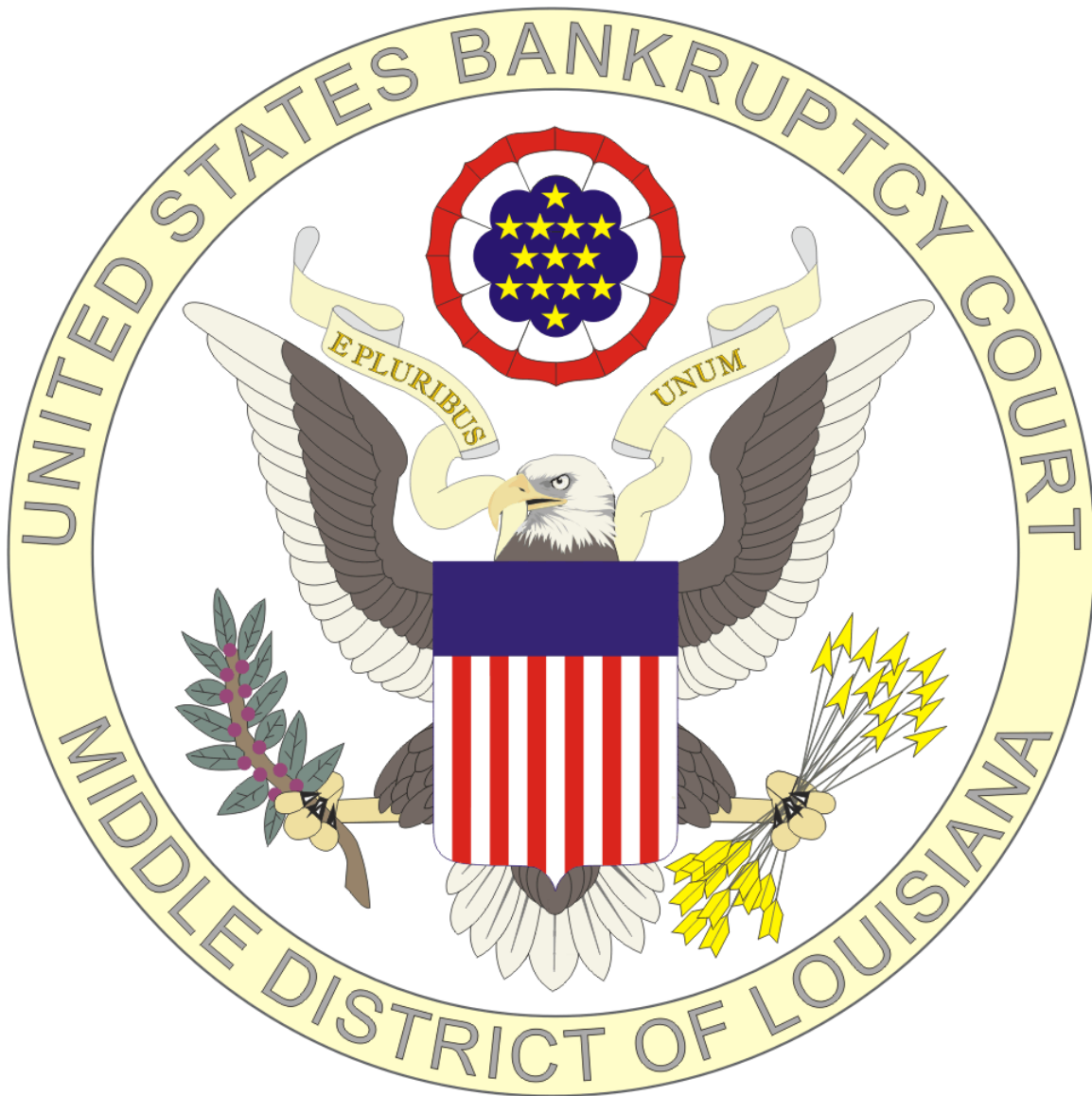


# Louisiana Middle District

## Local Rules



Amended December 1, 2017

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## Part I

### 1002-1 Petition

- (a) Corporate Petition. A corporation's voluntary petition shall be signed or verified by an officer or agent of the corporation, and accompanied by the resolution of the board of directors, minutes of the board meeting, or other evidence of the officer's or agent's authority to file the petition on the corporation's behalf.
- (b) Partnership Petition. A partnership's voluntary petition shall be accompanied by an affidavit attesting that all general partners have authorized the filing of the petition on behalf of the partnership.
- (c) Limited Liability Company Petition. A limited liability company's voluntary petition shall be signed or verified by the manager(s) if the company is manager managed, or by a member if the company is member managed; and accompanied by an affidavit attesting that all members of the limited liability company have authorized the filing of the petition on behalf of the limited liability company.
- (d) Mailing List. The debtor shall file with the petition a mailing list conforming to requirements set forth in the Administrative Procedures Manual located on the court's website [www.lamb.uscourts.gov](http://www.lamb.uscourts.gov).
- (e) Telephone Numbers. The petition shall include the telephone number of the debtor's attorney; the debtor's telephone number, if the debtor is not represented by counsel; or of the bankruptcy petition preparer.

### 1006-1 Payment of Filing Fees in Installments

- (a) Minimum Initial Payment. A payment of \$100 shall accompany every application to pay filing fee in installments.
- (b) Initial Payment Schedule. An application to pay filing fees in installments shall specify the dates upon which

the debtor proposes to make installment payments, and the amount of each payment. The court may schedule the dates and amounts of payments, notwithstanding the payment schedule proposed in the application.

- (c) Order on Application. The court shall prepare the order on all applications to pay filing fees in installments.

## **1007-1 Extension of Time for Filing Lists, Schedules and Statements**

- (a) A debtor may obtain a single extension of the time for filing schedules and statements pursuant to FRBP 1007(c) without notice and opportunity for hearing, by motion filed before the original deadline.
- (b) The motion shall recite:
  - (1) the petition date;
  - (2) the original deadline for filing the statements and schedules;
  - (3) the date of the meeting of creditors;
  - (4) the reasons for the extension; and
  - (5) the specific date of the extended deadline.
- (c) The debtor shall submit a proposed order pursuant to Local Rule 9013-5 specifying the date by which the schedules and statements shall be filed.
- (d) The debtor may request additional extensions only by motion noticed for a hearing pursuant to Local Rule 9013-3.

## **1007-2 Mailing List**

- (a) The mailing list shall include the names and addresses of all creditors and other parties in interest. It shall

not include the names and addresses of the debtor, counsel for the debtor, or the trustee.

- (b) A schedule amendment by the debtor or trustee adding or deleting creditors shall be accompanied by an amended mailing list reflecting the additions or deletions. The amended mailing list shall be titled "Amended Mailing List", be dated, and specify whether the amendment adds or deletes creditors or corrects address information. The list shall include only names and addresses of the creditors affected by the amendment.
- (c) The debtor or trustee may change a creditor's address by filing an Amended Mailing List. Amendment of the schedules is not required.
- (d) The debtor and counsel for the debtor shall file a signed Mailing List Verification conforming to Local Form 1 with every original and amended mailing list, and attach a copy of the mailing list that is the subject of the verification.

### **1007-3 Disclosure of Matrimonial Agreements in Statement of Financial Affairs**

In response to question 3 of Part 1 of the Statement of Financial Affairs, the debtor shall identify every:

- (a) matrimonial agreement for a matrimonial regime to which the debtor is or was a party;
- (b) agreement to settle a community or partition community property with a spouse or former spouse; and
- (c) judgment that partitions community property between the debtor and a spouse or former spouse.

### **1007-4 Description of Motor Vehicles**

In addition to the information required on Schedule B (Personal Property), the debtor shall include the actual mileage for every scheduled motor vehicle.

## **1007-5 Payment Advice Affidavit**

Debtors who do not receive payments from employers shall file an affidavit or declaration under penalty of perjury in lieu of filing payment advices pursuant to 11 U.S.C. 521(a)(1)(B)(iv).

## **1008-1 Verification of Petitions and Other Papers**

(a) Signatures on all documents filed electronically shall be made by means of:

(1) a signature designation: "s/[name of signatory],"

or

(2) an image of the document bearing the original signature.

(b) Within seven days after filing the petition, the debtor shall deliver to the Clerk an original signed Declaration Regarding Electronic Filing (Local Form 2). The Clerk shall retain all original Declarations.

(c) Any person other than an Electronic Filer filing an unsworn declaration, affidavit, verification or other document bearing a signature designation ("s/[name of signatory]") shall deliver to the Clerk within five days of filing, an original signed Declaration of Electronic Filing for Persons Other than Debtors (Local Form 3). The Clerk shall retain all original Declarations.

(d) The Electronic Filer shall retain every document that bears the original signature of any person other than the Electronic Filer for no less than five years after the closing of the case or adversary proceeding in which the document was filed. Upon request, the Electronic Filer shall make any document that bears the original signature of any party available to the court and parties, unless the court orders otherwise.

## **1009-1 Amendments to Schedules, Statements and Mailing Lists; Changes of Address**

- (a) Amendments to voluntary petitions, mailing lists, schedules and statements of financial affairs do not require leave of court. Amendments shall contain the case caption, identify the document as an amendment to a previously filed document, and state whether the amendment adds, deletes, or corrects information. Amendments shall be submitted on the Official Bankruptcy Forms, and include the content of the amendment and all information in the original document that is not being amended.
- (b) The debtor shall sign, date and acknowledge the amendment in the same manner as the document being amended.
- (c) The debtor shall serve the amendment on the trustee and on any entity affected by the amendment.
- (d) Upon filing an amendment adding creditors who were not mailed the notice of the meeting of creditors, the debtor shall serve a copy of the notice on every added creditor.
- (e) Any party or its counsel changing address during a case shall file a Notice of Change of Address and serve it on the trustee, debtor, debtor's counsel, chairperson of any committee and committee counsel, and the United States Trustee. Any party or its counsel changing address during an adversary proceeding shall file a Notice of Change of Address and serve it on all counsel of record and all parties not represented by counsel.

## **1013-1 Disposition of Involuntary Petitions**

- (a) The court shall schedule a trial on all contested involuntary petitions.
- (b) After entry of the order for relief, the court shall schedule a status conference. The Clerk shall give



notice of the status conference to the debtor, petitioning creditors and the United States Trustee.

## **1015-1 Joint Administration and Substantive Consolidation**

- (a) Upon the entry of an Order of Joint Administration or Substantive Consolidation, the Clerk shall:
  - (1) designate one of the cases as the lead case for docketing and filing;
  - (2) enter the Order of Joint Administration or Substantive Consolidation on the docket of all cases affected by the Order;
  - (3) serve the Order of Joint Administration or Substantive Consolidation on all parties on the consolidated mailing list;
  - (4) maintain thereafter only the lead case docket as the active docket for filings in the consolidated cases.
- (b) Within seven days after the entry of an Order for Joint Administration or Substantive Consolidation, the party on whose motion the order was granted shall file a consolidated mailing list, complying with Local Rule 1007-2, of all interested parties in all the affected cases, without duplications.
- (c) All filings in jointly administered and substantively consolidated cases shall include the names and docket numbers of all the affected cases, unless the court orders otherwise.
- (d) Notwithstanding subsection (c) of this Local Rule, the court for cause may require parties to file separate documents for each jointly administered or consolidated case.

## 1017-1 Dismissal or Conversion

### (a) Chapter 7 Cases – Debtor’s Motion.

- (1) A motion to dismiss a chapter 7 case shall be noticed for hearing pursuant to Local Rule 9013-3.
- (2) In addition to complying with Local Rules 9013-1 through 9014-3, the motion shall recite that counsel has advised the debtor of the consequences of dismissal.
- (3) The Clerk shall prepare the order of dismissal for the judge’s signature.

### (b) Chapter 13 Cases – Debtor’s Motion.

- (1) A debtor may move to dismiss his case pursuant to 11 U.S.C. §1307(b) by written motion or orally in open court.
- (2) Written motions to dismiss chapter 13 cases shall recite whether the case has been converted previously pursuant to 11 U.S.C. §§706, 1112 or 1208.
- (3) The court may consider an ex parte motion to dismiss only if the debtor is represented by counsel, the Bankruptcy Code authorizes dismissal and the motion recites that counsel has advised the debtor of the consequences of dismissal.
- (4) Debtors not represented by counsel shall notice a motion to dismiss for a hearing pursuant to Local Rule 9013-3(b).
- (5) The Clerk shall prepare the order of dismissal for the judge’s signature.
- (6) Upon the debtor’s filing a notice of conversion pursuant to FRBP 1017, the Clerk shall serve the order upon conversion on all creditors and parties in interest.

(7) Debtors moving to reconvert a chapter 7 case previously converted from chapter 13 shall give notice of the motion to the chapter 13 trustee.

(c) Chapter 13 Cases - Trustee's Motions.

(1) If the trustee moves to dismiss or convert a chapter 13 case based on the debtor's failure to make payments required by a confirmed plan, the debtor's objection shall include:

(i) the reasons the debtor has failed to make plan payments;

(ii) if the debtor opposes dismissal or conversion on the ground that he will cure the payment default, the proposed dates and amounts of payments to cure the defaults;

(iii) if the debtor opposes dismissal or conversion on the ground that the trustee failed to properly credit plan payments, the dates and amounts of the payments; and

(iv) if evidence of payment is necessary to the debtor's defense, documents proving payment, including without limitation, copies of money orders, money order receipts, pay stubs or cancelled checks. The debtor shall deliver the documents to the trustee no later than five days before the hearing.

(2) All trustee's motions shall comply with Local Rule 9013-3(c).

(3) The debtor shall attend the hearing on the motion unless the court has excused his appearance.

(d) All Other Motions to Dismiss or Convert.

Motions to dismiss or convert cases filed by non-debtors are subject to Local Rule 9013-1.

## **1017-2 Effect of Dismissal of Case on Pending Adversary Proceedings**

Unless the court orders otherwise, upon dismissal of a case the court shall dismiss without prejudice all adversary proceedings associated with the case, and remand all removed cases to the courts from which they were removed.



## **Part II**

### **2003-1 Meeting of Creditors**

- (a) Upon entry of the order for relief and after the United States Trustee calls a meeting of creditors, the Clerk shall give notice of the scheduling of the meeting in accordance with FRBP 2002(a).
  
- (b) The debtor's attorney, or a partner, member or regular associate of that attorney's firm, shall be present for the entire meeting of creditors unless the court authorizes a substitute before the meeting of creditors.
  - (1) The debtor's counsel may move ex parte to substitute counsel for a meeting of creditors.
  
  - (2) The motion shall recite:
    - (i) the reasons for substituting counsel;
  
    - (ii) that counsel has informed the debtor he may request rescheduling the meeting of creditors, but that the debtor has agreed to proceed with substitute counsel; and
  
    - (iii) substitute counsel is adequately informed of the facts of the debtor's case to represent the debtor at the meeting of creditors.
  
  - (3) The mover shall submit a proposed order pursuant to Local Rule 9013-5.
  
- (c) Requests to reschedule meetings of creditors under all chapters shall be made to the United States Trustee. The request to reschedule shall be filed electronically in the case record when the request is transmitted to the United States Trustee.
  - (1) The United States Trustee promptly shall file notice of its decision on a request to reschedule.

If the meeting is rescheduled, the notice shall specify the date and time of the rescheduled meeting. The debtor shall serve the U.S. Trustee's Notice of Rescheduled Meeting on all persons on the mailing list.

- (2) A motion pursuant to FRBP 2020 for review of the United States Trustee's denial of a request to reschedule a meeting of creditors shall comply with Local Rule 9013-1(a). The motion shall be filed no later than two days after the mover's receipt of notice of the denial.
- (3) The filing of a motion for review of the United States Trustee's decision does not excuse a debtor from attending the meeting of creditors.
- (d) A debtor's failure to attend the meeting of creditors may be grounds for the immediate dismissal of a voluntary bankruptcy case or other appropriate sanction.
- (e) After notice and a hearing, the court may sanction debtor's counsel for failing to attend the meeting of creditors. The sanction may include an order to refund all or part of any fees paid by or on behalf of the debtor, disallowance of compensation or other appropriate sanction.

## **2003-2 Cooperation With Trustee**

- (a) During the administration of the case, the trustee may direct the debtor, debtor's counsel, or both to turn over to the trustee documents or other information, or to amend documents in the case record.
- (b) After notice and a hearing, the court may impose an appropriate sanction on the debtor, debtor's counsel or both for failing to comply timely with a trustee's requirements.

## **2004-1 Rule 2004 Examinations**

- (a) Requests for Examination under FRBP 2004.

- (1) Leave to conduct an examination pursuant to FRBP 2004 shall be sought by ex parte motion.
- (2) Before filing a motion for examination pursuant to FRBP 2004, the mover shall confer with counsel for the person to be examined (or the person to be examined, if the examinee is not represented by counsel) to agree on a date, place and time for the examination. The mover is not required to confer with opposing counsel or the examinee if the mover has reasonable cause to believe that the witness will absent himself from the court's jurisdiction or attempt to evade service.
- (3) Motions for examination shall include:
  - (i) a statement that the parties conferred as required by section (a)(2) of this Local Rule and that all parties have agreed to the date, time and place of examination and to the production of any documents mover has requested;
  - (ii) the reasons the parties could not confer;
  - (iii) a statement that the parties conferred but were unable to reach an agreement; or
  - (iv) the reasons mover believes that the proposed examinee either will leave the court's jurisdiction or attempt to evade service.
- (4) Except as otherwise ordered by the court, motions pursuant to FRBP 2004 shall be served upon the examinee, the debtor, all counsel of record, the trustee, counsel for all committees and the United States Trustee.
- (5) The mover shall submit a proposed order pursuant to Local Rule 9013-5 providing that the examination will proceed at the agreed time



and place, or at a requested time and place if the parties have not reached an agreement. If applicable, the proposed order also shall specify documents to be produced and the date, time and place of production.

(b) Objections.

- (1) A person objecting to a proposed FRBP 2004 examination shall move for a protective order at least three days before the proposed examination, unless the motion for examination is filed fewer than three days before the proposed examination.
- (2) The mover shall notice the motion for protective order for a hearing pursuant to Local Rule 9013-3(a), or move for an expedited hearing pursuant to Local Rule 9013-3(d).
- (3) A timely motion for a protective order shall stay the order for an examination until the court rules on the motion, unless the court orders otherwise.

## **2014-1 Employment of Professionals**

(a) General Services for Trustee or Chapter 11 Debtor-in-Possession. A trustee or a chapter 11 debtor-in-possession may apply ex parte to employ a professional to perform general services on behalf of the estate.

- (1) The application shall include, in addition to the information required by FRBP 2014:
  - (i) the petition date;
  - (ii) the professional's qualifications;
  - (iii) a statement that the professional is a disinterested person within the meaning of 11 U.S.C. §101(14); or a detailed disclosure of any connection that the

professional has with the debtor, creditors, insiders or other parties in interest; and

- (iv) the terms on which the professional is to be compensated.
- (2) The application shall include the professional's affidavit or unsworn declaration under penalty of perjury pursuant to 28 U.S.C. §1746 that:
- (i) the professional has read the application, and that it is true and correct;
  - (ii) either the professional has no connection with the debtor, creditors, insiders or other parties in interest, or a detailed description of all connections;
  - (iii) the professional holds no interest adverse to the estate; and
  - (iv) in addition to information to be included in the attorney disclosure form required by Local Rule 2016-2, a disclosure of any retainer the professional has received, the source of the retainer, and whether the retainer has been or will be drawn against for pre-petition services.
- (3) Upon filing the application, the applicant shall submit a proposed order pursuant to Local Rule 9013-5. Orders employing counsel for chapter 11 debtors in possession shall conform to Local Form 4A (for interim orders) or Local Form 4B (for final orders) and be signed by the professional and the debtor.
- (4) The applicant shall serve the application, affidavit and proposed order on the United States Trustee, all secured creditors, the twenty largest unsecured creditors, the United States Attorney, and all committees and their counsel.

- (b) Attorney Employed for Specific Purpose. A trustee, chapter 13 debtor or chapter 11 debtor-in-possession may apply ex parte to employ an attorney for a specific purpose pursuant to 11 U.S.C. §327(e) as provided in subsection (a) of this Local Rule. The applicant shall submit a proposed order pursuant to Local Rule 9013-5 identifying every matter for which the attorney is retained and the terms on which the attorney will request compensation.
- (c) Employment of Non-Attorney Professionals. A trustee, chapter 13 debtor or chapter 11 debtor-in-possession may apply to retain a professional who is not an attorney using the procedures provided in subsection (a) of this Local Rule. The applicant shall submit a proposed order pursuant to Local Rule 9013-5. Applications to employ an auctioneer or broker to sell property and proposed orders on these applications also should identify the property to be sold and the terms of the professional's compensation.

## **2014-2 Employment of Trustee as Attorney or Accountant for the Estate**

- (a) A trustee's ex parte application to act as attorney or accountant for the estate pursuant to 11 U.S.C. §327(d) shall include:
- (1) the petition date;
  - (2) a detailed description of the legal or accounting services to be performed by the applicant, and a representation that employment is requested only for legal or accounting services beyond duties imposed on trustees by statute or jurisprudence;
  - (3) the proposed basis of compensation; and
  - (4) an affidavit or unsworn declaration under penalty of perjury pursuant to 28 USC §1746 confirming that the contents of the application are true and correct.

- (b) The applicant shall submit with the application, pursuant to Local Rule 9013-5, a proposed order conforming to Local Form 5, except that orders on applications to retain the attorney on a contingency fee agreement shall disclose the material terms of the fee agreement.
- (c) The applicant shall serve the application and the proposed order on the debtor, debtor's attorney and the United States Trustee, and file a certificate of service complying with Local Rule 9013-4.

## **2016-1 Compensation and Reimbursement of Professionals**

- (a) Except as provided in Local Rule 3015-1(a)(14), every application for compensation or reimbursement of expenses filed by attorneys, accountants, trustees, examiners and other professionals shall be titled to indicate whether the application is the first, subsequent or final application.
- (b) Every application shall include:
  - (1) the date of the order approving the applicant's employment;
  - (2) any retainer the applicant received;
  - (3) all fees and expenses the court previously approved, the dates of the prior orders approving fees and expenses, and whether any approved fees and expenses remain unpaid;
  - (4) the amount of retainer that has been applied previously to payment of approved fees and expenses, and the balance of the original retainer;
  - (5) a narrative of the services rendered and the time expended during the period covered by the fee application;

- (6) a detailed listing of all time spent by the applicant's professional and other personnel for which compensation is sought, including:
  - (i) the date service was rendered;
  - (ii) the tasks performed and other matters related to the service for which compensation is sought without compromising privileged information. Time entries describing services as "research," "telephone call," "court appearance," "conference with client" or "conference with attorneys," without more detail, are insufficient;
  - (iii) the amount of time spent, accounted for in increments no less than tenths of an hour; and
  - (iv) the title (e.g., partner, associate, paralegal) and billing rate of each person performing tasks.
- (7) a list of all expenses by category (e.g., long distance telephone, photocopy, messenger service) and a total of all expenses;
- (8) on an applicant's first application, a description of the professional education and experience of each of the individuals rendering services. The description may include identification of the professional school attended, year of graduation, year admitted to practice, and explanation of any specialized certification or expertise relating to the services the professional has been engaged to perform;
- (9) every application seeking compensation based on hourly rates shall contain a listing of the hourly rates charged by each professional for whose services the applicant is seeking payment;

- (10) the application shall contain a recapitulation of the time, by professional, for which the application seeks compensation and the total compensation sought;
- (c) Debtor's attorneys seeking compensation in chapter 13 cases that have not reached confirmation, or seeking compensation in excess of the prevailing "no look" fee, shall submit fee applications.
- (1) Detailed time records shall accompany all fee applications, whether the application is noticed for hearing or submitted ex parte. The time records shall include the date of the service rendered, a description of the service, the time spent on the service in tenths of an hour and the name of the professional and other personnel providing services.
- (2) Fee applications for services rendered after the "no look" fee period shall list the date and amount of all fees previously awarded and paid.

## **2016-2 Debtor's Counsel Disclosures in Chapter 7 and 13 Cases**

- (a) Disclosure of Compensation. The debtor's attorney shall file a statement disclosing the compensation paid or agreed to be paid for services rendered or to be rendered on behalf of the debtor. The disclosure shall describe the services covered by the compensation previously paid; the services for which additional compensation has been promised or for which additional compensation will be charged; and the fees to be charged for the additional services, or the basis for computing those fees if the fee is not a fixed fee. This Local Rule shall not limit the court's authority to determine compensation for debtor's counsel.
- (b) Scope of Representation. The debtor's attorney shall represent the debtor in the case, through the granting or denial of a discharge and all proceedings related to the case unless, within the disclosure of compensation described in subsection (a) of this Local Rule, the attorney specifically limits the services to be provided for the agreed fee. No limitation of an attorney's

engagement with a debtor shall be effective unless the attorney attaches to or incorporates in the disclosure a written agreement, signed by both the attorney and the debtor, identifying the types of actions, proceedings and matters not included in the attorney's undertaking. An agreement to limit services shall not affect the court's authority to supervise the attorney/client relationship.

(c) Procedures Statement. In addition to the disclosure required by subsections (a) and (b) of this Local Rule, in chapter 13 cases the Disclosure of Compensation of Attorney for Debtor shall be accompanied by a procedures statement containing:

(1) Residential Mortgage and Plan Payments.

- (i) The debtor's duty to make all post-petition payments on loans secured solely by the principal residence and loans that are subject to treatment under 11 U.S.C. §1322(b)(5), and to retain proof of all payments;
- (ii) the procedures debtor shall follow to communicate with counsel if the debtor defaults on secured obligations post-petition;
- (iii) the procedures debtor shall follow to communicate with and provide evidence to counsel if a creditor moves for relief from or modification of the automatic stay on the basis of lapsed insurance, payment default, or other post-petition default;
- (iv) the necessity of making mortgage and plan payments before confirmation of a proposed plan; and
- (v) the procedures the debtor shall follow to communicate with and provide evidence to counsel if the debtor becomes delinquent in plan payments or the trustee moves to

dismiss or convert the case due to the debtor's default on plan obligations.

- (2) No Communication with Creditor's Attorney. The procedures statement shall advise the debtor not to communicate directly with the office of counsel for a creditor seeking stay relief regarding the motion, unless the court orders otherwise.
- (3) Signed Statement. Debtor's counsel and debtor shall sign and date the statement below an indication that the content of the statement has been related orally to the debtor by the debtor's counsel and that the debtor has received a copy.
- (4) Failure to File Procedures Statement. Failure to file the procedures statement within fifteen days after filing the petition may be cause for reduction of compensation or other appropriate sanctions.

## **2081-1 Duties of Chapter 11 Debtor-in-Possession**

- (a) Unless the court orders otherwise, on filing a petition, a chapter 11 debtor-in-possession shall:
  - (1) Bank Accounts. Close all bank accounts opened before the filing of the petition. Unless funds on deposit in pre-petition accounts are cash collateral, all funds shall be transferred to new accounts to be opened in the name of the debtor-in-possession at an institution approved by the United States Trustee.
  - (2) Employee Withholding. Segregate and deposit or pay within the time prescribed by law all funds withheld from employees or collected from others for taxes imposed under the laws of the United States or any state or political subdivision of a state, including without limitation employee withholdings for social security and federal income tax.



- (3) New Books of Account. Close its pre-petition books and accounts, and open and maintain new books of account showing all income, expenditures, receipts and disbursements of the debtor while a debtor-in-possession.
- (4) Insurance. Insure the estate's property and vehicles against fire, theft, casualty and other loss in an amount no less than the fair market value of the property, and promptly pay premiums for the insurance as they come due. If the debtor is unable to maintain the insurance coverage required by this subsection, it immediately shall notify the court, all creditors with liens on any of the foregoing property, the official unsecured creditors' committee (or creditors holding the twenty largest unsecured claims, if no committee has been appointed), and the United States Trustee. Failure to comply with this subsection may be grounds for conversion or dismissal of the case, for relief from the automatic stay regarding the property, or other appropriate actions or sanctions.
- (5) Monthly Reports. On or before the fifteenth day of each month, file monthly reports covering the debtor's operations for the prior month, on forms prescribed and including information required by the United States Trustee. The debtor shall serve copies of the report on the United States Trustee and counsel for the official creditors' committee (or upon each member of the creditors' committee, if the committee does not have counsel). Failure to file monthly reports required under this subsection may be grounds for conversion or dismissal of the case, for sanctions or other appropriate actions. The debtor may apply to the court for relief relating to the duty to file and submit reports or provide other information under this Local Rule.
- (6) Avoidance of Administrative Expense. Avoid incurring administrative or priority expenses

that cannot reasonably be paid from post petition revenues. The debtor promptly shall inform the court if continuing operation of its business may result in the accrual of administrative expenses that are unlikely to be paid during the reorganization.

(b) A chapter 11 debtor-in-possession shall not compensate any present or former insider within the meaning of 11 U.S.C. §101(31) from estate assets without prior court approval.

(1) A motion to compensate any present or former insider shall recite:

(i) the necessity for retaining the insider;

(ii) the services that the insider will perform on behalf of the estate;

(iii) the amount (including any benefits) that the debtor proposes to pay to the insider, and the terms and conditions of the employment or other undertaking;

(iv) all compensation, benefits and other payments that the insider has received from the debtor in the six months prior to the petition; and

(v) the insider's salary at the date of the petition.

(2) Every insider to receive compensation shall verify the motion.

(3) The debtor shall submit with the motion a proposed order pursuant to Local Rule 9013-5.

(4) The court may grant the motion ex parte if the motion and proposed order have been served on the United States Trustee, all secured creditors or their counsel, counsel for the official creditors' committee (or upon each member of

the creditors' committee, if the committee does not have counsel), or if no committee has been appointed, creditors holding the twenty largest unsecured claims.

- (5) Any party in interest for cause may move to terminate or modify an order granted ex parte under this subsection. A motion shall be noticed for hearing pursuant to Local Rule 9013-3.

## **2082-1 Duties of Chapter 12 Debtor**

The court will issue an order upon the commencement of a chapter 12 case prescribing the debtor's duties.

## **2083-1 Duties of Chapter 13 Debtor**

- (a) The debtor shall insure the estate's property and vehicles against fire, theft, casualty and other loss in an amount no less than the fair market value of the property, and promptly pay premiums for the insurance as they come due. At or before the meeting of creditors, the debtor shall deliver to the chapter 13 trustee written evidence of insurance for each insurance policy covering estate property. A debtor unable to maintain the insurance coverage required by this subsection immediately shall notify creditors with liens on the insured property, the chapter 13 trustee and the court. Failure to comply with this subsection may be cause for dismissal or conversion of the case, relief from the automatic stay regarding the property, or other appropriate actions or sanctions.
- (b) The debtor shall furnish to the chapter 13 trustee, upon request, evidence of every mortgage debt secured by the debtor's principal residence, including without limitation the amount of pre-petition and post-petition arrears.

## **2090-1 Attorney Admission to Practice**

- (a) Except as provided in this Local Rule, only attorneys admitted to practice before the United States District Court for the Middle District of Louisiana may represent persons in this court.
- (b) Attorneys routinely practicing in the court shall obtain an Electronic Filing Password pursuant to Local Rule 5005-1. Acceptance of an electronic password constitutes an attorney's agreement to file documents electronically and consent to receive notices of filing from the Clerk electronically and a waiver of notice by first class United States Mail, including notice of the entry of an order or judgment under FRBP 9022, except as otherwise provided by the Bankruptcy Code, FRBP or court order. This Local Rule shall not apply to service of summons and complaint under FRBP 7004.
- (c) Attorneys practicing in the court shall be familiar with the Local Rules.

## **2090-2 Pro Hac Vice Appearance**

- (a) An attorney ineligible for admission to the bar of the United States District Court for the Middle District of Louisiana, who is a member in good standing of the bar of any United States Court or the highest court of any State, Territory or Insular Possession of the United States, and of good moral character may be permitted to appear and participate in a specific case or proceeding, upon ex parte motion. Permission to appear pro hac vice in the bankruptcy court does not constitute permission to appear in the district court.
- (b) Except as authorized by the United States Constitution, Act of Congress or court order, an applicant is not eligible to practice pro hac vice if the applicant:
  - (1) resides in Louisiana;
  - (2) is regularly employed in Louisiana; or

- (3) is regularly engaged in business or professional activities in Louisiana.
- (c) A motion for permission to appear pro hac vice shall include:
- (1) the mover's name and office address;
  - (2) all courts that have admitted the mover to practice and the date of admission to each court;
  - (3) a certificate of recent date from the presiding judge or clerk of the highest court of the state, or court of the United States, where the mover has been admitted to practice, showing that the mover has been admitted to that court and that he is in good standing ;
  - (4) a statement that the mover has not been sanctioned or disciplined by any court or administrative body, or the details and disposition of each and every sanction and disciplinary proceeding;
  - (5) a description of mover's training on any court's Case Management/Electronic Case Filing system; and
  - (6) the attorney's agreement to comply with these Local Rules.
- (d) The mover shall submit a proposed order pursuant to Local Rule 9013-5 identifying every case and proceeding in which counsel seeks leave to appear pro hac vice.

## **2091-1 Withdrawal and Substitution of Counsel**

- (a) If debtor's counsel has not limited its engagement as provided in Local Rule 2016-2(b), the court may grant leave to withdraw only on the following conditions:

- (1) The court may consider an ex parte joint motion to withdraw and to substitute debtor's counsel, signed by counsel moving to withdraw, substitute counsel and the debtor. Motions not bearing all three signatures shall be noticed for a hearing pursuant to Local Rule 9013-3.
  - (2) If the debtor has not retained substitute counsel, a motion to withdraw as debtor's counsel shall include:
    - (i) counsel's reasons for moving to withdraw;
    - (ii) the debtor's current address and current telephone number;
    - (iii) a statement that the mover either has notified the debtor of his intent to move to withdraw and has advised the debtor of all deadlines and pending court appearances and the consequences of proceeding without an attorney or that he has been unable to contact the debtor by telephone or United States Mail.
- (b) If debtor's counsel has limited his engagement pursuant to Local Rule 2016-2(b) and wishes to withdraw as counsel, the motion shall not only comply with the requirements of 2091-1(a)(2), but also shall recite that the engagement was limited, attach evidence of the limitation of the engagement, and state that counsel previously has notified the debtor of his intent to move to withdraw.
- (c) Mover shall serve the motion to withdraw as debtor's counsel in a bankruptcy case and notice of hearing (if required) on the debtor, the United States Trustee, the trustee and counsel for any committee. Mover shall serve the motion to withdraw as debtor's counsel in an adversary proceeding and notice of hearing (if required) on the debtor and all other parties or their counsel of record.

- (d) If relief is sought ex parte, the mover shall submit a proposed order pursuant to Local Rule 9013-5. If a hearing is necessary, the mover shall comply with Local Rules 9013-1 through 9014-3.
- (e) Motions to withdraw and to substitute counsel for non-debtor parties shall be submitted ex parte. If a non-debtor party has not arranged for substitute counsel, a motion for leave to withdraw shall include:
  - (1) a statement of the reasons counsel is moving to withdraw;
  - (2) a statement that the client has been contacted regarding the motion to withdraw and has been advised of all deadlines and pending court appearances; and
  - (3) the client's current address and current telephone number.
- (f) Withdrawal or substitution of counsel for any party in a case or proceeding is not cause for relief from any pending deadlines, hearing or trial dates, unless the court orders otherwise.

## **2092-1 Claims of Judicial Misconduct or Disability**

The Judicial Conduct and Disability Act of 1980 (28 U.S.C. §372(c)) authorizes complaints against United States judges who have "engaged in conduct prejudicial to the effective and expeditious administration of the business of the courts" or who are "unable to discharge all the duties of office by reason of mental or physical disability." The conduct to which the law is addressed does not include making wrong judicial decisions, and the law provides that a complaint may be dismissed if it is "directly related to the merits of a decision or procedural ruling."

The Fifth Circuit's Rules Governing Complaints of Judicial Misconduct or Disability apply to judges of federal courts within the Fifth Circuit, which comprises Texas, Louisiana and Mississippi. Copies of the rules may be obtained from, and written complaints filed at:

Clerk, U.S. Court of Appeals for the Fifth Circuit  
600 Camp Street, Room 102  
New Orleans, Louisiana 70130





## Part III

### 3007-1 Claim Objections

Every claim objection based on facts not subject to judicial notice pursuant to Federal Rule of Evidence 201 shall be accompanied by an affidavit stating the material facts supporting the objection, if an affidavit would make an evidentiary hearing unnecessary.

### 3015-1 Chapter 13 Plans

- (a) In addition to contents required by 11 U.S.C. §1322, a plan shall include:
- (1) Payments. The dollar amount of payments to be made to the trustee, by month;
  - (2) Trustee Compensation. The portion of the plan payment designated as trustee compensation and reimbursement;
  - (3) Curing of Default. If the plan provides for the curing of any default or arrearage, a designation of the default as pre-petition or post-petition;
  - (4) Property Value. A value for every asset that secures a claim treated in the plan;
  - (5) Payment of Claims. The manner in which every secured claim and class of claims is to be satisfied or paid, including monthly payment amounts, and whether the debtor or the trustee will make payments to the creditor;
  - (6) Interest Rate. The rate of interest to be paid on each secured claim;
  - (7) Lien Avoidance. If the debtor intends to file a complaint to avoid a lien, an unambiguous statement that the debtor proposes to avoid a creditor's lien and the basis alleged for avoidance;

- (8) Liquidation Value. An analysis of the amount available to unsecured creditors if the case were a chapter 7 liquidation;
- (9) Computing Present Value. A statement of the annual interest or discount rate used to compute the present value of the deferred payments to the class of unsecured claims for purposes of 11 U.S.C. §1325(b)(1)(A), and wherever else applicable;
- (10) Present Value. A statement of the present value of the deferred payments to the class of unsecured claims;
- (11) Basis For Differing Treatment. The basis for different payments or treatment of creditors within the same class;
- (12) Surrender of Collateral. A statement that confirmation of the plan shall constitute an order granting relief from the automatic stay to allow enforcement of security interest(s) in collateral surrendered pursuant to 11 U.S.C. §1325(a)(5)(C);
- (13) Executory Contracts and Unexpired Leases. Identification of every executory contract and unexpired lease, and provisions concerning their assumption or rejection;
- (14) Disclosure and Request for Approval of Attorney's Compensation. A disclosure of the compensation paid or promised to be paid to debtor's counsel, together with a request for a hearing on approval of compensation and reimbursement of expenses at the time of the confirmation hearing;
- (15) Attorney's Certification. A certification that debtor's counsel has personally explained to the debtor the debtor's obligations under the plan.

- (b) The mandatory chapter 13 plan form for this district may be found on the court's website, [www.lamb.uscourts.gov](http://www.lamb.uscourts.gov).

## **3015-2 Objections to Confirmation of Chapter 13 Plans**

- (a) Written objections to plan confirmation by parties other than the chapter 13 trustee shall be filed and served on the trustee, the debtor and debtor's counsel at least fifteen days before the scheduled confirmation hearing. The court may refuse to consider an objection that is not filed and served timely, or impose other appropriate sanctions.
- (b) The chapter 13 trustee may file written objections to confirmation at any time before the confirmation hearing and also may object orally at the confirmation hearing.

## **3015-3 Chapter 13 Confirmation Hearing**

- (a) The debtor and the debtor's attorney shall attend the initial confirmation hearing and any continued confirmation hearing, unless the court orders otherwise.
- (b) Continuances of confirmation hearings made necessary by lack of preparation or diligence of debtor's counsel may be cause for reduction of debtor's counsel's compensation and other sanctions.
- (c) The debtor shall serve the chapter 13 plan when it is filed by first class United States Mail, postage prepaid, on all persons on the Mailing List, and file a certificate of service complying with Local Rule 9013-4.
- (d) The debtor shall file and serve on the chapter 13 trustee all amendments, schedules and other documents submitted in connection with confirmation no later than eight days before the scheduled confirmation hearing.

## 3015-4 Amended and Modified Chapter 13 Plans

### (a) Amendment of Plan Before Confirmation.

- (1) An amended plan filed before the initially scheduled confirmation hearing shall be titled as an amended plan.
- (2) An amended plan shall be titled to indicate whether it is the first or a later amendment.
- (3) An amended plan that provides for a moratorium on plan payments or adds post-petition payments to a creditor holding a secured claim shall state in detail the reason the debtor failed to make post-petition payments.
- (4) Plans amended before confirmation shall be filed and served no later than eight days before the scheduled confirmation hearing, on the chapter 13 trustee and every party whose claim is affected by the amended plan.
- (5) Amended plans may be filed within eight days before a scheduled confirmation hearing only with trustee consent and prior leave of court.

### (b) Modification of Confirmed Plans.

- (1) A modified plan shall:
  - (i) be titled to indicate whether it is the first or a later modification;
  - (ii) set forth the reason for the modification;
  - (iii) specifically identify the changes in the debtor's circumstances that are cause for the modification, including, if appropriate, the reason the debtor has failed to make plan or post-petition payments to creditors holding secured claims; and

- (iv) set forth the amount of fees previously awarded to debtor's counsel during the case, and any additional fees sought for the modification.
  - (2) A modified plan shall set forth all changes to the confirmed plan in contrasting type or underscored.
  - (3) The debtor shall file amended schedules B106I and B106J with every modified plan if the debtor's income or expenses differ from the previously-filed schedules.
  - (4) Objections to the confirmation of a modified plan shall be filed and served no later than fifteen days before the scheduled hearing.
  - (5) Post-confirmation plan modifications shall be noticed for hearing pursuant to FRBP 3015(g) and Local Rule 9013-3(b).
  - (6) Amendments to a modified plan shall be filed and served no later than eight days before the scheduled confirmation hearing on the chapter 13 trustee and every party whose claim is affected by the modified plan.
  - (7) With the consent of the trustee and prior leave of court, written objections to amendments shall be filed and served on the trustee, the debtor and debtor's counsel at least two days before the scheduled confirmation hearing. The court may refuse to consider an objection that is not filed and served timely, or impose other appropriate sanctions.
  - (8) Modified plans may be filed within eight days before a scheduled confirmation hearing only with trustee consent and prior leave of court.
- (c) Effect of Stay Relief on Chapter 13 Plan. Unless the court orders otherwise, modification of the automatic stay at the request of a creditor whose secured claim

is being paid pursuant to a chapter 13 plan shall terminate plan payments to that creditor on account of the secured claim, without the need for a court order or modification of the plan.

### **3015-5 Chapter 13 Discharge**

- (a) Upon completion of all payments required by a confirmed chapter 13 plan, the debtor (in joint cases, both debtors) shall sign and file a motion for entry of chapter 13 discharge and certification conforming to Local Form 6. The debtor shall serve the motion on the chapter 13 trustee, United States Trustee and all persons on the mailing list.
- (b) A party opposing the discharge shall file an objection to discharge within 21 days of the date on which the debtor files a motion for entry of chapter 13 discharge and certification. The court shall set a hearing on objections to discharge.
- (c) If no party in interest objects timely, the court shall discharge the debtor.

### **3016-1 Chapter 11 Disclosure Statement**

- (a) Unless the court orders otherwise, a disclosure statement shall include, without limitation:
  - (1) Narrative. A description of the events causing the chapter 11 filing;
  - (2) Assets. A description and estimated value of assets, including the basis for the valuation assigned to the assets;
  - (3) Historic Financial Information. Balance sheet as of the date of the disclosure statement, and income and expense statement (or profit and loss statement) covering the longer of (i) the period that the chapter 11 case has been pending or (ii) the one year period ending the month the disclosure statement is filed;

- (4) Feasibility. Income and expense and cash flow projections in reasonable detail and with an explanation of all assumptions on which the projections are based;
- (5) Summary of Plan. A summary of the plan, including a description of the classes established in the plan. Incorporation of the plan text is not sufficient for this purpose;
- (6) Liquidation Analysis. An analysis of the estimated return to creditors if the case were converted to a chapter 7 liquidation, including the assumptions on which the proponent bases the estimate;
- (7) Disclosure of Management. Identification of and proposed compensation and benefits for every person who will participate in management of the debtor after confirmation;
- (8) Future Litigation.
  - (i) A description of all anticipated litigation or other proceedings to recover from third parties, whether in the bankruptcy court or other forums;
  - (ii) An explanation for not pursuing recovery from third parties, if the proponent contends that the debtor possesses valid claims;
- (9) Tax Attributes. A discussion of the debtor's significant tax attributes and the probable tax consequences of confirmation of the proposed plan to the debtor-in-possession, creditors and other parties in interest;
- (10) Special Classifications. The basis for any special plan classifications or treatments of claims or interests; and



- (11) Administrative Expenses. Actual paid and unpaid administrative expenses of the reorganization as of the date of the disclosure statement; and a projection of administrative expenses through confirmation.
  - (12) Executory Contracts and Unexpired Leases. A list of executory contracts and unexpired leases; include for each: parties to agreements, arrearages and cure amounts, if appropriate.
- (b) Disclaimers of accuracy or responsibility for information in a disclosure statement shall be considered a failure to provide adequate information concerning the issue disclaimed.
  - (c) A disclosure statement shall not refer to schedules or other information in the case record unless the information is reproduced in or attached to the disclosure statement.
  - (d) Upon filing the disclosure statement and plan of reorganization, the plan proponent shall serve a copy of the disclosure statement and proposed plan of reorganization on the United States Trustee, counsel for the unsecured creditors' committee (or upon each member of the creditors' committee if the committee is not represented by counsel), counsel for every secured creditor and all parties requesting notice.

### **3017-1 Approval of Disclosure Statement**

- (a) The court will schedule a hearing to consider approval of the adequacy of the disclosure statement.
- (b) The order approving a disclosure statement will schedule a confirmation hearing and any deadlines related to confirmation.

## **Part IV**

### **4001-1 Relief from Automatic Stay**

(a) Motions for relief pursuant to 11 U.S.C. §362(d) or for adequate protection in a case under any chapter of the Bankruptcy Code shall comply with Local Rules 9013-3 and 9014-1.

(b) The motion shall include:

(1) an allegation of the value of the property and the factual basis for the allegation. If mover relies on the value assigned in the debtor's schedules, the motion shall specify the scheduled value. A mover intending to offer expert valuation testimony shall include in the motion the name and address of every expert and attach a statement of every expert's qualifications, any appraisal, broker's opinion or any other report of every proposed expert, unless the court orders otherwise. Movers failing to comply with this subsection shall not be permitted to offer expert testimony at the hearing.

(2) if the motion seeks stay relief to foreclose on or to enforce a security interest in property of the estate or of the debtor:

(i) documents evidencing the debtor's obligation to the mover, including without limitation notes and assignments;

(ii) an affidavit or declaration under penalty of perjury that the mover is entitled to enforce the obligation; and

(iii) documents evidencing the date and method of perfection of the mover's lien under applicable law, including without limitation mortgages bearing evidence of recordation, vehicle certificates of title, or other documents sufficient to establish the existence of the mover's lien. Recitation of

recordation information alone is not sufficient.

(c) The mover shall serve the motion, with attachments, notice of hearing and the proposed order on:

(1) Chapter 7 Cases. The debtor, debtor's attorney, trustee and every person that claims a lien on or security interest in any property that is the subject of the motion;

(2) Chapter 11 Cases. The debtor-in-possession or trustee and their counsel, committee of creditors and its counsel, or if no committee has been appointed, creditors holding the twenty largest unsecured claims, the United States Trustee and every person claiming a lien on or security interest in any property that is the subject of the motion;

(3) Chapter 12 Cases. The debtor, debtor's attorney, trustee, creditors holding the twenty largest unsecured claims and every person claiming a lien on or security interest in any property that is the subject of the motion;

(4) Chapter 13 Cases. The debtor, debtor's attorney, co-debtors (if applicable), trustee and every person claiming a lien on or security interest in any property that is the subject of the motion.

(d) Objections to motions under this Local Rule shall comply with Local Rule 9014-1 and shall include:

(1) The valuation asserted by the party opposing relief, if property value is an issue. A party intending to offer expert valuation testimony in opposition to a motion shall include with the opposition the name and address of every expert and attach a statement of the expert's qualifications, any appraisal, broker's opinion or any other report of every proposed expert, unless the court orders otherwise. A party

opposing the motion who fails to comply with this subsection shall not be permitted to offer expert testimony at the hearing.

- (2) For all grounds other than valuation, specific facts supporting denial of relief as a matter of law. The court may strike oppositions not complying with this subsection.
  - (3) If a chapter 13 debtor opposes stay relief on the ground that the debtor will amend a proposed plan or modify a confirmed plan, its opposition shall specify the reasons the debtor failed to make post-petition payments to the secured creditor. The court may strike oppositions not complying with this subsection.
- (e) If a motion under this Local Rule is timely and properly controverted, all parties shall be prepared for an evidentiary hearing on the date on which the motion is noticed for hearing, unless they agree otherwise before the hearing and have informed the court.
- (f) The mover shall submit a proposed order pursuant to Local Rule 9013-5 upon filing the motion. Proposed orders relating to immovable property shall enter both the legal description and the street address of the property. Proposed orders shall not routinely include a waiver of the stay of execution in FRBP 4001(a)(3), recite that they are binding if the case is converted to a proceeding under any other chapter of the Bankruptcy Code, or award mover's attorney's fees or costs.

## **4001-2 Motions to Extend or Impose Automatic Stay**

- (a) Parties in interest seeking to continue the automatic stay pursuant to 11 U.S.C. §362(c)(3) or impose the automatic stay pursuant to 11 U.S.C. §362(c)(4) shall serve the motion, supporting affidavits and the notice of hearing or order setting the motion for hearing:

- (1) by facsimile or electronic mail on all mortgage creditors in the debtor's prior bankruptcy case(s) and on counsel for those creditors; and
  - (2) by United States mail, postage prepaid and properly addressed, on:
    - (i) all other creditors in the debtor's prior case(s); and
    - (ii) all other creditors as to which the debtor seeks to continue or impose the automatic stay.
- (b) If an expedited hearing is necessary, the mover shall file a motion for expedited hearing at the same time the substantive motion is filed. The motion for expedited hearing shall comply with Local Rule 9013-3(d), except that the mover shall obtain the consent to an expedited hearing from the trustee.
- (c) A motion under 11 U.S.C. §362(c)(3) or (4) shall list:
- (1) every prior bankruptcy filing by the debtor, joint debtor, or both;
  - (2) the court, case number and disposition of all prior cases;
  - (3) the reason for the dismissal of every prior case;
  - (4) If any prior case was dismissed with a bar to refiling, the duration of the bar and the date the bar ends.

### **4001-3 Ex Parte Motions for Relief from Automatic Stay**

- (a) Relief from the Automatic Stay. In addition to procedures in FRBP 4001 for obtaining ex parte relief from the automatic stay, the court may grant stay relief on an ex parte motion if all persons entitled to notice under Local Rule 4001-1(c) consent in writing to stay relief.

- (b) Affidavit of Default Relating to Consent or Adequate Protection Order. Creditors seeking ex parte relief from the automatic stay based on an alleged default under a consent or adequate protection order shall:
- (1) file an ex parte motion for relief supported by an affidavit of an officer or employee of the creditor with personal knowledge of facts establishing the default. Affidavits of counsel of record are not sufficient;
  - (2) attach a copy of the applicable consent or adequate protection order to the motion; and
  - (3) give notice of the filing of the motion to the debtor, debtor's counsel and all other parties entitled to notice under FRBP 2002.
- (c) Proposed Order. The mover shall submit a proposed order pursuant to Local Rule 9013-5. Proposed orders shall not impose any obligations on the debtor or provide for any other relief, including directing the debtor to surrender or deliver collateral to the creditor.

#### **4001-4 Motion for Order Confirming Termination of Automatic Stay**

Motions under 11 U.S.C. §362(j) shall include the case number, filing date and dismissal date of all cases filed in the two years preceding the petition.

#### **4002-1 Debtor's Duties**

The debtor promptly shall file with the Clerk written notice of any change of mailing address and telephone number until the case is closed.

#### **4008-1 Reaffirmation Agreements**

The court shall schedule hearings to consider approval of reaffirmation agreements where required by the Bankruptcy Code.



## Part V

### 5005-1 Electronic Filing and Transmittal of Documents

- (a) All documents in any case or proceeding shall be filed electronically.
  - (1) Documents filed at the court shall be filed in the Clerk's office during business hours posted on the Clerk's website, [www.lamb.uscourts.gov](http://www.lamb.uscourts.gov).
  - (2) Documents may be filed at any time from a location other than the Clerk's office.
  - (3) The Clerk shall not accept or file documents submitted by electronic mail and fax transmission without prior leave of court.
- (b) If the CM/ECF System is not in operation when a document must be filed to preserve a right or claim, the person desiring to file shall arrange with the Clerk, during normal business hours, for non-electronic filing.
- (c) An attorney desiring to electronically file documents from a location other than the Clerk's office shall obtain a password from the Clerk using the procedures for applying for a password found in the Administrative Procedures Manual.
- (d) An attorney seeking admission to appear pro hac vice shall obtain a temporary Electronic Filing Password from the Clerk using the procedures for applying for a temporary password found in the Administrative Procedures Manual.
- (e) A person desiring to electronically file applications to withdraw unclaimed funds from a location other than the Clerk's office shall obtain a limited use password from the Clerk using the procedures found in the Administrative Procedures Manual.



- (f) A creditor desiring to electronically file documents not requiring the services of an attorney shall obtain a limited use password from the Clerk using the procedures found in the Administrative Procedures Manual.

## **5005-2 Document Size**

All documents, including attachments, shall be electronically sized to 8½ by 11 inches for filing.

## **5011-1 Motions to Withdraw Reference or for Other Relief from District Court**

- (a) Motions for relief from a district judge pursuant to 28 U.S.C. §157 shall be filed in the bankruptcy court.
- (b) After filing, the district court's local rules shall apply to motions that request relief from a district judge.
- (c) Motions subject to this Local Rule shall include:
  - (1) a clear and conspicuous statement in the caption of the pleading that "RELIEF IS SOUGHT FROM A UNITED STATES DISTRICT JUDGE";
  - (2) a designation of parts of the bankruptcy court record that will be reasonably necessary to enable the district court to consider the motion; and
  - (3) a list of every party with an interest in the motion, the attorney for every party and the attorney's mailing address.
- (d) After the initial motion, every document filed in a matter subject to this Local Rule shall be filed with the Clerk of the District Court and shall comply with the rules of that court.
- (e) The Clerk promptly shall notify the Clerk of the District Court of the filing of a motion subject to this Local Rule.

- (f) All parties and their attorneys shall advise this court and the district court promptly of orders entered in either forum that affect matters pending in the other forum.

## **5082-1 Fees**

### (a) Payment of Filing Fees.

- (1) Filing fees shall be paid in cash, by cashier's check or money order payable to "Clerk, United States Bankruptcy Court," except as provided in subsection (a)(2) of this Rule, or through a court approved internet payment processing vendor.
- (2) The Clerk also may accept checks drawn on the account of an attorney or a law firm other than a debtor, except as provided in subsection (a)(4) of this Rule. Attorneys and law firms may pay filing fees by credit card issued to a law firm or attorney, subject to the card issuer's approval of the transaction.
- (3) Debtors may not pay filing fees with credit cards or personal checks.
- (4) The Clerk may decline to accept personal checks from any person or entity that previously has tendered a check that has been dishonored.

### (b) Time of Payment.

- (1) Fees for the electronic filing of a document from a location other than the Clerk's office shall be paid within two business days after the filing.
- (2) Fees for the electronic filing of a document at the Clerk's office shall be paid immediately.
- (3) Electronic Filers that do not pay filing fees timely, will have the electronic filing password disabled.

(c) Refunds of Filing Fees.

It is the policy of the Judicial Conference of the United States to strongly discourage refunds of fees incurred as a result of user error. However, the clerk may refund fees upon filing of a motion alleging exceptional circumstances, excluding user negligence or inadvertence, and after notice and a hearing in compliance with these rules. The clerk may also refund fees incurred through clerk error.

## **Part VII**

### **7004-1 Summons**

(a) Plaintiff or its counsel shall request issuance of summons upon filing a complaint.

(b) Within the time provided for service under FRBP 7004(e), plaintiff or its counsel shall serve: (i) the summons and notice of pretrial conference and (ii) the complaint, and pursuant to Local Rule 7016-1. Plaintiff or its counsel shall file proof of service of the summons and notice of pretrial conference and complaint no later than seven days before the scheduling and preliminary pretrial conference.

### **7012-1 Responsive Pleadings**

Parties shall not agree to any informal extensions of time to respond to the complaint.

### **7016-1 Pretrial Procedures**

(a) The court may set a scheduling and preliminary pretrial conference in adversary proceedings.

(b) Unless the court orders otherwise, trial counsel for each represented party, and all unrepresented parties, personally shall attend the scheduling and preliminary

pretrial conference and be sufficiently familiar with the proceeding to discuss:

- (1) scheduling and other matters related to trial preparation;
  - (2) the issues presented by and present status of the proceeding; and
  - (3) the possibility of settlement.
- (c) Following the conference the court shall issue a scheduling order.
- (d) Motion practice shall be governed by Local Rule 9013-1 through 9014-3.

## **7026-1 Filing of Discovery Requests and Responses**

- (a) Discovery requests, responses to the requests and transcripts of depositions shall not be filed except as provided in the Federal Rules of Bankruptcy Procedure, these Local Rules or by court order.
- (b) The party preparing and serving discovery requests or responses shall retain the original discovery materials.
- (c) Discovery requests or responses may be filed as exhibits to a motion, or offered into evidence at a trial or a hearing.

## **7037-1 Discovery Motions**

- (a) A party moving to compel discovery or to obtain relief from discovery shall file with its motion a certificate stating that the parties to the discovery dispute or their counsel have conferred in person or by telephone to attempt to resolve the dispute amicably, and the reasons they are unable to agree; or stating that the opposing party or its counsel has refused to confer after reasonable notice. The mover or its counsel shall arrange the conference.

- (b) A party moving for relief concerning any discovery request or response to request shall file copies of the relevant discovery materials with the motion.

### **7041-1 Dismissal of Discharge Complaints**

- (a) A plaintiff other than a trustee may dismiss a complaint objecting to discharge under 11 U.S.C. §727 only after hearing on notice to the trustee, United States Trustee, all creditors and other parties in interest.
- (b) A plaintiff moving to dismiss a complaint subject to this Local Rule shall file with the motion an affidavit describing any consideration it has received or been promised for the dismissal, and the source of the consideration.

### **7055-1 Default**

- (a) A moving party moving for default judgment shall submit a proposed judgment pursuant to Local Rule 9013-5 upon filing the motion.
- (b) The court may require a hearing on a motion for default judgment.

### **7056-1 Summary Judgment**

- (a) Every motion for summary judgment shall be accompanied by a separate, short and concise statement of the material facts as to which the moving party contends there is no genuine issue to be tried.
- (b) A party opposing a motion for summary judgment shall file with its opposition a separate, short and concise statement of the material facts as to which it contends a genuine issue exists for trial. The party opposing the motion is deemed to have admitted all material facts set forth in the moving party's statement, unless it controverts them as required by this Local Rule.

## **7065-1 Injunctions**

- (a) An application for a temporary restraining order or a preliminary injunction shall be made in a motion separate from the complaint.
- (b) An application for a temporary restraining order shall be accompanied by a certificate of the applicant's attorney, or by an affidavit, stating that:
  - (1) the applicant has given the adverse party's attorney, if known, or the adverse party, actual notice of the time of making the application, and copies of all pleadings and other papers filed in the proceeding and to be presented to the court at the hearing; or
  - (2) the applicant has been unable to give actual notice as described in Local Rule 7065-1(b)(1), and describing in detail the applicant's efforts to give notice of the application and furnish to the adverse party copies of all pleadings and other papers filed in the proceeding or to be presented to the court at the hearing;
- (c) Upon filing the motion for temporary restraining order, the applicant shall submit a proposed form of restraining order pursuant to Local Rule 9013-5.

## Part IX

### 9001-1 Definitions

In addition to the definitions found in FRBP 9001 and the rules of construction in 11 U.S.C. §102, the following definitions and rules of construction shall apply when interpreting these Local Rules:

- (a) *Administrative Procedures Manual* means a set of procedures established by the Clerk of the United States Bankruptcy Court for the Middle District of Louisiana, as they may be amended from time to time.
- (b) *CM/ECF* means Case Management/Electronic Case Filing System.
- (c) *Debtor* means the debtor, and both debtors in a joint case, unless the context indicates otherwise.
- (d) *Electronic Filer* means an individual to whom the Clerk has issued a login and password with which to file documents electronically into the Case Management/Electronic Case Filing system.
- (e) *FRCP* means Federal Rules of Civil Procedure as amended.
- (f) *FRBP* means Federal Rules of Bankruptcy Procedure as amended.
- (g) *Local Rules* means these Local Rules for the United States Bankruptcy Court for the Middle District of Louisiana as amended.
- (h) *Clerk* means the Clerk of Court for the United States Bankruptcy Court for the Middle District of Louisiana.

### 9010-1 Persons Not Represented by an Attorney

- (a) No corporation, partnership, unincorporated association, limited liability company or other entity shall file any document or appear and be heard in any case or proceeding without an attorney, except to file proofs of claim,

reaffirmation agreements, applications for compensation and related documents signed by a person authorized by law to act for the entity.

- (b) A party not represented by an attorney must appear personally at any hearing or proceeding requiring the party's appearance, unless excused by the court.
- (c) An unrepresented debtor's duty to appear may not be delegated to another person, including a spouse or other relative, without leave of court.
- (d) Every person not represented by an attorney shall comply with these Local Rules, the Federal Rules of Bankruptcy Procedure and the Federal Rules of Evidence.

## **9011-1 Duties of Attorneys**

Use of an attorney's electronic filing login and password shall constitute:

- (a) the attorney's acknowledgment and agreement that the attorney's electronic signature on any document filed through the use of the attorney's electronic password is the original signature of the attorney to whom the password was issued for all purposes under FRBP 9011 and other applicable law; and
- (b) the attorney's agreement to be subject to all requirements in the Application for Attorney Password for Electronic Filing System (Local Form 7) and these Local Rules.

## **9013-1 Motion Practice**

- (a) Every motion, application, and proposed order shall include:
  - (1) A current, direct e-mail address for the filer;
  - (2) A current and operable telephone number for the filer;
  - (3) The filer's physical address.
- (b) Motions Requiring Hearing.



- (1) All motions, applications, and requests for an order shall be filed electronically. All exhibits and materials supporting a motion shall be attached electronically to the motion.
  - (2) Upon filing a motion requiring a hearing, the mover shall give notice of the motion to all parties entitled to notice under the Federal Rules of Bankruptcy Procedure and these Local Rules.
    - (i) The notice shall set forth the motion's title, concisely describe the motion's content and the relief it requests, and any other information required by FRBP 2002. It also shall state the date, time and place of the scheduled hearing.
    - (ii) The notice shall state that any party opposing the motion must file an objection or response no later than eight days before the scheduled hearing and must at the same time serve a copy of the objection or response on the mover or its counsel, and upon all other parties entitled to notice of the objection.
    - (iii) The notice shall not state that the scheduled hearing will be held only if opposition is filed timely. Specifically notices stating that the court will hold a hearing if and only if an objection is filed are not permitted.
- (c) Motions Not Requiring Hearing. In addition to motions for which the Federal Rules of Bankruptcy Procedure or these Local Rules expressly provide, the following motions may be submitted for ex parte consideration without additional notice and opportunity for a hearing:
- (1) Extension of Time. Motions for extension of time for the performance of an act, if the motion is filed before the expiration of the period originally prescribed or as extended by previous orders;
  - (2) Continuance. Joint motions signed by all counsel, or with consent of all parties, to continue a pretrial conference, hearing or trial;

- (3) Additional Parties. Motions to add parties;
  - (4) Substitution. Motions for substitution of parties;
  - (5) Joint Motions to Dismiss or Motions to Dismiss with Consent of All Parties. Joint motions to dismiss adversary proceedings, except motions subject to Local Rule 7041-1; and
  - (6) Trustee's Administrative Motions. Motions for administrative orders requested by a trustee in cases under chapter 7, 11, 12 or 13.
- (d) Consensual Motions Concerning Automatic Stay. Consensual motions relating to the automatic stay are subject to Local Rule 4001-2.
- (e) Proposed Order. Upon filing any motion mover shall submit a proposed order in the manner prescribed by Local Rule 9013-5, except as otherwise provided in these Local Rules.
- (1) The order shall identify in its introductory phrase the mover, the motion to which the order relates and the date the motion was noticed for a hearing or actually heard by the court.
  - (2) Orders submitted on motions for relief from the automatic stay also shall comply with Local Rule 4001-1(f).
  - (3) The prevailing party, within two days, shall submit an order reflecting the ruling if it differs from the ruling in the previously submitted order.

## **9013-2 Memoranda**

If appropriate to an understanding of issues the motion raises, the mover shall file with the motion a memorandum concisely stating the grounds for the relief sought and citing supporting authorities. Memoranda shall be double-spaced and paginated.

## 9013-3 Scheduling Hearings

### (a) Motion Day - Matters Other Than Chapter 13 Cases.

- (1) Motions in chapter 7, 11 or 12 cases or adversary proceedings shall be noticed for a hearing only on dates and at times posted on the court's website, [www.lamb.uscourts.gov](http://www.lamb.uscourts.gov).
- (2) Movers reasonably anticipating that a motion will require more than 20 minutes for testimony and argument should file an ex parte motion for a special setting before noticing the substantive motion for hearing. The court on its own motion may reschedule the hearing on any matter to a date and time that will not delay other matters on a hearing day docket.
- (3) Parties intending to introduce evidence at the hearing shall give notice to the court and all opposing parties no later than five days before the hearing.

### (b) Motion Day; Chapter 13 Cases.

- (1) Motions in chapter 13 cases shall be noticed for a hearing only on dates and at times posted on the court's website, [www.lamb.uscourts.gov](http://www.lamb.uscourts.gov).
- (2) Movers reasonably anticipating that a motion will require more than 20 minutes for testimony and argument should file an ex parte motion for a special setting before noticing the substantive motion for hearing. The court on its own motion may reschedule the hearing on any matter to a date and time that will not delay other matters on a hearing day docket.
- (3) Parties intending to introduce evidence at the hearing shall give notice to the court and all opposing parties no later than five days before the hearing.

### (c) Notice of Hearing.

- (1) Modification of a Confirmed Plan. Modified plans shall be noticed for hearing on the first motion day that is not fewer than twenty-eight days after the date on which the modified plan is filed.
- (2) Motions Other than for Stay Relief or Conversion. Motions shall be noticed for hearing on the first motion day that is no fewer than twenty-one days after the date on which the motion is filed, except as otherwise specifically provided by the Federal Rules of Bankruptcy Procedure or court order.
- (3) Motions for Stay Relief (all chapters).
  - (i) If a motion for relief from the automatic stay under 11 U.S.C. §362(d) cannot be noticed for hearing more than twenty one days and fewer than thirty days after filing, the mover shall request an expedited hearing pursuant to Local Rule 9013-3(d).
  - (ii) If the motion recites the mover's consent to maintenance of the automatic stay, the motion may be noticed for a hearing more than thirty days after filing.
- (4) Motions to Convert (chapter 11 cases). If a motion to convert or dismiss under 11 U.S.C. §1112(b)(3) cannot be noticed for hearing more than twenty one days and fewer than thirty days after filing, the mover shall request an expedited hearing pursuant to Local Rule 9013-3(d).

(d) Expedited and Emergency Hearings.

- (1) Separate Motion Required. Expedited or emergency relief shall be sought by separate motion specifying the facts supporting the request. The motion shall recite that all parties entitled to notice of the request have consented to an expedited or emergency hearing. If a mover cannot reasonably obtain the agreement of all other parties, the request shall describe the facts supporting the need for expedited

or emergency relief, and the reasons other parties entitled to notice have not consented.

- (2) Proposed Order. The mover shall submit a proposed order pursuant to Local Rule 9013-5 granting the expedited or emergency hearing and including a proposed deadline for objections. The mover shall not file or serve the notice of hearing until the court has granted the motion for an expedited or emergency hearing.
- (3) Noticing Emergency or Expedited Matters. Except as otherwise ordered, the mover shall give notice of the setting of an emergency or expedited hearing by facsimile, electronic mail, courier or other method designed to ensure that parties entitled to notice timely receive actual notice of the setting.

#### **9013-4 Certificate of Service**

- (a) A person filing any document that under the United States Bankruptcy Code or Federal Rules of Bankruptcy Procedure must be served, including documents seeking ex parte, expedited or emergency relief, shall file contemporaneously a certificate of service of the document. The certificate should be filed as a separate document in the CM/ECF filing system. The certificate shall:
  - (1) identify the documents served;
  - (2) identify the persons served by name and address; and
  - (3) state the date and method of service.

A certificate reciting only that service has been made on "all interested parties", "all counsel of record," or other collective designation, does not comply with this Local Rule.

- (b) In addition to any other persons on whom the Federal Rules of Bankruptcy Procedure or these Local Rules require service, a person filing any document shall serve the document on the trustee, the debtor, debtor's counsel, and the United States Trustee.
- (c) Documents filed electronically are deemed served upon all Electronic Filers in the case or proceeding, provided that the

Clerk's notice of electronic filing indicates that the document has been served electronically upon the Electronic Filer. Service of the document upon Electronic Filers by United States Mail or other method is not required unless the notice of electronic filing indicates that the CM/ECF system did not serve notice of the event upon the Electronic Filer.

- (d) Documents filed electronically shall be served upon persons other than Electronic Filers by United States Mail or other method specified in the Federal Rules of Bankruptcy Procedure.
- (e) The court may strike documents that do not comply with this rule.

## **9013-5 Proposed Orders and Judgments**

- (a) Submission by Electronic Mail. Proposed orders and judgments shall be submitted by electronic mail to the court's central address for proposed orders: [orders@lamb.uscourts.gov](mailto:orders@lamb.uscourts.gov). Procedures for submitting proposed orders and judgments are set forth in the Administrative Procedures Manual.
- (b) Format. All proposed orders and judgments shall be in Word or WordPerfect format.
- (c) Content of Proposed Orders and Judgments.
  - (1) The caption of proposed orders and judgments shall not include any numbers other than the case and/or adversary proceeding numbers.
  - (2) The order's or judgment's introductory phrase shall identify the mover and the title of the motion or pleading to which the order or judgment relates.

## **9014-1 Contested Matters Procedures**

- (a) Objections.
  - (1) A party opposing a motion shall file an objection, including any affidavits and other supporting documents, not later than 11:59 p.m. on the eighth day

before the hearing. The court will set a deadline for objections on matters heard on an emergency or expedited basis. The objection shall set forth reasons and authorities supporting the opposition to the mover's request, and along with other supporting documents shall be served on all parties entitled to notice.

(2) Failure to file a timely objection shall be deemed a waiver of opposition and consent to the relief requested.

(b) Untimely Objections. The court will not consider untimely objections absent leave of court granted for cause before they are filed. Motions for leave to file untimely objections shall state whether all parties entitled to notice consent to the untimely objection, or if all parties entitled to notice have not been contacted, the reasons the mover has not contacted them.

(c) (c) Replies to Objections. The mover may file a single reply to the objection no fewer than two days before the initial hearing, and shall serve the reply by a method to ensure that all parties entitled to service receive it upon filing.

(d) No Supplementation of Objections or Replies. No objections or replies shall be supplemented without prior leave of court.

(e) No Other Responses. No responses other than those permitted by this Local Rule shall be filed without prior leave of court.

## **9014-2 Motion Day Procedures**

(a) Attendance at Hearing.

(1) Movers and parties filing objections shall appear for oral argument on motions noticed for hearing or set for hearing by the court, except as otherwise provided in these Local Rules.

(2) Appearance for oral argument is not required if:

- (i) the court grants a motion for continuance and notifies the parties that it has continued the hearing; or
- (ii) the court places the matter on the "no argument" portion of the docket for that motion day because:
  - (aa) all parties have consented to the relief requested or to the entry of a specific order;or
  - (bb) the matter was properly noticed, no objection was filed timely, and the pleadings demonstrate that mover is entitled to the relief requested as a matter of law.

- (b) Prevailing Party To Submit Proposed Orders. The party prevailing at a hearing shall submit a proposed order conforming to the court's ruling, pursuant to Local Rule 9013-5, unless the court orders otherwise.

### **9014-3 Motions to Continue Hearings**

- (a) Timeliness. Motions to continue hearings shall be filed and orders submitted no later than 5:00 p.m. two days before the hearing, absent good cause.
- (b) Contact With Opposing Party and Parties in Interest.
  - (1) Motions to continue an initial chapter 13 confirmation hearing to the next available court date do not require the trustee's consent unless the trustee has filed an objection to confirmation.
  - (2) All other motions to continue chapter 13 confirmation hearings shall state whether the trustee has consented, disclose pending objections, and state whether the trustee and objecting creditors have consented to the continuance.
  - (3) Motions to continue all other hearings shall state whether all parties entitled to notice consent to a



continuance, or if all parties entitled to notice have not been contacted, the reasons the mover has not contacted them.

- (c) Reason. Motions to continue hearings shall state the cause for the continuance.
- (d) Prior Continuances. Motions to continue shall recite the number of prior continuances.
- (e) Chapter 13 Confirmation Continuances. Motions to continue chapter 13 confirmation hearings shall be noticed to the trustee and all objecting creditors only.
- (f) Proposed Order. Mover shall contemporaneously submit a proposed order pursuant to Local Rule 9013-5.

#### **9014-4 Motions to Withdraw Documents**

- (a) Timeliness. Motions to withdraw documents filed into the electronic record shall be filed no later than 5:00 p.m. two days before the hearing, absent good cause.
- (b) Proposed Order. Mover shall contemporaneously submit a proposed order pursuant to Local Rule 9013-5.

#### **9027-1 Notice of Removal**

Upon filing a notice of removal, the party filing a notice of removal shall file all state court documents with the clerk within seven days of filing the notice.

#### **9029-1 Local Rules**

- (a) Scope. These Local Rules are adopted pursuant to 28 U.S.C. §2071, Federal Rule of Civil Procedure 83 and Federal Rule of Bankruptcy Procedure 9029.
- (b) Effective Date. These Local Rules and forms shall become effective on the day indicated in the order adopting them and shall govern the practice and procedure in all pending and future cases and proceedings in the United States Bankruptcy Court for the Middle District of Louisiana. They supersede all previously enacted local rules, local forms,

and procedural orders of the United States Bankruptcy Court for the Middle District of Louisiana, except as otherwise ordered by court.

## **9037-1 Redactions**

Parties filing documents that include personal or private information shall move to redact the information from the court's filing system and pay the appropriate filing fee. The motion shall state the reasons the document should be redacted and the redacted version of the original document shall be attached to the motion. Mover shall submit the order with the redacted document attached, according to LR 9013-5.