

**DISTRICT COURT OF THE VIRGIN ISLANDS
DIVISIONS OF ST. CROIX AND ST. THOMAS/ST. JOHN**

IN THE MATTER OF:)	
)	
Adoption of Revisions to the Local Rules)	General Order No. 2014-1
of the District Court of the Virgin Islands)	Miscellaneous Case No. 2010-3
Bankruptcy Division)	
_____)	

ORDER

THIS MATTER comes before the Court upon review of the proposed amendments to the Federal Rules of Bankruptcy Procedure, which will take effect on December 1, 2014. Having compared the proposed amendments with Rules 8006-1, 8007-1, 8009-1, and 8010-1 of this Court's Local Bankruptcy Rules, the Court finds that the aforementioned Local Rules have been superseded by the proposed amendments to the Federal Rules.¹ In this regard, the Court is mindful that a Local Rule of Procedure that is inconsistent with a Federal Rule of Procedure is a “nullity,” *In re Paoli R.R. Yard PCB Litig.*, 221 F.3d 449, 459 (3d Cir. 2000); that a local rule must be consistent with and cannot be duplicative of a Federal Rule, Fed. R. Civ. P. 83(a)(1), Fed. R. Bankr. P. 8018(a)(1); and that “any local rule governing procedure ... in bankruptcy cases must yield to the bankruptcy rules duly promulgated under the Supreme Court’s statutory authority. 28 U.S.C. § 2075.” *Frank v. Arnold (In re: Morrissey)*, 717 F.2d 100, 105 (3d Cir.

¹ Local Rule 8006-1, entitled “Record and Issues on Appeal” is superseded by amended Federal Rule of Bankruptcy Procedure 8009, entitled “Record on Appeal; Sealed Documents”; Local Rule 8007-1, entitled “Completion and Transmission of the Record; Docketing of the Appeal,” is superseded by amended Federal Rule of Bankruptcy Procedure 8010, entitled “Completing and Transmitting the Record”; Local Rule 8009-1, entitled “Briefs and Appendix; Filing and Service,” is superseded by amended Federal Rule of Bankruptcy Procedure 8011, entitled “Filing and Service; Signature”; and Local Rule 8010-1, entitled “Form of Briefs; Length,” is superseded by amended Federal Rule of Bankruptcy Procedure 8015, entitled “Form and Length of Briefs; Form of Appendices and Other Papers.”

1983). For these reasons, the District Court of the Virgin Islands, Bankruptcy Division, will amend its Local Rules by deleting Rules 8006-1, 8007-1, 8009-1, and 8010-1, effective December 1, 2014.

Accordingly, it is hereby

ORDERED that the Court **AMENDS** the Local Bankruptcy Rules to **DELETE** Local Rules 8006-1, 8007-1, 8009-1, and 8010-1, as reflected in the amended Local Bankruptcy Rules attached hereto; and it is further

ORDERED that the amended Local Bankruptcy Rules shall be effective as of **December 1, 2014**; and it is further

ORDERED that the Clerk of Court shall forward a copy of this Order and the attached amended Local Bankruptcy Rules to the Judicial Council of the United States Court of Appeals for the Third Circuit and the Director of the Administrative Office of the United States Courts.

SO ORDERED.

Date: November 26, 2014

_____/s/_____
Wilma A. Lewis
Chief Judge

Copies:

District Court Judges
Magistrate Judges
Clerk of Court
Hinda Carbon
(for distribution to
Members of the Virgin Islands Bar)

**LOCAL BANKRUPTCY RULES OF THE DISTRICT COURT
OF THE 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 1007-2	DISCLOSURE OF RELATED CASES AND PROCEEDINGS
Rule 1007-3	PROOF OF INCOME
Rule 1007-4	DOMESTIC SUPPORT OBLIGATION
Rule 1007-5	EXCLUSION OF PERSONAL DATA IDENTIFIERS
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	PROOF OF ASSIGNMENT OF CLAIM IN 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 3010-1	CHAPTER 13 CASES - DIVIDENDS (SMALL)
Rule 3011-1	UNCLAIMED FUNDS
Rule 3015-1	DISMISSAL FOR FAILURE TO FILE SCHEDULES, STATEMENT OF AFFAIRS, OR PLAN
Rule 3015-2	DISTRIBUTION UNDER CHAPTER 13 PLANS
Rule 3016-1	USE OF DISCLOSURE STATEMENT AND PLAN FORM IN CHAPTER 11 CASES
Rule 3016-2	TRANSMISSION OF PLAN AND PLAN SUMMARY IN CHAPTER 11 CASES
Rule 3017-1	HEARING ON PLAN AND DISCLOSURE STATEMENT IN CHAPTER 11 CASES
Rule 3018-1	BALLOTING ON CHAPTER 11 PLANS
Rule 3021-1	DISTRIBUTION UNDER CHAPTER 11 PLANS

Rule 3022-1	MOTION FOR FINAL DECREE IN CHAPTER 11 CASES
Rule 4001-1	PRELIMINARY HEARINGS ON USE OF CASH COLLATERAL/DEBTOR-IN-POSSESSION FINANCING
Rule 4001-2	TERMS OF CASH COLLATERAL/DEBTOR-IN-POSSESSION FINANCING
Rule 4001-3	MOTIONS FOR RELIEF FROM STAY COMBINED WITH OTHER REQUESTS FOR RELIEF
Rule 4001-4	TAX REFUND SETOFFS
Rule 5001-1	SEAL OF THE COURT
Rule 5005-1	RECORDS AND FILES
Rule 5005-2	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	REFERENCE AND WITHDRAWAL OF THE REFERENCE
Rule 5095-1	MOTION FOR DISBURSEMENT OF ESTATE FUNDS OTHER THAN UNCLAIMED FUNDS
Rule 6002-1	DEADLINE FOR FILING OF ACCOUNTING BY 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 7004-2	CONSENT TO JURISDICTION
Rule 7005-1	FILING OF DISCOVERY MATERIALS
Rule 7008-1	MOTIONS IN ADVERSARY PROCEEDINGS

Rule 7014-1	SERVICE OF PLEADINGS ON THIRD-PARTY DEFENDANTS
Rule 7016-1	PRE-TRIAL PROCEDURES
Rule 7037-1	DISCOVERY DISPUTES
Rule 9006-1	TIME
Rule 9009-1	FORMS
Rule 9010-1	ADMISSION TO PRACTICE
Rule 9010-2	APPEARANCE AND WITHDRAWAL OF APPEARANCE
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	CONSENT TO JURISDICTION
Rule 9015-1	JURY DEMAND
Rule 9019-2	MEDIATION
Rule 9070-1	EXHIBITS

**LOCAL BANKRUPTCY RULES OF THE DISTRICT COURT
OF THE VIRGIN ISLANDS, BANKRUPTCY DIVISION
AMENDED EFFECTIVE DECEMBER 1, 2014**

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 and Court Procedures. Future changes to the LBR shall be reported on the official website of the Court, <http://www.vid.uscourts.gov>. The website should also be consulted for Official Local Bankruptcy Forms (LBF), addresses for entities such as state and federal governmental units to which notice is required to be given, appendices to these LBR, and other information necessary for practice before the District Court of the Virgin Islands, Bankruptcy Division.

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

A. Scope of Rules. These Rules supersede all previous bankruptcy rules and Court Procedures promulgated by this Court or any Judge of this Court. They shall govern all applicable cases and proceedings brought in this Court after they take effect. They also shall apply to all future filings in cases or proceedings pending at the time they take effect.

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

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

D. Citations. The citations in the LBR 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 LBR are severable and if any LBR or provision thereof shall be held to be unenforceable, other LBR and provisions will not be affected.

F. In Writing. Motions, responses and all other pleadings shall be in writing. The time to file a responsive pleading is governed by LBR 9013-1 unless a different time is set in another rule or by Court order.

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

H. Certificate of Service. A certificate of service shall be filed within seven (7) 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.

I. Orders and Rules Prevail. No agreement contrary to an order of Court or these LBR will be considered valid including, without limitation, agreements to extend time, unless approved by the presiding Judge.

J. Service on Trustee or Committee Counsel. 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 December 1, 2014.

Rule 1002-1 DIVISION OF BUSINESS

The United States District Court for the United States Virgin Islands, Bankruptcy Division is a member of the Third Circuit. Pursuant to LBR 5011-1, all bankruptcy cases under title 11 and any or all proceedings arising under title 11 or arising in or related to a case under title 11 are referred to the Bankruptcy Judge appointed for or designated to sit in the United States Virgin Islands pursuant to 28 U.S.C. §§ 152(a)(4) or 155. The Virgin Islands has two divisions, Division of St. Thomas/St. John and the Division of St. Croix. The St. Thomas/St. John divisional clerk’s office handles bankruptcy cases for both divisions.

The Clerk of the Bankruptcy Court for the Division of St. Thomas/St. John is located at:
5500 Veteran’s Drive, RM 310
Charlotte Amalie, St. Thomas 00802-6424
Telephone: 340-774-8310; Fax: 340-776-5615

The courthouses and judges’ chambers are located at:

District Court of the Virgin Islands
St. Thomas/St. John Division
5500 Veteran’s Drive, RM 310
Charlotte Amalie, St. Thomas 00802

District Court of the Virgin Islands
St. Croix Division
3013 Estate Golden Rock, Suite 219
St. Croix, VI 00820

Counsel for the debtor or the debtor, if pro se, shall indicate on the petition the appropriate island of the debtor’s residence or principal place of business, so that the matter is addressed in the appropriate division.

Rule 1002-2 FILINGS

A. Definitions.

1. “Electronic Case Filing System” or “ECF System” refers to the Court’s system of receiving documents filed in electronic form.

2. "Filing User" refers to those who have a Court-issued log-in and password to file documents electronically.
3. "Limited Filing User" refers to those who are issued a Limited Password by the Clerk in accordance with LBR 1002-2(L) below.
4. "PDF" refers to Portable Document Format.

B. Electronic Filing Mandatory. Electronic Filing is mandatory in the United States District Court for the United States Virgin Islands, Bankruptcy Division.

1. Exceptions:

a. LBF 1: An executed Declaration Re: Electronic Filing, LBF 1, shall be filed in paper copy within fourteen (14) days of the electronic filing of the bankruptcy petition. Both debtors must sign the authorization when a joint petition is filed. The attorney representing the debtor must notify the Court forthwith if the debtor(s) fails to sign the declaration. 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, and LBF 1A, within fourteen (14) days of the filing of the petition.

b. Attachments and Exhibits exceeding ten (10) pages: Exhibits and other attachments to pleadings shall not exceed ten (10) pages in length, except exhibits to the following: Application for Compensation and Reimbursement, Trustee's Final Report and Account, Plan of Reorganization, Disclosure Statement, and proofs of claim filed in accordance with Fed. R. Bankr. P. 3001(c). A summary not exceeding ten (10) pages may be filed in lieu of exhibits and attachments that exceed ten (10) pages. In lieu of the summary or in lieu of the an entire loan history, a one-page Document and Loan History Abstract conforming to Local Form No. 27 may be filed. All abstracts, exhibits, exhibit summaries, and attachments must be filed as separate documents. The party filing a pleading containing a summary of exhibits or attachments, or LBF 27 shall have a paper copy of the entire document at any hearing that is reasonably expected to pertain to the pleading. The party filing a pleading containing a summary or abstract shall, upon request of any party in interest, provide a copy of the entire exhibit.

c. Sealed Documents: Documents ordered to be filed under seal (pursuant to motion filed in accordance with LBR 5005-2) shall be filed in paper form, not electronically. The paper documents which have been placed under seal will not be scanned into the ECF System but shall be delivered to the Clerk who will retain the paper documents according to LBR 5005-2. The motion to file the document under seal, and any order granting that motion, shall however be filed electronically.

2. Courtesy Copies:

a. Expedited matters: At the time it is electronically filed, a paper copy of a motion for expedited hearing or an application for a temporary restraining order and any response shall be delivered to chambers. The front page of the pleading shall note that it is a courtesy copy. The filing

party may call chambers to arrange for alternative transmission of the document.

b. Chapter 7 petition, schedules, and statements: Within seven (7) days of electronic filing, a paper copy of the voluntary bankruptcy petition, schedules and statements must be delivered by the debtor or his/her attorney to the chapter 7 trustee.

C. Eligibility, Registration, Passwords. Attorneys admitted to the bar of this Court (including those admitted pro hac vice), United States trustees and their assistants, private trustees, and others as the Court deems appropriate, may register as Filing Users of the Court's ECF System. If the Court in a particular case permits, a party to a pending action who is not represented by an attorney may register as a Filing User in the ECF System solely for purposes of the action. If, during the course of the action, the party retains an attorney who appears on the party's behalf, the attorney must advise the Clerk to terminate the party's registration as a Filing User upon the attorney's entry of appearance.

Registration is in a form prescribed by the Clerk and requires the Filing User's name, address, telephone number, Internet e-mail address, and, in the case of an attorney, a declaration that the attorney is admitted to the bar of this Court. Once registration is completed, the Filing User will receive notification of the user's log-in and password. Filing Users agree to protect the security of their passwords and immediately notify the Clerk if they learn that their password has been compromised. Users may be subject to sanctions for failure to comply with this provision.

Registration as a Filing User constitutes, in any case in which the Filing User has entered an appearance: a waiver of the right to receive notice by first class mail or personal service and consent to receive notice electronically, except with regard to service of a summons and complaint under Fed. R. Bankr. P. 7004. This waiver specifically includes waiver of service and notice by first class mail of entry of an order or judgment under Fed. R. Bankr. P. 9022.

Once registered, a Filing User may withdraw from participation in the ECF System only by providing the Clerk's Office with written notice of withdrawal.

D. Form of Filing. All documents filed electronically using the ECF System must be filed in a PDF format which allows the Court and other parties to perform a full text search, except that documents received by the filing party from an outside source may be scanned into a PDF format and filed as a document that will not be fully text searchable. Each document which is filing electronically must be done in accordance with the system's instructions and must be properly identified in the system when filed.

Proposed forms of orders must be filed as a separate document.

A Certificate of Service filed as part of a motion, application, objection or other request for relief should be included as part of the motion when filed electronically.

Exhibits and attachments, not exceeding ten (10) pages shall be filed as separate PDF files. They shall contain the case name and number and a brief description of the document to which they

relate at the top of the first page of the exhibit or attachment or on a cover sheet in front of the exhibit or attachment.

E. Filing on Disc or by Scanning Permissible. The Clerk shall provide reasonable alternative access during regular business hours for those who are not Filing Users to allow such persons to file documents electronically. The Clerk shall accept paper documents from pro se parties at the Clerk's Office and the pleadings will be scanned into the ECF System by the Clerk's Office personnel. All attorneys shall be required to file electronically.

The Clerk shall accept documents filed on disc in a PDF format. Documents must be filed in a format that allows the Court to perform a full text search, except that documents received by the filing party from an outside source may be scanned into a PDF format and filed as a document that will not be fully text searchable. For example, a motion drafted by the filing attorney must be fully text searchable, but attachments to the motion such as mortgages, deeds, and other supporting documentation provided to the attorney by his client may be scanned.

Only matters pertaining to one bankruptcy case or adversary proceeding shall be filed on a particular disc. Bankruptcy petition documents on disc shall be filed on one disc as separate PDF files as follows: (A) one PDF file containing the petition together with schedules, statements, and the Attorney Fee Disclosure Statement, if any; (B) one PDF file containing the chapter 13 Plan, if any; (C) one text file containing the names and addresses of creditors and other parties in interest filed in compliance with the Clerk's Special Requirements for Mailing Matrixes.

Proposed orders must be filed as a separate PDF document when a motion, application, objection or other request for relief is filed on disc or scanned at the Clerk's Office.

A Certificate of Service filed as part of a motion, application, objection or other request for relief should be included as part of the motion in one PDF document. Documents filed on disc that require signatures must include the typed name of the signatory preceded by "/s/" in the space where the signature would otherwise appear.

The Clerk shall transfer documents into the ECF System which are submitted by disc or scanned and make a corresponding docket entry. The Clerk shall discard the disc.

F. Effect of Electronic Filing. Submission of a document through electronic filing, on disc or by scanning in the Clerk's Office constitutes filing of the document for all purposes of the Fed. R. Bankr. P. and the LBR and constitutes entry of the document on the docket kept by the Clerk under Fed. R. Bankr. P. 5003. The official record is the electronic recording of the document as stored on the ECF System, and the filing party is bound by the document as filed.

A document filed electronically by a Filing User is deemed filed at the date and time stated on the Notice of Electronic Filing from the Court. For documents that have been filed on disc or by scanning, the date of filing shall be the date and time the disc or scanned document is received by the Clerk.

Filing a document electronically must be completed by midnight local time on the applicable deadline for filing. Filing a document by disc or by paper to be scanned must be completed by the close of the Clerk's Office on the applicable deadline for filing.

G. Signatures. The user log-in and password required to submit documents to the ECF System serve as the Filing User's signature on all electronic documents filed with the Court. They also serve as a signature for purposes of the Fed. R. Bankr. P., including specifically Rule 9011, the LBR, and any other purpose for which a signature is required in connection with proceedings before this Court.

Electronically filed documents must comply with Rule 9011 and include the name, address, telephone number, and attorney's state bar registration number, if applicable. In addition, the name of the Filing User under whose log-in and password the document is submitted must be preceded by a "/s/" and typed in the space where the signature would otherwise appear. Failure to comply with these requirements may result in the Court striking the unsigned document from the record.

No Filing User or other entity may knowingly permit or cause a Filing User's password to be used by anyone other than an authorized agent of the Filing User. A Filing User's password and login may be revoked by the Court for violation of these procedures, or for any other reason.

1. Signature of the Debtor: The signature of the debtor(s) authorizing the filing of the bankruptcy case shall be accomplished by filing an original executed paper version of the Declaration Re: Electronic Filing, LBF 1, at the time the petition is filed. Both debtors must sign the authorization when a joint petition is filed. The petition may be dismissed if the declaration is not filed.

2. Documents Requiring More than One Signature: When a settlement agreement or similar document that requires signatures from more than one party is filed electronically, then the document bearing all the necessary signatures: (1) may be scanned; (2) may be filed in a PDF format provided that the filing user certifies that all parties whose signatures are required have consented to the document and endorsed the filing; or (3) in any other manner approved by the Court. LBF 26, Settlement and Certification of Counsel, must be filed with the document attached.

3. Duty to Maintain Original Signed Documents: Documents that are electronically filed and require original signature (including the original signed bankruptcy petition) must be maintained in paper form by the filing party until six (6) years after all time periods for appeal expire and all appeals have been concluded. On request of the Court or a party in interest, the filing party must provide the original documents for review. Failure to maintain documents for the specified period shall subject the Filing User to sanctions including, without limitation, disgorgement of fees. This requirement also applies to any document for which statute, rule, or Court order requires an original signature.

H. Service of Documents by Electronic Means.

1. Requirement of Service of Notice that Pleading Has Been Filed: Each entity electronically filing a pleading or other document must serve all parties in

interest with the Notice of Electronic Filing issued to the Filing User by the ECF System.

2. Electronic Notice of Filing: Electronic transmission of the Notice of Electronic Filing constitutes service of the filed document and notice that it has been filed.

3. Service by Other Means: The Filing User must serve parties in interest who have not received an electronic copy of the Notice of Electronic Filing in accordance with the Fed. R. of Bankr. P. Such service must include the Notice of Electronic Filing and a copy of the document which was filed.

I. Notice of Court Orders and Judgments. All signed orders will be filed electronically by the Court or Court personnel which will have the effect of entry of the Order pursuant to Fed. R. Bankr. P. 5002 and 9021. Any order filed electronically without the original signature of the Judge still has the same force and effect as if the Judge's signature had been affixed to a paper copy of the order and it had been docketed in a conventional manner.

Immediately upon the entry of an order or judgment in an action assigned to the ECF System, the Clerk will transmit to Filing Users in the case, in electronic form, a Notice of Electronic Filing. Electronic transmission of the Notice of Electronic Filing constitutes the notice required by Fed. R. Bankr. P. 9022. The Clerk or such other person as the Court or Rules may direct must give notice in paper form to all interested parties in the case who have not consented to electronic service in accordance with the Fed. R. Bankr. P.

J. Technical Failures.

1. A Filing User whose filing is made untimely as a result of a technical failure of the ECF System may seek appropriate relief from the Court.

2. Confirmation that ECF System is Inaccessible: If a Filing User is unable to access the ECF System due to a technical failure of the ECF System itself or the Court's server, the filing party must:

a. First obtain confirmation from the Clerk's Office that the ECF System is inaccessible.

b. Then contact the Courtroom Deputy of the Judge to whom the case is assigned and state the reason why an immediate filing is necessary. The Courtroom Deputy will advise the filing party whether filing should be made by other means.

K. Public Access. Any person or organization may access the ECF System through the Court's Internet site (<http://www.vid.uscourts.gov/>) by obtaining a PACER log-in and password. Anyone who has PACER access but who is not registered as a Filing User may retrieve docket sheets and documents but may not file documents. Information posted on the ECF System must not be downloaded for uses inconsistent with the privacy concerns of any person or party.

L. Use of ECF System for a Limited Purpose. A password may be issued to a Limited Filing User for the limited purpose of filing proofs of claim, reaffirmation agreements, withdrawal of claims, transfers of claims, and/or objections to transfers of claims on the ECF

System (a “Limited Password”). When filing documents electronically, the Limited Filing User must follow the Bankruptcy Code, Fed. R. Bankr. P., the LBR, and the LBF. When filing a transfer of a proof of claim that has been previously filed, the Limited Filing User must state the claim number, as shown on the Claims Register. If a proof of claim has not been previously filed, it should be so noted on the transfer of claim.

A Limited Filing User will not receive electronic notification of all documents and docket activity in the case.

To be eligible for a Limited Password, the applicant must be registered as an ECF System participant in another district or attend ECF System training provided by the Clerk. Parties who are not attorneys may receive a Limited Password. The Limited Filing User and a representative of his firm (if he is not an attorney but works for a law firm) must complete a Limited Filing User Registration Form and Agreement in order to receive a Limited Password. The Limited Filing User must complete an evaluation with the Clerk prior to obtaining a login and Limited Password. The Limited Filing User must provide to the Clerk two additional contacts at the firm whom the Clerk may contact in the event the Limited Filing User is not available. The Limited Filing User’s firm is responsible for all electronic filings made by the Limited Filing User.

A party’s use of the Limited Password constitutes the Limited Filing User’s signature on any document electronically filed by it. All documents filed by the Limited Filing User and all documents bearing the imaged signature of any signer on whose behalf the documents are filed must be maintained in accordance with LBR 1002-2(G). A Limited Filing User may only file documents signed by the Limited Filing User or a member of the firm employing the Limited Filing User or on behalf of a third party only with the express authorization of the entity on whose behalf the document is being filed.

By using the Limited Password, the Limited Filing User is certifying that: (A) the Limited Filing User is authorized to file the document(s) on behalf of his firm; (B) his firm is the same entity stated on the Limited Filing User’s application for a Limited Password; and (C) the firm has the authority to file documents as an agent of the party on whose behalf the document is filed.

The Limited Filing User (and his firm) must notify the Clerk immediately if the Limited Filing User is no longer an employee of the firm, ceases being an agent of the firm, or no longer has authority to file on the firm’s behalf.

The Clerk may terminate a Limited Filing User’s log-in and password at any time without prior notice if the Clerk deems such action necessary.

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

All fees must be paid by Check, Money Order or Cash payable to the Clerk of the Court. Please see www.vid.uscourts.gov under Court Fees for a list of all fees, including those that must be paid by two separate checks or money orders.

Payment is required to complete the process of filing a document electronically. If payment is not received by the close of the next business day after the pleading is filed, the Court will take necessary action which may include striking the pleading from the record.

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 and the application or request is not denied.
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 to Pay 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 fourteen (14) days after the entry of the order of dismissal.

C. Motion to Reopen. 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 the LBR, 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. Corporate Debtor: 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. Partnership Debtor: 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. Filing of Mailing Matrix. The Mailing Matrix shall be electronically filed as a text file (with a .txt extension) when the petition is filed. 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). Mailing Matrixes may be stricken if not filed in a text (.txt) format.

C. 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 may be dismissed by the Court.

D. 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 found at <http://www.vid.uscourts.gov>. When the Internal Revenue Service is a party, the debtor shall also include the name and address of the Internal Revenue Service ("IRS") Insolvency Unit as well as the Virgin Islands Bureau of Internal Revenue ("VIBIR"), at the addresses 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.

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

Rule 1007-2 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 and that is then pending.

B. Definition of Related Case. As used in the LBR, 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 1007-3 PROOF OF INCOME

A. Payment Advices. The debtor shall, for the one hundred eighty (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). When the debtor files the payment advices, in accordance with LBR 1007-5, he must redact personal information such as the first five (5) numbers of the

debtor's Social Security Number (SSN) 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.

B. Tax Returns. The debtor shall provide to the trustee not later than fourteen (14) 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 fourteen (14) 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.

C. Other Sources of Income. Each individual debtor shall also report to the trustee not later than fourteen (14) days before the date first set for the first meeting of creditors any other source of income not listed on the debtor's federal income tax return or payment advices.

D. Chapter 13 cases. The debtor shall provide the chapter 13 trustee, at least 7 days before the date set for the § 341 meeting of creditors the following:

1. Proof of Current Monthly Income (11 U.S.C. § 101-10A) – Wage Earner: Pay stubs for the six months prior to the petition date or certification by employer for the same period. A summary describing the gross income and the detailed deductions must be included with the pay stubs.
2. Proof of Current Monthly Income (11 U.S.C. § 101-10A) – Self Employed: In lieu of a pay stub the self employed debtor shall provide the chapter 13 trustee, for the period of six months prior to the petition date, copies of bank account statements and an affidavit or declaration under penalty of perjury of the debtor indicating his income and explaining the non-existence of a bank account. (This Rule does not modify the debtor's duty to comply with 11 U.S.C. § 521(a)(1)(B)(iv) or to request a waiver from the Court of that requirement.)
3. Actual Expenses for Above Median Income Debtor: If the debtor has income above the applicable median income for the district, the debtor shall provide the chapter 13 trustee with documentation demonstrating his actual expenses claimed as deductions in Form B22C over the applicable IRS Tables of Expenses.
4. Income Tax Returns: A copy of any and all income tax returns required under applicable law (or, at the election of the debtor, a transcript of such return) for all taxable periods ending during the four (4) year period ending on the date of the filing of the petition. If a return was not filed, the debtor shall submit a statement to the chapter 13 trustee, advising that a tax return is not available and the reason.
5. Because the information required by this Rule is necessary for the chapter 13 trustee to comply with 11 U.S.C. § 1302(b)(1), the debtor's failure to provide it will amount to a failure to comply with his/her duty to the trustee under 11 U.S.C. § 521(a)(3) and may also constitute cause under 11 U.S.C. § 1307(c) for the dismissal or conversion of the case to another chapter.

Rule 1007-4 DOMESTIC SUPPORT OBLIGATION

A. Initial Disclosure Requirements. At least seven (7) days before the date set for the § 341 meeting of creditors, all chapter 13 debtors who are subject to a domestic support obligation shall provide the name, address, and phone numbers for all domestic support obligation claim holders. If the domestic support obligation claim holder resides outside USVI, the debtor shall also provide the name, address, and phone number of the related DSO agency. The debtor shall also provide to the chapter 13 trustee, a certification from the DSO Agency that the debtor is current on all post-petition domestic support obligations.

B. At Conclusion of Chapter 12 or 13 Plans. 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 LBF 28; and
2. provide to the chapter 12 or chapter 13 trustee 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 LBF 29.

Rule 1007-5 EXCLUSION OF PERSONAL DATA IDENTIFIERS

In compliance with the policy of the Judicial Conference of the United States, and the E-Government Act of 2003, and in order to promote electronic access to case files while also protecting personal privacy and other legitimate interests, parties shall refrain from including, or shall partially redact where inclusion is necessary, the following personal data identifiers from all pleadings filed with the Court, including exhibits thereto, whether filed electronically or in paper, unless otherwise ordered by the Court.

A. Social Security Numbers. If an individual's Social Security number must be included in a pleading, only the last four digits of that number should be used.

B. Names of minor children. If the involvement of a minor child must be mentioned, only the initials of that child should be used.

C. Dates of birth. If an individual's date of birth must be included in a pleading, only the year should be used.

D. Financial account numbers. If financial account numbers are relevant, only the last four digits of these numbers should be used.

In compliance with the E-Government Act of 2002, a party wishing to file a document containing the personal data identifiers listed above may:

1. file an unredacted version of the document under seal, or
2. file a reference list under seal. The reference list shall contain the complete personal data identifier(s) and the redacted identifier(s) used in its (their) place in the filing. All references in the case to the redacted identifiers included in the reference list will be construed to refer to the corresponding complete personal data identifier. The reference list must be filed under seal, and may be amended as of right.

The unredacted version of the document or the reference list document shall be retained by the Court as part of the record. The Court may, however, still require the party to file a redacted copy for the public record.

The responsibility for redacting these personal identifiers rests solely with counsel and the parties. The Clerk will not review each pleading for compliance with this rule.

Filers should also exercise caution when filing documents that contain the following:

1. any personal identifying number, such as a driver's license number;
2. medical records, treatment and diagnosis;
3. employment history;
4. individual financial information; and
5. proprietary or trade secret information.

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 § 341 meeting of creditors or the filing of the 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 Fed. R. of Bankr. P. and the LBR;
4. a supplemental Mailing Matrix in a form that complies with the LBR 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 LBF 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 (5) 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 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, to the Clerk.

Rule 1017-1 DISMISSAL OR CONVERSION OF BANKRUPTCY CASE ON MOTION

A. Content of Motion. A motion to dismiss a voluntary or involuntary bankruptcy petition shall set forth the basis in law and reasons for the dismissal or conversion. The motion shall also set forth whether any arrangement or agreement has been made with any creditor or other person in connection with such motion for dismissal and the terms thereof.

B. List of Creditors. Any motion by a debtor to dismiss a voluntary petition shall be accompanied by a list containing the name and complete mailing address of any creditor not previously scheduled, including any creditor who has extended credit since the date of filing of the petition who remains unpaid at the time of the motion. If there are no such creditors, the motion shall so state.

C. Procedures with Respect to Motions to Convert or Dismiss.

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 on notice by the moving party to all creditors and

- a. counsel for the debtor;
- b. the 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, if any; and
- e. creditors claiming they are owed a domestic support obligation.

If the Court determines at the initial hearing that an evidentiary hearing is necessary, it shall be fixed on notice as required by the Fed. R. of Bankr. P.

2. A motion filed by a party other than the debtor to convert or dismiss a chapter 13 case shall be filed in accordance with the procedures for filing of a motion under Fed. R. Bankr. P. 9013. The motion shall be scheduled initially for a hearing and the Court will determine whether to accept evidence or continue the matter for further evidentiary hearing.

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 as required by the Bankruptcy Code, Fed. R. Bankr.P., and the LBR and other orders of this Court, including LBF 1 (Declaration of Electronic Filing) or LBF 1A (Declaration Re: Electronic Filing of Petition, Schedules, and Statements for Individual Not Represented by Counsel), 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 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 may (1) file a motion requesting a hearing at which debtor shall show cause why the case should not be dismissed for deficiencies or (2) file a motion and proposed order seeking an extension of time to cure the deficiencies.

Rule 2002-1 CERTIFICATES OF SERVICE

Any entity who serves a notice, pleading, order or other document 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 seven (7) 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.

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

The certificate of service shall conform substantially to LBF 7.

Rule 2002-2 REQUESTS FOR NOTICES; CERTIFICATION REQUIRED

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

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

B. Form of Certification. The certification shall conform substantially to LBF 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 order for a 2004 examination unless an objection is filed.

B. Duty to Confer. Before giving notice of a proposed examination, the moving party 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 moving party to attempt to meet and confer shall be grounds to quash under Paragraph E below.

C. Contested Motions for Examination. When an examinee or party in interest objects to the examination, the burden is on the party seeking the examination to file a motion to compel the examination, in accord with Fed. R. Bankr. P. 2004-1(A). A certificate of counsel shall be filed as an attachment to any such motion explaining the efforts made to meet and confer and certifying that they were unsuccessful prior to the filing of any such motion. All parties in interest, including the examinee and its counsel, shall be served with the motion.

D. Notice. Not less than twenty-one (21) days' written notice of the motion for 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 fourteen (14) days after service, plus an additional three (3) days when the notice is served by mail, 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.

E. No Order Required. If no response or objection is served, the notice to conduct an examination need not be filed and the examination may occur as the parties agree.

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. Not Applicable to Adversary Proceedings and Contested Matters. This rule does not apply to adversary proceedings or to contested matters.

1. The discovery provisions of Part VII of the Fed. R. Bankr. P. 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

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. Chapter 11 cases.

1. The trustee or debtor in possession in a chapter 11 case shall keep current and pay when due any debt which has arisen since the entry of the order for relief, including any debt arising from rentals or other money due on account of real estate leases and any debt for utility service. Any rent deposit required by 11 U.S.C. § 362(l)(B) tendered with the original petition must be paid to the lessor not the Clerk and a certification of payment filed with the Clerk not later than the next immediate business day following the day the petition is filed.

2. The trustee or debtor-in-possession in a chapter 11 case shall:
 - a. timely file all federal and territorial tax returns and pay all applicable taxes due the applicable taxing bodies during the pendency of the bankruptcy case;
 - b. file copies of the most recent balance sheet and profit and loss statement of non-individual debtors with the Clerk.

C. Chapter 13 cases. A chapter 13 debtor who owns real estate or operates a business shall conduct a search of public records in the territorial location in which the debtor owns real estate or operates a business in advance of the filing of the petition. Verification of that search, and its results, shall be made by filing a statement to that effect with the bankruptcy schedules.

In addition, a chapter 13 debtor who is engaged in business shall:

1. keep current and pay directly when due any debt which arose on or after the entry of the order for relief, including any business-related utility bills except for debt for rent of any business-related property, adequate protection to a secured creditors or post-petition mortgage payments. Rent for business-related property, adequate protection payments and post-petition mortgage payments shall be added to the plan payment and paid to the chapter 13 Trustee, who will distribute those payments to the creditors as designated in the plan.
2. submit to the local office of the Department of Revenue of the United States Virgin Islands a certified or cashier's check in full payment of the following taxes as follows:
 - a. any USVI sales tax collected shall be remitted together with the proper tax returns no later than the end of the seventh day following the last day of each month in which such sales taxes were required to be collected; and
 - b. all employer withholding tax (personal income tax) shall be remitted together with the proper tax returns no later than the end of the second business day after the payment of wages to employees;
3. submit no later than the last day of the month following the end of the quarter to the local office of the USVI, Department of Labor, in accordance with the filing and payment provisions of the USVI Unemployment Laws, tax returns together with a certified or cashier's check in full payment of the employer contributions due pursuant to USVI Unemployment Compensation Law;
4. submit or provide to the trustee not later than seven (7) days before the date first set for the § 341 meeting of creditors a paper copy of any and all tax returns required under applicable law (or, at the election of the debtor, a transcript of such return) for the four years before the commencement of the case. If a tax return was not filed, the debtor shall submit an affidavit or declaration under penalty of perjury with the trustee not later than seven (7) days before the date first set for the first § 341 meeting of creditors which informs the trustee that a tax return is not available and the reason.
5. serve on the chapter 13 trustee a Chapter 13 Business Case Questionnaire on a form substantially in compliance with LBF 5 at least fourteen (14) days prior to the first date set for the meeting of creditors;

6. serve on the chapter 13 trustee and others as ordered by the Court a report of operations no later than the fourteenth day of the month covering the preceding month. The monthly reports of operations shall not be filed with the Court.
 - a. The initial report of operations shall include a statement of the name and location of each depository or place of investment holding funds of the estate and the applicable account numbers.
 - b. In addition to the information required by Fed. R. Bankr. P. 2015, all statements of operations shall contain a cumulative list of all debts which have arisen and indicate which have been paid and which remain unpaid since the order for relief was entered.

See also LBR 1007-4 (duty to make domestic support obligations).

Rule 2015-2 DUTY TO KEEP RECORDS AND MAKE REPORTS

A. Debtor. Any debtor who changes his/her address during the pendency of the case shall promptly file a change of address form with the Clerk's Office and serve a copy on the trustee in the case.

B. Filing of Change of Address Form. Any entity whose address is on the Address Appendix section of the Court's website 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. Address Appendix. Parties shall use the current addresses listed in the Address Appendix of the Court's website.

Rule 2016-1 APPLICATIONS FOR FEES AND EXPENSES

A. Scope of Rule. This Rule applies to:

1. all cases except chapter 13 cases where debtor's counsel fee does not exceed \$2,500;
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 LBR 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 employment 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, paraprofessionals, or other professionals contributing services, number of years in practice, hourly 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 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 conforming substantially to LBF 9 or 24 (or the fee application may be dismissed without prejudice);
10. a proposed order of Court;
11. in complex chapter 11 cases or when otherwise ordered, a spreadsheet which reflects all fees that are requested pursuant to the application and a cumulative total for each 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 the LBR.

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 party 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 attended with specificity including the contested motion or adversary name;
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, including a category 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 in substantial conformity to LBF 23, 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 and pay 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. Notice of 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 fee 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.

1. The maximum fee for chapter 13 cases is presumed to be \$2,500. The maximum fee may be adjusted by the Court periodically. Whenever a debtor's counsel fees exceed the \$2,500 limit (plus filing fees), a fee application must be filed in accordance with LBR 2016-1. The \$2,500 maximum fee includes any retainer received.

2. The \$2,500 limit contemplates that the debtor(s) will be interviewed by an attorney, that accurate and complete schedules will be prepared, that the debtor(s) will be briefed on the chapter 13 process, that all documents will be explained and that the attorney will file a chapter 13 plan that meets the requirements of LBF 10 and that is capable of confirmation.

3. The fee also contemplates that the debtor's counsel will attend the first meeting of creditors and all hearings, and will remain counsel of record until the case is either completed or dismissed, unless the Court has issued an order discharging the attorney as counsel of record.
4. Debtor's counsel is expected to file all motions and objections contemplated by the confirmed plan in a timely fashion. Counsel is also expected to file and complete representation without additional charges to the debtor(s) for the duration of the chapter 13 case.
5. Debtor's counsel shall enter into a written fee agreement, which may provide for future fees in the event of future complications. To the extent total fees exceed \$2,500 the attorney must file a fee application. Additional fees, if allowed, may be paid through the chapter 13 plan.
6. Nothing in this rule shall preclude additional fees being awarded by the Court after the filing of a fee application.

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

A. Amount of Compensation. 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 engaged in business 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. Notice Required. Within twenty-one (21) days after the date of filing of the petition, the debtor shall file and serve on the United States 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 engaged in business), 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 debtor, partner, 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 debtor, partner, officer, or director as of the time the statement is filed.

Rule 3002-1 FILING CLAIMS

A. After Amendments to Schedules. When a debtor has filed an amendment to schedules that adds one (1) or more creditors, the debtor shall comply with LBR 1009-1.

B. Filing of Proof of Claim by Added Creditor(s). If the claims bar date has expired or will expire within thirty (30) days after an amendment adding a creditor is filed, the affected creditor(s) shall be permitted to 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.

E. Government Proof of Claim. Governmental entities shall file proofs of claim within the greater of (i) 180 days from the date the order for relief was entered in the case or (ii) the proof of claim deadline set for other creditors after the conversion. The government proof of claim deadline shall not be modified when a case is converted to a different chapter of the Bankruptcy Code. The government proof of claim deadline shall not be modified when the chapter 7 trustee files a Notice of Assets and the Clerk notifies parties to file claims.

Rule 3002-2 PROOF OF ASSIGNMENT OF CLAIM IN CHAPTER 13 CASES.

A. Notice of Assignment. Whenever the chapter 13 trustee receives notice from an assignor or transferee that a claim has been transferred or a returned check or any other statement from a creditor indicates that the account has been paid in full, assigned, or that the recipient being paid does not own the claim, the chapter 13 trustee shall promptly place all funds intended for that creditor in reserve.

B. Reservation of Distributions. No funds will be distributed to any purported assignee or transferee without a transferred proof of claim being filed in accordance with Fed. R. Bankr. P. 3001(e) and notice issued in accordance therewith, with an opportunity to object.

C. Contents of Notice. The notice of a transferred proof of claim shall contain sufficient information, including the case number, the claim being transferred (identified by the original proof of claim number and original claimant's name and address), the nature of the collateral supporting the claim (if any), the name of the new holder of the claim, and the appropriate address to which payments should be sent. The assignee or transferee shall attach all assignments and authorizations for loan service which may be applicable to the transferred claim. Copies of the assignment or transfer shall be served on the original claimant, the debtor, debtor's counsel (if any), and the chapter 13 trustee.

D. Objections. Any objection to the transfer of a claim shall be filed within fourteen (14) days of the notice. If no objections are received, the assignee may file a certificate of no objection, at which time the trustee shall be authorized to make a distribution on the claim to the assignee.

Rule 3002-3 CHAPTER 13 - NECESSITY FOR FILING CLAIMS

In order to participate in the distribution under a chapter 13 Interim or Final Plan Confirmation Order, any unsecured, priority or secured creditor must file a proof of claim.

A. The creditor's account number must be conspicuously stated on the claim form.

B. A claim filed by a secured creditor shall identify the collateral. A holder of a claim secured by the debtor's personal residence must separately state the following: arrearage, late fees, escrow arrearage, attorney's fees and foreclosure costs incurred through the date of filing of the debtor's bankruptcy petition and the amount necessary to cure all arrearages, as well as the principal balance, applicable interest rate and amount of the regular monthly payment. Any post-petition arrearage must be separately stated and itemized.

C. No deficiency shall be paid to a creditor following the consensual relinquishment of collateral unless the creditor files and serves on the chapter 13 trustee, the debtor and debtor's attorney, if represented, a notice of intention to collect a deficiency within twenty-eight (28) days after the effective date of the surrender.

D. If an amended proof of claim is filed after the deadline for filing claims such claim must be served by the creditor on the chapter 13 trustee and the debtor and debtor's attorney, if represented. All objections to the amended proof of claim must be filed and served within fourteen (14) days.

E. Failure of a creditor to file a claim provided for in the confirmed plan shall cause the chapter 13 trustee to increase the percentage to be paid to those creditors who have allowed claims accordingly, provided that payments shall not exceed 100 percent of the total amount of the allowed unsecured claims (plus interest if provided in the plan for such claims). Distributions shall be made on a pro rata basis as calculated by the chapter 13 trustee.

F. All notices of post-petition monthly payment changes on mortgages (required by floating interest rates or changes in the insurance and tax escrow payments, for example) must be served on the debtor, the debtor's counsel and the chapter 13 trustee no later than twenty-one (21) days before the new payment amount becomes due. If no objections are filed within fourteen (14) days, the chapter 13 trustee is authorized to amend the monthly payments he makes to mortgage holders accordingly. The Court will not enforce, and the chapter 13 trustee need not comply with, a Default Notice where the mortgage holder has not complied with this Rule.

G. If a secured creditor obtains relief from the automatic stay, the chapter 13 trustee shall suspend distributions to all creditors with claims secured by the collateral released from the automatic stay, following the chapter 13 trustee's receipt of notice of the grant of relief. However, the chapter 13 trustee shall continue to make distributions to the remaining creditors in accordance with the terms of the plan.

H. The debtor, or debtor's attorney if represented, shall review the proofs of claim filed and file objections to any disputed claims within ninety (90) days of the claims bar date. Absent an objection, the proof of claim will govern as to the classification and amount of the claim.

Rule 3002-4 CHAPTER 13 - TIME FOR FILING CLAIMS

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 13 Interim or Final Plan Confirmation Order.

All claims arising from the rejection of executory contracts must be filed and served on the chapter 13 trustee, the debtor and the debtor's attorney, if represented, by the later of the claims bar date or twenty-eight (28) days after the date of rejection. Executory contracts may be rejected in the confirmed plan.

Rule 3002-5 CHAPTER 13 - LATE FILED CLAIMS

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 3010-1 CHAPTER 13 CASES - DIVIDENDS (SMALL)

The 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, 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 fourteen (14) 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 who has failed to comply with this provision. In chapter 13 cases, the plan shall be filed in substantial conformity to the current version of LBF 10.

Rule 3015-2 DISTRIBUTION UNDER CHAPTER 13 PLANS

A. No Distribution Unless Claim Filed. Unless otherwise ordered, the trustee will not make any distribution, under a Confirmation Order, to any creditor or party in interest, unless a timely claim is filed and allowed pursuant to 11 U.S.C. §§ 501, 502, 503 and/or Fed. R. Bankr. P. 3001, 3002(c), 3004, and/or 3005.

1. Unsecured and priority claims: A late-filed general unsecured or priority claim will participate in the distribution under a Confirmation Order, subordinated to those claims timely filed and provided for in the plan, unless an objection is filed

within fourteen (14) days after service of the late-filed claim. If an objection is filed, the chapter 13 trustee will reserve funds for the claim until an order is entered allowing or disallowing the claim.

2. Secured claims: A late-filed secured claim that is included in the plan will participate in distributions under a Confirmation Order from the next distribution made by the chapter 13 trustee (which is at least 21 days after the proof of claim is filed and served) until the plan base is met or the claim is paid the amount provided in the plan, whichever occurs first, unless an objection is filed within fourteen (14) days after service of the late-filed claim. The chapter 13 trustee will reserve funds for the claim until an order is entered allowing or disallowing the claim.

B. Payments to Secured Creditor or Lessor. On motion by the debtor, for cause shown, the Court may allow the debtor to make direct payments to any lessor and/or secured creditor.

C. Distribution Address. The distribution of any proceeds pursuant to a confirmed plan shall be mailed to the address of the creditor as designated pursuant to Fed. R. Bankr. P. 2002(g).

D. Conversion or Dismissal. In the event of a conversion or dismissal following the confirmation of a plan, the chapter 13 trustee shall distribute all funds received prior to the effective date of the conversion or dismissal and still held by the trustee, to the debtor.

E. Late Fees. The chapter 13 trustee shall not be liable for, nor pay, any late fees that may accrue during the term of the plan. The debtor shall assure that the chapter 13 plan provides for payments to the chapter 13 trustee in sufficient time to assure that payments to the mortgagee or vehicle lender are timely. If the plan becomes underfunded, the debtor or his counsel, if any, shall file an amended plan curing the default and proposing a new plan payment sufficient to avoid any late fees or underfunding.

F. Conciliation Conference. Upon the filing of a chapter 13 plan, the chapter 13 trustee shall conduct a conciliation conference with the debtor and his counsel, if any. The conference may be conducted at the § 341 meeting of creditors and may be continued by the chapter 13 trustee, if necessary. If continued, the chapter 13 trustee shall promptly file a statement advising of the date of the continued § 341 meeting of creditors and conciliation conference.

G. Wage Orders in Chapter 13 Cases.

1. Filing of Motion. When the chapter 13 trustee or debtor files a motion for a wage attachment order, the motion must substantially conform to LBF 11 and must include a proposed form of Order.

2. Single Debtor. When the chapter 13 case is filed by a single debtor, "Motion No. WO-1" shall be included in the caption of the Motion and proposed order for wage attachment. Any motion to amend shall also include "Motion No. WO-1" in the caption.

3. Joint Debtors. When a joint chapter 13 case is filed, the name of the debtor whose wages are to be attached (as well as "Motion No. WO-1") shall be included in the caption of the Motion and the proposed order for wage attachment. If more

than one debtor is seeking an attachment of wages, the second wage motion shall include the name of the second debtor and “Motion No. WO-2” in the caption of the Motion and the proposed order for wage attachment.

4. Amendments. Any motion to amend a wage attachment shall identify the original motion docket number and include reference to “Motion No. WO-1 or WO-2” in the caption.

5. Single Debtor/Multiple Employers. If a debtor has more than one employer and wishes to attach more than one wage, separate wage motions must be filed. A motion that seeks a wage attachment against more than one employer in violation of this Rule may be dismissed by the Court without further notice.

6. Calculation of Dollar Amount of Attachment. If the payroll period is unknown, use the monthly basis for calculation. If the payroll period is known, calculate as follows:

- a. Weekly (52 pays/year): monthly amount to be paid to trustee multiplied by 12 then divided by 52 (and rounded up)
- b. Biweekly (26 pays/year): monthly amount to be paid to trustee multiplied by 12 then divided by 26 (and rounded up)
- c. Semi-monthly (24 pays/year): monthly amount to be paid to trustee divided by 2 (rounded up)

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 LBF 13, except in a case and plan designated as a complex chapter 11. If a national disclosure statement form is adopted, the disclosure statement for small business cases shall conform to the national form, and this Rule 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 in the summary.

Rule 3017-1 HEARING ON PLAN AND DISCLOSURE STATEMENT IN CHAPTER 11 CASES

A. The responsibility for service shall be upon the proponent of the chapter 11 plan and disclosure statement.

B. All objections to the chapter 11 plan and/or disclosure statement shall be filed with the Clerk and served upon the plan proponent and proponent’s counsel and all entities listed in Fed. R. Bankr. P. 3017.

Rule 3018-1 BALLOTING ON CHAPTER 11 PLANS

A. All ballots submitted in connection with a chapter 11 plan shall clearly identify the proponent of the plan and the date of the plan for which the ballot is 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 11 PLANS

A. Distributions under a confirmed chapter 11 plan shall be made by the disbursing agent to the most recent address on file with the Clerk. It is the creditor’s responsibility to assure that its current address is on file with the Clerk.

B. Within ninety (90) days of confirmation of a 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 funds received, all funds disbursed to date, the funds 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 parties in interest a motion for final decree within ninety (90) days after confirmation, or such further date as the Court or plan may set.

B. Every motion for final decree shall have a completed form “Report for Bankruptcy Judges in Cases to be Closed” attached. LBF 14 shall be used.

**Rule 4001-1 PRELIMINARY HEARINGS ON USE OF CASH
COLLATERAL/DEBTOR-IN-POSSESSION FINANCING**

A. Methods of Service of Notice of Preliminary Hearing on Cash Collateral/Debtor-in-Possession Financing Motions: A preliminary hearing may commence no earlier than forty-eight (48) hours after service of the motion and notice of the hearing. The moving party 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 or Debtor-in-Possession financing shall be specified in detail in the motion and comply with the LBR.

Rule 4001-2 TERMS OF CASH COLLATERAL/DEBTOR-IN-POSSESSION FINANCING

A. In Chapter 13 Cases.

1. Need for a Motion. Notwithstanding any provision in a chapter 13 plan, any post-petition extensions of credit or refinancing of property of the debtor or debtor's estate shall be brought by motion in accordance with the Fed. R. of Bankr. P. and the LBR. Such motion shall be served on all parties in interest including the chapter 13 trustee.
2. Real Estate Financing. A motion seeking approval of real estate mortgage financing/refinancing shall include the following information:
 - a. the identity of the property that is the subject of the financing/refinancing;
 - b. the identity of the source of funds;
 - c. a description of the terms of the financing/refinancing including:
 - i. whether it will be a first mortgage on the subject property,
 - ii. the amount of principal borrowed,
 - iii. the interest rate (and default rate, if any),
 - iv. the term of the loan and amortization schedule,
 - v. the amount of the monthly payment, and
 - vi. all other material terms.
 - d. whether the new mortgage financing/refinancing is to be incorporated into the existing chapter 13 plan or is designed to complete payments under the plan.
 - e. the status of plan payments at the time that the motion is filed;
 - f. if a discharge is sought through the financing, whether the provisions of 11 U.S.C. § 1328 are met;
 - g. the date the loan is expected to close; and
 - h. the effect of the transaction on the plan.
3. Vehicle financing. A motion seeking approval of motor vehicle financing shall include the following information:
 - a. the type and cost of the vehicle being purchased;
 - b. the source of funds;
 - c. the terms of financing, including:
 - i. the principal borrowed,
 - ii. the interest rate (and default rate, if any),
 - iii. the term of the loan and amortization schedule,
 - iv. the amount of the monthly payment, and
 - v. all other material terms.
 - d. how the new payment will be incorporated into the chapter 13 plan;
 - e. the status of plan payments at the time that the motion is filed;
 - f. whether any further plan modification is necessary;
 - g. the date the loan is expected to close;

- h. if the treatment of other creditors will be changed as a result of the financing, a statement of the rationale and underlying facts in support of that change;
- i. if the plan payment is to be changed as a result of the financing, sufficient facts to demonstrate the feasibility of the plan as amended;
- j. whether the standards of 11 U.S.C. § 1325(b) are met; and
- k. whether and when an amended or modified plan will be filed.

B. In Chapter 11 Cases.

1. Motion, Service: All motions for approval of an agreement for use of cash collateral or debtor-in-possession financing shall have a complete copy of the agreement filed as an attachment to the motion without regard to page limitations in the LBR and shall be served in accordance with Fed. R. Bankr. P. 4001 and 2002.
2. Contents of Motion: Any motion for use of cash collateral or debtor-in-possession financing must contain the following provisions:
 - a. A statement that:
 - i. there has been compliance with service requirements;
 - ii. the secured creditor asserts a priority lien in the cash collateral or other assets of the debtor, together with a specific identification of the assets that are generating or will generate cash collateral (i.e., cash on hand, proceeds of inventory sales, etc.), and the amount of the indebtedness allegedly secured;
 - iii. the debtor has an immediate need for the use of cash collateral or the debtor-in-possession financing to preserve its assets, fund its business operations, purchase inventory, etc.; and
 - iv. any reaffirmation by the debtor of existing terms and conditions of existing financing documents with secured creditors is not binding on any other party including any creditor or creditors' committee.
 - b. A statement of what relief is being accorded to the pre-petition secured creditor, including whether or not the stipulation
 - i. grants any adequate protection to the secured creditor (and its successor and assigns) pursuant to § 361 and § 363, including monthly adequate protection payments (if appropriate), subject to later allocation as to fees, interest and principal contingent upon results of § 506(a) motions, if any;
 - ii. grants the secured creditor any replacement liens in post-petition assets, which may only be to the same extent and priority as its liens existed at the date of bankruptcy and to the extent that the use of cash collateral or debtor-in-possession financing results in a diminution in the secured creditor's position;
 - iii. grants the secured creditor a super-priority administrative claim to the extent of the diminution in the value of the secured creditor's collateral after the date of bankruptcy;

- iv. provides for establishment of a segregated DIP account into which cash collateral and the debtor-in-possession financing should be deposited;
- v. restricts the use of cash collateral or the financing to pay specified categories of operating expenses, per budgets to be attached to the proposed order;
- vi. requires that the Debtor maintain insurance;
- vii. requires submission of periodic (weekly, bi-weekly, monthly) reports regarding the use of cash, aging of accounts receivable, etc.;
- viii. provides for the equality of treatment for carve-outs as between professionals for the debtor and professionals for the committee of unsecured creditors (or other committees) and other post-petition creditors;
- ix. provides that the pre-petition liens of the secured creditor shall be continued post-petition as to both pre-petition and post-petition assets but only to the extent of the value of the pre-petition assets at the time of the filing of the bankruptcy petition, plus accruals and advances thereafter, and minus payments to the secured creditor thereafter. No additional financing statements or mortgages need be filed to perfect such post-petition liens and security interests (but may be filed if the secured creditor chooses);
- x. identifies the time period to which the Order is applicable and provides that even if authorization to use cash collateral or the financing expires, adequate protection/liens will continue to be effective until/unless otherwise modified by the Court; and
- xi. sets a final hearing date and provides that summaries of documents relied upon by the secured creditor in asserting its perfected security interest shall be filed with the Clerk by such date. The summaries shall comply with the Court's ECF System.

3. The following provisions should not be included in any interim order for use of cash collateral or debtor-in-possession financing, and if requested at the final hearing must be highlighted in bold in the motion:

- a. stipulations as to the perfection, validity or priority of secured claims that are binding on any party other than the debtor, without affording other interested parties a reasonable time to challenge same;
- b. stipulations which reduce the time period within which parties in interest can challenge the perfection, validity, priority or amount of secured claims to (i) less than ninety (90) days from the engagement of counsel for the committee of unsecured creditors or, if no counsel or no committee is appointed, (ii) less than 120 days after the case is filed;
- c. in cases where the secured creditor asserts liens on accounts receivable pursuant to asset-based revolving credit facilities, provisions which recharacterize the "use of cash collateral" into "post-petition advances," without regard to whether the so called "post-petition advance" is a new loan or the use of a prepetition receivable;

- d. provisions which release potential claims or causes of action by the estate against the lender;
- e. provisions which grant automatic relief from stay upon a material default under the cash collateral order (but secured creditor's entitlement to an expedited hearing in the event of a material default could be recognized);
- f. provisions which grant cross-collateralization on unencumbered assets, including avoidance actions, absent extraordinary circumstances;
- g. provisions which seek to waive whatever rights the estate may have under 11 U.S.C. § 506(c);
- h. provisions that deem pre-petition secured debt to be post-petition secured debt or that use post-petition loans from a pre-petition secured creditor to pay all or part of that creditor's pre-petition debt, other than as provided in 11 U.S.C. § 552(b);
- i. provisions that give disparate treatment for the professionals retained by the committee and the debtor with respect to the professional fee carveout; or
- j. provisions that prime any other secured creditor without that creditor's consent.

Rule 4001-3 MOTIONS FOR RELIEF FROM STAY COMBINED WITH OTHER REQUESTS FOR RELIEF

Moving parties who combine motions for relief from the 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 4001-4 TAX REFUND SETOFFS

A. 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 served on the United States Trustee and any trustee appointed in the case.

- B. The written request shall include the following:
- 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 by a copy of the actual claim or tax return 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 Deputy Clerk may place the official graphic of the seal on electronic documents issued by the Court.

Rule 5005-1 RECORDS AND FILES

A. 8½" x 11" Paper: All documents filed or 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 sequentially numbered.

B. Font Size: 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.

Rule 5005-2 DOCUMENTS FILED UNDER SEAL

A. A motion to file a document under seal shall be electronically filed and shall not contain any confidential, scandalous or defamatory matter.

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 with the Court in paper copy in a sealed envelope. Affixed to the outside of the envelope shall be a statement that identifies the caption of the case or adversary proceeding, the title of the document and the docket number of the redacted version that has been filed, 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 ECF System.

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

Rule 5007-1 REQUESTS FOR TRANSCRIPTS

A. Form of Request. Parties may request transcripts or an audio recording on cassette or compact disc by either filing a transcript request with the Clerk on a form available from the Clerk and the Court's Website or by verbal request made to the stenographer or the Electronic Court Reporter Operator ("ECRO"), as applicable. If a verbal request is made, the party requesting the transcript must also provide the Stenographer or the ECRO with a written request containing the details of the request and payment as described below before the request will be processed. If the request is in connection with an appeal, LBR 8006-1 also must be followed.

B. Contents of Request. The requesting party shall provide the Stenographer of the ECRO with:

1. the name of the case,
2. the bankruptcy and motion or adversary numbers,
3. the date of the hearing,
4. the name of the Judge who heard the matter, and
5. the requesting party's name, telephone number, and mailing address and/or email address and/or fax number.

C. Payment. The stenographer or the ECRO shall estimate the cost of the transcript and the party requesting the transcript shall provide the estimated payment before the transcript request is processed. Checks written on a firm's business account will be accepted. Pro se litigants must submit payment by money order or certified or cashier's check.

D. Release of Transcript to Requesting Party. When the completed transcript is received by the stenographer or the ECRO, the stenographer or the ECRO shall notify the requesting party that the transcript is available and shall advise whether the actual cost of the transcript exceeded the estimate. If the actual cost of the transcript exceeded the estimate, the transcript will not be released until the additional payment is made. If the actual cost is less than the amount paid, the excess amount will be refunded.

E. Expedited Transcripts. If the requesting party wants an expedited transcript, the requesting party shall notify the stenographer or the ECRO at the time the transcript is ordered. There is an extra cost associated with expedited transcripts.

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 in a form that complies with LBF 15 at the time the trustee's certification of case administration and application for discharge are filed.

Rule 5011-1 REFERENCE AND WITHDRAWAL OF THE REFERENCE

A. Reference. Unless otherwise provided by Order of the District Court, all bankruptcy cases under title 11 and any or all proceedings arising under title 11 or arising in or related to a case under title 11 are automatically referred to the Bankruptcy Judge appointed or designated to

sit in the United States Virgin Islands by the Third Circuit Court of Appeals pursuant to 28 U.S.C. §§ 152(a)(4) or 155. If the Bankruptcy Judge determines that entry of a final order or judgment by him/her would not be consistent with Article III of the United States Constitution in a matter referred hereunder, the Bankruptcy Judge shall, unless otherwise ordered by the District Court, hear the matter and submit proposed findings of fact and conclusions of law for consideration (and if appropriate, entry) by the District Court. If the District Court determines that an order or judgment entered by the Bankruptcy Court was beyond its power as an Article I Court, the District Court may treat the order as proposed findings of fact and conclusions of law for consideration and, if appropriate, enter the Order itself as a final order of the District Court.

B. **Withdrawal of the Reference.** Withdrawal of the reference of a bankruptcy case (or contested matter or adversary proceeding in a bankruptcy case) shall be by Order of the District Court. All motions for withdrawal of the reference of a case or proceeding shall be filed with the Clerk and will be decided by the District Court.

C. **Core/non-core Determination.** At the time a motion for withdrawal of the reference is filed, the moving party shall file a motion for determination whether the matter is core or non-core and whether the Bankruptcy Court has jurisdiction to enter a final order. The Bankruptcy Court will hear and decide whether the matter is core or non-core and issue an order to that effect, before the District Court will hear and decide the motion for withdrawal of the reference.

D. **Designation of Record.**

1. Within seven (7) days of entry of the Bankruptcy Court order deciding the core/non-core issue, the Moving party shall file a designation of pleadings (and the document numbers associated with each) related to the motion for withdrawal of the reference.
2. The Respondent(s) shall file a designation of additional items, if any (and the document numbers associated with each) within seven (7) days of the filing of the Moving party's designation of pleadings related to the motion for withdrawal of the reference.

E. **Docketing of Motion to Withdraw Reference.** The Clerk shall docket the motion for withdrawal of the reference (and copies of the designated documents) on the District Court docket after the designations have been filed or the time to file such documents has expired, whichever occurs first.

F. **Caption.** In all matters where the reference has been withdrawn, the parties shall continue to include in the caption the bankruptcy number and/or adversary proceeding number in addition to the civil action or miscellaneous number assigned by the District Court.

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

A. **Withdrawal of Deposited Funds.** In order to withdraw funds deposited into the Court's registry, a motion and proposed order shall be filed, which attaches to it the motion that had been filed pursuant to which the funds were deposited to the Court's registry, including any exhibits thereto identifying the creditors entitled to the funds. The proposed order for

disbursement of deposited 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 should 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 FILING OF ACCOUNTING BY PRIOR CUSTODIAN

Any custodian shall file and serve on the United States Trustee the required report and accounting 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

A. Sale of Property.

1. All sales not in the ordinary course of a debtor’s business (notwithstanding any provision in a chapter 13 plan) shall be by motion, except where the seller also seeks:
 - a. to determine the validity, priority, or extent of a lien or other interest in property, other than the avoidance of a lien or other transfer of property exempt under § 522(f) of the Code, or
 - b. to obtain approval pursuant to § 363(h) of the Code for the sale of both the interest of the estate and of a co-owner in property.

In such excepted cases, the seller shall file an adversary and proceed by the adversary procedures including service of a summons set forth in Part VII of the Fed. R. of Bankr. P. and the LBR. A proposed order approving the sale shall be attached to the motion or complaint.

B. Hearing Date. Before filing any motion for sale, the seller shall obtain from the appropriate court personnel a sale hearing time and date which shall normally be a time and date on which the Court regularly hears motions. If the seller anticipates that the sale hearing will take more than a limited time, the seller shall so notify the appropriate court personnel and obtain a time and date which will allow sufficient time for the Court to dispose of the motion to sell property.

C. Responses. Responses and objections shall be filed and served at least fourteen (14) days after service of the motion and seven (7) days prior to the sale hearing date. In addition to parties normally required to be served, responses and objections shall be served on the initial offeror and its counsel. The objecting party must attend the hearing or file and serve a notice of withdrawal of the objection at least two (2) business days prior to the hearing. Higher or better

bids may form the basis for an objection to the motion and may be considered by the Court at the sale hearing.

D. Notice by Publication Waived. If the property to be sold has an aggregate value of less than the value specified in Fed. R. Bankr. P. 6004(d), notice by publication shall be at the discretion of the seller. Further, the necessity for notice by publication shall be waived and a private sale permitted in all chapter 13 cases where there are sufficient funds from the sale available and designated to the payment of 100% of the allowed claims. A stipulation signed by the debtor's counsel and the chapter 13 trustee to sell the property without publication shall be served on all parties in interest including all creditors and lien holders. If no objection to a sale motion is filed within twenty-one (21) days of the filing of the motion, the Court may approve the sale without further notice or hearing.

E. Notice Requirements:

1. The seller shall send the Notice of Sale by first-class mail, or electronically to those parties who consent to receipt of electronic notice, to:
 - a. the debtor and debtor's counsel;
 - b. the trustee and trustee's counsel or the chapter 13 trustee, if applicable;
 - c. all indenture trustees and their counsel, if any;
 - d. all lien holders;
 - e. all creditors;
 - f. all committees appointed pursuant to the Code or to their authorized agents and their counsel, if any;
 - g. the United States as required by Fed. R. Bankr. P. 2002(j); and
 - h. the United States Trustee.
2. The debtor in possession or trustee may file a motion, served on all creditors and parties in interest, to establish a procedure for selling less than substantially all the assets of the estate or those assets of less than substantial value. The motion to establish sale procedures may provide that the notice of sale be served on a limited list of creditors and parties in interest. Such list must be set forth with particularity in the motion to establish the sale procedures.
3. Addresses for Notice of Sale and Motions to Sell: Any notice required to be served under these procedures shall be addressed (i) as stated in a proof of claim duly filed; (ii) if no claim is filed, as directed in a request for notices filed with the Clerk; or (iii) if no claim or request for notices is filed, to the address shown in the list of creditors included in the schedules. Service may be made electronically if consent exists.
4. The Notice of Sale and publication of the Notice must contain the following information:
 - a. the bankruptcy case name and number and the adversary name and number, if applicable, and the docket number of the motion;
 - b. a brief description of the property to be sold (examples: personalty (Dodge Truck) or realty (Parcel 1 Estate ABC, as shown on PWD # 123, recorded in the Office of the Recorder of Deeds for the Division of St. Thomas and St. John/St. Croix on _____ at _____).

- c. the date, time and place of the sale hearing;
- d. the date by which objections to the sale must be filed and served;
- e. a statement of the amount of the initial offer and that higher or better offers will be considered at an auction or at the hearing;
- f. the name, address, and telephone number of the person to contact for terms and conditions of sale or to examine the property;
- g. what cash is required to bid at the auction or the hearing; and
- h. the proposed distribution of the proceeds of the sale.

5. Publication: Notice of any proposed sale of property with a selling price of less than \$50,000 shall be advertised by the seller by publication once in a newspaper of general circulation in the U.S. Virgin Islands. Advertising for sales of property with a selling price greater than \$50,000 shall be determined by motion and court order. The publication shall be made no more than twenty-one (21) nor less than seven (7) days before the scheduled date of the auction or sale hearing. Proofs of publication of the advertising must be filed when received by moving party or representation made to the Court at the time of the sale hearing that publication was made and that proofs of publication will be filed when received by the moving party.

6. Reports of Sale: An itemized Report of Sale shall be filed with the Court within five (5) calendar days of the date of consummation of the sale.

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

Any assumption or rejection of executory contracts or unexpired leases shall be by motion, with notice of the motion 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 committee counsel, then service shall be made upon each of the committee members. If no committee has been appointed, notice shall be served 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, and serve it upon the Attorney General of the United States.

Any party who draws into 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 7004-2 CONSENT TO JURISDICTION

A. By the Plaintiff. The filing of an adversary complaint in the Bankruptcy Court shall be affirmative consent by the plaintiff to the jurisdiction and power of the Bankruptcy Court to enter a final order on all issues raised by that complaint.

B. By the Defendant. The filing of an answer or motion to dismiss by the defendant, which does not affirmatively contest the jurisdiction or power of the Bankruptcy Court to enter a final order on all issues raised by the complaint shall be an affirmative consent by the defendant to the entry of a final order by the Bankruptcy Court.

C. Contesting Jurisdiction of the Bankruptcy Court. If the defendant wishes to contest the authority of the Bankruptcy Court to enter a final order in the adversary proceeding, it must file a motion for a determination of the Bankruptcy Court's authority within the time to file an answer or other responsive pleading.

D. Ruling on Authority. If the Bankruptcy Court, on consideration of the defendant's motion contesting its authority, determines that it does not have power to enter a final order, the Bankruptcy Court will continue to hear the adversary proceeding and issue only recommended findings of fact and conclusions of law which shall be sent to the District Court for consideration de novo.

Rule 7005-1 FILING OF DISCOVERY MATERIALS

A. 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, in which case, the necessary portion of the discovery material shall be attached to the motion.

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

Rule 7008-1 MOTIONS IN ADVERSARY PROCEEDINGS

A. 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.

B. Response. The response to any motion filed in an adversary proceeding shall be filed and served within fourteen (14) days after service of the motion, plus an additional three (3) days when service is by mail. If no response is timely filed, the motion shall be deemed uncontested and the Court may dispose of the motion upon the filing of a certificate of no objection by the moving party. Replies and sur-replies are not permitted unless ordered by the Court. If permitted, replies and sur-replies shall be filed and served within seven (7) days, plus an additional three (3) days when service is by mail, after service of the response or reply, as applicable. Absent prior permission of the Court, no reply or sur-reply shall exceed five (5) pages, exclusive of any tables of contents and citations.

C. Briefs. The moving party may file a brief and any supporting affidavits as an attachment to the motion and the respondent may file a brief 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.

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

E. 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.

F. Form of Order. A proposed form of order shall be filed as an attachment to all motions and other pleadings requesting relief.

G. Certification of Completion of Briefing. When briefing is complete, the moving party shall file a certification that briefing is completed substantially in compliance with LBF 16.

Rule 7014-1 SERVICE OF PLEADINGS ON THIRD-PARTY DEFENDANTS

In every action in which there is a joinder of a third-party defendant, the third-party plaintiff shall deliver to the newly joined third-party defendant, within fourteen (14) days after the filing of an appearance or a responsive pleading by the joined third-party defendant, copies of all pleadings, orders, discovery materials, exhibits and any other material of record in the case (except for physical objects which cannot readily be copied). Service may be by electronic means if the third-party defendant has consented.

Rule 7016-1 PRE-TRIAL PROCEDURES

Pre-trial procedures are governed by pre-trial orders entered in each adversary proceeding.

Rule 7037-1 DISCOVERY DISPUTES

A. 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 request to which it has not objected.

B. 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 attached. 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.

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

D. Consultation among Counsel. All Counsel are required to participate in pre-trial 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 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 fourteen (14) days from the date the motion is filed and served.

C. All references to days mean calendar days unless otherwise noted.

Rule 9009-1 FORMS

The LBF and National bankruptcy forms are available on the Court's website. A paper copy of the LBF 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 in substantial conformity to LBF 18 and order entered by the Court. Every motion to be admitted *pro hac vice* will be considered pursuant to the requirements of the District Court rules, as may be amended from time to time, 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. Except as provided below, 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 claimant's counsel 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 LBR 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 to the discipline of attorneys appearing before the Bankruptcy Court.

Rule 9010-2 APPEARANCE AND WITHDRAWAL OF APPEARANCE OF ATTORNEYS

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 intervener. The signature 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 LBF 19.

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. Responses to any pleading shall be filed and served on or before fourteen (14) days after the pleading is filed.

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

D. Replies and sur-replies are not permitted except with leave of the Court. If permitted, they must be filed and served within seven (7) 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. A copy of the motion for which expedited hearing is requested together with the proposed order granting the relief requested shall be filed as an attachment to the motion. A second proposed order substantially conforming to LBF 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. The motion for expedited hearing shall contain suggested dates for the hearing and filing of objections, as well as the reason such dates are requested.

B. Title of Motion. The request for expedited hearing shall set forth in the title of the pleading that it is an expedited motion.

C. Contents of Motion. The motion shall specify:

1. just cause to request consideration of the underlying matter on an expedited basis;
2. the specific harm the moving party 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. A party filing a motion for expedited hearing with an attached proposed order and any party filing a response shall deliver a paper courtesy copy to the Clerk. The filing party may call the 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 LBF 21;

2. the avoidance of a lien or liens in a form that substantially complies with LBF 22;
3. a sale; and
4. relief from stay.

B. 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;
 - e. the identity of the original holder of the obligation secured by the mortgage or other security interest and every subsequent transferee including the moving party and whether the moving party is the holder of that obligation or an agent of the holder; and
 - f. 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.
3. 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;
 - f. any post-petition defaults; and
 - g. an attachment in the form of a Document and Loan History Abstract (LBF 27).
 2. an averment that an appropriate proof of claim has been filed;
 3. identification of the original holder of the obligation secured by the mortgage or other security interest and every subsequent transferee including the moving party and whether the moving party is the holder of that obligation or an agent of the holder; and
 4. all other grounds for relief

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 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 the LBR or Fed. R. of Bankr. P.

Rule 9013-5 SCHEDULING HEARINGS

A. Parties shall schedule matters filed by them by selecting a date on the Bankruptcy Court's calendar (available on the website) that permits sufficient notice as required by the LBR or Fed. R. Bankr. P. If a different date is required, counsel shall contact the Courtroom Deputy and explain the necessity to schedule the motion or other matter for a different time.

B. If the moving party does not receive a response to the motion, then the moving party shall file with the Clerk a Certificate of No Objection substantially in compliance with LBF 25. The certificate shall be filed not later than two (2) days after the objection deadline has expired. If the Court grants the relief by default, the hearing will be canceled.

C. If a disputed matter has been settled prior to the hearing, counsel for moving party shall file a Settlement and Certification of Counsel substantially in compliance with LBF 26, with a proposed consent order attached.

D. At the initial hearing on a motion, the Court may consider evidence and argument and dispose of the matter at such hearing, on briefs, or as the Court may determine. If there is a complicated issue of fact or law, a discovery schedule (if appropriate) and an evidentiary hearing may be fixed by the Court at the initial hearing. Matters which are settled after responses are filed may be heard prior to other matters scheduled for the same time upon request of the parties at the hearing.

E. If a filing is not in substantial compliance with the LBR, an order may be entered striking the pleading without prejudice.

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

G. A moving party who files a motion for relief from stay and selects a hearing date in accordance with the Judge's scheduling practice shall be deemed to have waived the thirty (30) day period specified in 11 U.S.C. § 362(e) when the hearing is scheduled for a date more than thirty (30) days after the date the motion is filed. If a hearing date is not available within the thirty (30) day period, a moving party who would be harmed by a delay of the hearing beyond the thirty (30) day period specified in 11 U.S.C. § 362(e) shall file a motion for expedited hearing.

Rule 9013-6 CONSENT TO JURISDICTION

A. By the Moving Party. The filing of a motion seeking relief in the Bankruptcy Court shall be affirmative consent by the moving party to the jurisdiction and power of the Bankruptcy Court to enter a final order on all issues raised by that motion.

B. By the Respondent. The filing of an answer or other response to the motion by the respondent, which does not affirmatively contest the jurisdiction or power of the Bankruptcy Court to enter a final order on all issues raised by the motion and answer shall be an affirmative consent by the respondent to the entry of a final order by the Bankruptcy Court.

C. Contesting Jurisdiction of the Bankruptcy Court. If the respondent wishes to contest the authority of the Bankruptcy Court to enter a final order in the adversary proceeding, it must file a motion for a determination of the Bankruptcy Court's authority within the time to file an answer or other responsive pleading.

D. Ruling on Authority. If the Bankruptcy Court, on consideration of the respondent's motion contesting its authority, determines that it does not have power to enter a final order, the Bankruptcy Court will continue to hear the matter and issue only recommended findings of fact and conclusions of law which shall be sent to the District Court for consideration de novo.

Rule 9015-1 JURY DEMAND

A. The party making a jury trial demand shall file the demand with the Clerk and serve all parties in interest. The last date on which a demand for jury trial may be made by any party is fourteen (14) days after:

1. an answer is filed and served to a complaint, cross-claim or counterclaim; 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 jury trial demand, the party making the demand shall file with the Clerk and serve on all parties in interest a motion to withdraw the reference to the District Court. All proceedings shall continue in the Bankruptcy Court unless and until an order is entered by the District Court withdrawing the reference.

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

Rule 9019-2 MEDIATION

A. Description of Process.

1. "Mediation" means a process whereby a neutral third person called a mediator acts to encourage and facilitate the resolution of a dispute between two or more parties. It is an informal and non-adversarial process with the objective of helping the disputing parties reach a mutually acceptable and voluntary agreement. In

mediation, decision-making authority rests with the parties. The role of the mediator includes, but is not limited to, assisting the parties in identifying issues, fostering joint problem-solving and exploring settlement alternatives.

2. Referral by Bankruptcy Judge. Except as hereinafter provided, the Bankruptcy Judge may order any contested bankruptcy matter, adversary proceeding, or selected issue to be referred to mediation.

B. Conduct of the Mediation.

1. Conference or Hearing Date. Unless otherwise ordered by the court, the first mediation conference shall be held within sixty (60) days of the order of referral.

2. Role of Counsel. Unless otherwise ordered by the court, counsel to the parties shall attend and participate in the mediation conference. The role of counsel shall be limited to general consultation pursuant to the rules governing the attorney-client privilege.

3. Notice. Within fourteen (14) days after the order of referral, the mediator shall notify the parties in writing of the date, time, and place of the mediation conference.

4. The mediation conference may take place in a courtroom designated by the Court or any other place designated by the mediator.

5. The mediator may adjourn the mediation conference at any time and may set a date and a time for reconvening the adjourned conference. No further notification is required to parties present at the conference.

6. The mediator may meet and consult with the parties or their counsel, on any issue pertaining to the subject matter of the mediation. Should the mediator wish to discuss a matter with the parties or their counsel, the mediator must inform all parties to the mediation of the location and subject matter of such meeting. The mediator shall keep a written record of any and all meetings conducted with the parties or their counsel, and such record shall be made available to the parties.

C. Motion to Dispense with Mediation. A party may move, within fourteen (14) days after the order directing mediation, to dispense with mediation if:

1. The issue to be considered has been previously mediated between the same parties;

2. The issue presents a question of law only;

3. Other good cause is shown.

D. Certified Mediators.

1. A list of all persons certified as mediators shall be maintained by the District Court.

2. The mediator shall take the oath or affirmation prescribed by 28 U.S.C. § 453 before serving as a mediator.

3. The mediator has a duty to define and describe the process of mediation and its costs during an orientation session with the parties before the mediation conference begins. The orientation should include the following:

- a. mediation procedures;
 - b. the differences between mediation and other forms of conflict resolution, including therapy and counseling;
 - c. the circumstances under which the mediator may meet alone with either of the parties or with any other person;
 - d. the confidentiality provisions provided by Title 5, Section 854 of the Virgin Islands Code.
 - e. the duties and responsibilities of the mediator and the parties;
 - f. the fact that any agreement reached must be reached by mutual consent of the parties; and
 - g. the information necessary for defining the disputed issues.
4. The mediator has a duty to be impartial and to advise all parties of any circumstances bearing on the mediator's possible bias, prejudice or lack of impartiality. Any person selected as a mediator shall be disqualified for bias, prejudice or impartiality as provided by 28 U.S.C. § 144 and shall disqualify him/herself in any action in which he/she would be required under 28 U.S.C. § 455 to disqualify him/herself if he/she were a judge.
5. A mediator appointed by the Court pursuant to these rules shall have judicial immunity in the same manner and to the same extent as a judge.
6. Any party may move the Court to enter an order disqualifying a mediator for good cause. Mediators have a duty to disclose any fact which would be grounds for disqualification. If the Court rules that a mediator is disqualified from hearing a matter, an order shall be entered setting forth the name of a qualified replacement. Nothing in this provision shall preclude mediators from disqualifying themselves or refusing any assignment. The time for mediation shall be tolled during any periods in which a motion to disqualify is pending.

E. Appointment of Mediator .

1. Within seven (7) days of the order requiring the parties to participate in mediation, the parties may agree upon a stipulation approved by the Court designating:
 - a. a certified mediator; or
 - b. a mediator who does not meet the certification requirements of the rules but who, in the opinion of the parties and upon review by the Court, is otherwise qualified by training or experience to mediate all or some of the issues in the particular case.
2. If the parties cannot agree upon a mediator within seven (7) days of the order directing the parties to mediation, the Court may appoint a certified mediator selected by rotation or by such other procedures as may be adopted by the Court.

F. Compensation of Mediator.

1. The mediator shall be compensated by the parties at his normal hourly rate, which shall be disclosed to the parties. Each party shall pay one-half or such other proportionate share of the total charges of the mediator as may be agreed upon, unless the mediator and/or the Court determines that one party has not mediated in good faith.

a. If the parties do not reach any agreement as to any matter as a result of mediation, or if the mediator determines that no settlement is likely to result from the mediation, the mediator shall report the lack of an agreement to the Court without comment or recommendation. With the consent of the parties, the mediator's report may also identify any pending motions or outstanding legal issues, discovery process, or other action by any party which, if resolved or completed, would facilitate the possibility of a settlement.

2. If an agreement is reached, it shall be reduced to writing and signed by the parties and their counsel, if any. The agreement shall be filed when required by law or with the parties' consent. If the agreement is not filed, a joint stipulation of dismissal shall be filed. By stipulation of the parties, the agreement may be electronically or stenographically recorded. In such event, the transcript may be filed with the Court.

G. Certification of Mediators. For certification, a mediator:

1. must complete a minimum of twenty (20) hours in a training program approved by the Bankruptcy Court or any other District or Bankruptcy Court. Also, a person certified as a mediator by the American Arbitration Association, or any other national organization approved by the Bankruptcy Court shall be deemed to qualify under this section as a Bankruptcy Court Mediator.

2. A mediator must also meet one of the following minimal requirements:

a. The mediator may be a member in good standing of the Virgin Islands Bar with at least five years of Virgin Islands practice, and be an active member of the Virgin Islands Bar within one year of application for certification; or,

b. Paragraph (1) notwithstanding, the Chief Judge, upon written request setting forth reasonable and sufficient grounds, may certify as a Bankruptcy Court mediator a retired judge who was a member of the bar in the state or Territory in which the judge presided. The judge must have been a member in good standing of the bar of another state for at least five years immediately preceding the year certification is sought and must meet the training requirements of subsection (1) above; or

c. The mediator may be the holder of a master's degree and be a member in good standing in his or her professional field with at least five (5) years of practice in the Virgin Islands; and,

3. Notwithstanding the foregoing, the Court may, in the absence of an available pool of certified mediators, appoint as a mediator a qualified person acceptable to the Court and the parties.

H. Types of Matters Subject to Mediation. The Court may assign to mediation any dispute arising in an adversary proceeding, contested matter or otherwise in a bankruptcy case.

I. Confidentiality of Mediation.

1. Each party involved in a court-ordered mediation conference has a privilege to refuse to disclose, and to prevent any person present at the proceeding from disclosing, communications made during such proceeding.
2. Any or all communications, written or oral, made in the course of a mediation proceeding, other than an executed settlement agreement, shall be inadmissible as evidence in any subsequent legal proceeding, unless all parties agree otherwise.

J. Interim or Emergency Relief. A mediator may apply to the Court for interim or emergency relief at any time, at the initiation of the mediator upon consultation with the parties, or at the parties' request. Mediation shall continue while such a motion is pending absent a contrary order of the Court or a decision of the mediator to adjourn pending disposition of the motion. Time for completing mediation shall be tolled during any periods where mediation is interrupted pending resolution of such a motion.

K. Sanctions for Failure to Appear and Participate in Mediation. If a party, without good cause, fails to appear at a duly noticed mediation conference or fails to participate in the mediation in good faith, the Court may impose sanctions, including an award of mediator and attorney fees and other costs, against the party failing to appear or found not to have mediated in good faith. If, in the opinion of the mediator, a party has not participated in the mediation in good faith, and notwithstanding any other provisions of this rule, the mediator shall notify the referring judge in writing. If a party to mediation is a public entity, that party shall be deemed to appear at a mediation conference by the physical presence of a representative with full authority to negotiate on behalf of the entity and to recommend settlement to the appropriate decision making body of the entity. Otherwise, unless stipulated by the parties, a party is deemed to appear at a mediation conference if the following persons are physically present:

1. The party or its representative having full authority to settle without further consultation; and
2. A representative of the insurance carrier for any insured party who is not such carrier's outside counsel and who has full authority to settle without further consultation.

Rule 9070-1 EXHIBITS

Unless an appeal is filed, all exhibits, models, or diagrams, documentary or physical, introduced at a trial or hearing shall be removed by the parties to the litigation or their counsel within fourteen (14) calendar days after the time to appeal the final judgment, order or other final disposition of the trial or hearing, has expired. If the exhibits, models, or diagrams are not removed within the 14-day period, the Clerk may destroy them or make such other disposition of them as the Clerk may deem appropriate.