

UNITED STATES BANKRUPTCY COURT
FOR THE
EASTERN DISTRICT OF TENNESSEE
LOCAL RULES

Effective May 17, 2005
as Amended October 17, 2005
February 25, 2008, December 1, 2008,
December 1, 2009, December 1, 2010,
and November 1, 2012

**LOCAL RULES OF THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF TENNESSEE**

TABLE OF CONTENTS

| | |
|--|----------|
| RULE 1001-1. SCOPE OF LOCAL RULES; TITLE; CITATION. | <u>1</u> |
| RULE 1007-1. LISTS, SCHEDULES & STATEMENTS. | <u>1</u> |
| RULE 1007-2. MAILING — LIST OR MATRIX | <u>1</u> |
| RULE 1007-4. LISTS, SCHEDULES & STATEMENTS. | <u>2</u> |
| RULE 1009-1. AMENDMENTS TO PETITIONS, LISTS, SCHEDULES & STATEMENTS | <u>2</u> |
| RULE 1017-1. CONVERSION — REQUEST FOR/ NOTICE OF. | <u>3</u> |
| RULE 1019-1. CONVERSION — PROCEDURE FOLLOWING. | <u>3</u> |
| RULE 1071-1. DIVISIONS — BANKRUPTCY COURT. | <u>3</u> |
| RULE 2002-1. NOTICE TO CREDITORS & OTHER INTERESTED PARTIES. | <u>4</u> |
| RULE 2002-2. NOTICE TO UNITED STATES OR FEDERAL AGENCY. | <u>4</u> |
| RULE 2002-4. NOTICE TO STATE OF TENNESSEE. | <u>5</u> |
| RULE 2015-1. TRUSTEES — GENERAL. | <u>5</u> |
| RULE 2015-2. DEBTOR IN POSSESSION DUTIES. | <u>5</u> |
| RULE 2016-1. COMPENSATION OF DEBTOR’S ATTORNEY IN CHAPTER 13 CASES. | <u>5</u> |
| RULE 2083-1. CHAPTER 13 — MONTHLY OPERATING REPORTS IN BUSINESS CASES. | <u>6</u> |
| RULE 2090-1. ATTORNEYS — ADMISSION TO PRACTICE. | <u>7</u> |
| RULE 2090-2. ATTORNEYS — DISCIPLINE AND DISBARMENT. | <u>7</u> |
| RULE 2091-1. ATTORNEYS — WITHDRAWALS. | <u>7</u> |
| RULE 3001-1. CLAIMS AND EQUITY SECURITY INTERESTS — GENERAL. | <u>8</u> |
| RULE 3002-1. FILING PROOF OF CLAIM. | <u>8</u> |
| RULE 3007-1. CLAIMS — OBJECTIONS. | <u>9</u> |
| RULE 3010-1. DIVIDENDS — SMALL. | <u>9</u> |

| | |
|--|--------------------|
| RULE 3015-1. CHAPTER 13 — PLAN. | 9 |
| RULE 3015-2. CHAPTER 13 — AMENDMENTS TO PLANS. | 9 |
| RULE 3015-3. CHAPTER 13 — CONFIRMATION | 10 |
| RULE 4001-1. AUTOMATIC STAY — RELIEF FROM..... | 11 |
| RULE 4001-2. AUTOMATIC STAY — IMPOSITION OR CONTINUATION. | 12 |
| RULE 4003-2. JUDICIAL LIEN AVOIDANCE. | 13 |
| RULE 4008-1. REAFFIRMATION — MOTION TO ENLARGE TIME FOR FILING REAFFIRMATION AGREEMENT..... | 14 |
| RULE 5001-2. CLERK — OFFICE LOCATION/ HOURS. | 14 |
| RULE 5003-1. CLERK — GENERAL/AUTHORITY | 14 |
| RULE 5005-1. FILING PAPERS — REQUIREMENTS..... | 14 |
| RULE 5005-4. ELECTRONIC FILING | 14 |
| RULE 5073-1. ELECTRONIC EQUIPMENT IN THE COURTROOM..... | 15 |
| RULE 5080-1. FEES — GENERAL | 15 |
| RULE 5081-1. FEES — FORM OF PAYMENT..... | 15 |
| RULE 6004-1. SALE OF ESTATE PROPERTY. | 15 |
| RULE 6007-1. ABANDONMENT..... | 16 |
| RULE 6008-1. REDEMPTION | 16 |
| RULE 7003-1. COVER SHEET | 17 |
| RULE 7004-2. SUMMONS. | 17 |
| RULE 7007-1. MOTION PRACTICE IN ADVERSARY PROCEEDINGS..... | 17 |
| RULE 7015-1. AMENDED AND SUPPLEMENTAL PLEADINGS..... | 18 |
| RULE 7026-1. DISCOVERY — GENERAL | 18 |
| RULE 7037-1. DISCOVERY — MOTIONS | 18 |
| RULE 7045-1. SUBPOENA — PRODUCTION OF DOCUMENTS | 18 |
| RULE 7056-1. SUMMARY JUDGMENT..... | 18 |
| RULE 9004-1. PAPERS — REQUIREMENTS OF FORM. | 19 |

| | |
|--|--------------------|
| RULE 9004-2. CAPTION — PAPERS, GENERAL | 19 |
| RULE 9006-1. TIME PERIODS.. | 19 |
| RULE 9009-1. FORMS. | 20 |
| RULE 9010-1. ATTORNEYS — NOTICE OF APPEARANCE. | 20 |
| RULE 9010-2. <i>PRO SE</i> PARTIES | 20 |
| RULE 9011-4. SIGNATURES.. | 21 |
| RULE 9013-1. MOTION PRACTICE. | 21 |
| RULE 9013-3. CERTIFICATE OF SERVICE.. | 27 |
| RULE 9014-1. FILING OF DISCOVERY MATERIALS | 28 |
| RULE 9019-1. SETTLEMENTS. | 28 |
| RULE 9019-2. MEDIATION.. | 29 |
| RULE 9070-1. EXHIBITS. | 31 |
| RULE 9072-1. PROPOSED ORDERS | 31 |

LOCAL FORMS

| | |
|------------------------|---|
| 1007.1 | Statement Regarding Payment Advices or Other Evidence of Payment |
| 2016.1 | Disclosure of Compensation of Attorney for Debtor |
| 3015.2 | Notice of Motion to Modify Confirmed Plan, Meeting with Trustee, and Objection Deadline |
| 3015.3 | Order Granting Motion to Modify and Confirming Modified Plan |
| 3015.4 | Notice of Plan Modification Before Confirmation, Continued Meeting of Creditors, and Objection Deadline |
| 9013.1 | Notice of Hearing |
| 9070.1 | Exhibit Summary |

RULE 1001-1. SCOPE OF LOCAL RULES; TITLE; CITATION

(a) Scope. Pursuant to Fed. R. Bankr. P. 9029(a), these local rules are adopted effective May 17, 2005, and supersede all previous rules of practice and procedure of this court and all standing and general orders. The rules govern all cases, contested matters, and adversary proceedings pending on or commenced after their effective date, except the court may enter an order excusing compliance to the extent it determines that their application in a particular case, matter, or proceeding would not be feasible or would work an injustice.

(b) Title and Citation. These rules are entitled the “Local Bankruptcy Rules of the United States Bankruptcy Court for the Eastern District of Tennessee,” and may be cited as “E.D. Tenn. LBR _____.”

RULE 1007-1. LISTS, SCHEDULES & STATEMENTS

The debtor must comply with 11 U.S.C. § 521(a)(1)(B)(iv) and Fed. R. Bankr. P. 1007(b)(1)(E) [requiring the filing of copies of all payment advices or other evidence of payment, if any, received by the debtor from an employer within 60 days before the filing of the petition] by filing a statement substantially conforming to Local Form 1007.1. For purposes of complying with Fed. R. Bankr. P. 1007(b)(1)(E), and 11 U.S.C. § 521(a)(1)(B)(iv), the debtor may simply attach to Local Form 1007.1 the debtor’s most recent paycheck stub showing year-to-date earnings if the debtor has worked the same job for the last 60 days before the date of the filing of the petition.

RULE 1007-2. MAILING — LIST OR MATRIX

(a) Requirement of Master Address List. A master address list must be filed along with any petition initiating a voluntary bankruptcy case or within 14 days after the entry of an order for relief in an involuntary case. The list will be treated as the list of creditors required by Fed. R. Bankr. P. 1007(a). The list must include the names and complete addresses of all creditors and parties in interest, including equity security holders in a chapter 11 case who must be notified of the case pursuant to Fed. R. Bankr. P. 2002(d), and the addresses of all parties required to be notified under Fed. R. Bankr. P. 2002(j). In all chapter 11 cases and in any other case in which a department, agency, or instrumentality of the United States is a party, the list must also include the address of the United States Attorney.

(b) Form of Master Address List. The master address list must be in such form as prescribed by the clerk of the court, which can be found on the court’s web site, www.tneb.uscourts.gov.

(c) Verification of Master Address List. Every master address list must be accompanied by a verification stating “I declare (or certify, verify, or state) under penalty of perjury that the attached list of creditors is true and correct.” The verification must be dated and signed by each debtor.

RULE 1007-4. LISTS, SCHEDULES & STATEMENTS

Fed. R. Bankr. P. 1007(b)(7) may be satisfied by the filing of a certificate issued by an approved personal financial management provider bearing (i) the debtor's name, (ii) the case number, (iii) a certification by such provider that the debtor completed an instructional course in personal financial management and that the provider is an approved personal financial management provider, and (iv) an electronic ("/s/") or manual signature by an authorized agent of the provider. This rule does not preclude the debtor from complying with Fed. R. Bankr. P. 1007(b)(7) by completing and filing Official Form 23; the debtor must use Official Form 23 if the debtor asserts that no personal financial management course is required.

RULE 1009-1. AMENDMENTS TO PETITIONS, LISTS, SCHEDULES & STATEMENTS

(a) Form. Any amendment to a petition, list, schedule or statement must be made utilizing the Official Forms to the extent possible, must contain a caption, including the debtor's name and case number, and must set forth a title for the document, including the word "Amended." Unless the sole purpose of the amendment is to correct an existing creditor's address, the amendment must be verified by the debtor in the same manner that the item being amended was originally executed and verified.

(b) Service. All amendments must be accompanied by a certificate evidencing service by the debtor on the trustee, if one has been appointed, the United States trustee, and any affected entity. If the amendment is to the petition, the Statement of Social Security Number (Official Form 21), or Schedule C (Property Claimed as Exempt), all creditors are deemed affected such that the certificate of service for the amended petition, statement, or schedule must evidence service on all creditors and other parties in interest.

(c) Added Creditors. Amendments to schedules adding additional creditors or changing the address of a creditor must contain only the additional or corrected information. The amended schedule shall be accompanied by—

- (1) the required amendment fee if adding a creditor (no fee required if merely changing an address); and
- (2) a certificate evidencing service on the trustee and the affected creditor of a copy of—
 - (i) the amended schedule; and
 - (ii) notice of the Bankruptcy Case issued by the clerk of the court and containing the debtor's full social security number.

(d) Correction of Debtor's Social Security Number. To correct an error in the debtor's social security number, the debtor must submit to the clerk an amended Statement of Social Security Number (Official Form 21), accompanied by a separate certificate of service for filing, which evidences service of the Statement on the trustee, the United States trustee, and all creditors and parties in interest. If the error is in the last four digits of the social security number, the debtor must also file an amended petition with the correct last four digits.

RULE 1017-1. CONVERSION — REQUEST FOR/ NOTICE OF

(a) Conversion from Chapter 13 or 12 to Chapter 7. Pursuant to 11 U.S.C. § 1307(a), 11 U.S.C. § 1208(a), and Fed. R. Bankr. P. 1017(f)(3), a debtor may convert a chapter 13 or chapter 12 case to chapter 7 by filing a notice of conversion. Any motion filed by a debtor seeking to convert a chapter 13 or chapter 12 case to a case under chapter 7 will be treated as a notice of conversion and should not be accompanied by a Notice of Hearing as set forth in Local Rule 9013-1(f). Any conversion notice or motion must be accompanied by the required conversion fee.

(b) Conversion from Chapter 7. A debtor may seek conversion pursuant to 11 U.S.C. § 706(a) only by motion. The movant must serve the motion on all creditors and set the motion for hearing in accordance with the procedure in Local Rule 9013-1(f) or utilize the passive notice procedure of Local Rule 9013-1(h). Each motion must be accompanied by a proposed order, approved for entry by the movant and served with the motion on all creditors. The conversion will be effective upon entry of the order.

RULE 1019-1. CONVERSION — PROCEDURE FOLLOWING

Within 30 days following the conversion of a chapter 13 case to chapter 7, the chapter 13 trustee must—

- (1) disburse to the clerk of the court any unpaid filing fee to the extent the trustee has funds on hand;
- (2) distribute all plan payments in accordance with the plan unless the plan was not confirmed prior to conversion in which event the trustee must return all plan payments to the debtor after deducting any unpaid claim allowed under 11 U.S.C. § 503(b);
- (3) turn over to the chapter 7 trustee all records and property of the estate in the chapter 13 trustee’s possession or control except plan payments; and
- (4) file a final report and account.

RULE 1071-1. DIVISIONS — BANKRUPTCY COURT

There are four divisions of the court. The headquarters of each division and the counties comprising each division are as follows:

| Name of Division | Clerk’s Office | Counties |
|-------------------------|-----------------------|---|
| Northeastern | Greeneville | Carter, Cocke, Greene, Hamblen, Hancock, Hawkins, Johnson, Sullivan, Unicoi, and Washington |
| Northern | Knoxville | Anderson, Blount, Campbell, Claiborne, Grainger, Jefferson, Knox, Loudon, Monroe, Morgan, Roane, Scott, Sevier, and Union |
| Southern | Chattanooga | Bledsoe, Bradley, Hamilton, McMinn, Marion, Meigs, Polk, Rhea, and Sequatchie |

| Name of Division | Clerk's Office | Counties |
|------------------|----------------|--|
| Winchester | Chattanooga | Bedford, Coffee, Franklin, Grundy, Lincoln, Moore, Van Buren, and Warren |

RULE 2002-1. NOTICE TO CREDITORS & OTHER INTERESTED PARTIES

(a) Returned Notices. Notices of the 11 U.S.C. § 341 meeting of creditors, orders dismissing the case, and discharge orders will have a return address of the debtor's counsel or the debtor if *pro se*. If a notice or order is returned as undeliverable, the debtor must determine the correct address, re-serve the notice or order, file a certificate of service with the clerk, and amend the appropriate schedule to reflect the correct address for the creditor. If corrected addresses are unavailable, debtor or counsel should file a notice with the clerk, who is then authorized to remove from the mailing list the undeliverable address. If any other notice, motion, or order is returned to the clerk as undeliverable, the clerk may forward the undelivered notice, motion, or order to the debtor's counsel or to the debtor if *pro se* for re-service in accordance with this rule.

(b) Chapter 11 Notices. Unless the court orders otherwise, notices required by Fed. R. Bankr. P. 2002(a)(2)-(3) and 4001(b)-(d) in chapter 11 cases must be served only on—

- (1) any party entitled to notice under Fed. R. Bankr. P. 9014;
- (2) the debtor and the debtor's attorney (unless the debtor is giving the notice);
- (3) the trustee, if any (unless the trustee is giving the notice);
- (4) all other parties requesting notices;
- (5) counsel for all committees appointed under 11 U.S.C. § 1102;
- (6) the creditors holding the 20 largest unsecured claims if no committee of unsecured creditors has been appointed;
- (7) all secured creditors;
- (8) the United States trustee;
- (9) any government or department, agency, or instrumentality of any government to which the debtor may be indebted or that may otherwise be affected; and
- (10) the United States Attorney, if the United States or any department, agency, or instrumentality of the United States is a creditor or may be otherwise affected.

RULE 2002-2. NOTICE TO UNITED STATES OR FEDERAL AGENCY

(a) Notice to the United States Trustee. The appropriate address for transmittal to the Office of the United States trustee can be found on the court's web site, www.tneb.uscourts.gov.

(b) Notice to the United States. Notices to the United States or any of its agencies, departments, or instrumentalities must be served at the address listed on the court's web site, www.tneb.uscourts.gov, for that particular agency, department, or instrumentality. In the event notice to the United States is required, notice must also be served on the United States Attorney at the address listed on the court's web site. The notice requirements of this subdivision must be utilized in conjunction with the service requirements of Fed. R. Bankr. P. 7004(b)(4) and (5).

RULE 2002-4. NOTICE TO STATE OF TENNESSEE

Notices to the State of Tennessee or any of its agencies, departments, or instrumentalities must be served on the Tennessee Attorney General at the address set forth on the court's web site, www.tneb.uscourts.gov.

RULE 2015-1. TRUSTEES — GENERAL

The chapter 7 panel trustees and the standing trustees in chapter 13 and chapter 12 cases serving this court and their authorized representatives are exempt from the payment of fees for Web PACER (Public Access to Court Electronic Records) for the sole purpose of accessing case information from the PACER system in furtherance of their official duties as trustees. Any such trustee or authorized representative who accesses case information from the PACER system pursuant to this rule is presumed to be acting in furtherance of his or her official duties as trustee.

RULE 2015-2. DEBTOR IN POSSESSION DUTIES

(a) Content of Chapter 11 Operating Reports. Unless the court orders otherwise, the debtor in possession or trustee, if one has been appointed, in a chapter 11 business case must file no later than the 15th day of each month verified monthly reports setting forth the information required by 11 U.S.C. § 308 in the format required by the United States trustee.

(b) Service of Chapter 11 Operating Reports. The debtor in possession or trustee, if one has been appointed, must serve a copy of each operating report on the United States trustee, any committee of creditors appointed under 11 U.S.C. § 1102, the United States Attorney, the Internal Revenue Service, and any other creditor or party in interest that submits a written request for copies of such reports.

RULE 2016-1. COMPENSATION OF DEBTOR'S ATTORNEY IN CHAPTER 13 CASES

(a) Presumptive Fee.

(1) *Base Fee for Preconfirmation and Routine Services.* In a chapter 13 case, a debtor's attorney may, without filing an itemized statement, request a Base Fee in an amount not to exceed \$3,000 for all services rendered and expenses incurred prior to confirmation of the plan and all routine services and expenses anticipated to be rendered or incurred after confirmation. The amount of the Base Fee must be stated in the chapter 13 plan and on a Disclosure of Compensation of Attorney for Debtor form substantially conforming to Local Form 2016.1, which must be filed in accordance with Fed. R. Bankr. P. 2016(b). The chapter 13 trustee shall review the request for a Base Fee and file an objection if the trustee believes the fee request is excessive under the circumstances of the case. The trustee's submission of a proposed confirmation order for entry by the court shall be deemed a statement by the trustee that he or she has reviewed the fee request and has no objection. Absent an objection to the Base Fee provision of the plan filed in accordance with Local Rule 3015-3(a), the court will generally approve the Base Fee upon plan confirmation without

further notice or a hearing. However, the court *sua sponte* may require a hearing on any Base Fee.

(2) *Supplemental Fees for Postconfirmation, Non-routine Services.* Any attorney who has received a Base Fee pursuant to subdivision (a)(1) of this rule, and who seeks additional compensation or reimbursement of expenses for representing the debtor in connection with the case after plan confirmation for services or expenses not considered routine, must file an itemized fee application that complies with Fed. R. Bankr. P. 2016(a). In filing the application, the attorney must follow the motion procedure set forth in Local Rule 9013-1, which requires, *inter alia*, that the application be accompanied by a proposed order and be set for hearing or contain the passive notice language. The application must set forth the effect of the additional fee, if any, on the dividend to be paid unsecured creditors under the confirmed plan. The applicant must serve the application, along with the proposed order, on the debtor and the trustee; the application must also be served on all creditors and other parties in interest if (A) the fee requested exceeds \$1,000, or (B) the additional fee would affect the dividend to be paid unsecured creditors under the confirmed plan. The chapter 13 trustee shall review the amount sought and object thereto if the trustee believes the amount is excessive under the circumstances of the case. As provided by 11 U.S.C. § 331, applications for additional compensation or reimbursement of expenses may not be filed more often than once every 120 days. As provided by 11 U.S.C. § 503(b)(2), amounts awarded under this subdivision (and the other subdivisions of this rule) constitute administrative expenses.

(b) Lodestar Fee. In any case in which the attorney seeks initial compensation in excess of \$3,000 or in any case in which the attorney chooses to seek compensation other than as prescribed in subdivision (a) of this rule, the attorney must file a fee application including an itemized statement conforming to Fed. R. Bankr. P. 2016(a). In filing the application, the attorney must follow the motion procedure set forth in Local Rule 9013-1, which requires, *inter alia*, that the application be accompanied by a proposed order and be set for hearing or contain the passive notice language. In addition to the requirements of Fed. R. Bankr. P. 2016(a), the application must set forth the effect of the fee on the dividend to be paid unsecured creditors under the debtor's plan. The applicant must serve the application or a summary thereof, along with the proposed order, on the debtor, the trustee, and all creditors and parties in interest and certify service as required by Local Rule 9013-3. In addition, the attorney must timely file the compensation disclosure statement required by Fed. R. Bankr. P. 2016(b). The chapter 13 trustee shall review the amount sought and object thereto if the trustee believes the amount is excessive under the circumstances of the case.

RULE 2083-1. CHAPTER 13 — MONTHLY OPERATING REPORTS IN BUSINESS CASES

A chapter 13 debtor engaged in business must file a monthly operating report by the 15th day of the month following the reporting month. This report must include a statement of receipts and disbursements and, if payments are made to employees, a statement of the deductions for withholding and Social Security taxes, including the place where such deposits are held. A copy of the report must be served on the chapter 13 trustee, the Internal Revenue Service, and any other creditor or party in interest that submits a written request for copies of such reports.

RULE 2090-1. ATTORNEYS — ADMISSION TO PRACTICE

(a) Attorney Practice Before the Court. Except for activities not requiring representation by an attorney pursuant to Local Rule 9010-2(a), attorneys may not practice before this court unless—

- (1) admitted to practice in the United States District Court for the Eastern District of Tennessee and presently in good standing before the district court;
- (2) representing the United States and authorized to practice before the district court under Rule 83.5(h) of the Local Rules of the United States District Court for the Eastern District of Tennessee; or
- (3) admitted to practice *pro hac vice* under subdivision (c) of this rule.

(b) General Admission. The bar of this court consists of all attorneys admitted to practice before the district court in accordance with Rule 83.5 of the Local Rules of the United States District Court for the Eastern District of Tennessee and presently in good standing before the district court.

(c) Admission Pro Hac Vice. An attorney who is in good standing as a member of the bar of a state and is admitted to practice in a United States District Court may be admitted *pro hac vice* by comity to appear before this court in a particular case, contested matter, or adversary proceeding. Admission *pro hac vice* must be sought by written motion that includes or is accompanied by a statement signed by the attorney under penalty of perjury and setting forth—

- (1) the movant's office address, telephone and fax numbers, and e-mail address;
- (2) each court to which the movant is admitted to practice; and
- (3) that the movant is in good standing and eligible to practice in all courts to which he or she is admitted.

The movant must submit with the motion a proposed order granting the motion, approved for entry by the movant. Except in adversary proceedings, the court in its discretion may waive the requirement of a written motion and in lieu thereof may permit the motion to be made orally on the record by a member of the bar of this court.

RULE 2090-2. ATTORNEYS — DISCIPLINE AND DISBARMENT

The Rules of Professional Conduct as adopted by the Supreme Court of Tennessee (Rule 8 of that court's rules) are likewise adopted by this court as rules of professional conduct to the extent they relate to matters within this court's jurisdiction.

RULE 2091-1. ATTORNEYS — WITHDRAWALS

(a) Withdrawal by Attorney for Debtor in a Bankruptcy Case or Adversary Proceeding. An attorney who has made an appearance on behalf of a debtor as determined by Local Rule 9010-1 may not withdraw from representation of the debtor except by leave of court for cause shown. The attorney seeking to withdraw must either file a motion setting forth the basis for the requested withdrawal or, in the event the debtor has obtained the services of other counsel, a motion for entry of an agreed order of substitution of counsel signed by both attorneys. If a motion to withdraw is filed in a bankruptcy case, the attorney must set the motion for hearing in accordance with Local Rule 9013-1(f) and serve the motion and proposed order upon the debtor and the trustee. If a motion to withdraw is filed in an adversary proceeding, the attorney must serve the motion and proposed order upon the debtor and all other parties. If an agreed order of substitution of counsel is tendered,

the new attorney must file the disclosure of compensation statement required by 11 U.S.C. § 329 and Fed. R. Bankr. P. 2016(b) within 14 days after entry of the agreed order.

(b) Withdrawal by Attorney for Party Other than Debtor in a Bankruptcy Case. An attorney who has made an appearance on behalf of a non-debtor party in a bankruptcy case as determined by Local Rule 9010-1 may withdraw from representation without leave of court by filing a notice stating that the attorney no longer represents the party. In the event that the party has obtained the services of other counsel, a notice of substitution of counsel may be filed by the new attorney that includes the new attorney's name, office address, telephone and fax numbers, and e-mail address.

(c) Withdrawal by Attorney for Party Other than Debtor in an Adversary Proceeding. An attorney who has made an appearance on behalf of a non-debtor party in an adversary proceeding as determined by Local Rule 9010-1 may not withdraw from representation except by leave of court. The attorney seeking to withdraw must either file a motion setting forth the basis for the requested withdrawal or, in the event the party has obtained the services of other counsel, a motion for entry of an agreed order of substitution signed by both attorneys. If a motion to withdraw is filed, the attorney must set the motion for hearing in accordance with Local Rule 9013-1(f) and serve the motion and proposed order on all parties to the adversary proceeding.

RULE 3001-1. CLAIMS AND EQUITY SECURITY INTERESTS — GENERAL

(a) Attachments to Proofs of Claim. As an alternative to filing exhibits with a proof of claim, including evidence of a writing and proof of perfection of a security interest, a claimant may file as an attachment to the proof of claim a summary of exhibits, utilizing the Exhibit Summary Form, Local Form 9070.1. The claimant must, however, serve the actual exhibits, along with the proof of claim, on the trustee. In addition, if the exhibit summary form is used, the claimant must have the actual exhibits available at any hearing pertaining to the claim.

(b) Proof of Perfection by Secured Creditors.

(1) *Submission to Trustee.* Prior to the meeting of creditors in chapter 7, 12, and 13 cases, all creditors asserting a security interest in property of the estate or property of the debtor must submit to the trustee proof that the asserted security interest has been perfected in accordance with applicable law. Creditors asserting security interests are requested also to submit a statement of the approximate amount of debt secured by each lien.

(2) *Failure to Comply.* In the event the holder of a secured claim does not comply with the provisions of this rule and the trustee gives notice to the creditor in writing in accordance with Fed. R. Bankr. P. 9014(b) that it has failed to comply with the rule, the trustee may be entitled to recover costs related to the filing of an adversary proceeding against the creditor if the creditor fails to cure its noncompliance within 21 days of service of notice.

RULE 3002-1. FILING PROOF OF CLAIM

Every creditor filing a proof of claim must serve a copy of the claim along with attachments on any trustee in the case.

RULE 3007-1. CLAIMS — OBJECTIONS

(a) Procedure. Any party filing an objection to a claim must set the objection for hearing in accordance with the procedure in Local Rule 9013-1(f) or utilize the passive notice procedure of Local Rule 9013-1(h).

(b) Objection Requirements. In the event the objecting party utilizes the passive notice procedure of Local Rule 9013-1(h), the objection must be accompanied by an affidavit or declaration under penalty of perjury that sets forth the evidentiary basis for the objection unless the objection is premised on procedural grounds evident from the record.

(c) Proposed Order. Each objection to a claim must be accompanied by a proposed order sustaining the objection and approved for entry by the movant, which order must be served with the objection.

(d) Service. Each objection to a claim must contain a certificate evidencing service of the objection and proposed order (along with the Notice of Hearing if a hearing is set) on the claimant at the address set forth in the proof of claim, the debtor, debtor's counsel, and the trustee.

RULE 3010-1. DIVIDENDS — SMALL

Pursuant to Fed. R. Bankr. P. 3010(b), the trustee in a chapter 13 case is authorized to disburse and make payments of less than \$15 if the trustee deems it appropriate.

RULE 3015-1. CHAPTER 13 — PLAN

(a) Disclosure of Attorney Fees. A chapter 13 plan must set forth the amount of fees to be awarded to the debtor's attorney and any payments previously paid by the debtor on the fees.

(b) Transmission to Creditors. If the chapter 13 plan is filed with the petition, the clerk will be responsible for sending copies of the plan to creditors and other parties in interest. If a debtor elects to file a plan after the filing of the petition, the debtor or the debtor's attorney must send copies of the proposed plan to each creditor, any party in interest who has requested notice, and the chapter 13 trustee and file a certificate of service in accordance with Local Rule 9013-3.

RULE 3015-2. CHAPTER 13 — AMENDMENTS TO PLANS

(a) Modification of Confirmed Plans.

(1) *Procedure.* Except as provided in paragraph (7) of this subdivision, a debtor seeking to modify a confirmed chapter 13 plan must file—

- (i) a motion to modify the plan;
- (ii) the proposed modified plan;
- (iii) a Notice conforming to Local Form 3015.2; and
- (iv) if the motion seeks to reduce plan payments, amended Schedules I and J.

(2) *Contents of Motion.* The motion to modify must include—

- (i) a summary of the changes set forth in the proposed modified plan; and
- (ii) the reason for the modification.

(3) *Contents of Notice.* The date specified in the Notice for the meeting with the chapter 13 trustee must be designated by the debtor on a day prearranged by the trustee and must be at least 21 days after service of the motion, plan, and notice.

(4) *Service of the Motion.* The motion must contain a certificate evidencing service of the motion, the proposed modified plan, and the Notice on the chapter 13 trustee and all affected creditors and parties in interest. The chapter 13 trustee must also be served with copies of the amended schedules.

(5) *Objections to the Motion.* To be timely, an objection to the motion to modify must be filed with the clerk before the scheduled time of the meeting with the trustee or before the scheduled time of a continued meeting, or the objection must be lodged with the chapter 13 trustee at the meeting in the particular case. An objection filed beyond the time fixed in this rule will not be considered unless the court, for cause, extends the time. An objection must set forth the grounds relied upon by the objecting party and must contain a certificate evidencing service on the debtor, the debtor's attorney, and the chapter 13 trustee, unless the objection is lodged with the trustee during the meeting.

(6) *Court Consideration of Motion.* If no objection to the proposed modification is filed, the court may approve the modification without a hearing. In that event, the chapter 13 trustee must promptly tender an order approving the modification, bearing the signature of the trustee, in a form substantially conforming to Local Form 3015.3. If a party in interest objects to confirmation of the modified plan, the court will conduct a hearing, which (absent a contrary agreement of the objecting parties and the debtor) will be the first scheduled time for confirmation hearings that is at least seven days after the completion of the meeting with the chapter 13 trustee.

(7) *Agreed Order.* Notwithstanding the foregoing, a plan may be modified by an agreed order signed by counsel for the debtor and the trustee if the modification would not adversely affect any creditor and the agreed order so certifies.

(b) Pre-Confirmation Amendments. Where the debtor desires to amend a plan before confirmation and the amendment will materially adversely affect creditors, the amendment must be made by filing a new plan identified as an amended plan. The amended plan must be accompanied by—

- (1) a Notice conforming to Local Form 3015.4; and
- (2) a certificate evidencing service of the amended plan and the Notice on the chapter 13 trustee and all affected creditors and parties in interest.

Thereafter, the confirmation process will be governed by Local Rule 3015-3.

RULE 3015-3. CHAPTER 13 — CONFIRMATION

(a) Objections to Confirmation. To be timely, an objection to confirmation of a chapter 13 plan must be filed with the clerk before the scheduled time of the § 341(a) meeting of creditors or before the scheduled time of a continued meeting, or the objection must be lodged with the chapter 13 trustee at the meeting of creditors in the particular case. An objection filed beyond the time fixed in this rule will not be considered unless the court, for cause, extends the time. An objection must

set forth the grounds relied upon by the objecting party and must contain a certificate evidencing service on the debtor, the debtor's attorney, and the chapter 13 trustee, unless the objection is lodged with the trustee during the § 341(a) meeting of creditors.

(b) Court Consideration of Plan. If no objection to the plan is filed, the court may confirm the plan without a hearing. If a party in interest objects to plan confirmation, the court will conduct a hearing. The court has determined that it would be in the best interests of creditors and the estate to hold confirmation hearings at a date earlier than 20 days after the date of the meeting of creditors under 11 U.S.C. § 341(a) if there is no objection to such earlier date. Accordingly, the confirmation hearing will (absent a contrary agreement of the objecting parties and the debtor) be the first scheduled time for confirmation hearings that is at least seven days after the completion of the meeting of creditors, unless a written objection to such time is filed or lodged in the same manner and by the same deadlines as an objection to confirmation, as provided in subdivision (a) of this rule. If such written objection to the scheduled time of the confirmation hearing is timely filed or lodged, the confirmation hearing will (absent a contrary agreement of the objecting parties and the debtor) be the first scheduled time for confirmation hearings that is at least 20 days after the completion of the meeting of creditors.

RULE 4001-1. AUTOMATIC STAY — RELIEF FROM

(a) Chapter 7 Cases.

(1) *Contents of Motion.* A motion for relief from the automatic stay filed by a secured creditor in a chapter 7 case must state the basis for the relief sought and include a statement of the unpaid balance of the creditor's claim as of the date of filing of the debtor's petition and a description of the collateral in which the creditor asserts a security interest.

(2) *Attachments.* Documents or pertinent excerpts of the documents which evidence the creation and perfection of a security interest such as the security agreement, UCC-1 financing statement, certificate of title, or deed of trust must be attached to the motion. Alternatively, such documents may be summarized in the body of the motion or listed in an attachment to the motion, utilizing the Exhibit Summary Form, Local Form 9070.1. Regardless of whether the movant chooses to file the documents as attachments to the motion or merely summarize the documents either in the motion or in a separate Exhibit Summary Form, copies of such documents or their pertinent excerpts must actually be served as provided in subdivision (a)(5) of this rule.

(3) *Procedure.* The movant must set the motion for hearing in accordance with Local Rule 9013-1(f) or utilize the passive notice procedure of Local Rule 9013-1(h).

(4) *Proposed Order.* Each motion must be accompanied by a proposed order, approved for entry by the movant, which must be served with the motion.

(5) *Service.* Each motion must contain a certificate evidencing service of the motion, actual copies of the attachments or their pertinent excerpts, and the proposed order (along with a Notice of Hearing if hearing is set) on the debtor, debtor's attorney, and trustee.

(b) Fed. R. Bankr. P. 4001(d) Motions in Chapter 11 Cases.

(1) *Scope.* This rule applies to agreements in chapter 11 cases—
(i) to provide adequate protection;

- (ii) to prohibit or condition the use, sale, or lease of property;
- (iii) to modify or terminate the stay provided for in 11 U.S.C. § 362(a);
- (iv) to use cash collateral; or
- (v) between the debtor and an entity that has a lien or interest in property of the estate pursuant to which the entity consents to the creation of a lien senior or equal to the entity's lien or interest in such property.

(2) *Motion.* Subject to Fed. R. Bankr. P. 4001(d)(4), approval of any agreement within the scope of this rule, whether in the form of a proposed agreed order or otherwise, must be sought by motion pursuant to Fed. R. Bankr. P. 4001(d). A copy of the agreement must be attached to the motion and signed by the debtor in possession or trustee if one has been appointed.

(3) *Procedure.* The movant must set the motion for hearing in accordance with Local Rule 9013-1(f) or utilize the passive notice procedure of Local Rule 9013-1(h).

(4) *Proposed Order.* Each motion must be accompanied by a proposed order, approved for entry by the movant, which must be served with the motion.

(5) *Service.* Each motion must contain a certificate evidencing service of the motion and proposed order (along with a Notice of Hearing if a hearing is set) on the parties identified in Local Rule 2002-1(b).

(c) Waiver of Automatic Termination Provisions. If the movant utilizes the passive notice procedure of Local Rule 9013-1(h) in a case under chapter 7, or does not schedule a hearing on a motion for relief from the automatic stay for a date that is within 30 days after the date the motion was filed in a case under any chapter, the movant is deemed to have waived the automatic termination provisions of 11 U.S.C. § 362(e)(1).

RULE 4001-2. AUTOMATIC STAY — IMPOSITION OR CONTINUATION

(a) Motion to Impose Stay

(1) *Contents of Motion.* A motion to impose a stay filed by a debtor pursuant to 11 U.S.C. § 362(c)(4)(B) must—

- (i) identify the creditors proposed to be stayed;
- (ii) list the case numbers of all cases pending within the year preceding the commencement of the current case, along with the reasons the cases were dismissed; and
- (iii) set forth the facts that demonstrate that the filing of the present case is in good faith as to the creditors proposed to be stayed.

(2) *Procedure.* The movant must set the motion for hearing at least seven days after the date of notice. If a party desires a hearing on notice that is less than seven days, or that requires a special setting that is not one of the court's scheduled motion days, the party must seek permission from the court by contacting a courtroom deputy clerk.

(3) *Proposed Order.* Each motion must be accompanied by a proposed order, approved for entry by the movant, which must be served with the motion. Each order must identify the creditors to be stayed.

(4) *Service.* Each motion must contain a certificate evidencing service of the motion and proposed order, along with a Notice of Hearing, on each creditor proposed to be stayed.

(b) Motion to Continue Stay

(1) *Contents of Motion.* A motion to continue a stay filed by a debtor pursuant to 11 U.S.C. § 362(c)(3)(B) must—

- (i) identify the creditors proposed to be stayed;
- (ii) list the case number of the case pending within the year preceding the commencement of the current case, along with the reason the case was dismissed; and
- (iii) set forth the facts that demonstrate that the filing of the present case is in good faith as to the creditors proposed to be stayed.

(2) *Procedure.* The movant must set the motion for hearing in accordance with Local Rule 9013-1(f).

(3) *Proposed Order.* Each motion must be accompanied by a proposed order, approved for entry by the movant, which must be served with the motion. Each order must identify the creditors to be stayed.

(4) *Service.* Each motion must contain a certificate evidencing service of the motion and proposed order, along with a Notice of Hearing, on each creditor proposed to be stayed.

RULE 4003-2. JUDICIAL LIEN AVOIDANCE

(a) Contents of Motion. A motion to avoid a judicial lien filed by a debtor pursuant to 11 U.S.C. § 522(f)(1)(A) must set forth—

- (1) the factual basis for the motion, including the amount of the lien;
- (2) the identity and fair market value of the property subject to the lien;
- (3) the nature and amount of any other debts or obligations secured by an interest in the property; and
- (4) the dollar amount of the exemption.

(b) Procedure. The movant must set the motion for hearing in accordance with Local Rule 9013-1(f) or utilize the passive notice procedure of Local Rule 9013-1(h).

(c) Proposed Order. Each motion must be accompanied by a proposed order, approved for entry by the movant, which must be served with the motion.

(d) Service. Each motion must contain a certificate evidencing service of the motion and proposed order (along with a Notice of Hearing if hearing is set) on the trustee and the lien holder.

**RULE 4008-1. REAFFIRMATION — MOTION TO ENLARGE
TIME FOR FILING REAFFIRMATION AGREEMENT**

(a) Initial Motion. The court will ordinarily grant a single enlargement of the time to file a reaffirmation agreement under Fed. R. Bankr. P. 4008(a) for not more than 30 days upon the filing of a motion by the debtor and submission of a proposed order as set forth in Local Rule 9013-1(c).

(b) Subsequent Motion(s). For each further enlargement of the time for filing a reaffirmation agreement requested by the debtor, the debtor must file a motion stating—

- (i) how many motions to enlarge the time for filing reaffirmation agreements have previously been filed;
- (ii) the original deadline under Fed. R. Bankr. P. 4008(a);
- (iii) the amount of enlargement granted in response to each previous motion; and
- (iv) the specific grounds for a further enlargement.

If those grounds include difficulty in obtaining a reaffirmation agreement with a creditor, the statement of the grounds must include the name of each such creditor and a description of the efforts made by the debtor to procure the execution of each agreement. The motion must be accompanied by a proposed order granting the relief sought thereby as set forth in Local Rule 9013-1(c).

RULE 5001-2. CLERK — OFFICE LOCATION/ HOURS

The mailing addresses and hours of business of the clerk's divisional offices are listed on the court's web site, www.tneb.uscourts.gov.

RULE 5003-1. CLERK — GENERAL/AUTHORITY

The clerk, deputy clerks, and all other court personnel are prohibited from giving any legal advice and assume no responsibility for information or misinformation regarding the applicability of bankruptcy laws and rules, including the local rules of this court.

RULE 5005-1. FILING PAPERS — REQUIREMENTS

Papers should be filed in the office of the clerk responsible for maintaining the records for the division in which the case or adversary proceeding is pending.

RULE 5005-4. ELECTRONIC FILING

(a) Internet Filing. Documents may be filed, signed or verified by electronic means that are consistent with technical standards established by the Judicial Conference of the United States and are in compliance with the Administrative Procedures for Electronic Case Filing adopted by the court and available on the court's web site, www.tneb.uscourts.gov.

(b) Electronic Filing Mandatory. All attorneys practicing in this court must register as a Registered User of the Electronic Case Filing (ECF) system and file their pleadings and other papers electronically through the ECF system. Any attorney desiring to file a document in the traditional manner must file with the document a motion for leave to do so, alleging the facts and circumstances that the attorney believes constitute good cause for suspending the operation of the preceding sentence. The motion must be accompanied by a proposed order, approved for entry by the movant.

(c) Facsimile Filing. Documents may not be filed by facsimile transmission except with the prior express permission of the court.

RULE 5073-1. ELECTRONIC EQUIPMENT IN THE COURTROOM

Unless the court orders otherwise, no photographic, recording, broadcasting, or telephonic equipment (including pagers) may be utilized in the courtroom during any judicial proceeding. Portable computers may, however, be operated in the courtroom in silent mode.

RULE 5080-1. FEES — GENERAL

The payment of applicable fees is required upon the filing of any petition, motion, or complaint, except a petition accompanied by an application to pay the filing fees in installments or for waiver of the filing fee in accordance with Fed. R. Bankr. P. 1006(b) and (c), respectively. A list of the required fees is available on the court's web site, www.tneb.uscourts.gov. Once a fee has been paid, it may not be returned except by order of the court. Upon dismissal of a chapter 13 case, the chapter 13 trustee must pay any unpaid filing fee from funds on hand at the time of dismissal.

RULE 5081-1. FEES — FORM OF PAYMENT

With respect to conventional paper filings, fees to the clerk must be paid by cash, cashier's check, money order, check drawn on a business account other than the debtor's, or check drawn on a client account or trust account of the attorney of record. In addition, attorneys having completed the requisite form may pay filing fees by major credit cards in accordance with the procedures prescribed by the clerk. Such forms are available from the clerk and on the court's web site, www.tneb.uscourts.gov. For electronic filings, all required fees must be paid by credit or debit card.

RULE 6004-1. SALE OF ESTATE PROPERTY

(a) Notice of Proposed Sale of Property.

(1) *Content of Notice.* Notice of a proposed use, sale or lease of property must, in addition to the requirements of Fed. R. Bankr. P. 2002(c)(1), set forth—

- (i) the name of the proposed buyer; and
- (ii) the consideration to be received by the estate or the debtor.

(2) *Procedure.* The party giving notice must set the notice for hearing in accordance with Local Rule 9013-1(f) or utilize the passive notice procedure of Local Rule 9013-1(h).

(3) *Proposed Order.* In the event the party giving notice seeks entry of an order approving the sale, the notice must be accompanied by a proposed order, approved for entry by the movant, which must be served with the notice.

(4) *Service.* The notice must contain a certificate evidencing service of the notice and any proposed order, along with the Notice of Hearing if a hearing is set, on all creditors and parties in interest.

(b) Sales of Property Subject to Liens or Other Interests.

(1) *Motion Requirement and Contents.* A request to sell property free and clear of liens or other interests must be in the form of a motion which sets forth—

- (i) the identity of the lien or interest holder;
- (ii) the amount of such claim; and
- (iii) the basis for the sale under 11 U.S.C. § 363(f).

(2) *Procedure.* The movant must set the motion for hearing in accordance with Local Rule 9013-1(f).

(3) *Proposed Order.* The motion must be accompanied by a proposed order granting the motion and approved for entry by the movant, which order must be served with the motion.

(4) *Service.* The motion must contain a certificate evidencing service of the motion, proposed order, and Notice of Hearing on the parties who have liens or other interests in the property to be sold.

(c) Report of Sale. Within 14 days of the closing of a sale, a report of sale must be filed and served on the debtor, the trustee, and the United States trustee.

(d) Sales by Chapter 13 Debtors. A motion to sell property filed by a debtor in a chapter 13 case must comply with subdivision (a) of this rule. If the motion seeks to sell the property free and clear of liens or other interests, the motion must also comply with subdivision (b) of this rule.

RULE 6007-1. ABANDONMENT

Pursuant to Fed. R. Bankr. P. 6007(a), a chapter 7 trustee in a “no asset” case may, at or after the meeting of creditors held pursuant to 11 U.S.C. § 341(a), abandon property of the estate without notice to creditors or the United States trustee unless a written request for notice is filed at or before the meeting.

RULE 6008-1. REDEMPTION

(a) Contents of Motion. A motion to redeem pursuant to 11 U.S.C. § 722 and to Fed. R. Bankr. P. 6008 must, in addition to other material averments, contain—

- (1) a description of the property sought to be redeemed;
- (2) a statement of the debtor’s good faith estimate of the value of the collateral; and
- (3) a statement that the property has been abandoned or is exempt.

(b) Procedure. The movant must set the motion for hearing in accordance with Local Rule 9013-1(f) or utilize the passive notice procedure of Local Rule 9013-1(h).

(c) Proposed Order. Each motion must be accompanied by a proposed order, approved for entry by the movant, which must be served with the motion.

(d) Service. Each motion must contain a certificate evidencing service of the motion and proposed order, along with the Notice of Hearing if a hearing is set, on the trustee and the creditor.

RULE 7003-1. COVER SHEET

An adversary proceeding cover sheet in the form prescribed by the Administrative Office of the United States Courts must be completed and filed with each complaint filed conventionally. Blank cover sheet forms are available from the clerk and on the court's web site, www.tneb.uscourts.gov.

RULE 7004-2. SUMMONS

Upon the filing of a complaint, the plaintiff must present a form of summons to the clerk for signature and seal. The summons form must conform substantially to the form prescribed by the Administrative Office of the United States Courts, copies of which are available from the clerk and on the court's web site, www.tneb.uscourts.gov. If the summons is in proper form, the clerk will issue the summons to the plaintiff for service. The party or attorney serving the complaint and summons must file a certificate evidencing service but the failure to do so does not affect the validity of the service. The clerk will issue an alias summons only upon request.

RULE 7007-1. MOTION PRACTICE IN ADVERSARY PROCEEDINGS

(a) Motion, Response, and Briefs. A motion filed in an adversary proceeding must be accompanied by a brief setting forth the facts and the law supporting the motion. Unless the court directs otherwise, the opposing party must file a response within 21 days after the date of filing of the motion. Any response must be supported by a brief setting forth the facts and the law in opposition to the motion. A failure to respond timely will be construed to mean that the respondent does not oppose the relief requested by the motion. After the time for response has expired, the court may rule on the motion without a hearing. A party may request a hearing on any motion.

(b) Proposed Orders. All motions in adversary proceedings must be accompanied by a proposed order, which must be served with the motion, granting the requested relief and approved for entry by the movant. A movant's failure to submit a proposed order with the motion may result in the entry of an order denying the motion without prejudice.

RULE 7015-1. AMENDED AND SUPPLEMENTAL PLEADINGS

A party who moves to amend a pleading in an adversary proceeding must attach a copy of the proposed amended pleading as an exhibit to the motion.

RULE 7026-1. DISCOVERY — GENERAL

(a) Automatic Disclosure Requirements. Pursuant to Fed. R. Bankr. P. 9014(c) and 1018, the provisions of Fed. R. Civ. P. 26(a)(1)-(4) and 26(f) do not apply in contested matters or to contested involuntary petitions unless the court orders otherwise.

(b) Written Discovery Requests. The answers and responses to each set of written discovery requests must reproduce each question, interrogatory, or request verbatim.

RULE 7037-1. DISCOVERY — MOTIONS

Discovery motions pursuant to Fed. R. Bankr. P. 7026-7037 must include, in the motion or an attached brief, a verbatim recitation of each interrogatory, request, answer, response, and objection that is the subject of the motion, or a copy of the actual discovery document that is the subject of the motion. Also, the motions must be accompanied by a proposed order, approved for entry by the movant, which must be served with the motion.

RULE 7045-1. SUBPOENA — PRODUCTION OF DOCUMENTS

When a party is entitled, pursuant to a subpoena or court order, to inspect and obtain copies of books, papers, or documents of a person or entity that is not a party to the contested matter or adversary proceeding, the party inspecting and copying the materials must, within a reasonable period of time, provide to all other parties an opportunity to inspect and obtain copies of all such materials.

RULE 7056-1. SUMMARY JUDGMENT

(a) Statement of Undisputed Material Facts. Every motion for summary judgment pursuant to Fed. R. Bankr. P. 7056 must be accompanied by a statement of material facts which the movant contends are undisputed. Each fact must be set forth in a separate, numbered paragraph and supported by specific citation to material allowed by Fed. R. Civ. P. 56(c) that establishes the fact. Failure to submit such a statement may constitute grounds for denial of the summary judgment motion.

(b) Response to Statement of Undisputed Material Facts. Every response to a motion for summary judgment must be accompanied by a response to the movant's statement of undisputed material facts. The response must separately address each paragraph of the movant's statement, by—

- (1) agreeing that the fact is undisputed;
- (2) agreeing that the fact is undisputed for the purpose of summary judgment only; or

- (3) stating that the fact is disputed as demonstrated by specific citation to material allowed by Fed. R. Civ. P. 56(c).

Absent a response in accordance with the requirements of this subdivision, the material facts set forth in the movant's statement will be deemed admitted.

(c) Statement of Additional Undisputed Material Facts. The respondent may file, with the response to the motion, a statement of additional material facts that the respondent contends are undisputed and require the denial of the motion. The movant must respond to the statement within 14 days after service of the statement of additional undisputed material facts. The content of the statement must be the same as prescribed in subdivision (a) of this rule, and the content of the response thereto must be the same as prescribed in subdivision (b) of this rule.

RULE 9004-1. PAPERS — REQUIREMENTS OF FORM

(a) General Form Requirements. Except for exhibits and attachments, all pleadings and other papers presented for filing must be 8½ inches by 11 inches in size; typed or legibly hand-printed; double-spaced, except for official forms and quoted material; and paginated consecutively at the bottom beginning with the second page. In addition, if presented for filing in a conventional manner, all papers must be on white paper of good quality; flat and unfolded; and fastened by paper clip or stapled in the upper left corner.

(b) Exhibits. Each exhibit should display a prominent number or letter by which reference is made in the document to which it is attached; should be numbered consecutively within if reference is made to a specific page of the exhibit; and not be two-sided.

RULE 9004-2. CAPTION — PAPERS, GENERAL

(a) Chapter and Division. In addition to the information required by Fed. R. Bankr. P. 9004(b) and, if applicable, 11 U.S.C. § 342(c) or Fed. R. Bankr. P. 1005 or 2002(n), every caption must identify the chapter of the case and the division in which the case or adversary proceeding is pending.

(b) Exhibits and Amendments. Exhibits and other attachments (including payment advices attached to Local Form 1007.1 and mailing matrixes attached to certificates of service), should normally be filed as attachments to the main document to which they relate. If, however, an exhibit or other attachment is filed as a docket entry separate from the paper to which it relates, the filing must include a cover sheet bearing the case caption and a description of the paper to which the document relates. Likewise, amendments to documents (including reaffirmation agreements) must include such a cover sheet.

RULE 9006-1. TIME PERIODS

(a) Contents of Motion. Every motion for an order extending or shortening time pursuant to Fed. R. Bankr. P. 9006(b)(1) and (c)(1), respectively, must describe in detail the need and justification for the relief sought and must allege the facts that the movant contends demonstrate cause for the relief sought.

(b) Procedure. The movant may utilize the procedure for *ex parte* motions prescribed by Local Rule 9013-1(g) or set the motion for hearing in accordance with Local Rule 9013-1(f).

(c) Proposed Order. Each motion must be accompanied by a proposed order, approved for entry by the movant, which must be served with the motion.

(d) Service. Each motion must contain a certificate evidencing service of the motion and proposed order (along with the Notice of Hearing if a hearing is set) on all parties that would be affected by the relief sought.

RULE 9009-1. FORMS

The forms appended to these Local Rules constitute part of these rules.

RULE 9010-1. ATTORNEYS — NOTICE OF APPEARANCE

(a) Filing Constitutes Appearance. The filing of any notice, petition, pleading, motion, brief, application, objection, response, order, or other paper constitutes an appearance by the attorney signing it.

(b) Scope of Appearance as Attorney for Debtor. Notwithstanding any purported limitation of appearance, entry of an appearance by debtor's counsel constitutes a general appearance for all contested matters and adversary proceedings pending or thereafter initiated to which the debtor is a party, including actions to determine dischargeability, to deny discharge, or to revoke discharge.

RULE 9010-2. PRO SE PARTIES

(a) Representation of Business Entities. A corporation, partnership, limited liability company, or other artificial legal entity may not appear in cases, contested matters, or adversary proceedings before this court without legal counsel, except that any such entity may, by or through an authorized officer, agent, attorney in fact, or proxy—

- (1) prepare, sign, and file a proof of claim or a notice of the transfer of a claim;
- (2) sign and file a reaffirmation agreement;
- (3) prepare, sign, and file a request for notices;
- (4) attend and participate in a meeting of creditors conducted pursuant to 11 U.S.C. § 341(a), including the examination of the debtor within the scope of the examination permitted by Fed. R. Bankr. P. 2004(b);
- (5) prepare, sign, and file a professional fee application, and appear in court in support of a professional fee application;
- (6) prepare, sign, and file a ballot or acceptance or rejection of a plan; and
- (7) vote on the election of a trustee.

(b) Individuals.

- (1) When an individual has appeared by an attorney, that individual may not thereafter appear or act in his or her own behalf unless an order permitting the withdrawal of the attorney has

been entered by the court under Local Rule 2091-1(a). However, the court in its discretion may hear an individual in open court notwithstanding the fact that the individual is represented by an attorney.

(2) An individual may not delegate the right to represent himself or herself to an individual other than an attorney.

RULE 9011-4. SIGNATURES

Every paper submitted for filing must be signed and must include the signer's typed or printed name, mailing address, and telephone number. If the signer is an attorney, the attorney's state bar number (and the state from which the bar number is issued, if other than Tennessee) should also be included. Entry of the user log-in and password required to file papers electronically serves as the filing user's signature on all documents filed with the court electronically for purposes of Fed. R. Bankr. P. 9011, the local rules of this court, and any other purpose for which a signature is required in connection with proceedings before the court.

RULE 9013-1. MOTION PRACTICE

(a) Scope of Rule. As used in this rule, the word "motion" includes any motion, application, objection to claim, objection to a claim of exemption, or other request for an order in a bankruptcy case, except as otherwise directed by the court. Specifically excluded from the scope of this rule are motions in adversary proceedings.

(b) Form and Content of Motions. All motions (except those made orally during a hearing or trial) must—

- (1) be in writing and filed with the clerk;
- (2) be titled in the form "Motion [or Application] of [Movant's Name] for [Relief Requested]" or "Objection by [Objecting Party] to Proof of Claim filed by [Name of Claimant]" or "Objection by [Objecting Party] to Claim of Exemption";
- (3) state with particularity the grounds for the motion; and
- (4) request specific relief.

(c) Proposed Orders. Except as otherwise provided in these Local Rules, all motions must be accompanied by a proposed order, which must be served with the motion, granting the requested relief and approved for entry by the movant. A movant's failure to submit a proposed order with the motion may result in the entry of an order denying the motion without prejudice.

(d) Service of Motions.

(1) *Requirement.* Every motion must contain a certificate in accordance with Local Rule 9013-3, evidencing that the movant has served the motion, proposed order, and, if applicable, the Notice of Hearing, on the requisite parties in interest.

(2) *Fee Applications.* Applications for payment of professional fees or for administrative expenses need not be served on all creditors. Rather, a summary of the application identifying the applicant and the amount requested may be incorporated into the Notice of Hearing or into a separate notice which includes the passive notice legend. If a separate

notice of the hearing or passive notice deadline is given, a hearing notice or passive notice legend need not be included in the application itself so long as it is included in the separate notice.

(3) *Expedited Hearings.* If a motion is authorized to be heard on less than 10 days' notice, the motion must (in addition to methods prescribed by the Bankruptcy Rules) be sent by a method effecting immediate receipt, such as by e-mail or telephone facsimile. Proof of compliance with the notice requirements of this subdivision must be filed at or prior to the hearing on the motion. The court will determine at the hearing whether the notice and opportunity for hearing were appropriate in the particular circumstances.

(e) Withdrawal of Motions. A movant or party who does not intend to pursue a motion or an objection to the motion must immediately file a withdrawal and notify the courtroom deputy and all previously noticed parties.

(f) Hearing on Motions.

(1) *Requirement.* Except as permitted by subdivisions (g), (h), and (i) of this rule, every motion must be set for hearing by the movant. The movant must give notice of the hearing, either by a legend prominently displayed on the face of the first page of the motion immediately below the caption or by a separate Notice of Hearing form conforming to Local Form 9013.1. If the movant uses a legend on the first page of the motion, the legend must be in a form substantially as follows:

| |
|---|
| <p>NOTICE OF HEARING</p> <p>Notice is hereby given that:</p> <p>A hearing will be held on this matter on [date] , at [time] .m., in Courtroom _____, [address of courthouse]</p> <p>If you do not want the court to grant the relief requested, you or your attorney must attend this hearing. If you do not attend the hearing, the court may decide that you do not oppose the relief sought in the [motion, application, or objection] and may enter an order granting that relief.</p> |
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If the movant uses a separate Notice of Hearing form, Local Form 9013.1, and it is filed as a separate docket entry, the notice must be appended with or accompanied by a certificate of service complying with Local Rule 9013-3.

(2) *Scheduling.* Absent permission from the court, the hearing date chosen by the movant must be

- (i) one of the court's scheduled motion days, at the time that the court has set for hearings in connection with cases under that chapter of the Bankruptcy Code, which dates and times are available from the clerk of the court or on the court's web site, www.tneb.uscourts.gov,
- (ii) at least 21 but no more than 40 days after service of the notice and motion except

- (A) hearings on objections to claims shall be at least 30 but not more than 50 days after service;
- (B) hearings on motions for relief from the automatic stay in chapter 7 cases must be at least 14 days after the date of notice; and
- (C) hearings on motions to impose the stay under 11 U.S.C. § 362(c)(4)-(B) must be scheduled in accordance with Local Rule 4001-2.

(3) *Waiver.* In the event the movant does not schedule a hearing on a motion for relief from stay for a date that is within 30 days after the filing of the motion, the movant is deemed to waive the 30-day termination provision of 11 U.S.C. § 362(e)(1).

(4) *Required Hearing Attendance.* Unless excused by the court, the movant and any objecting party are required to appear at all scheduled hearings. The failure of a movant or an objecting party to attend a duly noticed hearing will be deemed a withdrawal of the motion or of the objection to the motion, as the case may be. Similarly, the court will consider the failure of any other noticed party to attend the hearing as a lack of opposition to the granting of the relief requested in the motion.

(g) Ex Parte Motions.

(1) *Definition.* Unless otherwise directed by the court, no hearing is required for the motions set forth in this subdivision (g), which may be granted by the court on an ex parte basis.

(2) *Types of Motions.* The motions which fall within this category are—

- (i) applications to pay filing fee in installments as permitted by Fed. R. Bankr. P. 1006(c);
- (ii) motions for orders extending or shortening time pursuant to Fed. R. Bankr. P. 9006(b)(1)(1) and (c)(1), respectively, and Local Rule 9006-1, except motions by a creditor, the trustee, or the United States trustee to extend time to file a complaint objecting to discharge pursuant to Fed. R. Bankr. P. 4004(b) or to determine the dischargeability of a debt pursuant to Fed. R. Bankr. P. 4007(c);
- (iii) motions for a Rule 2004 examination;
- (iv) motions for an emergency hearing;
- (v) motions for *pro hac vice* appearance;
- (vi) motions by debtors to enlarge the time for filing a reaffirmation agreement filed in accordance with Fed. R. Bankr. P. 4008(a) and Local Rule 4008-1, or for delay of entry of discharge filed in accordance with Fed. R. Bankr. P. 4004(c)(2);
- (vii) except for motions of a type described in subdivision (h)(1)(vi) of this rule, motions in which the movant certifies that all affected parties have consented to the requested relief;
- (viii) motions by debtors to convert pursuant to 11 U.S.C. § 1112(a), 1208(a) or 1307(a);
- (ix) motions by the trustee to reopen chapter 7 case to administer unsecured assets;
- (x) motions by debtors to dismiss a chapter 13 case that has not been converted under 11 U.S.C. § 706, 1112, or 1208;
- (xi) motions for entry of or to vacate wage order;
- (xii) motions directing Internal Revenue Service to transmit refund to chapter 13 trustee and requests to vacate such orders;
- (xiii) motions by creditors to recover unclaimed funds;

- (xiv) subject to Fed. R. Bankr. P. 6003(a), applications to employ professionals pursuant to Fed. R. Bankr. P. 2014 that do not seek approval of a postpetition retainer or a particular fee arrangement and that do not reveal any actual or potential conflicts of interest or any other facts that could preclude retention, provided that the application has been served on the debtor, the debtor's attorney, and the United States trustee who will have seven days from the date of service in which to object;
- (xv) motions to waive the filing fee under 28 U.S.C. § 1930(f) and Fed. R. Bankr. P. 1006(c);
- (xvi) motions pursuant to 11 U.S.C. § 109(h)(3)(B) for an extension of an exemption granted pursuant to 11 U.S.C. § 109(h)(3);
- (xvii) motions to restrict public access to documents containing one or more of the personal data identifiers listed in Fed. R. Bankr. P. 9037; and
- (xviii) any other motion that the movant believes is appropriate for ex parte action, provided that the motion expressly requests court consideration without notice or a hearing and states the factual and legal basis for ex parte relief.

Notwithstanding the foregoing, the procedure described in this subdivision (g) may not be utilized if a request for one of the types of relief listed above is combined with a request for a type of relief listed in subdivision (h)(1) or a request for relief for which subdivision (f) requires a hearing.

(3) *Proposed Order.* Each ex parte motion, except applications to pay filing fee in installments, must be accompanied by a proposed order, approved for entry by the movant as required by subdivision (c) of this rule.

(h) “Passive Notice” (Notice and Opportunity for a Hearing) Motions.

(1) *Type of Motions.* As an alternative to setting and noticing a motion for hearing as required in subdivision (f) of this rule, a movant may follow the passive notice procedure set forth herein whereby no hearing is set or held unless a party in interest objects to the relief requested in the motion. This passive notice procedure may be used only for the following matters—

- (i) motions in chapter 7 cases for adequate protection or for relief from the automatic stay pursuant to 11 U.S.C. § 362(d)(1) or (2); provided, however, if the passive notice procedure is utilized, the movant is deemed to have waived the 30-day automatic termination provision of 11 U.S.C. § 362(e) [*see* Rule 9013-1(h)(1)(xx) regarding chapter 13 cases];
- (ii) motions to avoid judicial liens pursuant to 11 U.S.C. § 522(f)(1)(A), filed in accordance with Local Rule 4003-2;
- (iii) motions to avoid liens pursuant to 11 U.S.C. § 522(f)(1)(B);
- (iv) motions to assume or reject executory contracts pursuant to 11 U.S.C. § 365;
- (v) motions to redeem pursuant to 11 U.S.C. § 722, filed in accordance with Local Rule 6008-1;
- (vi) motions pursuant to Fed. R. Bankr. P. 4001(d) for approval of an agreement (A) to provide adequate protection, (B) to prohibit or condition the use, sale, or lease of property, (C) to modify or terminate the stay provided for in 11 U.S.C. § 362, (D) to use cash collateral, or (E) between the debtor and an entity that has a lien or interest in property of the estate pursuant to which the entity consents to the creation of a lien senior or equal to the entity's lien or interest in such property;
- (vii) notices of the proposed use, sale, or lease of property not in the ordinary course of business pursuant to Fed. R. Bankr. P. 6004(a) [but not motions to

- sell property free and clear of liens or other interests pursuant to Fed. R. Bankr. P. 6004(c), which must be set for hearing];
- (viii) notices of abandonment pursuant to Fed. R. Bankr. P. 6007(a) and motions to compel abandonment pursuant to Fed. R. Bankr. P. 6007(b);
 - (ix) motions to approve compromises or settlements pursuant to Fed. R. Bankr. P. 9019(a) and motions for leave to dismiss a complaint objecting to discharge, filed in accordance with Local Rule 9019-1;
 - (x) motions by a creditor, the trustee, or the United States trustee to extend time to file a complaint objecting to discharge pursuant to Fed. R. Bankr. P. 4004(b) or to determine the dischargeability of a debt pursuant to Fed. R. Bankr. P. 4007(c);
 - (xi) objections to claims, filed in accordance with Local Rule 3007-1;
 - (xii) motions for entry of a final decree in chapter 11 cases;
 - (xiii) applications or requests for payment of administrative claims or expenses pursuant to 11 U.S.C. § 503, including fees for professionals;
 - (xiv) applications to employ professionals that seek the approval of a postpetition retainer or a particular fee arrangement and evidence service on all creditors and parties in interest except that service of the application in a chapter 11 case may be limited to the parties set forth in Local Rule 2002-1(b);
 - (xv) motions for relief from the codebtor stay pursuant to 11 U.S.C. § 1301;
 - (xvi) motions for orders permitting acts to be done after the expiration of a deadline pursuant to Fed. R. Bankr. P. 9006(b)(1)(2);
 - (xvii) motions by debtors to convert pursuant to 11 U.S.C. § 706(a);
 - (xviii) motions by trustees pursuant to 11 U.S.C. § 521(a)(6) or 362(h)(2);
 - (xix) motions by debtors to reopen closed cases and for leave to file proof of completion of instructional courses in personal financial management;
 - (xx) motions in chapter 13 cases for relief from the automatic stay with respect to collateral pursuant to 11 U.S.C. § 362(d)(1) or (2), provided that the plans provide for the surrender of the collateral [*see* Rule 9013-1(h)(1)(i) regarding chapter 7 cases];
 - (xxi) motions in chapter 13 cases pursuant to Fed. R. Bankr. P. 3002.1(h) or (i) for a determination of whether the debtor has cured the default and paid all required postpetition amounts, but only if the holder of the claim has not filed a response within the 21-day period prescribed by Fed. R. Bankr. P. 3002.1(g) or has filed a response indicating that it agrees that the debtor has cured the default and paid all required postpetition amounts;
 - (xxii) motions in chapter 13 cases pursuant to Fed. R. Bankr. P. 3002.1(e) for a determination of whether payment of any claimed fee, expense, or charge is required by the underlying agreement and applicable nonbankruptcy law to cure a default or maintain payments in accordance with the 11 U.S.C. § 1322(b)(5); and
 - (xxiii) motions to declare debtors ineligible for discharge pursuant to 11 U.S.C. § 1328(f).

Notwithstanding the foregoing, the procedure described in this subdivision (h) may not be utilized if a request for one of the types of relief listed above is combined with a request for relief for which subdivision (f) requires a hearing.

(2) *Passive Notice Legend.* Except as provided in subdivision (d)(2) of this rule, motions filed pursuant to this passive notice procedure must contain a passive notice legend prominently displayed on the face of the first page of the motion immediately below the caption. The passive notice legend must be in a form substantially as follows:

NOTICE OF OPPORTUNITY TO OBJECT AND FOR HEARING

Pursuant to Local Rule 9013-1(h), the court may consider this matter without further notice or hearing unless a party in interest files an objection. If you object to the relief requested in this paper, you must file with the clerk of the court at ___[address]___, an objection within ___[number]___ days from the date this paper was filed and serve a copy on the movant's attorney, ___[name and address and any other appropriate persons]___. If you file and serve an objection within the time permitted, the court will schedule a hearing and you will be notified. If you do not file an objection within the time permitted, the court will consider that you do not oppose the granting of the relief requested in this paper and may grant the relief requested without further notice or hearing.

(3) *Objection deadline.* The number of days in which parties may object that is placed in the passive notice legend must be 21 days except

- (i) motions for relief from the automatic stay or to compel abandonment (or both) in chapter 7 cases for which the objection time must be at least 14 days;
- (ii) motions for adequate protection in chapter 7 cases when combined with motions for relief from the automatic stay or to compel abandonment (or both) for which the objection time must be at least 14 days;
- (iii) objections to proofs of claim pursuant to Fed. R. Bankr. P. 3007 for which the objection time must be at least 30 days;
- (iv) motions pursuant to Fed. R. Bankr. P. 4001(d) for approval of (i) an agreement to provide adequate protection, (ii) an agreement to prohibit or condition the use, sale, or lease of property, (iii) an agreement to modify or terminate the stay provided for in 11 U.S.C. § 362, (iv) an agreement to use cash collateral, or (v) an agreement between the debtor and an entity that has a lien or interest in property of the estate pursuant to which the entity consents to the creation of a lien senior or equal to the entity's lien or interest in such property, for which the objection time must be at least 14 days;
- (v) motions in chapter 13 cases for relief from the automatic stay with respect to collateral to be surrendered under the plans for which the objection time must be at least 14 days; and
- (vi) motions in chapter 13 cases for relief from the codebtor stay for which the objection time is 20 days pursuant to 11 U.S.C. § 1301(d).

Except as otherwise provided in this subdivision, when requests for more than one type of relief with respect to which the “passive notice” procedure is available are combined into a single motion, the objection period is the longest one applicable to any of the types of relief.

(4) *Filing of Objection.* In the event a party in interest files an objection within the time permitted in the passive notice legend, the court will schedule a hearing on the matter upon notice to the movant, the objecting party or parties, and others as may be appropriate.

(5) *No Objection.* In the event no party in interest files an objection within the time permitted in the passive notice legend as computed under Fed. R. Bankr. P. 9006(a) and (f), the court may consider the matter in chambers without further notice or hearing.

(6) *Court Discretion.* Nothing in this rule is intended to preclude the court from setting the matter for hearing even if no objection is filed within the time permitted in the passive notice legend.

(7) *Proposed Order.* The requirement in subdivision (c) of this rule that every motion be accompanied by a proposed order does not apply to a notice of abandonment filed pursuant to Fed. R. Bankr. P. 6007(a) or notice of a proposed use, sale, or lease of property pursuant to Fed. R. Bankr. P. 6004(c) unless the noticing party desires entry of an order approving the proposed action.

(i) Post-Hearing Motions

(1) *Exception to Hearing Requirement.* The following post-hearing motions relating to appealable orders entered in contested matters governed by Fed. R. Bankr. P. 9014 are not subject to the hearing requirements of subsection (f) of this rule:

- (i) motions to amend or make additional findings of fact under Fed. R. Bankr. P. 9014(c) and 7052 (Fed. R. Civ. P. 52(b));
- (ii) motions to alter or amend judgments under Fed. R. Bankr. P. 9023 (Fed. R. Civ. P. 59(e));
- (iii) motions for new trials under Fed. R. Bankr. P. 9023 (Fed. R. Civ. P. 59(d));
- (iv) motions for relief from judgments or orders under Fed. R. Bankr. P. 9024 (Fed. R. Civ. P. 60(b)); and
- (v) motions for stays pending appeal under Fed. R. Bankr. P. 8005.

(2) *Briefs.* All motions of the type described in subdivision (1) above shall be accompanied by a brief setting forth the facts and the law supporting the motion. Unless the court reduces or extends the time, the opposing party shall file a response and a brief in opposition to the motion within 14 days after the date of the filing of the motion.

(3) *Ruling on Motion.* After the response time has expired, the court, unless it deems oral argument helpful, will rule on the motion without a hearing.

(j) Shortening of Notice Periods. The notice periods prescribed by subdivisions (f)(2)(ii) and (h)(3) of this rule may not be shortened except by order of the court upon a motion filed in accordance with Local Rule 9006-1.

RULE 9013-3. CERTIFICATE OF SERVICE

(a) Requirement. When the Bankruptcy Code, applicable rules of procedure, court order, or these rules require a paper to be served on parties in interest, a certificate of service must be signed by the party or attorney required to effect notice or service and promptly filed with the clerk.

(b) Content. The certificate of service must include a description of the paper served and—

- (1) with respect to entities served electronically through the court's electronic case filing system, a statement that the paper will be served electronically on the entities specified in the Notice of Electronic Filing to be issued by the electronic case filing system; and
- (2) with respect to entities not served electronically through the court's electronic case filing system:
 - (i) the name of every entity served;

- (ii) the service address of every entity served;
- (iii) the manner of service;
- (iv) the date that the paper was served.

(c) Order Limiting Notices. If the filer is relying on an order limiting notices previously entered in the case, the certificate of service must include a reference to the date and document number of the order.

RULE 9014-1. FILING OF DISCOVERY MATERIALS

Deposition transcripts (or audio or video recordings of depositions), interrogatories, requests for documents, requests for admissions and responses or answers thereto, and notices of deposition and initial disclosures pursuant to Fed. R. Bankr. P. 7026 and Fed. R. Civ. P. 26(a)(1) should not be filed with the clerk except by order of the court. Relevant portions of discovery materials may, however, be filed in support of or in opposition to motions and for use at trial (*see* Local Rule 7037-1).

RULE 9019-1. SETTLEMENTS

(a) Motion Requirement. Motions to approve a settlement or compromise pursuant to Fed. R. Bankr. P. 9019 and motions for leave to dismiss a complaint objecting to discharge must—

- (1) be filed in the bankruptcy case rather than a pending adversary proceeding;
- (2) identify any pending adversary proceeding being settled (in the body of the motion not the caption);
- (3) state the nature of the controversy and the terms of the compromise;
- (4) set forth why the proposed compromise or dismissal is fair, equitable, and in the best interests of the estate; and
- (5) be accompanied by a proposed order granting the proposed settlement or compromise or authorizing the dismissal and approved by the movant for entry in the bankruptcy case.

(b) Procedure. The movant must set the motion for hearing in accordance with Local Rule 9013-1(f) or utilize the passive notice procedure of Local Rule 9013-1(h).

(c) Service. Except as provided in the next sentence, the motion must contain a certificate evidencing service of the motion and proposed order (along with the Notice of Hearing if a hearing is set) on the debtor (or the trustee if the debtor is filing the motion), all creditors, and other parties in interest including the United States trustee. Unless the chapter 13 plan provides for the insurance proceeds to be paid to unsecured creditors, a motion in a chapter 13 case to approve a compromise and settlement of a motor vehicle casualty insurance claim need be served only on the chapter 13 trustee and creditors claiming security interests in the motor vehicle.

(d) Disposition of Adversary Proceeding. Upon approval of the motion, the movant must either (A) tender a separate agreed order for entry in the adversary proceeding (approved for entry by the parties to the adversary proceeding) disposing of the proceeding in accordance with the settlement, or (B) file in the adversary proceeding a notice of dismissal, stipulation of dismissal, or motion to dismiss as appropriate under Fed. R. Bankr. P. 7041 and Fed. R. Civ. P. 41.

RULE 9019-2. MEDIATION

(a) Referral for Mediation. The court may, in the judge’s discretion and with or without the consent of the parties, refer any adversary proceeding or contested matter for Mediation. Any Mediation Reference may be withdrawn by the Presiding Judge upon a determination for any reason that the matter referred is not suitable for Mediation. Once an order has been entered directing that the parties participate in Mediation, the parties will be required to do so unless the court enters an order withdrawing the Mediation Reference.

(b) Definitions

For purposes of this rule:

- (1) “District Court” means the United States District Court for the Eastern District of Tennessee.
- (2) “Mediator” means an individual approved to serve as mediator in an adversary proceeding or contested matter in accordance with paragraph (i) of this rule.
- (3) “Mediation” means a procedure presided over by an approved mediator to promote conciliation, communication, and the ultimate settlement of an adversary proceeding or contested matter pending in this court.
- (4) “Mediation Conference” means a settlement conference or meeting conducted by a Mediator during the course of a Mediation.
- (5) “Mediation Panel” means the Mediation Panel of the District Court that is maintained in the office of the Clerk of that court.
- (6) “Mediation Reference” means a directive contained within a scheduling order or other order entered by the court directing the parties to participate in a Mediation.
- (7) “Mediation Report” means a report filed with the court by a Mediator in the form provided by the Clerk.
- (8) “Presiding Judge” means the bankruptcy judge assigned to the adversary proceeding or to the case in which the contested matter is pending.

(c) Neutrality of a Mediator

A Mediator may not accept an engagement in a Mediation in circumstances in which he or she has a personal bias or prejudice relative to the parties or issues involved in the dispute being mediated.

(d) Mediators as Counsel in Other Cases

A Mediator who has been engaged as a Mediator may not appear as counsel in the matter upon which he or she was engaged as a Mediator or in any substantially related matter. No person who is approved and designated as a Mediator will for that reason be disqualified from appearing and acting as counsel in any other case pending before the court.

(e) Disclosure of Conflicts

Prior to accepting an engagement as a Mediator, each Mediator must disclose to the parties all actual or potential conflicts of interest reasonably known to the Mediator, any current, past, or expected future professional relationship, consulting relationship, personal relationship, or pecuniary interest with or in any party or attorney involved in the Mediation, as well as any other circumstance or matter which would result in the disqualification of a judicial officer under 28 U.S.C. § 455. Mediators must also disclose to all parties any offer made to the Mediator before completion of the

Mediation process of a future professional, consulting, or pecuniary relationship with any party or attorney or law firm involved in the underlying dispute.

(f) Confidentiality and Restrictions on the Use of Information

The Mediation Conference and all proceedings relating thereto, including statements made by any party, attorney, or other participant, are confidential and are inadmissible to the same extent as discussions of compromise and settlement are inadmissible under Federal Rule of Evidence 408. Mediation proceedings may not be reported, recorded, placed into evidence, or made known to the Presiding Judge, or construed for any purpose as an admission against interest. Mediators must not divulge the details of information imparted to them in confidence in the course of Mediations without the consent of the parties, except as otherwise may be required by law.

(g) Compensation of Mediators

Mediators will be compensated at rates to be agreed upon by the parties and the Mediator. Compensation for any Mediator's services must be borne equally by the parties to the Mediation unless other arrangements are agreed to by the parties.

(h) Subpoenas

Neither the parties to the Mediation nor any other person in any forum may attempt to subpoena the Mediator or any documents created in connection with, and for the purpose of, Mediation, without first obtaining leave of court to do so.

(i) Qualification of Mediators

Unless the Presiding Judge orders otherwise, an individual may be approved to serve as a Mediator if he or she is (i) a member of the Mediation Panel, or (ii) selected by agreement of all of the parties. The Presiding Judge has complete discretion and authority to withdraw the approval of any Mediator at any time.

(j) Party Attendance Required

Unless otherwise excused by the Mediator in writing, all parties, or party representatives, and any required claims professionals (e.g., insurance adjusters) must be present at the Mediation Conference with full authority to negotiate a settlement. Failure to comply with the attendance or settlement authority requirements may subject a party to sanctions by the court.

(k) Mediation Report

Within seven days following the conclusion of each Mediation Conference, the Mediator must file a Mediation Report, which includes a statement as to whether (i) all parties were present, (ii) the adversary proceeding or contested matter settled; (iii) the Mediation was continued with the consent of the parties, and (iv) the Mediation was terminated without a settlement. No other information may appear on the Mediation Report; nor, without the consent of all parties, may any other or additional report or communication regarding the status of the Mediation be provided by the Mediator to the Presiding Judge.

(l) Special Procedures When Mediation is Ordered Without the Consent of the Parties

- (1) In the event the parties cannot agree on a Mediator, the plaintiff (in the case of an adversary proceeding) or movant (in the case of a contested matter) must submit a list of a minimum of five proposed Mediators selected from the Mediation Panel and the defendant or respondent must select a Mediator from that list and notify the plaintiff/movant of the selection within seven days after receipt of the list. If the defendant/respondent does not timely notify the plaintiff/movant of the defendant/respondent's selection, the plaintiff/movant may select a Mediator.
- (2) At the request of an approved Mediator, the cost of his or her services or any portion thereof may be taxed as court costs.

RULE 9070-1. EXHIBITS

Within 30 days following the final determination of a contested matter or adversary proceeding unless a notice of appeal has been filed, the parties should withdraw all exhibits introduced at trials and evidentiary hearings. Exhibits not withdrawn may be destroyed by the clerk upon notice to the parties.

RULE 9072-1. PROPOSED ORDERS

Every motion (whether in connection with a case, contested matter, or adversary proceeding) must be accompanied by a proposed order granting the requested relief and signed by the party or attorney who prepared the order. Every agreed order (whether in connection with a case, contested matter, or adversary proceeding) must be accompanied by an appropriate motion requesting entry of the order, unless the agreed order resolves a previously filed motion.

LOCAL FORM 1007.1

[CAPTION]

STATEMENT REGARDING PAYMENT ADVICES OR OTHER EVIDENCE OF PAYMENT

CERTIFICATION OF DEBTOR

CERTIFICATION OF JOINT DEBTOR

I hereby certify under penalty of perjury that

I hereby certify under penalty of perjury that

- attached hereto are copies of all payment advices or other evidence of payment [such as paycheck stubs, direct deposit advices, statements of payment, etc.] that I have received from an employer within 60 days before the date of the filing of the petition, with all but the last four digits of the debtor's social security number redacted,*

- attached hereto are copies of all payment advices or other evidence of payment [such as paycheck stubs, direct deposit advices, statements of payment, etc.] that I have received from an employer within 60 days before the date of the filing of the petition, with all but the last four digits of the debtor's social security number redacted,*

or

or

- I did not receive any such documents from an employer within 60 days before the date of the filing of the petition.

- I did not receive any such documents from an employer within 60 days before the date of the filing of the petition.

[SIGNATURE OF DEBTOR]

[SIGNATURE OF JOINT DEBTOR]

Date: _____

Date: _____

* Other evidence of payment may consist of the debtor's most recent paycheck stub showing year-to-date earnings if the debtor has worked the same job the last 60 days before the date of the filing of the petition.

LOCAL FORM 2016.1

[CAPTION]

DISCLOSURE OF COMPENSATION OF ATTORNEY FOR DEBTOR

1. Pursuant to 11 U.S.C. § 329(a), Fed. R. Bankr. P. 2016(b), and Local Bankruptcy Rule 2016-1(a)(1), I certify that I am the attorney for the above-named debtor and that compensation paid to me within one year before the filing of the petition in bankruptcy, or agreed to be paid to me, for services rendered or to be rendered on behalf of the debtor in contemplation of or in connection with this chapter 13 case is as follows:

For legal services and expenses, I have agreed to accept. \$ _____

Prior to the filing of this statement I have received.. . . . \$ _____

Balance Due.. . . . \$ _____

This fee is a “Base Fee.” That means that I will not charge any additional amount for any services rendered or expenses incurred prior to confirmation of the chapter 13 plan, or for any routine services or expenses that I expect to render or incur after confirmation. The types of post-confirmation services and expenses usually considered “routine,” so that I will not charge extra for them, include the following:

| | |
|--|---|
| Review of confirmation order and periodic case status reports from trustee | Other routine communications with the debtor, including keeping the debtor informed regarding the status of the case; reminders about meetings and hearings; consultations regarding postpetition credit, defaults on direct payments, insurance coverage or lack thereof, etc. |
| Maintaining custody and control of all case files with original documents for such periods prescribed by law or court rule | Obtaining and providing the trustee with copies of documents relating to lien perfection issues, such as recorded deeds of trust, security agreements, and the like |
| Service of notices and orders as required by court rule | Preparation and mailing of letters to creditors regarding lien releases, the turnover of clear title certificates, the cancellation of deeds of trust and judgments, and the like |
| Preparation, filing, and prosecution of objections to untimely filed claims and objections to duplicate claims. | The preparation and certified mailing of letters to creditors regarding alleged violations of the automatic stay |
| Consummation of assumptions and rejections of unexpired leases and executory contracts | Appearance at all hearings relating to confirmation of the original and any amended chapter 13 plan |
| Defense of motions to transfer venue or to dismiss for improper venue | Defense of one motion to dismiss filed after confirmation of plan |
| Responding to written or oral contacts from creditors regarding plan terms, valuation of collateral, claim amounts, and the like | Any other services and expenses that an attorney would reasonably expect to render or incur in most, if not all, chapter 13 cases |
| Responding to debtor contacts regarding changes in financial circumstances, including job changes and unanticipated expenses | |

The types of post-confirmation services and expenses usually **not** considered “routine,” so that I **may** charge extra for them and file a supplemental fee request, after exercising appropriate billing judgment and taking into account the fees previously awarded, include the following:

| | |
|--|---|
| Motion for authority to sell property | Post-discharge injunction actions |
| Motion to modify plan | Adversary proceedings |
| Motion to incur debt | Defense of motions to convert case to chapter 7 |
| Defense of motion for relief from automatic stay or codebtor stay | Motions to substitute collateral |
| Defense of a second or additional motions to dismiss filed after confirmation of plan | Supplemental fee requests |
| Stay violation litigation, including amounts paid as fees by the creditor or other party | Motions under Fed. R. Bankr. P. 3002.1(e) and (h) |
| Non-routine claim objections | Motions to employ attorneys for a special purpose |
| Motions to approve settlements | |

2. The source of the compensation paid to me was:
 Debtor Other: _____
3. The source of the compensation to be paid to me is:
 Debtor Other: _____
4. I have not agreed to share the above-disclosed compensation with any other person unless they are members and associates of my law firm.

or

I have agreed to share the above-disclosed compensation with a person or persons who are not members of my law firm. A copy of the agreement and a list of the names of the people sharing in the compensation are attached.

ATTORNEY’S CERTIFICATION

I certify that the foregoing is a complete statement of any agreement or arrangement for payment to me for representation of the debtor in connection with this chapter 13 case. I further certify that the Base Fee set forth above is based on the consideration of the benefit and necessity of my services to the debtor and all other relevant factors, including the time spent or to be spent on such services, the rates charged for such services, the total amount of the secured and unsecured debt, the nature of the case (whether consumer or business), and the complexity of the case. I further certify that I have furnished a copy of this fee disclosure to the debtor and the chapter 13 trustee.

Dated: _____

[SIGNATURE OF ATTORNEY]

LOCAL FORM 3015.2

[CAPTION]

**NOTICE OF MOTION TO MODIFY CONFIRMED PLAN,
MEETING WITH TRUSTEE, AND OBJECTION DEADLINE**

PLEASE TAKE NOTICE that pursuant to 11 U.S.C. § 1329 and Fed. R. Bankr. P. 2002(a)(5):

1. The debtor is filing the attached motion to modify confirmed plan and proposed modified plan.
2. The debtor will meet with the chapter 13 trustee on [date and time] [a date at least 21 days after service of motion, plan, and notice] at [address of meeting]. You may attend that meeting and examine the debtor regarding the proposed modified plan.
3. **Any party wishing to object to the proposed modified plan of the debtor must file a written objection with the clerk of the United States Bankruptcy Court, [court's mailing address], before the scheduled time of the meeting with the chapter 13 trustee referenced in paragraph 2 of this Notice or before the scheduled time of any continued meeting, or lodge a written objection with the chapter 13 trustee at the meeting.** Any objection to the modified plan must set forth the reasons for the objection and must state that a copy of the objection has been served upon the debtor(s), the attorney listed below, and the chapter 13 trustee [trustee's mailing address], unless the objection is lodged with the trustee during the scheduled meeting.
4. Absent an objection, the court may enter an order granting the motion to modify the confirmed plan without further notice or hearing. If an objection is filed, a hearing on the objection will be held at [court's address] on [date and time] [the first scheduled time for confirmation hearings that is at least seven days after the meeting with the trustee], unless the debtor and the objecting parties agree to a different date at the scheduled meeting.

The undersigned hereby certifies that he/she has properly served this notice, the motion to modify, and the proposed modified plan on the chapter 13 trustee and parties listed below.

Date: _____

[SIGNATURE AND TYPED NAME OF ATTORNEY
FOR DEBTOR, ADDRESS, PHONE NUMBER, AND
BAR NUMBER]

LOCAL FORM 3015.3

[CAPTION]

**ORDER GRANTING MOTION TO MODIFY
AND CONFIRMING MODIFIED PLAN**

The debtor has filed a motion to modify the confirmed chapter 13 plan. It appearing that all affected creditors have been served with copies of the motion, the proposed modified plan, and the required Notice; that no objections have been filed or any objections have been overruled or withdrawn; and that the modified plan meets the requirements of the Bankruptcy Code;

IT IS ORDERED THAT:

1. The motion of the debtor to modify is granted;
2. The proposed modified plan, a copy of which is attached, is hereby confirmed and is the plan of the debtor.

Date: _____

United States Bankruptcy Judge

APPROVED FOR ENTRY BY:

[SIGNATURE AND TYPED NAME
OF CHAPTER 13 TRUSTEE OR ATTORNEY
FOR TRUSTEE, ADDRESS, PHONE NUMBER,
AND BAR NUMBER]

LOCAL FORM 3015.4

[CAPTION]

**NOTICE OF PLAN MODIFICATION BEFORE CONFIRMATION,
CONTINUED MEETING OF CREDITORS, AND OBJECTION DEADLINE**

PLEASE TAKE NOTICE that pursuant to 11 U.S.C. § 1323 and Fed. R. Bankr. P. 2002(a)(5),

1. The debtor is filing the attached amended plan.
2. The § 341(a) meeting of creditors in this case has been continued to [date and time] [a date at least 21 days after service of plan and notice] and will be held at [address of meeting].
3. **Any party wishing to object to the proposed amended plan of the debtor must file a written objection with the clerk of the United States Bankruptcy Court, [court's mailing address], before the scheduled time of the continued § 341(a) meeting of creditors referenced in paragraph 2 of this Notice or before the scheduled time of any further continuance of the § 341(a) meeting of creditors, or lodge a written objection with the chapter 13 trustee at the meeting.** Any objection to the amended plan must set forth the reasons for the objection and must state that a copy of the objection has been served upon the debtor(s), the attorney listed below, and the chapter 13 trustee [trustee's mailing address], unless the objection is lodged with the trustee during the § 341(a) meeting of creditors.
4. Absent an objection, the court may enter an order confirming the amended plan without further notice or hearing. If an objection is filed, a hearing on the objection will be held at [court's address] on [date and time] [the first scheduled time for confirmation hearings that is at least seven days after the completion of the continued meeting of creditors], unless the debtor and the objecting parties agree to a different date at the continued meeting of creditors.

The undersigned hereby certifies that he/she has properly served this notice and the accompanying plan on the chapter 13 trustee and parties listed below.

Date: _____

[SIGNATURE AND TYPED NAME OF ATTORNEY
FOR DEBTOR, ADDRESS, PHONE NUMBER, AND
BAR NUMBER]

LOCAL FORM 9013.1

[CAPTION]

NOTICE OF HEARING

Notice is hereby given that:

A hearing will be held _____ [date] _____, at _____ [time] _____ .m., in Courtroom _____, _____
_____ [address of courthouse] _____, on the following:

_____ [description of motion or other paper initiating matter to be heard] _____

If you do not want the court to grant the relief requested, you or your attorney must attend this hearing. If you do not attend the hearing, the court may decide that you do not oppose the relief sought in the [motion, application, or objection] and may enter an order granting that relief.

Dated: _____

[SIGNATURE AND TYPED NAME OF ATTORNEY,
ADDRESS, PHONE NUMBER, AND BAR NUMBER]

LOCAL FORM 9070.1

[CAPTION]

EXHIBIT SUMMARY

The following exhibits are referenced in support of _____ (*the motion, pleading, or claim being filed*):

1.
2.
3.

Copies of these exhibits are being served as required by the local rules.

(This Exhibit Summary is to be attached to and filed with the motion, pleading, or claim to which it relates.)

[SIGNATURE AND TYPED NAME OF
ATTORNEY, ADDRESS, PHONE NUMBER, AND
BAR NUMBER]