

**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, 2023**

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 8<sup>th</sup> Circuit and will become effective on December 1, 2023. This document represents all changes to the Court's Local Rules for 2023. 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, 2023, can be found on the Court's website at:

<http://www.moeb.uscourts.gov/rules-and-procedures>.

1. **L.R. 1007-5 – Credit Counseling.** The change was made to remove the duty placed on the U.S. Trustee's Office or case trustee to review the certificate of credit counseling and file a motion to dismiss the case if it is deficient. The Clerk's Office reviews these certificates to ensure the class was taken pre-petition and alerts the debtor and the trustee of any issue when appropriate.

**L.R. 1007-5 - Credit Counseling**

**~~A. — Review by Trustee.~~**

~~The United States Trustee, or the Trustee, as applicable, will review any of the documents set out in L.R. 1002(A)(3) that have been filed and file a~~

~~motion to dismiss the case if the debtor has not met the requirements of Bankruptcy Code § 109(h) to be eligible for bankruptcy relief.~~

2. **L.R. 1040 – Access to Filed Tax Documents.** The change was made to remove the U.S. Trustee’s Office and case trustees from the rule requiring the return or destruction of any tax returns or transcripts and any copies thereof after they have been reviewed. The U.S. Trustee Program requires case trustees to maintain controlled access to tax returns and destroy returns after they are no longer needed. There is already extensive guidance for case trustees in this area, and they may have legitimate reasons for retaining these documents longer than this rule previously allowed.

**L.R. 1040 - Access to Filed Tax Documents.**

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**B. Disposition of Tax Documents**

On conclusion of review of any tax returns or transcripts by ~~the United States Trustee, the Trustee, any a~~ creditor, or party in interest, ~~such the reviewing~~ party must either return the tax returns or transcripts and any copies thereof to the debtor or destroy the tax returns or transcripts and any copies thereof.

3. **L.R. 2003 - § 341 Meetings.** The change was made to clarify the timing for submitting documents to the case trustee prior to a § 341 Meeting and what must be submitted. Case trustees are no longer holding § 341 Meetings in person, so the method and timing for submission needed to be revised to account for changes in format and technology. This is done through a clear reference to the Court’s Procedures Manual where counsel will find the appropriate procedures.

**L.R. 2003 - § 341 Meetings**

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- D. If the schedules and statements (and plan in a Chapter 13 case) are filed within ~~10 ten~~ (10) days of the scheduled § 341 Meeting, the debtor must contact the Trustee (or the United States Trustee in a Chapter 11 case where no Trustee has been appointed) to verify whether a new § 341 Meeting date will be required and, if so, the debtor must fully comply with L.R. 2003(A). The debtor must ~~bring provide the trustee with the~~ documentation specified in the Procedures Manual ~~fourteen~~ (14) days prior to the § 341 Meeting.

**Practice Point:** For more information on how to submit documents to case trustees, see:

[https://www.moeb.uscourts.gov/sites/moeb/files/Panel\\_Trustee\\_Requirements.pdf](https://www.moeb.uscourts.gov/sites/moeb/files/Panel_Trustee_Requirements.pdf)

4. **L.R. 2016-1 – Compensation of Professionals.** The rule was added to clarify the process for professionals seeking reimbursement of expenses and providing details regarding the types of expenses that ordinarily will be allowed, allowed with additional explanation under § 330(a)(1)(B), and ordinarily not allowed. By creating this rule with a clear reference to the Court’s Procedures Manual, the Court centralizes information regarding reimbursement of expenses to limit confusion.

**L.R. 2016-1 - Compensation of Professionals.**

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**C. Reimbursement of Expenses**

Reimbursement of expenses is subject to review under § 330(a). Professionals should reference the Court’s [Procedures Manual](#) for details regarding the types of expenses that ordinarily will be allowed, allowed with additional explanation under § 330(a)(1)(B), and ordinarily not allowed.

5. **L.R. 3002.1 – Notice Relating to Claims Secured by Security Interest in the Debtor’s Principal Residence.** The rule was added to clarify the attorneys’ fees amounts that creditors attorneys can routinely charge when filing notices of fees, expenses, and charges. By creating this rule with a clear reference to the Court’s Procedures Manual, the Court eliminates confusion over what attorneys’ fees creditor attorneys can routinely charge.

**L.R. 3002.1 - Notice Relating to Claims Secured by Security Interest in the Debtor’s Principal Residence.**

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**E. Creditor’s Attorney Fees in Chapter 13 Cases**

The limits on fees pertaining to legal services performed by creditors’ attorneys or for the benefit of creditors in a Chapter 13 bankruptcy case as detailed in the [Procedures Manual](#) apply to notices of fees, expenses and charges under this rule.

6. **L.R. 3003 – Additional Proof of Claim Filing Provisions for Chapter 11 Cases.** The change was made to clarify that a claims bar date of 70 days after the petition date will be set in all cases filed under Subchapter V, unless otherwise ordered by the Court.

**L.R. 3003 - Additional Proof of Claim Filing Provisions for Chapter 11 Cases.**

**A. Claims Bar Date.**

1. In Chapter 11 cases **not filed under Subchapter V**, the Court will fix a claims bar date upon motion without hearing. The motion to establish a claims bar date must include a proposed notice of claims bar date. The

movant must serve the motion and proposed notice on the L.R. 9013-3(D) Master Service List or on those who would be on such a list.

2. In Subchapter V cases, unless otherwise ordered, the claims bar date will be seventy (70) days after the petition date, and for claims by governmental units 180 days after the petition date, unless the Bankruptcy Code or order of the court provide a later date.

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7. **L.R. 3007 – Objections to Claims.** The change was made to harmonize Fed. R. Bankr. Pro. 3007(a)(1) and L.R. 3007(B) by allowing thirty days for a responsive pleading to be filed after an objection to claim is filed in a Chapter 13 case. Fed. R. Bankr. Pro. 3007(a)(1) requires thirty days’ notice of a deadline to request a hearing on a claim objection. The rule before this change places the two rules are at odds with one another.

**L.R. 3007 - Objections to Claims.**

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**B. Chapter 13 Claim Objections.**

It is the debtor’s duty in a Chapter 13 case to review and object to proofs of claim when necessary. Notwithstanding the foregoing, any party in interest may file an objection to a proof of claim. An objection to a proof of claim in a Chapter 13 case must be served on: the claimant, the Trustee, the debtor, and the debtor’s attorney (if any). If an objection is to a claim of the United States, or any of its officers or agencies or is to a claim of an insured depository institution, the objection and notice must be served in accordance with Fed. R. Bankr. P. 3007. Objections to claims in Chapter 13 cases ~~will be heard~~ **may be filed** on Negative Notice as provided in L.R. 9061. The objection must state that any responsive pleading must be filed with the Clerk of Court and served on the objecting party no later than ~~21~~ **thirty (30)** days after service of the objection, or the objection may be sustained without further notice or hearing (Local Form 11). If a response is filed, either the objector or the claimant may set the objection for hearing, giving ~~30~~ **twenty-one (21)** days notice of the hearing to the debtor ~~(if not represented by an attorney)~~, the debtor’s attorney (if any), the claimant (if set for hearing by the objector), the objector (if set for hearing by the claimant), and the Trustee. ~~If both parties consent in writing not filed with the Court, the objection need not be set for hearing or a hearing set on the objection may be continued or cancelled on no less than 48 hours notice to the Court by either party contacting the appropriate Courtroom Deputy.~~ If no response is timely filed, the objector must file a certification of no response and follow the procedures in L.R. 9050. This Rule’s provisions are not applicable to notices governed by the procedures set forth in Fed. R. Bankr. P. 3002.1.

Practice Point: A revised version of [Local Form 11 \(Claim Objections Form – Chapter 13\)](#) accounting for the changing deadlines in L.R. 3007 and L.R. 9061 will be available on the court’s website beginning December 1, 2023

8. **L.R. 3010 – Small Dividends and Payments.** The change was made to authorize the trustee in Chapter 13 cases to pay creditors dividends in an amount less than \$15.00. This change reflects current practice in this district.

**L.R. 3010 – Small Dividends and Payments**

Under Fed. R. Bankr. P. 3010, trustees in Chapter 7 cases in the Eastern District of Missouri are authorized to pay creditors dividends in an amount less than \$5.00 and ~~trustees in Chapter 13 cases in the Eastern District of Missouri are authorized to pay creditors dividends in an amount less than \$15.00.~~

9. **L.R. 3015-2 – Chapter 13 Plans – Plan Contents.** The change was made to clarify the proper source for determining the retail value of a vehicle at the time of filing the petition. The rule referenced the NADA (National Automobile Dealers Association). JD Power purchased the NADA Official Used Car Guide and NADA no longer operates this service. A new source was needed.

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

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**H. Valuation and Treatment of Secured Vehicle Claims.**

Absent evidence to the contrary, the Court presumes an automobile will depreciate at a rate of 1.5% of the vehicle’s value per month. The plan must compensate secured creditors for this rate of depreciation. Absent evidence to the contrary, for purposes of 11 U.S.C. § 506, the Court’s Vehicle Valuation Policy will be 97% of the ~~National Automobile Dealers Association (NADA) (Central Edition) J.D. Power Official Used Car Guide Central Edition~~ retail value at the time of filing the petition.

10. **L.R. 4001-1 – Relief from the Automatic Stay.** The change was made to account for the thirty-day automatic grant of stay relief provided for in 11 U.S.C. § 362(e)(1), since the Local Rules already account for the sixty day automatic grant of stay relief provided for in 11 U.S.C. § 362(e)(2).

**L.R. 4001-1 - Relief from the Automatic Stay.**

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**B. Hearings on Motions for Relief from the Automatic Stay.**

Motions for relief from the automatic stay must ordinarily be set giving a minimum of ~~21~~ **twenty-one (21)** days’ notice. ~~If the movant sets a hearing on the motion to take place on a date that is more than 30 days from the date of the motion, the movant will be deemed to have waived the movant’s right to have the automatic stay terminated pursuant to Bankruptcy Code § 362(e)(1).~~ If the movant sets the motion for a hearing on, or requests a continuance of the hearing to a date that is more than

thirty (30) days from the date of the motion, the movant will be deemed to have waived the movant's right to have the automatic stay terminated pursuant to Bankruptcy Code § 362(e)(1). If the movant sets the motion for a hearing on, or requests a continuance of the hearing to a date that is more than sixty (60) days from the date of the motion, the movant will be deemed to have waived the movant's right to have the automatic stay terminated pursuant to Bankruptcy Code § 362(e)(2).

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**J. ~~Continuances.~~**

~~If the court does not render a final decision on a motion for relief from stay during the 60-day period referenced in Bankruptcy Code § 362(e)(2), any party wishing to have the automatic stay extended until a continued hearing date must submit a proposed order continuing the hearing and ordering that the stay be extended until such hearing. If the movant sets the motion for a hearing on, or requests a continuance of the hearing to a date that is more than 60 days from the date of the motion, the movant will be deemed to have waived the movant's right to have the automatic stay terminated pursuant to Bankruptcy Code § 362(e)(2).~~

11. **L.R. 4001-3 – Motion for Imposition of the Stay.** The change was made to clarify that a Motion to Impose the Automatic Stay is not required to be filed on emergency basis. While they are frequently filed on emergency basis, they are not required to be filed on emergency basis.

**L.R. 4001-3 - ~~Verified~~ Motion for Imposition of the Stay.**

In cases where no automatic stay exists upon the filing of the petition under Bankruptcy Code §§ 362(b)(20), (21), (c)(4), or (n), the debtor, Trustee, or any party in interest may file a ~~verified~~ motion for ~~emergency~~ imposition of the automatic stay under Bankruptcy Code § 362 as to any creditor(s). Such a motion must be ~~filed using the “Motion to Impose Automatic Stay” event~~ ~~verified or accompanied by one or more declarations or affidavits sufficient to meet the movant's burden of proof.~~ The movant must set ~~such~~ any non-emergency motion for hearing ~~on the Chapter 13 confirmation date in cases filed under Chapter 13 cases or on an available hearing date in cases filed under another chapter.~~ ~~and~~ The movant must serve the motion on and give notice of the hearing to the debtor, Trustee, all affected parties, the trustee or successor trustee of any pending foreclosure proceeding, and any party in possession of the debtor's repossessed collateral. ~~The Any motion for~~ ~~movant requesting the~~ imposition of the stay on an emergency ~~stay~~ basis must comply with L.R. 9013-2. An ~~emergency motion~~ may be considered by the Court after notice and a hearing, and, if granted, the stay will continue ~~for a period not to exceed 7 days or~~ until conclusion of the final hearing on imposition of the stay, ~~whichever is less.~~ ~~Responses to the motion for emergency imposition of the automatic stay may be filed until the time of the hearing.~~ ~~The~~ An emergency motion must (i) identify the circumstances justifying imposition of a stay, and (ii) indicate whether the movant consents to the continued processing of the creditor's action, including statutory

notices and publication or continued possession of the collateral pending final hearing. **Responses to an emergency motion for the imposition of the automatic stay may be filed until the time of the hearing.**

12. **L.R. 9019 – Mediation.** The change was made to correct the language of the rule to make clear that statements made during mediation are not admissible in court. This is a technical correction and a correction to use more concise language for the reader.

**L.R. 9019 - Mediation.**

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**G. Confidentiality.**

Conduct or statements made ~~in the course of~~ during mediation ~~do not~~ constitute “conduct or statements made in compromise negotiations” under Federal Rule of Evidence 408, and no such evidence will be admitted or disclosed to the Court or any party to which the conduct or statements were not disclosed ~~in the course of~~ during the mediation.

13. **L.R. 9050 – Proposed Orders.** This change was made to allow the U.S. Trustee’s Office time after the filing of a motion, application, pleading, or other request for relief to submit a proposed order due to the often-complex nature of the relief sought by the U.S. Trustee’s Office. Also, this change was made to acknowledge that there are instances where the Federal Rules of Bankruptcy Procedure require the filing of a proposed order on the docket.

**L.R. 9050 - Proposed Orders.**

**A. Time for Submission.**

Except for proposed orders from the Trustee **or United States Trustee’s Office** and orders on Negative Notice, a proposed order must be submitted at the time of filing any motion, application, pleading, or other request for relief. Orders on matters that may be heard on Negative Notice must be submitted to the Court after expiration of the last date for response or after hearing, if any. The Certification of No Response must be part of the proposed order. Except in a Chapter 13 case (unless otherwise ordered by the Court), any order submitted to the Court after hearing is an affirmative representation to the Court by the party tendering the order that the order has been circulated to all counsel who appeared at the hearing and that there are no objections to the content of the order. If agreement cannot be reached regarding a proposed order, the party tendering the order must send a letter to the Court with a copy ~~either faxed or~~ e-mailed to any opposing counsel advising the Court that agreement has not been reached and providing opposing counsel **72 seventy-two (72)** hours from the time the letter is ~~faxed or~~ e-mailed to submit a competing order. Unless otherwise directed by the Court or its staff, **or a federal rule so requires (e.g., Fed. R. Bankr. P. 4001)**, proposed orders

must not be filed on the docket either on their own or as attachments to other documents.

14. **L.R. 9061 - Negative Notice Procedures.** The change was made to conform with the change to L.R. 3007 above.

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

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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 website. 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.

1. **14 Fourteen (14) days notice of hearing required for:**
  - a. motions to compel abandonment of property;
  - b. motions to avoid liens on exempt property;
  - c. motions for continuation of utility service/adequate assurance of payment under 11 U.S.C. §366;
  - d. motions to incur debt (automobile debt only); and
  - e. motions to dismiss (except as noted below).
  
2. **24 Twenty-one (21) days notice of hearing required for:**
  - a. motions to convert case, but not from a Chapter 12 or 13 case;
  - b. motions to dismiss a Chapter 7 or 12 case;
  - c. fee applications, except in Chapter 11 cases; and
  - d. in Chapter 13 cases:
    - i. motions to retain a tax refund;
    - ii. motions to incur debt; **and**
    - iii. motions to sell or refinance property; **and**
    - iv. **objections to claims.**
  
3. **30 Thirty (30) days notice of hearing required for:**
  - ~~a. objections to claims in Chapter 13 cases; and~~
  - a. motions to approve the Trustee's final report.

Practice Point: A revised version of [Local Form 11 \(Claim Objections Form – Chapter 13\)](#) accounting for the changing deadlines in L.R. 3007 and L.R. 9061 will be available on the court's website beginning December 1, 2023



15. **L.R. 9062 – Matters Without Hearing.** The change was made to provide a complete list of the matters that the Court will ordinarily consider without 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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- 21. motions under Bankruptcy Code § 362(j) for orders confirming the stay has been terminated.
- 22. motions filed pursuant to L.R. 2016-3(C).