

**EXPLANATIONS AND COMPARISONS OF THE 2013 UNITED STATES
BANKRUPTCY COURT FOR THE EASTERN DISTRICT OF MISSOURI'S LOCAL
RULES REVISIONS**

These are the explanations of the revisions to the Local Rules of Bankruptcy Procedure that take effect on December 1, 2013, along with comparisons of the rules showing the amendments. Substantive changes are set forth herein. Stylistic changes are mostly excluded but can be provided upon request.

L.R. 1001(F) - "Rules" is a defined term that means the Court's Local Rules and the sentence was redundant and inaccurate as written.

L.R. 1001 - Scope of Rules and Forms; Short Title.

F. **Definitions.** When these Rules require notice to or service upon the "debtor," "creditor," or other named party, service shall be made upon the attorney for such party, if any, unless service on the party is specifically required by these or other applicable Rstatutes or rules. Any reference to the "debtor" shall include any co-debtors, unless otherwise indicated. All references to the "Trustee" are to the case trustee.

L.R.s 1007-7(A); 1015(B); 2016-2(B); 3003(A); 3017(A); 3018(A); 3020(A) and (B); 3022(B); 4001-1(A); 4004-1(C); 9013-1(A); and 9013-3(A) - The amendment to these Rules is made because of the addition of any case trustee, the case trustee's attorney, and any examiner to the parties included on the L.R. 9013-3(D)(1) Master Service List in Chapter 11 cases. There is no longer a need to separately list these parties in other rules referencing the Master Service List. Because this is a universal change to several rules, a comparison of L.R. 1007-7(A) is given as an example.

L.R. 1007-7 - Extension of Time to File Schedules and Statement of Financial Affairs.

A. **General Procedures.** Any request for additional time to file schedules or the statement of financial affairs shall:

1. be filed before expiration of the deadline;
2. seek extension to a date certain for filing the missing documents;
3. disclose the date the petition was filed;
4. disclose the date of the § 341 Meeting;
5. disclose all prior extensions granted; and
6. be submitted simultaneously with a proposed order via Judge's e-mail as required under L.R. 9050.

The request to extend time shall be served on the Trustee and, in Chapter 11 cases, on those entities that would be on the L.R. 9013-3(D) Master Service List if or on those who would be on such a list existed in the case, the Trustee (if any), the Trustee's attorney, and any examiner in the case. If the Court extends the time for filing schedules to a date that is less than 10 days before the scheduled § 341 Meeting, the debtor shall contact the

Trustee (or the United States Trustee in a Chapter 11 case where no Trustee has been appointed) to verify whether the § 341 Meeting should be rescheduled. If the § 341 Meeting is rescheduled, the debtor shall serve notice of the continued § 341 Meeting date on all creditors and parties in interest as required by L.R. 2003(A) and shall file a certificate of service (L.R. 9004(D)).

L.R.s 1017-2(B) and 1017-3(B) - These provisions are revised so that they are uniform as they both address the order on reinstatement and the necessity of rescheduling hearings when a case is reinstated.

L.R. 1017-2 - Motions to Reinstatement Following Dismissal for Failure to File or Provide Required Documents or Attend § 341 Meeting.

7. **Hearing, Service, Order.** Unless the Court grants a request for hearing, the Court will consider a motion to reinstate under this Rule without hearing. The debtor shall serve the motion on the Trustee and, in Chapter 11 cases, on the United States Trustee. ~~If the case is reinstated, the Court will send notice of the reinstatement to all creditors and parties in interest. The notice of reinstatement shall include a list of all matters~~The Court shall prepare the order granting or denying a motion to reinstate and shall send a copy of the order to all entities on the matrix. On reinstatement of the case, it is incumbent on the movant to set for hearing any unresolved motion pending at the time of dismissal. ~~A,~~ although any party may set any such matter(s) motion for hearing with proper notice.

L.R. 1017-3 - Motions to Reinstatement Following Dismissal on Trustee's Motion to Dismiss for Failure to Make Plan Payments.

- B. **Order Regarding Reinstatement.** The Court shall prepare the order granting or denying a motion to reinstate and shall send a copy of the order to all entities on the matrix. Upon reinstatement of the case, it is incumbent upon the movant to set for hearing any unresolved motions pending at the time of dismissal. although any party may set any such motion for hearing with proper notice.
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LR 1019(A) and (B) - Because post-petition, pre-conversion claims are treated as having arisen pre-petition under 11 U.S.C. §348(d) in cases that are being converted from Chapters 11, 12, and 13, but not in cases that are being converted from Chapter 7, the rule is revised so that new schedules and a matrix are not required in cases being converted from Chapter 7. Also, the requirement of filing a new means test is eliminated where a case was originally a Chapter 7 and a means test was filed while the case was still a Chapter 7 but before it was converted to a different chapter since the information used for the means test would still be the pre-petition information.

L.R. 1019 - Conversions.

- A. ~~Schedules, Statements and Matrix~~ **General Filing Requirements in a Converted Case.** No later than 7 days after entry of the order of conversion, if a case is converted from Chapter 11, 12, or 13, the debtor shall file a new matrix (~~which that~~ shall include any creditors holding post-petition claims), and a matrix verification.
1. **Individual Debtors.** No later than 14 days after entry of the order of conversion of a case from Chapter 11, 12 or 13, an individual debtor shall file new schedules and a statement of financial affairs, ~~and, in a case converted to Chapter 13, a Chapter 13 plan.~~ The new schedules shall be filed in lieu of filing the schedule of post-petition liabilities specified in Fed. R. Bankr. P. 1019(5) ~~but, and~~ shall include post-petition liabilities and the date(s) the debts were incurred. In a case converted to Chapter 13, the debtor shall file a Chapter 13 plan no later than 14 days after entry of the order of conversion.
 2. **Debtors that are not Individuals.** A debtor that is not an individual and that is converting to Chapter 7 is not required to file new schedules and a statement of financial affairs but such debtor (or trustee, if one has been appointed in a Chapter 11 case) shall file the schedule of unpaid debts and final report and account pursuant to Fed. R. Bankr. P. 1019(5) within the time frames set forth therein. Such schedule and report shall include (1) each item of property acquired after the filing of the petition and remaining in the estate at the time of conversion, (2) each debt remaining unpaid that was incurred after the filing of the petition, and (3) all executory contracts into which the debtor has entered after the filing of the petition.
- B. **Deadline to File Means Test/Statement of Current Monthly Income Forms upon Conversion of Case.** When an individual debtor seeks to convert a case filed on or after October 17, 2005 to a case under Chapter 7, 11 or 13, the debtor shall attach the appropriate Official Form 22A, B, or C to be used for the Statement of Current Monthly Income referred to in Fed. R. Bankr. P. 1007(b)(4), (5), and (6) to the debtor's motion or notice to convert. ~~If converting a case filed on or after October 17, 2005 to a case under Chapter 7, an individual debtor shall complete a new means test using Form 22A at the time of conversion, even if the debtor has previously completed a means test prior to conversion from Chapter 7 to another chapter.~~ If not attached to the motion or notice, the appropriate Form 22 shall be filed simultaneously with the motion or notice to convert using the appropriate "Means Test or Statement of Current Monthly Income" event. Failure to promptly file the Form for the converted case may result in denial of the motion to convert, or dismissal or reconversion of the case. The information provided on the Form 22 filed for the converted case shall reflect average monthly income for the six calendar months prior to the filing of the original bankruptcy petition. The debtor does not need to complete and file Official Form 22A if the debtor has previously completed and filed Official Form 22A prior to conversion from Chapter 7 to another chapter.

L.R.s 2015-2 (C)(1); 2016-3(A); 3007(C); 3015-2(F), (G) and (H); and 5005(D) - Rather than referencing the Procedures Manual, the relevant provisions from the Procedures Manual are moved to these rules for ease of reference and users' convenience. L.R. 3007(C) also clarifies that a party filing an omnibus objection to claims may, but is not required to, file the Master Objections to Claims Calendar with the Court. The addition of a subsection to L.R. 3015-2 caused the re-designation of the subsections in that rule so that they now contain subsections A-K, whereas, before, there were only subsections A-J. Other changes are stylistic.

L.R. 2015-2 - Duty of Debtor in Chapter 13 Case.

C. Insurance on Motor Vehicles in Chapter 13 Cases.

1. **Required Coverage.** The debtor in a Chapter 13 case shall 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 ~~provide insurance as required in the Procedures Manual.~~

- a. prepay at least three (3) months 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.

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 shall disclose which fee election option the attorney elects by using the "Attorney Fee Election Form" event. The fee election event shall be completed at the time of the attorney's initial Fed. R. Bankr. P. 2016(b) disclosure.

1. **Flat Fee Option.** ~~Without order of Court, a~~Attorneys for debtors in Chapter 13 cases who elect the "Flat Fee Option" shall, without application to the Court, be permitted to be paid attorneys' fees, including expenses, not to exceed ~~the amount established for the "Flat Fee Option" in the Chapter 13 Fee Guidelines found in the Procedures Manual~~\$4,000 for cases filed on or after March 10, 2011 (or \$4,281 if the filing fee is advanced).
2. **Fee Application Option.** Attorneys for debtors in Chapter 13 cases who elect the "Fee Application Option" shall be permitted to be paid, without application to the Court, an initial fee in an amount not to exceed ~~the amount established as the~~

~~“initial fee” under the “Fee Application Option” in the Chapter 13 Fee Guidelines in the Procedures Manual~~ \$2,300 (or \$2,581 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 application filed in accordance with L.R. 2016-1(B).

L.R. 3007 - Objections to Claims.

- C. **Omnibus Objections.** Any party may object to multiple claims in a single objection provided that the objecting party complies with the requirements for omnibus objections set forth in Fed. R. Bankr. P. 3007 and the ~~procedures set forth in the Procedures Manual~~ se Rules. Notice of the objection and hearing shall be given as stated in L.R. 3007(A) or (B), as applicable. Omnibus objections to claims shall be filed in substantial conformity with Local Form 12. In jointly administered Chapter 11 cases, each objection shall be assigned a claim objection number by the debtors and shall be numbered sequentially without regard to the particular estate against which the subject claim is asserted. The debtor shall be responsible for maintaining and updating (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, whether any response has been received from the claimant, and any final Court determination of the claim objection. The debtor may, but does not need to file the Master Objections to Claims Calendar. The debtor shall promptly provide the Master Objections to Claims Calendar to any party that requests it.

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

- F. **Monthly Payments.** Unless otherwise permitted by the Court, the plan shall provide for the debtor to make regular monthly payments to the Trustee. Such monthly payments shall not be less than ~~the amount specified in the Procedures Manual as the “minimum monthly Chapter 13 plan payment.”~~

~~€\$75.~~

G. Payment of Chapter 13 Attorneys Fees through Plan.

- a. In cases filed prior to October 17, 2005: When paid through the plan, unless otherwise specified, the Chapter 13 trustee shall pay the debtor’s attorney’s fees at the rate of 35% of funds available for distribution at the disbursement level for secured creditors.
- b. In cases filed on or after October 17, 2005: The debtors’ attorney’s fees shall be paid by the Trustee after monthly payments to secured creditors. However, a maximum of \$2,000 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 shall be paid in equal monthly payments over twelve or more months. Any attorney fees owed and not paid or payable in equal monthly payments as stated above shall 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 shall 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.

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 shall compensate secured creditors for this rate of depreciation. Absent evidence to the contrary, ~~the value of vehicles for this purpose shall be determined usings~~ of 11 U.S.C. § 506, the Court's Vehicle Valuation Policy ~~in the Procedures Manual.~~

~~H.~~ shall be 97% of the National Automobile Dealers Association (NADA) (Central Edition) retail value at the time of filing the petition.

L.R. 5005 - Filing and Transmittal of Papers.

D. **Documents Declined for Filing.** The Clerk of Court shall decline to accept for filing any pleading, petition, or document tendered without the required fees or signatures. 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:
 - Voluntary Petition
 - Corporate or Partnership Declaration regarding Petition
 - Verification of Creditor Matrix
 - Declaration concerning Schedules or any Amendment thereto
 - Statement of Financial Affairs or any Amendment thereto
 - Application to Pay Filing Fee in Installments or Application for Waiver of Filing Fee
 - Chapter 7 Individual Debtor's Statement of Intention
 - Reaffirmation Agreement
 - All plans (Chapter 12, 11, 13) and amendments thereto unless debtor(s)' signature is excused by the Court
 - Involuntary Petition (original signature of Petitioning Creditors)
 - Social Security Number Verification Form (Official Form B21)
 - Means Test, Statement of Current Monthly Income, Disposable Income Calculation Forms, as applicable (Official Forms 22A, B, and C)

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

The Clerk of Court shall mark the date and time tendered on the original document and shall return the original document to the filer with a written notice of return. The Clerk of Court shall retain a photocopy of the original document bearing the date and time of its tender. In the case of a petition, the Court may promptly dismiss the case if the petition fails to comply with L.R. 1002(A). The party that tenders any petition or other document declined for filing may, upon motion for good cause, request that the Court treat the petition or other document as filed on the date originally tendered to the Court.

L.R. 2090(B)(1) - This subsection is revised to clarify that 1) Local Form 7 can be modified as necessary for parties filing pro hac vice motions, e.g., where the motion is filed on behalf of another; and 2) the Court reserves the right to deny a pro hac vice motion for any reason, e.g., where an attorney is suspended or disbarred in another court, whether or not that reason is specifically set forth in the District Court's rules. Other changes are stylistic.

L.R. 2090 - Attorney Admission.

B. Admission Pro Hac Vice and Local Counsel.

1. **Motion.** An attorney who is not a member of this Court but is a member in good standing of the bar of the highest court of any state or the District of Columbia may be permitted to appear and file documents in a case before this Court only when admitted pro hac vice pursuant to applicable rules of the United States District Court for the Eastern District of Missouri. The Motion shall be filed using Local Form 7 (with any necessary modifications) and shall be accompanied by the registration fee payable to the United States District Court. If the motion is a paper filing, the movant shall provide a check made payable to "Clerk, U.S. District Court" at the time of filing the motion. The Court will consider such motions without hearing. Counsel shall serve the Motion for Admission Pro Hac Vice upon attorneys for the party(ies) involved in the matter for which counsel seeks admission, the Trustee, and, in Chapter 11 cases, the United States Trustee. The Court may deny a pro hac vice motion for any reason, including a disbarment or suspension from any court.
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L.R. 3001(D) - This rule is revised to specifically reference the necessity of paying the new transfer of claim fee at the time of filing a transfer of claim.

L.R. 3001 - Proofs of Claim.

- D. **Transferred Claims.** Any assignment or evidence of transfer of a claim filed after a proof of claim has been filed shall be accompanied by the full amount of the transfer of claim fee at the time of filing the transfer of claim and include:
 - a. the amount of the claim;
 - b. the name of the original creditor (transferor); and

- c. the name and address of the transferee.-
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L.R.s 3015-1(F) and 3015-2(E) - The Clerk does not publish the interest rate in the Procedures Manual, so this reference is deleted. The rule is revised to reflect the Court's practice of using the prime rate rather than the 10-year Treasury Note to provide a more fair rate of compensation to creditors. The last sentence of subparts 1 and 2 is revised to change the word "on" to "by" because the Clerk may publish the rate sooner.

L.R. 3015-1 - Chapter 12 Plans - Plan Contents.

F. **Interest on Secured Claims.** All Chapter 12 plans shall provide for payment of interest on secured claims paid through the plan and shall specify the interest rate to be applied. Absent evidence to the contrary, the applicable interest rate shall be the rate posted and published by the Clerk of Court ~~in the Procedures Manual~~ as prescribed herein. The interest rate in effect at the time of the filing of the petition shall remain in effect throughout the term of the case. The applicable interest rate shall be determined by the Clerk of Court semi-annually as follows:

1. **January 1 - June 30:** For petitions filed between January 1 and June 30 of each year, the interest rate shall be the ~~10-year Treasury note~~ prime rate ~~as of the week which includes~~ on December 1 of the previous year, plus 1.5% (one and one-half percentage points). This rate shall be posted by the Clerk of Court ~~on~~ by December 10 or the first business day thereafter.
2. **July 1 - December 31:** For petitions filed between July 1 and December 31 of each year, the interest rate shall be the ~~10-year Treasury note~~ prime rate ~~as of the week which includes~~ on June 1 of the current year, plus 1.5% (one and one-half percentage points). This rate shall be posted by the Clerk of Court ~~on~~ by June 10 or the first business day thereafter.

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

E. **Interest on Secured Claims.** All Chapter 13 plans shall provide for payment of interest on secured claims paid through the plan and shall specify the interest rate to be applied. Absent evidence to the contrary, the applicable interest rate shall be the rate posted and published by the Clerk of Court ~~in the Procedures Manual~~ as prescribed herein. The interest rate in effect at the time of the filing of the petition shall remain in effect throughout the term of the case. The applicable interest rate shall be determined by the Clerk of Court semi-annually as follows:

1. **January 1 - June 30:** For petitions filed between January 1 and June 30 of each year, the interest rate shall be the ~~10-year Treasury note~~ prime rate ~~as of the week which includes~~ on December 1 of the previous year, plus 1.5% (one and one-half percentage points). This rate shall be posted by the Clerk of Court ~~on~~ by December 10 or the first business day thereafter.
2. **July 1 - December 31:** For petitions filed between July 1 and December 31 of

each year, the interest rate shall be the ~~10-year Treasury note~~ prime rate ~~as of the week which includes~~ on June 1 of the current year, plus 1.5% (one and one-half percentage points). This rate shall be posted by the Clerk of Court ~~on~~ by June 10 or the first business day thereafter.

L.R. 3015-3(B) - This rule is revised to reflect the Court's practice of requiring the location of the confirmation hearing to be included in the Chapter 12 and 13 plan captions.

L.R. 3015-3 - Chapter 12 and 13 Plans - Form and Filing.

B. **Designation, Caption, and Signature on Chapter 12 and 13 Plans.** Every plan and amended plan shall be dated and signed by the debtor unless otherwise authorized by the Court. If the original plan is not filed with the petition, the plan shall reflect the date, time, and time location of the confirmation hearing in the caption. Each amended plan shall be titled "First Amended Plan," "Second Amended Plan," etc., as may be appropriate and shall reflect the date, time, and location of the confirmation hearing in the caption. In a Chapter 12 case, the plan or amended plan shall conspicuously and directly beneath the title state the deadline under L.R. 3015-4(G) or (I), as applicable, by which objections to confirmation shall be filed.

L.R.s 3015-4(B) and 3015-5(C) - These rules are revised to reflect the Court's practice of deeming the failure of an objecting party to attend a confirmation hearing to be an abandonment of the objection.

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

B. **Attendance at Confirmation Hearings.** The debtor's attorney (or only the debtor, if unrepresented by an attorney) and any party objecting to confirmation shall attend all confirmation hearings in the case unless there are no objections or the objections have been settled or withdrawn. Failure of ~~such party~~ the debtor or the debtor's attorney to appear at the confirmation hearing may result in the denial of ~~either the objection or confirmation~~ confirmation. Failure to appear or prosecute an objection at the confirmation hearing shall be considered an abandonment of the objection.

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

C. **Objections to Motion to Amend a Confirmed Plan.** Objections to the debtor's motion to amend a confirmed plan and to the proposed amended plan shall be filed and served on the debtor (if unrepresented by an attorney), the debtor's attorney (if any), and the Trustee no later than 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 21 day objection period in the interest of judicial economy. Failure to appear or prosecute an objection at the confirmation hearing shall be considered an

abandonment of the objection.

L.R. 4001-3 - The rule is revised to reflect the Court's practice of requiring service of the notice of hearing along with the motion, and the inclusion of the debtor and case trustee as parties required to be served. The rule is also revised to avoid uncertainty and give parties until the time of the hearing on emergency motions for imposition of the stay to file their responses. There currently is no response time set forth in the rule. Other changes are stylistic.

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 shall be filed using the "Motion to Impose Automatic Stay" event. The movant shall set such motion for hearing and shall serve the motion upon and give notice of the hearing to the debtor, Trustee, all affected parties, upon the trustee or successor trustee of any pending foreclosure proceeding, and upon any party in possession of the debtor's repossessed collateral. The motion for imposition of an emergency stay 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 motion shall (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.

L.R. 7055(D) - The rule is revised to reflect the Court's requirement of serving the notice of hearing on a motion for default judgment on the party against whom default is requested.

L.R. 7055 - Default Judgment.

D. **Hearing on Motion for Default Judgment.** At the time of filing a motion for default judgment, the movant shall set the motion for a hearing to take place after the motion's return date and serve notice of the hearing on the party against whom default is requested. The movant shall attend the hearing and be prepared to offer evidence in support of the judgment.

L.R. 9006(A) - This provision is deleted as it is largely duplicative of Fed. R. Bankr. P. 9006(f), and it is unnecessary to add 3 days of response time where the federal rules do not require it.

L.R. 9006 - Time:

~~A. **Additional Time after Service by Mail. When there is a right or requirement to do some act or undertake some proceedings within a prescribed period after service of a notice or other paper, and the notice or paper other than process is served by mail,**~~

~~facsimile or by electronic transmission pursuant to Fed. R. Civ. P. 5(b)(2)(C) or (D); 3 days shall be added to the prescribed period.~~

B. Requests for Extension of Time. All requests for extension of time shall be filed prior to expiration of the time permitted to complete the act for which additional time is sought. The request shall be made by written motion and shall be served as required by the Bankruptcy Code, the Federal Rules of Bankruptcy Procedure, and these Rules. The movant shall:

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.

L.R. 9011(A) - This rule is revised to reflect the Court's current requirement that any proof of claim filed electronically needs to have a typed 'signature' on the signature line.

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 shall contain the original signature of the party where appropriate. Every pleading or document, except for Official Forms or accompanying Directors Forms, that are filed shall 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, fax number, e-mail address, and registration number for the United States District Court for the Eastern District of Missouri. Except for electronically filed proofs of claim, the user login and password required to file documents via the Court's CM/ECF system shall serve as the filing user's signature on all electronic documents filed with the Court for the purposes of this Rule and Fed. R. Bankr. P. 9011. Electronically filed proofs of claim 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 shall be construed as excusing any party from providing any of the information or signatures required by the Official Forms or accompanying Director's Forms.

L.R. 9011(B) - This rule is revised to clarify that an attorney signing pleadings on behalf of a client is not required to attach any document to the pleading providing signature authority.

L.R. 9011 - Signatures.

- B. **Filing in Representative Capacity.** Any document filed in a legal representative capacity for another shall have attached to it the document providing signature authority unless such document has previously been filed with the Court. Later filings under the authority of such document shall reference the initial pleading or document to which the authorization was attached. This subsection shall not apply to members of the same law firm or to attorneys signing a pleading **pleadings for their clients or** for another party's attorney by permission.
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L.R. 9011(C) and (D) - Subdivision C is revised to exempt the filer of any proof of claim created through the Court's new Electronic Proof of Claims ("ePOC") system from the requirement of keeping an original signed copy of the proof of claim (as one does not exist). Subdivision D is new and provides that the filing of a claim and/or claims related documents through the ePOC system constitute the filing claimant's signature under applicable law. The remaining changes are stylistic.

L.R. 9011 - Signatures.

- C. **Retention.** The person filing or submitting any document required to be signed by the debtor or by other entity(ies) shall retain the original signed document for a period of 2 years after the closing of the case unless the Court orders a different period. Such documents **Proofs of claim that have been created and filed through the Court's Electronic Proof of Claim system pursuant to L.R. 9011(D) shall be exempt from this retention requirement. Documents subject to the requirements of this subsection** 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 shall provide the original signed documents for review.
- D. **Electronic Proof of Claim System ("ePOC").** The filing of a proof of claim and/or the filing of a claims-related document using the Court's ePOC system shall constitute the filing claimant's approved signature by law, and the provisions of 18 U.S.C. §152 shall apply to such filing.
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L.R. 9013-1(A) - This rule is revised so that it is consistent with L.R. 9013-3(E) as that rule specifically addresses service where there is a Master Service List in a Chapter 11 case. It is also revised to remove the separate listing of any case trustee, the case trustee's attorney, and any examiner to the parties that must be served because these parties are being added to the parties that must be included in the L.R. 9013-3(D)(1) Master Service List. There is no longer a need to separately list these parties in the rule. Other changes are stylistic.

L.R. 9013-1 - Motion Practice.

- A. **Service of Motions and Responses.** In all cases except Chapter 11 cases, unless

otherwise ordered by the Court, and subject to L.R. 9004(D)(1), all motions, applications or other pleadings and responses thereto shall be served upon:—

1. the debtor and the debtor's attorney (if any);
2. all parties directly affected by the relief sought;
3. the Trustee ~~and, in Chapter 11 cases, the United States Trustee;~~ -and
4. all parties who have filed a request for notice.

In Chapter 13 cases, motions by parties other than the Trustee, shall also be served upon all creditors who have filed a proof of claim. In Chapter 11 cases, motions shall ~~also~~ be served upon all entities on the in accordance with L.R. 9013-3(DE) if a Master Service List, ~~or, if no such list exists, upon~~ exists in the case. If no Master Service List exists in a Chapter 11 case, motions, applications, or other pleadings shall be served on those who would be on such a list, ~~the Trustee (if any), and the Trustee's attorney~~ and on any entity whose interest may be affected by the motion, application, or pleading. A person or entity who has filed an entry of appearance, a request to receive notice, and/or a proof of claim shall be determined by reference to the Court's records at the time the motion is served.

L.R.s 9013-1(B) and 9061(B) - The revision makes these rules consistent with one another as they both currently set forth the response deadline for motions heard on negative notice. The revision also clarifies that the standard time period set forth in the local rules gives way in instances where a different time period is mandated either by a more specific rule, Court order or notice, or provision of the Bankruptcy Code or Federal Bankruptcy Rules.

L.R. 9013-1 - Motion Practice.

- B. **Response Deadline.** Any entity intending to oppose a motion, application or other pleading shall file a written response. Unless otherwise specified, if the matter is set for hearing, any response shall be filed no later than 7 days before the date of hearing. If the matter will be heard on Negative Notice, ~~any~~ the response ~~shall be filed no later than 21 days after service of the motion, application, or pleading unless otherwise more specifically provided in any other of these Rules, the Federal Rules of Bankruptcy Procedure, or the Bankruptcy Code~~ time is governed by L.R. 9061(B). If the matter is one that may be determined without hearing under L.R. 9062, any response shall be filed immediately. Any response shall be served upon the movant or applicant and all creditors and parties in interest as directed by L.R. 9013-1(A).

L.R. 9061 - Negative Notice Procedures.

- B. **Response to Matters set on Negative Notice.** Unless another time period is specified by ~~any other of these Rules,~~ the Federal Rules of Bankruptcy Procedure, ~~or~~ the Bankruptcy Code, these Rules, or a Court notice or order, any party served with a motion or pleading to be heard on Negative Notice shall have 21 days after service to file a response to the motion or pleading. The response time for motions for continuation of utility service/adequate assurance of payment under 11 U.S.C. §366 shall be 30 days. The

respondent shall serve the response at the time the response is filed uponon the movant or applicant and uponon all entities described in L.R. 9013-1(A).

L.R. 9013-3(D)(1) - This rule is revised to reflect that the Court does not always require a Master Service List and Master Notice List in a Chapter 11 case, but that they should be used. The rule is also revised to include any case trustee, the case trustee's counsel, and any examiner as parties to be included on the Master Service List.

L.R. 9013-3 - Chapter 11 Case Administration.

D. **Master Service and Notice Lists.** The debtor shallshould maintain a Master Service and Master Notice List containing the names and addresses specified herein. The debtor shall update the lists as necessary, but not less than monthly and shall file the updated list with the Court, identifying the list by date.

1. **Master Service List.** The Master Service List shall contain the names and addresses of:

- A. the debtor;
- B. counsel for the debtor;
- C. counsel for primary secured lenders;
- D. counsel for any official committees; and
- E. the United States Trustee; ;
- F. the Trustee (if any) and the Trustee's counsel; and
- G. any examiner in the case.

In the event an official unsecured creditors' committee is not appointed, the names and addresses of the 20 largest unsecured creditors shall be on the Master Service List. A party may request to be added to the Master Service List by motion served on all parties identified in this paragraph and any entity requesting notice.

L.R. 9050(A) - This rule is revised for accuracy to reflect the Court's practice of requiring a party submitting a proposed order after a hearing to serve the order on all counsel rather than all parties that attended the hearing.

L.R. 9050 - Proposed Orders.

A. **Time for Submission.** Except for proposed orders from the Trustee and orders on Negative Notice, a proposed order shall 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 shall be submitted to the Court after expiration of the last date for response or after hearing, if any. The Certification of No Response shall 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 partiescounsel 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

shall send a letter to the Court with a copy either faxed or e-mailed to the any opposing counsel advising the Court that agreement has not been reached and providing opposing counsel 72 hours from the time the letter is faxed or e-mailed to submit a competing order.

L.R. 9060 - This rule is revised to reflect the Court’s general practice of requiring 21 days notice of hearing on motions unless a more specific rule, Bankruptcy Code provision, or Court order or notice requires a different period.

L.R. 9060 - Notices and Hearings.

- A. **Scheduling Hearings.** Unless a motion, application, or pleading may be heard on Negative Notice or may be considered without hearing, the movant shall contact the Courtroom Deputy for the judge before whom the matter is pending or shall consult the Court’s web page to obtain a hearing date and shall send notice of hearing as stated herein. Unless otherwise specified by the Bankruptcy Code, the Federal Rules of Bankruptcy Procedure, these Rules (e.g., L.R. 9061), or a Court order or notice, a hearing shall be set on no less than 21 days notice.
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L.R. 9061(E) - This rule is revised so that it is consistent with LR 9050(A) and so that it reflects the Court’s practice of requiring certificates of no response to be part of the proposed order submitted to the Court.

L.R. 9061 - Negative Notice Procedures.

- E. **Certification of No Response / Certification of Resolution.** If no response is filed, or if any response has been resolved prior to hearing, the movant shall file with the Court a “Certification of No Response / Certification of Resolution” along with a proposed order. The Certification of No Response or Resolution shall be part of the proposed order and shall be filed no later than 7 days after the response deadline. If a response has been filed and the matter is thereafter resolved, the Certification of No Response or Resolution may be filed at any time prior to hearing. The Certification of No Response or Resolution shall state substantially the following:

“The undersigned certifies that all entities entitled to notice of _____ [Name of Movant]’s _____ [Title of Motion or Pleading] in accordance with the Local Bankruptcy Rules have been served with the foregoing motion/pleading/objection and the time for response has passed. No responses in opposition have been filed or any responses in opposition have been resolved. Movant requests the Court enter the proposed order.”

L.R. 9070 - This rule is revised to require those participating in hearings via telephone to keep their phones on “mute” except when speaking and to not put their phones on “hold.” It is also

revised to reflect the Court's practice of only allowing attorneys and parties in the case to use the Court's telephone/video conference capabilities.

L.R. 9070 - Telephone and Video Conferences and/or Hearings. An attorney or a party in the case may request to participate in any hearing by telephone or video conference by contacting the Courtroom Deputy at least 7 days (or as soon as possible if there are less than 7 days between the date the underlying pleading was filed and the hearing thereon) before the date of the hearing. A party may only participate by telephone or video conference with Court authorization. Prior to contacting the Court for permission, the party or counsel seeking to appear by telephone or video conference shall obtain the consent of all other parties to the electronic or telephonic appearance. Those participating by telephone must put their telephones on "mute" except when they need to be heard and shall not put their telephones on "hold." Unless the Court otherwise directs, this procedure is available only to attorneys and parties who are not residents of the Eastern Division and to attorneys whose principal office is not within the Eastern Division. Such hearings may be deferred by the Court to the end of the hearing calendar. All parties shall remain available for the telephonic or video participation beginning at the scheduled hearing time until they are excused by the Court. The Court need not postpone the hearing because of a party's unavailability or because of problems with telephonic or video transmission.