 trustee's response to motion to reinstate	10 days after service of motion	L.B.R. 9024-2 A.
<u>EXHIBITS</u>		
Exchange of exhibits, when requested	7 days after request *	L.B.R. 9040-1 C.
Delivery of exhibits to court, when at issue	3 days before hearing	L.B.R. 9040-1 C.
<u>ORDERS</u>		
Proposed orders, except Negative Notice *	At filing of motion, etc.	L.B.R. 9050-1 A.
Alternative proposed order	3 days after tender of disputed order	L.B.R. 9050-1 A.
Proposed orders on Negative Notice Matters	After expiration of time for response or after hearing	L.B.R. 9050-1 A.
<u>NEGATIVE NOTICE</u>		
Hearings on Negative Notice (compel abandonment, avoid liens, final report, and dismiss Ch. 13)	10 days	L.B.R. 9061-1 D. 1
Hearings on Negative Notice (convert, Ch. 7 or 11; dismiss, Ch. 7, 11, 12; fee applications, Ch. 7, 12, 13; and in Ch. 13: tax refund, incur debt, sell)	20 days	L.B.R. 9061-1 D. 2
Hearings on Negative Notice (Ch. 13 claim objections)	30 days	L.B.R. 9061-1 D. 3
Certification of no response (Negative Notice)	5 days after response deadline	L.B.R. 9061-1 E.

Guidelines for Compensation of Professionals

Pursuant to Local Rule 2016-1, the following Guidelines for Compensation of Professionals apply in all bankruptcy cases in the Eastern District of Missouri except as noted for certain fees in Chapter 13 cases.

- A. Time Records in Support of Fee Applications.** Time records for which compensation is sought should be kept contemporaneously with the services provided and must identify the professional performing the task, the professional's hourly rate, and the length of time of the task expressed in tenths (1/10ths) of an hour. Services may not be "lumped" together unless distinct tasks performed in a project do not exceed .5 hours on a daily basis. All time entries must include a detailed description of the services performed organized in chronological order. All applications must contain activity descriptions with sufficient detail to allow the Court to determine if the requested time and service is actual, reasonable and necessary.
- B. Content of Application.** All applications for compensation must:
1. Contain information about the applicant, including:
 - a. the date the bankruptcy petition was filed,
 - b. date the order of employment was approved,
 - c. identification of party represented,
 - d. terms and conditions of employment and compensation, including sources and amount of any retainer, and
 - e. the time period covered by the application.
 2. Indicate:
 - a. whether application is interim or final;
 - b. the dates of previous orders on interim applications,
 - c. the amounts requested and allowed,
 - d. the amounts paid and any amounts remaining unpaid.
 3. Provide information on the status of the case including, in Chapter 11 cases:
 - a. whether all quarterly fees have been paid,
 - b. whether all monthly operating reports have been filed, and
 - c. the amount of cash on hand or deposit.

Items 1-3 may be provided in summary format following or supplementing Local Forms 4 and 5, "Summary of Fee Application."

4. Address the twelve factors from Johnson v. Georgia Highway Express, Inc., 488 F2d 718 (5th Cir. 1974) with a brief narrative of significant events in case during period covered by application and a summary of major activity under each project category.
5. Include time records as an exhibit.

- C. Time Limitations and Descriptions.** Time entries should follow the following format:
1. conferences and telephone calls should identify the participants and primary subject of the communication;
 2. drafting or reviewing documents should identify the document involved by title or subject matter;
 3. research should describe the research performed and its purpose;
 4. court hearings should describe the purpose of the hearing and if more than one professional attends a hearing or conference, the application must explain the need for multiple attendees;
 5. travel shall be limited to 50% of the professional's hourly rate; actual work performed during travel is excluded from this limitation.
- D. Expenses.** Supporting documentation is required to be retained for all expenses in excess of \$25.00. Copies of supporting documentation should not be filed or served with application except, when requested, copies should be served on the Office of the United States Trustee.
1. **Allowed Expenses**
 - copying/duplication costs
 - long-distance phone charges
 - postage
 - facsimile charges reflecting long distance telephone charges
 - deposition and transcript fees
 - filing fees
 - witness fees
 - service fees and other court costs
 - travel expenses - including reasonable meal and lodging costs
 - transportation (air - coach, taxi fares, parking, tolls, and non-local mileage at IRS rate)
 2. **Excluded Expenses.** The following are overhead expenses and are not compensable without consent of the Court: all continuous administrative or general costs of operating applicant's office, including word processing, secretarial time and overtime, paralegal overtime, office supplies, rent, utilities, equipment, furnishings, insurance, monthly cellular phone charges, library fees, taxes, messenger/express mail delivery charges, and computer research charges.