LOCAL BANKRUPTCY RULES
OF
THE DISTRICT COURT

OF
THE VIRGIN ISLANDS,
BANKRUPTCY DIVISION

September 6, 2006

DRAFT OF THE LOCAL BANKRUPTCY RULES OF THE UNITED STATES DISTRICT COURT FOR THE UNITED STATES VIRGIN ISLANDS BANKRUPTCY DIVISION

INDEX

Rule 1001-1	**CITATION OF LOCAL BANKRUPTCY RULES (LBR)**
Rule 1001-2	**APPLICABILITY OF LOCAL BANKRUPTCY RULES AND RULES OF CONSTRUCTION**
Rule 1001-3	**EFFECTIVE DATE OF RULES**
Rule 1002-1	**DIVISION OF BUSINESS**
Rule 1002-2	**FILINGS**
Rule 1003-1	**DESIGNATION OF PRINCIPAL IN INVOLUNTARY CASES**
Rule 1006-1	**FILING FEES, INSTALLMENT PAYMENTS**
Rule 1007-1	**MAILING MATRIXES, LISTS, SCHEDULES, AND STATEMENTS**
Rule 1007-3	**DISCLOSURE OF RELATED CASES AND PROCEEDINGS**
Rule 1007-4	**PROOF OF INCOME**
Rule 1007-5	**DOMESTIC SUPPORT OBLIGATION**
Rule 1009-1	**AMENDMENTS BY DEBTOR**
Rule 1017-1	**DISMISSAL OR CONVERSION OF BANKRUPTCY CASE**
Rule 1017-2	**DISMISSAL OF BANKRUPTCY CASE FOR DEFICIENT FILING**
Rule 2002-1	**CERTIFICATES OF SERVICE**
Rule 2002-2	**REQUESTS FOR NOTICES; CERTIFICATION REQUIRED**

Rule 2002-3	**DUTY TO MAINTAIN CURRENT ADDRESS**
Rule 2004-1	**EXAMINATION**
Rule 2015-1	**DUTY TO MAKE PAYMENTS, FILE TAX RETURNS, PAY TAXES, AND FILE REPORTS IN CHAPTER 11 AND CHAPTER 13 CASES**
Rule 2015-2	**DUTY TO KEEP RECORDS AND MAKE REPORTS**
Rule 2016-1	**APPLICATIONS FOR FEES AND EXPENSES**
Rule 2016-2	**PROCEDURES FOR CONSIDERATION OF FEE APPLICATION**
Rule 2016-3	**COMPENSATION OF DEBTOR OR DEBTOR'S OFFICERS, PARTNERS AND DIRECTORS IN CHAPTER 11 CASES**
Rule 3002-1	**FILING CLAIMS**
Rule 3002-2	**ADDITIONAL REQUIREMENTS FOR CHAPTER 13 CASES**
Rule 3002-3	**CHAPTER 13 - NECESSITY FOR FILING**
Rule 3002-4	**CHAPTER 13 - TIME FOR FILING CLAIMS**
Rule 3002-5	**CHAPTER 13 - LATE FILED CLAIMS**
Rule 3002-6	**CREDIT COUNSELING SERVICES AND CERTIFICATE OF COMPLETION**
Rule 3010-1	**CHAPTER 13 CASES**
Rule 3011-1	**UNCLAIMED FUNDS**
Rule 3015-1	**DISMISSAL FOR FAILURE TO FILE SCHEDULES, STATEMENT OF AFFAIRS OR PLAN**
Rule 3015-2	**CHAPTER 13 INTERIM CONFIRMATION ORDER TO ALLOW PRE-FINAL CONFIRMATION DISBURSEMENT**
Rule 3015-3	**POST PETITION PAYMENTS**

Rule 3016-1	**USE OF DISCLOSURE STATEMENT FORM IN CHAPTER 11 CASES**
Rule 3016-2	**TRANSMISSION OF PLAN AND PLAN SUMMARY IN CHAPTER 11 CASES**
Rule 3017-1	**HEARING ON DISCLOSURE STATEMENT AND PLAN**
Rule 3018-1	**BALLOTING**
Rule 3021-1	**DISTRIBUTION UNDER CHAPTER 9 & CHAPTER 11 PLANS**
Rule 3022-2	**MOTION FOR FINAL DECREE IN CHAPTER 11 CASES**
Rule 4001-1	**USE OF CASH COLLATERAL**
Rule 4001-2	**OBTAINING CREDIT**
Rule 4001-3	**AGREEMENT RELATING TO USE OF CASH COLLATERAL OR OBTAINING CREDIT**
Rule 4001-4	**MOTIONS FOR RELIEF FROM STAY COMBINED WITH OTHER REQUESTS FOR RELIEF**
Rule 4001-5	**TAX REFUND SETOFFS**
Rule 5001-1	**SEAL OF THE COURT**
Rule 5005-1	**ELECTRONIC FILING**
Rule 5005-2	**RECORDS AND FILES**
Rule 5005-3	**DOCUMENTS FILED UNDER SEAL**
Rule 5007-1	**REQUESTS FOR TRANSCRIPTS**
Rule 5009-1	**REPORT FOR BANKRUPTCY JUDGES IN CASES TO BE CLOSED**
Rule 5011-1	**WITHDRAW OF THE REFERENCE**
Rule 5095-1	**MOTION FOR DISBURSEMENT OF ESTATE FUNDS OTHER THAN UNCLAIMED FUNDS**

Rule 6002-1	**DEADLINE FOR ACCOUNT OF PRIOR CUSTODIAN**
Rule 6004-1	**SALE OF ESTATE PROPERTY OUTSIDE THE ORDINARY COURSE OF BUSINESS**
Rule 6006-1	**NOTICE OF ASSUMPTION OR REJECTION OF EXECUTORY CONTRACTS**
Rule 7004-1	**NOTICE OF CONSTITUTIONAL QUESTION**
Rule 7005-1	**FILING OF DISCOVERY MATERIALS**
Rule 7008-1	**MOTIONS IN ADVERSARY PROCEEDINGS**
Rule 7010-1	**CAPTIONS OF ADVERSARY PROCEEDINGS AND OF MOTIONS FILED WITHIN ADVERSARIES**
Rule 7016-1	**PRE-TRIAL PROCEDURE**
Rule 7037-1	**DISCOVERY DISPUTES**
Rule 7065-1	**TEMPORARY RESTRAINING ORDERS**
Rule 8004-1	**SERVICE OF THE NOTICE OF APPEAL**
Rule 8006-1	**RECORD AND ISSUES ON APPEAL**
Rule 8007-1	**COMPLETION AND TRANSMISSION OF THE RECORD; DOCKETING OF THE APPEAL**
Rule 8009-1	**BRIEFS AND APPENDIX; FILING AND SERVICE**
Rule 8010-1	**FORM OF BRIEFS; LENGTH**
Rule 8012-1	**ORAL ARGUMENT**
Rule 9004-1	**CAPTIONS OF PLEADINGS AND ORDERS**
Rule 9006-1	**TIME**
Rule 9009-1	**FORMS**

Rule 9010-1	**ADMISSION TO PRACTICE**
Rule 9010-2	**APPEARANCE AND WITHDRAWAL OF APPEARANCE**
Rule 9010-3	**AGREEMENTS OF ATTORNEYS**
Rule 9013-1	**MOTIONS AND CONTESTED MATTERS**
Rule 9013-2	**PROCEDURE FOR EXPEDITED HEARINGS**
Rule 9013-3	**PLEADING SPECIAL MATTERS IN MOTIONS**
Rule 9013-4	**FILING OF PROPOSED ORDERS**
Rule 9013-5	**SCHEDULING HEARINGS**
Rule 9013-6	**EXTENSION OF TIME TO ASSUME CONTRACT OR LEASE OR TO FILE A PLAN**
Rule 9014-1	**FILING AND SERVICE OF RESPONSIVE PLEADINGS IN CONTESTED MATTERS**
Rule 9015-1	**JURY DEMAND**
Rule 9015-2	**JURY SELECTION SYSTEM**
Rule 9019-2	**MEDIATION**
Rule 9070-1	**EXHIBITS**

LOCAL BANKRUPTCY RULES OF THE UNITED STATES DISTRICT COURT FOR THE UNITED STATES VIRGIN ISLANDS BANKRUPTCY DIVISION

Rule 1001-1 CITATION OF LOCAL BANKRUPTCY RULES

These Rules shall be cited as Local Bankruptcy Rules (LBR), and shall supersede all former local bankruptcy rules. Future changes to the Local Bankruptcy Rules shall be reported on the official web site of the Court, www.vid.uscourts.gov. The web site shall also be consulted for Official Local Forms, the Court Procedures Manual, General Orders and Procedures that may be enacted from time to time, addresses for entities such as state and federal governmental units to which notice is required to be given, appendices to these Local Bankruptcy Rules, and other information necessary for practice before the Bankruptcy Court Division of the United States District Court for the U.S. Virgin Islands.

Rule 1001-2 APPLICABILITY OF LOCAL BANKRUPTCY RULES AND RULES OF CONSTRUCTION

A. Scope of Rules: These Rules supersede all previous bankruptcy rules promulgated by this court or any judge of this court. They shall govern all applicable proceedings brought in this court after they take effect. They also shall apply to all proceedings pending at the time they take effect.

B. Applicability of General and Specific Provisions: Local Bankruptcy Rules of general applicability also apply when there are specific rules governing a particular matter unless expressly stated otherwise in these Local Bankruptcy Rules or an order of Court.

C. Court May Modify Applicability of Local Bankruptcy Rules: Where appropriate in order to correct errors, adjust scheduling, or to accomplish substantial justice, a presiding Judge may modify the applicability of any Local Bankruptcy Rule in a particular case or matter.

D. Citations: The citations in the Local Bankruptcy Rules may be modified to correspond to changes in the Bankruptcy Code, Official Bankruptcy Forms, and Federal Rules of Bankruptcy Procedure.

E. Severability: The provisions of the Local Bankruptcy Rules are severable and if any Local Bankruptcy Rule or provision thereof shall be held to be unenforceable, other Local Bankruptcy Rules and provisions will not be affected.

F. General Orders, Electronic Case Filing Procedures, Appendices, Procedures Governing Mediation, the Court Procedures Manual and other procedures as added from time to

time, are available on the Court's web site and shall also be consulted and applied as appropriate.

G. These rules shall apply to every case and proceeding.

H. Motions, responses and all other pleadings shall be in writing. The time to file a responsive pleading is governed by LR 9013-1(C) unless a different time is set in another rule or by Court order.

I. A response combined with a motion shall be treated only as a response.

J. A certificate of service shall be filed within five (5) days of the date of service of any order, notice, document or pleading. A certificate of service regarding any order, notice, document or pleading in an expedited matter shall be filed immediately after service is made.

K. No agreement contrary to an order of court will be considered valid including, without limitation, agreements to extend time.

L. Whenever a trustee or committee of creditors or equity security holders is appointed or elected, service shall be made on counsel thereto, if counsel has been appointed. If no counsel has been appointed, the trustee and all members of each committee shall be served.

Rule 1001-3 EFFECTIVE DATE OF RULES

These rules shall take effect on _____, 2006.

Rule 1002-1 DIVISION OF BUSINESS

The Court operates in Divisions. The current composition of the Court's Divisions is listed in the Court Procedures Manual. Counsel shall indicate on the petition the appropriate island of the debtor's residence, or principal place of business, as the bankruptcy case may be, so that the matter is addressed in the appropriate division.

Rule 1002-2 FILINGS

All filings shall be made electronically. An executed Declaration Re: Electronic Filing, Local Form No. 1, shall be filed in paper copy within fifteen (15) days of the electronic filing of the petition. The original signed petition and related documents shall be kept by the debtor's attorney for the six year retention period specified in the Court's Electronic Case Filing Procedures. Debtors not represented by an attorney shall submit on paper an executed Declaration Re: Electronic Filing of Petition, Schedules and Statements for Individual Debtor Not Represented by Counsel, Local Form No. 1A, within fifteen (15) days of the filing of the petition.

Rule 1003-1 DESIGNATION OF PRINCIPAL IN INVOLUNTARY CASES

All involuntary petitions relating to corporate and partnership debtors shall include a designation of the individual who is the principal operating officer or managing general partner, as the case may be, of the alleged debtor together with the address and phone number of the person so designated. If the identity or location of the principal operating officer or managing general partner is not known, a written statement shall be filed to that effect.

Rule 1006-1 FILING FEES, INSTALLMENT PAYMENTS

A. Failure to Pay Installment:

1. Dismissal of Case: In accordance with LBR 1017-2, the Court shall immediately issue an order of dismissal in any case where an installment payment has not been received by the due date unless, prior to the entry of any such order of dismissal, the debtor files an application to extend the installment payment schedule or requests in writing a hearing to show cause why the case should not be dismissed.

2. Duties of Debtor and Counsel: The individual debtor and the attorney for the debtor are responsible for knowing the due dates of installment payments. The Clerk will not send reminders or notices that installment payments are due.

B. Effect of Dismissal on Obligation for Fees: Whenever a case is dismissed prior to the fees being paid in full, the debtor shall remit the balance of the fees to the Clerk within fifteen (15) days after the entry of the order of dismissal.

C. Motions: A motion to reopen a case or to vacate an order of dismissal shall be accompanied by the filing fee for a motion to reopen a case and any balance due on the original filing fee for the bankruptcy petition.

Rule 1007-1 MAILING MATRIXES, LISTS, SCHEDULES, AND STATEMENTS

A. Definition of Mailing Matrix: For purposes of this Local Bankruptcy Rule, the term "Mailing Matrix" is an alphabetical listing by name and address, including zip code, of counsel of record for the debtor, each scheduled creditor and equity security holder of the debtor, and non-debtor parties to executory contracts or unexpired leases in which a debtor is a party.

1. If the debtor is a corporation, the Mailing Matrix also shall include the names and addresses, including zip codes, of all current officers and directors.

2. If a debtor is a partnership, the Mailing Matrix also shall include the names and addresses, including zip codes, of all general and limited partners.

B. The Mailing Matrix shall be electronically filed one time only when the petition is filed as a text file. If schedules are amended to add a creditor, a supplemental Mailing Matrix containing only the names and addresses of the added creditors shall be filed as a text file (with a .txt extension).

C. Mailing Matrixes shall be stricken if not filed in a text (.txt) format.

D. Duty to Prepare: The debtor and the attorney for the debtor shall bear the responsibility for the preparation and accuracy of the Mailing Matrix. If the Mailing Matrix is not timely filed, the bankruptcy petition will be dismissed by the Court.

E. Governmental Units: When the debtor lists any federal agency, other than the Office of the United States Trustee, on a Mailing Matrix, the debtor shall also list the name of the agency, c/o The United States Attorney's Office for the Virgin Islands, at the address listed in the Address Appendix. When the Internal Revenue Service is a party, the debtor shall also include the name and address of the IRS Insolvency Unit as well as the Virgin Islands Bureau of Internal Revenue, at the address listed in the Address Appendix. When the debtor lists any local agency, the debtor shall also list the name of the agency, c/o The Office of the Attorney General for the Virgin Islands, at the address listed in the Address Appendix. The Address Appendix for Government Agencies addresses can be found at http://www.vid.uscourts.gov.

F. Spouses, Domestic Support Creditors, Virgin Island Support Collection Agencies: The Mailing Matrix shall include all domestic support creditors including: spouses, child support creditors, and Virgin Island Support Collection Agencies.

Rule 1007-3 DISCLOSURE OF RELATED CASES AND PROCEEDINGS

A. Duty to Disclose: At the time a petition is filed commencing a case under the Bankruptcy Code, or at any time during which a case is pending and such information becomes known, the debtor or counsel for the debtor shall file with the Court a statement disclosing the name, case number, location of the Bankruptcy Court having jurisdiction, and the name of the Bankruptcy Judge to whom the case is assigned for each related case that has been previously filed or that is then pending.

B. Definition of Related Case: As used in this Local Bankruptcy Rule, the term "Related Case" includes but is not limited to bankruptcy cases, foreign proceedings, ancillary and other cross-border proceedings, and adversary proceedings, whether or not presently pending, involving:

1. a spouse or former spouse of the debtor,
2. an affiliate,

3. an insider,

4. the same debtor, entity, or person, including aliases or fictitious names used by that debtor, entity, or person, having previously filed a case or proceeding whether in this or any other district.

Rule 1007- 4 Proof of Income

A. The debtor shall provide to the trustee not later than 15 days before the date first set for the first meeting of creditors a paper copy of the Federal income tax return required under applicable law (or, at the election of the debtor, a transcript of such return) for the most recent tax year ending immediately before the commencement of the case and for which a Federal income tax return was filed. If a Federal tax return was not filed, the debtor shall submit a statement with the trustee not later than 15 days before the date first set for the first meeting of creditors which informs the trustee that a Federal tax return is not available and the reason.

B. If debtor did not file the Federal income tax return required under applicable law for the most recent tax year ending immediately before the commencement of the case, then debtor shall submit to the trustee documentary proof of income from any source whatsoever including, but not limited to, wages, salaries, commission, workmen's compensation, public assistance, aid to families with dependent children, alimony, support, gambling or lottery winnings, pensions, distributions from trust funds, interest, dividends, etc. Any debtor who does not have documentary proof of income required under this paragraph shall establish what circumstances were beyond the debtor's control preventing the filing or availability of the tax returns. Any debtor who had no income during the applicable filing period shall file a verified statement to that effect and serve a copy on the trustee.

C. The debtor shall, for the 180-day period preceding the bankruptcy filing, file with the Clerk copies of the payment advices described in 11 U.S.C. §521(a)(1)(B)(iv). Debtors shall file payment advices in accordance with General Court Procedure # 3, Exclusion of Personal Data Identifiers, which instructs parties to redact personal information such as the first five numbers of a debtor's Social Security number and personal identifying numbers such as employee identification numbers. If the debtor does not have the required payment advices, then the debtor shall file a certification with the Clerk explaining the reason payment advices are not available.

D. Each individual debtor shall also report to the trustee not later than 15 days before the date first set for the first meeting of creditors any other source of income not listed on debtor's Federal income tax return or payment advices.

E. For Chapter 13 cases, see Procedure No.12 of the Chapter 13 Procedures Manual.

Rule 1007-5 DOMESTIC SUPPORT OBLIGATION

Debtors in Chapter 12 or Chapter 13 cases who are subject to a domestic support obligation, whether the obligation arose before or after the commencement of the case, shall, at the time of making the last payment called for under the plan:

1. Certify to the Chapter 12 or Chapter 13 trustee that all pre-filing and post-filing payments have been made on domestic support obligations substantially conforming to Local Form No. 28; and

2. Provide the Chapter 12 or Chapter 13 trustee with the name and address of any holders of a domestic support obligation, the name and address of the debtor responsible for the obligation and the name and address of the most recent employer of the debtor responsible for the obligation substantially conforming to Local Form No. 29.

Rule 1009-1 AMENDMENTS BY DEBTOR

A. No petition may be amended to add an additional debtor after the order for relief has been entered.

B. The trustee or any creditor may file objections to an amendment by the debtor of the schedules or statement of financial affairs within thirty (30) days after the conclusion of the meeting of creditors or the filing of that amendment, whichever is later, unless further time is granted by the Court.

C. Each debt newly listed by an amendment to the schedules of liabilities shall also state when such debt was incurred.

D. All amendments shall include:

1. a caption indicating that the document is an "Amendment to (SPECIFY)";
2. a clear description of the material added or deleted;
3. a certificate of service by the debtor or debtor's attorney that notice has been given as required by the Federal Rules of Bankruptcy Procedure and these Local Bankruptcy Rules;
4. a supplemental Mailing Matrix in a form that complies with these Local Bankruptcy Rules and Court Procedures Manual and that includes the names and addresses of the creditors added or whose names and/or addresses have been changed by the amendment;
5. the payment of any fees required by 28 U.S.C. §1930; and
6. a completed amendment cover sheet substantially conforming to Local Form No. 6.

E. All creditors and other parties in interest shall be served with a copy of the amendment that includes the debtor's full Social Security number when the debtor files an amendment modifying the Social Security number. The amendment filed with the Court shall have the first five numbers of the Social Security number redacted. The certificate of service filed with the amendment shall list the parties served and aver that the recipients received a copy of the amendment that included the full Social Security number. The notice shall include a copy of the amendment filed with the Court and a copy of the original § 341 Meeting Notice that lists the full Social Security number of debtor. The caption of Official Bankruptcy Form No. 21, Statement of Social Security Number, shall be modified to include the word "amendment" at the end of the caption, and the completed form shall be submitted on paper, not filed, with the Clerk.

Rule 1017-1 DISMISSAL OR CONVERSION OF BANKRUPTCY CASE

A. Content of motion: A motion to dismiss a voluntary or involuntary bankruptcy petition, except a motion filed pursuant to §1307(b) of the Code, shall set forth the reasons for the dismissal. The motion shall also set forth whether any arrangement or agreement has been made with any creditor or other person in connection with such application for dismissal and the terms thereof.

B. Motions to Convert or Dismiss -- First Hearing

1. A motion filed by a party other than the debtor to convert a Chapter 11 case to Chapter 7 or to dismiss the case shall be scheduled initially for a hearing at a motion court time on notice by the movant upon all creditors and

a. counsel for debtor;
b. United States Trustee;
c. any person who has filed a request for notices in the case;
d. the attorney for the creditors' and other committees;
e. creditors claiming they are owed a domestic support obligation.

2. If the Presiding Judge determines at the initial hearing that an evidentiary hearing is necessary, it shall be fixed on notice as required by the Federal Rules of Bankruptcy Procedure.

Rule 1017-2 DISMISSAL OF BANKRUPTCY CASE FOR DEFICIENT FILING

If the debtor fails to timely file all the pleadings necessary to initiate the case and as required by the Bankruptcy Code and Bankruptcy Rules and these Local Bankruptcy Rules and other orders of this Court, then the United States Trustee is deemed to have filed a motion to dismiss the bankruptcy case pursuant to the appropriate provision of the Bankruptcy Code. The bankruptcy case will be dismissed without further notice and hearing if the deficiencies specified in the Notice of Deficient Filing issued by the Court when the case is filed are not corrected within the

time period set forth in the notice. At any time before the date set for entry of an order of dismissal, the debtor (1) may file a motion requesting a hearing at which debtor shall show cause why the case should not be dismissed for deficiencies or (2) may file a motion and proposed order seeking an extension of time.

Rule 2002-1 CERTIFICATES OF SERVICE

A. Any entity who serves a notice, pleading, order or other document in satisfaction of a notice requirement, electronically, by mail, facsimile, or other authorized method, whether electronically or in paper copy format, shall file a certificate of service with the Clerk within five (5) calendar days after the date of service. A certificate of service of any document or pleading in an expedited matter shall be filed immediately after service is made.

B. Service in paper copy format shall be made on any party in interest who has not received electronic notice as authorized in these rules.

C. The certificate of service shall conform substantially to Local Form No. 7.

Rule 2002-2 REQUESTS FOR NOTICES; CERTIFICATION REQUIRED

A. All counsel requesting notices on behalf of a creditor shall certify under penalty of perjury that:

1. the request supersedes any prior request for notice by this creditor and there is no other request to receive notices for the specified creditor, or
2. that all prior requests are terminated and that counsel is authorized to make the request for notices on behalf of the named creditor.

B. The certification shall conform substantially to Local Form No. 8.

Rule 2002-3 DUTY TO MAINTAIN CURRENT ADDRESS

It is the responsibility of parties in interest and counsel to assure that their addresses are kept current in each pending case.

Rule 2004-1 EXAMINATION

A. Purpose: The purpose of this rule is to avoid a motion and court order for a 2004 examination unless an objection is filed.

B. Duty to confer: Before giving notice of a proposed examination, the movant shall meet and confer with the proposed examinee (through counsel if represented) to arrange for an agreeable date, place, and time for the examination. Failure by the movant to attempt to meet and

confer shall be grounds to quash under paragraph E below.

C. Notice: Not less than twenty (20) days written notice of a proposed examination shall be given to the entity to be examined, its counsel, and to other affected parties. The entity to be examined and other affected parties shall have fifteen (15) days after service of the notice to respond or object to the proposed examination. The notice shall apprise the party of the scope of the examination and categories of documents to be produced.

D. No order required: If no response or objection is served, the notice to conduct an examination under this rule is deemed ordered, without requiring the entry of an individual order. The notice of intent to conduct a Rule 2004 examination need not be filed.

E. Motions to quash or for protective order: A party who objects to the examination has the burden of seeking relief from the Court by a motion to which shall be attached a copy of the notice identified in paragraph C above. The motion shall be served by the objecting party upon the debtor, debtor's attorney, trustee, attorney for the unsecured creditors' committee or its members if there is no attorney and, where the entity to be examined is other than the objecting party, the examinee and its counsel, and all other affected parties. No motion to quash or for protective order may be filed until counsel have complied with the requirement to meet and confer to resolve the dispute. A certificate shall be filed as an attachment to any motion explaining the efforts made to meet and confer and certifying that they were unsuccessful.

F. Sanctions: If anyone has been unreasonable in seeking or resisting discovery under Fed.R.Bankr.P. 2004, the Court may impose sanctions. The Court may condition the taking of an examination on terms that are just and promote efficient administration.

G. Exception of adversary proceedings and contested matters: This rule does not apply to adversary proceedings and to contested matters.

1. The discovery provisions of Part VII of the Bankruptcy Rules apply in adversary proceedings.
2. Fed.R.Bankr.P. 9014 applies to discovery in contested matters.

Rule 2015-1 DUTY TO MAKE PAYMENTS, FILE TAX RETURNS, PAY TAXES, AND FILE REPORTS IN CHAPTER 11 AND CHAPTER 13 CASES

Payments: The trustee or debtor-in-possession in a Chapter 11 case, and the debtor if engaged in business in a Chapter 13 case, shall comply with the Court Procedures Manual published at http://www.vid.uscourts.gov. See LBR 1007-5.

Rule 2015-2 DUTY TO KEEP RECORDS AND MAKE REPORTS

A. Filing of Delinquent Tax Returns and Information Regarding Payment of Real Property Taxes: Within sixty (60) days of the date of the initial filing of a bankruptcy petition, each debtor or debtor-in-possession shall file any and all Federal and Territorial tax returns which are due but unfiled as of the date of the filing of the bankruptcy petition. The returns shall include all income, gross receipts, gift, excise, withholding, self employment, and other tax returns.

B. Any entity whose address is on the Address Appendix section of the Court Procedures Manual shall file a notice with the Clerk of any change of address or form number necessary for the parties to comply with these rules and procedures on or before the effective date of the change. The Address Appendix will be updated and marked "Revised as of _____ (date)" whenever new information is posted.

C. Parties shall use the current addresses listed in the Address Appendix section of the Court Procedures Manual.

Rule 2016-1 APPLICATIONS FOR FEES AND EXPENSES

A. Scope of Rule. This Rule applies to: (1) all cases except Chapter 13 cases; (2) any motion of a professional person employed under 11 U.S.C. §327, 328, or 1103 requesting approval for compensation and/or reimbursement of expenses; (3) any request of an entity for payment of an administrative expense pursuant to 11 U.S.C. §503(b)(3) or 503(b)(4); and (4) any interim fee application in a Chapter 7 case where leave to seek such compensation has been specially allowed pursuant to Rule 2016-2 B.

B. Application Required: No compensation or expenses will be allowed to any professional for any service rendered in any case unless (1) a motion to approve employment has been filed; (2) an order granting the motion to approve unemployment has been entered; and (3) an application for fees and expenses is filed which provides the following:

1. the date of the order appointing the professional with a copy thereof attached as an exhibit;

2. a statement indicating whether the application is for final or interim compensation and expenses, the total amounts thereof, and the period covered;

3. the dates and amounts of previous compensation requested and the amounts approved, if any, including any retainers paid, with copies of the orders approving the prior payments attached as exhibits and, where applicable, a copy of the attorney disclosure statement which was filed pursuant to Fed.R.Bankr.P.2016;

4. a list of all timekeepers included in the application including, but not limited to, the attorneys, para professionals, or other professionals contributing services, number of years in practice, their billing rates, total hours, total dollars, and the blended hourly rate;

5. a chronological listing of time and services performed (Chronological Listing) or a listing of time and services by category of service arranged chronologically (Category Listing) shall be attached to the Application. Both a Chronological Listing and a Category Listing shall include the date, the professional or other timekeeper, a description of the service and the time involved;

6. an itemization of the expenses for which reimbursement is requested. Expenses shall be billed and allowed only at actual cost without overhead or add-ons;

7. a statement that the professional or other timekeeper is a disinterested person and does not represent or hold an interest adverse to the interest of the estate on the matter on which he was employed;

8. a history of the case in narrative form;

9. the application shall include a summary cover sheet. A fee application filed without a completed cover sheet will be dismissed without prejudice to refiling in accordance with this Local Bankruptcy Rule and other applicable provisions of law. The cover sheet shall conform substantially to Local Form No. 9;

10. a proposed order of court;

11. in complex Chapter 11 cases or when otherwise ordered, a spreadsheet shall be filed which reflects all fees that are requested pursuant to the application and a cumulative total for professional by category; and

12. when the Court enters an administrative fee order in a particular case, the terms of the order shall govern to the extent inconsistent with this Local Bankruptcy Rule.

C. Requirements of Entries: All entries shall:

1. list each service or task separately and state the amount of time

expended in its performance;

2. identify the subject matter of any correspondence or phone call and the part with whom the professional or other timekeeper has communicated if the service involves telephone and/or written correspondence;

3. identify where appropriate, and in the interest of clarity, the subject matter of any hearing or trial with specificity including the case, or adversary number if the service involved is attendance at a hearing or trial;

4. identify any pleading with specificity if the service involves preparation of a pleading; and

5. include all other information necessary to a full understanding of the services performed and the person and time involved.

D. Use of Category Listing: If a Category Listing is provided, each category shall be preceded by a heading generally describing the services within that category and a brief statement detailing the result to the estate. A separate category shall be included for preparation of the fee application and another for all administrative services such as file maintenance, docket review, typing, filing and service of pleadings, etc.

E. Use of Chronological Listing: If a Chronological Listing is provided, there shall be attached a separate summary of time and service by category, which shall include a summary of the total charges for each category by each professional. A separate summary shall be included for preparation of the fee application and another for all administrative services such as file maintenance, docket review, typing, filing and service of pleadings, etc.

Rule 2016-2 PROCEDURES FOR CONSIDERATION OF FEE APPLICATION

A. Fee Applications in Chapter 7 Cases: Unless leave to seek interim compensation has been allowed by order of the Court, all fee applications filed in Chapter 7 cases will be considered only after the trustee in the case has filed a final account, there has been a proposed order of distribution submitted for the Court's consideration, and notice has been given to all parties in interest of the last date to file objections thereto and the hearing date and time, if any. Unless leave to seek interim compensation has been allowed by order of the Court, allowed fees and expenses will be included in the final distribution in the case.

B. Interim Fee Applications in Chapter 7 Cases: A Trustee or professional person

employed by a Chapter 7 Trustee may apply for leave to seek interim compensation where special circumstances, such as the need to commence or defend complex litigation or the need to incur extraordinary expenses to protect, investigate or collect assets of the Estate for distribution to creditors, indicate that interim payment is necessary to avoid undue hardship for the Trustee or professional person that would result from a delay in payment until final distribution in the case. Such an application shall be subject to all applicable requirements for interim Chapter 11 fee applications as set forth in LBR 2016-1.

C. Fee Applications in Chapter 11 Cases and Specially Allowed Interim Fee Applications in Chapter 7 Cases: The Clerk, or such person as the Court may direct, shall promptly give notice to all parties in interest of the filing of the application, the date of the hearing on the fee application, and the last day for filing objections thereto.

D. Fee Applications in Chapter 13 Cases: The procedures in the Court Procedures Manual shall govern.

RULE 2016-3 COMPENSATION OF DEBTOR OR DEBTOR'S OFFICERS, PARTNERS AND DIRECTORS IN CHAPTER 11 CASES

A. The initial rate of compensation paid in a Chapter 11 case to members of a debtor partnership, or to an officer or director of a debtor corporation, or to an individual debtor after the filing of the petition shall not exceed the rate of compensation paid to those persons one hundred eighty (180) days prior to the filing of the petition.

B. Within twenty (20) days after the date of filing of the petition, the debtor shall file and serve on the U.S. Trustee and any committee of creditors holding unsecured claims (or, if no such committee has been appointed, the creditors listed under Fed.R. Bankr. P. 1007(d)) a statement containing the following information:

1. the name of the debtor, if an individual, or the members of the partnership, or the officers and directors of the corporation, and any other insiders, specifying the position and duties of each;

2. the rate of compensation paid to each officer or director (a) one hundred eighty (180) days prior to and (b) at the time of the filing of the petition; and

3. the rate of compensation of each officer or director as of the time the statement is filed.

Rule 3002-1 FILING CLAIMS

A. Notice by Debtor: When a debtor has filed an amendment to schedules that adds one or more creditors, the debtor shall comply with LBR 1009-1.

B. Filing of Proof of Claim by Added Creditor(s) when the Bar Date Has Expired or Will Expire Within 30 days: If when the amendment adding a creditor is filed the claims bar date has expired or will expire within thirty (30) days, the affected creditor(s) shall file a proof of claim within thirty (30) days of the date notice of the amendment is sent.

C. Official Form: A proof of claim shall conform substantially to the Official Form.

D. Social Security disclosure - A wage claimant who files a proof of claim listing a redacted social security number shall provide the full social security number to the trustee upon the trustee's written request. The trustee shall inform the wage claimant that the full social security number should not be filed with the Court.

Rule 3002-2 ADDITIONAL REQUIREMENTS FOR CHAPTER 13 CASES.

In addition to these rules, procedures applicable to Chapter 13 cases, as specified in the Court Procedures Manual, shall govern. In the event of a conflict the Chapter 13 Procedures shall govern.

Rule 3002-3 CHAPTER 13 – NECESSITY FOR FILING

Any unsecured, priority or secured creditor shall file a proof of claim to participate in the distribution under a Chapter 12 and/or Chapter 13 Interim or Final Plan Confirmation Order.

Rule 3002-4 CHAPTER 13 - TIME FOR FILING CLAIM.

Any unsecured, priority or secured creditor shall file a proof of claim within the time frame described in 11 U.S.C. §502(b)(9) and Rules 3002(c), 3004 and/or 3005 of the Fed.R.Bank.P. to participate in the distribution under a Chapter 12 and/or Chapter 13 Interim or Final Plan Confirmation Order.

Rule 3002-5 CHAPTER 13 - LATE FILED CLAIMS

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Any claim is not timely filed by a general unsecured, priority or secured creditor if filed outside the time frame described in 11 U.S.C. §502(b)(9) and Rules 3002(c), 3004 and/or 3005 of the Fed. R. Bank. P.

Rule 3002-6 CREDIT COUNSELING SERVICES AND CERTIFICATE OF COMPLETION

An individual debtor shall file with the bankruptcy clerk a certificate and debt repayment plan from an approved non-profit budget and credit counseling agency.

Rule 3010-2 CHAPTER 13 CASES

The Chapter 12 and/or Chapter 13 Trustee is authorized to pay dividends of less than $15.00.

Rule 3011-1 UNCLAIMED FUNDS

Requests for disbursement of unclaimed funds shall be made pursuant to 28 U.S.C. §2042 by filing a motion and serving a copy of the motion on all interested parties including the debtor, United States Attorney, and the United States Trustee, and the former and/or current case trustee(s).

Rule 3015-1 DISMISSAL FOR FAILURE TO FILE SCHEDULES, STATEMENT OF AFFAIRS OR PLAN

Failure to file any schedule, Statement of Financial Affairs, or other information required by the Bankruptcy Code or Bankruptcy Rules, or a Chapter 13 Plan within fifteen (15) days of the date of filing the petition or to obtain a Court approved extension as provided in Fed.R.Bank.P. 1007 shall be cause for dismissal. The Clerk shall notify each debtor filing a petition for relief without a schedule, statement or plan of this provision. In Chapter 13 cases the plan shall be filed in substantial conformity to Local Form No. 10. Each debtor and counsel to debtor is responsible for using the current version of Local Form No. 10.

Rule 3015-2 CHAPTER 13 INTERIM CONFIRMATION ORDER TO ALLOW PRE-FINAL CONFIRMATION DISBURSEMENT

A. If the creditor does not file a proof of claim, the amount stated in the debtor's confirmed plan will be the allowed claim, subject to any creditor's right to file an amended proof of claim.

B. This standing Interim Order of Confirmation will remain in effect until a Final Confirmation Order is issued or until the case is dismissed or converted to another chapter.

C. Trustee's disbursements under this Interim Confirmation Order are subject to the current trustee fee fixed by the Attorney General pursuant to 28 U.S.C. §586(e).

D. On motion by the debtor, for cause shown, the court may allow debtor to make direct payments to secured creditors.

E. If the creditor does not file a timely proof of claim, then the classification and amounts stated in the debtor's confirmed plan will be the allowed claim, subject to any creditor's right to file an amended proof of claim with leave of court.

Rule 3015-3 OTHER POST PETITION PAYMENTS OF ADEQUATE PROTECTION TO SECURED CREDITORS OR REGULAR MONTHLY PAYMENTS ON ANY OTHER AUTHORIZED OBLIGATION IN A CHAPTER 12 OR CHAPTER 13 CASE

All authorized post petition payments of adequate protection for a secured creditor or regular

payments on a lease or secured obligation, i.e., Mortgage Payment, Car Loan Payments, assumed leases or executory contracts, etc., shall be made by the Trustee through the Interim Order of Confirmation and/or through a Final Plan Confirmation Order. On motion by the debtor, for cause shown, the court may allow debtor to make direct payments to these same lessors and/or secured creditors.

Rule 3016-1 USE OF DISCLOSURE STATEMENT AND PLAN FORM IN CHAPTER 11 CASES

The disclosure statement filed in Chapter 11 cases shall substantially conform to Local Form No. 13, except in a case and plan designated as a complex Chapter 11. When a national disclosure statement form is adopted, the disclosure statement shall conform to the national form and the first sentence of this rule shall be abrogated automatically only as to small business cases, and shall continue to apply to all other chapter 11 cases.

Rule 3016-2 TRANSMISSION OF PLAN AND PLAN SUMMARY IN CHAPTER 11 CASES

A. A summary shall be filed with the plan and contain a concise description of the provisions of the plan.

B. A description of any releases provided by the plan and the consideration given by the party to be released shall be clearly set forth as a separate summary.

Rule 3017-1 HEARING ON DISCLOSURE STATEMENT AND PLAN

A. The responsibility for service shall be upon the proponent of the disclosure statement and plan.

B. All objections to the disclosure statement and/or plan shall be filed with the Clerk. Any objections to the disclosure statement and/or plan shall be served upon the plan proponent and proponent's counsel and all entities listed in Fed.R.Bankr.P. 3017.

Rule 3018-1 BALLOTING

A. All ballots submitted in connection with a plan shall clearly identify the proponent of the plan and the date of the plan for which the ballot is to be cast.

B. All ballots shall be returned to counsel for the proponent of the plan or his designated agent. The address for return of the ballot shall be clearly noted on the ballot.

C. Counsel for the proponent of the plan shall bring the ballots to the confirmation hearing. A summary of the ballots shall be filed at least two (2) business days prior to the plan confirmation

hearing. Counsel shall certify that all ballots received have been accounted for and tabulated and that the summary is an accurate representation of the ballots received.

D. An amended summary of ballots shall be filed within two (2) days after the plan hearing to account for any ballots cast with the approval of the Court after the time fixed for voting on the plan.

Rule 3021-1 DISTRIBUTION UNDER CHAPTER 9 AND CHAPTER 11 PLANS

A. It is the creditor's responsibility to assure that its current address is on file with the clerk. Distribution by the disbursing agent shall be to the most recent address on file with the Clerk.

B. Within ninety (90) days of confirmation of a Chapter 9 or Chapter 11 plan and each ninety (90) days thereafter until the case is closed, the disbursing agent shall file with the Clerk a brief and accurate accounting of all sums received, all sums disbursed to date, the sums remaining with the disbursing agent and the proposed disposition thereof.

Rule 3022-1 MOTION FOR FINAL DECREE IN CHAPTER 11 CASES

A. The proponent of the confirmed plan or the agent designated to administer the plan shall file and serve on these parties in interest a motion for final decree within ninety (90) days after confirmation.

B. Every motion for final decree shall have a completed form "Report for Bankruptcy Judges in Cases to be Closed" attached. Local Form No. 14 shall be used.

Rule 4001-1 USE OF CASH COLLATERAL

A. Methods of Service of Notice of Preliminary Cash Collateral Hearing: A preliminary hearing may commence no earlier than forty eight (48) hours after service of the motion and notice of the hearing. The movant may use any expedited means reasonably calculated to accomplish notice and service.

B. Terms of Cash Collateral Motion: The terms of a proposed cash collateral motion shall conform to the Guidelines for Consensual Cash Collateral Orders.

Rule 4001-2 OBTAINING CREDIT

A preliminary hearing may commence no earlier than forty eight (48) hours after service of the motion and notice of the hearing. The movant may use any expedited means reasonably calculated to accomplish notice and service.

Rule 4001-3 AGREEMENT RELATING TO USE OF CASH COLLATERAL OR OBTAINING CREDIT

A. Motion; Service: A motion for approval of an agreement under Fed.R.Bankr.P. 4001(D) shall have a complete copy of the agreement filed as an attachment to the motion without regard to page limitations in the Electronic Case Filing Procedures.

B. Contents of Agreement Concerning Use of Cash Collateral: Any agreement concerning use of cash collateral shall comply with the Guidelines for Consensual Cash Collateral Orders specified in the Court Procedures Manual.

Rule 4001-4 MOTIONS FOR RELIEF FROM STAY COMBINED WITH OTHER REQUESTS FOR RELIEF

Movants who combine motions for relief from stay with a request for any other type of relief shall be deemed to have waived the thirty (30) day period specified in 11 U.S.C. §362(e).

Rule 4001-5 TAX REFUND SETOFFS

A. Debtor or debtor-in-possession who claims a Federal or Territorial tax refund during the pendency of a bankruptcy proceeding, shall make a written request for such refund to the Internal Revenue Service ("IRS") Insolvency Unit or the Virgin Islands Bureau of Internal Revenue ("VIBIR"), with copies of the same filed with the United States Trustee, any trustee appointed in the case, and the Clerk.

B. The written request shall include the:

1. taxpayer identification number (SSN or EIN);
2. taxable period;
3. type of tax; and
4. amount claimed.

In lieu of this information, the request shall be accompanied with a copy of the actual claim filed which gave rise to the refund.

C. The IRS and the VIBIR are granted leave to retain any tax refund due a debtor or debtor-in-possession for a period not to exceed sixty (60) days after submission by the debtor or debtor-in-possession of a written request for a refund to the IRS or the VIBIR. During this period, the IRS and the VIBIR are deemed not to be in violation of the automatic stay.

Rule 5001-1 SEAL OF THE COURT

The official seal of the Court shall bear the inscription "DISTRICT COURT OF THE VIRGIN ISLANDS - BANKRUPTCY DIVISION" and shall be used by the Clerk for all documents required to bear a seal. In lieu of an original seal, the Clerk or his deputy may place the official graphic of the seal on electronic documents issued by the Court.

Rule 5005-1 ELECTRONIC FILING

Electronic filing shall be mandatory in the United States Virgin Islands. Notice of the effective date of the mandatory electronic filing shall be publicized. The Model Local Bankruptcy Rules for Electronic Filing endorsed by the Judicial Conference of the United States shall govern all filings.

Rule 5005-2 RECORDS AND FILES

A. 8½" x 11" Paper: All papers presented to the Clerk or Judge shall be on 8½" x 11" size paper. Pages shall be sequentially numbered in a document, and all paragraphs in all pleadings shall be numbered.

B. Font Size: Whether electronically filed or filed on paper, all documents shall be created in a font size no smaller than 12 Courier or an equivalent size if a different font face is used. Footnotes are subject to the same provision concerning font size.

C. Withdrawal of Files from Clerk's Office: Records and papers on file in the Clerk's Office may be produced pursuant to subpoena from any federal, state or territorial court directing their production. At the Clerk's discretion, records or papers in the files of the Court may be temporarily removed by United States District Court Judges, United States Magistrate Judges, The United States Attorney, the United States Trustee, the Standing Chapter 13 Trustee, and panel member trustees of this district upon receipt of a signed requisition. Otherwise, records and papers may be removed from the files only upon order of the Court. Whenever records or papers are withdrawn, the person receiving them shall leave with the Clerk a signed receipt describing the records or papers taken, and shall return them within the time specified by the Court.

Rule 5005-3 DOCUMENTS FILED UNDER SEAL

A. A motion to file a document under seal shall be electronically filed unless it contains confidential, scandalous or defamatory matter. A motion to file a document under seal and related documents that contain confidential, scandalous or defamatory matter shall be filed on paper in the same manner prescribed for a document filed under seal in paragraph B. of this rule. The Clerk shall docket any such motion filed on paper as a document under seal without disclosing the identity of the filing party.

B. If a motion to file a document under seal is filed or court approval has been given to file a document under seal, the document to be sealed shall not be electronically filed but shall be filed in

paper copy in a secured envelope. Affixed to the outside of the envelope shall be a statement that identifies the document for purposes of tracking, and a notation that the document is being filed under seal. The nature of the document shall be described with sufficient particularity so that the Court is able to identify the contents of the envelope without disclosing the specifics of the enclosed matter. The outside of the envelope shall also include the name and address of the attorney who will be notified when the Court determines that the document should no longer be part of the case file. This attorney shall maintain a current address on the Court's Case Management/Electronic Case Filing system.

C. The attorney receiving the notification specified in paragraph B shall have 30 days after the date of the notice to retrieve the sealed document from the Clerk. The Clerk shall destroy the sealed document if the attorney does not retrieve the document within the 30 day period or if the attorney cannot be contacted.

Rule 5007-1 REQUESTS FOR TRANSCRIPTS

The guidelines in the Court Procedures Manual for ordering transcripts shall govern.

Rule 5009-1 REPORT FOR BANKRUPTCY JUDGES IN CASES TO BE CLOSED

In asset Chapter 7 cases, the Chapter 7 trustee shall file the report for bankruptcy judges in cases to be closed in a form that complies with Local Form No.15 at the time the trustee's certification of case administration and application for discharge is filed.

Rule 5011-1 WITHDRAWAL OF THE REFERENCE

A. Place for Filing: All motions for withdrawal of the reference of a case or proceeding shall be filed with the Clerk of the Bankruptcy Court.

B. Designation of Record: Respondent(s) shall file a designation of additional items, if any, and the document numbers associated with each within five (5) calendar days of the filing of the motion for withdrawal of the reference.

C. Transmittal of Record: The Clerk of the Bankruptcy Court shall transmit the motion for withdrawal of the reference and copies of the designated documents to the Clerk of the District Court after the designations have been filed or the time to file such documents has expired, whichever occurs first.

Rule 5095-1 MOTION FOR DISBURSEMENT OF ESTATE FUNDS OTHER THAN UNCLAIMED FUNDS

A. Withdrawal of Deposited Funds: In order to withdraw deposited funds, a motion and proposed order shall be filed. The proposed order for disbursement of invested funds shall include the name and address of the payee(s) and the total amount of principal and interest (if the interest is not

known the order may read "plus interest") which will be disbursed to each payee. Interest will be distributed pro rata among the payees unless the motion requests and the order signed by the Court provides otherwise. The proposed order shall specify whether the payment is to be delivered to the payee or to counsel.

B. Tax Identification/Social Security Number: The tax identification number or social security number of each payee receiving earned interest shall be provided to the Clerk in compliance with the Clerk's instructions. No disbursement shall be made until the Clerk receives this information.

Rule 6002-1 DEADLINE FOR ACCOUNT OF PRIOR CUSTODIAN

The custodian shall file and serve on the United States Trustee the required report and account within thirty (30) days from the date the custodian acquires knowledge of the commencement of the case.

Rule 6004-1 SALE OF ESTATE PROPERTY OUTSIDE THE ORDINARY COURSE OF BUSINESS

The Court Procedures Manual shall govern sales outside the ordinary course of business.

Rule 6006-1 NOTICE OF ASSUMPTION OR REJECTION OF EXECUTORY CONTRACTS

In proceedings proposing assumption or rejection of executory contracts or unexpired leases, notice of such proceedings shall be served upon the trustee, if any, all parties to such contracts or leases, and to counsel for any committee of creditors or equity security holders appointed or elected under the Code. If there is no such counsel, then service shall be made upon each of the committee members and, if no committee has been appointed, upon the seven (7) largest unsecured creditors.

Rule 7004-1 NOTICE OF CONSTITUTIONAL QUESTION

It shall be the duty of the party who draws in question the constitutionality of an Act of Congress affecting the public interest, in any action to which the United States or an officer, agency, or employee thereof is not a party, to file with the Clerk a copy of the pleading, in which such question is raised, together with instructions to notify the Attorney General of the United States thereof.

Any party who draws in question, the constitutionality of a state or territorial law affecting the public interest, shall include in the caption of the pleading under the case number in bold-face type and all capital letters the words **CONSTITUTIONAL QUESTION RAISED**.

Rule 7005-1 FILING OF DISCOVERY MATERIALS

A. Pursuant to LBR 5005-1, all pleadings and documents shall be filed with the Clerk by electronic means.

B. Pleadings and documents filed electronically are deemed served upon all CM/ECF participants who are parties to the proceeding, provided that the notice of electronic filing issued by the Clerk indicates that service has been made. All parties not served electronically shall be served by the moving party by paper copy. Follow up service of a "paper copy" pleading or document is not necessary unless the acknowledgment of filing does not indicate that service was made. In that event, the filer shall make service by paper copy and file proof of service.

C. No discovery material shall be filed with the Clerk unless ordered by the court or determined by a party to be necessary to a motion concerning discovery or to an appeal. When discovery material is essential to a motion related to discovery or to an appeal, upon application by a party in interest and order of Court, the necessary portion of the discovery material shall be filed with the Clerk.

D. The party serving discovery or taking depositions shall retain the original as the custodian thereof.

Rule 7008-1 MOTIONS IN ADVERSARY PROCEEDINGS

A. Requirement for Electronically Filed Motions: Motions in adversary proceedings shall be filed electronically.

B. Grounds and Relief to be Stated: Motions filed within adversary proceedings shall contain a descriptive title of the motion in addition to the complete adversary caption. The caption shall conform to Official Form 16D.

C. Response: The response to any motion shall be filed and served within fifteen (15) days after service of the motion. If no response is timely filed, the motion shall be deemed uncontested and the Court shall dispose of the motion. The reply brief, if any, shall be served and filed no later than five (5) days after service and filing of the answering brief. Absent prior permission of the Court, no reply shall exceed five (5) pages, in each instance, exclusive of any tables of contents and citations.

Surreplies are not permitted unless ordered by the Court. If permitted, surreplies shall be filed and served within five (5) days, after service of the response or reply, as applicable.

D. Briefs: The movant shall file a brief, if any, and any supporting affidavits as an attachment to the motion and the respondent shall file a brief, if any, and any supporting affidavits as attachments to the response. Briefs shall be limited to twenty (20) pages. The party filing the opening brief shall not reserve material for the reply brief that should have been included in a full and fair opening brief.

E. Continuances: Motions for continuance of a trial date shall be considered by the Court only upon motion filed and served at least seven (7) calendar days before the scheduled trial. Trial will go forth as scheduled unless the Court grants a continuance before the scheduled trial date.

F. Bringing Contested Motions to Attention of Court: Any request for oral argument or hearing on a contested motion within an adversary proceeding shall be in writing and referenced in the caption of the pleading.

G. A proposed order of court shall be filed as an attachment to all motions and other pleadings requesting relief.

H When briefing is complete, the moving party shall file a certification that briefing is completed substantially in compliance with Local Form No. 16. The Court may not act until the certification is filed.

Rule 7010-1 CAPTIONS OF ADVERSARY PROCEEDINGS AND OF MOTIONS FILED WITHIN ADVERSARIES

A. The caption of an adversary proceeding shall conform to Official Bankruptcy Forms 16C or 16D. Additionally, the initials of the Presiding Judge shall be appended to the bankruptcy case number.

B. Motions filed within adversary proceedings shall contain a descriptive title of the motion in addition to the complete adversary caption and adversary proceeding number.

C. Responses or replies to motions filed within adversary proceedings shall contain the adversary caption and number and the same caption as the motion but the description shall indicate that it is a response or reply.

Rule 7016-1 PRE-TRIAL PROCEDURES

Pretrial procedures are governed by pretrial orders entered in each case. Counsel shall use the pretrial order and pretrial statement issued by the Presiding Judge as posted on the Court's Website.

Rule 7037-1 DISCOVERY DISPUTES

A. Requirement of Electronic Filing: Except as expressly provided and in exceptional circumstances preventing a Filing User from filing electronically, all petitions, motions, memoranda of law, or other pleadings and documents required to be filed with the Court shall be electronically filed.

B. Objections to Discovery Process: An objection to any interrogatory, deposition, request, or application shall include only that portion that is the subject of the objection. Any such objection shall not extend the time within which the objecting party shall otherwise answer or respond to any

discovery matter to which it has not objected. Any party opposing the requested relief shall file only those additional portions of the interrogatories, request for documents or request for admission and the responses to same that are necessary for the Court's consideration of the matter.

C. Motions to Compel: If a discovery dispute is not resolved, the party initiating discovery shall file and serve a motion to compel an answer, production, designation, or inspection. Only those portions of the interrogatories, depositions, requests for documents, or request applications that are germane to the motion shall be filed. Any party opposing the requested relief shall file only those additional portions of the interrogatories, depositions, requests or applications and the responses to same that are necessary for the Court's consideration of the matter.

D. Compliance with discovery orders shall be effected within fifteen (15) days of the entry of the order.

E. Failure to Comply with Order: Should a party fail to comply with an order of the Court concerning discovery motions, the party objecting to such failure to comply shall place the matter before the Court by filing and serving a motion for supplementary relief.

F. Consultation Among Counsel: All Counsel are required to participate in pretrial discovery conferences in order to decrease, in every way possible, the filing of unnecessary discovery motions. No motion concerning discovery matters may be filed until counsel make a good faith effort with opposing counsel to resolve the discovery matters in dispute. The Court shall dismiss any motion concerning discovery matters not accompanied by a certificate of counsel that a good faith effort has been made to resolve the discovery matters at issue. The certification shall be filed as an attachment to the motion.

Rule 7065-1 TEMPORARY RESTRAINING ORDERS

Parties filing an application for a temporary restraining order with an attached proposed order and any party filing a response shall deliver a paper copy to the clerk's office. The front page of the pleading shall note that it is a courtesy copy. The filing party may call the clerk's office to arrange for alternative transmission of the document.

Rule 8004-1 SERVICE OF THE NOTICE OF APPEAL

To the extent this rule is inconsistent with Fed.R.Bankr.P. 8004, this local rule shall govern.

The appellant shall serve the notice of appeal by mailing a copy thereof to counsel of record of each party or, if a party is not represented by counsel, to the party's last known address. The clerk shall forthwith transmit to the United States trustee a copy of the notice of appeal, but failure to transmit such notice shall not affect the validity of the appeal.

Comment: See Fed.R.Bankr.P. 8019

Rule 8006-1 RECORD AND ISSUES ON APPEAL

A. Within ten (10) days after filing the notice of appeal as provided by Rule 8001(a), entry of an order granting leave to appeal, or entry of an order disposing of the last timely motion outstanding of a type specified in Rule 8002(b), whichever is later, the appellant shall file with the clerk and serve on the appellee a designation of the items to be included in the record on appeal and a statement of the issues to be presented. The designation of items shall include the notice of appeal, the judgment, order, or decree appealed from, and any opinion, findings of fact, and conclusions of law of the bankruptcy court. When Electronic Case Filing is fully implemented, the designation shall be an itemization of these items and their document numbers.

B. Within 10 days after the service of the appellant's statement, the appellee may file and serve on the appellant a designation of additional items to be included in the record on appeal. If the appellee has filed a cross appeal, the appellee as cross appellant shall file and serve a statement of the issues to be presented on the cross appeal and a designation of additional items to be included in the record. The appellee shall serve the appellant with a copy of any additional items. When Electronic Case Filing is fully implemented, the designation shall be an itemization of these items and their document numbers.

C. A cross appellee may, within 10 days of service of the cross appellant's statement, file and serve on the cross appellant a designation of additional items to be included in the record.

D. If the record designated by any party includes a transcript of any proceeding or a part thereof, the party, before filing its designation, shall make a request for the transcript pursuant to Rule 8007-1 and a copy of that request shall be included with the designation of record.

Rule 8007-1 COMPLETION AND TRANSMISSION OF THE RECORD; DOCKETING OF THE APPEAL

A. Duty of reporter to prepare and file transcript: On receipt of a request for a transcript, on the AO 435 *TRANSCRIPT ORDER FORM,* the reporter shall acknowledge on the request the date it was received and shall transmit the request, so endorsed, to the clerk. On completion of the transcript the reporter shall file it with the clerk and, if appropriate, notify the clerk of the bankruptcy appellate panel. If the transcript cannot be completed within 30 days of receipt of the request the reporter shall seek an extension of time from the clerk or the clerk of the bankruptcy appellate panel and the action of the clerk shall be entered in the docket and the parties notified. If the reporter does not file the transcript within the time allowed, the party(ies) requesting the transcript and the clerk or the clerk of the bankruptcy appellate panel shall notify the bankruptcy judge.

B. Duty of clerk to transmit copy of record; docketing of appeal: On receipt of the record on appeal the Clerk of the District Court or the clerk of the bankruptcy appellate panel shall enter the appeal in the docket and promptly give notice of the date on which the appeal was docketed to all parties to the judgment, order, or decree on appeal.

Rule 8009-1 BRIEFS AND APPENDIX; FILING AND SERVICE

Unless the district court or the bankruptcy appellate panel by local bankruptcy rule or by order excuses the filing of briefs or specifies different time limits:

1. The appellant shall serve and file a brief within 30 days of designation the record on appeal per LBR 8006-1(a), or, if the designated record includes a transcript, within 30 days after the transcript is filed, whichever comes later. The appellant shall file along with the brief, all the designated items of record, including those additional items designated by the appellee. When Electronic Case Filing takes effect, the designation shall be an itemization of these items and their document numbers.

2. The appellee shall serve and file a brief within 20 days after service of the brief of appellant. If the appellee has filed a cross appeal, the brief of the appellee shall contain the issues and argument pertinent to the cross appeal, denominated as such, and the response to the brief of the appellant.

3. The appellant may serve and file a reply brief within 10 days after service of the brief of the appellee.

4. If the appellee has cross-appealed, the appellee may file and serve a reply brief to the response of the appellant to the issues presented in the cross appeal within 10 days after service of the reply brief of the appellant.

5. No further briefs may be filed except with leave of the district court or the bankruptcy appellate panel.

An appellee may also serve and file an appendix which contains material required to be included by the appellant per LBR 8009-1 (a)(1) but omitted by appellant.

Rule 8010-1 FORM OF BRIEFS; LENGTH

Unless the District Court or the bankruptcy appellate panel by local bankruptcy rule or order otherwise provides, principal briefs shall not exceed 50 pages in at least 12 point type and reply briefs shall not exceed 25 pages in at least 12 point type, exclusive of pages containing the table of contents, tables of citations and any addendum containing statutes, rules, regulations, or similar material

Rule 8012-1 ORAL ARGUMENT

Oral argument shall not be allowed unless the district judge or the judges of the bankruptcy appellate panel unanimously determine after examination of the briefs and record, or appendix to the brief, that oral argument is needed. Any party shall have an opportunity to file a

statement setting forth the reason why oral argument should be allowed, by designating, "Oral Argument Requested" on the first page of the initial brief filed by the party.

Rule 9004-1 CAPTIONS OF PLEADINGS AND ORDERS

The caption of any pleading, all responses and replies thereto, and any proposed order shall conform substantially to Official Bankruptcy Form 16D governing adversary captions except that the party seeking relief shall be designated as "Movant" and the party against whom relief is sought shall be designated as "Respondent". When there is no entity to be named as a respondent, the words "No Respondent(s)" shall be stated. In the caption of each motion and any response thereto the case number shall be entered as well as the chapter number. "Document No." shall be stated instead of "Adversary Proceeding No." when the pleading is a motion in the main case. The caption for the motion shall substantially conform to Local Form No. 17. A certificate of service, proposed order, or any subsequent pleading to a motion, objection, or other request for relief shall include in the caption the hearing date and time, the objection date, and the document number of the document to which it pertains.

Rule 9006-1 TIME

A. Every request for relief, however made, shall be served on the same day that it is filed.

B. Every responsive pleading shall be filed and served within fifteen (15) days from the date the motion is filed and served.

Rule 9009-1 FORMS

Local and National bankruptcy forms are available on the Court's Website. A paper copy of the local forms can be obtained from the Clerk, upon payment of a charge or fee.

Rule 9010-1 ADMISSION TO PRACTICE

A. Admission in General: Attorneys who are admitted to the bar of the District Court for the Virgin Islands are admitted to the bar of this Court.

B. *Pro Hac Vice* Admission: No one, other than an attorney regularly admitted to practice in this Court, shall appear in any proceeding on behalf of any debtor, trustee, creditor, or other party in interest, except upon motion filed with the Clerk and order entered by the Court. Every motion to be admitted *pro hac vice* will be considered pursuant to the requirements of LRCi 83.1(3) and shall be signed and filed by an attorney admitted to practice in this district. If a motion for pro hac vice is made orally in open court, it shall be followed promptly by the filing of a written motion signed by local counsel and the applicant. The Court may require counsel to provide

evidence of admission in another district. An attorney admitted *pro hac vice* or local counsel shall appear at court hearings and be prepared to address all issues set for argument or hearing.

C. Association with Local Counsel Required: An attorney not admitted to practice in the Virgin Islands may not be admitted *pro hac vice* in this Court unless associated with an attorney who is a member of the Bar of this Court and who maintains an office in this district for the regular transaction of business, upon whom all notices, orders, pleadings and other papers filed in the case shall be served and who shall be required to sign all papers filed with the Clerk.

1. Claims Litigation: Association with local counsel shall not be required for the filing or prosecution of a proof of claim or response to an objection to a proof of claim. The Court may, however, direct counsel to claimant to associate with local counsel if the claim litigation will involve extensive discovery or trial time.

2. Government Attorneys: An attorney not admitted in the District Court but admitted in another United States District Court may appear representing the United States of America (or any officer or agency thereof) or any State (or officer or agency thereof) provided that a certification is filed, signed by that attorney, stating (a) the courts in which the attorney is admitted, (b) that the attorney is in good standing in all jurisdictions in which the attorney has been admitted and (c) that the attorney will be bound by the Rules of this Court and submits to the jurisdiction of this Court for disciplinary purposes in connection with the matter in which the attorney is appearing.

D. The local rules of the District Court as amended from time to time shall apply as to discipline of attorneys.

Rule 9010-2 APPEARANCE AND WITHDRAWAL OF APPEARANCE

A. Notice of Appearance: A separate notice of appearance need not be filed by an attorney for an original party to an action or for an intervenor. The endorsement of names of attorneys appearing on the first pleading or motion filed by a party shall constitute the entry of appearance for such attorneys and their law firms.

B. Withdrawal of Appearance: An attorney may withdraw an entry of appearance only with leave of Court, upon filing a written motion stating reasons for withdrawal and after reasonable notice to the client.

C. Appearance at Hearing Required: All parties filing a pleading shall appear for the scheduled hearing on the matter in which the pleading was filed unless such appearance has been excused by the Court.

D. *Pro Se* Litigants: Only natural persons may appear in court without counsel.

E. Child Support Creditors: Child support creditors need not appear by counsel, provided, however, that they shall first complete and file Local Form No. 19.

Rule 9010-3 AGREEMENTS OF ATTORNEYS

All agreements of attorneys shall be filed with the Court; otherwise, if disputed they will be considered of no validity.

Rule 9013-1 MOTIONS AND CONTESTED MATTERS

A. Any motion, application, objection or other request for relief shall be in writing and accompanied by a proposed order filed as an attachment to the motion.

B. Periodic motions days may be established by the judge. No witnesses shall be heard on motions days.

C. Responses to any pleading shall be filed and served on or before fifteen (15) days after the pleading is filed.

D. Any affirmative request for relief shall be brought by motion and may not be included in any responsive pleading.

E. If permitted, the replies and surreplies shall be filed and served within five (5) days, after the response or reply, as applicable.

Rule 9013-2 PROCEDURE FOR EXPEDITED HEARINGS

A. Filing of Motion: A motion for expedited hearing shall explain the necessity for an expedited hearing and shall state the substantive relief sought. A proposed order granting the relief requested shall be filed as an attachment to the motion. A second proposed order substantially conforming to Local Form No. 20 shall be filed as an attachment to the motion and shall provide that the request for expedited hearing is granted and shall contain blank spaces for the Court to enter the date, time, and place of hearing and the date by which objections shall be filed and served.

B. Requirements of Motion: In addition to the provisions of paragraph A, the request for expedited hearing shall be set forth in the caption of the pleading.

C. The motion shall specify:

1. just cause to request consideration of the underlying matter on an expedited basis;

2. the specific harm the movant shall incur if a hearing is not granted on an expedited basis; and

3. the need for an expedited hearing has not been caused by any lack of due diligence on the part of the attorney or the attorney's client but has been brought about solely by circumstances beyond their control.

D. Parties filing a motion for expedited hearing with an attached proposed order and any party filing a response shall deliver a paper copy to the bankruptcy clerk. The front page of the pleading shall note that it is a courtesy copy. The filing party may call the bankruptcy clerk to arrange for alternative transmission of the document.

Rule 9013-3 PLEADING SPECIAL MATTERS IN MOTIONS

A. Applicability of Rule: This rule applies to contested matters in which any of the following types of relief is sought:

1. an abandonment in a form that substantially complies with Local Form No. 21;

2. the avoidance of a lien or liens in a form that substantially complies with Local Form No. 22;

3. a sale; and

4. relief from stay.

B. Requisites of Content:

1. The following, if applicable, shall be pled with particularity:

   a. the identity and location of the property subject to the action;
   b. the market value of the property subject to the action, and the basis for the valuation;
   c. the value of any claimed exemption in the property subject to the action;
   d. the identity and address of the holder of each lien on the property subject to the action; and
   e. the type, priority, face amount, balance owed, and record location of each lien on the property subject to the action.

2. If there is or may be no equity in the property for the creditors, an allegation showing the necessity for the sale or the consent of holders of liens and any fee agreed upon shall be stated.

C. In addition, a motion for relief from stay shall include:

1. an itemized statement of:

   a. the amount and date of the loan;
   b. the principal balance owed as of the date the bankruptcy case was filed;
   c. the interest accrued to the date of filing of the case and the *per diem* rate thereafter;
   d. all charges and fees added to the balance alleged to be owed;
   e. the amount necessary to cure as of the bankruptcy filing date; and
   f. postpetition defaults.

2. an averment that an appropriate proof of claim has been filed.

3. identification of the original holder of the obligations secured by the mortgage or other security interest and every subsequent transferee including the movant and whether the movant is the holder of that obligation or an agent of the holder.

Rule 9013-4 FILING OF PROPOSED ORDERS

A. Orders Required to be Attached: All requests for relief including, but not limited to, all motions, petitions, applications, complaints, and objections shall have an appropriate proposed order of court filed as an attachment to the request for relief. If a proposed order is not attached, the Court may dismiss the pleading without scheduling a hearing thereon and without prejudice to its being promptly refiled in compliance with Local or Federal Rules of Bankruptcy Procedure, Court orders or procedures.

B. Electronic Filing of Proposed Orders: Proposed orders electronically filed with motions, petitions applications, objections, or other requests for relief shall be filed with the motion as a separate attachment to the pleading.

Rule 9013-5 SCHEDULING HEARINGS

A. Parties are directed to and shall comply with Procedures stated on the Court's Website to ascertain procedures for the scheduling practices.

B. The moving party shall serve all parties in interest with the motion, proposed order, and notice of hearing. For Chapter 7 final accounts and proposed distributions use Local Form No. 23.

For fee applications in Chapter 7 and 13 cases use Local Form No. 24. For fee applications in Chapter 9, 11, and 12 cases, use Local Form No. 9.

C. If the moving party does not receive a response, then the moving party shall file with the Clerk a Certificate of No Objection substantially in compliance with Local Form No. 25. The certificate shall be filed no later that two days after the objection deadline has expired. If the Court grants the relief by default, the hearing is canceled.

D. If a disputed matter has been settled prior to the hearing, counsel for movant shall file a Settlement and Certification of Counsel substantially in compliance with Local Form No. 26. A proposed consent order shall be filed as an attachment to the Settlement and Certification of Counsel.

E. Initial hearings on motions shall be brief, not more than ten (10) minutes in any case. No testimony will be heard. If there is an issue of fact, a discovery schedule (if appropriate) and an evidentiary hearing will be fixed by the Court at the initial hearing. If there is no issue of fact, the Court may dispose of the matter at such hearing, or on briefs, or as the Court may determine. Matters which are settled after responses are filed shall be heard prior to other matters scheduled for the same time upon request of the parties at the hearing.

F. If a filing is not in substantial compliance with these local bankruptcy rules or procedures, an order may be entered dismissing the motion without prejudice, and movant shall promptly notify respondent thereof.

G. A motion for relief from default orders is governed by Fed.R.Bankr.P. 9023 or 9024 as applicable.

H. A movant who files a motion for relief from stay and selects a hearing date in accordance with a Judge's scheduling practice shall be deemed to have waived the thirty day period specified in 11 U.S.C. §362(e) when the hearing is scheduled for a date more than thirty days after the date the motion is filed. If a hearing date is not available within the thirty day period, a movant who would be harmed by a delay of the hearing beyond the thirty day period specified in 11 U.S.C. §362(e) shall file a motion for expedited hearing.

Rule 9013-6 EXTENSION OF TIME TO ASSUME CONTRACT OR LEASE OR TO FILE A PLAN

If, when a motion to extend time is filed, the time has not expired within which an executory contract or an unexpired lease may be assumed or rejected or within which the debtor retains the exclusive right to file a plan of reorganization, then the time is extended until the disposition of the motion.

Rule 9014-1 FILING AND SERVICE OF RESPONSIVE PLEADINGS IN CONTESTED MATTERS

Every responsive pleading shall be filed and served within fifteen (15) days from the date the motion is filed.

Rule 9015-1 JURY DEMAND

A. The party making a jury trial demand shall file the demand with the Clerk of the Bankruptcy Court and serve all parties in interest. If the demand is made by the moving party, it shall be endorsed on the front of the initial motion or pleading. The last date on which a demand for jury trial may be made by any party is fifteen (15) days after:

(1) an answer to a complaint, cross-claim or counterclaim is filed and served; or

(2) a response to a motion or objection is filed and served.

B. With respect to removed actions, Fed.R.Civ.P. 81 (c) applies.

C. Within thirty (30) days of filing the demand the party making the demand shall file with the Clerk and serve on all parties in interest:

(1) the consent of all parties to trial by jury in the Bankruptcy Court; or

(2) a motion to withdraw the reference to the District Court. All proceedings shall continue in the Bankruptcy Court unless and until an Order is issued by the District Court withdrawing the reference.

D. The failure to comply with this Local Bankruptcy Rule shall be deemed to be a waiver of trial by jury in the Bankruptcy Court.

Rule 9015-2 JURY SELECTION SYSTEM

A. The plan for random selection of jurors adopted by the District Court for the Virgin Islands with the approval of its reviewing panel under 28 U.S.C. §1863 governs jury selection by the United States Bankruptcy Court for the Virgin Islands.

B. The Deputy Clerk of the Bankruptcy Court shall request that the Clerk of the District Court furnish a sufficient number of jurors for use in scheduled jury trials. If not selected or

serving in the Bankruptcy Court, such jurors shall be released to the District Court for continued utilization.

C. The Deputy Clerk of the Bankruptcy Court shall cooperate with the Clerk of the District Court in the implementation of those jury utilization techniques which are employed by the District Court in the interest of efficient and economical use of jurors.

Rule 9019-2 MEDIATION

The Court Procedures Manual shall govern mediation procedures.

Rule 9070-1 EXHIBITS

All exhibits, models, or diagrams, documentary or physical, introduced at a trial or hearing shall be withdrawn by the parties to the litigation or their counsel within fifteen (15) calendar days after final judgment, order or other final disposition of the trial or hearing, whichever is later. If the exhibits, models, or diagrams are not removed within the fifteen day period, the Clerk shall destroy them or make such other disposition of them as the Clerk may deem appropriate. It shall be the responsibility of counsel to produce any and all exhibits as designated on appeal.