IN THE DISTRICT COURT OF THE VIRGIN ISLANDS
DIVISION OF ST. THOMAS AND ST. JOHN

IN RE:	)	
	)	
AMENDMENTS TO THE LOCAL RULES OF THE DISTRICT COURT OF THE VIRGIN ISLANDS	)	**MISC NO. 3:25-mc-0003**
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	)	
_____	)	

NOTICE INVITING COMMENT

WHEREAS, on January 31, 2025, the Court issued an Order establishing an Advisory Committee on Rules (the "Committee") to, *inter alia*, assist the Court in its periodic review of the local rules of the District Court of the Virgin Islands, pursuant to 28 U.S.C. § 2071.

WHEREAS, the Court appointed nine members from the Virgin Islands legal community to serve on the Committee;

WHEREAS, on September 30, 2025, the Committee submitted its report to the Chief Judge providing recommendations on proposed rule changes and amendments;

WHEREAS, pursuant to 28 U.S.C. § 2071(b), any rule proscribed by the Court shall be prescribed only after giving appropriate public notice and an opportunity for comment. Such rules shall take effect upon the date specified by the Court and shall have such effect on pending proceedings as the Court may order;

WHEREAS, the Judges of the District Court met on several occasions to discuss and consider the recommendations and proposals of the Committee, and intend for these rules to go into effect, effective February 1, 2026;

WHEREAS, copies of the proposed amendments to the District Court's Local Rules of Civil Procedure, Local Rules of Criminal Procedure, Local Bankruptcy Rules, and Local Rules for Certain Admiralty and Maritime Claims are attached hereto, in redlined and clean

versions, as Attachments A, B, C, and D, respectively.

Accordingly, it is hereby,

ORDERED that the public and members of the bar are hereby given notice and an opportunity to comment on the proposed amendments, as required by 28 U.S.C. § 2071(b) and Fed. R. Civ. P. 83. Such comment may be submitted in writing to the Clerk of Court via electronic mail at rules@vid.uscourts.gov on or before January 14, 2026, or by mail, and postmarked no later than January 14, 2026, to:

ATTN: Clerk of Court
District Court of the Virgin Islands
Ron de Lugo Federal Building and U.S. Courthouse
5500 Veterans Drive, Suite 310
St. Thomas, VI 00802

SO ORDERED.

Dated: December 15, 2025

/s/ Robert A. Molloy
ROBERT A. MOLLOY
Chief Judge

ATTACHMENT A

Local Rules of Civil Procedure

LOCAL RULES OF CIVIL PROCEDURE OF THE DISTRICT COURT OF THE VIRGIN ISLANDS

Effective _____, 2026

I. Scope of Rules
II. Commencement of Action; Service of Process, Pleadings, Motions, and Orders
III. Pleadings and Motions
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I.

Scope of Rules

Rule 1.1. Scope of Rules
Rule 1.2. Availability of the Local Rules
Rule 1.3. Cameras and Personal Electronic Devices

Rule 1.1. Scope of Rules

(a) Title and Citation. These Rules shall be known as the Local Rules of Civil Procedure of the District Court of the Virgin Islands. They shall be cited as 'LRCi.'

(b) Scope of Rules. These Rules apply in all proceedings in civil actions. Rules 72.1 to 72.3 and 73.1 to 73.2 govern proceedings before Magistrate Judges.

(c) Effective Date. These Rules become effective on ----------, 2026.

(d) Relationship to Prior Rules; Actions Pending on Effective Date. These Rules supersede all previous civil rules promulgated by this Court or any Judge of this Court. They govern all applicable proceedings brought in this Court after they take effect. They also apply to all proceedings pending at the time they take effect, except to the extent that in the opinion of the Court the application thereof would not be feasible or would work injustice, in which event the former rules govern.

(e) Rule of Construction. United States Code, Title 1, Sections 1 through 5, shall, as far as applicable, govern the construction of these Rules.

(f) Modification. The application of the Rules in any case or proceeding may be modified by the Court in the interests of justice.

Rule 1.2. Availability of the Local Rules

Copies of these Rules, as amended and with any appendices attached hereto, are available online at http://www.vid.uscourts.gov, or from the Clerk of Court's office for a reasonable charge.

Rule 1.3. Cameras and Personal Electronic Devices

(a) Personal Electronic Devices. Personal Electronic Devices are defined as follows:

(1) Cellular telephones, smart phones, any type of computer (including, but not limited to a laptop, handheld, notebook, or tablet), any analog or digital recorder, MP3 player, personal digital assistants, and any other device that is capable of receiving, transmitting, or recording messages, images, sounds, data, or other information by electronic means; and

(2) Cameras, regardless of whether they operate electronically, mechanically, or otherwise and regardless of whether images are recorded by using digital technology, film, light-sensitive plates, or any other means.

(b) General Prohibition.

(1) Except as provided in this Rule, no person may possess or use a Personal Electronic Device in the Almeric L. Christian Federal Building and Courthouse or the Ron de Lugo Federal Building and Courthouse (collectively, "DVI Courthouses"). Personal Electronic Devices must be checked at the security screening station in order for a person possessing such a Device to gain access to the Courthouse.

(2) Unless otherwise permitted by these Rules, by the Court, or by the U.S. General Services Administration (with respect to tenants of the DVI Courthouses), under no circumstances shall any Personal Electronic Device be used to photograph, broadcast, or record (audio or video) anything from the DVI Courthouses, including visual images, or any judicial proceedings, grand jury proceedings, or any other court-related judicial proceeding, whether these judicial proceedings are held virtually, in open court, closed court, in the Chambers of a judge of this Court, or in any other space within the DVI Courthouses. Nor shall any Personal Electronic Device be used to take photographs of any kind in the DVI Courthouses. Nor shall an MP3 player or any equivalent device be used.

(c) Exceptions and Conditions.

(1) Anyone permitted to bring Personal Electronic Devices into the DVI Courthouses must ensure that such Devices are turned to silent mode prior to entry into the Courthouse and remain in silent mode until after exiting the Courthouses. Any device brought into a courtroom or Chambers shall be set so that no audible sounds (including computer prompts) are emitted.

(2) Anyone who brings Personal Electronic Devices into the DVI Courthouses pursuant to this Rule remains personally responsible for the use, or any misuse, of the Devices.

(3) All Personal Electronic Devices that may be possessed or used in the DVI Courthouses are subject to proper screening and security clearance upon entering the DVI Courthouses, as determined by the U.S. Marshal's Service and/or the Court Security Officers. Upon inquiry or request from the U.S. Marshal's Service or a Court Security Officer, attorneys attempting to bring Personal Electronic Devices into the DVI Courthouses are required to present photo identification and/or are subject to having their access verified by Chambers.

(4) Any individuals or entities not otherwise granted permission by this Rule to possess or use Personal Electronic Devices in the DVI Courthouse, and who desire to do so in connection with matters involving the District Court or the Third Circuit Library, must submit a written request to the Clerk's Office at least two business days prior to the requested date. The request must include the name of the individual seeking to bring the Personal Electronic Device(s) into the DVI Courthouse; the particular Device(s) that the person seeks to bring; the purpose for bringing in the Device(s); and the date(s) for which permission is sought.

(5) Attorneys and Pro Se Litigants

(i) Attorneys admitted to practice before the District Court may bring Personal Electronic Devices into the DVI Courthouses. Attorneys may not share their Personal Electronic Devices with any other person, except a member of the attorney's staff assisting with the matter, without Court approval.

(ii) Attorneys wishing to use their Personal Electronic Devices in the courtroom or in a judge's Chambers must receive the permission of the judge presiding over the proceedings. If permission is granted, the judge retains the discretion to withdraw such permission for any or all attorneys at any time during the proceedings and for any reason.

(iii) Cellular telephone calls may be made or received only in attorney conference rooms or other public areas. For the avoidance of doubt, cellular telephones may not be used to make or receive telephone calls in the courtroom, Chambers, or the Third Circuit Library without Court approval.

(iv) Personal Electronic Devices may be used to send and receive text messages, e-mails, or to otherwise communicate electronically within the DVI Courthouses, including the Courtrooms or Chambers, unless the judge presiding over the proceeding directs otherwise.

(v) Pro se litigants must file a motion seeking permission to bring any Personal Electronic Devices into the DVI Courthouses, courtrooms, or Chambers. The motion must include the name of the individual seeking to bring the Personal Electronic Device(s) into the DVI Courthouse; the particular Device(s) which the person seeks to bring; and the purpose for bringing in the Device(s). The rules applicable to Attorneys shall apply to any pro se litigant granted permission to bring a Personal Electronic Device into the DVI Courthouses unless the Order granting permission imposes more restrictive conditions.

(6) Use of Personal Electronic Devices in the Third Circuit Library. Attorneys admitted to practice before the District Court may use Personal Electronic Devices in the Third Circuit Library for the purpose of electronically scanning documents.

(7) Sanctions.

(i) Any violation of this Rule may result in sanctions, including but not limited to a monetary fine, a finding of contempt of court, and the forfeiture of the privileges granted by this Rule.

(ii) The Chief Judge may modify or suspend the privileges granted by this Rule at any time for any reason.

II.

Commencement of Action; Service of Process, Pleadings, Motions, and Orders

Rule 3.1. Civil Cover Sheet
Rule 3.2. Alternative Dispute Resolution
Rule 5.1. General Format of Papers Presented for Filing
Rule 5.2. Appearances; Withdrawal as Counsel
Rule 5.3. Electronic Signatures
Rule 5.4. Electronic Filing
Rule 6.1. Time Limits

Rule 3.1. Civil Cover Sheet

(a) **Civil Cover Sheet Required.** Every complaint or other document initiating a civil action shall be accompanied by a completed civil cover sheet on a form available at the Court's website. This requirement is solely for administrative purposes, and information appearing only on the civil cover sheet has no legal effect in the action.

(b) **Failure to File Civil Cover Sheet.** If the complaint or other document is filed without a completed civil cover sheet, the Clerk of Court shall promptly give notice of the omission to the party filing the document and direct the party to file the missing documentation. Should the outstanding civil cover sheet not be filed within three days, the Court may dismiss the action.

(c) Persons filing civil cases *pro se* are exempt from the foregoing requirements.

Rule 3.2. Alternative Dispute Resolution

Alternative dispute resolution (ADR) refers to a number of processes that can be used to resolve a dispute. Common forms of ADR include mediation, settlement conference, arbitration, early neutral evaluation and summary or mini trial. These processes are alternatives to having a judge or jury decide the dispute in a trial. While the procedures for mediation are set forth herein, the Court may adopt detailed procedures for other forms of ADR in the future.

Procedures for mediation:

(a) Mediation Defined. Mediation is 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.

(b) Referral to Mediation. Except as hereinafter provided, the Court may order any contested civil matter or selected issue to be referred to mediation.

(c) Mediation Conferences. Mediation conferences shall take place on a date, and at a time and location, agreed to by the parties and the mediator, unless otherwise ordered by the Court.

(d) Exclusions from Mediation. The following actions shall not be referred to mediation:

(1) Criminal actions;

(2) Forfeitures of seized property; or

(3) Habeas corpus and extraordinary writ.

(e) Grounds for Dispensing with Mediation. A party may move 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) the parties agree to an alternative method of dispute resolution; or

(4) other good cause is shown.

(f) Mediator Qualifications. Any person of legal age who, in the opinion of the parties, is deemed qualified by training or experience to mediate all or some of the issues in the particular case may act as a mediator.

(g) Court Assistance in Selecting a Mediator. If the parties cannot agree upon a mediator, they shall jointly so notify the Court, which shall work with the parties in a manner determined by the Court to identify a mediator.

(h) Mediator Compensation. The mediator shall be compensated by the parties.

(i) Mediators' Duties, Generally. Mediators have a duty to define and describe the process of mediation and its costs at the first mediation conference. The mediator may meet and consult with the parties or their counsel, individually or collectively, on any issue pertaining to the subject matter of the mediation.

(j) Mediator Disqualification. Mediators have a duty to disclose any fact that would be grounds for disqualification. Mediators have a duty to be impartial and to advise all parties of any circumstances suggesting possible bias, prejudice, or lack of impartiality. Persons selected as mediators shall be disqualified for bias, prejudice, or partiality, as provided by Title 28 U.S.C. Section 144, and shall disqualify themselves in any action in which they would be required under Title 28 U.S.C. Section 455 to disqualify themselves if they were a judge. Any party may move the Court to enter an order disqualifying a mediator for good cause.

(k) Mediator Immunity. Mediators acting pursuant to these rules shall have judicial immunity in the same manner and to the same extent as a judge.

(l) Required Appearances at Mediation. Each party involved in a mediation conference must attend each mediation conference with full authority to settle without further consultation. If a party to a mediation is a public entity, that party shall be deemed to attend a mediation conference if 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 attends.

The following persons must attend a mediation conference:

(1) Each party or its representative (other than appearing counsel) having full authority to settle without further consultation;

(2) A representative of any insurance carrier controlling defense and/or settlement of the case; and,

(3) Counsel, if any, to each party.

(m) Attendance Defined. Insurance representatives may attend a mediation conference via telephone or video-conference. All other individuals attending a mediation conference must be physically present unless all parties and the mediator have agreed, or the Court orders, that an individual(s), may appear by telephone or video-conference. 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.

(n) Confidentiality. All communications made during a mediation proceeding are presumptively confidential and privileged. Parties, counsel, and the mediator shall not disclose any such communications to anyone not participating in the mediation, including the Court, unless all parties consent to waive the privilege or as otherwise ordered by the Court.

(o) Discovery may continue throughout mediation. Such discovery may be delayed or deferred by order of the Court.

(p) Report to Court of Unsuccessful Mediation. If the parties do not reach 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.

(q) Agreement Following Successful Mediation. 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, court order, 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 recorded, and any transcript may be filed with the Court.

Rule 5.1. General Format of Documents Presented for Filing

(a) Format of Documents. All pleadings, motions, and other papers presented for filing shall be double-spaced, except for quoted material. Each page shall be numbered consecutively. All documents shall be prepared in an 8-½ x 11-inch format with, at minimum, one-inch margins on all sides (top, bottom, left, right) and shall be plainly typewritten or printed in at least 12-point font, on a white background, or prepared by a clearly legible duplication process. Footnotes shall be in at least 10-point font and may be single-spaced. All motions shall also comply with the limitations set forth in LRCi 7.1.

(b) Exceptions. This rule does not apply to:

(1) exhibits submitted for filing;

(2) documents filed in actions prior to removal from Superior Court; or

(3) *pro se* parties.

Rule 5.2. Appearances; Withdrawal as Counsel

(a) Appearances. The attorney for each party in any cause shall promptly file an appearance, giving the address where all notices and papers may be served upon the attorney. Only members of the Bar of this Court may appear as counsel in civil cases. Only individuals who are parties in civil cases may represent themselves. Other than in the case of an individual proceeding *pro se*, non-attorneys are not permitted to represent a party before this Court.

(1) An attorney appearing pro hac vice must file a written notice of appearance promptly upon being sworn in. An attorney who fails to comply with this requirement will not be permitted to participate in a court proceeding.

(2) A regularly admitted attorney must file a notice of appearance in a case before electronically filing a document in the case.

(3) A regularly admitted attorney may participate in a court proceeding without filing a notice of appearance as long as at least one attorney from that attorney's office has filed a notice of appearance.

(4) An attorney substituting into a case must promptly file a notice of appearance.

(b) Withdrawal. No attorney may withdraw an appearance except (1) with leave of Court after notice to the attorney's client, or (2) as part of a formal substitution of new counsel for the withdrawing attorney. All motions for withdrawal as counsel shall include a verified statement as to contact with or attempts to contact the client concerning such withdrawal and proof of service upon, or an indication of efforts to serve, the client with the moving papers.

(1) Withdrawal of representation of an individual. Unless otherwise directed by the Court, when an attorney representing an individual moves to withdraw as counsel for the individual, the Court will set a hearing on a motion to withdraw at which the individual represented must personally appear. Any request to appear by video or teleconference, in lieu of personal appearance, must be made by motion at least three days before the hearing and will be granted only upon a showing of good cause. If no substitute counsel has appeared on the party's behalf prior to the hearing, the party must acknowledge on the record that he or she understands that it is his or her responsibility to perform all duties imposed upon counsel by these Rules and all other applicable Federal Rules of procedure in the event the party is proceeding *pro se*.

(2) Withdrawal of representation of an entity. Withdrawal from representation of an entity defendant shall not be permitted absent substitute counsel making an appearance on the party's behalf or leave of Court. A motion seeking leave of Court to withdraw shall:

(i) identify a current representative of the entity who has the authority to act for the entity;

(ii) describe how that representative has been involved in communications relating to the litigation during the history of the litigation;

(iii) indicate whether the entity continues to do business;

(iv) state whether the entity has terminated counsel or whether it is counsel's decision to withdraw; and

(v) provide such other information as may be relevant to assist in the Court's decision to allow counsel to withdraw.

The information required in 5.2(b)(2) may be submitted *in camera* to the extent necessary to protect attorney-client confidences or to avoid prejudicing the client's position in the litigation.

(3) Factors considered by the Court. In considering whether to allow an attorney to withdraw and leave an entity without counsel, the Court may consider:

(i) the conduct of both the client and counsel that led to the motion to withdraw;

(ii) whether such conduct is in good faith or for other purposes, such as delay;

(iii) the effect of the withdrawal upon the administration of justice and the other parties to the litigation;

(iv) whether counsel's ethical obligations preclude continued representation; and

(v) any other relevant factor.

If the Court allows counsel to withdraw without a substitute, the Court will take appropriate

measures to ensure that the entity is aware that the failure to retain substitute counsel within a time certain could result in the striking of its pleadings, the entry of default and/or entry of an adverse judgment against the entity.

Rule 5.3. Electronic Signatures

Any document may be executed via an electronic signature in lieu of a handwritten signature. An electronic signature shall have the same force and effect as a manual signature when executed in compliance with this rule. For purposes of this rule, an "electronic signature" is one that is executed using a program or online service that provides secure signature verification.

Rule 5.4. Electronic Filing

(a) Scope of Electronic Filing.

(1) Except as provided by these Rules or by order of the Court, all cases are assigned to the Electronic Filing System. Unless otherwise provided by these Rules or by order of the Court, all pleadings and other documents required to be filed with the Court by a Filing User in connection with a case assigned to the Electronic Filing System must be electronically filed. All such materials shall be filed in accordance with these Rules and the District Court of the Virgin Islands Electronic Case Files User Manual located on the Court's website: http://vid.uscourts.gov.

(2) Payment must be made when documents that require payment are filed electronically. Payment can be made by check, credit card, debit card, money order or by other methods of payment authorized by the Clerk. If payment is not received by the close of business on the next working day after filing, the Court shall take necessary action which may include striking the document or dismissal of the matter.

(3) In cases removed from the Superior Court of the Virgin Islands, the removing party must electronically file all removal documents required by 28 U.S.C. 1446. Prior to the initial conference required under Fed. R. Civ. P. Rule 16, the plaintiff in the removed case shall electronically file all documents that were filed in the Superior Court that were not filed by the removing party.

(b) Eligibility, Registration, Passwords.

(1) Anyone registering to use the Court's Electronic Filing System shall register to do so using the form prescribed by the Clerk of Court. Once the registration form is completed and verified by the Clerk's Office, the Filing User must obtain a PACER account. Once the PACER account has been established, the Filing User must request permission to electronically file at the District Court of the Virgin Islands via their respective PACER account. The Clerk's Office will then approve the Filing User to file with the Court using the filer's Central Sign-on account.

(2) If the Court permits, a party to a pending civil action who is eligible to proceed *pro se* may register as a Filing User in the Electronic Filing System solely for purposes of the action on a form prescribed by the Clerk and pursuant to the procedure outlined

in LRCi 5.4(b)(1). If the party retains an attorney who appears on the party's behalf during the action, the attorney must advise the Clerk to terminate the party's registration as a Filing User upon the attorney's appearance.

(3) A *pro se* Filing User may withdraw from participation in the Electronic Filing System by providing the Clerk's Office with written notice of the withdrawal.

(4) The Court may terminate a *pro* se Filing User's electronic filing privileges under appropriate circumstances.

(5) Registration as a Filing User constitutes consent to electronic service of all documents as provided in these Rules and in accordance with the Federal Rules of Civil Procedure.

(c) Consequences of Electronic Filing.

(1) Electronic transmission of a document to the Electronic Filing System consistent with these Rules, together with the transmission of a Notice of Electronic Filing from the Court, constitutes filing of the document for all purposes of the Federal Rules of Civil Procedure and these Rules, and constitutes entry of the document on the docket maintained by the Clerk under Federal Rule of Civil Procedure 79.

(2) Before filing a scanned document with the Court, a Filing User must verify its legibility.

(3) When a document has been filed electronically, the official record is the electronic document as stored by the Court, and the filing party is bound by that document. Except in the case of documents first filed in paper form and subsequently submitted electronically, a document filed electronically is deemed filed on the date and at the time stated on the Notice of Electronic Filing from the Court.

(4) Filing a document electronically does not alter the filing deadline for that document. Unless otherwise ordered by the Court, a filing must be completed before 11:59 p.m. Atlantic Standard Time in order to be considered timely filed that day.

(d) Entry of Court-Issued Documents. All orders, decrees, judgments, and proceedings of the Court shall be filed in accordance with these Rules. Such filing shall constitute entry on the docket maintained by the Clerk under Federal Rules of Civil Procedure 58 and 79. All signed orders shall be filed electronically by the Court or Court personnel. Any order or other Court-issued document filed electronically without the original signature of a Judge or Clerk has the same force and effect as if the Judge or Clerk had signed a paper copy of the order.

(1) Orders may also be issued as "text-only" entries on the docket, without an attached document. Such orders are official and binding.

(2) The Court may sign, seal, and issue a summons electronically, but a summons may not be served electronically unless the recipient of the summons has agreed to accept electronic service.

(3) A Filing User submitting a document electronically that requires a Judge's or Clerk's signature must promptly email the document in Word or RTF format to the Chambers email address for the Judge, or the general email address for the Clerk's Office, respectively.

(e) Attachments and Exhibits.

(1) Filing Users must submit in electronic form all documents referenced as exhibits or attachments for which a hyperlink is not available, unless the Court permits conventional filing.

(2) Each attachment or exhibit to a motion or response shall be filed as a separate subdocument to the main document that references the attachment or exhibit.

(3) A Filing User must submit as exhibits or attachments only those excerpts of the referenced documents that are directly germane to the matter under consideration by the Court. Excerpted material must be clearly and prominently identified as such. Filing Users who file excerpts of documents as exhibits or attachments under this Rule do so without prejudice to their right to timely file additional excerpts or the complete document.

(4) Responding parties may timely file additional excerpts or the complete document if they believe they are directly germane.

(5) A Filing User must provide the complete document from which excerpts are made to parties known not to have a copy or upon request.

(6) The Court may authorize or require parties to file additional excerpts or the complete document.

(f) Sealed Documents. Documents ordered to be placed under seal must be filed electronically, unless prohibited by law, as authorized by the Court. A motion to file documents under seal must be filed electronically unless prohibited by law. The order of the Court authorizing the filing of documents under seal must be filed electronically unless prohibited by law. If the sealed documents are filed conventionally, a paper copy of the order must be attached to the documents under seal and delivered to the Clerk. The following procedure for filing documents under seal must be followed:

(1) File a motion for leave to file a document under seal that sets forth the legal basis for sealing and that generally describes the document(s) to be sealed. Do not include the proposed sealed documents as an attachment or exhibit to the motion.

(2) In a separate filing, use the "Sealed Document—Proposed" CM/ECF event to file the proposed sealed documents.

(3) Await the Court's Order on the motion for leave.

(4) If the motion is granted file the documents under seal, using the Sealed Document CM/ECF event.

(g) Retention Requirements. Documents (excluding depositions) that are electronically filed and require original signatures other than that of the Filing User must be maintained in paper form by the Filing User until five years after all time periods for appeals expire. Upon request of the Court, the Filing User must provide original documents for review.

(h) Signatures.

(1) Electronically filed documents must include the Filing User's name, address (including email address), telephone number, and the attorney's U.S. Virgin Islands

bar registration number, if applicable. If an attorney is admitted *pro hac vice*, the electronically filed document must include this information for both local and *pro hac vice* counsel.

(2) Documents of non-Filing Users must be signed.

(3) Documents requiring signatures of more than one party must be electronically filed either by:

(i) submitting a scanned document containing all necessary signatures;

(ii) representing the consent of the other parties to affixing their signatures on the document; or

(iii) in any other manner approved by the Court.

(i) Service of Documents by Electronic Means.

(1) The "Notice of Electronic Filing" that is automatically generated by the Court's Electronic Filing System, except as provided below, constitutes service of the filed document on Filing Users. Parties who are not Filing Users must be served with a copy of any pleading or other document filed electronically, together with the Notice of Electronic Filing, by an alternate method in accordance with the Federal Rules of Civil Procedure and these Rules.

(2) In the absence of electronic filing, service of any sealed document by an alternate method, in accordance with the Federal Rules of Civil Procedure and these Rules, is required.

(3) A non-Filing User must include a certificate of service with all documents that are served that identifies the date and manner of service upon each party.

(4) In civil actions that include a non-Filing User, all Filing Users must include a certificate of service with all documents that are served that identifies the date and manner of service upon the non-Filing User. The certificate of service need not include parties served through the Court's electronic-filing system.

(j) Notice of Court Orders and Judgments. Immediately upon the entry of an order or judgment in an action assigned to the Electronic Filing System, the Clerk shall 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 Federal Rule of Civil Procedure 77(d). The Clerk must give notice in paper form to a person who has not consented to electronic service in accordance with the Federal Rules of Civil Procedure.

(k) Technical Failures. A Filing User whose filing is made untimely as the result of a technical failure and who is unable to make a timely filing by traditional means must seek appropriate relief from the Court.

(l) Public Access. Responsibility for redacting the personal identifiers set forth in Federal Rule of Civil Procedure 5.2(a) rests solely with counsel and the parties. The Clerk will not review documents for compliance with this Rule.

(m) Hyperlinks.

(1) Electronically filed documents may contain the following types of hyperlinks:

(i) Hyperlinks to other portions of the same document and/or, where possible, other documents within the CM/ECF system; and

(ii) Hyperlinks to a location on the Internet that contains a source document for a citation.

(2) Hyperlinks to cited authority do not replace standard citation format. Complete citations must be included in the text of the filed document.

(3) Neither a hyperlink to a location on the Internet (other than documents within the CM/ECF system), nor any site to which it refers, is part of the record. Hyperlinks are simply convenient mechanisms for accessing material cited in a filed document. The citation to such hyperlinks shall be followed by the date the hyperlink was last accessed. If a party wishes to make the content of an Internet site a part of the record, it should use an appropriate method to capture the content and attach the content as an exhibit or attachment to the document being filed. Admissibility of such content is governed by the Federal Rules of Evidence.

Rule 6.1. Time Limits

(a) **Legal Holidays.** As used in Federal Rules of Civil Procedure 6(a) and 77(c) "legal holiday" includes, in addition to the days set forth in those Rules, any other day on which both divisions of the District Court of the Virgin Islands are closed.

(b) **Time Periods.** The following time periods for filing motions, responses and replies shall apply:

(1) **Deadline for filing motions.**

(i) **Motions filed pursuant to Federal Rules of Civil Procedure 12 and 56.** Motions filed pursuant to Rules 12 and 56 shall be filed within the deadlines set by the Federal Rules of Civil Procedure or as set forth by Court Order for the particular case.

(ii) **Motions for Reconsideration under Local Rule 7.3.** Motions for reconsideration shall be filed within 14 days after the entry of the applicable order or decision unless the time is extended by the Court. Extension will only be granted for good cause shown.

(iii) **Motions in Limine.** All motions in limine shall be filed no later than 28 days before the day scheduled for jury selection, or at such time as the Court may direct, absent good cause shown in a timely written motion to file out of time.

(2) **Deadline for Responses and Replies.** Except as provided in LRCi 6.1(b)(3) or otherwise provided by order of Court, a party shall file a response within 14 days after service of a motion. A party shall file a reply, if any, within seven days after service of the response. The Court may specify a shorter period of time or, on motion, grant additional time.

(3) **Exceptions to Deadlines for Responses and Replies**

(i) **Motions filed pursuant to Federal Rule of Civil Procedure 12.** A party responding to a Rule 12 motion shall file the response (and other supporting documents as appropriate) within 21 days of the filing of the motion; any reply shall be filed within 14 days of the filing of a response.

(ii) **Motions for summary judgment filed pursuant to Federal Rule of Civil Procedure 56.** A party responding to a Rule 56 motion may file a response, affidavits, and other supporting documents within 21 days of the filing of the motion; any reply shall be filed within 14 days of the filing of a response.

(iii) **Motions for reconsideration under Local Rule 7.3**. A party responding to a motion for reconsideration may file a response within 14 days after service of the motion. Any reply shall be filed within seven days of the filing of a response.

(iv) **Motions in Limine.** A party responding to a motion in limine shall file a response within seven days of the filing of the motion; any reply shall be filed within seven days of the filing of the response.

(4) Nothing herein shall prohibit the Court from ruling without a response or reply when deemed appropriate.

(5) No party may amend the deadlines for the filing of answers, motions, or responses thereto if the Court has issued an order setting such deadlines. In the absence of such an order, and except in the case of motions *in limine*, a party may seek an extension from the other party of the deadline otherwise prescribed in this Rule. When a party requests an extension of time from the other party, the parties shall first make a good faith effort to negotiate a reasonable extension which shall not exceed 30 days from the deadline otherwise prescribed in this Rule. Only one such extension for the motion, response, or reply in question is permitted. The party seeking the extension must file notice of any such negotiated extension before the filing date prescribed in this Rule. If the parties cannot agree, the party seeking an extension may apply to the Court. If the Court grants the application, the parties may not thereafter alter the deadlines set by the Court without leave of the Court.

III.

Pleadings and Motions

Rule 7.1. Motions
Rule 7.3. Motions for Reconsideration
Rule 8.1. Lis Pendens
Rule 9.1. Social Security Number in Social Security Cases
Rule 11.1. Citation of Authority
Rule 11.2. Violations of Local Rules
Rule 15.1. Form of a Motion to Amend and its Supporting Documentation
Rule 16.1. Pretrial Procedure
Appendix I to Rule 16.1

Concluding Certification

Rule 7.1. Motions

(a) Motion, Response and Reply. Except as otherwise expressly provided in these Rules with respect to particular types of motions, only a **motion**, a **response**, a **reply**, **supporting documents** to the foregoing, and a **proposed draft order** may be filed with the Court. Any further response or reply may be made only by leave of Court obtained before filing.

(1) Motion. A motion shall include a statement of the relief requested, any relevant factual or procedural background, and the argument in support of the motion, with citation to relevant legal authority. No separate memorandum in support may be filed.

(2) Response. A response to a motion shall contain argument setting forth the party's position, including citation to relevant legal authority.

(3) Reply. A reply shall respond to the argument presented in the response and shall not raise new issues.

(4) Supporting Documents. Documents supporting allegations of fact not appearing of record that are relied upon in support of a motion, response or reply shall be filed as attachments to the document in which the allegation of fact appears or shall be filed as soon thereafter as they become available.

(5) Proposed Draft Order. All motions shall be accompanied by a draft order that sets forth **specifically** the relief requested**.** In the case of a request that extends any deadline, the draft order shall set forth the actual date of the new deadline rather than stating that the existing deadline is extended by a certain number of days.

(b) Page/Word Limit.

(1) Except for exhibits and other supporting documentation, no motion, response, or reply filed with the Court shall exceed the greater of 20 pages or 6,000 words without leave of Court, sought at least two days prior to the filing of the document. The page/word limitation applies only to the substantive portions of the filing and therefore does not include, for example, the case caption, signature block and the certificate of service (if required) or consultation. The format for filing documents must comply with the requirements set forth in Local Rule 5.1 regarding margins and font size.

(2) Any motion, response, or reply filed with the Court that exceeds 20 substantive pages must include a certificate by the attorney, or an unrepresented party, that the document complies with the type-volume limitation of LRCi 7.1(b)(1). The person preparing the certificate may rely on the word count of the word-processing system used to prepare the document. The certificate must state the number of words in the document inclusive of headings, footnotes, and quotations.

(3) If the Court grants a movant's motion to exceed the page or word limit, unless the Court orders otherwise, the respondent shall automatically receive an equal extension of the page or word limit for its response.

(c) Multiple Motions Prohibited. A party may file only one Rule 12(b)(2-6) motion, one Rule 56 motion, and one motion *in limine* without leave of Court. All issues that a party seeks to raise under the rule upon which the motion is based should be included in a single motion. The failure to include an issue in a motion filed under one rule does not preclude a party from raising the issue in a motion filed under a separate rule, unless the issue has been waived. If the Court treats a Rule 12(b)(6) or 12(c) motion as a motion for summary judgment pursuant to Rule 12(d), such motion shall not count as the party's one motion for summary judgment for the purposes of this rule.

(d) Request for Oral Argument. A request for oral argument shall be separately stated by the movant or respondent at the conclusion of the motion, response, or reply.

(e) Seeking consent to the relief sought in a non-dispositive motion. Unless exigent circumstances exist, all **non**-dispositive motions shall contain a representation that the movant sought consent from each party to the relief sought in the motion at least 24 hours prior to filing the motion, and that it has been either given or denied.

(f) Motions to continue. Unless there are exigent circumstances, prior to seeking a continuance of a **proceeding**, the movant shall consult the other parties and propose in the motion several alternative dates and times (if appropriate) that are agreeable to all parties.

(g) Post-Trial Motions. All post-trial motions that seek to affect a judgment, such as those filed pursuant to Federal Rules of Civil Procedure 50, 59, and 60, and Federal Rule of Criminal Procedure 29, shall **include** citations to the specific portions of the record upon which the proponent relies in support of the motion. Any necessary transcripts must be ordered promptly in order to facilitate the timely filing of the motion. By leave of Court, and for good cause shown, the record citations may be included in a subsequently filed supplement to the motion. Failure to comply with this Rule may result in the Court striking such deficient motions as non-compliant.

Rule 7.3. Motions for Reconsideration

(a) Grounds for a Motion for Reconsideration. A party may file a motion asking the Court to reconsider its order or decision. Such motion shall be filed in accordance with LRCi 6.1(b)(1)(ii). A motion to reconsider shall be based on:

(1) an intervening change in controlling law;

(2) the availability of new evidence, or;

(3) the need to correct clear error or prevent manifest injustice.

(b) Identification of Grounds for Motion for Reconsideration. A motion for reconsideration shall first state whether it is based upon LRCi 7.3(a)(1), (2) or (3) and shall

concisely identify, without argument, the relevant change in controlling law, the new evidence, or the clear error (as applicable). Any argument related to the motion shall be thereafter stated.

(c) Certification Requirement. A motion for reconsideration shall include the following certification by counsel: "I express a belief, based on a reasoned and studied professional judgment, that the grounds for reconsideration set forth above are present in this case."

(d) Application to *pro se* Litigants. *Pro se* litigants need only comply with subsections (a) and (b).

Rule 8.1. Lis Pendens

(a) Notification to Court. A party who has filed a *lis pendens* relating to an action pending in this Court shall promptly file a notice in the action that identifies

(1) the property(ies) against which the *lis pendens* has been filed or recorded;

(2) the jurisdiction and office in which the *lis pendens* has been filed or recorded; and

(3) the identifying information assigned to the *lis pendens* (*e.g.*, document number, recording book, etc.) by the office where the *lis pendens* is filed.

(b) Filing of Lis Pendens. The party shall attach a copy of the *lis pendens* to the notice.

Rule 9.1. Social Security Number in Social Security Cases

Any person seeking judicial review of a decision of the Secretary of Health and Human Services under Section 205(g) of the Social Security Act [42 U.S.C. § 405(g)] shall provide, on a separate paper attached to the complaint served on the Secretary of Health and Human Services, the social security number of the worker on whose wage record the application for benefits was filed. The person shall also state, in the complaint, that the social security number has been attached to the copy of the complaint served on the Secretary of Health and Human Services. Failure to provide a social security number to the Secretary of Health and Human Services will not be grounds for dismissal of the complaint.

Rule 11.1. Citation of Authority

By signing a motion, response, reply, or other document, an attorney certifies to the Court that: (a) the applicable law in this jurisdiction has been cited, including authority for and against the position being advocated by counsel; and (b) the applicable law in this jurisdiction has been presented before law from another jurisdiction is cited. Counsel must file with the document a copy of any foreign law relied upon therein.

Rule 11.2. Violations of Local Rules

In addition to sanctions under its inherent authority or other statute or rule, the Court may impose sanctions for violation of any Local Rule.

Rule 15.1. Form of a Motion to Amend and its Supporting Documentation

(a) Proposed Amendment Required. A party who moves to amend a pleading shall file the proposed amendment with the motion. Except as otherwise ordered by the Court, any amendment to a pleading, whether filed as a matter of course or upon a motion to amend, must reproduce the entire pleading as amended specifically delineating the changes or additions and may not incorporate any prior pleading by reference. A proffered amended pleading must note prominently on the first page the numbered amendment it represents; *i.e.*, 1st, 2nd, or 3rd amendment.

(b) Amendment as a Matter of Course. If a party is filing an amendment as a matter of course in response to a motion filed under Rule 12 of the Rules of Civil Procedure, the party shall:

(1) File a notice that it is amending the complaint as a matter of course in lieu of responding to the motion. The "redline" version of the amended complaint shall be filed as an attachment to this notice.

(2) File the amended complaint, with all exhibits, even if such exhibits were filed with the original complaint, as a separate docket entry.

Rule 16.1. Pretrial Procedure

(a) Initial Pretrial Memorandum. All parties shall conduct discovery expeditiously and diligently. No less than three business days prior to the initial scheduling conference held pursuant to Federal Rule of Civil Procedure 16, or at such time as the Court may direct, each party shall file with the Court a discovery memorandum which shall include, but need not be limited to, the following items:

(1) a brief statement of the facts underlying the claims or defenses in the action and of the legal issues in the case;

(2) a description of all discovery conducted by the party to date;

(3) a description of all discovery problems encountered to date, the efforts undertaken by the party to remedy these problems, and the party's suggested resolution of the problems;

(4) a description of the party's further discovery needs, including any special needs (e.g., videotape, telephone depositions, or problems with off island witnesses or documents, etc.);

(5) the party's estimate of the time needed to complete discovery;

(6) a statement regarding whether expert testimony will be necessary, and the party's anticipated schedule for retention of experts and submission of their reports;

(7) a statement regarding whether there should be any limitation placed upon use of any discovery device and, if so, the reason the limitation is sought;

(8) a description of any settlement efforts to date and whether early settlement efforts with a judicial officer or an early mediation might assist in an early resolution of the case; and

(9) any other information as the Court may direct.

(b) Joint Final Pretrial Order. The proposed Joint Final Pretrial Order shall be prepared through cooperation of counsel within the deadlines and in accordance with instructions given by the Court. After each counsel has submitted the respective portions of the proposed pretrial order to other counsel, plaintiff's counsel shall convene a conference, in person or by telephone, to attempt to reconcile any matters on which there is a disagreement. After diligent efforts to resolve such disagreements, all areas of agreement or disagreement shall be noted in the proposed Joint Final Pretrial Order. The proposed Order shall be a single document reflecting efforts of all counsel, signed by all counsel of record, and then filed by plaintiff's counsel for review and entry by the Court. The Court may enforce the provisions and requirements of the Joint Final Pretrial Order by sanctions against counsel or the parties.

Any amendments to the pleadings by consent, other than claims or defenses that are abandoned, must be clearly set forth in the section of the Joint Final Pretrial Order entitled "Amendments to the Pleadings." If a party wishes to amend the pleadings but the other party does not consent to same, the issue shall be raised under "Special Problems" and the party seeking the amendment shall file a motion to amend. Such motion shall address the grounds for the amendment and set forth the party's argument as to why an amendment should be permitted after the deadline for amending pleadings has passed. Amendments to the pleadings after the deadline are disfavored.

(c) Trial Briefs, Requests to Charge, Proposed Findings of Fact and Conclusions of Law. No later than seven days before the date set for trial or at such time and in such manner as the Court may direct:

(1) Each party must file a trial brief or memorandum with citations and authorities and arguments in support of the party's position on all disputed issues of law.

(2) In a jury case, each party must also file written requests for charge to the jury. Supplemental requests for charge may be submitted as permitted by the Court. All requests for charge must be plainly marked with the name and number of the case; shall contain citations of supporting authorities if any; shall designate the party submitting the same; and in the case of multiple requests by a party, shall be numbered in sequence.

(3) In a non-jury case, the litigants must file proposed Findings of Fact and Conclusions of Law.

IV.

Parties

Rule 23.1. Designation of "Class Action" in the Caption

In any case sought to be maintained as a class action, the complaint or other pleading asserting a class action shall include next to its caption, the legend "Class Action."

Rule 24.1. Procedure for Notification of Claim of Unconstitutionality

(a) In any action, suit, or proceeding in which the Territory or any agency, officer, or employee thereof is not a party, and in which the constitutionality of any statute of the Territory affecting the public interest is drawn into question, the party raising the constitutional issue shall notify the Court of the existence of the question both by checking the appropriate box on the Civil Cover Sheet and by stating on the pleading that alleges the unconstitutionality, immediately following the title of that pleading, "Claim of Unconstitutionality" or the equivalent.

(b) Failure to notify the Court as provided in subsection (a) is not a waiver of any constitutional right otherwise timely asserted.

V.

Depositions and Discovery

Rule 26.1. Document Production; Documents Not Filed
Rule 26.2. Participation Limits; Duplicative Disclosures
Rule 26.3. Expert Witness–Written Report; Video Taping
Rule 26.4. De Bene Esse Depositions
Rule 26.5. Timely Discovery
Rule 26.6. No Automatic Stay
Rule 30.1. Depositions
Rule 33.1. Interrogatories
Rule 34.1. Requests for Production of Documents
Rule 37.1. Pre-Filing Conference of Counsel
Rule 37.2. Motion Practice
Rule 37.3. Cooperation–Sanctions

Rule 26.1. Document Production; Documents Not Filed

(a) Notices when documents not filed. When Federal Rule of Civil Procedure 5(d) forbids filing documents or other material in connection with disclosures or discovery requests and responses, a party producing such material shall promptly file a notice setting forth the nature of the material and the date on which it was served. The Clerk of Court shall return any documents or other material that are filed in violation of Federal Rule of Civil Procedure 5(d).

(b) *Pro* se parties must file discovery requests. A party proceeding *pro se* shall file all discovery requests at the time of service.

Rule 26.2. Participation Limits; Duplicative Disclosures

(a) Depositions–Participation Limits. No more than one attorney for each party may question the deponent, except as provided by stipulation of the parties or upon order of the Court.

(b) Stipulations Concerning Required Disclosures. The parties may, by stipulation, extend the scope of disclosures under Federal Rule of Civil Procedure 26(a).

(c) Duty of Self-Executing Disclosure. In complying with their obligations under Federal Rule of Civil Procedure 26(a)(1)(A), parties shall provide reports or documents received from insurers that bear on reservation of rights or denial of coverage.

(d) Duplicative Disclosure. Duplicative disclosure is not required, and a statement that disclosure has already been made, and where it has been made, discharges the obligation imposed under Federal Rule of Civil Procedure 26.

Rule 26.3. Expert Witness–Written Report; Video Taping

(a) Testimony and the Expert's Written Report/Deposition. The testimony of an expert witness at trial shall be based upon the opinions advanced in the written report disclosed under Federal Rule of Civil Procedure 26(a)(2) and/or elicited during the examination of the expert in a deposition, if elicited by a party that has not proffered the expert. Experts shall not be permitted to testify on matters beyond the scope of the subjects and the opinions expressed in the referenced written report (or, if elicited at a deposition as set forth above).

(b) If the proffering party elicits additional opinions from the expert during the deposition, any non-proffering party does not, by asking follow-up questions at that time, waive the right to challenge those additional opinions as being beyond the scope, or the right to seek a further deposition.

(c) Video Taping of Expert Discovery. Absent good cause shown, if a trial date has been set at least 45 days in advance, and the testimony of an expert witness has not been video-taped, and the witness is unavailable for the trial, the parties will be required to proceed to trial.

(d) Payment for Expert Witness Deposition.

(1) Unless the parties have agreed to the contrary in writing, responsibility for compensating experts shall be according to Federal Rule of Civil Procedure 26(b)(4)(E). Unless otherwise provided by the Court, a proposed bill for the expert's charges must be provided to the party seeking discovery 20 days prior to the deposition. If the deposing party objects to the charges, prompt application shall be made to the Court to obtain a ruling on their reasonableness before the deposition.

(2) If an expert demands payment in advance of the deposition date, absent an agreement to the contrary, the party seeking discovery must advance or otherwise secure such sums.

(3) An expert's hourly rate for a deposition that exceeds the hourly rate for consulting with the party that retained the expert shall be presumptively unreasonable. Such a presumption is rebuttable.

Rule 26.4. De Bene Esse Depositions

(a) Without leave of Court. *De bene esse* depositions shall be taken within the discovery deadlines established in the action. A *de bene esse* deposition taken solely for the purpose of authenticating records may be taken after the discovery deadline without leave of Court if the deposition is taken more than 28 days before the date scheduled for the start of the trial (or trial

period, if applicable).

(b) With leave of Court. Except as provided in subsection (a) *de bene esse* depositions require leave of Court. A party seeking leave of Court to take a *de bene esse* deposition shall have the burden of establishing to the Court's satisfaction that leave should be granted. Factors the Court may consider in determining whether or not leave should be granted include, without limitation, the following:

(1) the importance of the witness' testimony to the movant's case;

(2) the effect of allowing the deposition on the other parties to the case, including upon their preparation for trial;

(3) the effect of allowing the deposition upon the administration of justice;

(4) whether the witness' lack of availability for trial was unexpected or known prior to the close of discovery; and

(5) whether the inability to compel the witness's testimony via subpoena was unexpected or known prior to the close of discovery.

(c) Expenses. In the interest of fairness, the Court may require the moving party to pay the expenses and fees of the non-moving party(ies).

(d) Offer of Testimony. A party who obtains leave of Court to take a *de bene esse* deposition may not offer live testimony from that witness in any part of its case; however, the moving party is not precluded from cross-examining the witness should another party offer live testimony from the witness.

Rule 26.5. Timely Discovery

The discovery deadline, whether fact or otherwise, is the date by which all responses to discovery shall be due according to the Federal Rules of Civil Procedure and by which all depositions shall be concluded. Counsel shall initiate discovery requests and notice depositions (including subpoenas/subpoenas *duces tecum* to non-parties) sufficiently in advance of the deadline to comply with this Rule. Discovery requests that call for responses or scheduled depositions after the discovery deadline will not be enforceable except by order of the Court for good cause shown. Unless otherwise ordered by the Court, motions to compel discovery must be filed within the discovery period.

Rule 26.6. No Automatic Stay

The filing of a motion under Federal Rule of Civil Procedure 12 does not automatically operate to stay discovery. Any party seeking a stay of discovery must apply to the Court for such relief.

Rule 30.1. Depositions

(a) Cooperation when scheduling. Parties shall cooperate in the scheduling of depositions. "Reasonable written notice" for the taking of a deposition as used in Federal Rule of Civil

Procedure 30(b)(1) shall be at least 14 days prior to the deposition of an individual and 21 days before the deposition of an organization under Federal Rule of Civil Procedure 30(b)(6).

(b) Timing of Conference Required for 30(b)(6) deposition. If a party wishes to take the deposition of an organization pursuant to Federal Rule of Civil Procedure 30(b)(6) it shall initiate and conduct the conference required by that rule regarding the matters for examination at least five days before service, but no later than two days after service, of the notice of deposition. The notice of 30(b)(6) deposition shall include a certification that this conference occurred or, if it did not occur, why it did not occur.

(c) Remote Depositions. A party may conduct a deposition via remote means and shall state its intention to do so in the notice of deposition. Any other party may opt to attend such a deposition in person. If a deposition is noticed for in-person attendance, any other party may elect to participate via remote means. The parties shall collaborate in the logistics to allow such remote or in-person participation.

(d) Identification of Witness When Court Reporter not Physically Present. A court reporter not physically present at a deposition must contemporaneously confirm the identity of the deponent on the record, according to a reasonable protocol agreed to by counsel.

(e) Filing of Depositions Prior to Trial. If a case is to proceed to trial, the depositions eligible for filing shall be filed at least three business days before the trial is to begin, unless otherwise directed by the Court. In that regard, a party taking the deposition shall be the custodian of the original deposition, and at its own initiative, or upon timely request by another party seeking to use the deposition, shall electronically file a copy of the original.

Rule 33.1. Interrogatories

(a) Electronic Copy Required. Interrogatories shall be provided to the answering party in an electronic format that facilitates the insertion of the answers after each interrogatory or subsection thereof. The answering party shall provide the original verified copy of the interrogatories and responses to the requesting party.

(b) Counting of Interrogatories.

(1) An interrogatory that introduces a line of inquiry that is separate and distinct from the inquiry made by the portion of the interrogatory that precedes it is considered a separate interrogatory.

(2) An interrogatory seeking the personal identification information of several people will normally serve as a single interrogatory as long as the information sought can be ascertained from sources (even if multiple sources must be consulted) readily available to the responding party (such as the respondent's employment records or records related to the specific incident that is the subject of the litigation).

Rule 34.1. Requests for Production of Documents

Requests for Production of Documents shall be provided to the answering party in an electronic format to facilitate the insertion of responses after each request.

Rule 37.1. Discovery-Related Motions—Pre-Filing Conference of Counsel

(a) Duty to Confer. Prior to filing any motion relating to discovery pursuant to Federal Rules of Civil Procedure 26-37, counsel for the parties shall confer in a good faith effort to eliminate the necessity for the motion or to eliminate as many of the disputes as possible. Such conference shall include oral communication. It shall be the responsibility of counsel for the moving party to arrange for this conference.

(b) Deadline for Completion. Unless otherwise provided by stipulation or by written order of the Court, the conference of counsel shall be completed within 15 calendar days after the moving party serves a written communication requesting such conference. The moving party's letter shall identify each issue and/or discovery request in dispute, state briefly with respect to each the moving party's position, providing any legal authority, and specify the terms of the discovery order to be sought.

(c) Informal Conference with Magistrate Judge. In the event counsel are unable to resolve the areas of dispute, a joint request shall be made for an informal conference with the Magistrate Judge. The joint request should be submitted in email format to the Chambers email address for the Magistrate Judge. It should *briefly* identify the issues that are in dispute without citation to legal authority. The purpose of the paragraph is to explain the general nature of the dispute rather than to brief the issues as one would do in a motion to compel. If a joint request cannot be made, the party requesting the conference should explain why the request could not be submitted jointly. Counsel are expected to come to the informal conference prepared and with the authority to resolve the disputes.

Rule 37.2. Motion Practice

(a) Discovery Motions. Motion practice hereunder shall comply with LRCi 7.1 and 37.1, addressing only those issues in dispute and, with respect to each such issue, the contentions and authorities of the party. To the extent possible, the parties should not refer the Court to documents other than those to which they are responding. In particular, those discovery requests and responses, or parts thereof, to which objections are made should be set forth in the motion, response or reply.

(b) Certification of Counsel. Any motions filed shall be accompanied by a certification of the moving party as to compliance with this rule; alternatively, if there has not been compliance, the motion shall set forth the efforts made to comply and the reasons why there was no compliance. If counsel agree that meeting in person is not practicable, the conference may take place telephonically or by video conference, or similar technology. The moving party's certification shall contain the date, time, duration, and method of communication of the conference.

Rule 37.3. Cooperation–Sanctions

The failure of any counsel or party to comply with or cooperate in, or the abuse by counsel or party of, the foregoing procedures may result in the imposition of sanctions.

VI.

Trials

Rule 38.1. Notation of "Jury Demand" in the Pleading
Rule 39.1. Exhibits
Rule 41.1. Voluntary Dismissal of Action
Rule 43.1. Interpreters
Rule 47.1. Juror Contact

Rule 38.1. Notation of "Jury Demand" in the Pleading

If a party demands a jury trial by endorsing it on a pleading, a notation shall be placed on the front page of the pleading immediately following the title, stating "Demand For Jury Trial" or an equivalent statement. This notation will serve as a sufficient demand under Federal Rule of Civil Procedure 38(b). Failure to use this manner of noting the demand will not result in a waiver under Federal Rule of Civil Procedure 38(d).

Rule 39.1. Exhibits

(a) Trial Exhibits

i. All proposed exhibits shall be submitted in electronic form to the Clerk at least three business days in advance of the first day of trial.

ii. Each party shall provide the trial judge with trial exhibit binders containing hard copies of exhibits prior to jury selection or as directed by the presiding judge.

(b) Custody of Exhibits. Unless otherwise ordered by the Court, all exhibits received in evidence or offered and rejected during trial or any evidentiary hearing, unless delivered electronically as provided in LRCi 39.1(a), shall be delivered to the Clerk of Court through the courtroom deputy, who shall keep the same in custody until it is determined whether an appeal has been taken from a final judgment. In the event of an appeal, exhibits shall be retained by the Clerk until disposition of the appeal. The Clerk may permit United States Magistrate Judges, Official Court Reporters, and Chambers staff to have custody of exhibits when necessary to expedite the business of the Court. No persons other than United States Magistrate Judges, Official Court Reporters, and Chambers staff shall be permitted to remove exhibits from the Clerk's custody, except upon order of the Court in extreme circumstances.

(c) Sensitive Exhibits. Sensitive exhibits, after submission into evidence, shall remain in the custody of the proponent or the appropriate agency during the trial of the case and for any appeal period thereafter. Such evidence includes, without limitation, narcotics, weapons, currency, and any other evidence designated by the Court as sensitive.

(d) Return of Exhibits. Unless otherwise ordered by the Court, all exhibits in the custody of the Clerk shall be returned to the offering party upon the later of the following: (1) the expiration of the period within which an appeal must be filed, or (2) the completion of the appellate process. The Clerk shall notify the offering party in writing of the requirement to present him/herself to the Clerk's Office to claim such exhibits within thirty days of receipt of the Clerk's written request. Unclaimed exhibits may be destroyed or otherwise disposed of by

the Court.

Rule 43.1. Interpreters

With the exception of collateral criminal proceedings under 28 U.S.C. §§ 2254, 2255 and the like, the parties involved in civil litigation, in which there will be a need for an interpreter for an in-court proceeding, are responsible for retaining and submitting the name(s) and qualifications of qualified interpreters for approval by the Court at least six days before the interpreter's services are required.

Rule 47.1. Juror Contact

(a) No Contact Before Trial is Concluded. Before or during the trial of a case, no attorney, party, or witness shall directly or indirectly communicate with, or cause another to communicate with, any prospective or current member of the jury.

(b) Contact After Trial is Concluded. After the conclusion of a trial, no attorney, party, or witness shall directly or indirectly communicate with, or cause another to communicate with, any member of the jury without first receiving permission from the Court.

VII.

Judgment

Rule 54.1. Bills of Costs
Rule 55.1 Motions for Entry of Default and Default Judgment
Rule 56.1. Summary Judgment Motions

Rule 54.1. Bills of Costs

(a) Time for Filing. Within 14 days after the entry of a final judgment or a judgment allowing costs, the prevailing party shall serve on the adverse party and file with the Clerk of Court a Bill of Costs.

(b) Requirements for Bill of Costs. A Bill of Costs shall precisely set forth each item thereof, so that the nature of the charge can be readily understood, and shall be verified by the attorney for the applicant, stating that: (1) the items are correct, (2) the services were actually and necessarily performed, and (3) the disbursements were necessarily incurred in the action or proceeding. Counsel shall append to the verified Bill of Costs copies of all invoices in support of the request for each item.

(c) Waiver of Unsupported Costs. Upon failure of the prevailing party to comply with this Rule, all costs not properly supported shall be waived.

(d) Challenging a Bill of Costs. A party may seek review by the Court by motion served within seven days of the Clerk's action.

Rule 55.1. Motions for Entry of Default and Default Judgment

The following procedures govern the two-step process for obtaining a default judgment pursuant to Federal Rule of Civil Procedure 55(a):

(a) **Entry of Default.** To request the entry of default against a party, the movant must provide evidence by affidavit or declaration, along with appropriate documentation, of the following:

(1) Proof of proper service upon the party of a summons and complaint for affirmative relief;

(2) The party's failure to timely plead or otherwise respond to the complaint;

(3) In the case of an entity party, including a government or agency or branch thereof, that the person served qualifies as an officer, manager, agent, or otherwise is authorized by appointment or law to be served on behalf of the entity.

(4) If service is made pursuant to a state's law other than that of the United States Virgin Islands, the movant must provide a citation to and a copy of the applicable statute under which service was made.

(b) **Default Judgment**.

(1) A party moving for a default judgment (whether by the Clerk or by the Court) shall submit proof of compliance with the Servicemembers' Civil Relief Act (50 U.S.C. app. §§ 501 *et seq*.).

(2) A party seeking default judgment may move for default judgment under Rule 55(b) at any time after default has been entered.

Rule 56.1. Summary Judgment Motions

The following procedures govern motions for summary judgment filed pursuant to Federal Rule of Civil Procedure 56.

(a) **Documents Filed by Movant.** In addition to the documents authorized by LRCi 7.1, a party moving for summary judgment shall file a separate statement of the material facts about which the movant contends there is no genuine issue. Each fact shall be separately stated without argument and serially numbered. Each fact shall be supported by specific citation to the record. The movant shall affix to the statement copies of the precise portions of the record relied upon as evidence of each material fact. Statements of Material Fact shall be filed as a separate document (not an attachment) on the Court's Electronic Filing System, with evidentiary support filed as exhibits to the Statement of Material Facts.

(b) **Documents Filed by Respondent.** Any party adverse to a motion filed under this rule may file, in addition to the documents authorized by LRCi 7.1,

(1) a response to the movant's statement of material facts about which the movant contends there is no genuine issue.

(i) The respondent must address the facts upon which the movant has relied pursuant to subsection (a), using the corresponding serial numbering and respond to the fact with (i) the word "undisputed"; (ii) the phrase "undisputed for the purpose of ruling on the motion for summary judgment only"; or (iii) the word "disputed." If the fact is disputed the respondent shall affix to the response copies of, and cite to, the precise portions of the record relied upon as evidence of each disputed material fact. In addition to, or in lieu of, responding with either of the three above phrases, the respondent may also state "objection, inadmissible" and cite, without argument, the appropriate rule or court decision that supports the objection. Any explanation as to why the cited portion of the record is disputed or inadmissible and how it relates to the argument for or against summary judgment shall appear in the Respondent's response to the motion and not in the response to the movant's statement of material facts.

(ii) If the respondent believes the movant has incorporated more than one material fact in an individually numbered statement and it needs to respond to each such fact separately, it may break the statement into subparts (*e.g.* 5(a) and 5(b)) and respond as set forth above to each subpart. A response shall not incorporate by reference any other response.

(iii) The response to the movant's statement of material facts shall be filed as a separate document on the Court's Electronic Filing System, with evidentiary support filed as exhibits to same. It should be linked to the movant's statement of material facts.

(2) a concise statement of any additional facts, serially numbered, which the respondent contends are material to the motion for summary judgment and as to which the respondent contends demonstrates there is a genuine issue to be tried. The statement of additional facts shall be filed as a separate document on the Court's Electronic Filing System, with evidentiary support filed as exhibits to same.

(c) Reply by Movant. In addition to the documents authorized by LRCi 7.1, if a respondent has proffered a statement of additional facts as provided in subsection (b)(2), the moving party shall respond to these additional facts by filing a reply to the statement in the manner and form specified in subsection (b)(1). Any explanation as to why the cited portion of the record is disputed or inadmissible and how it relates to the argument for or against summary judgment shall appear in the Movant's reply to the response and not in the reply statement to the respondent's statement of additional material facts.

(d) Effect of Failure to Respond. Failure to respond to a movant's statement of material facts, or a respondent's statement of additional facts, as provided by these Rules may result in a finding that the asserted facts are not disputed for the purposes of summary judgment.

VIII.

Provisional and Final Remedies and Special Proceedings

Rule 67.1. Monies Paid into Court
Rule 67.2. Withdrawal of a Deposit Pursuant to Federal Rule of Civil Procedure 67
Rule 69.1. Garnishment of Wages

Rule 67.1. Monies Paid into Court

(a) Court Order Required. Unless authorized by statute, a Court order is required before the Clerk of the Court may accept or deposit money into the Registry of the Court.

(b) Funds to be Deposited into Registry. All moneys paid into the Court or received by an officer thereof, in any case pending or adjudicated in the Court, shall be forthwith deposited into the Registry of the Court. Any such money may, however, be paid to the rightful owner upon security, according to the agreement of the parties, pursuant to an order of the Court.

Rule 67.2. Withdrawal of a Deposit Pursuant to Federal Rule of Civil Procedure 67

(a) Withdrawal of Funds. No money deposited shall be withdrawn except by order of the Court. Any person seeking withdrawal of money that was deposited in an interest-bearing account or instrument as required by Federal Rule of Civil Procedure 67, shall file a motion seeking withdrawal of the funds and shall provide separately, under seal, a completed IRS Form W-9–Request for Taxpayer Identification Number and Certification for the ultimate recipient of the funds. The form shall be forwarded by the Court directly to the institution holding the money, along with the pertinent Court order disbursing the funds.

(b) Unclaimed Funds. In every case in which the right to withdraw money deposited in court has been adjudicated or is not in dispute and such money has remained so deposited for at least five years unclaimed by the person entitled thereto, the Court shall cause such money to be deposited into the Unclaimed Fund of the United States Treasury in the name and to the credit of the person to whom it is entitled. Any claimant entitled to any such money may, thereafter, on petition to the Court and upon notice to the United States Attorney and full proof of the right thereto, obtain an order directing the Court to pay such money.

Rule 69.1. Execution

(a) Generally. No attachment or execution shall be made on wages except as provided by Title 5 Virgin Islands Code, chapter 44, and this Rule.

(b) Order for Garnishment. A judgment creditor, upon application and filing an affidavit that contains a description of the judgment and its amount and states that execution has been returned unsatisfied, and after giving mailed notice to the employer-garnishee and the judgment debtor, may obtain an order for the garnishment of the wages of the judgment debtor.

(c) Motion to Vacate. An employer-garnishee or judgment debtor may move at any time to vacate a lien and continuing levy created pursuant to Title 5, Virgin Islands Code, Chapter 44. Upon receiving written notice of any court proceeding attaching the levy or the judgment on which it is based, the employer-garnishee shall make no further payments until receipt of an order of the Court terminating the proceedings.

(d) Duties of Judgment Creditor. The judgment creditor shall:

(1) file with the Clerk of Court every three months after serving the levy upon an employer-garnishee a receipt showing the amount received and the balance due under the levy as of the date of filing, and furnish copies thereof to the employer-garnishee and judgment debtor;

(2) file with the Clerk of Court written notice of the receipt of amounts from any other source that are credited against the judgment and furnish copies thereof to the employer-garnishee and judgment debtor.

(3) file a final receipt with the Court once the levy has been satisfied, and furnish a copy thereof to the employer-garnishee and judgment debtor; and,

(4) move to vacate the levy within 20 days after such levy has been satisfied.

(e) Failure of Judgment Creditor to Comply. If the judgment creditor fails to file any of the receipts prescribed by 5 V.I.C. § 524(a) or this Rule, any interested party may move the Court to compel the defaulting judgment creditor to appear in court and make an accounting forthwith.

(f) Discovery in Garnishment Proceedings. No discovery under Federal Rules of Civil Procedure 26 to 37 shall be conducted in a proceeding pursuant to this Rule without first obtaining an order of the Court, except that the following questions may be propounded to the employer-garnishee upon written interrogatory:

(1) Were you, at the time of receiving this interrogatory, the employer of the defendant?

(2) State the amount paid the defendant as wages in the most recent pay period.

IX.

Special Proceedings

Rule 71A.1. Proceedings to Re-determine Deficiency in Income Tax
Rule 72.1. Magistrate Judges–Authority in Pretrial Matters
Rule 72.2. Objections to Non-Dispositive Orders
Rule 72.3. Objections to Magistrate Judge's Proposed Findings, Recommendation or Report
Rule 72.4. Procedure for Objecting to a Magistrate Judge's Non-Dispositive Order, Proposed Findings, Recommendation or Report
Rule 73.1. Magistrate Judges–Consent
Rule 73.2. Magistrate Judges–Additional Duties

Rule 71A.1. Proceedings to Re-determine Deficiency in Income Tax

(a) Jurisdiction. The Revised Organic Act of the Virgin Islands, Pub. L. 83-517, Ch. 558, § 22 , 68 Stat. 497, 506, (July 22, 1954), codified to 48 U.S.C. § 1612(a), as amended, gives this Court exclusive jurisdiction over actions arising under the income tax laws of the Virgin Islands, being the Naval Services Appropriation Act of 1922, July 12, 1921, c. 44, §1, 42 Stat. 123, amended by Pub. L. No. 94-392, §5, 90 Stat. 1195, (Aug. 19, 1976), codified at 48 U.S.C. §1397, and sometimes referred to as the "Mirror Code." This rule applies to actions arising under the Mirror Code.

(b) Name of Respondent. The Mirror Code is administered and enforced by the Virgin

Islands Bureau of Internal Revenue. 33 V.I.C. §§ 680—683. Any proceeding based on an action of the Virgin Islands Bureau of Internal Revenue Code in administering or enforcing the Mirror Code shall be by petition naming the Director, Virgin Islands Bureau of Internal Revenue, as respondent.

(c) Incorporation of U.S. Tax Court Rules. To the extent consistent with the Mirror Code, the following rules of the United States Tax Court Rules of Practice and Procedure, as amended from time to time, shall apply.

Rule	*Subject*
34(a), (b), and (c)	Petition
36	Answer
37	Reply
91	Stipulations for Trial
122	Submission Without Trial
142	Burden of Proof
151	Briefs
155	Computation By Parties For Entry of Decision

Partnership Actions Under BBA Section 1101

Rule	*Subject*
255.1	General
255.2	Commencement of Partnership Action
255.4	Other Pleadings
255.6	Identification and Removal of Partnership Representative

(d) Rules of Construction. In applying any rule of the Tax Court incorporated by this rule: the word "Director" shall be substituted for "Commissioner;" and the words "District Court of the Virgin Islands" shall be substituted for "Tax Court." Any provision of the Tax Court rules incorporated by this rule (1) relating to service of a petition or other papers, (2) describing the number of copies of a paper or pleading to be filed, (3) relating to the place or manner of filing a petition, or (4) filing fees, shall not apply.

(e) Application of Other Tax Court Rules by Motion. For actions other than a petition for redetermination of income tax asserted in a notice of deficiency, notice of transferee liability, or a petition to challenge a final partnership adjustment, a party may propose by motion the use of particular rules of the United States Tax Court as in effect at the time of filing the petition which would have been applicable to the matter had it been filed in the United States Tax Court.

The order approving the use of such rules shall provide for a reasonable amount of time for the parties to amend their pleadings to conform with such rules. The Court may apply such rules *sua sponte* on notice to the parties.

(f) Special Rule for Small Tax Cases. For cases in which the amount in dispute under the Mirror Code is less than $50,000, the following Small Tax Cases rules of the Tax Court apply:

Tax Court Rule	*Subject*
170	General
171	Request for Small Tax Case Procedure
173(a)(1), (b), and (c)	Pleadings – Petition, Answer
174(b) and (c)	Conduct of Trial and Evidence; Briefs

Small Tax Cases shall be automatically referred to the Magistrate Judge for disposition under Federal Rule of Civil Procedure 73.

(g) Court as Tax Court for Proceedings Involving Partnership Notices Issued by VIBIR. A petition for readjustment to a notice of final partnership adjustment issued by the Virgin Islands Bureau of Internal Revenue shall be considered in the same manner as if it had been filed in the United States Tax Court for purposes of section 6234(a) of the Mirror Code.

Rule 72.1. Magistrate Judges–Authority in Pretrial Matters

The Magistrate Judges are hereby designated to hear and determine in all civil actions any pretrial matter permitted by 28 U.S.C. § 636 and Federal Rule of Civil Procedure 72.

Rule 72.2. Objections to Non-Dispositive Orders

(a) Procedure for Objecting. A party who objects to a Magistrate Judge's order concerning a non-dispositive matter shall file a notice of objection which shall specifically designate the order or part thereof objected to and the basis for the objection. The notice of objection shall include a transcript of that portion of the hearing before the Magistrate Judge wherein findings of fact were made.

(b) Objections do not Stay the Order. The filing of a notice of objection does not operate to stay the order pending a determination by the District Judge. A stay of a Magistrate Judge's order must be sought in the first instance from the Magistrate Judge whose order has been objected to, upon due notice to all interested parties.

Rule 72.3. Objections to Magistrate Judge's Proposed Findings, Recommendation or Report

Any party who objects to a Magistrate Judge's proposed findings, recommendations or report, shall file objections that specifically identify the portions of the proposed findings, recommendations, or report to which objection is made and the basis of such objection. Such party shall also file a transcript of the specific portions of any hearing to which objection is made.

Rule 72.4. Procedure for Objecting to a Magistrate Judge's Non-Dispositive Order, Proposed Findings, Recommendation or Report

The provisions of Rule 7.1 shall govern objections to a Magistrate Judge's non-dispositive order under Rule 72.2 and objections to a Magistrate Judge's proposed findings, recommendations, or report under Rule 72.3.

Rule 73.1. Magistrate Judges–Consent

(a) Authority. The Magistrate Judges are hereby designated to hear and determine in all civil actions any trial matter permitted by 28 U.S.C. § 636 and Federal Rule of Civil Procedure 73.

(b) Conducting Civil Trials by Consent of the Parties. A consent form signed by or on behalf of all parties shall be filed. Plaintiff shall be responsible for securing execution and filing of such consent form.

(c) Consent to Disposition of Dispositive Motion. Parties may consent to the disposition of a dispositive motion (or all dispositive motions) by the Magistrate Judge without consenting to having the Magistrate Judge conduct the trial. A consent form signed by or on behalf of all parties shall be filed promptly. The movant shall be responsible for securing execution and filing of such consent form. Where the parties have consented to the disposition of a dispositive motion by the Magistrate Judge, such disposition shall be treated for all purposes as if it were a disposition by the District Judge and is not reviewable by the District Judge.

Rule 73.2. Magistrate Judges–Additional Duties

The Magistrate Judges are hereby designated to perform such additional duties as are not inconsistent with the Constitution and laws of the United States, including but not limited to the following:

(a) Civil Penalty Collection. Conducting proceedings for the collection of civil penalties of not more than $200 assessed under the Federal Boat Safety Act of 1971, in accordance with 46 U.S.C. § 4311(d).

(b) Judgment Debtor Examinations. Conducting examinations of judgment debtors in accordance with Federal Rule of Civil Procedure 69.

(c) Review of Civil Commitment Petitions. Reviewing petitions in civil commitment proceedings under Title III of the Narcotic Addict Rehabilitation Act.

(d) Warrants. Issuing warrants or entering orders permitting entry into and inspection of premises, and/or seizure of property, in non-criminal proceedings, as authorized by law, when

properly requested by the IRS or other Governmental agencies.

(e) Maritime and Asset Forfeiture Actions. Issuing warrants or entering orders permitting or relating to arrest or attachment under the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions.

(f) Special Master. Serving as a special master in an appropriate civil action pursuant to 28 U.S.C. § 636(b)(2) and Federal Rule of Civil Procedure 53.

(g) Proceedings under 28 U.S.C. § 1782. Supervising proceedings conducted pursuant to 28 U.S.C. § 1782 with respect to foreign tribunals and litigants before such tribunals.

X.

District Courts and Clerks of the Courts

Rule 79.1. Books and Records of the Clerk of Court
Rule 80.1. Court Reporting Fees

Rule 79.1. Books and Records of the Clerk of Court

(a) The Clerk of Court shall:

(1) have custody of the seal of the Court and affix it when required;

(2) receive, deposit into the Registry of the Court, and disburse in accordance with law and the rules and orders of the Court, all fees and other moneys due to the Clerk or otherwise payable into the Court;

(3) ensure the custody of, and safely maintain and/or dispose of, all books, papers and records which may be filed and deposited in the Office of the Clerk of Court pursuant to law and the Guidelines issued by the Director of the Administrative Office of the United States Courts;

(4) supervise and direct the work of deputies and assistants, and act as the Chief Administrative Officer of the Court;

(5) attend in person, or by deputy, each session of the Court;

(6) issue all process and notices required to be issued;

(7) maintain the minutes of all sessions of the Court;

(8) maintain in each judicial division criminal, civil, admiralty, bankruptcy, probate, naturalization, and miscellaneous dockets in the form required by the Director of the Administrative Office of the United States Courts, and enter in the appropriate docket the title of each cause or proceeding initiated in the judicial division, and a memorandum of every subsequent proceeding therein, with the date thereof, and a record of all fees charged;

(9) maintain such other indices and records and make such reports as may be necessary in the performance of the duties of the Office of the Clerk and as may be required by law, the Federal Rules of Criminal Procedure, the Federal Rules of Civil

Procedure, the Admiralty Rules, the Bankruptcy Rules, these Rules, or by the Director of the Administrative Office of the United States Courts, and certify copies of the same whenever requested; and

(10) exercise such other powers and perform such other duties as may be assigned to the Clerk by the Court.

(b) The Clerk shall prepare a calendar for each session of the District Court in each judicial division which shall list the causes on the several dockets which are ready to be heard at that session in that division. Cases that become ready for hearing during the session may be added to the calendar.

Rule 80.1. Court Reporting Fees

A current schedule of transcript fees, as established by the Judicial Conference, is available on the Court's website and from the Official Court Reporters.

XI.

General Provisions

Rule 82.1. [Deleted and relocated]
Rule 83.1. Admission of Attorneys
Rule 83.2. Attorneys: Disciplinary Rules and Enforcement

Rule 82.1. [Deleted and relocated]

Rule 83.1. Admission of Attorneys

(a) **Scope of Admission.** The bar of the Court shall consist of those persons heretofore admitted to practice in the Court and those who may hereafter be admitted in accordance with

these rules. Notwithstanding the provisions of subsection (b), the following category of persons shall not be admitted: any attorney who has been suspended or disbarred, or who has resigned or withdrawn from the practice of law and has not been reinstated as a member of the bar of this Court.

(b) **Requirements.**

(1) **Regular.** Any attorney who is a member in good standing of the Virgin Islands Bar may by verified application and on motion of a member of the bar of the Court and upon taking the prescribed oath be admitted as a member of the bar of the Court.

(2) **Appearance Pro Hac Vice; Local Counsel.** Any attorney who is a member in good standing of the bar of any United States court or the highest court of a state, the District of Columbia or a commonwealth, territory, or possession of the United States may in the discretion of the Court, on motion, and upon taking the prescribed oath, be permitted to appear and participate in a particular case. If it has not been done prior to the granting of such motion, an appearance as counsel of record shall

be filed promptly by a member of the bar of the Court (Local Counsel) upon whom all notices, orders and pleadings may be served. An attorney admitted *pro hac vice* to the bar of the Court may file papers, enter appearances for parties, sign stipulations, or sign and receive payments on judgments, decrees, or orders. Documents filed by an attorney admitted *pro hac vice* shall also include the signature of Local Counsel. Filings by attorneys admitted *pro hac vice* are deemed to include a representation that the filer shared the document with and received approval for filing from Local Counsel. An attorney may be admitted *pro hac vice* in no more than a total of three (3) cases in any calendar year and may not be further admitted at any time if such attorney is then admitted *pro hac vice* in three (3) active cases regardless of when such admissions occurred. Admission *pro hac vice* is not a substitute for admission to the bar of the Court, but rather is intended to facilitate occasional appearances only. Notwithstanding a lawyer's *pro hac vice* status, such an attorney is within the disciplinary jurisdiction of the Court.

(c) Special Admission.

(1) An attorney may seek special admission to the bar of the Court, if, upon verified application, the Court determines that the applicant meets the qualifications of a regular admission except for having passed the Virgin Islands Bar examination; and

(i) the applicant is admitted to practice in the highest court of a state, the District of Columbia or a commonwealth, territory, or possession of the United States;

(ii) the applicant is otherwise professionally, morally, and ethically qualified for admission to the bar of the Court;

(iii) there is good cause for the admission of such person and the applicant's admission would be in the best interest of the Court; and

(iv) the applicant is either: an attorney representing the Government of the Virgin Islands, its branches, departments, agencies, and instrumentalities; an attorney representing a public interest group; or, an attorney representing a party on a pro bono basis.

(2) In every case, the burden shall be upon the person seeking admission pursuant to this Rule to establish to the satisfaction of the Court his or her qualifications for admission. An application must be supported by the applicant's declaration demonstrating his or her qualifications for admission. Additionally, the applicant must provide the Court current certificates of good standing bearing the original seal of the highest court from each jurisdiction to which he or she is admitted. A certificate of good standing from a bar association in and of itself is not sufficient for a Special Admission. An applicant for special admission must satisfy the same fitness requirements as any other applicant seeking permanent regular active admission to the bar of the Court. Good cause may be satisfied by demonstrating that *pro hac vice* admission has been exhausted or is inadequate. The Court may require the submission of such other information as might be deemed necessary to satisfy itself as to the attorney's fitness to practice specially before the Court.

(3) An admission issued pursuant to this Rule shall commence upon taking the prescribed oath, shall state its special nature, and shall terminate automatically when

the person fails to remain in good standing in each jurisdiction of admission. Special admission also may be terminated if the good cause upon which special admission was predicated no longer exists. While admitted under this Rule, a person shall be treated as a regular member of the bar of the Court with all responsibilities and privileges thereof.

(4) The special admission provided by this Rule shall expire after three (3) years, unless, for good cause shown, the Court extends that period.

(d) Adherence to Schedules; Sanctions. All members of the bar of the Court and those specially permitted to participate in a particular action shall strictly observe the dates fixed for scheduling conferences, motions, pretrial conferences, trials, or any other proceedings. Failure of counsel for any party, or of a party appearing pro se, to comply with this Rule may result in the imposition of sanctions, including the withdrawal of the permission granted under subsection (b)(2) of this Rule to participate in the particular action. All motions for continuance shall be made promptly.

(e) Appearance by Patent Attorneys. Any attorney who is a member in good standing of the bar of any United States court or the highest court of a state, the District of Columbia or a commonwealth, territory, or possession of the United States may be qualified for admission to the bar of this District, subject to the limitations hereinafter set forth, on motion of a member of the Court and upon taking the prescribed oath, provided such applicant has filed with the Clerk of Court a verified application for admission as an attorney of the Court establishing that the applicant:

(1) is a member in good standing of the bar of any United States court or admitted to practice in the highest court of a state, the District of Columbia or a commonwealth, territory, or possession of the United States for at least five (5) years;

(2) has been admitted to practice as an attorney before the United States Patent Office and is listed on its Register of attorneys;

(3) has been continuously engaged in the practice of patent law as a principal occupation in an established place of business and office located in the Territory of the Virgin Islands for at least two (2) years prior to date of application; and

(4) has sufficient qualifications both as to pre-legal and legal training to satisfy the Court. No member admitted under this subdivision shall designate himself or herself other than as a patent attorney or patent lawyer, and that person's admission to practice before the Court shall be limited to cases solely arising under patent laws of the United States or elsewhere. Failure to continue to maintain an established place of business or office within the Territory for the practice of patent law shall, upon proof thereof to the Court and after notice and an opportunity to be heard, justify the striking of such attorney's name from the roll of patent attorneys established under this Rule. In any litigation, any patent attorney admitted under this subdivision shall be associated of record with a member of the bar of the Court admitted under subsection (b)(1) of this Rule. Nothing herein contained shall preclude any patent attorney from being admitted under subsections (b)(1) to (3) of this Rule.

(f) Appearance by Attorneys for the United States. Any attorney who is a member in

good standing of the bar of any United States court or the highest court of a state, the District of Columbia or a commonwealth, territory, or possession of the United States may, upon taking the prescribed oath, practice before the Court in any proceeding in which he or she is representing the United States or any of its officers or agencies. If such attorney does not have an office in this district, he or she shall designate the United States Attorney to receive service of all notices or papers in that action. Service upon the United States Attorney or authorized designee shall constitute service upon a government attorney who does not have an office in this district.

(g) Appearance by Attorneys for the Government of the Virgin Islands. A member in good standing of the bar of any United States court or the highest court of a state, the District of Columbia or a commonwealth, territory, or possession of the United States may in the discretion of the Court and on motion by the Attorney General of the Virgin Islands or authorized designee, and upon taking the prescribed oath, be permitted to appear and participate in any proceeding in which he or she is representing the Government of the Virgin Islands or any of its officers or agencies.

(h) Appearance by Professional Law Corporations. The provisions of this Rule shall extend to duly created professional law corporations, authorized to be formed under the law of the jurisdiction to which the attorney employed by the corporation shall have been admitted to practice, to the same extent as they apply to partnerships and other unincorporated law firms. In every case in which such a professional law corporation participates, all appearances and papers shall be in the full name of the corporation, including such designations as "Chartered", "Professional Association," "P.C.," and the like, and shall be executed on its behalf by an individual attorney qualified under this Rule and employed by it as "Authorized Attorney." Both the corporate entity and its attorney employee shall be subject to all provisions of these Rules.

(i) Appearance by Supervised Law Students. With the Court's approval, an eligible law student may appear under supervision of an attorney on behalf of any client, including the United States, who has consented in writing.

(1) The attorney who supervises a student shall:

(i) be a member of the bar of the Court who maintains a bona fide office in this district;

(ii) personally assume professional responsibility for the student's work;

(iii) assist the student to the extent necessary;

(iv) appear with the student in all proceedings before the Court; and

(v) file a written agreement to supervise the student.

(2) In order to appear, the student shall:

(i) be enrolled in a law school approved by the American Bar Association;

(ii) have successfully completed legal studies amounting to at least two-thirds of the credits needed for graduation or the equivalent;

(iii) be certified by either the dean or a faculty member of that law school as qualified to provide the legal representation permitted by these Rules (This certification may be withdrawn by the person so certifying at any time by

mailing a notice to the Clerk of the Court, or upon termination by the Judge presiding in the case in which the student appears without notice or hearing and without a showing of cause. The loss of certification by action of a judge shall not be considered a reflection on the character or ability of the student.);

(iv) be introduced to the Court by an attorney admitted to practice in this District;

(v) neither ask for nor receive from the client represented any compensation or remuneration of any kind for services rendered; but this limitation shall not prevent an attorney, legal aid bureau, law school, public defender agency, a state, Territory, or the United States from paying compensation to the eligible law student, nor shall it prevent any agency from making proper charges for its services;

(vi) certify in writing that he or she is familiar and will comply with the Disciplinary Rules;

(vii) certify in writing that he or she is familiar with the federal procedural and evidentiary rules relevant to the action in which he or she is appearing.

(3) The law student, supervised in accordance with these Rules, may:

(i) appear as counsel in court or at other proceedings when the written consent of the client (or of the United States Attorney when the client is the United States) and the written agreement of the supervising attorney have been filed, and when the Court has approved the student's request to appear in the particular case to the extent that the Judge presiding at the hearing or trial permits;

(ii) prepare and sign motions, petitions, answers, briefs, and other documents in connection with any matter in which the student has met the conditions of (B) above; each such document shall also be signed by the supervising attorney.

(4) Forms for designating compliance with this Rule are available in the Clerk's Office. Completed forms shall be filed with the Clerk.

(5) Participation by students under this Rule shall not be deemed a violation in connection with the rules of admission to the bar of any jurisdiction concerning practice of law prior to admission to that bar.

(j) Appearance by Attorneys in Criminal Cases. The Court may suspend aspects of this Rule with respect to the appearance of attorneys in criminal cases.

(k) Procedure.

(1) Original Applications. Each applicant for admission or attorney seeking leave to appear and participate in any proceeding shall file an application on a form prescribed by the Court. The application shall be made available by the Clerk upon request. An application by an applicant for admission to the bar shall also be

accompanied by a motion filed by the applicant's sponsor, who shall be a member of the bar of the Court. The sponsor shall set forth sufficient grounds in the motion for admission to satisfy the Court that the sponsor has reason to know the applicant is qualified for admission. Each applicant for admission shall also pay an admission fee. The current admission fee schedule approved by the Court is posted at http://www.vid.uscourts.gov.

(2) **Renewal Applications.** Each member of the bar of the Court shall submit an application to renew his or her membership no later than February 4 of each calendar year, unless otherwise directed by the Court. The application shall be on a form prescribed by the Court. Notice shall be sent by the Clerk to each member of the bar of the Court at least thirty days prior to the date on which the application is due. An application for renewal shall also include the payment of the renewal fee set by the Court in its admission fee schedule. A timely renewal application shall be granted if the applicant meets all of the qualifications for admission to the bar of the Court and if he or she pays the renewal fee. Failure to submit a timely renewal application or to pay the renewal fee will cause the attorney's membership in the bar of the Court to be changed to inactive status.

(3) **Admission Fund.** The Clerk shall collect the admission fees outlined herein and maintain them in the manner set forth by the Court in the Plan for Administration and Operation of the Attorney's Admission Fee Account. Such funds are to be used for projects that the Court determines are for the benefit of the bench and bar in the administration of justice.

Rule 83.2. Attorneys: Disciplinary Rules and Enforcement

(a) Standards for Professional Conduct—Basis for Disciplinary Action.

(1) In order to maintain the effective administration of justice and the integrity of the Court, each attorney admitted or permitted to practice before this Court shall comply with the standards of professional conduct required by the Model Rules of Professional Conduct (the "Model Rules"), adopted by the American Bar Association, as amended. Attorneys who are admitted or permitted to practice before this Court are expected to be thoroughly familiar with the Model Rules' standards.

(2) Any attorney admitted or permitted to practice before this Court, after notice and an opportunity to be heard, may be disbarred, suspended from practice, reprimanded, or subjected to such other disciplinary action as the circumstances may warrant for misconduct.

(3) Acts or omissions by an attorney admitted or permitted to practice before this Court, individually or in concert with any other person or persons, which violate the Model Rules, shall constitute misconduct and shall be grounds for discipline, whether or

not the act or omission occurred in the course of an attorney-client relationship or in the course of judicial proceedings.

(b) Disciplinary Proceedings. When misconduct or allegations of misconduct which, if substantiated, would warrant discipline on the part of an attorney admitted or permitted to practice before this Court, shall come to the attention of a judicial officer of this Court, whether by complaint or otherwise, and the applicable procedure is not otherwise mandated by these Rules, the judicial officer shall inform the Chief Judge. Thereafter, the Chief Judge or the Chief Judge's designee shall refer the matter to a Magistrate Judge or a committee designated by the Chief Judge (Disciplinary Committee) for investigation and a report and recommendation. The Magistrate Judge or the Disciplinary Committee shall afford the attorney the opportunity to be heard. The attorney may submit objections to the report and recommendation. Any objections are to be filed with the Court within 14 days from the date of filing of the report and recommendation. The matter will then be submitted to the Court for final determination.

(c) Disciplinary Penalties.

(1) An order imposing discipline under this rule may consist of any of the following:

(iii) disbarment;

(iv) suspension;

(v) public or private reprimand;

(vi) monetary penalties, including an order to pay the costs of proceedings; or

(vii) if the attorney was admitted pro hac vice or has been otherwise permitted to appear, preclusion from, or the placement of conditions on, any further appearances before this Court.

(2) Any suspension or reprimand imposed may be subject to additional specified conditions, which may include continuing legal education requirements, counseling, supervision of practice, or any other condition which the Court deems appropriate.

(d) Powers of Individual Judges to Deal with Contempt or Other Misconduct Not Affected.

(1) The remedies for misconduct provided by this rule are in addition to the remedies available to individual judges under applicable law with respect to lawyers appearing before them. Misconduct of any attorney in the presence of a judge or in any manner with respect to any matter pending before the Court may be dealt with directly by the judge in charge of the matter or, at the judge's option, referred to the Chief Judge, or both.

(2) Nothing in this rule shall limit the Court's power to punish contempt or to sanction counsel in accordance with the federal rules of procedure or the Court's inherent authority to enforce its rules and orders.

(e) Notice of Disciplinary Action to Other Courts. The Clerk of Court shall give prompt notice of any order imposing discipline under this rule to the Court of Appeals for the Third Circuit, the Supreme Court of the Virgin Islands, and the American Bar Association.

(f) Confidentiality. Unless otherwise ordered by the Court, complaints, grievances, and

any files based on them, shall be treated as confidential.

(g) Disbarment or Suspension on Consent While Under Disciplinary Investigation or Prosecution.

(1) Affidavit of Consent. Any attorney admitted or permitted to practice before this Court who is the subject of an investigation into, or a pending proceeding involving, allegations of misconduct may consent to disbarment or suspension, but only by delivering to this Court an affidavit stating that the attorney desires to consent to disbarment or suspension and that:

(i) the attorney's consent is freely and voluntarily given; the attorney is not being subjected to coercion or duress; the attorney is fully aware of the implications of consenting;

(ii) the attorney is aware that there is a pending investigation or proceeding involving allegations that grounds exist for the attorney's discipline, the nature of which the attorney shall specifically set forth;

(iii) the attorney acknowledges that the material facts so alleged are true; and,

(iv) the attorney so consents because the attorney knows that if charges were predicated upon the matters under investigation, or if the proceedings were prosecuted, the attorney could not successfully defend against the charges.

(2) Order of Disbarment or Suspension on Consent. Upon receipt of the required affidavit, the Court may enter an order disbarring or suspending the attorney.

(3) Disclosure. The order disbarring or suspending the attorney on consent shall be a matter of public record. The affidavit required under the provisions of this rule shall not be publicly disclosed, however, or made available for use in any other proceeding except upon order of this Court.

(h) Disbarment or Resignation in Other Courts.

(1) Any attorney admitted to practice before this Court who is disbarred, disbarred on consent, or resigns from the bar of any Court while an investigation into allegations of misconduct is pending, shall be stricken from the roll of attorneys admitted to practice before this Court, upon the filing of a certified copy of the judgment or order of disbarment or accepting such disbarment on consent, or resignation.

(2) Any attorney admitted to practice before this Court, upon being disbarred, disbarred on consent, or resigning from the bar of any Court while an investigation into allegations of misconduct is pending, shall promptly inform the Clerk of the disbarment, disbarment on consent, or resignation.

(i) Attorneys Convicted.

(1) Felony Convictions.

(i) Conviction in this District. Upon the entry of judgment of a felony conviction against an attorney admitted or permitted to practice before this Court, the Clerk shall immediately notify the Chief Judge of the conviction. The Chief Judge or the Chief Judge's designee shall then immediately issue an order suspending

the attorney, regardless of the pendency of any appeal, until final disposition of a disciplinary proceeding as set forth in this Rule. A copy of such order shall be served upon the attorney.

(ii) Convictions in Other Courts. Upon the filing with this Court of a certified copy of a judgment of conviction demonstrating that any attorney admitted or permitted to practice before this Court has been convicted of a felony in any Court of the United States or of a state, the District of Columbia, the Commonwealth of Puerto Rico, the Territory of Guam, the Commonwealth of the Northern Mariana Islands, or the Virgin Islands of the United States, the Chief Judge or the Chief Judge's designee shall enter an order immediately suspending that attorney, regardless of the pendency of any appeal, until final disposition of a disciplinary proceeding to be commenced upon such conviction. A copy of such order shall be served upon the attorney.

(2) **Other Crimes.** Upon the filing of a certified copy of a judgment of conviction of an attorney for any crime, the Chief Judge may appoint a Disciplinary Committee for whatever action deemed warranted.

(3) **Certified Judgment as Conclusive Evidence.** A certified copy of a judgment of conviction of an attorney for any crime shall be conclusive evidence of the commission of that crime in any disciplinary proceeding instituted against that attorney based upon the conviction.

(4) **Reinstatement Upon Reversal of Conviction.** An attorney suspended under the provisions of this rule will be reinstated immediately upon the filing of a certificate demonstrating that the underlying conviction has been reversed, but the reinstatement will not terminate any disciplinary proceeding then pending against the attorney.

(j) Discipline Imposed by Other Courts.

(1) When it is shown to this Court that any member of its Bar has been suspended or disbarred from practice in any other court of record, or has been guilty of conduct unbecoming a member of the bar of this Court, the member will be subject to suspension or disbarment by this Court. The member shall be afforded an opportunity to show good cause, within such time as the Court shall prescribe, why the member should not be suspended or disbarred. Upon the member's response to the order to show cause, and after hearing, if requested or ordered by the Court, or upon expiration of the time prescribed for a response, if no response is made, the Court shall enter an appropriate order.

(2) Upon the filing of a certified copy of a judgment or order establishing that an attorney admitted or permitted to practice before this Court has been disciplined by any court of competent jurisdiction, this Court shall issue forthwith a notice directed to the attorney containing:

(i) a copy of the judgment or order from the issuing court; and

(ii) an order directing the attorney to show cause within thirty (30) days after service why disciplinary action should not be taken against the attorney.

(3) The Chief Judge may designate another judge or a Disciplinary Committee to investigate and submit a report and recommendation.

(k) Reinstatement.

(1) After Disbarment or Suspension. An attorney suspended or disbarred may not resume practice until reinstated by order of this Court.

(2) Hearing on Application. Petitions for reinstatement by an attorney who has been disbarred or suspended under this rule shall be filed with the Chief Judge of the Court who shall schedule the matter for consideration by the active district judges of this Court within thirty (30) days from receipt of the petition. In considering the petition for reinstatement, the active district judges shall enter the order they deem appropriate. In considering the petition for reinstatement, the Court may schedule a hearing.

(3) Burden of Proof. The petitioner shall have the burden of demonstrating by clear and convincing evidence that the petitioner has the moral qualifications, competency and learning in the law required for admission to practice before this Court and that resumption of the practice of law will not be detrimental to the integrity of the bar, the administration of justice, or undermine the public interest.

(4) Conditions of Reinstatement. If the petitioner is found unfit to resume the practice of law, the petition shall be dismissed. If the petitioner is found fit to resume the practice of law, the judgment shall reinstate the petitioner, provided that the judgment may make reinstatement conditional upon the payment of all or part of the costs of the proceedings and upon the making of partial or complete restitution to parties harmed by the petitioner whose conduct led to the suspension or disbarment. This list is not intended to be exhaustive.

(l) Duties of the Clerk of Court.

(1) Upon being informed that an attorney admitted or permitted to practice before this Court has been convicted of any crime, the Clerk shall determine whether the Clerk of Court in which such conviction occurred has forwarded a certificate of such conviction to this Court. If a certificate has not been forwarded, the Clerk shall promptly obtain a certificate and file it with this Court.

(2) Upon being informed that an attorney admitted or permitted to practice before this Court has been subjected to discipline by another court, the Clerk shall determine whether a certified or exemplified copy of the disciplinary judgment or order has been filed with this Court, and, if not, the Clerk shall promptly obtain a certified or exemplified copy of the disciplinary judgment or order and file it with this Court.

(3) Whenever it appears that any person who is convicted of any crime, disbarred, suspended, censured, disbarred on consent, or otherwise precluded from appearance and practice by this Court, is admitted to practice law in any other jurisdiction(s) or before any other court(s), the Clerk shall promptly transmit to the other court(s) a certificate of the conviction or a certified exemplified copy of the judgment or order of disbarment, suspension, censure, disbarment on consent, or order of preclusion, as well as the last known office and residence addresses of the defendant or attorney.

(4) The Clerk shall, likewise, promptly notify the National Discipline Data Bank operated by the American Bar Association of any order imposing public discipline upon any attorney admitted to practice before this Court.

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LOCAL RULES OF CIVIL PROCEDURE OF THE DISTRICT COURT OF THE VIRGIN ISLANDS

Effective ~~April 23, 2021~~ _____, 2026

I. Scope of Rules
II. Commencement of Action; Service of Process, Pleadings, Motions, and Orders
III. Pleadings and Motions
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IX. Special Proceedings
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I.

Scope of Rules

Rule 1.1. Scope of Rules
Rule 1.2. Availability of the Local Rules
Rule 1.3. Cameras and Personal Electronic Devices

Rule 1.1. Scope of Rules

(a) Title and Citation. These Rules shall be known as the Local Rules of Civil Procedure of the District Court of the Virgin Islands. They shall be cited as 'LRCi.'

(b) Scope of Rules. These Rules apply in all proceedings in civil actions. Rules 72.1 to 72.3 and 73.1 to 73.2 govern proceedings before Magistrate Judges.

(c) Effective Date. These Rules become effective on ~~April 23, 2021~~----------, 2026.

(d) Relationship to Prior Rules; Actions Pending on Effective Date. These Rules supersede all previous civil rules promulgated by this Court or any Judge of this Court. They govern all applicable proceedings brought in this Court after they take effect. They also apply to all proceedings pending at the time they take effect, except to the extent that in the opinion of the Court the application thereof would not be feasible or would work injustice, in which event the former rules govern.

(e) Rule of Construction. United States Code, Title 1, Sections 1 through 5, shall, as far as applicable, govern the construction of these Rules.

(f) Modification. The application of the Rules in any case or proceeding may be modified by the Court in the interests of justice.

Rule 1.2. Availability of the Local Rules

Copies of these Rules, as amended and with any appendices attached hereto, are available online at http://www.vid.uscourts.gov, or from the Clerk of Court's office for a reasonable charge.

Rule 1.3. Cameras and Personal Electronic Devices

(a) ~~The possession or use of cameras or~~ **Personal Electronic Devices**. Personal Electronic Devices are defined as follows:

(1) Cellular telephones, smart phones, any type of computer (including, but not limited to a laptop, handheld, notebook, or tablet), any analog or digital recorder, MP3 player, personal digital assistants, and any other device that is capable of receiving, transmitting, or recording messages, images, sounds, data, or other information by electronic means; and

(2) Cameras, regardless of whether they operate electronically, mechanically, or otherwise and regardless of whether images are recorded by using digital technology, film, light-sensitive plates, or any other means.

(b) General Prohibition.

(1) Except as provided in this Rule, no person may possess or use a Personal Electronic Device in the ~~United States~~Almeric L. Christian Federal Building and Courthouse or ~~anywhere that a~~ the Ron de Lugo Federal Building and Courthouse (collectively, "DVI Courthouses"). Personal Electronic Devices must be checked at the security screening station in order for a person possessing such a Device to gain access to the Courthouse.

(2) Unless otherwise permitted by these Rules, by the Court, or by the U.S. General Services Administration (with respect to tenants of the DVI Courthouses), under no circumstances shall any Personal Electronic Device be used to photograph, broadcast, or record (audio or video) anything from the DVI Courthouses, including visual images, or any judicial ~~officer is holding a~~ proceedings, grand jury proceedings, or any other court-related judicial proceeding, whether these judicial proceedings are held virtually, in open court, closed court, in the Chambers of a judge of this Court, or in any other space within the DVI Courthouses. Nor shall any Personal Electronic Device be used to take photographs of any kind in the DVI Courthouses. Nor shall an MP3 player or any equivalent device be used.

(c) Exceptions and Conditions.

(1) Anyone permitted to bring Personal Electronic Devices into the DVI Courthouses must ensure that such Devices are turned to silent mode prior to entry into the Courthouse and remain in silent mode until after exiting the Courthouses. Any device brought into a courtroom or Chambers shall be set so that no audible sounds (including computer prompts) are emitted.

(2) Anyone who brings Personal Electronic Devices into the DVI Courthouses pursuant to this Rule remains personally responsible for the use, or any misuse, of the Devices.

(3) All Personal Electronic Devices that may be possessed or used in the DVI Courthouses are subject to proper screening and security clearance upon entering the DVI Courthouses, as determined by the U.S. Marshal's Service and/or the Court Security Officers. Upon inquiry or request from the U.S. Marshal's Service or a Court Security Officer, attorneys attempting to bring Personal Electronic Devices into the DVI Courthouses are required to present photo identification and/or are subject to having their access verified by Chambers.

(4) Any individuals or entities not otherwise granted permission by this Rule to possess or use Personal Electronic Devices in the DVI Courthouse, and who desire to do so in connection with matters involving the District Court or the Third Circuit Library, must submit a written request to the Clerk's Office at least two business days prior to the requested date. The request must include the name of the individual seeking to bring the Personal Electronic Device(s) into the DVI Courthouse; the particular Device(s) that the person seeks to bring; the purpose for bringing in the Device(s); and the date(s) for which permission is ~~governed by General~~ sought.

(5) Attorneys and Pro Se Litigants

(i) Attorneys admitted to practice before the District Court may bring Personal Electronic Devices into the DVI Courthouses. Attorneys may not share their Personal Electronic Devices with any other person, except a member of the attorney's staff assisting with the matter, without Court approval.

(ii) Attorneys wishing to use their Personal Electronic Devices in the courtroom or in a judge's Chambers must receive the permission of the judge presiding over the proceedings. If permission is granted, the judge retains the discretion to withdraw such permission for any or all attorneys at any time during the proceedings and for any reason.

(iii) Cellular telephone calls may be made or received only in attorney conference rooms or other public areas. For the avoidance of doubt, cellular telephones may not be used to make or receive telephone calls in the courtroom, Chambers, or the Third Circuit Library without Court approval.

(iv) Personal Electronic Devices may be used to send and receive text messages, e-mails, or to otherwise communicate electronically within the DVI Courthouses, including the Courtrooms or Chambers, unless the judge presiding over the proceeding directs otherwise.

~~**(i)**~~**(v)** Pro se litigants must file a motion seeking permission to bring any Personal Electronic Devices into the DVI Courthouses, courtrooms, or Chambers. The motion must include the name of the individual seeking to bring the Personal Electronic Device(s) into the DVI Courthouse; the particular Device(s) which the person seeks to bring; and the purpose for bringing in the Device(s). The rules applicable to Attorneys shall apply to any pro se litigant granted permission to bring a Personal Electronic Device into the DVI Courthouses

unless the Order ~~of the Court, which is available on the Court's website and in the office of the Clerk of Court~~granting permission imposes more restrictive conditions.

(6) Use of Personal Electronic Devices in the Third Circuit Library. Attorneys admitted to practice before the District Court may use Personal Electronic Devices in the Third Circuit Library for the purpose of electronically scanning documents.

(7) Sanctions.

(i) Any violation of this Rule may result in sanctions, including but not limited to a monetary fine, a finding of contempt of court, and the forfeiture of the privileges granted by this Rule.

(ii) The Chief Judge may modify or suspend the privileges granted by this Rule at any time for any reason.

II.

Commencement of Action; Service of Process, Pleadings, Motions, and Orders

Rule 3.1. Civil Cover Sheet
Rule 3.2. Alternative Dispute Resolution
Rule 5.1. General Format of Papers Presented for Filing ~~Rule 5.2. Appearances; Withdrawal as Counsel~~
Rule 5.2. Appearances; Withdrawal as Counsel
Rule 5.3. ~~Court Service Through Clerk's Office Boxes [Deleted]~~ Electronic Signatures
Rule 5.4. Electronic Filing
Rule 6.1. Time Limits

Rule 3.1. Civil Cover Sheet

(a) **Civil Cover Sheet Required.** Every complaint or other document initiating a civil action shall be accompanied by a completed civil cover sheet on a form available at the Court's website. This requirement is solely for administrative purposes, and information appearing only on the civil cover sheet has no legal effect in the action.

(b) **Failure to File Civil Cover Sheet.** If the complaint or other document is filed without a completed civil cover sheet, the Clerk of Court shall promptly give notice of the omission to the party filing the document and direct the party to file the missing documentation. Should the outstanding civil cover sheet not be filed within three days, the Court may dismiss the action.

(c) Persons filing civil cases *pro se* are exempt from the foregoing requirements.

Rule 3.2. Alternative Dispute Resolution

Alternative dispute resolution (ADR) refers to a number of processes that can be used to resolve a dispute. Common forms of ADR include mediation, settlement conference, arbitration, early neutral evaluation and summary or mini trial. These processes are alternatives to having a judge or jury decide the dispute in a trial. While the procedures for mediation are set forth herein, the Court may adopt detailed procedures for other forms of ADR in the future.

Procedures for mediation:

(a) Mediation Defined. Mediation is 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.

(b) Referral to Mediation. Except as hereinafter provided, the Court may order any contested civil matter or selected issue to be referred to mediation.

(c) Mediation Conferences. Mediation conferences shall take place on a date, and at a time and location, agreed to by the parties and the mediator, unless otherwise ordered by the Court.

(d) Exclusions from Mediation. The following actions shall not be referred to mediation:

(1) Criminal actions;

(2) Forfeitures of seized property; or

(3) Habeas corpus and extraordinary writ.

(e) Grounds for Dispensing with Mediation. A party may move 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) the parties agree to an alternative method of dispute resolution; or

(4) other good cause is shown.

(f) Mediator Qualifications. Any person of legal age who, in the opinion of the parties, is deemed qualified by training or experience to mediate all or some of the issues in the particular case may act as a mediator.

(g) Court Assistance in Selecting a Mediator. If the parties cannot agree upon a mediator, they shall jointly so notify the Court, which shall work with the parties in a manner determined by the Court to identify a mediator.

(h) Mediator Compensation. The mediator shall be compensated by the parties.

(i) Mediators' Duties, Generally. Mediators have a duty to define and describe the process of mediation and its costs at the first mediation conference. The mediator may meet and consult with the parties or their counsel, individually or collectively, on any issue pertaining to the subject matter of the mediation.

(j) Mediator Disqualification. Mediators have a duty to disclose any fact that would be grounds for disqualification. Mediators have a duty to be impartial and to advise all parties of any circumstances suggesting possible bias, prejudice, or lack of impartiality. Persons selected as mediators shall be disqualified for bias, prejudice, or partiality, as provided by Title 28 U.S.C. Section 144, and shall disqualify themselves in any action in which they would be required under Title 28 U.S.C. Section 455 to disqualify themselves if they were a judge. Any party may move the Court to enter an order disqualifying a mediator for good cause.

(k) Mediator Immunity. Mediators acting pursuant to these rules shall have judicial immunity in the same manner and to the same extent as a judge.

(l) Required Appearances at Mediation. Each party involved in a mediation conference must attend each mediation conference with full authority to settle without further consultation. If a party to a mediation is a public entity, that party shall be deemed to ~~appear at~~attend a mediation conference ~~by the physical presence of~~if 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 attends.

~~(l)~~ The following persons must attend a mediation conference: ~~Otherwise, unless stipulated by the parties, a party is deemed to appear at a mediation conference if the following persons are physically present:~~

(1) Each party or its representative (other than appearing counsel) having full authority to settle without further consultation; ~~and,~~

(2) A representative of any insurance carrier controlling defense and/or settlement of the case; and,

~~(2)~~**(3)** Counsel, if any, to each party.

~~By agreement between all parties and the mediator, any of the above-named individuals may appear by telephone or video-conference.~~

(m) Attendance Defined. Insurance representatives may attend a mediation conference via telephone or video-conference. All other individuals attending a mediation conference must be physically present unless all parties and the mediator have agreed, or the Court orders, that an individual(s), may appear by telephone or video-conference. 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.

(n) Confidentiality. All communications made during a mediation proceeding are presumptively confidential and privileged. Parties, counsel, and the mediator shall not disclose any such communications to anyone not participating in the mediation, including the Court, unless all parties consent to waive the privilege or as otherwise ordered by the Court.

(o) Discovery may continue throughout mediation. Such discovery may be delayed or

deferred by order of the Court.

~~**(p)** Mediators may apply to the Court for interim or emergency relief at any time, at the initiation of the mediator after 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.~~

~~(q)~~**(p) Report to Court of Unsuccessful Mediation.** If the parties do not reach 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.

~~(r)~~**(q) Agreement Following Successful Mediation**. 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, court order, 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 recorded, and any transcript may be filed with the Court.

Rule 5.1. General Format of ~~Papers~~Documents Presented for Filing

(a) Format of Documents. All pleadings, motions, and other papers presented for filing shall be double-spaced, except for quoted material. Each page shall be numbered consecutively. All documents shall be prepared in an 8-½ x 11-inch format with, at minimum, one-inch margins on all sides (top, bottom, left, right) and shall be plainly typewritten or printed in at least 12-point font, on a white background, or prepared by a clearly legible duplication process. Footnotes shall be in at least 10-point font and may be single-spaced. All motions shall also comply with the limitations set forth in LRCi 7.1.

(b) Exceptions. This rule does not apply to:

(1) exhibits submitted for filing;

(2) documents filed in actions prior to removal from Superior Court; or

(3) *pro se* parties.

Rule 5.2. Appearances; Withdrawal as Counsel

(a) Appearances. The attorney for each party in any cause shall promptly file an appearance, giving the address where all notices and papers may be served upon the attorney. Only members of the Bar of this Court may appear as counsel in civil cases. Only individuals who are parties in civil cases may represent themselves. Other than in the case of an individual proceeding *pro se*, non-attorneys are not permitted to represent a party before this Court.

(1) An attorney appearing pro hac vice must file a written notice of appearance promptly upon being sworn in. An attorney who fails to comply with this requirement will not

be permitted to participate in a court proceeding.

(2) A regularly admitted attorney must file a notice of appearance in a case before electronically filing a document in the case.

(3) A regularly admitted attorney may participate in a court proceeding without filing a notice of appearance as long as at least one attorney from that attorney's office has filed a notice of appearance.

(4) An attorney substituting into a case must promptly file a notice of appearance.

(b) Withdrawal. No attorney may withdraw an appearance except (1) with leave of Court after notice to the attorney's client, or (2) as part of a formal substitution of new counsel for the withdrawing attorney. All motions for withdrawal as counsel shall include a verified statement as to contact with or attempts to contact the client concerning such withdrawal and proof of service upon, or an indication of efforts to serve, the client with the moving papers.

(1) Withdrawal of representation of an individual. Unless otherwise directed by the Court, when an attorney representing an individual moves to withdraw as counsel for the individual, the Court will set a hearing on a motion to withdraw at which the individual represented must personally appear. Any request to appear by video or teleconference, in lieu of personal appearance, must be made by motion at least three days before the hearing and will be granted only upon a showing of good cause. If no substitute counsel has appeared on the party's behalf prior to the hearing, the party must acknowledge on the record that he or she understands that it is his or her responsibility to perform all duties imposed upon counsel by these Rules and all other applicable Federal Rules of procedure in the event the party is proceeding *pro se*.

(2) Withdrawal of representation of an entity. Withdrawal from representation of an entity defendant shall not be permitted absent substitute counsel making an appearance on the party's behalf or leave of Court. A motion seeking leave of Court to withdraw shall:

(i) identify a current representative of the entity who has the authority to act for the entity;

~~**(ii)** the entity;~~

~~**(iii)**~~**(ii)** describe how that representative has been involved in communications relating to the litigation during the history of the litigation;

~~**(iv)**~~**(iii)** indicate whether the entity continues to do business;

~~**(v)**~~**(iv)** state whether the entity has terminated counsel or whether it is counsel's decision to withdraw; and

~~**(vi)**~~**(v)** provide such other information as may be relevant to assist in the Court's decision to allow counsel to withdraw.

The information required in 5.2(b)(2) may be submitted *in camera* to the extent necessary to protect attorney-client confidences or to avoid prejudicing the client's position in the litigation.

(3) Factors considered by the Court. In considering whether to allow an attorney to withdraw and leave an entity without counsel, the Court may consider:

(i) the conduct of both the client and counsel that led to the motion to withdraw;

(ii) whether such conduct is in good faith or for other purposes, such as delay;

(iii) the effect of the withdrawal upon the administration of justice and the other parties to the litigation;

(iv) whether counsel's ethical obligations preclude continued representation; and

(v) any other relevant factor.

If the Court allows counsel to withdraw without a substitute, the Court will take appropriate measures to ensure that the entity is aware that the failure to retain substitute counsel within a time certain could result in the striking of its pleadings, the entry of default and/or entry of an adverse judgment against the entity.

Rule 5.3. ~~Court Service Through Clerk's Office Boxes [Deleted]~~**Electronic Signatures**

Any document may be executed via an electronic signature in lieu of a handwritten signature. An electronic signature shall have the same force and effect as a manual signature when executed in compliance with this rule. For purposes of this rule, an "electronic signature" is one that is executed using a program or online service that provides secure signature verification.

Rule 5.4. Electronic Filing

(a) Scope of Electronic Filing.

(1) Except as provided by these Rules or by order of the Court, all cases are assigned to the Electronic Filing System. Unless otherwise provided by these Rules or by order of the Court, all pleadings and other documents required to be filed with the Court by a Filing User in connection with a case assigned to the Electronic Filing System must be electronically filed. All such materials shall be filed in accordance with these Rules and the District Court of the Virgin Islands Electronic Case Files User Manual located on the Court's website: http://vid.uscourts.gov.

(2) Payment must be made when documents that require payment are filed electronically. Payment can be made by check, credit card, debit card, money order or by other methods of payment authorized by the Clerk. If payment is not received by the close of business on the next working day after filing, the Court shall take necessary action which may include striking the document or dismissal of the matter.

~~**(3)** In a case assigned to the Electronic Filing System after it has been opened, parties who are Filing Users, or are represented by Filing Users, must promptly provide the Clerk with electronic copies of all documents previously provided in paper form on which they subsequently rely in electronically filed documents. All documents filed thereafter must be filed by Filing Users electronically except as provided in these Rules or as ordered by the Court.~~

~~(4)~~(3) In cases removed from the Superior Court of the Virgin Islands, the removing party must electronically file all removal documents required by 28 U.S.C. 1446. Prior to the initial conference required under Fed. R. Civ. P. Rule 16, the plaintiff in the removed case shall electronically file all documents that were filed in the Superior Court that were not filed by the removing party.

(b) Eligibility, Registration, Passwords.

(1) Anyone registering to use the Court's Electronic Filing System shall register to do so using the form prescribed by the Clerk of Court. Once the registration form is completed and verified by the Clerk's Office, the Filing User must obtain a PACER account. Once the PACER account has been established, the Filing User must request permission to electronically file at the District Court of the Virgin Islands via their respective PACER account. The Clerk's Office will then approve the Filing User to file with the Court using the filer's Central Sign-on account.

(2) If the Court permits, a party to a pending civil action who is eligible to proceed *pro se* may register as a Filing User in the Electronic Filing System solely for purposes of the action on a form prescribed by the Clerk and pursuant to the procedure outlined in LRCi 5.4(b)(1). If the party retains an attorney who appears on the party's behalf during the action, the attorney must advise the Clerk to terminate the party's registration as a Filing User upon the attorney's appearance.

(3) A *pro se* Filing User may withdraw from participation in the Electronic Filing System by providing the Clerk's Office with written notice of the withdrawal.

(4) The Court may terminate a *pro* se Filing User's electronic filing privileges under appropriate circumstances.

~~(4)~~(5) Registration as a Filing User constitutes consent to electronic service of all documents as provided in these Rules and in accordance with the Federal Rules of Civil Procedure.

(c) Consequences of Electronic Filing.

(1) Electronic transmission of a document to the Electronic Filing System consistent with these Rules, together with the transmission of a Notice of Electronic Filing from the Court, constitutes filing of the document for all purposes of the Federal Rules of Civil Procedure and these Rules, and constitutes entry of the document on the docket maintained by the Clerk under Federal Rule of Civil Procedure 79.

(2) Before filing a scanned document with the Court, a Filing User must verify its legibility.

(3) When a document has been filed electronically, the official record is the electronic document as stored by the Court, and the filing party is bound by that document. Except in the case of documents first filed in paper form and subsequently submitted electronically, a document filed electronically is deemed filed on the date and at the time stated on the Notice of Electronic Filing from the Court.

(4) Filing a document electronically does not alter the filing deadline for that document. Unless otherwise ordered by the Court, a filing must be completed before 11:59 p.m. Atlantic Standard Time in order to be considered timely filed that day.

(d) Entry of Court-Issued Documents. All orders, decrees, judgments, and proceedings of the Court shall be filed in accordance with these Rules. Such filing shall constitute entry on the docket maintained by the Clerk under Federal Rules of Civil Procedure 58 and 79. All signed orders shall be filed electronically by the Court or Court personnel. Any order or other Court-issued document filed electronically without the original signature of a Judge or Clerk has the same force and effect as if the Judge or Clerk had signed a paper copy of the order.

(1) Orders may also be issued as "text-only" entries on the docket, without an attached document. Such orders are official and binding.

(2) The Court may sign, seal, and issue a summons electronically, but a summons may not be served electronically unless the recipient of the summons has agreed to accept electronic service.

(3) A Filing User submitting a document electronically that requires a Judge's or Clerk's signature must promptly email the document in Word or RTF format to the Chambers email address for the Judge, or the general email address for the Clerk's Office, respectively.

(e) Attachments and Exhibits.

(1) Filing Users must submit in electronic form all documents referenced as exhibits or attachments for which a hyperlink is not available, unless the Court permits conventional filing.

(2) Each attachment or exhibit to a motion or response shall be filed as a separate subdocument to the main document that references the attachment or exhibit.

(3) A Filing User must submit as exhibits or attachments only those excerpts of the referenced documents that are directly germane to the matter under consideration by the Court. Excerpted material must be clearly and prominently identified as such. Filing Users who file excerpts of documents as exhibits or attachments under this Rule do so without prejudice to their right to timely file additional excerpts or the complete document.

(4) Responding parties may timely file additional excerpts or the complete document ~~that~~if they believe they are directly germane.

(5) A Filing User must provide the complete document from which excerpts are made to parties known not to have a copy or upon request.

(6) The Court may authorize or require parties to file additional excerpts or the complete document.

(f) Sealed Documents. Documents ordered to be placed under seal must be filed electronically, unless prohibited by law, as authorized by the Court. A motion to file documents under seal must be filed electronically unless prohibited by law. The order of the Court authorizing the filing of documents under seal must be filed electronically unless prohibited by law. If the sealed documents are filed conventionally, a paper copy of the order must be attached to the documents under seal and delivered to the Clerk. The following procedure for filing documents under seal must be followed:

(1) File a motion for leave to file a document under seal that sets forth the legal basis for

sealing and that generally describes the document(s) to be sealed. Do not include the proposed sealed documents as an attachment or exhibit to the motion.

(2) In a separate filing, use the "Sealed Document—Proposed" CM/ECF event to file the proposed sealed documents.

(3) Await the Court's Order on the motion for leave.

~~**(7)**~~**(4)** If the motion is granted file the documents under seal, using the Sealed Document CM/ECF event.

~~**(f)**~~**(g) Retention Requirements.** Documents (excluding depositions) that are electronically filed and require original signatures other than that of the Filing User must be maintained in paper form by the Filing User until five years after all time periods for appeals expire. ~~On~~ Upon request of the Court, the Filing User must provide original documents for review.

~~**(g)**~~**(h) Signatures.**

(1) Electronically filed documents must include the Filing User's name, address (including email address), telephone number, and the attorney's U.S. Virgin Islands bar registration number, if applicable. If an attorney is admitted *pro hac vice*, the electronically filed document must include this information for both local and *pro hac vice* counsel.

(2) Documents of non-Filing Users must be signed.

(3) Documents requiring signatures of more than one party must be electronically filed either by:

~~document; or~~

(i) submitting a scanned document containing all necessary signatures;

(ii) representing the consent of the other parties to affixing their signatures on the document; or

(iii) in any other manner approved by the Court.

(i) Service of Documents by Electronic Means.

(1) The "Notice of Electronic Filing" that is automatically generated by the Court's Electronic Filing System, except as provided below, constitutes service of the filed document on Filing Users. Parties who are not Filing Users must be served with a copy of any pleading or other document filed electronically, together with the Notice of Electronic Filing, by an alternate method in accordance with the Federal Rules of Civil Procedure and these Rules.

(2) In the absence of electronic filing, service of any sealed document by an alternate method, in accordance with the Federal Rules of Civil Procedure and these Rules, is required.

(3) A non-Filing User must include a certificate of service with all documents that are served that identifies the date and manner of service upon each party.

(4) In civil actions that include a non-Filing User, all Filing Users must include a certificate of service with all documents that are served that identifies the date and manner of service upon the non-Filing User. The certificate of service need not include parties served through the Court's electronic-filing system.

(j) Notice of Court Orders and Judgments. Immediately upon the entry of an order or judgment in an action assigned to the Electronic Filing System, the Clerk shall 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 Federal Rule of Civil Procedure 77(d). The Clerk must give notice in paper form to a person who has not consented to electronic service in accordance with the Federal Rules of Civil Procedure.

(k) Technical Failures. A Filing User whose filing is made untimely as the result of a technical failure and who is unable to make a timely filing by traditional means must seek appropriate relief from the Court.

(l) Public Access. Responsibility for redacting the personal identifiers set forth in Federal Rule of Civil Procedure 5.2(a) rests solely with counsel and the parties. The Clerk will not review documents for compliance with this Rule.

(m) Hyperlinks.

(1) Electronically filed documents may contain the following types of hyperlinks:

(i) Hyperlinks to other portions of the same document and/or, where possible, other documents within the CM/ECF system; and

(ii) Hyperlinks to a location on the Internet that contains a source document for a citation.

~~citation.~~

(2) Hyperlinks to cited authority do not replace standard citation format. Complete citations must be included in the text of the filed document.

(3) Neither a hyperlink to a location on the Internet (other than documents within the CM/ECF system), nor any site to which it refers, is part of the record. Hyperlinks are simply convenient mechanisms for accessing material cited in a filed document. The citation to such hyperlinks shall be followed by the date the hyperlink was last accessed. If a party wishes to make the content of an Internet site a part of the record, it should use an appropriate method to capture the content and attach the content as an exhibit or attachment to the document being filed. Admissibility of such content is governed by the Federal Rules of Evidence.

Rule 6.1. Time Limits

(a) Legal Holidays. As used in Federal Rules of Civil Procedure 6(a) and 77(c) "legal holiday" includes, in addition to the days set forth in those Rules, any other day on which both divisions of the District Court of the Virgin Islands are closed.

(b) Time Periods. The following time periods for filing motions, responses and replies shall apply:

(1) Deadline for filing motions.

~~**(i)**~~ **Motions filed pursuant to Federal ~~Rule~~Rules of Civil Procedure 12 ~~:~~** ~~any party responding to a motion submitted under this Rule may file a response (~~**and** ~~other supporting documents as appropriate) within 21 days of the filing of the motion; any reply shall be filed within 14 days of the filing of a response.~~

~~**(ii)**~~**(i)56.** Motions ~~**for summary judgment**~~ filed pursuant to Rules 12 and 56 shall be filed within the deadlines set by the Federal ~~**Rule**~~Rules of Civil Procedure ~~**56:** any party responding to a motion filed under this Rule may file a response, affidavits and other supporting documents within 21 days of the filing of the motion; any reply shall be filed within 14 days of the filing of a response~~or as set forth by Court Order for the particular case.

~~**(iii)**~~**(ii) Motions for Reconsideration under Local Rule 7.3.** Motions for reconsideration shall be filed within 14 days after the entry of the applicable order or decision unless the time is extended by the Court. ~~Extensionswill~~Extension will only be granted for good cause shown~~. Any response may be filed no later than 14 days after service of the motion. Any reply shall be filed within seven days of the filing of a response~~.

~~**(iv)**~~**(iii) Motions in Limine.** All motions in limine shall be filed no later than ~~21~~28 days before the day scheduled for jury selection, or at such time as the Court may direct, absent good cause shown in a timely written motion to file out of time.

~~**(1)**~~**(2) Deadline for Responses and Replies.** Except as provided in LRCi 6.1(b)(~~1) and (~~2~~3) or otherwise provided by order of Court, a party shall file a response within 14 days after service of ~~the~~a motion. A party shall file a reply, if any, within seven

days after service of the response. The Court may specify a shorter period of time or, on motion, grant additional time.

(3) Exceptions to Deadlines for Responses and Replies

(i) Motions filed pursuant to Federal Rule of Civil Procedure 12. A party responding to a Rule 12 motion shall file the response (and other supporting documents as appropriate) within 21 days of the filing of the motion; any reply shall be filed within 14 days of the filing of a response.

(ii) Motions for summary judgment filed pursuant to Federal Rule of Civil Procedure 56. A party responding to a Rule 56 motion may file a response, affidavits, and other supporting documents within 21 days of the filing of the motion; any reply shall be filed within 14 days of the filing of a response.

(iii) Motions for reconsideration under Local Rule 7.3. A party responding to a motion for reconsideration may file a response within 14 days after service of the motion. Any reply shall be filed within seven days of the filing of a response.

(iv) Motions in Limine. A party responding to a motion in limine shall file a response within seven days of the filing of the motion; any reply shall be filed within seven days of the filing of the response.

~~(2)~~**(4)** Nothing herein shall prohibit the Court from ruling without a response or reply when deemed appropriate.

~~(3)~~**(5)** No party may amend the deadlines for the filing of answers, motions, or responses thereto if the Court has issued an order setting such deadlines. In the absence of such an order, and except in the case of motions *in limine*, a party may seek an extension from the other party of the deadline otherwise prescribed in this Rule. When a party requests an extension of time from the other party, the parties shall first make a good faith effort to negotiate a reasonable extension which shall not exceed 30 days from the deadline otherwise prescribed in this Rule. Only one such extension for the motion, response, or reply in question is permitted. The party seeking the extension must file notice of any such negotiated extension before the filing date prescribed in this Rule. If the parties cannot agree, the party seeking an extension may apply to the Court. If the Court grants the application, the parties may not thereafter alter the deadlines set by the Court without leave of the Court.

III.

Pleadings and Motions

Rule 7.1. Motions
Rule 7.3. Motions for Reconsideration
Rule 8.1. Lis Pendens
Rule 9.1. Social Security Number in Social Security Cases
Rule 11.1. Citation of Authority ~~Rule 11.2. Violations of Local Rules~~

Rule 11.2. Violations of Local Rules
Rule 15.1. Form of a Motion to Amend and its Supporting Documentation ~~Rule 16.1. Pretrial Procedure~~
Rule 16.1. Pretrial Procedure
Appendix I to Rule 16.1
Concluding Certification

Rule 7.1. Motions

(a) Motion, Response and Reply. Except as otherwise expressly provided in these Rules with respect to particular types of motions, only a **motion** ~~with memorandum in support~~, a ~~memorandum in~~ **response**, a **reply** ~~memorandum, a proposed order, and~~ **, supporting documents** to the ~~motion or memorandum~~foregoing, and a **proposed draft order** may be filed with the Court. Any further response or reply may be made only by leave of Court obtained before filing.

(1) Motion. A motion shall include a statement of the relief requested, any relevant factual or procedural background, and the argument in support of the motion, with citation to relevant legal authority. No separate memorandum in support may be filed.

(2) Response. A response to a motion shall contain argument setting forth the party's position, including citation to relevant legal authority.

(3) Reply. A reply shall respond to the argument presented in the response and shall not raise new issues.

~~(1)~~**(4) Supporting Documents.** Documents supporting allegations of fact not appearing of record that are relied upon in support of a motion, response or reply shall be filed as attachments to the document in which the allegation of fact appears~~,~~ or shall be filed as soon thereafter as they become available.

~~**(a) Memoranda.**~~

~~**(1) Memorandum in Support of Motion.** Motions shall be filed separately from the memorandum in support of the motion; provided, however, that the motion and memorandum in support may be submitted as a single document if the combined document does not exceed five pages in length. The motion shall contain a brief statement of the relief requested. The memorandum shall contain the argument in support of the motion, including citation to relevant legal authority.~~

~~**(2) Memorandum in Response.** A response to a motion shall contain argument setting forth the party's position, including citation to relevant legal authority.~~

~~**(3) Reply Memorandum.** A reply shall respond to the arguments presented in the memorandum in response and shall not raise new issues that do not respond to the arguments.~~

~~**(b) Page Limit.** With the exception of exhibits and other supporting documentation, no document filed with the Court shall exceed 20 pages without leave of Court, sought at least two days prior to the filing of the document. The page limitation applies only to the substantive~~

~~portions of the filing and therefore does not include, for example, the case caption, signature block and the certificate of service or consultation.~~**~~Request for Oral Argument.~~** ~~A request for oral argument shall be separately stated by the movant or respondent at the conclusion of the motion or response.~~

~~(2)~~**(5) Proposed Draft ~~orders~~Order.** All motions shall be accompanied by a draft order that sets forth **specifically** the relief requested**.** In the case of a request ~~for the extension of~~that extends any deadline, the draft order shall set forth the actual date of the new deadline rather than stating that the existing deadline is extended by a certain number of days.

(b) Page/Word Limit.

(1) Except for exhibits and other supporting documentation, no motion, response, or reply filed with the Court shall exceed the greater of 20 pages or 6,000 words without leave of Court, sought at least two days prior to the filing of the document. The page/word limitation applies only to the substantive portions of the filing and therefore does not include, for example, the case caption, signature block and the certificate of service (if required) or consultation. The format for filing documents must comply with the requirements set forth in Local Rule 5.1 regarding margins and font size.

(2) Any motion, response, or reply filed with the Court that exceeds 20 substantive pages must include a certificate by the attorney, or an unrepresented party, that the document complies with the type-volume limitation of LRCi 7.1(b)(1). The person preparing the certificate may rely on the word count of the word-processing system used to prepare the document. The certificate must state the number of words in the document inclusive of headings, footnotes, and quotations.

(3) If the Court grants a movant's motion to exceed the page or word limit, unless the Court orders otherwise, the respondent shall automatically receive an equal extension of the page or word limit for its response.

(c) Multiple Motions Prohibited. A party may file only one Rule 12(b)(2-6) motion, one Rule 56 motion, and one motion *in limine* without leave of Court. All issues that a party seeks to raise under the rule upon which the motion is based should be included in a single motion. The failure to include an issue in a motion filed under one rule does not preclude a party from raising the issue in a motion filed under a separate rule, unless the issue has been waived. If the Court treats a Rule 12(b)(6) or 12(c) motion as a motion for summary judgment pursuant to Rule 12(d), such motion shall not count as the party's one motion for summary judgment for the purposes of this rule.

(d) Request for Oral Argument. A request for oral argument shall be separately stated by the movant or respondent at the conclusion of the motion, response, or reply.

~~(b)~~**(e) Seeking ~~concurrence~~consent to the relief sought in a non-dispositive motion.** Unless exigent circumstances exist, all ~~nondispositive~~**non**-dispositive motions shall contain a representation that the movant sought ~~concurrence in the motion~~consent from each party to the relief sought in the motion at least 24 hours prior to filing the motion, and that it has been either given or denied.

~~(c)~~**(f) Motions to continue.** Unless there are exigent circumstances, prior to seeking a continuance of a **proceeding**, the movant shall consult the other parties and propose in the motion several alternative dates and times (if appropriate) that are agreeable to all parties.

~~(d)~~**(g) Post-Trial Motions.** All post-trial motions that seek to affect a judgment, such as those filed pursuant to Federal Rules of Civil Procedure 50, 59, and 60, and Federal Rule of Criminal Procedure 29, shall **include** citations to the specific portions of the record upon which the proponent relies in support of the motion. Any necessary transcripts must be ordered promptly in order to facilitate the timely filing of the motion. By leave of Court, and for good cause shown, the record citations may be included in a subsequently filed supplement to the motion. Failure to comply with this Rule may result in the Court striking such deficient motions as non-compliant.

Rule 7.3. Motions for Reconsideration

(a) Grounds for a Motion for Reconsideration. A party may file a motion asking the Court to reconsider its order or decision. Such motion shall be filed in accordance with LRCi 6.1(b)(~~3~~1)(ii). A motion to reconsider shall be based on:

(1) an intervening change in controlling law;

(2) the availability of new evidence, or;

(3) the need to correct clear error or prevent manifest injustice.

(b) Identification of Grounds for Motion for Reconsideration. A motion for reconsideration shall first state whether it is based upon LRCi 7.3(a)(1), (2) or (3) and shall concisely identify, without argument, the relevant change in controlling law, the new evidence, or the clear error (as applicable). Any argument related to the motion shall be ~~included in the separate memorandum required under LRCi 7.1(c)(1).~~thereafter stated.

(c) Certification Requirement. A motion for reconsideration shall include the following certification by counsel: "I express a belief, based on a reasoned and studied professional judgment, that the grounds for reconsideration set forth above are present in this case."

(d) Application to *pro se* Litigants. *Pro se* litigants need only comply with subsections (a) and (b).

Rule 8.1. Lis Pendens

(a) Notification to Court. A party who has filed a *lis pendens* relating to an action pending in this Court shall promptly file a notice in the action that identifies

(1) the property(ies) against which the *lis pendens* has been filed or recorded;

(2) the jurisdiction and office in which the *lis pendens* has been filed or recorded; and

(3) the identifying information assigned to the *lis pendens* (*e.g.*, document number, recording book, etc.) by the office where the *lis pendens* is filed.

(b) Filing of Lis Pendens. The party shall attach a copy of the *lis pendens* to the notice.

Rule 9.1. Social Security Number in Social Security Cases

Any person seeking judicial review of a decision of the Secretary of Health and Human Services under Section 205(g) of the Social Security Act [42 U.S.C. § 405(g)] shall provide, on a separate paper attached to the complaint served on the Secretary of Health and Human Services, the social security number of the worker on whose wage record the application for benefits was filed. The person shall also state, in the complaint, that the social security number has been attached to the copy of the complaint served on the Secretary of Health and Human Services. Failure to provide a social security number to the Secretary of Health and Human Services will not be grounds for dismissal of the complaint.

Rule 11.1. Citation of Authority

By signing a motion, response, reply, or ~~supporting memorandum or brief~~other document, an attorney certifies to the Court that: (a) the applicable law in this jurisdiction has been cited, including authority for and against the position being advocated by counsel; and (b) the applicable law in this jurisdiction has been presented before law from another jurisdiction is cited. Counsel must file with the document a copy of any foreign law relied upon therein.

Rule 11.2. Violations of Local Rules

In addition to sanctions under its inherent authority or other statute or rule, the Court may impose sanctions for violation of any Local Rule.

Rule 15.1. Form of a Motion to Amend and its Supporting Documentation

(a) Proposed Amendment Required. A party who moves to amend a pleading shall file the proposed amendment with the motion. Except as otherwise ordered by the Court, any amendment to a pleading, whether filed as a matter of course or upon a motion to amend, must reproduce the entire pleading as amended specifically delineating the changes or additions and may not incorporate any prior pleading by reference. A proffered amended pleading must note prominently on the first page the numbered amendment it represents; *i.e.*, 1st, 2nd, or 3rd amendment.

(b) Amendment as a Matter of Course. If a party is filing an amendment as a matter of course in response to a motion filed under Rule 12 of the Rules of Civil Procedure, the party shall:

(1) File a notice that it is amending the complaint as a matter of course in lieu of responding to the motion. The "redline" version of the amended complaint shall be filed as an attachment to this notice.

(2) File the amended complaint, with all exhibits, even if such exhibits were filed with the original complaint, as a separate docket entry.

Rule 16.1. Pretrial Procedure

(a) ~~**Discovery**~~**Initial Pretrial Memorandum.** All parties shall conduct discovery expeditiously and diligently. No less than three business days prior to the initial scheduling conference held pursuant to Federal Rule of Civil Procedure 16, or at such time as the Court may direct, each party shall file with the Court a discovery memorandum which shall include, but need not be limited to, the following items:

(1) a brief statement of the facts underlying the claims or defenses in the action and of the legal issues in the case;

(2) a description of all discovery conducted by the party to date;

(3) a description of all discovery problems encountered to date, the efforts undertaken by the party to remedy these problems, and the party's suggested resolution of the problems;

(4) a description of the party's further discovery needs, including any special needs (e.g., videotape, telephone depositions, or problems with off island witnesses or documents, etc.);

(5) the party's estimate of the time needed to complete discovery;

(6) a statement regarding whether expert testimony will be necessary, and the party's anticipated schedule for retention of experts and submission of their reports;

(7) a statement regarding whether there should be any limitation placed upon use of any discovery device and, if so, the reason the limitation is sought; ~~and~~

(8) a description of any settlement efforts to date and whether early settlement efforts with a judicial officer or an early mediation might assist in an early resolution of the case; and

~~**(8)**~~**(9)** any other information as the Court may direct.

(b) **Joint Final Pretrial Order.** The proposed Joint Final Pretrial Order shall be prepared through cooperation of counsel within the deadlines and in accordance with instructions given by the Court. After each counsel has submitted the respective portions of the proposed pretrial order to other counsel, plaintiff's counsel shall convene a conference, in person or by telephone, to attempt to reconcile any matters on which there is a disagreement. After diligent efforts to resolve such disagreements, all areas of agreement or disagreement shall be noted in the proposed Joint Final Pretrial Order. The proposed Order shall be a single document reflecting efforts of all counsel, signed by all counsel of record, and then filed by plaintiff's counsel for review and entry by the Court. The Court may enforce the provisions and requirements of the Joint Final Pretrial Order by sanctions against counsel or the parties.

Any amendments to the pleadings by consent, other than claims or defenses that are abandoned, must be clearly set forth in the section of the Joint Final Pretrial Order entitled

"Amendments to the Pleadings." If a party wishes to amend the pleadings but the other party does not consent to same, the issue shall be raised under "Special Problems" and the party seeking the amendment shall file a motion to amend. Such motion shall address the grounds for the amendment and set forth the party's argument as to why an amendment should be permitted after the deadline for amending pleadings has passed. Amendments to the pleadings after the deadline are disfavored.

(c) Trial Briefs, Requests to Charge, Proposed Findings of Fact and Conclusions of Law. No later than seven days before the date set for trial or at such time and in such manner as the Court may direct:

(1) Each party must file a trial brief or memorandum with citations and authorities and arguments in support of the party's position on all disputed issues of law.

(2) In a jury case, each party must also file written requests for charge to the jury. Supplemental requests for charge may be submitted as permitted by the Court. All requests for charge must be plainly marked with the name and number of the case; shall contain citations of supporting authorities if any; shall designate the party submitting the same; and in the case of multiple requests by a party, shall be numbered in sequence.

(3) In a non-jury case, the litigants must file proposed Findings of Fact and Conclusions of Law.

IV.

Parties

Rule 23.1. Designation of "Class Action" in the Caption

In any case sought to be maintained as a class action, the complaint or other pleading asserting a class action shall include next to its caption, the legend "Class Action."

Rule 24.1. Procedure for Notification of Claim of Unconstitutionality

(a) In any action, suit, or proceeding in which the Territory or any agency, officer, or employee thereof is not a party, and in which the constitutionality of any statute of the Territory affecting the public interest is drawn into question, the party raising the constitutional issue shall notify the Court of the existence of the question both by checking the appropriate box on the Civil Cover Sheet and by stating on the pleading that alleges the unconstitutionality, immediately following the title of that pleading, "Claim of Unconstitutionality" or the equivalent.

(b) Failure to notify the Court as provided in subsection (a) is not a waiver of any constitutional right otherwise timely asserted.

V.

Depositions and Discovery

Rule 26.1. Document Production; Documents Not Filed
Rule 26.2. Participation Limits; Duplicative Disclosures
Rule 26.3. Expert Witness~~—~~ Written Report; Video Taping
Rule 26.4. De Bene Esse Depositions
Rule 26.5. Timely Discovery
Rule 26.6. No Automatic Stay
Rule 30.1. Depositions
Rule 33.1. Interrogatories
Rule 34.1. Requests for Production of Documents
Rule 37.1. Pre-Filing Conference of Counsel
Rule 37.2. Motion Practice
Rule 37.3. Cooperation ~~of Counsel —~~ Sanctions

Rule 26.1. Document Production; Documents Not Filed

(a) Notices when documents not filed. When Federal Rule of Civil Procedure 5(d) forbids filing documents or other material in connection with disclosures or discovery requests and responses, a party ~~serving~~producing such material shall promptly file a notice setting forth the nature of the material and the date on which it was served. The Clerk of Court shall return any documents or other material that are filed in violation of Federal Rule of Civil Procedure 5(d).

(b) *Pro* se parties must file discovery requests. A party proceeding *pro se* shall file all discovery requests at the time of service.

Rule 26.2. Participation Limits; Duplicative Disclosures

(a) Depositions~~—~~ Participation Limits. No more than one attorney for each party may question the deponent, except as provided by stipulation of the parties or upon order of the Court.

(b) Stipulations Concerning Required Disclosures. The parties may, by stipulation, extend the scope of disclosures under Federal Rule of Civil Procedure 26(a).

(c) Duty of Self-Executing Disclosure. In complying with their obligations under Federal Rule of Civil Procedure 26(a)(1)(A), parties shall provide reports or documents received from insurers that bear on reservation of rights or denial of coverage.

(d) Duplicative Disclosure. Duplicative disclosure is not required, and a statement that disclosure has already been made, and where it has been made, discharges the obligation imposed under Federal Rule of Civil Procedure 26.

Rule 26.3. Expert Witness~~—~~ Written Report; Video Taping

(a) Testimony and the Expert's Written Report/Deposition. The testimony of an expert witness at trial shall be based upon the opinions advanced in the written report disclosed under Federal Rule of Civil Procedure 26(a)(2) and/or elicited during the ~~expert's~~examination of the expert in a deposition, if ~~any.~~elicited by a party that has not proffered the expert. Experts shall not be permitted to testify on matters beyond the scope of the subjects and the opinions expressed

in the referenced written report (or, if elicited ~~on cross-examination,~~ at a deposition as set forth above).

~~(a)~~**(b)** If the proffering party elicits additional opinions from the expert during the deposition, any non-proffering party does not, by asking follow-up questions at that time, waive the right to challenge those additional opinions as being beyond the scope, or the right to seek a further deposition.

~~(b)~~**(c)** **Video Taping of Expert Discovery.** Absent good cause shown, if a trial date has been set at least 45 days in advance, and the testimony of an expert witness has not been video-taped, and the witness is unavailable for the trial, the parties will be required to proceed to trial.

~~(c)~~**(d)** **Payment for Expert Witness Deposition.**

(1) Unless the parties have agreed to the contrary in writing, responsibility for compensating experts shall be according to Federal Rule of Civil Procedure 26(b)(4)(E). Unless otherwise provided by the Court, a proposed bill for the expert's charges must be provided to the party seeking discovery 20 days prior to the deposition. If the deposing party objects to the charges, prompt application shall be made to the Court to obtain a ruling on their reasonableness before the deposition.

(2) If an expert demands payment in advance of the deposition date, absent an agreement to the contrary, the party seeking discovery must advance or otherwise secure such sums.

(3) An expert's hourly rate for a deposition that exceeds the hourly rate for consulting with the party that retained the expert shall be presumptively unreasonable. Such a presumption is rebuttable.

Rule 26.4. De Bene Esse Depositions

(a) **Without leave of Court.** *De bene esse* depositions shall be taken within the discovery deadlines established in the action. A *de bene esse* deposition taken solely for the purpose of authenticating records may be taken after the discovery deadline without leave of Court if the deposition is taken more than 28 days before the date scheduled for the start of the trial (or trial period, if applicable).

(b) **With leave of Court.** Except as provided in subsection (a) *de bene esse* depositions require leave of Court. A party seeking leave of Court to take a *de bene esse* deposition shall have the burden of establishing to the Court's satisfaction that leave should be granted. Factors the Court may consider in determining whether or not leave should be granted include, without limitation, the following:

(1) the importance of the witness' testimony to the movant's case;

(2) the effect of allowing the deposition on the other parties to the case, including upon their preparation for trial;

(3) the effect of allowing the deposition upon the administration of justice;

(4) whether the witness' lack of availability for trial was unexpected or known prior to

the close of discovery; and

(5) whether the inability to compel the witness's testimony via subpoena was unexpected or known prior to the close of discovery.

(c) Expenses. In the interest of fairness, the Court may require the moving party to pay the expenses and fees of the non-moving party(ies).

(d) Offer of Testimony. A party who obtains leave of Court to take a *de bene esse* deposition may not offer live testimony from that witness in any part of its case; however, the moving party is not precluded from cross-examining the witness should another party offer live testimony from the witness.

Rule 26.5. Timely Discovery

The discovery deadline, whether fact or otherwise, is the date by which all responses to discovery shall be due according to the Federal Rules of Civil Procedure and by which all depositions shall be concluded. Counsel shall initiate discovery requests and notice depositions (including subpoenas/subpoenas *duces tecum* to non-–parties) sufficiently in advance of the deadline to comply with this Rule. Discovery requests that call for responses or scheduled depositions after the discovery deadline will not be enforceable except by order of the Court for good cause shown. Unless otherwise ordered by the Court, motions to compel discovery must be filed within the discovery period.

Rule 26.6. No Automatic Stay

The filing of a motion under Federal Rule of Civil Procedure 12 does not automatically operate to stay discovery. Any party seeking a stay of discovery must apply to the Court for such relief.

Rule 30.1. Depositions

(a) Cooperation when scheduling. Parties shall cooperate in the scheduling of depositions. "Reasonable written notice" for the taking of a deposition as used in Federal Rule of Civil Procedure 30(b)(1) shall be at least 14 days prior to the deposition~~.~~ of an individual and 21 days before the deposition of an organization under Federal Rule of Civil Procedure 30(b)(6).

(b) Timing of Conference Required for 30(b)(6) deposition. If a party wishes to take the deposition of an organization pursuant to Federal Rule of Civil Procedure 30(b)(6) it shall initiate and conduct the conference required by that rule regarding the matters for examination at least five days before service, but no later than two days after service, of the notice of deposition. The notice of 30(b)(6) deposition shall include a certification that this conference occurred or, if it did not occur, why it did not occur.

(c) Remote Depositions. A party may conduct a deposition via remote means and shall state its intention to do so in the notice of deposition. Any other party may opt to attend such a deposition in person. If a deposition is noticed for in-person attendance, any other party may elect to participate via remote means. The parties shall collaborate in the logistics to allow such

remote or in-person participation.

~~(b)~~**(d) Identification of Witness When Court Reporter not Physically Present.** A court reporter not physically present at a deposition must contemporaneously confirm the identity of the deponent on the record, according to a reasonable protocol agreed to by counsel.

~~(c)~~**(e) Filing of Depositions Prior to Trial.** If a case is to proceed to trial, the depositions eligible for filing shall be filed at least three business days before the trial is to begin, unless otherwise directed by the Court. In that regard, a party taking the deposition shall be the custodian of the original deposition, and at its own initiative, or upon timely request by another party seeking to use the deposition, shall electronically file a copy of the original.

Rule 33.1. Interrogatories

(a) Electronic Copy Required. Interrogatories shall be provided to the answering party in an electronic format ~~to facilitate~~that facilitates the insertion of the answers after each interrogatory or subsection thereof. The answering party shall provide the original verified copy of the interrogatories and responses to the requesting party.

(b) Counting of Interrogatories.

(1) An interrogatory that introduces a line of inquiry that is separate and distinct from the inquiry made by the portion of the interrogatory that precedes it is considered a separate interrogatory.

(2) An interrogatory seeking the personal identification information of several people will normally serve as a single interrogatory as long as the information sought can be ascertained from sources (even if multiple sources must be consulted) readily available to the responding party (such as the respondent's employment records or records related to the specific incident that is the subject of the litigation).

Rule 34.1. Requests for Production of Documents

Requests for Production of Documents shall be provided to the answering party in an electronic format to facilitate the insertion of responses after each request.

Rule 37.1. Discovery-Related Motions—Pre-Filing Conference of Counsel

(a) Duty to Confer. Prior to filing any motion relating to discovery pursuant to Federal Rules of Civil Procedure 26-37, counsel for the parties shall confer in a good faith effort to eliminate the necessity for the motion or to eliminate as many of the disputes as possible. Such conference shall include oral communication. It shall be the responsibility of counsel for the moving party to arrange for this conference.

~~**Certification of Counsel.** Any motions filed shall be accompanied by a certification of the moving party as to the completion of the pre-filing conference; alternatively, if not completed, the motion shall set forth the efforts made to complete such conference and the reasons why the conference could not be held. If counsel agree that meeting in person is not practicable, the conference may take place telephonically or by video conference, or similar technology. The moving party's certification shall contain the date, time, duration, and method of communication of the conference.~~

(b) Deadline for Completion. Unless otherwise provided by stipulation or by written order of

the Court, the conference of counsel shall be completed within 15 calendar days after the moving party serves a written communication requesting such conference. The moving party's letter shall identify each issue and/or discovery request in dispute, state briefly with respect to each the moving party's position, providing any legal authority, and specify the terms of the discovery order to be sought.

~~(b)~~(c) **Informal Conference with Magistrate Judge.** In the event counsel are unable to resolve the areas of dispute, a joint request shall be made for an informal conference with the Magistrate Judge. The joint request should be submitted in email format to the Chambers email address for the Magistrate Judge. It should *briefly* identify the issues that are in dispute without citation to legal authority. The purpose of the paragraph is to explain the general nature of the dispute rather than to brief the issues as one would do in a motion to compel. If a joint request cannot be made, the party requesting the conference should explain why the request could not be submitted jointly. Counsel are expected to come to the informal conference prepared and with the authority to resolve the disputes.

Rule 37.2. Motion Practice

(a) Discovery Motions. Motion practice hereunder shall comply with LRCi 7.1 and 37.1, addressing only those issues in dispute and, with respect to each such issue, the contentions and authorities of the party. To the extent possible, the parties should not refer the Court to documents other than those to which they are responding. In particular, those discovery requests and responses, or parts thereof, to which objections are made should be set forth in the motion, response or reply ~~or an accompanying brief~~.

(b) Certification of Counsel. Any motions filed shall be accompanied by a certification of the moving party as to compliance with this rule; alternatively, if there has not been compliance, the motion shall set forth the efforts made to comply and the reasons why there was no compliance. If counsel agree that meeting in person is not practicable, the conference may take place telephonically or by video conference, or similar technology. The moving party's certification shall contain the date, time, duration, and method of communication of the conference.

Rule 37.3. Cooperation ~~of Counsel~~ Sanctions

The failure of any counsel or party to comply with or cooperate in, or the abuse by counsel or party of, the foregoing procedures may result in the imposition of sanctions.

VI.

Trials

Rule 38.1. Notation of "Jury Demand" in the Pleading
Rule 39.1. Exhibits
Rule 41.1. Voluntary Dismissal of Action
Rule 43.1. Interpreters
Rule 47.1. Juror Contact

Rule 38.1. Notation of "Jury Demand" in the Pleading

If a party demands a jury trial by endorsing it on a pleading, a notation shall be placed on the front page of the pleading immediately following the title, stating "Demand For Jury Trial" or an equivalent statement. This notation will serve as a sufficient demand under Federal Rule of Civil Procedure 38(b). Failure to use this manner of noting the demand will not result in a waiver under Federal Rule of Civil Procedure 38(d).

~~under Federal Rule of Civil Procedure 38(d).~~

Rule 39.1. Exhibits

(a) Trial Exhibits

i. All proposed exhibits shall be submitted in electronic form to the Clerk at least three business days in advance of the first day of trial.

ii. Each party shall provide the trial judge with trial exhibit binders containing hard copies of exhibits prior to jury selection or as directed by the presiding judge.

~~(a)~~**(b) Custody of Exhibits.** Unless otherwise ordered by the Court, all exhibits received in evidence or offered and rejected during trial or any evidentiary hearing, unless delivered electronically as provided in LRCi 39.1(a), shall be delivered to the Clerk of Court through the courtroom deputy, who shall keep the same in custody until it is determined whether an appeal has been taken from a final judgment. In the event of an appeal, exhibits shall be retained by the Clerk until disposition of the appeal. The Clerk may permit United States Magistrate Judges, Official Court Reporters, and Chambers staff to have custody of exhibits when necessary to expedite the business of the Court. No persons other than United States Magistrate Judges, Official Court Reporters, and Chambers staff shall be permitted to remove exhibits from the Clerk's custody, except upon order of the Court in extreme circumstances.

~~(b)~~**(c) Sensitive Exhibits.** Sensitive exhibits, after submission into evidence, shall remain in the custody of the proponent or the appropriate agency during the trial of the case and for any appeal period thereafter. Such evidence includes, without limitation, narcotics, weapons, currency, and any other evidence designated by the Court as sensitive.

~~(c)~~**(d) Return of Exhibits.** Unless otherwise ordered by the Court, all exhibits in the custody of the Clerk shall be returned to the offering party upon the later of the following: (1) the expiration of the period within which an appeal must be filed, or (2) the completion of the appellate process. The Clerk shall notify the offering party in writing of the requirement to present him/herself to the Clerk's Office to claim such exhibits within thirty days of receipt of the Clerk's written request. Unclaimed exhibits may be destroyed or otherwise disposed of by the Court.

Rule 43.1. Interpreters

With the exception of collateral criminal proceedings under 28 U.S.C. §§ 2254, 2255 and the like, the parties involved in civil litigation, in which there will be a need for an interpreter for an in-court proceeding, are responsible for retaining and submitting the name(s) and qualifications of qualified interpreters for approval by the Court at least six days before the interpreter's services are required.

Rule 47.1. Juror Contact

(a) No Contact Before Trial is Concluded. Before or during the trial of a case, no attorney, party, or witness shall directly or indirectly communicate with, or cause another to communicate with, any prospective or current member of the jury.

(b) Contact After Trial is Concluded. After the conclusion of a trial, no attorney, party,

or witness shall directly or indirectly communicate with, or cause another to communicate with, any member of the jury without first receiving permission from the Court.

VII.

Judgment

Rule 54.1. Bills of Costs
Rule 55.1 Motions for Entry of Default and Default Judgment
Rule 56.1. Summary Judgment Motions

Rule 54.1. Bills of Costs

(a) **Time for Filing.** Within 14 days after the entry of a final judgment or a judgment allowing costs, the prevailing party shall serve on the adverse party and file with the Clerk of Court a Bill of Costs.

(b) ~~Such~~**Requirements for Bill of Costs.** A Bill of Costs shall precisely set forth each item thereof, so that the nature of the charge can be readily understood, and shall be verified by the attorney for the applicant, stating that: (1) the items are correct, (2) the services were actually and necessarily performed, and (3) the disbursements were necessarily incurred in the action or proceeding. Counsel shall append to the verified Bill of Costs copies of all invoices in support of the request for each item.

(c) **Waiver of Unsupported Costs.** Upon failure of the prevailing party to comply with this Rule, all costs not properly supported shall be waived.

(d) **Challenging a Bill of Costs.** A party may seek review by the Court by motion served within seven days of the Clerk's action.

Rule 55.1. Motions for Entry of Default and Default Judgment

The following procedures govern the two-step process for obtaining a default judgment pursuant to Federal Rule of Civil Procedure 55(a):

(a) Entry of Default. To request the entry of default against a party, the movant must provide evidence by affidavit or declaration, along with appropriate documentation, of the following:

(1) Proof of proper service upon the party of a summons and complaint for affirmative relief;

(2) The party's failure to timely plead or otherwise respond to the complaint;

(3) In the case of an entity party, including a government or agency or branch thereof, that the person served qualifies as an officer, manager, agent, or otherwise is

authorized by appointment or law to be served on behalf of the entity.

(4) If service is made pursuant to a state's law other than that of the United States Virgin Islands, the movant must provide a citation to and a copy of the applicable statute under which service was made.

(b) Default Judgment.

(1) A party moving for a default judgment (whether by the Clerk or by the Court) shall submit proof of compliance with the Servicemembers' Civil Relief Act (50 U.S.C. app. §§ 501 *et seq*.).

(2) A party seeking default judgment may move for default judgment under Rule 55(b) at any time after default has been entered.

Rule 56.1. Summary Judgment Motions

The following procedures govern motions for summary judgment filed pursuant to Federal Rule of Civil Procedure 56.

(a) Documents Filed by Movant. In addition to the documents authorized by LRCi 7.1, a party moving for summary judgment shall file a separate statement of the material facts about which the movant contends there is no genuine issue. Each fact ~~paragraph~~ shall be separately stated without argument and serially numbered ~~and~~. Each fact shall be supported by specific citation to the record. The movant shall affix to the statement copies of the precise portions of the record relied upon as evidence of each material fact. Statements of Material Fact shall be filed as a separate document (not an attachment) on the Court's Electronic Filing System, with evidentiary support filed as exhibits to the Statement of Material Facts.

(b) Documents Filed by Respondent. Any party adverse to a motion filed under this rule may file, in addition to the documents authorized by LRCi 7.1,

(1) a response to the movant's statement of material facts about which the movant contends there is no genuine issue.

(i) The respondent must address the facts upon which the movant has relied pursuant to subsection (a), using the corresponding serial numbering and ~~either: (i) agree that~~respond to the fact ~~is~~ with (i) the word "undisputed~~;~~"; (ii) ~~agree that~~ the ~~fact is~~ phrase "undisputed for the purpose of ruling on the motion for summary judgment only~~;~~"; or (iii) ~~state that~~ the ~~fact is~~ word "disputed~~.~~." If the fact is disputed the respondent shall affix to the response copies of, and cite to, the precise portions of the record relied upon as evidence of each disputed material fact. In addition to, or in lieu of, responding with either of the three above phrases, the respondent may ~~file~~ also state "objection, inadmissible" and cite, without argument, the appropriate rule or court decision that supports the objection. Any explanation as to why the cited portion of the record is disputed or inadmissible and how it relates to the argument for or against summary judgment shall appear in the Respondent's response to the motion and not in the response to the movant's statement of material facts.

(ii) If the respondent believes the movant has incorporated more than one material fact in an individually numbered statement and it needs to respond to each such fact separately, it may break the statement into subparts (*e.g.* 5(a) and 5(b)) and respond as set forth above to each subpart. A response shall not incorporate by reference any other response.

(iii) The response to the movant's statement of material facts shall be filed as a separate document on the Court's Electronic Filing System, with evidentiary support filed as exhibits to same. It should be linked to the movant's statement of material facts.

(2) a concise statement of any additional facts, serially numbered, ~~that~~which the respondent contends are material to the motion for summary judgment and as to which the respondent contends demonstrates there ~~exists~~is a genuine issue to be tried. The statement of additional facts shall be filed as a separate document on the Court's Electronic Filing System, with evidentiary support filed as exhibits to same.

(c) Reply by Movant. In addition to the documents authorized by LRCi 7.1, if a respondent has proffered a statement of additional facts as provided in subsection (b)(2), the moving party shall respond to these additional facts by filing a reply to the statement in the manner and form specified in subsection (b~~).~~)(1). Any explanation as to why the cited portion of the record is disputed or inadmissible and how it relates to the argument for or against summary judgment shall appear in the Movant's reply to the response and not in the reply statement to the respondent's statement of additional material facts.

(d) Effect of Failure to Respond. Failure to respond to a movant's statement of material facts, or a respondent's statement of additional facts, as provided by these Rules may result in a finding that the asserted facts are not disputed for the purposes of summary judgment.

VIII.

Provisional and Final Remedies and Special Proceedings

Rule 67.1. Monies Paid into Court
Rule 67.2. Withdrawal of a Deposit Pursuant to Federal Rule of Civil Procedure 67
Rule 69.1. ~~Execution~~Garnishment of Wages

Rule 67.1. Monies Paid into Court

~~(a)~~ **Court Order Required.** Unless authorized by statute, a Court order is required before the Clerk of the Court may accept or deposit money into the Registry of the Court.

~~(a)~~**(b) Funds to be Deposited into Registry.** All moneys paid into the Court or received by an officer thereof, in any case pending or adjudicated in the Court, shall be forthwith deposited into the Registry of the Court. Any such money may, however, be paid to the rightful owner upon security, according to the agreement of the parties, pursuant to ~~the~~an order of the Court.

~~**No money deposited shall be withdrawn except by order of the Court.**~~**Rule 67.2.**

Withdrawal of a Deposit Pursuant to Federal Rule of Civil Procedure 67

~~(a)~~ **Withdrawal of Funds.** No money deposited shall be withdrawn except by order of the Court. Any person seeking withdrawal of money that was deposited in an interest-bearing account or instrument as required by Federal Rule of Civil Procedure 67, shall file a motion seeking withdrawal of the funds and shall provide separately, under seal, a completed IRS Form W-9–Request for Taxpayer Identification Number and Certification for the ultimate recipient of the funds. The form shall be forwarded by the Court directly to the institution holding the money, along with the pertinent Court order disbursing the funds.

~~(a)~~(b) **Unclaimed Funds.** In every case in which the right to withdraw money deposited in court has been adjudicated or is not in dispute and such money has remained so deposited for at least five years unclaimed by the person entitled thereto, the Court shall cause such money to be deposited into the Unclaimed Fund of the United States Treasury in the name and to the credit of the person to whom it is entitled. Any claimant entitled to any such money may, thereafter, on petition to the Court and upon notice to the United States Attorney and full proof of the right thereto, obtain an order directing the Court to pay such money.

~~**Rule 67.2. Withdrawal of a Deposit Pursuant to Federal Rule of Civil Procedure**~~

~~Any person seeking withdrawal of money which was deposited in an interest-bearing account or instrument as required by Federal Rule of Civil Procedure 67, shall file a motion seeking withdrawal of the funds and shall provide separately, under seal, a completed IRS Form W-9 – Request for Taxpayer Identification Number and Certification for the ultimate recipient of the funds. The form shall be forwarded by the Court directly to the institution holding the money, along with the pertinent Court order disbursing the funds.~~

Rule 69.1. Execution

(a) **Generally.** No attachment or execution shall be made on wages except as provided by Title 5 Virgin Islands Code, chapter 44, and this Rule.

(b) **Order for Garnishment.** A judgment creditor, upon application and filing an affidavit that contains a description of the judgment and its amount and states that execution has been returned unsatisfied, and after giving mailed notice to the employer-garnishee and the judgment debtor, may obtain an order for the garnishment of the wages of the judgment debtor.

(c) **Motion to Vacate.** An employer-garnishee or judgment debtor may move at any time to vacate a lien and continuing levy created pursuant to Title 5, Virgin Islands Code, Chapter 44. Upon receiving written notice of any court proceeding attaching the levy or the judgment on which it is based, the employer-garnishee shall make no further payments until receipt of an order of the Court terminating the proceedings.

(d) **Duties of Judgment Creditor.** The judgment creditor shall:

(1) file with the Clerk of Court every three months after serving the levy upon an employer-garnishee a receipt showing the amount received and the balance due under

the levy as of the date of filing, and furnish copies thereof to the employer-garnishee and judgment debtor;

(2) file with the Clerk of Court written notice of the receipt of amounts from any other source that are credited against the judgment and furnish copies thereof to the employer-garnishee and judgment debtor.

~~(2)~~**(3)** file a final receipt with the Court once the levy has been satisfied, and furnish a copy thereof to the employer-garnishee and judgment debtor; and,

~~(3)~~**(4)** move to vacate the levy within 20 days after such levy has been satisfied.

(e) Failure of Judgment Creditor to Comply. If the judgment creditor fails to file any of the receipts prescribed by 5 V.I.C. § 524(a~~),~~) or this Rule, any interested party may move the Court to compel the defaulting judgment creditor to appear in court and make an accounting forthwith.

~~**(f)** A judgment creditor receiving payments under this rule from an employer-garnishee shall give the Clerk of Court written notice of the receipt of amounts from any other source that are credited against the judgment.~~

~~(g)~~**(f) Discovery in Garnishment Proceedings.** No discovery under Federal Rules of Civil Procedure 26 to 37 shall be conducted in a proceeding pursuant to this Rule without first obtaining an order of the Court, except that the following questions may be propounded to the employer-garnishee upon written interrogatory:

(1) Were you, at the time of receiving this interrogatory, the employer of the defendant?

(2) State the amount paid the defendant as wages in the most recent pay period.

IX.

Special Proceedings

Rule 71A.1. Proceedings to Re-determine Deficiency in Income Tax
Rule 72.1. Magistrate Judges—Authority in Pretrial Matters
Rule 72.2. Objections to Non-Dispositive Orders
Rule 72.3. Objections to Magistrate Judge's Proposed Findings, Recommendation or Report
~~Rule 72.4. Procedure for Objecting to a Magistrate Judge's Non-Dispositive Order, Proposed~~
Rule 72.4. Procedure for Objecting to a Magistrate Judge's Non-Dispositive Order, Proposed Findings, Recommendation or Report
Rule 73.1. Magistrate Judges—~~Trial Matters~~ Consent
Rule 73.2. Magistrate Judges—Additional Duties

Rule 71A.1. Proceedings to Re-determine Deficiency in Income Tax

(a) ~~Petitions After Notice~~**Jurisdiction.** The Revised Organic Act of ~~Deficiency. A proceeding~~ the Virgin Islands, Pub. L. 83-517, Ch. 558, § 22 , 68 Stat. 497, 506, (July 22, 1954), codified to ~~re-determine~~ 48 U.S.C. § 1612(a), as amended, gives this Court exclusive jurisdiction over actions arising under the income tax ~~liability pursuant to a notice~~laws of ~~deficiency or notice~~

~~of liability of any person~~the Virgin Islands, being the Naval Services Appropriation Act of 1922, July 12, 1921, c. 44, §1, 42 Stat. 123, amended by Pub. L. No. 94-392, §5, 90 Stat. 1195, (Aug. 19, 1976), codified at 48 U.S.C. §1397, and sometimes referred to as the "Mirror Code." This rule applies to actions arising under the Mirror Code.

(b) Name of Respondent. The Mirror Code is administered and enforced by the Virgin Islands Bureau of Internal Revenue. 33 V.I.C. §§ 680—683. Any proceeding based on an action of the Virgin Islands Bureau of Internal Revenue Code in administering or enforcing the Mirror Code shall be by petition naming the Director, Virgin Islands Bureau of Internal Revenue, as respondent.

~~(a)~~(c) Incorporation of U.S. Tax Court Rules. To the extent consistent with the ~~Internal Revenue Code as applicable to the Virgin Islands,~~ Mirror Code, the following rules of the United States Tax Court Rules of Practice and Procedure, as amended from time to time, shall apply.

Rule	*Subject*
34(a), (b), and (c)	Petition
36	Answer
37	Reply
91	Stipulations for Trial
122	Submission Without Trial
142	Burden of Proof
151	Briefs
155	Computation By Parties For Entry of Decision

Partnership Actions Under BBA Section 1101

Rule	*Subject*
255.1	General
255.2	Commencement of Partnership Action
255.4	Other Pleadings
255.6	Identification and Removal of Partnership Representative

~~(b)~~(d) Rules of Construction. In applying ~~each~~any rule of the Tax Court incorporated ~~herein,~~by this rule: the word "Director" shall be substituted for "Commissioner~~"~~;" and the words "District Court of the Virgin Islands" shall be substituted for "Tax Court." Any provision of the Tax Court rules incorporated by this rule (1) relating to service of a petition or other papers, (2) describing the number of copies of a paper or pleading to be filed, ~~or~~ (3) relating to the place or

manner of filing a petition, or (4) filing fees, shall not ~~apply. In such instances the Federal Rules of Civil Procedure shall~~ apply.

(e) Application of Other Tax Court Rules by Motion. For actions other than a petition for redetermination of income tax asserted in a notice of deficiency, notice of transferee liability, or a petition to challenge a final partnership adjustment, a party may propose by motion the use of particular rules of the United States Tax Court as in effect at the time of filing the petition which would have been applicable to the matter had it been filed in the United States Tax Court. The order approving the use of such rules shall provide for a reasonable amount of time for the parties to amend their pleadings to conform with such rules. The Court may apply such rules *sua sponte* on notice to the parties.

(f) Special Rule for Small Tax Cases. For cases in which the ~~income tax deficiency (including any additions to tax, additional amounts and penalties)~~amount in dispute under the Mirror Code is less than $~~10~~50,000, ~~Rules 170 (General), 171 (~~the following Small Tax Cases rules of the Tax Court apply:

Tax Court Rule	*Subject*
170	General
171	Request for Small Tax Case Procedure
173(a)(1), (b), and (c)	Pleadings – Petition, Answer
174(b) and (c)	Conduct of Trial and Evidence; Briefs

~~case defined), 172 (Election of small tax case procedure), 173 (Discontinuance of proceedings), 175(a)(1), (3), (b), and (c) (Pleadings), 176 (Preliminary hearings), 177(b) and (c) (Trial) of the United States Tax Court, as amended from time to time, and~~

Small Tax Cases shall be automatically referred to the Magistrate Judge for disposition under Federal Rule of Civil Procedure 73~~, shall apply to the extent consistent with the~~ .

~~(c)~~**(g) Court as Tax Court** for **Proceedings Involving Partnership Notices Issued by VIBIR.** A petition for readjustment to a notice of final partnership adjustment issued by the Virgin Islands Bureau of Internal Revenue ~~Code as applicable to the Virgin Islands~~shall be considered in the same manner as if it had been filed in the United States Tax Court for purposes of section 6234(a) of the Mirror Code.

~~**Other Actions. No other actions relating to the income tax laws of the Virgin Islands are affected by this Rule.**~~

Rule 72.1. Magistrate Judges~~—~~ Authority in Pretrial Matters

The Magistrate Judges are hereby designated to hear and determine in all civil actions any pretrial matter permitted by 28 U.S.C. § 636 and Federal Rule of Civil Procedure 72.

Rule 72.2. Objections to Non-Dispositive Orders

(a) Procedure for Objecting. A party who objects to a Magistrate Judge's order concerning a non-dispositive matter shall file a notice of objection which shall specifically designate the order or part thereof objected to and the basis for the objection. The notice of objection shall include a transcript of that portion of the hearing before the Magistrate Judge wherein findings of fact were made.

(b) Objections do not Stay the Order. The filing of a notice of objection does not operate to stay the order pending a determination by the District Judge. A stay of a Magistrate Judge's order must be sought in the first instance from the Magistrate Judge whose order has been objected to, upon due notice to all interested parties.

Rule 72.3. Objections to Magistrate Judge's Proposed Findings, Recommendation or Report

Any party who objects to a Magistrate Judge's proposed findings, recommendations or report, shall file objections that specifically identify the portions of the proposed findings, recommendations, or report to which objection is made and the basis of such objection. Such party shall also file a transcript of the specific portions of any hearing to which objection is made.

Rule 72.4. Procedure for Objecting to a Magistrate Judge's Non-Dispositive Order, Proposed Findings, Recommendation or Report

The provisions of Rule 7.1 shall govern objections to a Magistrate Judge's non-dispositive order under Rule 72.2 and objections to a Magistrate Judge's proposed findings, recommendations, or report under Rule 72.3.

Rule 73.1. Magistrate Judges ~~Trial Matters~~ Consent

(a) Authority. The Magistrate Judges are hereby designated to hear and determine in all civil actions any trial matter permitted by 28 U.S.C. § 636 and Federal Rule of Civil Procedure 73.

(b) Conducting Civil Trials by Consent of the Parties. A consent form signed by or on behalf of all parties shall be filed ~~promptly~~. Plaintiff shall be responsible for securing execution and filing of such consent form.

(c) Consent to Disposition of Dispositive Motion. Parties may consent to the disposition of a dispositive motion (or all dispositive motions) by the Magistrate Judge without consenting to having the Magistrate Judge conduct the trial. A consent form signed by or on behalf of all parties shall be filed promptly. The movant shall be responsible for securing execution and filing of such consent form. Where the parties have consented to the disposition of a dispositive motion by the Magistrate Judge, such disposition shall be treated for all purposes as if it were a disposition by the District Judge and is not reviewable by the District Judge.

Rule 73.2. Magistrate Judges ~~–~~ Additional Duties

The Magistrate Judges are hereby designated to perform such additional duties as are not inconsistent with the Constitution and laws of the United States, including but not limited to the following:

(a) Civil Penalty Collection. Conducting proceedings for the collection of civil penalties of not more than $200 assessed under the Federal Boat Safety Act of 1971, in accordance with 46 U.S.C. § 4311(d).

(b) Judgment Debtor Examinations. Conducting examinations of judgment debtors in accordance with Federal Rule of Civil Procedure 69.

(c) Review of Civil Commitment Petitions. Reviewing petitions in civil commitment proceedings under Title III of the Narcotic Addict Rehabilitation Act.

(d) Warrants. Issuing warrants or entering orders permitting entry into and inspection of premises, and/or seizure of property, in non-criminal proceedings, as authorized by law, when properly requested by the IRS or other Governmental agencies.

(e) Maritime and Asset Forfeiture Actions. Issuing warrants or entering orders permitting or relating to arrest or attachment under the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions.

~~(e)~~**(f)Special Master.** Serving as a special master in an appropriate civil action pursuant to 28 U.S.C. § 636(b)(2) and Federal Rule of Civil Procedure 53.

~~(f)~~**(g) Proceedings under 28 U.S.C. § 1782.** Supervising proceedings conducted pursuant to 28 U.S.C. § 1782 with respect to foreign tribunals and litigants before such tribunals.

X.

District Courts and Clerks of the Courts

Rule 79.1. Books and Records of the Clerk of Court
Rule 80.1. Court Reporting Fees

Rule 79.1. Books and Records of the Clerk of Court

(a) The Clerk of Court shall:

(1) have custody of the seal of the Court and affix it when required;

(2) receive, deposit into the Registry of the Court, and disburse in accordance with law and the rules and orders of the Court, all fees and other moneys due to the Clerk or otherwise payable into the Court;

(3) ensure the custody of, and safely maintain and/or dispose of, all books, papers and records which may be filed and deposited in the Office of the Clerk of Court pursuant to law and the Guidelines issued by the Director of the Administrative Office of the United States Courts;

(4) supervise and direct the work of deputies and assistants, and act as the Chief Administrative Officer of the Court;

(5) attend in person, or by deputy, each session of the Court;

(6) issue all process and notices required to be issued;

(7) maintain the minutes of all sessions of the Court;

(8) maintain in each judicial division criminal, civil, admiralty, bankruptcy, probate, naturalization, and miscellaneous dockets in the form required by the Director of the Administrative Office of the United States Courts, and enter in the appropriate docket the title of each cause or proceeding initiated in the judicial division, and a memorandum of every subsequent proceeding therein, with the date thereof, and a record of all fees charged;

(9) maintain such other indices and records and make such reports as may be necessary in the performance of the duties of the Office of the Clerk and as may be required by law, the Federal Rules of Criminal Procedure, the Federal Rules of Civil Procedure, the Admiralty Rules, the Bankruptcy Rules, these Rules, or by the Director of the Administrative Office of the United States Courts, and certify copies of the same whenever requested; and

(10) exercise such other powers and perform such other duties as may be assigned to the Clerk by the Court.

(b) The Clerk shall prepare a calendar for each session of the District Court in each judicial division which shall list the causes on the several dockets which are ready to be heard at that session in that division. Cases that become ready for hearing during the session may be added to the calendar.

Rule 80.1. Court Reporting Fees

A current schedule of transcript fees, as established by the Judicial Conference, is available on the Court's website and from the Official Court Reporters.

XI.

General Provisions

Rule 82.1. [Deleted and relocated]
Rule 83.1. Admission of Attorneys
Rule 83.2. Attorneys: Disciplinary Rules and Enforcement

Rule 82.1. [Deleted and relocated]

Rule 83.1. Admission of Attorneys

(a) **Scope of Admission.** The bar of the Court shall consist of those persons heretofore admitted to practice in the Court and those who may hereafter be admitted in accordance with

these rules. Notwithstanding the provisions of subsection (b), the following category of persons

shall not be admitted: any attorney who has been suspended or disbarred, or who has resigned or withdrawn from the practice of law and has not been reinstated as a member of the bar of this Court.

(b) Requirements.

(1) Regular. Any attorney who is a member in good standing of the Virgin Islands Bar may by verified application and on motion of a member of the bar of the Court and upon taking the prescribed oath be admitted as a member of the bar of the Court.

(2) Appearance Pro Hac Vice; Local Counsel. Any attorney who is a member in good standing of the bar of any United States court or the highest court of a state, the District of Columbia or a commonwealth, territory, or possession of the United States may in the discretion of the Court, on motion, and upon taking the prescribed oath, be permitted to appear and participate in a particular case. If it has not been done prior to the granting of such motion, an appearance as counsel of record shall be filed promptly by a member of the bar of the Court (Local Counsel) upon whom all notices, orders and pleadings may be served. An attorney admitted *pro hac vice* to the bar of the Court may file papers, enter appearances for parties, sign stipulations, or sign and receive payments on judgments, decrees, or orders. Documents filed by an attorney admitted *pro hac vice* shall also include the signature of Local Counsel. Filings by attorneys admitted *pro hac vice* are deemed to include a representation that the filer shared the document with and received approval for filing from Local Counsel. An attorney may be admitted *pro hac vice* in no more than a total of three (3) cases in any calendar year and may not be further admitted at any time if such attorney is then admitted *pro hac vice* in three (3) active cases regardless of when such admissions occurred. Admission *pro hac vice* is not a substitute for admission to the bar of the Court, but rather is intended to facilitate occasional appearances only. Notwithstanding a lawyer's *pro hac vice* status, such an attorney is within the disciplinary jurisdiction of the Court.

(c) Special Admission.

(1) An attorney may seek special admission to the bar of the Court, if, upon verified application, the Court determines that the applicant meets the qualifications of a regular admission except for having passed the Virgin Islands Bar examination; and

(i) the applicant is admitted to practice in the highest court of a state, the District of Columbia or a commonwealth, territory, or possession of the United States;

(ii) the applicant is otherwise professionally, morally, and ethically qualified for admission to the bar of the Court;

(iii) there is good cause for the admission of such person and the applicant's admission would be in the best interest of the Court; and

(iv) the applicant is either: an attorney representing the Government of the Virgin Islands, its branches, departments, agencies, and instrumentalities; an attorney representing a public interest group; or, an attorney representing a party on a pro bono basis.

(2) In every case, the burden shall be upon the person seeking admission pursuant to this

Rule to establish to the satisfaction of the Court his or her qualifications for admission. An application must be supported by the applicant's declaration demonstrating his or her qualifications for admission. Additionally, the applicant must provide the Court current certificates of good standing bearing the original seal of the highest court from each jurisdiction to which he or she is admitted. A certificate of good standing from a bar association in and of itself is not sufficient for a Special Admission. An applicant for special admission must satisfy the same fitness requirements as any other applicant seeking permanent regular active admission to the bar of the Court. Good cause may be satisfied by demonstrating that *pro hac vice* admission has been exhausted or is inadequate. The Court may require the submission of such other information as might be deemed necessary to satisfy itself as to the attorney's fitness to practice specially before the Court.

(3) An admission issued pursuant to this Rule shall commence upon taking the prescribed oath, shall state its special nature, and shall terminate automatically when the person fails to remain in good standing in each jurisdiction of admission. Special admission also may be terminated if the good cause upon which special admission was predicated no longer exists. While admitted under this Rule, a person shall be treated as a regular member of the bar of the Court with all responsibilities and privileges thereof.

(4) The special admission provided by this Rule shall expire after three (3) years, unless, for good cause shown, the Court extends that period.

(d) Adherence to Schedules; Sanctions. All members of the bar of the Court and those specially permitted to participate in a particular action shall strictly observe the dates fixed for scheduling conferences, motions, pretrial conferences, trials, or any other proceedings. Failure of counsel for any party, or of a party appearing pro se, to comply with this Rule may result in the imposition of sanctions, including the withdrawal of the permission granted under subsection (b)(2) of this Rule to participate in the particular action. All motions for continuance shall be made promptly.

(e) Appearance by Patent Attorneys. Any attorney who is a member in good standing of the bar of any United States court or the highest court of a state, the District of Columbia or a commonwealth, territory, or possession of the United States may be qualified for admission to the bar of this District, subject to the limitations hereinafter set forth, on motion of a member of the Court and upon taking the prescribed oath, provided such applicant has filed with the Clerk of Court a verified application for admission as an attorney of the Court establishing that the applicant:

(1) is a member in good standing of the bar of any United States court or admitted to practice in the highest court of a state, the District of Columbia or a commonwealth, territory, or possession of the United States for at least five (5) years;

(2) has been admitted to practice as an attorney before the United States Patent Office and is listed on its Register of attorneys;

(3) has been continuously engaged in the practice of patent law as a principal occupation in an established place of business and office located in the Territory of the Virgin

Islands for at least two (2) years prior to date of application; and

(4) has sufficient qualifications both as to pre-legal and legal training to satisfy the Court. No member admitted under this subdivision shall designate himself or herself other than as a patent attorney or patent lawyer, and that person's admission to practice before the Court shall be limited to cases solely arising under patent laws of the United States or elsewhere. Failure to continue to maintain an established place of business or office within the Territory for the practice of patent law shall, upon proof thereof to the Court and after notice and an opportunity to be heard, justify the striking of such attorney's name from the roll of patent attorneys established under this Rule. In any litigation, any patent attorney admitted under this subdivision shall be associated of record with a member of the bar of the Court admitted under subsection (b)(1) of this Rule. Nothing herein contained shall preclude any patent attorney from being admitted under subsections (b)(1) to (3) of this Rule.

(f) Appearance by Attorneys for the United States. Any attorney who is a member in good standing of the bar of any United States court or the highest court of a state, the District of Columbia or a commonwealth, territory, or possession of the United States may, upon taking the prescribed oath, practice before the Court in any proceeding in which he or she is representing the United States or any of its officers or agencies. If such attorney does not have an office in this district, he or she shall designate the United States Attorney to receive service of all notices or papers in that action. Service upon the United States Attorney or authorized designee shall constitute service upon a government attorney who does not have an office in this district.

(g) Appearance by Attorneys for the Government of the Virgin Islands. A member in good standing of the bar of any United States court or the highest court of a state, the District of Columbia or a commonwealth, territory, or possession of the United States may in the discretion of the Court and on motion by the Attorney General of the Virgin Islands or authorized designee, and upon taking the prescribed oath, be permitted to appear and participate in any proceeding in which he or she is representing the Government of the Virgin Islands or any of its officers or agencies.

(h) Appearance by Professional Law Corporations. The provisions of this Rule shall extend to duly created professional law corporations, authorized to be formed under the law of the jurisdiction to which the attorney employed by the corporation shall have been admitted to practice, to the same extent as they apply to partnerships and other unincorporated law firms. In every case in which such a professional law corporation participates, all appearances and papers shall be in the full name of the corporation, including such designations as "Chartered", "Professional Association," "P.C.," and the like, and shall be executed on its behalf by an individual attorney qualified under this Rule and employed by it as "Authorized Attorney." Both the corporate entity and its attorney employee shall be subject to all provisions of these Rules.

(i) Appearance by Supervised Law Students. With the Court's approval, an eligible law student may appear under supervision of an attorney on behalf of any client, including the United States, who has consented in writing.

(1) The attorney who supervises a student shall:

(i) be a member of the bar of the Court who maintains a bona fide office in this

district; ~~in this district~~

(ii) personally assume professional responsibility for the student's work;

(iii) assist the student to the extent necessary;

(iv) appear with the student in all proceedings before the Court; and

(v) file a written agreement to supervise the student.

(2) In order to appear, the student shall:

(i) be enrolled in a law school approved by the American Bar Association;

(ii) have successfully completed legal studies amounting to at least two-thirds of the credits needed for graduation or the equivalent;

(iii) be certified by either the dean or a faculty member of that law school as qualified to provide the legal representation permitted by these Rules (This certification may be withdrawn by the person so certifying at any time by mailing a notice to the Clerk of the Court, or upon termination by the Judge presiding in the case in which the student appears without notice or hearing and without a showing of cause. The loss of certification by action of a judge shall not be considered a reflection on the character or ability of the student.);

(iv) be introduced to the Court by an attorney admitted to practice in this District;

~~**(vi)** District;~~

(v) neither ask for nor receive from the client represented any compensation or remuneration of any kind for services rendered; but this limitation shall not prevent an attorney, legal aid bureau, law school, public defender agency, a state, Territory, or the United States from paying compensation to the eligible law student, nor shall it prevent any agency from making proper charges for its services;

(vi) certify in writing that he or she is familiar and will comply with the Disciplinary Rules;

(vii) certify in writing that he or she is familiar with the federal procedural and evidentiary rules relevant to the action in which he or she is appearing.

(3) The law student, supervised in accordance with these Rules, may:

(i) appear as counsel in court or at other proceedings when the written consent of the client (or of the United States Attorney when the client is the United States) and the written agreement of the supervising attorney have been filed, and when the Court has approved the student's request to appear in the particular case to the extent that the Judge presiding at the hearing or trial permits;

(ii) prepare and sign motions, petitions, answers, briefs, and other documents in connection with any matter in which the student has met the conditions of (B) above; each such document shall also be signed by the supervising attorney.

(4) Forms for designating compliance with this Rule are available in the Clerk's Office. Completed forms shall be filed with the Clerk.

(5) Participation by students under this Rule shall not be deemed a violation in connection with the rules of admission to the bar of any jurisdiction concerning practice of law prior to admission to that bar.

(j) Appearance by Attorneys in Criminal Cases. The Court may suspend aspects of this Rule with respect to the appearance of attorneys in criminal cases.

(k) Procedure.

(1) Original Applications. Each applicant for admission or attorney seeking leave to appear and participate in any proceeding shall file an application on a form prescribed by the Court. The application shall be made available by the Clerk upon request. An application by an applicant for admission to the bar shall also be accompanied by a motion filed by the applicant's sponsor, who shall be a member of the bar of the Court. The sponsor shall set forth sufficient grounds in the motion for admission to satisfy the Court that the sponsor has reason to know the applicant is qualified for admission. Each applicant for admission shall also pay an admission fee. The current admission fee schedule approved by the Court is posted at http://www.vid.uscourts.gov.

(2) Renewal Applications. Each member of the bar of the Court shall submit an application to renew his or her membership no later than February 4 of each calendar year, unless otherwise directed by the Court. The application shall be on a form prescribed by the Court. Notice shall be sent by the Clerk to each member of the bar of the Court at least thirty days prior to the date on which the application is due. An application for renewal shall also include the payment of the renewal fee set by the Court in its admission fee schedule. A timely renewal application shall be granted if the applicant meets all of the qualifications for admission to the bar of the Court and if he or she pays the renewal fee. Failure to submit a timely renewal application or to pay the renewal fee will cause the attorney's membership in the bar of the Court to be changed to inactive status.

(3) Admission Fund. The Clerk shall collect the admission fees outlined herein and maintain them in the manner set forth by the Court in the Plan for Administration and Operation of the Attorney's Admission Fee Account. Such funds are to be used for projects that the Court determines are for the benefit of the bench and bar in the administration of justice.

Rule 83.2. Attorneys: Disciplinary Rules and Enforcement

(a) Standards for Professional Conduct—Basis for Disciplinary Action.

(1) In order to maintain the effective administration of justice and the integrity of the Court, each attorney admitted or permitted to practice before this Court shall comply with the standards of professional conduct required by the Model Rules of Professional Conduct (the "Model Rules"), adopted by the American Bar Association, as amended. Attorneys who are admitted or permitted to practice before this Court are expected to be thoroughly familiar with the Model Rules' standards.

(2) Any attorney admitted or permitted to practice before this Court, after notice and an opportunity to be heard, may be disbarred, suspended from practice, reprimanded, or subjected to such other disciplinary action as the circumstances may warrant for misconduct.

(3) Acts or omissions by an attorney admitted or permitted to practice before this Court, individually or in concert with any other person or persons, which violate the Model Rules, shall constitute misconduct and shall be grounds for discipline, whether or not the act or omission occurred in the course of an attorney-client relationship or in the course of judicial proceedings.

(b) Disciplinary Proceedings. When misconduct or allegations of misconduct which, if substantiated, would warrant discipline on the part of an attorney admitted or permitted to practice before this Court, shall come to the attention of a judicial officer of this Court, whether by complaint or otherwise, and the applicable procedure is not otherwise mandated by these Rules, the judicial officer shall inform the Chief Judge. Thereafter, the Chief Judge or the Chief Judge's designee shall refer the matter to a Magistrate Judge or a committee designated by the Chief Judge (Disciplinary Committee) for investigation and a report and recommendation. The Magistrate Judge or the Disciplinary Committee shall afford the attorney the opportunity to be heard. The attorney may submit objections to the report and recommendation. Any objections are to be filed with the Court within 14 days from the date of filing of the report and recommendation. The matter will then be submitted to the Court for final determination.

(c) Disciplinary Penalties.

(1) An order imposing discipline under this rule may consist of any of the following:

(iii) disbarment;

(iv) suspension;

(v) public or private reprimand;

(vi) monetary penalties, including an order to pay the costs of proceedings; or

(vii) if the attorney was admitted pro hac vice or has been otherwise permitted to appear, preclusion from, or the placement of conditions on, any further appearances before this Court.

(2) Any suspension or reprimand imposed may be subject to additional specified conditions, which may include continuing legal education requirements, counseling, supervision of practice, or any other condition which the Court deems appropriate.

(d) Powers of Individual Judges to Deal with Contempt or Other Misconduct Not

Affected.

(1) The remedies for misconduct provided by this rule are in addition to the remedies available to individual judges under applicable law with respect to lawyers appearing before them. Misconduct of any attorney in the presence of a judge or in any manner with respect to any matter pending before the Court may be dealt with directly by the judge in charge of the matter or, at the judge's option, referred to the Chief Judge, or both.

(2) Nothing in this rule shall limit the Court's power to punish contempt or to sanction counsel in accordance with the federal rules of procedure or the Court's inherent authority to enforce its rules and orders.

(e) Notice of Disciplinary Action to Other Courts. The Clerk of Court shall give prompt notice of any order imposing discipline under this rule to the Court of Appeals for the Third Circuit, the Supreme Court of the Virgin Islands, and the American Bar Association.

(f) Confidentiality. Unless otherwise ordered by the Court, complaints, grievances, and any files based on them, shall be treated as confidential.

(g) Disbarment or Suspension on Consent While Under Disciplinary Investigation or Prosecution.

(1) Affidavit of Consent. Any attorney admitted or permitted to practice before this Court who is the subject of an investigation into, or a pending proceeding involving, allegations of misconduct may consent to disbarment or suspension, but only by delivering to this Court an affidavit stating that the attorney desires to consent to disbarment or suspension and that:

(i) the attorney's consent is freely and voluntarily given; the attorney is not being subjected to coercion or duress; the attorney is fully aware of the implications of consenting;

(ii) the attorney is aware that there is a pending investigation or proceeding involving allegations that grounds exist for the attorney's discipline, the nature of which the attorney shall specifically set forth;

(iii) the attorney acknowledges that the material facts so alleged are true; and,

(iv) the attorney so consents because the attorney knows that if charges were predicated upon the matters under investigation, or if the proceedings were prosecuted, the attorney could not successfully defend against the charges.

(2) Order of Disbarment or Suspension on Consent. Upon receipt of the required affidavit, the Court may enter an order disbarring or suspending the attorney.

(3) Disclosure. The order disbarring or suspending the attorney on consent shall be a matter of public record. The affidavit required under the provisions of this rule shall not be publicly disclosed, however, or made available for use in any other proceeding except upon order of this Court.

(h) Disbarment or Resignation in Other Courts.

(1) Any attorney admitted to practice before this Court who is disbarred, disbarred on

consent, or resigns from the bar of any Court while an investigation into allegations of misconduct is pending, shall be stricken from the roll of attorneys admitted to practice before this Court, upon the filing of a certified copy of the judgment or order of disbarment or accepting such disbarment on consent, or resignation.

(2) Any attorney admitted to practice before this Court, upon being disbarred, disbarred on consent, or resigning from the bar of any Court while an investigation into allegations of misconduct is pending, shall promptly inform the Clerk of the disbarment, disbarment on consent, or resignation.

(i) Attorneys Convicted.

(1) Felony Convictions.

(i) Conviction in this District. Upon the entry of judgment of a felony conviction against an attorney admitted or permitted to practice before this Court, the Clerk shall immediately notify the Chief Judge of the conviction. The Chief Judge or the Chief Judge's designee shall then immediately issue an order suspending the attorney, regardless of the pendency of any appeal, until final disposition of a disciplinary proceeding as set forth in this Rule. A copy of such order shall be served upon the attorney.

(ii) Convictions in Other Courts. Upon the filing with this Court of a certified copy of a judgment of conviction demonstrating that any attorney admitted or permitted to practice before this Court has been convicted of a felony in any Court of the United States or of a state, the District of Columbia, the Commonwealth of Puerto Rico, the Territory of Guam, the Commonwealth of the Northern Mariana Islands, or the Virgin Islands of the United States, the Chief Judge or the Chief Judge's designee shall enter an order immediately suspending that attorney, regardless of the pendency of any appeal, until final disposition of a disciplinary proceeding to be commenced upon such conviction. A copy of such order shall be served upon the attorney.

(2) Other Crimes. Upon the filing of a certified copy of a judgment of conviction of an attorney for any crime, the Chief Judge may appoint a Disciplinary Committee for whatever action deemed warranted.

(3) Certified Judgment as Conclusive Evidence. A certified copy of a judgment of conviction of an attorney for any crime shall be conclusive evidence of the commission of that crime in any disciplinary proceeding instituted against that attorney based upon the conviction.

(4) Reinstatement Upon Reversal of Conviction. An attorney suspended under the provisions of this rule will be reinstated immediately upon the filing of a certificate demonstrating that the underlying conviction has been reversed, but the reinstatement will not terminate any disciplinary proceeding then pending against the attorney.

(j) Discipline Imposed by Other Courts.

(1) When it is shown to this Court that any member of its Bar has been suspended or disbarred from practice in any other court of record, or has been guilty of conduct

unbecoming a member of the bar of this Court, the member will be subject to suspension or disbarment by this Court. The member shall be afforded an opportunity to show good cause, within such time as the Court shall prescribe, why the member should not be suspended or disbarred. Upon the member's response to the order to show cause, and after hearing, if requested or ordered by the Court, or upon expiration of the time prescribed for a response, if no response is made, the Court shall enter an appropriate order.

(2) Upon the filing of a certified copy of a judgment or order establishing that an attorney admitted or permitted to practice before this Court has been disciplined by any court of competent jurisdiction, this Court shall issue forthwith a notice directed to the attorney containing:

(i) a copy of the judgment or order from the issuing court; and

(ii) an order directing the attorney to show cause within thirty (30) days after service why disciplinary action should not be taken against the attorney.

(3) The Chief Judge may designate another judge or a Disciplinary Committee to investigate and submit a report and recommendation.

(k) Reinstatement.

(1) After Disbarment or Suspension. An attorney suspended or disbarred may not resume practice until reinstated by order of this Court.

(2) Hearing on Application. Petitions for reinstatement by an attorney who has been disbarred or suspended under this rule shall be filed with the Chief Judge of the Court who shall schedule the matter for consideration by the active district judges of this Court within thirty (30) days from receipt of the petition. In considering the petition for reinstatement, the active district judges shall enter the order they deem appropriate. In considering the petition for reinstatement, the Court may schedule a hearing.

(3) Burden of Proof. The petitioner shall have the burden of demonstrating by clear and convincing evidence that the petitioner has the moral qualifications, competency and learning in the law required for admission to practice before this Court and that resumption of the practice of law will not be detrimental to the integrity of the bar, the administration of justice, or undermine the public interest.

(4) Conditions of Reinstatement. If the petitioner is found unfit to resume the practice of law, the petition shall be dismissed. If the petitioner is found fit to resume the practice of law, the judgment shall reinstate the petitioner, provided that the judgment may make reinstatement conditional upon the payment of all or part of the costs of the proceedings and upon the making of partial or complete restitution to parties harmed by the petitioner whose conduct led to the suspension or disbarment. This list is not intended to be exhaustive.

(l) Duties of the Clerk of Court.

(1) Upon being informed that an attorney admitted or permitted to practice before this Court has been convicted of any crime, the Clerk shall determine whether the Clerk of Court in which such conviction occurred has forwarded a certificate of such

conviction to this Court. If a certificate has not been forwarded, the Clerk shall promptly obtain a certificate and file it with this Court.

(2) Upon being informed that an attorney admitted or permitted to practice before this Court has been subjected to discipline by another court, the Clerk shall determine whether a certified or exemplified copy of the disciplinary judgment or order has been filed with this Court, and, if not, the Clerk shall promptly obtain a certified or exemplified copy of the disciplinary judgment or order and file it with this Court.

(3) Whenever it appears that any person who is convicted of any crime, disbarred, suspended, censured, disbarred on consent, or otherwise precluded from appearance and practice by this Court, is admitted to practice law in any other jurisdiction(s) or before any other court(s), the Clerk shall promptly transmit to the other court(s) a certificate of the conviction or a certified exemplified copy of the judgment or order of disbarment, suspension, censure, disbarment on consent, or order of preclusion, as well as the last known office and residence addresses of the defendant or attorney.

(4) The Clerk shall, likewise, promptly notify the National Discipline Data Bank operated by the American Bar Association of any order imposing public discipline upon any attorney admitted to practice before this Court.

ATTACHMENT B

LOCAL RULES OF CRIMINAL PROCEDURE

LOCAL RULES OF CRIMINAL PROCEDURE OF THE DISTRICT COURT OF THE VIRGIN ISLANDS

Effective _____, 2026

Rule 1.1. Scope of Rules
Rule 1.2. Relationship to Local Rules of Civil Procedure
Rule 1.3. Conferral Requirements
Rule 1.4 Pro Se Filings by Represented Persons, Prohibited
Rule 7.1. Superseding Charging Documents
Rule 12.5. Pretrial Motions: Duty to Address Speedy Trial Act Excludable Time Implications
Rule 12.6. Complex Case Designation
Rule 16.1. Discovery Procedures
Rule 16.2. Personnel Records
Rule 17.2. Subpoenas
Rule 28.1. Interpreters
Rule 32.1. Sentencing Recommendations
Rule 43.1. Presence of the Defendant
Rule 46.1. Motion for Modification of Release Conditions
Rule 55.1. Criminal Justice Act Plan and Forms
Rule 55.2. Speedy Trial Act Plan
Rule 58.1. Collateral Forfeiture
Rule 59.1. Matters Before Magistrate Judges

Rule 1.1. Scope of Rules

(a) Title and Citation. These Rules shall be known as the Local Rules of Criminal Procedure of the District Court of the Virgin Islands. They shall be cited as "LRCr."

(b) Scope of Rules. These Rules apply in all proceedings in criminal actions.

(c) Effective Date. These Rules become effective on ___2026.

(d) Relationship to Prior Rules; Actions Pending on Effective Date. These Rules supersede all previous criminal rules promulgated by this Court or any Judge of this Court. They govern all applicable proceedings brought in this Court after they take effect. They also apply to all proceedings pending at the time they take effect, except to the extent that in the opinion of the Court the application thereof would not be feasible or would work injustice, in which event the former rules govern.

Rule of Construction and Definitions. United States Code, Title 1, Sections 1 through 5, shall, as far as applicable, govern the construction of these Rules.Rule 1.2. Relationship

to Local Rules of Civil Procedure

The Local Rules of Civil Procedure are applicable in all criminal cases, except to the extent that they are inconsistent with either the Federal Rules of Criminal Procedure or the Local Rules of Criminal Procedure. Practitioners are advised to be fully familiar with the Local Rules of Civil Procedure.

Rule 1.3. Conferral Requirements

(a) Generally. Unless exigent circumstances exist, a movant shall seek concurrence from each other party before filing a motion.

(b) Exceptions. LRCr. 1.3(a) does not apply to:

(1) Motions identified in Federal Rule of Criminal Procedure 12(b)(3)(A)-(D);
(2) Motions for judgment of acquittal under Federal Rule of Criminal Procedure 29;
(3) Motions for new trial under Federal Rule of Criminal Procedure 33;
(4) Motions to dismiss;
(5) Motions for reconsideration; and
(6) Motions seeking a pre-trial ruling on the admissibility of evidence at trial.

(c) Representation. All motions other than the motions identified in LRCr. 1.3(b) shall either (i) contain a representation that the movant sought concurrence in the motion from each party, and that it has been either given or denied, or (ii) identify the circumstances that prevented concurrence from being sought or obtained.

(d) Interaction with Other Consultation Requirements. To the extent that the Federal Rules of Criminal Procedure or the Local Rules of Criminal Procedure specify a different consultation requirement for a specific motion, those rules govern.

(e) Detained *pro se* defendants. This rule does not apply to detained *pro se* defendants or require consultation with detained *pro se* defendants.

Rule 1.4 *Pro Se* Filings by Represented Persons, Prohibited

A defendant represented by counsel shall not be allowed to file a motion or other documents *pro se*, unless the defendant is seeking the appointment of new counsel or a motion to proceed *pro se*. If a party represented by counsel sends a *pro se* motion or other documents to the court, the court may strike the motion and the document from the record or take any other action the Court deems appropriate.

Rule 7.1. Superseding Charging Documents

(a) Upon the filing of a superseding charging document, the United States shall indicate the changes that have been made in the superseding document in comparison to the preceding charging

document by redline or other comparable method. The United States shall also give written notice to the Court: (1) stating whether the new charging document commences a new time limit for commencement of trial; and (2) if so, (i) identifying the reasons the new charging document commences a new time limit for commencement of trial, and (ii) indicating whether the United States seeks a new trial date.

(b) By no later than at the arraignment on the new charging document, counsel for the defendant shall: (1) state whether the defendant agrees or disagrees that the new charging document commences a new time limit for commencement of trial; (2) identify the defendant's reasons for agreement or disagreement; and (3) state whether the defendant seeks a new trial date based on the new charging document.

Rule 12.5. Pretrial Motions: Duty to Address Speedy Trial Act Excludable Time Implications

(a) A motion for a continuance of trial or any other pretrial motion filed after arraignment that seeks to exclude time under the Speedy Trial Act (18 U.S.C. § 3161), whether by the United States or the defendant, shall include:

(1) a statement of whether any delay occasioned by the making, hearing, or granting of that motion will constitute, in whole or in part, excludable time as defined by 18 U.S.C. § 3161(h), and, if so, (i) a statement or estimation of the number of days to be excluded, or (ii) a statement describing how excludable time should be determined by reference to a specified future event; and

(2) a proposed form of order that, if adopted, states fully and with particularity (i) the reasons for granting the motion, and (ii) the proposed findings of the Court as to excludable time.

(b) A party opposing a motion shall file, with the response to the substance of the motion, its agreement with or opposition to the statements or estimations of the moving party made pursuant to subsection (a).

(c) Memoranda in support of and in opposition to a motion for a continuance of trial shall be

filed as follows:

(1) A party filing a motion for a continuance of trial shall file a supporting memorandum at the time the motion is filed. A memorandum shall not be required in support of a motion for a continuance of trial if the reasons for the request are fully stated in the motion.

(2) A party opposing a motion for a continuance of trial shall file a memorandum in opposition to the motion within seven days after service of the motion, unless a shorter period is set by the Court. No further memoranda may be filed without leave of Court.

(3) A party who does not file an opposition to a motion shall be deemed not to oppose the motion.

(d) This rule shall not apply to any motion to be heard *ex parte*.

Rule 12.6. Complex Case Designation

a) By the United States. If the United States intends to seek complex case designation for the purpose of excluding time in which trial must be commenced, pursuant to 18 U.S.C. §§ 3161(h)(7)(A) and B(ii), an attorney for the United States shall file a written motion prior to the commencement of the initial discovery conference. By no later than seven days after the initial discovery conference, a defendant shall file a written response to the motion for complex case designation, indicating the defendant's agreement or opposition, and the reasons therefor.

b) By One or More Defendants. If one or more defendants intends to seek complex case designation for the purpose of excluding time in which trial must be commenced, pursuant to 18 U.S.C. §§ 3161(h)(7)(A) and B(ii), the defendant shall file a written motion no later than five days after the deadline for the Government to provide Rule 16 discovery.

c) Extensions of Time. The Court may extend these deadlines for good cause. The parties may also extend by agreement the deadline for filing motions seeking complex case designation.

Rule 16.1. Discovery Procedures

a) Initial Discovery Conference.

(1) Timing. Unless otherwise ordered, no later than 14 days after the arraignment on the first information or indictment filed in a matter as to a defendant, the attorney for the United States and the defendant's attorney must confer and try to agree on a timetable and procedures for pretrial disclosure under Federal Rule of Criminal Procedure 16. Counsel may confer in person, telephonically, or via email or other appropriate medium.

(2) Notice of Proposed Pretrial Discovery Timetable. Within five days of the completion of the conference, the parties shall file a notice of proposed pretrial discovery timetable identifying all agreed upon deadlines. The notice of proposed pretrial discovery timetable must identify the subsection or subsections of discovery materials requested under Federal Rule of Criminal Procedure 16 prior to the conclusion of the initial discovery conference.

(3) Effect of Filing Proposed Pretrial Discovery Timetable. Upon the filing of a notice of proposed pretrial discovery timetable, the agreed upon deadlines for disclosing discovery under Federal Rule of Criminal Procedure 16 specified in that notice shall be binding on the parties, unless modified by the Court. Those deadlines shall extend only to subsections of discovery materials requested under Federal Rule of Criminal Procedure 16 prior to the conclusion of the initial discovery conference.

(4) Exception for *Pro Se* Defendants. Section (a) of this rule does not apply to *pro se* defendants. Upon a discovery request and after providing the parties an opportunity to be heard, the Court shall set discovery deadlines for *pro se* defendants. Those deadlines apply only to discovery requested at the time the Court's discovery scheduling order is entered.

b) Default Deadline for Government Production of Federal Rule of Criminal Procedure 16 Discovery. Unless the Court sets a different deadline for discovery, a party files a motion seeking a complex case designation, or the parties file a notice of proposed pretrial discovery timetable specifying a different deadline, the United States shall satisfy whatever obligation it may have under Federal Rule of Criminal Procedure 16(a), pursuant to a written discovery request, within:

(1) 28 days of the discovery request, if that request was made after arraignment; or

(2) 28 days after arraignment, if the discovery request was made at, or prior to, arraignment.

c) Default Deadline for Defendant Production of Federal Rule of Criminal Procedure 16 Discovery. Unless the Court sets a different deadline for discovery, a party files a motion seeking a complex case designation, or the parties file a notice of proposed pretrial discovery timetable specifying a different deadline, a defendant shall satisfy whatever obligation he or she may have under a subsection of Federal Rule of Criminal Procedure 16(b), pursuant to a written discovery request made by the United States, within the later of 14 days after the discovery request or 14 days after the United States' deadline for disclosing discovery under the corresponding subsection of Federal Rule of Criminal Procedure 16(a).

d) Superseding Information or Indictment.

(1) Prior Discovery Requests. If a new information or indictment is filed that contains charges against a defendant in the same case where an indictment or information previously charged the defendant, and the defendant had previously requested discovery, that prior discovery request will apply to the new information or indictment, unless the defendant files a notice limiting the prior request within one day of the defendant's arraignment on the new information or indictment.

(2) Substitute Default Discovery Deadline for Prior Discovery Requests. Unless the Court sets a different deadline for discovery or a party files a motion seeking a complex case designation, (i) the United States shall satisfy whatever obligation it may have under Federal Rule of Criminal Procedure 16(a) under a prior discovery request no later than 14 days after arraignment on the new information or indictment, and (ii) the defendant shall satisfy whatever obligation he or she may have under Federal Rule of Criminal Procedure 16(b) under a prior discovery request no later than 7 days after the United States' deadline for disclosing discovery under the corresponding subsection of Federal Rule of Criminal Procedure 16(a).

e) Discovery Request Notice. When a party makes a written discovery request under Federal Rule of Criminal Procedure 16, the party must promptly file a notice on the docket identifying (i) when the discovery request was made; and (ii) the subsection or subsections of discovery materials requested under Federal Rule of Criminal Procedure 16 for the first time in that request.

f) Motions to Modify the Time, Place, or Manner of Discovery.

(1) Page/Word Limit. Motions to modify the time, place, or manner of discovery, and responses and replies for such motions, shall not exceed the greater of 5 pages or 1,500 words without leave of Court, sought at least two days prior to the filing of the document.

(2) Responses and Replies. Responses to motions to modify the time, place, or manner of discovery shall be filed within three business days after service of the motion. If the non-moving party also seeks to modify the time, place, or manner of discovery, the non-moving party may identify those modifications in its response and seek that relief in that manner, without filing a separate motion. Replies to responses shall be filed within three business days after service of the response.

g) Motions to Compel Discovery.

(1) Duty to Confer. Parties seeking discovery under Federal Rule of Criminal Procedure 7(f) or 16(a) or (b) shall file a written motion identifying the discovery sought with specificity only after conferring with the opposing party in a good faith effort to secure the discovery sought.

(2) Declaration. A motion to compel discovery under Federal Rule of Criminal Procedure 7(f) or 16(a) or (b) shall be accompanied by a declaration of counsel or of a *pro se* defendant which shall set forth: (i) the date that the attorney for the United States and defense counsel and/or a *pro se* defendant conferred on the motion; (ii) the names of the attorney for the United States and the defense counsel and/or *pro se* defendant who conferred; (iii) the matters that were agreed upon; and (iv) the matters that are in dispute and require judicial determination.

(3) Exception for *Pro Se* Defendants. Section (g) of this rule does not apply to *pro se* defendants and does not require consultation with *pro se* defendants.

h) Joint Discovery Statement. The attorneys for the United States and the defendant(s) shall collaborate and prepare a written Joint Discovery Statement to be signed by counsel for each party and filed with the Court no later than seven days prior to the commencement of every trial, or at such time as the Court may direct. The Joint Discovery Statement shall generally describe all discovery material exchanged and shall set forth all stipulations. This rule does not apply to *pro se* defendants.

i) Stipulations. No factual stipulation shall be used against a defendant unless the stipulation is in writing and signed by the defendant's attorney. If a defendant is proceeding *pro se*, no factual stipulation may be used against a defendant unless the defendant either (i) signs the stipulation or (ii) orally, on the record, agrees to the stipulation.

Rule 16.2. Personnel Records

(a) Upon request of a defendant who articulates a reasonable basis for the belief that a particular law enforcement officer's personnel and/or internal affairs file may contain discoverable information, the United States shall proceed as follows:

(1) Local Personnel Records. The United States Attorney for the District of the Virgin Islands must request that the Attorney General of the Virgin Islands search for and review all personnel and internal affairs files of such local, non-federal, law enforcement personnel, past or present, and report the results of such search and review to the United States Attorney. The report must contain the substance of all disciplinary reports, citizen complaints, departmental and/or agency complaints, including any disposition; medical and/or psychological information which could reasonably bear on the officer's ability to observe, perceive or relate events, or which could affect such officer's credibility; positive drug and/or alcohol testing results; criminal charges whether prosecuted or not; the substance of all internal affairs investigative files including all allegations and dispositions; all misconduct complaints and reports; any other acts and information, whether substantiated or not, which could reasonably bear on the officer's credibility or character for truthfulness. If the United States Attorney believes that portions of the information contained in the report should not be disclosed, the attorney for the United States may request a protective order under Federal Rule of Criminal Procedure 16(d)(1).

(2) Federal Personnel Records. The United States Attorney must request that the in-house counsel of the federal agency search for and review all personnel and internal affairs files of such federal law enforcement personnel, past or present, and report the results of such search and review to the United States Attorney. The report must contain the substance of all disciplinary reports, citizen complaints, departmental and/or agency complaints, including any disposition; medical and/or psychological information which could reasonably bear on the employee's ability to observe, perceive or relate events, or which could affect such person's

credibility; positive drug and/or alcohol testing results; criminal charges whether prosecuted or not; the substance of all internal affairs investigative files including all allegations and dispositions; all misconduct complaints and reports; any other acts and information, whether substantiated or not, which could reasonably bear on the person's credibility or character for truthfulness. If the United States Attorney believes that portions of the information contained in the report should not be disclosed, the attorney for the United States may request a protective order under Federal Rule of Criminal Procedure 16(d)(1).

(b) The attorney for the United States must disclose information from a report submitted under subsection (a) that is material to the preparation of the defendant's defense and discoverable pursuant to law, subject to any protective order issued by the Court.

(c) If a search and review of records conducted under subsection (a) reveals nothing to be disclosed, the attorney for the United States must file a statement including the following information: (i) that a search was conducted; and (ii) the extent of the United States Attorney's Office's efforts with respect to the search.

Rule 17.2. Subpoenas

(a) Order Required for Advance Disclosure. No subpoena issued pursuant to Federal Rule of Criminal Procedure 17 may require the production of books, papers, documents, or other objects in advance of the trial, hearing or proceeding at which these items are to be offered in evidence, unless the Court has first entered an order pursuant to Rule 17(c) of the Federal Rules of Criminal Procedure.

(1) An order permitting issuance of a Rule 17(c) subpoena may be obtained by filing either a motion or, for good cause, an *ex parte* motion. An *ex parte* motion and order thereon may be filed under seal for good cause. A party requesting a subpoena must support its request by a declaration specifying the facts supporting the issuance of the subpoena along with a proposed order.

(2) The Court will determine whether the material sought should be produced. In issuing an order granting the motion, the Court may place limits on the scope of the requested production.

(b) Return of Subpoena. Any Rule 17(c) subpoena must be returnable to the Court. The subpoena may advise that no appearance is necessary if the items are produced in advance of the date specified, either to the Court, in an envelope delivered to the Clerk's Office, or directly to the issuing attorney whose name and address appear at the bottom of the subpoena.

(c) Protection for the Recipient. Any Rule 17(c) subpoena must advise the subpoenaed party that if compliance would be unreasonable or oppressive, it may file a motion to quash or modify the subpoena, for an *in camera* review of the documents, or for an order to permit production only pursuant to a protective order.

(d) Time for Production. No Rule 17(c) subpoena may require the production of documents or objects in fewer than 14 days from the date the subpoena is served, absent good cause, which must be demonstrated in the motion seeking the order for issuance of the subpoena. If the items sought are voluminous, more than 14 days should be permitted to avoid unnecessary motions to quash or modify.

(e) Defendant Subpoenas to the United States Government or United States Government Employees. In addition to the requirements specified in subsections (a)-(d), a defendant may not issue a subpoena pursuant to Federal Rule of Criminal Procedure 17 to obtain books, papers, documents or other objects from the United States government or to obtain testimony from a United States government employee witness regarding matters within the scope of the government employee witness's employment, unless the defendant complies with the applicable agency regulations issued pursuant to *U.S. ex rel. Touhy v. Ragen*, 340 U.S. 462 (1951).

Rule 28.1. Interpreters

The prosecuting attorney or defense counsel must determine if an interpreter is needed for a defendant's court appearance. Except in preliminary proceedings, all requests for interpreting services must be made to the Court at least seven days before the interpreter's services are required.

Rule 32.1. Sentencing Recommendations

The Office of Probation shall not disclose to anyone other than the Court the probation officer's recommendation on the sentence.

Rule 43.1. Presence of the Defendant

Counsel representing a person accused of a criminal offense in the District Court has the responsibility of notifying the defendant to appear before the Court, unless the defendant is in custody. The United States Attorney shall arrange for a defendant's presence in Court when the defendant is in custody.

Rule 46.1. Motion for Modification of Release Conditions

If a defendant's attorney or the attorney for the United States moves for any modification of conditions such as reporting to probation, or permission to leave the Virgin Islands, the party making the motion must first confer with the opposing party or give reasons for not so conferring. The motion must indicate whether the opposing party has an objection.

Rule 55.1. Criminal Justice Act Plan and Forms

The Court's Criminal Justice Act Plan and forms for use in proceedings governed by these Rules are available on the Court's website and in the office of the Clerk of Court.

Rule 55.2. Speedy Trial Act Plan

The Court's Speedy Trial Act Plan for use in proceedings governed by these Rules is available on the Court's website and in the office of the Clerk of Court.

Rule 58.1. Collateral Forfeiture

(a) In General. With respect to certain offenses specified in a General Order of the Court and available on the Court's website, the person charged with the offense may post collateral in the amount indicated for the particular offense in lieu of appearance.

(b) Forfeiture and Effect. Upon the failure of the person charged with the offense to appear for trial, the collateral shall be forfeited to the United States. Such forfeiture is tantamount to a finding of guilt.

(c) Forfeiture Not Permitted. Forfeiture is not permitted for violations contributing to an accident that causes property damage in excess of one hundred dollars ($100.00) or personal injury or when, in the opinion of the arresting or citing officer or agency, the offense charged is an aggravated offense.

(d) Arrest in Lieu of Forfeiture. Nothing contained in this Rule shall prohibit a law enforcement officer from arresting a person for the commission of any offense, including those for which collateral may be posted and forfeited, and requiring the person charged to appear before the Court.

(e) Violation Notices. The content of, and procedures governing, violation notices are set forth in the order of the Court referred to in (a) above.

Rule 59.1. Matters Before Magistrate Judges

The Magistrate Judges are hereby designated to hear and determine in all criminal cases any pretrial matter permitted by 28 U.S.C. § 636 and Federal Rule of Criminal Procedure 59(a).

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LOCAL RULES OF CRIMINAL PROCEDURE OF THE DISTRICT COURT OF THE VIRGIN ISLANDS

Effective ~~April 23, 2021~~ _____, 2026

Rule 1.1. Scope of Rules
Rule 1.2. Relationship to Local Rules of Civil Procedure
Rule 1.3. Conferral Requirements
Rule 1.4 Pro Se Filings by Represented Persons, Prohibited
~~-~~Rule 7.1. Superseding Charging Documents
Rule 12.5. Pretrial Motions: Duty to Address Speedy Trial Act Excludable Time Implications
Rule 12.6. Complex Case Designation
Rule 16.1. Discovery Procedures
Rule 16.2. Personnel Records
Rule 17.2. Subpoenas
Rule 28.1. Interpreters
Rule 32.1. Sentencing Recommendations
Rule 43.1. Presence of the Defendant
Rule 46.1. Motion for Modification of Release Conditions
~~Rule 53.1. Cameras and Personal Electronic Devices~~
Rule 55.1. Criminal Justice Act Plan and Forms
Rule 55.2. Speedy Trial Act Plan
Rule 58.1. Collateral Forfeiture
Rule 59.1. Matters Before Magistrate Judges

Rule 1.1. Scope of Rules

(a) Title and Citation. These Rules shall be known as the Local Rules of Criminal Procedure of the District Court of the Virgin Islands. They shall be cited as "LRCr."

(b) Scope of Rules. These Rules apply in all proceedings in criminal actions.

(c) Effective Date. These Rules become effective on ~~April 23, 2021~~ 2026.

(d) Relationship to Prior Rules; Actions Pending on Effective Date. These Rules supersede all previous criminal rules promulgated by this Court or any Judge of this Court. They govern all applicable proceedings brought in this Court after they take effect. They also apply to all proceedings pending at the time they take effect, except to the extent that in the opinion of the Court the application thereof would not be feasible or would work injustice, in which event the former rules govern.

~~(e)~~ **Rule of Construction and Definitions.** United States Code, Title 1, Sections 1 through 5, shall, as far as applicable, govern the construction of these Rules.

Rule 1.2. Relationship to Local Rules of Civil Procedure

~~In cases of general procedure not covered by these Rules, the Local Rules of Civil Procedure shall apply.~~ The Local Rules of Civil Procedure are applicable in all criminal cases, except to the extent that they are inconsistent with either the Federal Rules of Criminal Procedure or the Local Rules of Criminal Procedure. Practitioners are advised to be fully familiar with the Local Rules of Civil Procedure.

Rule 1.3. Conferral Requirements

(a) Generally. Unless exigent circumstances exist, a movant shall seek concurrence from each other party before filing a motion.

(b) Exceptions. LRCr. 1.3(a) does not apply to:

(1) Motions identified in Federal Rule of Criminal Procedure 12(b)(3)(A)-(D);
(2) Motions for judgment of acquittal under Federal Rule of Criminal Procedure 29;
(3) Motions for new trial under Federal Rule of Criminal Procedure 33;
(4) Motions to dismiss;
(5) Motions for reconsideration; and
(6) Motions seeking a pre-trial ruling on the admissibility of evidence at trial.

(c) Representation. All motions other than the motions identified in LRCr. 1.3(b) shall either (i) contain a representation that the movant sought concurrence in the motion from each party, and that it has been either given or denied, or (ii) identify the circumstances that prevented concurrence from being sought or obtained.

(d) Interaction with Other Consultation Requirements. To the extent that the Federal Rules of Criminal Procedure or the Local Rules of Criminal Procedure specify a different consultation requirement for a specific motion, those rules govern.

(e) Detained *pro se* defendants. This rule does not apply to detained *pro se* defendants or require consultation with detained *pro se* defendants.

Rule 1.4 *Pro Se* Filings by Represented Persons, Prohibited

A defendant represented by counsel shall not be allowed to file a motion or other documents *pro se*, unless the defendant is seeking the appointment of new counsel or a motion to proceed *pro se*. If a party represented by counsel sends a *pro se* motion or other documents to the court, the court may strike the motion and the document from the record or take any other action the Court deems appropriate.

Rule 7.1. Superseding Charging Documents

(a) Upon the filing of a superseding charging document, the United States shall indicate the changes that have been made in the superseding document in comparison to the preceding charging document by redline or other comparable method. The United States shall also give written notice to the Court: (1) stating whether the new charging document commences a new time limit for commencement of trial; and (2) if so, (i) identifying the reasons the new charging document commences a new time limit for commencement of trial, and (ii) indicating whether the United States seeks a new trial date.

(b) By no later than at the arraignment on the new charging document, counsel for the defendant shall: (1) state whether the defendant agrees or disagrees that the new charging document commences a new time limit for commencement of trial; (2) identify the defendant's reasons for agreement or disagreement; and (3) state whether the defendant seeks a new trial date based on the new charging document.

Rule 12.5. Pretrial Motions: Duty to Address Speedy Trial Act Excludable Time Implications

(a) A motion for a continuance of trial or any other pretrial motion filed after arraignment that seeks to exclude time under the Speedy Trial Act (18 U.S.C. § 3161), whether by the United States or the defendant, shall include:

(1) a statement of whether any delay occasioned by the making, hearing, or granting of that motion will constitute, in whole or in part, excludable time as defined by 18 U.S.C. § 3161(h), and, if so, (i) a statement or estimation of the number of days to be excluded, or (ii) a statement describing how excludable time should be determined by reference to a specified future event; and

(2) a proposed form of order that, if adopted, states fully and with particularity (i) the reasons for granting the motion, and (ii) the proposed findings of the Court as to excludable time.

(b) A party opposing a motion shall file, with the response to the substance of the motion, its agreement with or opposition to the statements or estimations of the moving party made pursuant to subsection (a).

(c) Memoranda in support of and in opposition to a motion for a continuance of trial shall be

filed as follows:

(1) A party filing a motion for a continuance of trial shall file a supporting memorandum at the time the motion is filed. A memorandum shall not be required in support of a motion for a continuance of trial if the reasons for the request are fully stated in the motion.

(2) A party opposing a motion for a continuance of trial shall file a memorandum in opposition to the motion within seven days after service of the motion, unless a shorter period is set by the Court. No further memoranda may be filed without leave of Court.

(3) A party who does not file an opposition to a motion shall be deemed not to oppose the motion.

(d) This rule shall not apply to any motion to be heard *ex parte*.

Rule 12.6. Complex Case Designation

a) **By the United States.** If the United States intends to seek complex case designation for the purpose of excluding time in which trial must be commenced, pursuant to 18 U.S.C. §§ 3161(h)(7)(A) and B(ii), an attorney for the United States shall file a written motion prior to the commencement of the initial discovery conference. By no later than seven days after the initial discovery conference, a defendant shall file a written response to the motion for complex case designation, indicating the defendant's agreement or opposition, and the reasons therefor.

b) **By One or More Defendants.** If one or more defendants intends to seek complex case designation for the purpose of excluding time in which trial must be commenced, pursuant to 18 U.S.C. §§ 3161(h)(7)(A) and B(ii), the defendant shall file a written motion no later than five days after the deadline for the Government to provide Rule 16 discovery.

c) **Extensions of Time.** The Court may extend these deadlines for good cause. The parties may also extend by agreement the deadline for filing motions seeking complex case designation.

~~If the United States intends to seek complex case designation for the purpose of excluding time in which trial must be commenced, pursuant to 18 U.S.C. §§ 3161(h)(7)(A) and B(ii), an attorney for the United States shall file a written motion prior to arraignment. At arraignment, the Court may set a date for a hearing on the motion seeking a complex case designation. At a time set by the Court, each defendant shall file a written response to the motion for complex case designation, indicating that party's agreement or opposition, and the reasons therefor.~~

Rule 16.1. Discovery Procedures

a) **Initial Discovery Conference.**

(1) Timing. Unless otherwise ordered, no later than 14 days after the arraignment on the first information or indictment filed in a matter as to a defendant, the attorney for the United States and the defendant's attorney must confer and try to agree on a timetable and procedures for pretrial disclosure under Federal Rule of Criminal Procedure 16. Counsel may confer in person, telephonically, or via email or other appropriate medium.

(2) Notice of Proposed Pretrial Discovery Timetable. Within five days of the completion of the conference, the parties shall file a notice of proposed pretrial discovery timetable identifying all agreed upon deadlines. The notice of proposed pretrial discovery timetable must identify the subsection or subsections of discovery materials requested under Federal Rule of Criminal Procedure 16 prior to the conclusion of the initial discovery conference.

(3) Effect of Filing Proposed Pretrial Discovery Timetable. Upon the filing of a notice of proposed pretrial discovery timetable, the agreed upon deadlines for disclosing discovery under Federal Rule of Criminal Procedure 16 specified in that notice shall be binding on the parties, unless modified by the Court. Those deadlines shall extend only to subsections of discovery materials requested under Federal Rule of Criminal Procedure 16 prior to the conclusion of the initial discovery conference.

(4) Exception for *Pro Se* Defendants. Section (a) of this rule does not apply to *pro se* defendants. Upon a discovery request and after providing the parties an opportunity to be heard, the Court shall set discovery deadlines for *pro se* defendants. Those deadlines apply only to discovery requested at the time the Court's discovery scheduling order is entered.

b) Default Deadline for Government Production of Federal Rule of Criminal Procedure 16 Discovery. Unless the Court sets a different deadline for discovery, a party files a motion seeking a complex case designation, or the parties file a notice of proposed pretrial discovery timetable specifying a different deadline, the United States shall satisfy whatever obligation it may have under Federal Rule of Criminal Procedure 16(a), pursuant to a written discovery request, within:

(1) 28 days of the discovery request, if that request was made after arraignment; or

(2) 28 days after arraignment, if the discovery request was made at, or prior to, arraignment.

c) Default Deadline for Defendant Production of Federal Rule of Criminal Procedure 16 Discovery. Unless the Court sets a different deadline for discovery, a party files a motion seeking a complex case designation, or the parties file a notice of proposed pretrial discovery timetable specifying a different deadline, a defendant shall satisfy whatever obligation he or she may have under a subsection of Federal Rule of Criminal Procedure 16(b), pursuant to a

written discovery request made by the United States, within the later of 14 days after the discovery request or 14 days after the United States' deadline for disclosing discovery under the corresponding subsection of Federal Rule of Criminal Procedure 16(a).

d) Superseding Information or Indictment.

(1) Prior Discovery Requests. If a new information or indictment is filed that contains charges against a defendant in the same case where an indictment or information previously charged the defendant, and the defendant had previously requested discovery, that prior discovery request will apply to the new information or indictment, unless the defendant files a notice limiting the prior request within one day of the defendant's arraignment on the new information or indictment.

(2) Substitute Default Discovery Deadline for Prior Discovery Requests. Unless the Court sets a different deadline for discovery or a party files a motion seeking a complex case designation, (i) the United States shall satisfy whatever obligation it may have under Federal Rule of Criminal Procedure 16(a) under a prior discovery request no later than 14 days after arraignment on the new information or indictment, and (ii) the defendant shall satisfy whatever obligation he or she may have under Federal Rule of Criminal Procedure 16(b) under a prior discovery request no later than 7 days after the United States' deadline for disclosing discovery under the corresponding subsection of Federal Rule of Criminal Procedure 16(a).

e) Discovery Request Notice. When a party makes a written discovery request under Federal Rule of Criminal Procedure 16, the party must promptly file a notice on the docket identifying (i) when the discovery request was made; and (ii) the subsection or subsections of discovery materials requested under Federal Rule of Criminal Procedure 16 for the first time in that request.

f) Motions to Modify the Time, Place, or Manner of Discovery.

(1) Page/Word Limit. Motions to modify the time, place, or manner of discovery, and responses and replies for such motions, shall not exceed the greater of 5 pages or 1,500 words without leave of Court, sought at least two days prior to the filing of the document.

(2) Responses and Replies. Responses to motions to modify the time, place, or manner of discovery shall be filed within three business days after service of the motion. If the non-moving party also seeks to modify the time, place, or manner of discovery, the non-moving party may identify those modifications in its response and seek that relief in that manner, without filing a separate motion. Replies to responses shall be filed within three business days after service of the response.

g) Motions to Compel Discovery.

(1) Duty to Confer. Parties seeking discovery under Federal Rule of Criminal Procedure 7(f) or 16(a) or (b) shall file a written motion identifying the discovery sought with specificity only after conferring with the opposing party in a good faith effort to secure the discovery sought.

(2) Declaration. A motion to compel discovery under Federal Rule of Criminal Procedure 7(f) or 16(a) or (b) shall be accompanied by a declaration of counsel or of a *pro se* defendant which shall set forth: (i) the date that the attorney for the United States and defense counsel and/or a *pro se* defendant conferred on the motion; (ii) the names of the attorney for the United States and the defense counsel and/or *pro se* defendant who conferred; (iii) the matters that were agreed upon; and (iv) the matters that are in dispute and require judicial determination.

(3) Exception for *Pro Se* Defendants. Section (g) of this rule does not apply to *pro se* defendants and does not require consultation with *pro se* defendants.

h) Joint Discovery Statement. The attorneys for the United States and the defendant(s) shall collaborate and prepare a written Joint Discovery Statement to be signed by counsel for each party and filed with the Court no later than seven days prior to the commencement of every trial, or at such time as the Court may direct. The Joint Discovery Statement shall generally describe all discovery material exchanged and shall set forth all stipulations. This rule does not apply to *pro se* defendants.

i) Stipulations. No factual stipulation shall be used against a defendant unless the stipulation is in writing and signed by the defendant's attorney. If a defendant is proceeding *pro se*, no factual stipulation may be used against a defendant unless the defendant either (i) signs the stipulation or (ii) orally, on the record, agrees to the stipulation.

~~**(a) Discovery Conference.** Unless otherwise ordered, no later than 14 days after the arraignment, the attorney for the United States and defense counsel must confer and agree on a timetable and procedures for pretrial disclosure under Rule 16. Counsel may confer in person, telephonically, or via email or other appropriate medium. The parties shall file a proposed pretrial discovery timetable within five days of the completion of the conference.~~

~~**(b) Default Deadline for Production of Federal Rule of Criminal Procedure 16 Discovery.** Unless the Court sets a different deadline for discovery or the United States files a motion seeking a complex case designation, the United States shall satisfy whatever obligation it may have pursuant to Federal Rule of Criminal Procedure 16 no later than 30 days after the conference described in LRCr 16.1(a)(c).~~

~~**(c) Discovery Motions.**~~

~~**(l) Duty to Confer.** Counsel seeking discovery under Federal Rule of Criminal Procedure 7(f) or 16(a) or (b) shall file a written motion identifying the discovery sought with specificity only after conferring with opposing counsel in a good faith effort to secure the discovery sought.~~

~~**(2) Declaration.** A motion to compel discovery shall be accompanied by a declaration of counsel which shall set forth: (i) the date that counsel conferred on the motion; (ii) the names of the attorney for the United States and defense counsel who conferred; (iii) the matters that were agreed upon; and (iv) the matters that are in dispute and require judicial determination.~~

~~**(d) Joint Discovery Statement.** The attorneys for the United States and the defendant(s) shall collaborate and prepare a written Joint Discovery Statement to be signed by counsel for each party and filed with the Court no later than seven days prior to the commencement of every trial, or at such time as the Court may direct. The Joint Discovery Statement shall generally describe all discovery material exchanged and shall set forth all stipulations.~~

~~**(e) Stipulations.** No factual stipulation shall be used against a defendant unless the stipulation is in writing, signed by the defendant's attorney, and the defendant either (i) signs the stipulation or (ii) orally, on the record, agrees to the stipulation.~~

Rule 16.2. Personnel Records

(a) Upon request of a defendant who articulates a reasonable basis for the belief that a particular law enforcement officer's personnel and/or internal affairs file may contain discoverable information, the United States shall proceed as follows:

(1) Local Personnel Records. The United States Attorney for the District of the Virgin Islands must request that the Attorney General of the Virgin Islands search for and review all personnel and internal affairs files of such local, non-federal, law enforcement personnel, past or present, and report the results of such search and review to the United States Attorney. The report must contain the substance of all disciplinary reports, citizen complaints, departmental and/or agency complaints, including any disposition; medical and/or psychological information which could reasonably bear on the officer's ability to observe, perceive or relate events, or which could affect such officer's credibility; positive drug and/or alcohol testing results; criminal charges whether prosecuted or not; the substance of all internal affairs investigative files including all allegations and dispositions; all misconduct complaints and reports; any other acts and information, whether substantiated or not, which could reasonably bear on the officer's credibility or character for truthfulness. If the United States Attorney believes that portions of the information contained in the report should not be disclosed, the attorney for the United States may request a protective order under Federal Rule of Criminal Procedure 16(d)(1).

(2) Federal Personnel Records. The United States Attorney must request that the in-house counsel of the federal agency search for and review all personnel and internal affairs files of such federal law enforcement personnel, past or present, and report the results of such search and review to the United States Attorney. The report must contain the substance of all disciplinary reports, citizen complaints, departmental and/or agency complaints, including any disposition; medical and/or psychological information which could reasonably bear on the employee's ability to observe, perceive or relate events, or which could affect such person's

credibility; positive drug and/or alcohol testing results; criminal charges whether prosecuted or not; the substance of all internal affairs investigative files including all allegations and dispositions; all misconduct complaints and reports; any other acts and information, whether substantiated or not, which could reasonably bear on the person's credibility or character for truthfulness. If the United States Attorney believes that portions of the information contained in the report should not be disclosed, the attorney for the United States may request a protective order under Federal Rule of Criminal Procedure 16(d)(1).

(b) The attorney for the United States must disclose information from a report submitted under subsection (a) that is material to the preparation of the defendant's defense and discoverable pursuant to law, subject to any protective order issued by the Court.

(c) If a search and review of records conducted under subsection (a) reveals nothing to be disclosed, the attorney for the United States must file a statement including the following information: (i) that a search was conducted; and (ii) the extent of the United States Attorney's Office's efforts with respect to the search.

Rule 17.2. Subpoenas

(a) Order Required for Advance Disclosure. No subpoena issued pursuant to Federal Rule of Criminal Procedure 17 may require the production of books, papers, documents, or other objects in advance of the trial, hearing or proceeding at which these items are to be offered in evidence, unless the Court has first entered an order pursuant to Rule 17(c) of the Federal Rules of Criminal Procedure.

(1) An order permitting issuance of a Rule 17(c) subpoena may be obtained by filing either a motion or, for good cause, an *ex parte* motion. An *ex parte* motion and order thereon may be filed under seal for good cause. A party requesting a subpoena must support its request by a declaration specifying the facts supporting the issuance of the subpoena along with a proposed order.

(2) The Court will determine whether the material sought should be produced. In issuing an order granting the motion, the Court may place limits on the scope of the requested production.

(b) Return of Subpoena. Any Rule 17(c) subpoena must be returnable to the Court. The subpoena may advise that no appearance is necessary if the items are produced in advance of the date specified, either to the Court, in an envelope delivered to the Clerk's Office, or directly to the issuing attorney whose name and address appear at the bottom of the subpoena.

(c) Protection for the Recipient. Any Rule 17(c) subpoena must advise the subpoenaed party that if compliance would be unreasonable or oppressive, it may file a motion to quash or modify the subpoena, for an *in camera* review of the documents, or for an order to permit production only pursuant to a protective order.

(d) Time for Production. No Rule 17(c) subpoena may require the production of documents or objects in fewer than 14 days from the date the subpoena is served, absent good cause, which must be demonstrated in the motion seeking the order for issuance of the subpoena. If the items sought are voluminous, more than 14 days should be permitted to avoid unnecessary motions to quash or modify.

(e) Defendant Subpoenas to the United States Government or United States Government Employees. In addition to the requirements specified in subsections (a)-(d), a defendant may not issue a subpoena pursuant to Federal Rule of Criminal Procedure 17 to obtain books, papers, documents or other objects from the United States government or to obtain testimony from a United States government employee witness regarding matters within the scope of the government employee witness's employment, unless the defendant complies with the applicable agency regulations issued pursuant to *U.S. ex rel. Touhy v. Ragen*, 340 U.S. 462 (1951).

Rule 28.1. Interpreters

The prosecuting attorney or defense counsel must determine if an interpreter is needed for a defendant's court appearance. Except in preliminary proceedings, all requests for interpreting services must be made to the Court at least seven days before the interpreter's services are required.

Rule 32.1. Sentencing Recommendations

The Office of Probation shall not disclose to anyone other than the Court the probation officer's recommendation on the sentence.

Rule 43.1. Presence of the Defendant

Counsel representing a person accused of a criminal offense in the District Court has the responsibility of notifying the defendant to appear before the Court, unless the defendant is in custody. The United States Attorney shall arrange for a defendant's presence in Court when the defendant is in custody.

Rule 46.1. Motion for Modification of Release Conditions

If a defendant's attorney or the attorney for the United States moves for any modification of conditions such as reporting to probation, or permission to leave the Virgin Islands, the party making the motion must first confer with the opposing party or give reasons for not so conferring. The motion must indicate whether the opposing party has an objection.

~~**Rule 53.1. Cameras and Personal Electronic Devices**~~

~~The possession or use of cameras or Personal Electronic Devices in the United States Court House or anywhere that a judicial officer is holding a court proceeding is governed by General Order of the Court, which is available on the Court's website and in the office of the Clerk of Court.~~

Rule 55.1. Criminal Justice Act Plan and Forms

The Court's Criminal Justice Act Plan and forms for use in proceedings governed by these Rules are available on the Court's website and in the office of the Clerk of Court.

Rule 55.2. Speedy Trial Act Plan

The Court's Speedy Trial Act Plan for use in proceedings governed by these Rules is available on the Court's website and in the office of the Clerk of Court.

Rule 58.1. Collateral Forfeiture

(a) In General. With respect to certain offenses specified in a General Order of the Court and available on the Court's website, the person charged with the offense may post collateral in the amount indicated for the particular offense in lieu of appearance.

(b) Forfeiture and Effect. Upon the failure of the person charged with the offense to appear for trial, the collateral shall be forfeited to the United States. Such forfeiture is tantamount to a finding of guilt.

(c) Forfeiture Not Permitted. Forfeiture is not permitted for violations contributing to an accident ~~causing~~ that causes property damage in excess of one hundred dollars ($100.00) or personal injury or when, in the opinion of the arresting or citing officer or agency, the offense charged is an aggravated offense.

(d) Arrest in Lieu of Forfeiture. Nothing contained in this Rule shall prohibit a law enforcement officer from arresting a person for the commission of any offense, including those for which collateral may be posted and forfeited, and requiring the person charged to appear before the Court.

(e) Violation Notices. The content of, and procedures governing, violation notices are set forth in the order of the Court referred to in (a) above.

Rule 59.1. Matters Before Magistrate Judges

The Magistrate Judges are hereby designated to hear and determine in all criminal cases any pretrial matter permitted by 28 U.S.C. § 636 and Federal Rule of Criminal Procedure 59(a).

ATTACHMENT C
LOCAL BANKRUPTCY RULES

LOCAL BANKRUPTCY RULES OF THE DISTRICT COURT FOR THE VIRGIN ISLANDS, BANKRUPTCY DIVISION

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LOCAL BANKRUPTCY RULES OF THE DISTRICT COURT OF THE VIRGIN ISLANDS, BANKRUPTCY DIVISION AMENDED EFFECTIVE __2026

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 ("Official Forms"), and Federal Rules of Bankruptcy Procedure ("Fed. R. Bankr. P.").

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 _____2026.

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. Attachments and Exhibits: If filed electronically, all abstracts, exhibits, exhibit summaries, and attachments to a motion must be filed as separate documents. If Exhibits and other attachments to pleadings (other than Application for Compensation and Reimbursement, Trustee's Final Report and Account, Plan of Reorganization, Disclosure Statement, and proofs of claim) are lengthy (exceed X pages in length, a party may instead file a summary of those exhibits. The party filing a pleading containing a summary of exhibits or attachments 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. Any filer seeking to file a document (a "Proposed Sealed Document") under seal must file a motion requesting such relief (a "Sealing Motion") no later than 3 business days after the filing of the Proposed Sealed Document. The Proposed Sealed Document must be filed separately from the Sealing Motion as a restricted document in accordance with the Court's CM/ECF procedures. The Sealing Motion must be accompanied by a separately filed proposed redacted version of the Proposed Sealed Document in a form suitable to appear on the Court's public docket (the "Proposed Redacted Document").

D. 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. Filing 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.

E. 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 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.

F. Filing 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.

Proposed orders must be filed as a separate PDF document when a motion, application, objection or other request for relief is 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.

G. Effect of Electronic Filing. Submission of a document through electronic filing 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 by scanning, the date of filing shall be the date and time the 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 paper to be scanned must be completed by the close of the Clerk's Office on the applicable deadline for filing.

H. 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 maintained by the attorney for the debtor(s) – or the debtor(s) if pro se - until the closing of the case.
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.

I. 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. Bankr. P. Such service must include the Notice of Electronic Filing and a copy of the document which was filed.

J. 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.

K. 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.

L. 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.

M. 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 credit card 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 any case where an installment payment has not been received by the due date, the Court shall issue a deficiency notice in accordance with LBR 1017-2. If the deficiency is not cured within the time stated, the Court will immediately issue an order dismissing the case 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 dismissal does not constitute a foregiveness or discharge of the filing fees due by the debtor.

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 income 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 income 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 Official Form B 2830; 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 Official Form B 2830.

Rule 1007-5 EXCLUSION OF PERSONAL DATA IDENTIFIERS

In compliance with the policy of the Judicial Conference of the United States, and the£-Government Act of 2002, 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. 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.

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 debtor's 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 Form B 121, Statement of Social Security Number, shall be modified to include the word "amendment" at the end of the caption, and the completed unredacted 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.

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 (or to pay the filing

fee) as required by the Bankruptcy Code, Fed. R. Bankr. P., and the LBR and other orders of this Court, then the Court will issue a Notice of Deficient Filing. 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, (2) file a motion and proposed order seeking an extension of time to cure the deficiencies, or (3) 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 11 or 13 cases. A chapter 11 or 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 to all other requirements of the Code and the LBR, a chapter 11 or 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. 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;

5. 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 phone 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

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 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 for 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 Official Form B2700, 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 Official Form 113 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 B410,

and include such attachments and supplements as required by Official Form B410A, Official Form B410S-1 and/or Official Form B410S-2.

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, including the date set for other creditors after the case is converted or 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 21 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 to the extent permissible under the Bankruptcy Code and the Federal Rules of Bankruptcy Procedure.

E. Noticing Requirements. To the extent the assigned claim is one that is secured by a security interest in the debtor's principal residence, the assignee or transferee must comply with the noticing requirements of Fed. R. Bankr. P. 3002.1 before the trustee is authorized to make a distribution on such claim.

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 account number which the debtor uses to identify its relationship with the creditor 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 21 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, regardless of whether such payments will be paid by the trustee or directly by the debtor. If no objections are filed within 21 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. At such time, the noticing obligations imposed by Fed. R. Bankr. P. 3002.1 shall cease, unless the Court orders otherwise. The chapter 13 trustee shall, however, continue to make distributions to the remaining creditors in accordance with the terms of the plan.

H. For all other claims, 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 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, in chapter 13 cases, a plan in substantial conformity to the current version of Official Form 113, or any other information required by the Bankruptcy Code or Bankruptcy Rules, within fourteen (14) days of the date of filing the petition or to obtain a Court-approved extension as provided in Fed. R. Bankr. 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. If the debtor does not cure the deficiency within the time stated in the Clerk's Notice of Deficient Filing, the case shall be dismissed.

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, if a timely claim is not 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, except as follows:

1. Unsecured and priority claims: A late-filed general unsecured or priority claim may participate in the distribution under a Confirmation Order, if there are sufficient funds available after all claims timely filed and provided for in the plan have been paid pursuant to the terms of the plan, unless an objection is filed within fourteen (14) days after service of the late-filed claim. If an objection is

timely filed to the late-filed claim, 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 may 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. debtor's plan may provide for any of the following treatment of secured creditors: (1) direct payments by the debtor, (2) payment of arrearages under the plan by the trustee and payment of the current amounts due directly by the debtor, (3) "payment in full" i.e. 100% of the allowed claim by the trustee, and/or (4) (if not secured by the debtor's residence), a cramdown payment of the value of its collateral by the trustee as instructed in the confirmed plan.

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 to be paid under the plan 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 Official Form B 425B, except in a case and plan designated as a complex chapter 11.

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 3016-1 USE OF DISCLOSURE STATEMENT AND PLAN FORM IN CHAPTER 11, SUBCHAPTER V CASES

A chapter 11, subchapter V debtor must file Local Forms 31 Subchapter 5 Status Report and Local Form 32 Subchapter V Small Business Plan.

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 or 3017.1.

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 consummation of the plan, or such further date as the Court or plan may set.

B. Every motion for final decree shall have a completed Official Form B 2700 and a proposed form of order conforming to Official Form B 2710 attached.

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. 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; if a discharge is sought through the financing, whether the provisions of **11** U.S.C. § 1328 are met;

f. the date the loan is expected to close; and

g. 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 financed;

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

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
i. 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 60)days from the engagement of counsel for the committee of unsecured creditors or, if no counsel or no committee is appointed, (ii) less than 75 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 (i.e., a "roll-up" of the 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 formatted as if 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 5007-1 REQUESTS FOR TRANSCRIPTS

A. Form of Request. Parties may request transcripts or an audio recording by either filing a transcript request with the Clerk on a form available from the Clerk and the Court's Website. If the request is in connection with an appeal, Fed. R. Bankr. P. 8009(b) also must be followed.

B. Payment for transcripts. The transcriber shall provide an estimate cost of the

transcript and the party requesting the transcript shall provide the estimated payment before the transcript request is processed.

C. Payment for audio recordings only. The clerk will provide the cost of the audio recording and payments shall be made directly to the Clerk of Court before the audio is released.

D. Release of Transcript to Requesting Party. When the transcript is completed, the transcriber 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. The transcriber will submit the transcript to the Clerk's Office for filing.

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 Official Form B 2700 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 the matter and issue an opinion before the District Court will hear and decide the motion for withdrawal of the reference.

D. Designation of Record.

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. 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 UNDER LBR 3011-1

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 seeking withdrawal of deposited funds and 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 under Fed. R. Bankr. P. 6002(a) 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. 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 proceeding and comply with the adversary procedures including service of a summons set forth in Part VII of the Fed. R. Bankr. P. and the LBR. A proposed order approving the sale shall be attached to the motion or complaint.

B. **Contents of Motion.** The motion shall consist of, or (if the motion is more than five pages in length) begin with, a concise statement of the relief requested, not to exceed five pages, that lists or summarizes, and sets out the location within the relevant documents of all material provisions, including:

(1) the identity of the purchaser, if any, and whether the purchaser is an insider of the debtor;

(2) the terms of the sale including the price, any warranties, closing date and any closing conditions;

(3) whether the sale is subject to higher and better offers and, if so, the auction terms including:

(a) proposed auction date;

(b) minimum incremental bids;

(c) initial overbid amount; and

(d) the proposed last date for submitting competing bids.

(4) the requirements of any competing bidder including:

(a) minimum deposit;

(b) any documentation requirements; and

(c) any other qualifying conditions.

(5) any purchaser protections not otherwise described, including, but not limited to:

(a) any proposed break up fee;

(b) any matching rights.

(6) a statement regarding whether the debtor has a policy of prohibiting the transfer of personally identifiable information, whether the sale would be inconsistent with that policy, and whether the debtor believes a consumer privacy ombudsman is required under §332 of the Bankruptcy Code;

(7) the identity of all known potential lienholders or interest holders including the nature and extent of their liens or interests and whether such liens or interests are disputed; and

(8) a statement setting forth the need for any critical path or accelerated hearings, requesting the dates for any necessary hearings or events to be scheduled by the court.

C. Hearing Date. Before filing any motion for approval of a sale, the seller shall obtain from the appropriate court personnel a sale hearing time and date which shall be included in the notice of the sale motion. The hearing for approval of the sale shall be no earlier than 21 days from the date of service of the Motion.

D. Responses. Responses and objections shall be filed and served no later fourteen (14) days after service of the motion and at least 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 any other bidders and their 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.

E. 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 21 days of the filing of the motion, the Court may approve the sale without further notice or hearing.

F. 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, which must include all creditors who assert a security interest in the property to be sold and on any parties who have expressed an interest in buying the property. 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 real (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 auction (if any) and 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 20 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. In an adversary proceeding, the adversary complaint, counterclaim, cross-claim or third-party complaint shall contain a statement that the pleader does or does not consent to entry of final orders or judgment by the Bankruptcy Court in accordance with Fed. R. Bankr. P. 7008.

B. By the Defendant. A responsive pleading in an adversary proceeding shall contain a statement that the party does or does not consent to entry of final orders or judgment by the Bankruptcy Court in accordance with Fed. R. Bankr. P. 7012(b).

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 416D.

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. 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.

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. 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 of counsel that briefing is completed.

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 shall be governed by the Fed. R. Bankr. P., the LBR, and/or 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 motion 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 the national Official Forms are available on the Court's website.

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 the District Court requirements, order entered by the Bankruptcy Court, and oath administered by the District Court. Pro Hac Vice attorneys shall comply with and fall under the disciplinary jurisdiction of the District and Bankruptcy Court. Association with Local Counsel Not Required.

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 and the District Court for disciplinary purposes in connection with the matter in which the attorney is appearing.

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.

Child Support Creditors. Child support creditors need not appear by counsel provided, however, that they shall first complete and file Official Form B 2810.

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. 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 and suggested dates for the 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 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 will 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.

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 of property of the estate; the avoidance of a lien or liens in a form that substantially complies with LBF 22;
2. a sale; and
3. 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; and
f. any post-petition defaults.
2. an averment that an appropriate proof of claim has been filed; and
3. 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. 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 less 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. Any motion seeking relief in the Bankruptcy Court shall contain a statement that the movant does or does not consent to entry of final orders or judgment by the Bankruptcy Court.

B. By the Respondent. An answer or other response to the motion by the respondent shall contain a statement that the party does or does not consent to entry of final orders or judgment by the Bankruptcy Court.

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. Appearance Required. 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:

a. The party or its representative having full authority to settle without further consultation; and

b. 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.

3. 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.

4. 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.

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

6. 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.

7. 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; and
3. Other good cause is shown.

D. Certified Mediators.

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

    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.
3. 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.
4. 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.

G. 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 recorded. In such event, the transcript may be filed with the Court.

H. 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.

I. 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.

J. 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.

K. 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.

L. 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.

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 retrieved from the Court 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.

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LOCAL BANKRUPTCY RULES OF THE DISTRICT COURT FOR THE VIRGIN ISLANDS, BANKRUPTCY DIVISION

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Rule 9006-1 **TIME**

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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, 2017~~ 2026

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.~~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 ~~("Official Forms"),~~, and Federal Rules of Bankruptcy Procedure ~~("Fed. R. Bankr. P.").~~.").

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, 2017~~ 2026.

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~~
~~——~~District Court of the Virgin Islands St. Thomas/St. John Division
~~St. Croix 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
~~Charlotte Amalie, St. Thomas 00802~~
~~——~~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.~~

Attachments and Exhibits ~~exceeding ten (10) pages:~~: If filed electronically, all abstracts, exhibits, exhibit summaries, and attachments to a motion must be filed as separate documents. If Exhibits and other attachments to pleadings ~~shall not exceed ten (10) pages in length, except exhibits to the following:~~(other than Application for Compensation and Reimbursement, ~~Trustee's~~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).~~) are lengthy (exceed X pages in length, a party may instead file a summary ~~not exceeding ten (10) pages may be filed in lieu of~~of those exhibits ~~and attachments that exceed ten~~

a. ~~(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 LBF 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.

~~b. 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. Sealed Documents. Any filer seeking to file a document (a "Proposed Sealed Document") under seal must file a motion requesting such relief (a "Sealing Motion") no later than 3 business days after the filing of the Proposed Sealed Document. The Proposed Sealed Document must be filed separately from the Sealing Motion as a restricted document in accordance with the Court's CM/ECF procedures. The Sealing Motion must be accompanied by a separately filed proposed redacted version of the Proposed Sealed Document in a form suitable to appear on the Court's public docket (the "Proposed Redacted Document").

~~C.~~D. 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. Filing 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.~~E. 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.~~F. 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.
~~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.~~G. 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.~~H. 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~~maintained by the attorney for the debtor(s) – or the debtor(s) if pro se - until the closing of the case.
~~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.~~I. 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. Bankr. P. Such service must include the Notice of Electronic Filing and a copy of the document which was filed.

~~I.~~J. ~~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.~~K. 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.~~L. 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.~~M. 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~~credit card 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, the Court shall issue a deficiency notice in accordance with LBR 1017-2. If the deficiency is not cured within the time stated, the Court will immediately issue an order dismissing the case 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.~~dismissal does not constitute a foregiveness or discharge of the filing fees due by the debtor.

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 income 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 income 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~~Official Form B 2830; 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~~Official Form B 2830.

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~~2002, 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. 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.

~~1. 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 debtor's 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 Form B 121, Statement of Social Security Number, shall be modified to include the word "amendment" at the end of the caption, and the completed unredacted 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. 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 (or to pay the filing fee) 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~~Court will issue a ~~motion to dismiss the bankruptcy case pursuant to the appropriate provision of the Bankruptcy Code.~~Notice of Deficient Filing. 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, or (3) 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 11 or 13 cases. A chapter 11 or 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 to all other requirements of the Code and the LBR, a chapter 11 or 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;

~~1. 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.~~

4. 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;

5. 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 ~~orderfor~~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~~phone 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

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~~for 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~~Official Form B2700, 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 Official Form 113 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 B410, and include such attachments and supplements as required by Official Form B410A, Official Form B410S-1 and/or Official Form B410S-2.

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,~~ including the date set for other creditors after the case is converted or 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.

~~C.~~ Objections. Any objection to the transfer of a claim shall be filed within ~~fourteen~~ D. ~~(14~~ 21~~)~~ 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 to the extent permissible under the Bankruptcy Code and the Federal Rules of Bankruptcy Procedure.

E. Noticing Requirements. To the extent the assigned claim is one that is secured by a security interest in the debtor's principal residence, the assignee or transferee must comply with the noticing requirements of Fed. R. Bankr. P. 3002.1 before the trustee is authorized to make a distribution on such claim.

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 which the debtor uses to identify its relationship with the creditor 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~~ 21~~)~~ 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, regardless of whether such payments will be paid by the trustee or directly by the debtor. If no objections are filed within ~~fourteen~~

~~(14~~21~~)~~ 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. At such time, the noticing obligations imposed by Fed. R. Bankr. P. 3002.1 shall cease, unless the Court orders otherwise. The chapter 13 trustee shall, however, continue to make distributions to the remaining creditors in accordance with the terms of the plan.

H. For all other claims, 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. Bankr. 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~~in chapter 13 cases, a plan in

substantial conformity to the current version of Official Form 113, or any 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. Bankr. 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 Official Form 113~~ If the debtor does not cure the deficiency within the time stated in the Clerk's Notice of Deficient Filing, the case shall be dismissed.

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~~if a timely claim is not 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~~.~~, except as follows:

1. Unsecured and priority claims: A late-filed general unsecured or priority claim ~~will~~may participate in the distribution under a Confirmation Order, ~~subordinated to those~~if there are sufficient funds available after all claims timely filed and provided for in the plan have been paid pursuant to the terms of the plan, unless an objection is filed within fourteen (14) days after service of the late-filed claim. If an objection is timely filed to the late-filed claim, 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~~may 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~~. debtor's plan may provide for any of the following treatment of secured creditors: (1) direct payments by the debtor, (2) payment of arrearages under the plan by the trustee and payment of the current amounts due directly by the debtor, (3) "payment in full" i.e. 100% of the allowed claim by the trustee, and/or (4) (if not secured by the debtor's residence), a cramdown payment of the value of its collateral by the trustee as instructed in the confirmed plan.

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 to be paid under the plan 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~~Official Form B 425B, except in a case and plan designated as a complex chapter 11 ~~or in a case designated as a small business case under chapter 11. In the latter situation, Official Form 25B shall be used~~.

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 3016-1 USE OF DISCLOSURE STATEMENT AND PLAN FORM IN CHAPTER 11, SUBCHAPTER V CASES

A chapter 11, subchapter V debtor must file Local Forms 31 Subchapter 5 Status Report and Local Form 32 Subchapter V Small Business Plan.

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 or 3017.1.

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~~consummation of the plan, or such further date as the Court or plan may set.

B. Every motion for final decree shall have a completed Official Form B 2700 and a proposed form ~~"Report for Bankruptcy Judges in Cases~~of order conforming to ~~be Closed"~~Official Form B 2710 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. 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; if a discharge is sought through the financing, whether the provisions of

~~if a discharge is sought through the financing, whether the provisions of~~ **11** U.S.C. § 1328 are met;

f. the date the loan is expected to close; and

g. 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~~financed;

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

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.

~~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

i. 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)~~ 60)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~~75 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~~,~~ (i.e., a "roll-up" of the 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 formatted as if 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. If the request is in connection with an appeal, Fed. R. Bankr. P. 8009(b) also must be followed.
~~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.~~

~~Contents of Request.~~

~~A.~~ Payment for transcripts. The ~~requesting party~~transcriber 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.~~

B. ~~Payment. The stenographer or the ECRO shall~~ an 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.~~

C. Payment for audio recordings only. The clerk will provide the cost of the audio recording and payments shall be made directly to the Clerk of Court before the audio is released.

~~C.~~D. Release of Transcript to Requesting Party. When the ~~completed~~ transcript is ~~received by the stenographer or the ECRO, the stenographer or the ECRO~~completed, the transcriber 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. The transcriber will submit the transcript to the Clerk's Office for filing.

~~B. 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~~ Official Form B 2700 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 the matter and issue an opinion before the District Court will hear and decide the motion for withdrawal of the reference.

D. Designation of Record.

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. 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 UNDER LBR 3011-1

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~~seeking withdrawal of deposited funds and ~~-~~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 under Fed. R. Bankr. P. 6002(a) 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. 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 proceeding and ~~proceed by~~comply with the adversary procedures including service of a summons set forth in Part VII of the Fed. R. Bankr. P. and the LBR. A proposed order approving the sale shall be attached to the

motion or complaint.

B. **Contents of Motion.** The motion shall consist of, or (if the motion is more than five pages in length) begin with, a concise statement of the relief requested, not to exceed five pages, that lists or summarizes, and sets out the location within the relevant documents of all material provisions, including:

(1) the identity of the purchaser, if any, and whether the purchaser is an insider of the debtor;

(2) the terms of the sale including the price, any warranties, closing date and any closing conditions;

(3) whether the sale is subject to higher and better offers and, if so, the auction terms including:

(a) proposed auction date;

(b) minimum incremental bids;

(c) initial overbid amount; and

(d) the proposed last date for submitting competing bids.

(4) the requirements of any competing bidder including:

(a) minimum deposit;

(b) any documentation requirements; and

(c) any other qualifying conditions.

(5) any purchaser protections not otherwise described, including, but not limited to:

(a) any proposed break up fee;

(b) any matching rights.

(6) a statement regarding whether the debtor has a policy of prohibiting the transfer of personally identifiable information, whether the sale would be inconsistent with that policy, and whether the debtor believes a consumer privacy ombudsman is required under §332 of the Bankruptcy Code;

(7) the identity of all known potential lienholders or interest holders including the nature and extent of their liens or interests and whether such liens or interests are disputed; and

(8) a statement setting forth the need for any critical path or accelerated hearings, requesting the dates for any necessary hearings or events to be scheduled by the court.

~~B.~~C. Hearing Date. Before filing any motion for approval of a 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~~be included in the notice of the sale motion. The hearing for approval of the sale shall be no earlier than 21 days from the date of service of the Motion.

~~C.~~D. Responses. Responses and objections shall be filed and served ~~at least~~no later fourteen (14) days after service of the motion and at least 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~~any other bidders and ~~its~~their 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.~~E. 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.~~F. 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, which must include all creditors who assert a security interest in the property to be sold and on any parties who have expressed an interest in buying the property. 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~~real (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 auction (if any) and 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~~20~~)~~ 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. In an adversary proceeding, the adversary complaint, counterclaim, cross-claim or third-party complaint shall contain a statement that the pleader does or does not consent to entry of final orders or judgment by the Bankruptcy Court in accordance with Fed. R. Bankr. P. 7008.

B. By the Defendant. A responsive pleading in an adversary proceeding shall contain a statement that the party does or does not consent to entry of final orders or judgment by the Bankruptcy Court in accordance with Fed. R. Bankr. P. 7012(b).

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 416D.

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 of counsel 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~~shall be governed by the Fed. R. Bankr. P., the LBR, and/or 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~~motion 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~~the national Official Forms are available on the ~~Court's~~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.~~the District Court requirements, order entered by the Bankruptcy Court, and oath administered by the District Court. Pro Hac Vice attorneys shall comply with and fall under the disciplinary jurisdiction of the District and Bankruptcy Court. Association with Local Counsel Not Required.

~~A. 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 and the District Court for disciplinary purposes in connection with the matter in which the attorney is appearing.

~~B. 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.

Child Support Creditors. Child support creditors need not appear by counsel provided, however, that they shall first complete and file ~~LBF 19~~Official Form B 2810.

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~~.~~ and suggested dates for the 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~~will 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.
~~diligence on the part of the attorney or the attorney's client but has been brought about solely by circumstances beyond their control.~~

~~A. 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;~~

1. of property of the estate; the avoidance of a lien or liens in a form that substantially complies with LBF 22;
2. a sale; and
3. 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; and
      f. any post-petition defaults~~; and~~.
      ~~a. 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; and
   ~~2. 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~~
   3. all other grounds for relief.

Rule 9013-4 FILING OF PROPOSED ORDERS

A. ~~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. 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~~less 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. Any motion seeking relief in the Bankruptcy Court shall contain a statement that the movant does or does not consent to entry of final orders or judgment by the Bankruptcy Court.

B. By the Respondent. An answer or other response to the motion by the respondent shall contain a statement that the party does or does not consent to entry of final orders or judgment by the Bankruptcy Court.

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. Appearance Required. 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:
   a. The party or its representative having full authority to settle without further consultation; and

b. 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.

~~2.~~3. 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.~~4. 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.~~5. The Mediation conference may take place in a courtroom designated by the Court or any other place designated by the mediator.

~~5.~~6. 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.~~7. 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; and
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.~~

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

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.

3. 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.

4. 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.

G. 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.

H. 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.

I. 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.

J. 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.

K. 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.

L. 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:~~

~~2. The party or its representative having full authority to settle without further consultation; and~~

~~3. 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~~retrieved from the Court 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.

ATTACHMENT D

Local Rules for Certain Admiralty and Maritime Claims

LOCAL RULES FOR CERTAIN ADMIRALTY AND MARITIME CLAIMS OF THE DISTRICT COURT OF THE VIRGIN ISLANDS

Rule A. GENERAL
- A.1. Title and Citation
- A.2. Effective Date
- A.3. Scope of Rules
- A.4. Definitions

Rule B. ATTACHMENT AND GARNISHMENT: SPECIAL PROVISIONS
- B.1. Found within the District
- B.2. Affidavit that Defendant is Not Found Within the District
- B.3. Use of Territorial Procedures

Rule C. ACTIONS IN REM: SPECIAL PROVISIONS
- C.1. Intangible Property
- C.2. Publication of Notice of Action and Arrest
- C.3. Notice Requirements in Actions in Rem
- C.4. Entry of Default Judgment

Rule D. POSSESSORY, PETITORY, AND PARTITION ACTIONS
- D.1. Return Date

Rule E. ACTIONS IN REM AND QUASI IN REM: GENERAL PROVISIONS
- E.1. Itemized Demand for Judgment
- E.2. Salvage Action Complaints
- E.3. Verification of Pleadings
- E.4. Review by Judicial Officer
- E.5. Instructions to the Marshal
- E.6. Property in Possession of United States Officer
- E.7. Security for Cost
- E.8. Adversary Hearing
- E.9. Filing of Inventory
- E.10. Appraisal
- E.11. Advancement of Estimated Costs of Seizure of Vessels
- E.12. Intervenor's Claims and Sharing of Marshal's Fees and Expenses
- E.13. Custody of Property
- E.14. Sale of Property
- E.15. Discharge of Stipulations for Value and Other Security

Rule F. LIMITATIONS OF LIABILITY
- F.1. Security for Costs
- F.2. Monition, Injunction, and Publication of Notice
- F.3. Publication
- F.4. Contents of Ad Interim Stipulation of Value
- F.5. Letter of Undertaking as Security
- F.6. Security upon Redetermination of the Owner’s Interest in Vessel
- F.7. Order of Proof at Trial

LRA A. General

A.1. Title and Citation. These Rules shall be known as the Local Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions of the District Court of the Virgin Islands of the United States. They may be cited by the letters "LRA" followed by a hyphen and the capital letter and number that appears at the beginning of the appropriate section (*e.g.*, LRA-A.1). The capital letter is intended to associate the local admiralty rule with the corresponding letter in the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions.

A.2. Effective Date. These Rules become effective on _____2026.

A.3. Scope of Rules. These local admiralty rules apply only to actions in which the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions apply. All other local civil rules are applicable in these cases, but to the extent that another local rule is inconsistent with the applicable local admiralty rules, the local admiralty rules shall govern.

A.4. Definitions. As used in the local admiralty rules, the following definitions apply:

- "Court" means the District Court of the Virgin Islands;
- "Clerk" means the Clerk of Court of the District Court and includes deputy clerks of court;
- "Judicial officer" means a United States District Judge or a United States Magistrate Judge;
- "Keeper" means any person or entity appointed by the marshal to take physical custody of and maintain the vessel or other property under arrest or attachment;
- "Marshal" means the United States Marshal and includes deputy marshals;
- "Newspaper of general circulation" may include an Internet newspaper provided that the Court is satisfied that the publication is likely to provide equivalent or better notice to interested parties;
- "Rule" followed by a numeral, e.g., Rule 12, means a Federal Rule of Civil Procedure;
- "Rule" followed by a capital letter, *e.g.*, Rule C, means a Supplemental Rule for Admiralty or Maritime Claims and Asset Forfeiture Actions;
- "Substitute custodian" means the individual who, or entity that, upon motion and order of the Court, assumes the duties of the marshal or keeper with respect to the vessel or other property that is arrested or attached.
- "Supplemental Rules" means the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions.

LRA B. ATTACHMENT AND GARNISHMENT: SPECIAL PROVISIONS

B.1. Found within the District. A defendant is not found within the District unless the defendant can be personally served therein by delivering process (i) in the case of an individual, to the individual personally, or by leaving a copy thereof at the individual's dwelling, house or usual place of abode with some person of suitable age and discretion; (ii) in the case of a corporation, trust or association, to an officer, trustee, managing or general agent thereof; (iii) in the case of a partnership, to a general partner thereof; and (iv) in the case of a limited liability company, to a manager thereof.

B.2. Affidavit that Defendant is Not Found Within the District. The affidavit required by Rule B(1) to accompany the complaint shall list the efforts made by and on behalf of plaintiff to find and serve the defendant within the district.

B.3. Use of Territorial Procedures. When the plaintiff invokes a procedure of the territory for attachment or garnishment, the process of attachment or garnishment shall identify the state or territorial law upon which the attachment or garnishment is based.

LRA C. ACTIONS IN REM: SPECIAL PROVISIONS

C.1. Intangible Property. The summons issued pursuant to Rule C(3) shall direct the person having control of intangible property to show cause no later than fourteen days after service why the intangible property should not be delivered to the court. For good cause shown, a judicial officer may lengthen or shorten the time. Service of the summons shall have the effect of an arrest of the intangible property and bring it within the control of the court. Service of the summons to show cause requires a garnishee wishing to retain possession of the property to establish grounds for doing so, including specification of the measures taken to segregate and safeguard the intangible property arrested. The person who is served may deliver or pay over to the marshal the intangible property proceeded against to the extent sufficient to satisfy the plaintiff's claim. If such delivery or payment is made, the person served is excused from the duty to show cause. A person who asserts a right of possession or ownership may show cause why the property should not be delivered to the Court as provided in Rule C(6)(a).

C.2. Publication of Notice of Action and Arrest. The notice required by Rule (C)(4) shall be published by the plaintiff once in a newspaper of general circulation in the judicial division where the seizure occurred. The notice shall contain:

(1) The court, title and number of the action;

(2) The date of arrest;

(3) The identity of the property arrested;

(4) The name, address, and telephone number of the attorney for plaintiff;

(5) A statement that the claim of a person who has not been previously served and who is entitled to possession or who claims an interest pursuant to Rule C(6) must be filed within 14 days after publication;

(6) A statement that an answer to the complaint must be filed as provided by Rule C(6)(a)(iv) of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions and that otherwise, default may be entered and the relief requested in the complaint may be ordered;

(7) A statement that motions to intervene under Fed.R.Civ.P. 24 by persons claiming maritime liens or other interests shall be filed within a time fixed by the court; and

(8) The name, address, and telephone number of the marshal.

C.3. Notice Requirements in Actions in Rem

(1) Notice Required. A party seeking a default judgment in an action in rem must satisfy the judicial officer that due notice of the action and arrest of the property has been given

(a) by the publication as required in LRA C.2;

(b) by service of the complaint and warrant of arrest upon the master or other person having custody of the property;

(c) by mailing notice to every other person who has not appeared in the action and is known to have an interest in the property. The party seeking a default judgment may be excused for failing to give notice to such "other person" upon a satisfactory showing that a diligent effort was made to give notice without success.

(2) Additional Notice Requirements in Vessel Arrest Cases

(a) If the defendant property is a vessel documented under the laws of the United States, plaintiff must attempt to notify all persons identified as having an interest in the vessel as named in the United States Coast Guard certificate of ownership.

(b) If the defendant property is a vessel numbered under a state numbering system as required by Chapter 123 of Title 46, United States Code, plaintiff must attempt to notify the owner as named in the records of the issuing authority.

(3) Notice to Individuals. The notification requirement for a particular individual is satisfied by mailing copies of the warrant of arrest and complaint to that person's address using any form of mail requiring a return receipt.

C.4. Entry of Default Judgment. After the time for filing a claim or answer has expired, the plaintiff may move for entry of default under Rule 55(a). Default will be entered upon showing by affidavit or affirmation of counsel that:

(1) Notice has been given as required in LRA C.3(1); and,

(2) Notice has been attempted as required by LRA C.3(2) where appropriate; and

(3) The time for filing a claim or answer has expired; and,

(4) No one has appeared to claim the property.

LRA D. POSSESSORY, PETITORY, AND PARTITION ACTIONS

D.1. Return Date. In an action under Rule D, a judicial officer may order that the claim and answer be filed on a date earlier than 20 days after arrest. The order may also set a date for expedited hearing of the action.

LRA E. ACTIONS IN REM AND QUASI IN REM: GENERAL PROVISIONS

E.1. Itemized Demand for Judgment. The demand for judgment in every complaint filed under Rule B or C shall allege the dollar amount of the debt or damages for which the action was commenced. The demand for judgment shall also allege the nature of other items of damage.

E.2. Salvage Action Complaints. In an action for a salvage award, the complaint shall allege the dollar value of the vessel, cargo, freight, and other property salved, and the dollar amount of the award claimed, the names of the principal salvors, and that the suit is instituted in their behalf and in behalf of all other persons associated with them.

In addition to these special pleading requirements, plaintiff shall attach as an exhibit to the complaint a list of all known salvors, and all persons believed entitled to share in the salvage. Plaintiff shall also attach a copy of any agreement of consortship available and known to exist among them collegially or individually.

E.3. Verification of Pleadings. Every complaint in Rule B, C, and D actions shall be verified upon oath or solemn affirmation or in the form provided by 28 U.S.C. Section 1746, by a party or by an authorized officer of a corporate party. If no party or authorized corporate officer is readily available, verification of a complaint may be made by an agent, attorney in fact, or attorney of record, who shall state the sources of the knowledge, information, and belief contained in the complaint; declare that the document verified is true to the best of that knowledge, information, and belief; state why verification is not made by the party or authorized corporate officer; and state that the affiant is authorized so to verify. A verification not made by a party or authorized corporate officer will be deemed to have been made by the party as if verified personally. If the verification was not made by a party or authorized corporate officer, any interested party may move, with or without requesting a stay, for the personal oath of a party or an authorized corporate officer, which shall be

procured by commission or as otherwise ordered.

E.4. Review by Judicial Officer. Unless otherwise required by the judicial officer, the review of complaints and papers called for by Rules B(1) and C(3) does not require the affiant party or attorney to be present. Any complaint presented to a judicial officer for review shall be accompanied by an order to the clerk which, upon signature by a judicial officer, shall direct the arrest, attachment, or garnishment sought by the applicant. The certification of exigent circumstances by the plaintiff or his attorney under Rules B and C shall consist of an affidavit or a declaration pursuant to 28 U.S.C. § 1746 describing in detail the facts establishing the exigent circumstances.

E.5. Instructions to the Marshal and Return of Service. The party who requests a warrant of arrest or process of attachment or garnishment shall provide instructions to the marshal. A person specially appointed by the Court under Rules B, C or G who has served process of maritime attachment and garnishment or a warrant of arrest that seized property shall promptly file a verified return showing the name of the individual on whom the process or warrant was served, the identity of the person or entity on whom service was made, the documents served, the manner in which service was completed (e.g., personal delivery), and the address, date, and time of service.

E.6. Property in Possession of United States Officer. When the property to be attached or arrested is in the custody of an employee or officer of the United States, the marshal will deliver a copy of the complaint and warrant of arrest or summons and process of attachment or garnishment to that officer or employee if present, or otherwise to the custodian or the property. The marshal will instruct the officer or employee or custodian to retain custody of the property until ordered to do otherwise by the Court or its designee.

E.7. Security for Costs. In an action under Rule B or C, a party may move, upon notice to all parties, for an order to compel an adverse party to post security for costs with the clerk pursuant to Rule E(2)(b). Unless otherwise ordered, the amount of security shall be $500. The party so notified shall post the security within 14 days after the order is entered. The party who fails to post security when due may not participate further in the proceedings. A party may move for an order increasing the amount of security for costs.

E.8. Adversary Hearing**.** An adversary hearing following arrest or attachment or garnishment under Rule E(4)(f) shall be conducted by the court within three business days after a request for such hearing, unless otherwise ordered.

E.9. Filing of Inventory. The marshal or substitute custodian, if appointed, shall file an inventory of the vessel seized within five business days of the arrest.

E.10. Appraisal. An order for appraisal of property so that security may be given or altered will be entered upon motion. If the parties do not agree in writing upon an appraiser, a judicial officer will appoint the appraiser. The appraiser shall be sworn to the faithful and impartial discharge of the appraiser's duties before any federal or state officer authorized by law to administer oaths. The appraiser shall give at least one business day's notice of the time and place of making the appraisal to counsel of record. The appraiser shall promptly

file the appraisal with the Clerk and serve it upon counsel of record. The appraiser's fee normally will be paid by the moving party, but it is a taxable cost of the action.

E.11. Advancement of Estimated Costs of Seizure of Vessels. The first party who seeks arrest or attachment of a vessel or property aboard a vessel shall deposit funds with the marshal to cover the marshal's estimated expenses (as determined by the marshal), but not limited to, dockage, keepers, maintenance, and insurance. The marshal is not required to execute process until the deposit is made. The party shall advance additional sums from time to time, at the marshal's request, to cover estimated expenses. A party who fails to advance such additional sums may not participate further in the proceedings except by order of the Court. The marshal may, upon notice to all parties, petition the Court for an order to release the vessel if additional sums are not advanced within three business days after the request.

E.12. Intervenor's Claims and Sharing of Marshal's Fees and Expenses.

(1) Intervention Before Sale. When a vessel or other property has been arrested, attached or garnished, and is in the hands of the marshal or substitute custodian, anyone having a claim against the vessel or property is required to present the claim as an intervening complaint. No motion for leave to file an intervening complaint is required. The intervening party shall serve a copy of the intervening complaint and warrant of arrest upon all parties to the action and shall forthwith deliver a conformed copy of the intervening complaint to the marshal, who shall deliver the copy to the vessel or custodian of the property. Intervenors shall thereafter be subject to the rights and obligations of parties, and the vessel or property shall stand arrested, attached, or garnished by the intervenor. An intervenor shall not be required to advance estimated costs of the marshal for seizure of a vessel as required by LRA E.7. Release of property arrested, attached, or garnished by an intervenor shall be done in accordance with Rule E.

(2) Sharing Marshal's Fees and Expenses. An intervenor shall owe a debt to the first plaintiff, enforceable on motion, consisting of the intervenor's share of the marshal's fees and expenses in the proportion that the intervenor's claim bears to the sum of all the claims, unless the court otherwise directs. If a party plaintiff permits vacation of an arrest, attachment, or garnishment, remaining plaintiffs share the responsibility to the marshal for fees and expenses in proportion to the remaining claims and for the duration of the marshal's custody because of each claim. However, all deposits for this purpose shall be collected by the parties in advance and remitted in full to the marshal.

(3) Intervention After Sale. After confirmation of sale and payment of the purchase price, any person having a claim against the vessel or property that arose before confirmation must present the same by intervening complaint, pursuant to LRA E.12(1), against the proceeds of the sale and may not proceed against the vessel unless the court shall otherwise order for good cause shown. Where an intervening complaint prays service of process *in rem*, the filing of such intervening complaint with the clerk shall be deemed to be a claim against such proceeds

without the issuance of *in rem* process, unless the court shall otherwise order for good cause shown. The court shall allow a period of at least 30 days after due confirmation of the sale for the submission of such claims.

E.13. Custody of Property

(1) Safekeeping of Property. When a vessel or other property is brought into the marshal's custody by arrest or attachment, the marshal shall arrange for adequate safekeeping, which may include the placing of keepers on or near the vessel. A substitute custodian in place of the marshal may be appointed by order of the court. Notice of the application to appoint a substitute custodian must be given to all parties and the marshal. The application must show the name of the proposed substitute custodian, the location of the vessel during the period of custody, and the proposed insurance coverage.

(2) Substitute Custodian Fees. A judicial officer or the Clerk of the Court may tax as costs the reasonable fees of the court-appointed substitute custodian. A bill of costs shall be filed in the case and, upon allowance, included in the judgment or decree.

(3) Cargo Handling, Repairs, and Movement of the Vessel. Following arrest or attachment of a vessel, cargo handling shall be permitted to commence or continue unless otherwise ordered by the Court. No repairs to or movement of the vessel shall take place without order of the Court. The applicant for an order shall give notice to the marshal, the substitute custodian if one has been appointed by the Court, and to all parties of record.

(4) Claims by Suppliers for Payment of Charges. A person who has furnished supplies or services to a vessel, cargo, or other property in custody of the Court, who has not been paid, and who claims the right to payment as an expense of administration, shall submit an invoice to the Clerk in the form of a verified claim at any time before the vessel, cargo, or other property is released or sold. The supplier must serve copies of the claim on the marshal, substitute custodian if one has been appointed, and all parties of record. The Court may consider the claims individually or schedule a single hearing for all claims.

E.14. Sale of Property.

(1) Notice of Sale. Notice must be given by the marshal of the sale of property by order of the Court. Such notice shall be by advertisement in a newspaper of general circulation within the District in which the sale will take place, unless otherwise ordered by the Court. Such notice shall be published once a week for two consecutive weeks, with the last date of publication not more than 20 or less than seven days immediately preceding the sale. The notice must contain:

(a) The caption of the case;

(b) A concise description of the vessel to be sold;

(c) The date, place, and time of sale;

(d) Notice that written bids can be made with a stated deposit in terms of percentage of the bid; and

(e) The name and address of the plaintiff's counsel from whom further information may be obtained.

(2) Payment of Bid. These provisions apply unless otherwise ordered in the order of sale: The person whose bid is accepted shall immediately pay the marshal the full purchase price if the bid is $1000 or less. If the bid exceeds $1000, the bidder shall immediately pay deposit of at least $1000 or 10% of the bid, whichever is greater, and shall pay the balance within three business days after the day on which the bid was accepted. If an objection to the sale is filed within that three business day period, the bidder is excused from paying the balance for the purchase price until three business days after the sale is confirmed. Payment shall be made in cash, by certified check, or by cashier's check.

(3) Default. If the successful bidder does not pay the balance of the purchase price within the time allowed, the bidder is deemed to be in default. In such a case, the marshal may accept the second highest bid or arrange a new sale. The defaulting bidder's deposit shall be forfeited and applied to any additional cost incurred by the marshal because of the default, with the balance being retained in the registry of the court awaiting its order. Provided, however, that if (a) the successful bidder pays the marshal the cost of keeping the property from the due date until the balance is paid and any additional costs incurred by the marshal and (b) the marshal has not yet accepted the second highest bid or held a new sale, then the marshal may complete the sale to the successful bidder.

(4) Report of Sale by Marshal. At the conclusion of the sale, the marshal shall forthwith file a written report with the court of the fact of the sale, the date, the price obtained, the name and address of the successful bidder and any other pertinent information.

(5) Time and Procedure for Objection to Sale. An interested person may object to the sale by filing a written objection with the clerk within 3 business days following the sale, serving the objection on all parties of record, the successful bidder, and the marshal, and depositing such sum with the marshal as determined by him to be sufficient to pay the expense for keeping the property for at least 7 days. Payment to the marshal shall be in cash, certified check, or cashier's check.

(6) Confirmation of Sale. If no objection to the sale is filed within three business days, the Court shall confirm the sale within five business days after the sale. If an objection to the sale has been filed, the court shall hold a hearing for the confirmation of the sale. The marshal shall transfer title to the purchaser upon the order of the court

(7) Disposition of Deposits.

(a) Objection Sustained. If an objection to the sale is sustained, sums deposited by the successful bidder will be returned to the bidder forthwith. The sum deposited by the objector will be applied to pay the fees and expenses incurred by the marshal in keeping the property until it is resold, and any balance remaining shall be returned to the objector. The objector will be reimbursed for the expense of keeping the property from the proceeds of a subsequent sale.

(b) Objection Overruled. If the objection to the sale is overruled, the sum deposited by the objector will be applied to pay the expense of keeping the property from the day the objection was filed until the day the sale is confirmed, and any balance remaining will be returned to the objector forthwith. If the deposit was insufficient to cover the costs of keeping the property, the Court may order the objector to pay the marshal the deficiency.

E.15. Discharge of Stipulations for Value and Other Security. When an order is entered in any cause marking the case dismissed or settled, the entry shall operate as a cancellation of all stipulations for value or other security provided to release the property seized that were filed in the case, unless otherwise provided in the order or by the Court. Unless otherwise provided in the order or by the Court, the Clerk shall forthwith return the originals of any stipulations for value or bonds held by the Court, along with any cash security held by the Court, to the party that furnished same.

LRA F. LIMITATION OF LIABILITY

Rule F.1. Security for Costs. The amount of security for costs under Rule F(1) shall be $500. It may be combined with the security for value and interest, unless otherwise ordered.

F.2. Monition, Injunction, and Publication of the Notice. Upon the plaintiff's filing of an Ad Interim Stipulation of Value or otherwise posting a deposit or transfer in compliance with Rules F(1) and F(2), the Court shall immediately issue a Monition and Injunction pursuant to Rule F(3). The Monition and Injunction shall: enjoin the further prosecution of any action or proceeding against the plaintiff or the plaintiff's property with respect to any claim subject to limitation in the action; order that all persons asserting claims with respect to which the complaint seeks limitation to file and serve their respective claims pursuant to Rule F(4); order that public notice be effectuated by the plaintiff pursuant to Rule F(4); and approve the Ad Interim Stipulation of Value or other form of deposit, transfer or security if it meets the requirements of Rules F(1) and F(2) and LAR-F.4 and/or F.5. This Local Rule does not affect a claimant's right to assert the insufficiency of the fund or security under Rule F(7).

F.3. Publication. Upon the issuance of the Monition and Injunction by the Court, the plaintiff shall effect publication of the notice in accordance with the provisions set forth in Rule F(4). Unless otherwise ordered by the Court, publication shall be in a newspaper of general circulation in the judicial division where the petition is filed.

F.4. Contents of Ad Interim Stipulation of Value. An Ad Interim Stipulation of Value

(1) must be signed by all petitioners;

(2) must state that the petitioners will deposit the amount of the stipulation in the form of a bond or other security acceptable to the Court with interest on the amount of the stipulation as required by Rule F(1) within 15 days of demand thereof by any claimant or as otherwise ordered by the Court;

(3) shall stand as security for all claims in the limitation of liability proceeding in lieu of said bond or alternative security until such time as any Claimant demands the posting of a bond or the Court so orders.

F.5. Letter of Undertaking as Security. A letter of undertaking or similar promise offered as the deposit set forth in Rule F(1)(a)

(1) must state that it will cover the interest required by Rule F(1) on the amount specified as the value of the vessel and her pending freight;

(2) must include, unless alternative security is provided, the security for costs specified in LAR-F.1;

(3) may not be subject to a reservation of rights under an insurance policy;

(4) may not exclude a deductible or self-insured retention;

(5) may be limited to insurance policy limits only if the value of the vessel for limitation purposes is less than the policy limits (or additional security is provided if the value of the vessel for limitation purposes exceeds the policy limits).

F.6. Security upon Redetermination of the Owner's Interest in Vessel. If the Court determines that the security for the vessel is insufficient in accordance with Rule F(7) and orders that the deposit or security be increased, the vessel owner shall provide the additional security within 14 days or such other time as the Court sets. The deadline set under this rule may be extended for good cause shown. If the additional security is not provided by the required deadline, the limitation of liability action may be dismissed, without prejudice.

F.7. Order of Proof at Trial. In an action where vessel interests seek to limit their liability, pursuant to 46 U.S.C. § 30501 *et seq.*, the claimants shall offer their proof first, whether the right to limit arises as a claim or as a defense.

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LOCAL RULES FOR CERTAIN ADMIRALTY AND MARITIME CLAIMS OF THE DISTRICT COURT OF THE VIRGIN ISLANDS

Rule A. ~~SCOPE OF RULES~~GENERAL
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- E.11. Advancement of Estimated Costs of Seizure of Vessels
- ~~Rule~~ E.1~~0~~2. Intervenor's Claims and Sharing of Marshal's Fees and Expenses ~~Rule~~
- E.~~1~~13. Custody of Property
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- ~~Rule~~ E.1~~3~~5. Discharge of Stipulations for Value and Other Security

Rule F. LIMITATIONS OF LIABILITY
- ~~Rule~~ F.1. Security for Costs
- F.2. Monition, Injunction, and Publication of Notice
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- F.4. Contents of Ad Interim Stipulation of Value
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- F.6. Security upon Redetermination of the Owner's Interest in Vessel

F.7. Order of Proof at Trial

~~Rule~~ LRA A. ~~SCOPE OF RULES~~General

~~Rule~~ A.1. ~~Scope of Rules~~Title and Citation.

~~Title and Citation.~~ These Rules shall be known as the Local Rules for ~~Certain~~ Admiralty ~~and~~ or Maritime Claims and Asset Forfeiture Actions of the District Court of the Virgin Islands of the United States. They may be cited ~~as~~ by the letters "LRA~~.~~" followed by a hyphen and the capital letter and number that appears at the beginning of the appropriate section (*e.g.*, LRA-A.1). The capital letter is intended to associate the local admiralty rule with the corresponding letter in the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions.

~~(1)~~

~~(2)~~ **A.2. Effective Date.** These Rules become effective on ~~May 1, 1993~~ 2026.

A.3. Scope of Rules. These local admiralty rules apply only to actions in which the Supplemental Rules for~~Certain~~ Admiralty or~~and~~ Maritime Claims and Asset Forfeiture Actions apply. All other local civil rules are applicable in these cases, but to the extent that another local rule is inconsistent with the applicable local admiralty rules, the local admiralty rules shall govern.

A.4. Definitions. As used in the local admiralty rules, the following definitions apply:

- "Court" means the District Court of the Virgin Islands;
- "Clerk" means the Clerk of Court of the District Court and includes deputy clerks of court;
- "Judicial officer" means a United States District Judge or a United States Magistrate Judge;
- "Keeper" means any person or entity appointed by the marshal to take physical custody of and maintain the vessel or other property under arrest or attachment;
- "Marshal" means the United States Marshal and includes deputy marshals;
- "Newspaper of general circulation" may include an Internet newspaper provided that the Court is satisfied that the publication is likely to provide equivalent or better notice to interested parties;
- "Rule" followed by a numeral, e.g., Rule 12, means a Federal Rule of Civil Procedure;
- "Rule" followed by a capital letter, *e.g.*, Rule C, means a Supplemental Rule for Admiralty or Maritime Claims and Asset Forfeiture Actions;
- "Substitute custodian" means the individual who, or entity that, upon motion and order of the Court, assumes the duties of the marshal or keeper with respect to the vessel or other property that is arrested or attached.
- "Supplemental Rules" means the Supplemental Rules for ~~Certain~~ Admiralty or~~and~~ Maritime Claims and Asset Forfeiture Actions.

~~"Supplemental Rules" means the Supplemental Rules for Certain Admiralty and Maritime Claims.~~

~~**(3) Scope of Rules.** These local admiralty rules apply only to civil actions that are governed by the Supplemental Rules for Certain Admiralty and Maritime Claims (Supplemental Rules). All other local civil rules are applicable in these cases, but to the extent that another local rule is inconsistent with the applicable local admiralty rules, the local admiralty rules shall govern.~~

~~Rule~~LRA B. ATTACHMENT AND GARNISHMENT: SPECIAL PROVISIONS

B.1. Found within the District. A defendant is not found within the District unless the defendant can be personally served therein by delivering process (i) in the case of an individual, to the individual personally, or by leaving a copy thereof at the individual's dwelling, house or usual place of abode with some person of suitable age and discretion; (ii) in the case of a corporation, trust or association, to an officer, trustee, managing or general agent thereof; (iii) in the case of a partnership, to a general partner thereof; and (iv) in the case of a limited liability company, to a manager thereof.

~~Rule~~ B.2~~1~~. Affidavit that Defendant is Not Found Within the District.

The affidavit required by ~~Supplemental~~ Rule B(1) to accompany the complaint shall list the efforts made by and on behalf of plaintiff to find and serve the defendant within the district.

~~Rule~~ B.3~~2~~. Use of Territorial Procedures

. When the plaintiff invokes a procedure of the territory ~~in order to~~for attachment or garnishment, the process of attachment or garnishment shall identify the state or territorial law upon which the attachment or garnishment is based.~~under Fed.R.Civ.P. 4(e), the process of attachment or garnishment shall so state.~~

~~Rule~~ LRA C. ACTIONS IN REM: SPECIAL PROVISIONS

~~Rule~~ C.1. Intangible Property

. The summons issued pursuant to ~~Supplemental~~ Rule C(3) shall direct the person having control of intangible property to show cause no later than fourteen ~~(14)~~ days after service why the intangible property should not be delivered to the court. For good cause shown, a~~A~~ judicial officer ~~for good cause shown~~ may lengthen or shorten the time. Service of the summons shall have the effect of an arrest of the intangible property and bring it within the control of the court. Service of the summons to show cause requires a garnishee wishing to retain possession of the property to establish grounds for doing so, including specification of the measures taken to segregate and safeguard the intangible property arrested. The person who is served may deliver or pay over to the marshal the intangible property proceeded against to the extent sufficient to satisfy the plaintiff's claim. ~~Upon order of the court, the person who is served may deliver or pay over to the clerk of court the intangible property proceeded against to the extent sufficient to satisfy the plaintiff's claim.~~ If such delivery or payment is made, the person served is excused from the duty to show cause. A person who

asserts a right of possession or ownership may show cause ~~as provided in Rule C(6)(a)~~ why the property should not be delivered to the Court as provided in Rule C(6)(a).

~~Rule~~ C.2. Publication of Notice of Action and Arrest.

The notice required by ~~Supplemental~~ Rule (C)(4) shall be published by the plaintiff once in a newspaper of general circulation in the judicial division where the seizure occurred. The notice shall contain:

(1) The court, title and number of the action;

(2) The date of arrest;

(3) The identity of the property arrested;

(4) The name, address, and telephone number of the attorney for plaintiff;

(5) A statement that the claim of a person who has not been previously served and who is entitled to possession or who claims an interest pursuant to ~~Supplemental~~ Rule C(6) must be filed within ~~fourteen (~~14~~)~~ days after publication;

~~**(6)**~~ A statement that an answer to the complaint must be filed as provided by Rule C(6)(a)(iv) of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions ~~and served within twenty~~

~~**(7)**~~**(6)** ~~days after the claim is filed,~~ and that otherwise, default may be entered and ~~ordered~~the relief requested in the complaint may be ordered;

(7) A statement that motions to intervene under Fed.R.Civ.P. 24 by persons claiming maritime liens or other interests ~~and claims for expenses of administration under LRA E.10(1)~~ shall be filed within a time fixed by the court; and

(8) The name, address, and telephone number of the marshal.

~~**(7)**~~

~~Rule~~ C.3. Notice Requirements in Actions in Rem

(1) ~~**Default Judgements**~~**Notice Required.** A party seeking a default judg~~e~~ment in an action in rem must satisfy the ~~judge~~ judicial officer that due notice of the action and arrest of the property has been given

(a) by the publication as required in LRA C.2; ~~and,~~

(b) by service of the complaint and warrant of arrest upon the master or other person having custody of the property;~~.~~

(c) by mailing notice to every other person who has not appeared in the action and is known to have an interest in the property. The party seeking a default judgment may be excused for failing to give notice to such "other person" upon a satisfactory showing that a diligent effort was made to give notice without success.

~~**(b)**~~**(2) Additional Notice Requirements in Vessel Arrest Cases**

~~**(c)**~~**(a)** If the defendant property is a vessel documented under the laws of the United States, plaintiff must attempt to notify all persons identified as having an interest in the vessel as named in the United States Coast Guard certificate of ownership.

~~**(d)**~~**(b)** If the defendant property is a vessel numbered under a state numbering system as required by Chapter 123 of Title 46, United States Code~~as provided in the Federal Boat Safety Act~~, plaintiff must attempt to notify the owner as named in the records of the issuing authority.

~~(2)~~ **Notice to Individuals.** ~~**Ship Mortgage Act.** For purposes of the Ship Mortgage Act, 46 U.S.C. § 31301 et seq., notice to the master of a vessel, or the person having physical custody thereof, by service of the warrant of arrest and complaint shall be deemed compliance with the notice requirements of such Act, as to all persons, except:~~

~~**(a)** those persons who have recorded under 46 U.S.C § 31343(a) or (d) a notice of claim of an undischarged lien on the vessel; and,~~

~~**(b)** a mortgagee of a mortgage filed or recorded under 46 U.S.C. § 31321 that is an undischarged mortgage on the vessel.~~

~~**(1)**~~**(3)** The notification requirement for a particular individual is satisfied by mailing copies of the warrant of arrest and complaint to th~~e~~ate person's address using any form of mail requiring a return receipt.

C.4. Entry of Default Judgement. After the time for filing a claim or answer has expired, the plaintiff may move for entry of default under ~~Fed. R. Civ. P.~~Rule ~~-~~55(a). Default will be entered upon showing by affidavit or ~~certification~~ affirmation of counsel that:

(1) Notice has been given as required in LRA C.3(1)~~(a) and (b)~~; and,

(2) Notice has been attempted as required by LRA C.3(2~~1~~)~~(c) and (d)~~ where appropriate; and

(3) The time for filing a claim or answer has expired; and,

(4) No one has appeared to claim the property.

~~**(5)** Rule C.4. Entry of Default Judgement~~

~~After the time for filing a claim or answer has expired, the plaintiff may move for entry of default under Fed.R.Civ.P. 55(a). Default will be entered upon showing by affidavit of certificate of counsel that:~~

~~**(1)** Notice has been given as required in LRA C.3(1)(a) and (b); and,~~

~~**(1)** Notice has been attempted as required by LRA C.3(1)(c) and (d) where appropriate; and,~~

~~**(6)** The time for filing a claim or answer has expired; and,~~

~~**(2)** No one has appeared to claim the property.~~

~~The plaintiff may move for judgement under Fed.R.Civ.P. 55(b) at any time after default has been entered.~~

~~Rule~~ LRA D. POSSESSORY, PETITORY, AND PARTITION ACTIONS

~~Rule~~ D.1. Return Date.

In an action under ~~Supplemental~~ Rule D, a judicial officer may order that the claim and answer be filed on a date earlier than ~~twenty (~~20~~)~~ days after arrest. The order may also set a date for expedited hearing of the action.

~~Rule~~ LRA E. ACTIONS IN REM AND QUASI IN REM: GENERAL PROVISIONS

~~Rule~~ E.1. Itemized Demand for Judg~~e~~ment.

The demand for judg~~e~~ment in every complaint filed under ~~Supplemental~~ Rule B or C shall allege the dollar amount of the debt or damages for which the action was commenced. The demand for judg~~e~~ment shall also allege the nature of other items of damage.

~~Rule~~ E.2. Salvage Action Complaints.

In an action for a salvage award, the complaint shall allege the dollar value of the vessel, cargo, freight, and other property salved, and the dollar amount of the award claimed, the names of the principal salvors, and that the suit is instituted in their behalf and in behalf of all other persons associated with them.

In addition to these special pleading requirements, plaintiff shall attach as an exhibit to the complaint a list of all known salvors, and all persons believed entitled to share in the salvage. Plaintiff shall also attach a copy of any agreement of consortship available and known to exist among them collegially or individually.

~~Rule~~ E.3. Verification of Pleadings.

Every complaint in ~~Supplemental~~ Rule B, C, and D actions shall be verified upon oath or solemn affirmation or in the form provided by 28 U.S.C. Section 1746, by a party or by an authorized officer of a corporate party. If no party or authorized corporate officer is readily available, verification of a complaint may be made by an agent, attorney in fact, or attorney of record, who shall state the sources of the knowledge, information, and belief contained in the complaint; declare that the document verified is true to the best of that knowledge, information, and belief; state why verification is not made by the party or authorized corporate officer; and state that the affiant is authorized so to verify. A verification not made by a party or authorized corporate officer will be deemed to have been made by the party as if verified personally. If the verification was not made by a party or authorized corporate officer, any interested party may move, with or without requesting a stay, for the personal oath of a party or an authorized corporate officer, which shall be procured by commission or as otherwise ordered.

~~Rule~~ E.4. Review by Judicial Officer.

Unless otherwise required by the judicial officer, the review of complaints and papers called for by ~~Supplemental~~ Rules B(1) and C(3) does not require the affiant party or attorney to be present. Any complaint presented to a judicial officer for review shall be accompanied by an order to the clerk which, upon signature by a judicial officer, shall direct the arrest, attachment, or garnishment sought by the applicant. The certification of exigent circumstances by the plaintiff or his attorney under ~~Supplemental~~ Rules B and C shall consist of an affidavit or a declaration pursuant to 28 U.S.C. § 1746 describing in detail the facts establishing the exigent circumstances.

~~Rule~~ E.5. Instructions to the Marshal and Return of Service

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The party who requests a warrant of arrest or process of attachment or garnishment shall provide instructions to the marshal. A person specially appointed by the Court under Rules B, C or G who has served process of maritime attachment and garnishment or a warrant of arrest that seized property shall promptly file a verified return showing the name of the individual on whom the process or warrant was served, the identity of the person or entity on whom service was made, the documents served, the manner in which service was completed (e.g., personal delivery), and the address, date, and time of service.

~~Rule~~ E.6. Property in Possession of United States Officer.

When the property to be attached or arrested is in the custody of an employee or officer of the United States, the marshal will deliver a copy of the complaint and warrant of arrest or summons and process of attachment or garnishment to that officer or employee if present, or otherwise to the custodian or the property. The marshal will instruct the officer or employee or custodian to retain custody of the property until ordered to do otherwise by the C~~c~~ourt or its designee.

~~Rule~~ E.7. Security for Cost~~s~~.

In an action under ~~the Supplemental~~ Rule B or C~~s~~, a party may move, upon notice to all parties, for an order to compel an adverse party to post security for costs with the clerk pursuant to ~~Supplemental~~ Rule E(2)(b). Unless otherwise ordered, the amount of security shall be $500. The party so notified shall post the security within ~~fourteen (~~14~~)~~ days after the order is entered. The

party who fails to post security when due may not participate further in the proceedings. A party may move for an order increasing the amount of security for costs.

~~Rule~~ E.8. Adversary Hearing

. An adversary hearing following arrest or attachment or garnishment under ~~Supplemental~~ Rule E(4)(f) shall be conducted by the court within three ~~(3) court~~business days after a request for such hearing, unless otherwise ordered.

~~Rule~~ E.9. Filing of Inventory.

The marshal or substitute custodian, if appointed, shall file an inventory of the vessel seized within five ~~(5) court~~ business days of the arrest.~~.~~

E.10. Appraisal. An order for appraisal of property so that security may be given or altered will be entered upon motion. If the parties do not agree in writing upon an appraiser, a judicial officer will appoint the appraiser. The appraiser shall be sworn to the faithful and impartial discharge of the appraiser's duties before any federal or state officer authorized by law to administer oaths. The appraiser shall give at least one business day's~~'~~ notice of the time and place of making the appraisal to counsel of record. The appraiser shall promptly file the appraisal with the Clerk and serve it upon counsel of record. The appraiser's fee normally will be paid by the moving party, but it is a taxable cost of the action.

E.11. Advancement of Estimated Costs of Seizure of Vessels. The first party who seeks arrest or attachment of a vessel or property aboard a vessel shall deposit funds with the marshal to cover the marshal's estimated expenses (as determined by the marshal), but not limited to, dockage, keepers, maintenance, and insurance. The marshal is not required to execute process until the deposit is made. The party shall advance additional sums from time to time, at the marshal's request, to cover estimated expenses. A party who fails to advance such additional sums may not participate further in the proceedings except by order of the Court. The marshal may, upon notice to all parties, petition the Court for an order to release the vessel if additional sums are not advanced within three business days after the request.

~~Rule~~ E.12~~0~~. Intervenor's Claims and Sharing of Marshal's Fees and Expenses.

(1) Intervention Before Sale. When a vessel or other property has been arrested, attached ~~,~~ or garnished, and is in the hands of the marshal or substitute custodian ~~substituted therefor~~, anyone having a claim against the vessel or property is required to present the claim as an intervening complaint. No motion for leave to file an intervening complaint is required. The intervening party shall serve a copy of the intervening complaint and warrant of arrest upon all parties to the action and ~~under Fed.R.Civ.P. 24, and not by filing an original complaint, unless otherwise ordered by a judicial~~

~~officer. An order permitting intervention may be signed *ex parte* at the time of filing the motion, subject to the right of any party to object to such intervention within fifteen (15) days after receipt of a copy of the motion and proposed pleading. Upon signing of an order permitting intervention, the clerk~~ shall forthwith deliver a conformed copy of the intervening complaint to the marshal, who shall deliver the copy to the vessel or custodian of the property. Intervenors shall thereafter be subject to the rights and obligations of parties, and the vessel or property shall stand arrested, attached, or garnished by the intervenor. An intervenor shall not be required to advance ~~a security deposit to~~estimated costs of the marshal for seizure of a vessel as required by LRA E.~~9~~7. Release of property arrested, attached, or garnished by an intervenor shall be done in accordance with ~~Supplemental~~ Rule E.

(2) Sharing Marshal's Fees and Expenses. An intervenor shall owe a debt to the first plaintiff, enforceable on motion, consisting of the intervenor's share of the marshal's fees and expenses in the proportion that the intervenor's claim bears to the sum of all the claims, unless the court otherwise directs. If a party plaintiff permits vacation of an arrest, attachment, or garnishment, remaining plaintiffs share the responsibility to the marshal for fees and expenses in proportion to the remaining claims and for the duration of the marshal's custody because of each claim. However, all deposits for this purpose shall be collected by the parties in advance and remitted in full to the marshal.

~~(3)~~ **Intervention After Sale.** After ~~ratification~~ confirmation of sale and payment of the purchase price, any person having a claim against the vessel or property that arose before ~~ratification~~ confirmation mus~~t p~~t

(3) ~~p~~present the same by intervening complaint, pursuant to LRA E.~~10(a~~12(1), against the proceeds of the sale and may not proceed against the vessel unless the court shall otherwise order for good cause shown. Where an intervening complaint prays service of process *in rem*, the filing of such intervening complaint with the clerk shall be deemed to be a claim against such proceeds without the issuance of *in rem* process, unless the court shall otherwise order for good cause shown. The court shall allow a period of at least ~~thirty (~~30~~)~~ days after due ~~ratification~~ confirmation of the sale for the submission of such claims.

~~Rule~~ E.1~~1~~3. Custody of Property

(1) Safekeeping of Property. When a vessel or other property is brought into the marshal's custody by arrest or attachment, the marshal shall arrange for adequate safekeeping, which may include the placing of keepers on or near the vessel. A substitute custodian in place of the marshal may be appointed by order of the court. Notice of the application to appoint a substitute custodian must be given to all parties and the marshal. The application must show the name of the proposed substitute custodian, the location of the vessel during the period of custody, and the proposed insurance coverage.~~.~~

(2) Substitute Custodian Fees. A judicial officer~~judge~~ or the C~~c~~lerk of the C~~c~~ourt may tax as costs the reasonable fees of the court-appointed substitute custodian. A bill of costs shall be filed in the case and, upon allowance, included in the judg~~e~~ment or decree.

(3) Cargo Handling, Repairs, and Movement of the Vessel. Following arrest or attachment of a vessel, cargo handling shall be permitted to commence or continue unless otherwise ordered by the Court. No repairs to or movement of the vessel shall take place without order of the Court. The applicant for an order shall give notice to the marshal, the substitute custodian if one has been appointed by the Court, and to all parties of record.

~~(2)~~(4) Claims by Suppliers for Payment of Charges. A person who has furnished supplies or services to a vessel, cargo, or other property in custody of the Court, who has not been paid, and who claims the right to payment as an expense of administration, shall submit an invoice to the Clerk in the form of a verified claim at any time before the vessel, cargo, or other property is released or sold. The supplier must serve copies of the claim on the marshal, substitute custodian if one has been appointed, and all parties of record. The Court may consider the claims individually or schedule a single hearing for all claims.

~~Rule~~ E.1~~4~~2. Sale of Property.

(1) Notice of Sale. Notice must be given by the marshal of the sale of property by order of the C~~c~~ourt. Such notice shall be by advertisement in a newspaper of general circulation within the District in which the sale will take place, unless otherwise

ordered by the Cc~~c~~ourt. Such notice shall be published once a week for two ~~(2)~~ consecutive weeks, with the last date of publication not more than ~~twenty (~~20~~)~~ or less than seven ~~(7)~~ days immediately preceding the sale. The notice must contain:

(a) The caption of the case;

(b) A concise description of the vessel to be sold;

(c) The date, place, and time of sale;

(d) Notice that written bids can be made with a stated deposit in terms of percentage of the bid; and

(e) The name and address of the plaintiff's counsel from whom further information may be obtained.

~~**(e)**~~

~~(2)~~ **Payment of Bid.** These provisions apply unless otherwise ordered in the order of sale: The person whose bid is accepted shall immediately pay the marshal the full purchase price if the bid is $1000 or less. If the bid exceeds $1000, the bidder shall immediately pay deposit of at least $1000 or 10% of the bid, whichever is greater, and shall pay the balance within three ~~(3)~~

(2) ~~court~~ business days after the day on which the bid was accepted. If an objection to the sale is filed within that three ~~(3) court~~ business day period, the bidder is excused from paying the balance for the purchase price until three ~~(3) court~~ business days after the sale is confirmed. Payment shall be made in cash, by certified check, or by cashier's check.

(3) **Default.** If the successful bidder does not pay the balance of the purchase price within the time allowed, the bidder is deemed to be in default. In such a case, the ~~judicial officer~~marshal may accept the second highest bid or arrange a new sale. The defaulting bidder's deposit shall be forfeited and applied to any additional cost incurred by the marshal because of the default, with ~~,~~ the balance being retained in the registry of the court awaiting its order. Provided, however, that if (a) the successful bidder pays the marshal the cost of keeping the property from the due date until the balance is paid and any additional costs incurred by the marshal and (b) the marshal has not yet accepted the second highest bid or held a new sale, then the marshal may complete the sale to the successful bidder.

~~(3)~~ **Report of Sale by Marshal.**

~~(a)~~(4) At the conclusion of the sale, the marshal shall forthwith file a written report with the court of the fact of the sale, the date, the price obtained, the name and address of the successful bidder and any other pertinent information.

~~**(b)** Upon the payment of the proceeds of sale of property into the registry of the court, the marshal shall send written notice within five (5) court days to all persons known to him or to the substitute custodian to have claims for charges incurred while the vessel or property was in the custody of the court, and shall notify such persons of the necessity of filing claims under oath within ten (10) court days of the mailing of such notice.~~

~~(4)~~(5) **Time and Procedure for Objection to Sale.** An interested person may object to the sale by filing a written objection with the clerk within ~~three (~~3~~) court~~ business days following the sale, serving the objection on all parties of record, the successful bidder, and the marshal, and depositing such sum with the marshal as determined by him to be sufficient to pay the expense for keeping the property for at least ~~seven (~~7~~)~~ days. Payment to the marshal shall be in cash, certified check, or cashier's check.

~~(5)~~(6) **Confirmation of Sale.** ~~A~~ If ~~not~~ objection to the sale is filed ~~shall be confirmed by order of the court within five (5)~~ within three business~~court~~ days, the Court shall confirm the sale within five business days ~~but no sooner than three (3) court days,~~ after the sale. If an objection to the sale has been filed, the court shall hold a hearing for the confirmation of the sale. The marshal shall transfer title to the purchaser upon the order of the court

~~(6)~~(7) **Disposition of Deposits.**

(a) Objection Sustained. If an objection to the sale is sustained, sums deposited by the successful bidder will be returned to the bidder forthwith. The sum deposited by the objector will be applied to pay the fees and expenses incurred by the marshal in keeping the property until it is resold, and any balance remaining shall be returned to the objector. The objector will be reimbursed for the expense of keeping the property from the proceeds of a subsequent sale.

~~(b)~~ **Objection Overruled.** If the objection to the sale is overruled, the sum deposited by the objector will be applied to pay the expense of keeping the property from the day the objection ~~n~~

(b) was filed until the day the sale is confirmed, and any balance remaining will be returned to the objector forthwith. If the deposit was insufficient to cover the costs of keeping the property, the Court may order the objector to pay the marshal the deficiency.

~~Rule~~ E.1~~5~~3. Discharge of Stipulations for Value and Other Security.

When an order is entered in any cause marking the case dismissed or settled, the entry shall operate as a cancellation of all stipulations for value or other security provided to release the property seized that were filed in the case, unless otherwise provided in the order or by the C~~c~~ourt. Unless otherwise provided in the order or by the Court, the Clerk shall forthwith return the originals of any stipulations for value or bonds held by the Court, along with any cash security held by the Court, to the party that furnished same.

LRA ~~Rule~~ F. LIMITATION~~S~~ OF LIABILITY

Rule F.1. Security for Costs.

The amount of security for costs under ~~Supplemental~~ Rule F(1) shall be $~~250~~500. ~~, and i~~It may be combined with the security for value and interest, unless otherwise ordered.

F.2. Monition, Injunction, and Publication of the Notice. Upon the plaintiff's filing of an Ad Interim Stipulation of Value or otherwise posting a deposit or transfer in compliance with Rules F(1) and F(2), the Court shall immediately issue a Monition and Injunction pursuant to ~~Supplemental~~ Rule F(3). The Monition and Injunction shall: enjoin the further prosecution of any action or proceeding against the plaintiff or the plaintiff's property with respect to any claim subject to limitation in the action; order that all persons asserting claims with respect to which the complaint seeks limitation to file and serve their respective claims pursuant to Rule F(4); order that public notice be effectuated by the plaintiff pursuant to Rule F(4); and approve the Ad Interim Stipulation of Value or other form of deposit, transfer or security if it meets the requirements of Rules F(1) and F(2) and LAR-F.4 and/or F.5. This Local Rule does not affect a claimant's right to assert the insufficiency of the fund or security under Rule F(7).

F.3. Publication. Upon the issuance of the Monition and Injunction by the Court, the plaintiff shall effect publication of the notice in accordance with the provisions set forth in Rule F(4). Unless otherwise ordered by the Court, publication shall be in a newspaper of general circulation in the judicial division where the petition is filed.

F.4. Contents of Ad Interim Stipulation of Value. An Ad Interim Stipulation of Value

(1) must be signed by all petitioners;

(2) must state that the petitioners will deposit the amount of the stipulation in the form of a bond or other security acceptable to the Court with interest on the

amount of the stipulation as required by Rule F(1) within 15 days of demand thereof by any claimant or as otherwise ordered by the Court;

(3) shall stand as security for all claims in the limitation of liability proceeding in lieu of said bond or alternative security until such time as any Claimant demands the posting of a bond or the Court so orders.

F.5. Letter of Undertaking as Security. A letter of undertaking or similar promise offered as the deposit set forth in Rule F(1)(a)

(1) must state that it will cover the interest required by Rule F(1) on the amount specified as the value of the vessel and her pending freight;

(2) must include, unless alternative security is provided, the security for costs specified in LAR-F.1;

(3) may not be subject to a reservation of rights under an insurance policy;

(4) may not exclude a deductible or self-insured retention;

(5) may be limited to insurance policy limits only if -the value of the vessel for limitation purposes is less than the policy limits (or additional security is provided if the value of the vessel for limitation purposes exceeds the policy limits).

F.6. Security upon Redetermination of the Owner's Interest in Vessel. If the Court determines that the security for the vessel is insufficient in accordance with Rule F(7) and orders that the deposit or security be increased, the vessel owner shall provide the additional security within 14 days or such other time as the Court sets. The deadline set under this rule may be extended for good cause shown. If the additional security is not provided by the required deadline, the limitation of liability action may be dismissed, without prejudice.

F.7. Order of Proof at Trial. In an action where vessel interests seek to limit their liability, pursuant to 46 U.S.C. § 30501 *et seq.*, the claimants shall offer their proof first, whether the right to limit arises as a claim or as a defense.