

Federal Rules of Bankruptcy Procedure Summary of Amendments – Effective December 1, 2019

THE FOLLOWING RULES DO NOT REQUIRE CHANGES TO THE COURT'S LOCAL RULES.

1. Rule 4001 - Relief from Automatic Stay; Prohibiting or Conditioning the Use, Sale, or Lease of Property; Use of Cash Collateral; Obtaining Credit; Agreements

Rule 4001(c) details the process a debtor must follow when filing a motion to obtain credit. It covers the required content of the motion, who must be served, hearing on the motion, and who must receive notice of a hearing on the motion. Rule 4001(c) has been changed to explicitly exclude chapter 13 cases with the addition of subsection (c)(4). This amendment does not speak to the underlying substantive issue of whether the Bankruptcy Code requires or permits a chapter 13 debtor not engaged in business to request approval of post petition credit.

2. Rule 6007 - Abandonment or Disposition of Property

Rule 6007(b) concerning the filing of a motion to abandon property by a party in interest has been changed to specify the parties to be served with a motion to abandon property and any notice of the motion. The rule also establishes an objection deadline and clarifies that no further action is necessary to notice or effect the abandonment of property ordered by the court in connection with a motion filed under Rule 6007(b), unless the court directs otherwise.

3. Rule 9036 - Notice and Service Generally

Rule 9036 concerning notice and service has been changed to permit both notice and service by electronic means. The rule permits electronic notice or service on a registered user who has appeared in the case by filing with the court's electronic-filing system. The rule does not make the court responsible for notifying a person who filed a paper with the court's electronic-filing system that an attempted transmission by the court's system failed, but a filer who receives notice that the transmission failed is responsible for making effective service.

With the consent of the person served in writing, electronic service also may be made by means that do not use the court's system. Consent can be limited to service at a prescribed address or in a specified form, and it may be limited by other conditions.

This rule does not apply to any pleading or paper required to be serve in accordance with Rule 7004 concerning service/process in an adversary proceeding.

4. Rule 9037 - Privacy Protection For Filings Made with the Court

Rule 9037 has had a new subsection added, subsection (h), which prescribes a procedure for the belated redaction of documents that were filed without complying with the redacted filing requirements found in subsection (a). Subsection (h) provides for the filing of a Motion to Redact a Previously Filed Document, including content of the motion, the restriction of public access to the previously filed document, and docketing the redacted document if the motion is granted. A key component of this rule is the requirement that the Court restrict access to the motion and the unredacted document immediately after the filing of the motion.