

United States Bankruptcy Court Eastern District of Missouri



**Thomas F. Eagleton U. S. Courthouse
St. Louis, MO**

Local Rules of Bankruptcy Procedure Amendments Effective December 1, 2025

The following amendments to the Local Rules of Bankruptcy Procedure for the U.S. Bankruptcy Court for the Eastern District of Missouri have been approved by the Eighth Circuit and should become effective on December 1, 2025. This document represents all changes and additions to the Court's Local Rules for 2025. This year's amendments include changes to twenty-three (23) of the Court's Local Rules and the introduction of one (1) new Local Rule. A copy of this summary of amendments, as well as a redline version and clean version of the Local Rules of Bankruptcy Procedure effective December 1, 2025, can be found on the Court's website at: <http://www.moeb.uscourts.gov/rules-and-procedures>.

Comments, questions, or concerns regarding these amendments or the Local Rules in their entirety can be directed to the Attorney Advisor to the Clerk of Court at: attorney_advisor@moeb.uscourts.gov

1. L.R. 1002 – Case Commencement.

The change is made to delete L.R. 1002(A)(2) to better reconcile the Court’s Local Rules and the Federal Rules of Bankruptcy Procedure. The matrix and verification will be treated the same as other documents listed in Local Rule 1002(B), (C), (D), and (E).

L.R. 1002 - Case Commencement.

A. Declination of Filing.

The Clerk of Court will decline to accept for filing, and the Court will promptly dismiss any case if:

1. the voluntary petition is not signed by the debtor, or the involuntary petition is not signed by the petitioning creditors;
2. ~~the voluntary petition is not accompanied by a matrix and verification pursuant to L.R. 1007-7;~~
2. the filing fee is neither paid nor provided for by an Application to Have the Chapter 7 Filing Fee Waived or an Application to Pay Filing Fee in Installments, as applicable;
3. An unrepresented party presenting a bankruptcy petition or documents relating to the petition for filing at the intake counter does not produce and allow the Clerk of Court to scan or copy their current and legible government-issued photo identification; or a person acting on behalf of an unrepresented party presenting a bankruptcy petition or documents relating to the petition for filing at the intake counter does not produce and allow the Clerk of Court to scan or copy their current and legible government-issued photo identification along with providing a copy of the filers’ current and legible government-issued photo identification.

PRACTICE POINT:

The matrix and verification of matrix will be subject to transmittal of an Order and Notice of Documents Due as per Local Rule 1002(G) if not filed within seven days of the petition date. The Court has created a new form order to address this deficiency.

2. L.R. 1009 – Amended Schedules and/or Matrix.

The change is made to address issues associated with newly added creditors.

L.R. 1009 – Amended Schedules and/or Matrix.

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E. Extension of Deadline for Objection to Discharge.

The amendment of schedules and/or the matrix to add creditors does not extend the time for a newly added creditor or any other party to object to a debtor’s discharge or to the dischargeability of a debt. If the deadline has not expired, the debtor or another party in interest may file and serve a motion requesting an extension of the deadline. If the deadline has expired, a party in interest may request an extension of the deadline to object to the discharge as provided in Fed. R. Bankr. P. 4004(b)(2).

The Court may rule on the motion without a hearing.

~~The deadline to object to a debtor’s discharge or the dischargeability of a debt will be extended by sixty (60) days from the date of the amended schedules and/or matrix only for newly added creditors if the original deadline to object to a debtor’s discharge or the dischargeability of a debt has not expired. If the original deadline has expired, parties wishing to object should file a motion seeking to extend the deadline to object.~~

3. L.R. 1017-1 – Motions to Dismiss.

The change is made to give the debtor a brief period to response to the Trustee's request to better reconcile the Court's Local Rules and the Bankruptcy Code.

L.R. 1017-1 – Motions to Dismiss.

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C. Motions to Dismiss for Failure to Appear at § 341 Meeting.

The Trustee (or the United States Trustee in a Chapter 11 case where no Trustee has been appointed) must file a request to have the case dismissed if the debtor fails to appear at a rescheduled § 341 Meeting without being excused by the Trustee or the United States Trustee, provided the Trustee or United States Trustee has notified the debtor in writing that failure to appear may result in the case being dismissed. **Upon entry of the Trustee's Bankruptcy Code § 341 minute entry or the filing of another document requesting dismissal, the debtor will have seven (7) days to respond to the Trustee's request for dismissal. If the debtor fails to respond,** the Court may dismiss the case without further notice and the debtor will be barred from filing another bankruptcy case for the 180-day period following the order of dismissal.

4. L.R. 2002-1 – Address for Service.

The change is made to clarify this Rule's language and call out some of the most common service problems.

L.R. 2002-1 – Address for Service.

A. Address for Service

The matrix must consist of the last address for correspondence that the creditor has provided to the debtor, unless the debtor is aware that the creditor has specifically directed use of a different address. If the creditor has not provided the debtor with an address for correspondence, the debtor should use the last billing address provided by the creditor, unless the debtor is aware that the creditor has specifically directed use of a different address. The address listed on the matrix should be used for service of all motions, applications, pleadings, orders, and notices of hearing unless an entity has directed use of another address, or as otherwise may be required, such as for pleadings requiring service on **the registered agent of an entity, an officer or managing or general agent of a corporation, a particular government agency or official, or an officer of an insured depository institution.** Any entity that has filed an entry of appearance, a request for notice, or a proof of claim or interest will be deemed to have directed that the **notice** address on the entry, request, or proof of claim or interest last filed be used for service of all motions, applications, pleadings, orders, and notices of hearing.

5. L.R. 2016-3 – Employment and Compensation of Debtor’s Counsel in Chapter 13 Cases.

The change is made to better reconcile the Court’s Local Rules with the Bankruptcy Code and Federal Rules of Bankruptcy Procedure.

L.R. 2016-3 – Employment and Compensation of Debtor’s Counsel in Chapter 13 Cases.

A. Fee Election Requirements

Attorneys for debtors in Chapter 13 cases may receive compensation for professional services and reimbursement of expenses under either a “Flat Fee Option” or a “Fee Application Option” in accordance with these Rules. Attorneys for debtors in Chapter 13 cases must disclose which fee election option the attorney elects by using the “Attorney Fee Election Form” event in the CM/ECF system. Such fee election event must be completed at the time of the attorney’s initial Fed. R. Bankr. P. 2016(b) disclosure.

1. **Flat Fee Option.** Attorneys for debtors in Chapter 13 cases who elect the “Flat Fee Option” are, without application to the Court, permitted to be paid attorneys’ fees, including expenses, not to exceed \$5,800.00 for cases filed on or after December 1, 2024 (plus the filing fee if the filing fee is advanced).
2. **Fee Application Option.** Attorneys for debtors in Chapter 13 cases who elect the “Fee Application Option” **in cases filed on or after December 1, 2025, are permitted to be paid up to \$3,600 (plus the filing fee if the filing fee is advanced) from the Trustee in accord with a confirmed Chapter 13 plan, subject to approval, modification, or disgorgement, but counsel must file an initial fee application promptly after receipt of \$3,600 from any sources. ~~the Trustee without application to the Court, an initial fee in an amount not to exceed \$3,600.00 for cases filed on or after December 1, 2024 (plus the filing fee if the filing fee is advanced).~~** All other fees will be allowed to the debtor’s attorneys who elect the “Fee Application Option” only on **subsequent fee** application/s filed in accordance with L.R. 2016-1(B).

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C. Fees Upon Preconfirmation Case Dismissal

If a debtor’s attorney wishes to receive fees in a case that has been dismissed prior to confirmation of a chapter 13 plan, the attorney must, within fourteen (14) days of the entry of the dismissal order, (1) file an application for an order allowing the fees as a bankruptcy code § 503(b) expense, and (2) obtain an order directing the trustee to hold funds pending resolution of the fee application. If the fee sought, including fees paid prior to filing of the case, does not exceed ~~\$1,000.00~~ **\$1,100.00**, the attorney may use the Court’s Short Form Attorney Fee Application and may file the application as a motion without hearing pursuant to L.R. 9062. If the fee sought, including fees paid prior to filing of the case, exceeds ~~\$1,000.00~~ **\$1,100.00**, the application must comply with the form, notice and hearing requirements of L.R. 2016-1, including setting the application for negative notice pursuant to L.R. 9061 and providing twenty-one (21) days notice of hearing if an objection is filed.

6. L.R. 2016-4 – Payment of Chapter 12 Trustee Fees.

The change is made to accurately reflect the current deposit amount.

L.R. 2016-4 – Payment of Chapter 12 Trustee Fees.

Trustee fees for non-standing Trustees in Chapter 12 cases must not exceed 5% of all payments distributed under the plan. This limitation does not apply to requests for reimbursement of expenses. Except for expense reimbursement authorized under L.R. 2015-1(A), or the terms of a confirmed plan which authorize to the contrary, the Trustee must apply to the Court for allowance of fees and expenses in accordance with the procedures of L.R. 2016-1(B). Such fees and expenses may be paid from: (1) funds held by the Trustee as a result of the deposit of 5% of all plan payments; (2) the deposit of ~~\$500.00~~ **\$1,000.00** under L.R. 2015-1(A); or (3) as otherwise ordered. Compensation paid to the Trustee will not be less than \$5.00 per month from any distribution under the plan during the administration of the plan.

7. L.R. 2091 – Withdrawal of Counsel.

The change is made to streamline and clarify the process for withdrawing as counsel and/or substituting counsel.

L.R. 2091 – Withdrawal of Counsel.

A. General Requirements.

1. **Withdrawal by Notice.** An attorney of record may withdraw from a case or an adversary proceeding, with the client's informed consent, by filing a notice of withdrawal in substantial conformity with Local Form 30 or 31 if:
 - a. Another attorney who is admitted to practice in this district has already entered an appearance for the client or is entering an appearance simultaneously with the outgoing attorney's notice of withdrawal; or
 - b. (i) The outgoing attorney represents a party other than the debtor, a trustee, or an official committee, (ii) the attorney wishes to withdraw from a main bankruptcy case, and (iii) the client does not have any pending matters associated with that case.
2. **Withdrawal by Motion.** In all other circumstances, an attorney of record may withdraw from a main case or an adversary proceeding only by order of the Court after filing and service of a motion to withdraw as counsel. The motion must state whether the client has expressly consented to the attorney's withdrawal and must list any pending matters and upcoming hearing dates that the client has in the main case or adversary proceeding. The Court may rule on the motion without a hearing.
3. **Substitution of Counsel.** A notice of withdrawal may be combined with the entry of appearance of incoming counsel, as in Local Form 31. If the client is unable to get the outgoing attorney to sign or file the necessary notice of withdrawal, the incoming attorney must file a motion to substitute counsel setting forth the incoming attorney's good-faith efforts to locate and communicate with the outgoing attorney about the substitution. The Court may rule on the motion without a hearing.

4. **Service of Notices of Withdrawal and Motions to Withdraw or Substitute.** Any notice of withdrawal, motion to withdraw, or motion to substitute must be served on the client, any Trustee, and all entities having filed a request for notice. Service on the client must be consistent with Fed. R. Bankr. P. 7004. A motion to substitute also must be served on the outgoing attorney. In Chapter 11 cases, a notice or motion must also be served on the United States Trustee and any official committees.
5. **Disclosure of Compensation.** Incoming counsel who represents a debtor must file an Attorney Compensation Disclosure (Official Form B2030) and, in a Chapter 13 case, an Attorney Fee Election Form within fourteen (14) days after entering an appearance.

PRACTICE POINT

- This revision necessitates modification of L.F. 30 and 31 to include a representation by counsel that the client has given informed consent to the withdrawal/substitution.
- Notice of Withdrawal of Counsel (LF 30) should be filed using the following pathway:
 - *Adversary/Bankruptcy Events → Notices → Notice of Withdrawal of Counsel*
- Notice of Withdrawal of Counsel and Entry of Appearance (LF 31) should be filed using the following pathway:
 - *Adversary/Bankruptcy Events → Notices → Notice of Withdrawal of Counsel and Notice of Appearance*
- Motion to Withdraw as Counsel should be filed using the following pathway:
 - *Adversary/Bankruptcy Events → Motions → Motion to Withdraw as Counsel*
- Motion to Withdraw as Counsel and Notice of Appearance should be filed using the following pathway:
 - *Adversary/Bankruptcy Events → Motions → Motion to Withdraw as Counsel and Notice of Appearance*
- Motion to Substitute Counsel should be filed using the following pathway:
 - *Adversary/Bankruptcy Events → Motions → Motion to Substitute Counsel*

8. L.R. 3001 – Proofs of Claim.

The change is made to remove references to the Exhibit Summary and references to provision of exhibits separately from a proof of claim. Additionally, the change is made to clarify that claimants are required to serve a proof of claim and its exhibits on all relevant parties.

L.R. 3001 – Proofs of Claim.

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C. Service of Proof of Claim in Chapter 7, 12, and 13 Cases

Immediately upon filing a proof of claim or interest, the claimant must serve the proof of claim ~~and either the exhibits or, if applicable, the Exhibit Summary, on the debtor (if not represented by an attorney), the debtor's attorney (if any), and the Trustee.~~

~~The claimant must also simultaneously serve and a complete copy of all supporting exhibits on all relevant parties, or relevant portions thereof if consented to by the recipient, including on the Trustee in Chapter 7 cases and on the debtor's attorney (or the debtor, if not represented by an attorney) and the Trustee in Chapter 12 and 13 cases. On request of any entity, the claimant must provide such copies no later than seven (7) days after the request and at no charge to the requesting entity. Failure to promptly provide the exhibits is cause for disallowance of the claim. The filing of a proof of claim electronically is the filer's representation that the filer has served a hard copy of all necessary supporting documents as required by this Rule. No certificate of service is required for service of documents provided pursuant to this Rule only.~~

9. L.R. 3002 – General Proof of Claim Filing Provisions.

The change is made to remove the reference to Chapter 9, as Chapter 9 does not include a provision for conversion to another chapter.

L.R. 3002 – General Proof of Claim Filing Provisions.

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B. Conversions.

A proof of claim filed before conversion of any case is deemed filed in the converted case. Any claimant who did not file a proof of claim in a ~~Chapter 9 or~~ Chapter 11 case because the claim was correctly scheduled must file a proof of claim in the converted case if a claims bar date is set.

10. L.R. 3015-2 – Chapter 13 Plans – Plan Contents.

The change is made to increase the maximum amount in attorney fees that a debtor may pay in Paragraph 3.4 of the Chapter 13 Plan, allowing debtors' counsel to be paid more of their fees earlier in the life of the case.

L.R. 3015-2 – Chapter 13 Plans – Plan Contents.

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G. Payment of Chapter 13 Attorneys Fees through Plan.

The debtors' attorney's fees will be paid by the Trustee after monthly payments to secured creditors. However, a maximum of ~~\$2,400.00~~ \$2,900.00 in attorney fees, minus any attorney fees paid directly by the debtor, may be paid after monthly payments for post-petition real estate contract payments, post-petition executory contract payments, and unassigned domestic support obligation payments. Such fees will be paid in equal monthly payments over eighteen (18) or more months. Any attorney fees owed and not paid or payable in equal monthly payments as stated above will be paid as a lump sum at a disbursement level after all secured claims. If an attorney chooses to amend a confirmed plan to add a provision for payment of some fees in equal monthly payments, the Trustee will establish the monthly payment by dividing the fees remaining to be paid under the paragraph by the remainder of the repayment period in the paragraph.

11. L.R. 3015-4 - Chapter 12 and 13 Plans – Confirmation Procedures.

The change is made to delete the last sentence of Subsection (H), as it is a vestige of the pre-BAPCPA Rules. Also, the change is made to Subsection (J) to better reflect the consequences for failing to serve the confirmation order.

L.R. 3015-4 – Chapter 12 and 13 Plans – Confirmation Procedures.

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H. Pre-confirmation Amended Plans.

Amended plans should be filed with effort to expedite the confirmation process. Failure to promptly file an amended plan may result in dismissal of the case. The debtor must serve the amended plan on all creditors and parties in interest. The debtor must contact the Courtroom Deputy to have the amended plan scheduled for hearing on the next confirmation calendar that is not sooner than twenty-one (21) days after service of the amended plan. The date, time, and location of the confirmation hearing of the amended plan must be stated in the caption of the amended plan. ~~The Court may waive the 21-day objection period in the interest of judicial economy.~~

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J. Service of Chapter 12 Confirmation Order.

No later than seven (7) days after entry of an order confirming a Chapter 12 plan, the debtor must serve a copy of the confirmation order or notice of confirmation order on all creditors and parties in interest. ~~Failure to so serve the order constitutes cause to set aside the order of confirmation.~~ Failure to so serve the order may constitute cause for imposition of sanctions or other appropriate relief.

12. L.R. 3015-5 – Chapter 12 and 13 Plans – Post-confirmation Amendments and Modifications.

The change is made to delete a portion of Subsection (B), as it is a vestige of an outdated version of the rules that does not reflect current practice. Also, the change is made to delete a portion of Subsection (C), as it is a vestige of the pre-BAPCA Rules.

L.R. 3015-5 – Chapter 12 and 13 Plans – Post-confirmation Amendments and Modifications.

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B. Service of Motion to Approve of Confirm and Amended Plan

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2. **Limited Service.** Unless otherwise directed, service of the motion to amend a confirmed plan, the amended plan and either an amended budget or statement that there has been no change in income or expenses may be limited to the Trustee if the proposed amended plan ~~meets either of the following criteria:~~

- ~~a. the proposed plan~~ only changes the terms of the confirmed plan by increasing the amount of the plan payment or plan duration.; ~~or, in a Chapter 13 case,~~
- ~~b. the proposed plan:~~
 - ~~i. changes twelve (12) or fewer monthly payments;~~
 - ~~ii. lowers the monthly plan payment by less than 25% of the existing plan payment;~~

- ~~iii.—is the first amendment to the debtor's first confirmed plan; and~~
- ~~iv.—does not waive any missed plan payments~~

C. Objections to Motion to Approve or Confirm an Amended Plan.

Objections to the debtor's motion to amend a confirmed plan, and to the proposed amended plan must be filed and served on the debtor (if unrepresented by an attorney), the debtor's attorney (if any), and the Trustee no later than twenty-one (21) days after service of the motion to amend, the amended plan, and an amended budget or statement that there has been no change in income or expenses. The Court may waive the twenty-one (21) day objection period in the interest of judicial economy. Failure to appear or prosecute an objection at the confirmation hearing will be considered an abandonment of the objection.

13. L.R. 3022 – Final Decree in Chapter 11 Cases.

The change is made to Subsection (A) to clarify the fact that the requirement for a plan proponent to apply for a final decree or show cause is not applicable in a Subchapter V case with a delayed discharge. Also, the change is made to Subsection (B) to formally include an Application for Final Decree amongst the list of filings that can be set on negative notice.

L.R. 3022 – Final Decree in Chapter 11 Cases.

A. Application for Final Decree

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~~Except in Subchapter V cases confirmed pursuant to 11 U.S.C. § 1191(b), No later than three (3) months after entry of the confirmation order in a Chapter 11 case,~~ the plan proponent must file an application for a final decree or show cause why the final decree should not be entered **no later than three (3) months after entry of the confirmation order in a Chapter 11 case.** At or before the show cause hearing, the plan proponent must file a status report as required herein. Commencing with the seventh month after confirmation, the plan proponent must file a status report every four (4) months until the entry of the final decree.

B. Service of Application for Final Decree and Objections Thereto.

The plan proponent must serve the application for a final decree or the status report on the L.R. 9013-3(D) Master Service List or on those who would be on such a list. The application for final decree must include **language in substantial conformity with the negative notice language found in L.R. 9061(C) a notice** advising that any objections to the application must be filed with the Court no later than thirty (30) days after service of the application. If no objections are filed, the Court may issue a final decree and close the case. If objections are filed, the plan proponent must contact the Courtroom Deputy to set the application for final decree for hearing and must provide **twenty-one (21) days notice** of the hearing to all parties who filed an objection and to the United States Trustee. All objections to the application for final decree must be served on the debtor, the plan proponent, and the United States Trustee.

14. L.R. 4001-6 – Relief from the Co-Debtor Stay. (NEW)

The rule is added to provide attorneys with greater guidance regarding the issue of motions for relief from the co-debtor stay.

L.R. 4001-6 – Relief from the Co-Debtor Stay. (NEW)

A. Service of Motions for Relief from the Co-Debtor Stay.

The movant must serve any motion for relief from the co-debtor stay of Bankruptcy Code § 1301(a) and notice of hearing on: the co-debtor, the debtor, the debtor's attorney (if any), the Trustee, and any entity actually known by the movant to have a mortgage on or consensual interest in the collateral. A combined motion that seeks relief from the stay of Bankruptcy Code § 362(a) and the co-debtor stay of § 1301(a) must be served on the parties identified in L.R. 4001-1(A) and in this rule.

B. Hearings on Motions for Relief from the Co-Debtor Stay.

Motions for relief from the co-debtor stay must ordinarily be set giving a minimum of twenty-one (21) days' notice. A motion for relief under Bankruptcy Code § 1301(c)(2) may be set giving a minimum of fourteen (14) days' notice but may not be combined with a motion that seeks relief from the stay of Bankruptcy Code § 362(a) unless it provides a minimum of twenty-one (21) days' notice. If the movant sets a motion under § 1301(c)(2) for a hearing on, or requests a continuance of the hearing to, a date that is more than twenty (20) days from the date of the motion, the movant will be deemed to have waived the movant's right to have the co-debtor stay terminated pursuant to Bankruptcy Code § 1301(d).

C. Responses to Motions for Relief from the Co-Debtor Stay.

Any response to a motion for relief from the co-debtor stay must be filed no later than seven (7) days before the hearing date set for the motion for relief, except that if the movant gives less than twenty-one (21) days' notice of a motion under Bankruptcy Code § 1301(c)(2), any party in interest may file a response at any time prior to the hearing or may present a response at the hearing.

D. Other Procedures.

Except as set forth in this Rule 4001-6, the requirements of L.R. 4001-1 apply to proceedings on a motion for relief from the co-debtor stay.

15. L.R. 4002-1 – Designation of Responsible Individual.

The change is made to redraft this rule to provide greater clarity and specificity with respect to what cases this rule applies to and how the procedure of this rule operates.

L.R. 4002-1 – Designation of Responsible Individual.

A. In a Chapter 7 case filed by or against a debtor that is not an individual, a party in interest may file an application with the Court for entry of an order appointing a natural person to be responsible for the duties and obligations of the debtor. The application must identify such person by name and include the person's address, telephone number, and relationship relative to the debtor. If the duties are to be divided among two or more individuals, the application must specify the responsibility of each. The application may be filed with the petition or promptly thereafter.

- B. The party filing an application with this Court for designation of responsible individual/s must provide notice of hearing on the application to the person/s proposed to be appointed, any trustee appointed in the case, the United States Trustee, and any party who has requested notice pursuant to Fed. R. Bankr. P. 2002(i) in accord with L.R. 9060. The application may be heard on an expedited or emergency basis in accord with L.R. 9013-2.
- C. If a natural person designated under subparagraph (A) of this rule ceases to perform the designated duties of the debtor, a party in interest may file either an application with the Court for entry of an order appointing a successor natural person to perform such duties or a statement that there is no natural person willing and able to perform such duties. Upon the filing of an application or notice under this subparagraph, the Court may, on the request of any party or on its own motion, take such action as it deems appropriate in the circumstances.
- ~~A. Any debtor or debtor-in-possession that is not an individual may file an application with the Court and submit a proposed order to the applicable orders mailbox appointing a natural person to be responsible for the duties and obligations of the debtor or debtor-in-possession. The order must identify such person by name and include the person's address, telephone number, and position within the organization. If the duties are to be divided among two or more individuals, the responsibilities of each must be specified. The application and order must be filed with the petition, or promptly thereafter.~~
- ~~B. Any notice or application filed under subparagraph (a) of this rule must be served on any trustee appointed in the case, on counsel for (or if there is no counsel, the members of) any committee appointed in the case, on the United States Trustee, on any party who has requested notice pursuant to Bankruptcy Rule 2002(i), and on the L.R. 9013-3(D) Master Service List in applicable cases.~~

16. L.R. 4008 – Reaffirmation Agreements.

The change is made to better reconcile the Court's Local Rules with the Bankruptcy Code.

L.R. 4008 – Reaffirmation Agreements.

The Court may set a hearing to consider approval of those reaffirmation agreements that do not include the certification of the debtor's attorney where Court action on the reaffirmation agreement is required or to consider disapproval of a reaffirmation agreement under Bankruptcy Code § 524(m)(1). ~~The Court may set a hearing to consider approval of those reaffirmation agreements that do not include the certification of the debtor's attorney where Court action on the reaffirmation agreement is required.~~ A request to approve a reaffirmation agreement that does not include the certification of the debtor's attorney must be presented by motion.

17. L.R. 7056 – Motions for Summary Judgment.

The changes are made to better reconcile Fed. R. Civ. P. 56 with the Court's Local Rules.

L.R. 7056 – Motions for Summary Judgment.

A. Motion for Summary Judgment.

Consistent with Fed. R. Civ. P. 56(c), a motion for summary judgment must state with particularity, in separately numbered paragraphs, each material fact as to which the movant claims there is no genuine issue. Each such paragraph must reference the pleading, discovery, affidavit, or document that supports such fact **or explain why the adverse party cannot produce admissible evidence of the fact.** If the motion requires consideration of facts not appearing in the record, the party must file all documentary evidence on which the party relies, including affidavits, as an attachment to the motion. The motion must not refer to material facts not presented as evidence in support of the motion. The motion must also state concisely the legal grounds on which relief should be granted.

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C. Responses.

Consistent with Fed. R. Civ. P. 56(c), each party opposing a motion for summary judgment must file a response specifically admitting or denying each of the movant's factual statements. The response must include the reason for denial of any factual allegation and should be supported by reference to the pleadings, discovery, affidavits, or documents that support respondent's denial, **or explain why the materials cited by the movant do not establish the absence of a genuine dispute.**

The response must further list in numbered paragraphs any additional facts that remain in dispute and those facts should be supported by reference to the pleadings, discovery, affidavits, or documents that support the respondent's allegations. If any response requires consideration of facts not appearing in the record, the party must file with its response all documentary evidence on which the party relies, including affidavits, if applicable.

18. L.R. 8001 – Notice of Appeal and Filing Requirements.

The change is made to better reconcile the Court's Local Rules with Fed. R. Bankr. P. 8009.

L.R. 8001 – Notice of Appeal and Filing Requirements.

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C. Appeals to the District Court

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

1. The notice of appeal and any election to have the appeal heard by the District Court in substantial conformity to Bankruptcy Official Form 417 A (along with a certificate of service);
2. The filing fee;
3. The U.S. District Court cover sheet (available on the Bankruptcy Court's web site or the District Court's web site); and
4. The party's designation of record and issues on appeal. **This must be filed with the notice of appeal or within the time permitted by Fed. R. Bankr. P. 8009(a)(1)(B). This must be filed with the notice of appeal or within fourteen**

~~(14) days after filing the notice of appeal.~~

All documents filed after the notice of appeal, other than those documents listed above, must be filed with the District Court unless the Federal Rules of Bankruptcy Procedure direct otherwise.

19. L.R. 9006 – Requests for Extension of Time.

The change is made to better reconcile the Court's Local Rules with the Federal Rules of Bankruptcy Procedure.

L.R. 9006 – Requests for Extension of Time.

All requests for extension of time must be filed prior to expiration of the time permitted to complete the act for which additional time is sought **unless an applicable statute or rule expressly permits a request to be filed after expiration of time or at any time.** The request must be made by written motion and served as required by the Bankruptcy Code, the Federal Rules of Bankruptcy Procedure, and these Rules. The movant must:

1. indicate in the motion if the request is by consent of the other parties;
2. indicate in the motion whether prior extensions have been granted;
3. indicate in the motion the reason for the request for additional time;
4. provide in the motion a date certain for the extended deadline; and
5. submit a proposed order via the Judge's e-mail address as required by L.R. 9050.

20. L.R. 9011 – Signatures.

This rule is changed and new subsections C and D added to codify the allowance of electronic signatures in this district, subject to the process and procedure found in the rule.

L.R. 9011 – Signatures.

A. General.

All documents filed by a party that is not represented by an attorney and is not able to file electronically must contain the original signature of the party where appropriate. Every pleading or document, except for Official Forms or accompanying Director's Forms, that are filed must include the following information, as relevant, for the party filing the document: the law firm name, attorney's or debtor's name, address, telephone number, e-mail address, and registration number for the United States District Court for the Eastern District of Missouri. Documents filed via the Court's CM/ECF system must include the filer's typed signature or scanned image of the filer's handwritten signature. Electronically filed proofs of claim, other than proofs of claim filed pursuant to L.R. 9011(D), and post-petition financial management course completion certificates must contain the signer's typed 'signature' on the signature line unless the document has been scanned and contains an image of the signer's handwritten signature. A party appearing pro se (without an attorney) may not sign a document on behalf of another party except as set forth in L.R. 9011(B).

~~The filing or submission by an attorney of a document required to be signed by another person is the filer's representation that the party whose signature is required has, in fact, signed the document.~~ Nothing in this rule should be construed as excusing any

party from providing any of the information or signatures required by the Official Forms or accompanying Director's Forms.

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C. Signature of Person Other than Filer. (NEW)

The filing or submission by an attorney of a petition, list, schedule, statement, amendment, verified pleading, affidavit, stipulation, document requiring verification under Fed. R. Bankr. P. 1008, or unsworn declaration under 28 U.S.C. § 1746 that has been prepared for use in a case or an adversary proceeding and has been signed by a person other than the filer is the filer's representation that the person has, in fact, signed the document. For purposes of this rule, another person has signed a document if the filer has:

1. presented or transmitted the entire document to the signatory for review and signature;
2. if the signatory is the client of the filer, verified with the client that they have received and reviewed the entire document, and communicated with the client regarding the substance and purpose of the document; and
3. either:
 - a. obtained the person's original ("wet-ink") signature on the document;
 - b. obtained the person's digital signature via commercially available digital signature software that provides signature authentication;
 - c. obtained electronically (including by electronic mail or facsimile transmission) from the signatory an image format or other facsimile of the entire signed document, including the signature page; or
 - d. if the document is a stipulation, a consent order, or another document signed by another attorney admitted to practice in this district, obtained express written consent (including by electronic mail) to affix the attorney's signature to the document.

These requirements do not apply to the extent that either a signature on an affidavit has been notarized by a notary public or the document has been prepared and executed without the involvement of the filer or any member, regular associate, or employee of the filer's law firm; provided, however, that these exceptions do not excuse the filer's compliance with Fed. R. Bankr. P. 9011.

D. Filing of Signed Documents. (NEW)

A document signed by a person other than the filer must be filed electronically in one of the following formats:

1. a scanned copy of the document, showing the handwritten signature(s);
2. the version of the document produced by digital signature software after all parties have signed; or
3. a conformed copy of the document that includes the name of each signatory preceded by "/s/" or "s/" typed in the space where the signature would otherwise appear.

C. E. Retention.

The person filing or submitting any document ~~required to be signed by the debtor or by other entity(ies) described in L.R. 9011(C)~~ must retain the original signed document ~~or the alternative evidence of signature described in L.R. 9011(C)~~ for a period of two (2) years after the closing of the case ~~or the adversary proceeding~~ unless the Court orders otherwise. Proofs of claim that have been created and filed through the Court's Electronic Proof of Claim system pursuant to L.R. 9011(D) are exempt from this retention requirement. ~~Documents subject to the requirements of this section include those signed under penalty of perjury, those requiring verification under Fed. R. Bankr. P. 1008, and those containing an unsworn declaration as provided in 28 U.S.C. § 1746.~~ On request of the Court, or any party in interest, or when the signature is at issue, the filer must provide the original signed document ~~or the alternative evidence of signature~~ for review.

D. F. Electronic Proof of Claim System ("ePOC").

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PRACTICE POINT

The change to this rule will allow for the subsequent withdrawal of General Order 24-1 on electronic signatures.

21. L.R. 9015 – Jury Trials.

The change is made to better reconcile the Court's Local Rules with the Bankruptcy Code.

L.R. 9015 – Jury Trials.

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B. Jury Demand and Withdrawal of Reference.

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6. **Trial by the Court.** Issues not demanded to be tried by jury may be tried by the Court. ~~Notwithstanding the failure of a party to demand a jury trial when such a demand might have been made of right, the Court on its own initiative may order a jury trial of any or all issues.~~
7. **Pre-trial Procedure where Jury Trial Demanded.** Where a jury trial is demanded, all pre-trial proceedings, ~~through approval and entry of the pre-trial order,~~ will be conducted by the bankruptcy judge unless otherwise ordered by the District Court.

22. L.R. 9037-1 – Privacy and Redaction of Documents.

The change is made to better reconcile the Court's Local Rules with Fed. R. Bankr. P. 9037.

L.R. 9037-1 – Privacy and Redaction of Documents.

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B. Redaction of Personal Identifiers.

Parties must refrain from including, or must partially redact, where inclusion is necessary, the following personal data identifiers from all documents and pleadings filed with the Court and/or provided to other parties, including exhibits thereto, whether

filed electronically or in paper, unless otherwise ordered by the Court or required by statute, the Federal Rules of Bankruptcy Procedure, or the Official Bankruptcy Forms:

1. **Social Security Numbers.** If an individual's social security number is included, only the last four digits should appear. **The full social security number is required when filing Official Forms B119, B121, and B2800** ~~The full social security number is required when filing Official Form 121;~~

23. L.R. 9061 – Negative Notice Procedures.

The changes are made to conform with the changes to L.R. 3022 and to provide a standard format for notices of hearing when setting a matter on negative notice.

L.R. 9061 – Negative Notice Procedures.

A. Negative Notice.

Certain motions or pleadings may be considered by the Court without setting a hearing date if appropriate notice and opportunity to object to the requested relief are provided to necessary parties ("Negative Notice"). If a party sets a motion for hearing that may have otherwise been set on Negative Notice, any response must be filed no later than seven (7) days before the date of hearing pursuant to L.R. 9013-1(B).

Negative Notice may be used for the following types of motions or pleadings:

1. **Applications for final decree;**

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D. Notice of Hearing when a Response is Filed.

If a response is filed, the movant, applicant, claimant, or claim objector must schedule the matter for hearing by contacting the Courtroom Deputy for the assigned judge or by consulting the Court's web site. Such party must file and serve a notice of hearing on the respondent and all entities described in L.R. 9013-1(A).

The notice of hearing must provide the amount of notice specified below. Nothing precludes any party or the Court from setting a matter for hearing if a response is filed.

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2. Twenty-one (21) days notice of hearing required for:
 - a. **applications for final decree;**

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E. Format for Notice of Hearing. (NEW)

The notice of hearing must:

1. identify the motion or pleading to which it relates;
2. state the hearing date, time, and place in the caption;
3. contain or be accompanied by a certificate of service conforming to L.R. 9004(D); and
4. state, in bold print, substantially the following:

PLEASE TAKE NOTICE THAT THE _____ FILED BY _____ ON _____ HAS BEEN SET FOR HEARING AT THE DATE, TIME, AND LOCATION SET FORTH ABOVE. IF YOU OPPOSE THE _____ AND HAVE NOT REACHED AN AGREEMENT, YOU MUST ATTEND THE HEARING. UNLESS THE PARTIES AGREE OTHERWISE, THE COURT MAY CONSIDER EVIDENCE AT THE HEARING AND MAY DECIDE THE _____ AT THE HEARING.

REPRESENTED PARTIES SHOULD ACT THROUGH THEIR ATTORNEYS.

~~E.~~ F. Certification of No Response / Certification of Resolution.

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24. L.R. 9062 – Matters Without Hearing.

The change is made to add motions to substitute counsel to the list of matters that can be considered without a hearing.

L.R. 9062 – Matters Without Hearing.

Unless otherwise directed, the Court will ordinarily consider the following matters without hearing. Nothing, however, precludes any party from requesting that any of these matters be set for hearing. Copies of any motion or application that will not be set for hearing under this Rule must be served on all entities entitled to notice as specified in the Federal Rules of Bankruptcy Procedure or in these Rules. Any response must be filed and served immediately.

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12. Motions to withdraw as counsel **or to substitute counsel**;

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